

shall signify support for, or rejection of, reincorporation thus constituting a test of the will of the people. This would lead to the restoration of the South African citizenship to all citizens of the TBVC states who would have been South African citizens had the TBVC states not come into existence.

2.4 Working Group 1 has arrived at a number of agreements on principles in regard to various elements involved in the creation of a climate for free political participation. It has also reached agreement on certain courses of action to be taken with regard to specific issues. Because they are highly detailed, we refer you to the full Working Group Report.

2.5 Working Group 5 tried to formulate a working plan which would ensure the speedy implementation of any agreements which would be reached in Working Groups 1 to 4. It has not been possible for Working Group 5 to attend to any of the agreements set out above because they were arrived at recently and this did not allow sufficient time for Working Group 5 to attend to them. Together with the Daily Management Committee, it has agreed on the need to establish a Drafting Committee which will ensure that suitably qualified experts will be drawn into the task of drafting legislation flowing from agreements reached at CODESA.

### 3. Gender Advisory Committee Report

3.1 The Management Committee also established the Gender Advisory Committee whose main task is to evaluate, look into and recommend on, the gender implications of any decision which may be taken by any of the five Working Groups. The Gender Advisory Committee has since prepared a report which had to be considered by the Working Groups. We take this opportunity to table, formally, the  
/report...

report prepared by the Gender Advisory Committee.

A number of outstanding matters have been tabulated and will be tabled under item 7.1.2 of the agenda. Recommendations will then be made on how they should be dealt with under The Way Forward.

Ladies and Gentlemen and Delegates, there is no doubt that the Working Groups, as you can see from this report, have achieved much in the course of their work. However the centre-piece that we have been awaiting, an agreement on the constitution making body and process remains unresolved.

The South African people, and indeed the international community, await a constructive outcome of the negotiation process. I believe that we have a responsibility not to fail them. It is for this plenary session then to determine how the matter of the constitution making body and process is to be resolved.

Thank you very much.

/That ...



MR JUSTICE MAHOMED

That overview establishes the very substantial areas in which there is very substantial consensus by a wide group of political opinion. It is necessary to say that because it is possible to concentrate on differences which exaggerate the areas of difference and minimise the areas of agreement.

It is also necessary to emphasise that in relation to Working Group 2 itself, there is already very substantial progress on very fundamental issues such as the conferment of power for constitution-making upon bodies which are representative and where the building block is based on adult universal suffrage, for so long a pathological absence in our society. But the events of this morning have shown that there are areas with regard to these matters which require further discussion, negotiation and review. Now that raises the question of the next item on the agenda. If your agenda is the same as mine, you will see that para 6.2 and 6.3 and 6.4 and 6.5 are premised on an assumption which might no longer be true.

6.2 Discussion on agreements in Working Group reports

6.3 Adoption of the Working Group agreements

6.4 Outstanding matters from Working Group reports

My learned colleague and I have given anxious thought to the desirability and the wisdom of proceeding with such items at this stage when there might have to be some serious restructuring of the ultimate package pertaining to the work of Working Group 2. It might even be that some of the reports on which there is consensus in the other Working

/Groups...

Groups might be affected by the assumptions previously contained with respect to the work of Working Group 2. Notwithstanding very substantial and encouraging progress, my colleague and I, after anxious deliberation, have formed the view that we should at this stage promote item 7 which is: Way Forward; instead of going to para 6.2 to 6.5. This approach will enable the Convention to address its mind to the most fruitful and productive development in the negotiation process following upon our failure to complete the final recommendations of Working Group 2. These are our strong prima facie views, and unless there is strong opposition thereto, it is our proposal that we proceed to item 7 in which The Way Forward will be discussed, including the illumination of the way in which it will take us to a resolution of the problems in Working Group 2. If this suggestion is not strongly opposed ...

MR B E KEIKELAME

BOPHUTHATSWANA GOVERNMENT

On a point of order, Mr Chairman.

MR JUSTICE MAHOMED

Why am I being interrupted? May I finish please.

MR B E KEIKELAME

BOPHUTHATSWANA GOVERNMENT

You are welcome to finish Mr Chairman; on a point of order if you  
/allow...



allow me. We have made a request that after the reports have been given we would like to speak. On a point of procedure I would like to ask you to allow us to do exactly that.

MR JUSTICE MAHOMED

Well, you will have to identify what your point is. I don't propose to give you an open-ended permission to...

MR B E KEIKELAME

BOPHUTHATSWANA GOVERNMENT

With reference to Group 4 as well as the report of the Daily Management, we want to comment on those items.

MR JUSTICE MAHOMED

I don't regard that as a point of order.

MR B E KEIKELAME

BOPHUTHATSWANA GOVERNMENT

The report did not include our objections and the reservations that we mentioned. Therefore on a point of order, we need to do just that.

MR JUSTICE MAHOMED

I rule that is not a point of order, but I will give you an opportunity

/in...

in The Way Forward to express your difficulties in this regard.

Unless there is opposition to the idea of promoting the discussion on The Way Forward, it is the intention of my learned colleague and myself to then proceed with The Way Forward without any restriction whatsoever on the right of the Bophuthatswana delegation or any other delegation, to express its dissatisfaction with any aspect of the reports of the Working Groups. But this suggestion is subject to a qualification which is being forced on us for purely logistical reasons.

The contemplation was that the discussions on The Way Forward will allow ten minutes for each speaker. In view of the time which has elapsed, it is not possible logistically to meet this ambition; notwithstanding the fact that we propose extending tonight's session to seven o'clock. We therefore propose to limit from ten minutes to seven minutes. I would like to hear if there is any objection to this procedure of promoting the item and limiting discussion by three minutes. If there is no strong opposition - and even if there is one - we might then make a ruling.

REV T J MOHAPI

DIKWANKWETLA PARTY

Sir, I would like to object to your proposal, because this is going to give us a temptation that people will talk over that seven minutes because the speeches or the inputs that they prepare might be longer than the seven minutes. So I would plead with you sir, and the House

/that...



that this ten minutes stays.

MR JUSTICE MAHOMED

I have no problem with the ten minutes, my problem is simply to accommodate logistically the time. Let me say something which will have to be said at some point or another. When we allocate times to speakers it simply confers a right; not an obligation. No person should feel compelled to speak for the allocated time if he does not have anything meaningful to say after three minutes have expired. No person is obliged, from loyalty or literary variety, to repeat what has been said before him. I have discovered in my years on the Bench in different countries, that no point made a second time becomes stronger than it was made the first time. Although I've known of occasions when it does become weaker on the second time. I want to take this suggestion from the Chairs in two parts.

The first is the promotion of the agenda; the second is the restriction on time by three minutes. Can we take the first one; is there any objection to the promotion in the agenda?

RESPONSE FROM THE FLOOR

No.

/That's ...

MR JUSTICE MAHOMED

That's wonderful. Somebody has spoken for all of us. I'm glad.  
Now that's done.

We have an objection that the time should remain ten minutes, and I would like to hear any other views in support thereof, if there are any, regard being had to what I've said about logistical pressures and regard being had to what I have said about my experience in repetition.

MR B E KEIKELAMEBOPHUTHATSWANA GOVERNMENT

Mr Chairman, my name is Keikelame. It seems your logistical pressures are more important than the matters that should be deliberated in this meeting. This is our meeting you are conducting and therefore you have to speak to the procedures that are laid down by the Daily Management. I really don't see how, in your esteemed decisions, you can just impose and bulldoze this meeting, that it should go along the way you want. Mr Chairman, we should stick to the procedures as laid down by the DMC, and if a delegate here would like to comment on anything here, the procedure is he's given the time to do so. And I believe that the logistics of this morning is because of the time that we waited for issues to be discussed, not because we want to accommodate the Chairman. Please.

/Let me...



MR JUSTICE MAHOMED

Let me make one thing clear. When I talked of logical pressures, it has nothing whatever to do with me or my learned friend. The logistical pressures I'm concerned with, are the pressures simply from the age-old truth that there are 24 hours in a day, and I don't know how to extend that. I have yet to discover the way. It has nothing whatever to do with our convenience. If there is a way in which you can make the minutes go slower, I have no problem.

As to bulldozing and giving the right to the Management Committee, I would like to hear, Management Committee, whether you are about to be bulldozed by me or not.

MR P J GORDHANCHAIRMAN : MANAGEMENT COMMITTEE

Mr Chairperson, I think in all fairness, the participants of CODESA need to understand firstly that the Daily Management Committee was entrusted with the responsibility of ultimately deciding on how this process is to be managed.

Secondly, I think it's also important, and rather unfair, that the Chairpersons are held responsible for the logistical difficulties that we have created ourselves.

Thirdly, the decision to constrain contributions to the Plenary Session were not taken by the Chairpersons; they were taken by the Daily Management Committee.

At the same time, I think we have an understanding that if there are urgent matters to be addressed, there will be a level of

/flexibility...

flexibility that the Chairpersons may exercise. May I respectfully suggest to the participants, Mr Chairperson, that we get down to the substance of our discussions and let us see how we can accommodate each other as far as time is concerned.

MR JUSTICE MAHOMED

Do I understand that the seven minute suggestion is supported by the Management Committee?

MR P J GORDHAN

CHAIRMAN : MANAGEMENT COMMITTEE

That is the decision of the DMC. Thank you very much.

MR JUSTICE MAHOMED

Is there any other opposition to these two suggestions.

RESPONSE FROM THE FLOOR

None.

MR JUSTICE MAHOMED

Right, then we will proceed. How wonderful, this support is magnificent. That means that we can launch into the discussions. If you will all follow the procedure of indicating who wishes to speak. There are persons who will communicate these requests to us at the Chair, and we will meet them in a fashion which is fair and realistic. I have several requests which we will deal with. There's one other thing that I should have qualified, and that is that there is a procedure of borrowing and giving minutes between different speakers. The first person whom I will call on in this regard is Mr H J Hendrickse.

/MR H J HENDRICKSE...



MR H J HENDRICKSELABOUR PARTY

Honourable Chairmen, Honoured Guests, Ladies and Gentlemen, I think the tone of my thinking, and perhaps yours also, was set by Prof Dr Vorster, who said this morning in his prayer that we cannot take the guilt and filth of our contamination of the past with us, although it clings to us. Hy het gesê, mnr die Voorsitter:

"Dit smet van ons sonde kleef aan ons. Kom ons bely dat ons harte verhard is."

It is absolutely essential that as we look at the future, we must for a moment consider the impasse that was reached which prevented our full participation in CODESA. It is so, Mr Chairmen, that it is for many of us a day of gladness because of the successes that have been achieved; because of our appreciation to all persons participating on all Committees, for their perseverance, their dedication and for their willingness to make so great a sacrifice in order to achieve success.

But it is also a day of sadness in the sense that, having created CODESA itself, having created and generated higher expectations amongst South Africans of all walks of life, and of all political persuasions, that we as a nation now would appear to be at a deadlock before we really can think of The Way Forward.

It is important that we realise that we are here standing to negotiate and to resolve the political destiny for the first time in our troubled history. That there is a real opportunity to transform the hegemony of minority rule into a true and genuine democracy. And it is the genuine democracy that I'm sure that we

all seek. South Africa was afforded the opportunity through the CODESA process, to join or re-join the community of the free nations of the world and it was with sadness then that we learned that no agreement was reached in Working Group 2 that dealt with the general constitutional principles, and the constitution-making body. And to again emphasise, as has been done by so many leaders in the past, that our future lies in the willingness to compromise; our future lies in the willingness to give and take. Unless we are going to accept that willingness, then the road ahead certainly stands in danger.

It is not possible, Chairmen, to understand the political debate today unless we examine briefly the political consequence of the last forty years of apartheid in South Africa.

At CODESA today, and the impasse that we are experiencing, we are dealing with a National Party Government that has grossly abused their political power, and again demonstrated this this morning. They have in the past emasculated the Constitution by immorally removing voters from the common Voters Roll by virtue of the colour of their skin; in 1936 our African brothers and in 1957 ourselves. They trampled on the inalienable human rights of citizens of South Africa to the extent that they made this country the polecat of the world. It's ironic that the same political party which has committed atrocities with regard to human rights, is now posing as the great champion of human rights, the champion of human rights ideal for a democratic South Africa.

/The...



The present position, Chairmen, is that we find the National Party Government with its back against the wall declaring that they want a democracy, but still trying to maintain their minority monopoly of political power. not realising that they represent only 5% of the total South African population.

The Government's commitment to the establishment of a genuine democracy is seriously being questioned because of their unwillingness to compromise and meet the demands of the majority. It is clearly evident that an irreversible commitment to this process is lacking. Instead of this commitment, the National Party continues to cling to power at all costs. And we say that here, a lack of courage to face the future in spite of the past is what we cannot carry with us into the future.

The furthest the National Party is prepared to go is to co-opt the major democratic forces into the structures of Government, without relinquishing their minority domination of power. It is against this background I believe that Working Group 2 has failed to resolve the problems relating to the establishment of a constitution-making body and it remains one of the malicious objectives of the Government, to maintain a minority veto over the decisions of a democratically-elected body.

And the process of this so-called democracy is very clearly seen, for instance in their proposals for the new City Council of Kimberley, where the minority White people will elect 12, and

/thereafter...

thereafter the Coloured voters will elect 4; the Black voters will elect 7; and the Indian voters will elect 1, which is a demonstration of the sort of proposals of the new South Africa, and the retention of the power which they are seeking.

I believe that today sees and demonstrates to us the inadequacy of the National Party Government to move in terms of the demands of the society and of the times. We see them now as obstructionist, distortionist, uncompromising, which is the essence of the future, and certainly intransigent.

We have seen Mr Chairmen, that there was an acceptance of universally accepted checks and balances, but this did not suffice. What the National Party really wants is that the rotten corpse of apartheid must continue to rule from the grave. We believe that Working Group 2 came agonisingly close to consensus of the issue of a constitution-making body, and without that consensus I do not see how we continue on the road ahead.

When the National Party Government, Mr Chairmen - what was disturbing - on the verge of a breakthrough, came at the eleventh hour with a proposal for an undefined Senate with the power to veto the Constitution drafted and adopted by the democratically elected National Assembly. The Labour Party rejects, with contempt, this last minute attempt of a derailment of reaching consensus on the constitution-making body. The Labour Party wishes to state very clearly that, in spite of our initial demand for a 66,7% majority, we were prepared to compromise and that the constitution be

/approved ...



approved by a 70% majority, with the exception of the Bill of Rights which should be approved by a 75% majority in the National Assembly. I thank you, Chairmen.

MR JUSTICE SCHABORT

Thank you, Reverend.

Ladies and gentlemen, the next speaker is Mr Nelson Ramodike of the United People's Front. This delegation has already ceded, made over and transferred two minutes of their allocated seven minutes to the African National Congress. Accordingly, Mr Ramodike will be afforded five minutes.

/MR M N RAMODIKE ...

MR M N RAMODIKE  
UNITED PEOPLE'S FRONT

Chairpersons of this Convention, Leaders and Delegates from various political organisations and political parties, our special guests from both the Organisation of African Unity and the United Nations, as well as the Secretary-General of the British Commonwealth of Nations, Dignatories present here, my Countrymen, it is indeed a pleasure for me to comment on certain aspects of the report as given. I am aware time is against me, Mr Chairman.

I am particularly pleased to realise that sufficient consensus was reached as far as the Declaration of a State of Emergency is concerned. On our part we are supportive of the agreement reached that this should be implemented, but we are diametrically opposed Mr Chairman, that this should be done retrospectively.

On the issue of the refugees and other displaced persons, our position in the United People's Front is very clear, and that is that while we appreciate the circumstances under which the refugees from Mozambique in particular, fled their country, we are also mindful of the fact that the civil commotion in that country has now subsided; that these refugees should be repatriated to their homeland. Our country, South Africa, is caught up in a strong wave of violence and unemployment, which are attributable inter alia to the worsening socio-economic conditions. The influx of thousands and thousands of refugees into our country, which is itself ravaged by violence, hunger and starvation, tends to worsen, and not improve our own situation.

/On the...



On the question of the State-controlled media, such as SABC Radio and Television, our position in the United People's Front is that control of that body must be in the hands of an independent neutral body. We are in full agreement with the conditions as set out in the report of Working Group 1 vis-à-vis this subject.

The United People's Front endorses the general consensus reached by all delegations at CODESA of the incorporation of the TBVC States into South Africa, which agreement is in line with the CODESA Declaration of Intent to bring about a united, democratic, non-racial, non-sexist South Africa.

We however, Mr Chairperson, wish to indicate that many of our people who have been brought into the so-called independent area like Bophuthatswana, were not brought into that territory at their own will and wish. Our concern in this regard lies in the fact that our fellow countrymen in that territory remain shut off from the developments in their own country of birth and are prevented from participating in the process under the cloak of what is actually nominal independence. Neither South Africa nor the people of that territory will forget the manner in which independence was imposed on them, and they will all still recall too vividly Mr Chairperson, the cruel and monstrous turbulence after independence. It is very ironic, Mr Chairperson, that the hundreds of thousands of our people who have been forcibly incorporated in that territory amid protest, outrage and resistance from all quarters, today can be said to be jealous of their independence. Certainly they have become patriots of a homeland, a so-called independent state, that they rejected over a

/number...

number of years.

In conclusion, Mr Chairperson, concerning Working Group 2, the United People's Front cannot endorse a partial representation on CODESA 2. We in the United People's Front have on the basis of give and take, considered that decisions at the National Executive be taken on 70% across the board; 70% on central regional and local issues; and 75% on the Bill of Rights.

Thank you, Mr Chairperson.

MR JUSTICE MAHOMED

Our next speaker is Mr M C Zitha of the Inyandza National Movement.

/MR M C ZITHA...



MR M C ZITHA  
INYANDZA NATIONAL MOVEMENT

Chairpersons, Justice Mahomed and Justice Scharbort, Leaders of Delegations, Ladies and Gentlemen, the Inyandza National Movement's starting position is majority rule with minority rights. We have had to make substantial compromises from our original positions in the interests of a negotiated settlement. Among other things, we have agreed, as a movement, to the following:

1. That the country will not be ruled by the majority, but by a democratic constitution;
2. We have agreed to adopt the constitutional principles at CODESA which will bind the National Assembly. We came to this agreement in order to accommodate the fears of minority parties such as the Government. We also agreed that there will have to be a substantial majority so that the National Assembly should be able to pass the constitution.

All these, and other compromises, seem to be insufficient for the Government. We are seeking majority rule with minority rights in a constitutional state. That is what we are demanding here: That in a new South Africa, there should be the principle of majority rule with also the rights of the minorities protected by a constitution of the State.

What this Government now seeks to do is to advocate its minority rule with no rights for the majority. What they're in fact doing by their proposal of 75% voting with a Constituent Assembly, is perpetuating minority rule in this country. This is unacceptable to the Inyandza National Movement, and we believe to the majority of

all South Africans. The Government should concede to the basic democratic principle that a majority can bind a minority. We have proposed a two-thirds majority for the adoption of the Constitution. The Government needs to compromise if we are to make progress at this Convention. It must recognise that the new South Africa means an end to minority rule. That fact should be recognised as a starting point.

Notwithstanding the intransigence of the Government on the voting requirements of the National Assembly, there has been substantial progress within CODESA, and we believe the progress of negotiation within CODESA should continue; it should continue through its various working groups.

Thank you, Chairpersons.

MR JUSTICE SCHABORT

Thank you, Mr Zitha.

Dames en here, die volgende spreker is Dr Dawie de Villiers van die Nasionale Party.

/DR D DE VILLIERS...



DR D J DE VILLIERSNATIONAL PARTY

Geagte Voorsitters, Geërde Besoekers, Diplomatieke Verteenwoordigers, Afgevaardigdes, dit is ongeveer drie maande sedert die werkgroepe van CODESA met hulle werksaamhede begin het. In hierdie relatief kort tyd is daar reeds baie goeie vordering gemaak. Enige proses wat diepgaande veranderinge aan die grondwet van 'n land beoog, is moeilik. Dit skep aan die een kant groot verwagtinge, en aan die ander kant, groot onsekerhede. Die proses van grondwetlike veranderinge moet daarom met groot verantwoordelikheid en geduld bestuur word. As die onderhandelingsproses onder onbillike druk geplaas word of aan onredelike eise onderwerp word, kan die proses baie maklik ontspoor tot die nadeel van al die deelnemers en tot groot skade vir ons land.

Die Nasionale Party wil weer sy verbintenis teenoor die onderhandelingsproses bekragtig. Dit bly die enigste manier waarop 'n nuwe regverdige en demokratiese grondwet vreedsaam in Suid Afrika tot stand gebring kan word. Die Nasionale Party se verbintenis om deur onderhandeling so spoedig as wat redelik moontlik is, 'n nuwe grondwet ingevoer te kry, is ongekwalfiseerd.

Ons wil egter ook verantwoordelik waarsku dat 'n onderhandelingsproses van hierdie aard sensitief en breekbaar is. Daar moet binne die proses genoeg geleentheid vir onderling en oorlegpleging en besinning geskep word. Oortuigings moet toegelaat word om te groei sonder om dit oornag te probeer ryp druk. Die onderhandelingsproses is afhanklik van onderlinge vertroue en wedersydse verdraagsaamheid.

/Over...

Over the past three months there has been commendable progress in several of the working groups of CODESA. The reports which have been tabled testify to that. CODESA 2 is not the end of the process, but merely a station on this important journey. In the short period of three months the working groups have already found much in common. It has frequently been asserted, also in the press, that there has been a remarkable convergence of views among the participants. Today we stand a great deal closer to each other and to lasting solutions, than was the case at the beginning of the year. It is a substantial achievement in terms of the process.

And, Mr Chairman, the National Party has been an active participant, working consistently to try and reach consensus wherever possible. We have made numerous concessions in this regard. We therefore reject the allegation that the impasse in Working Group 3 can be attributed to the intransigence of the National Party. The National Party who incidentally, according to all scientific surveys, enjoys at least 30% of the support of the total population of South Africa, has taken several initiatives in Working Group 2 over the last few days to break the deadlock; something that cannot be said for all the other participants.

Our proposals, Mr Chairman, are eminently fair and are strongly supported by a large number of the delegates at CODESA. Mr Chairman, we do not stand for minority rule; we want to move away from minority rule. But neither do we support mere majoritarianism. We live in a country of minorities, and it is an acceptable

/principle...



principle right across the world that changes to a constitution requires substantial support of the whole population. It is in that light that our proposals before Working Group 2 can be regarded as fair and reasonable.

The fact that no final agreement could be reached in Working Group 2 does not detract from the astonishing progress which has been attained. Indeed, it would be surprising if there were not a number of outstanding matters on which consensus could not be found. However, on numerous other aspects of the documents before Working Group 2, consensus has been reached. For example, the agreement that CODESA as a first step, would draw up a transitional constitution which would make provision for a new democratic government.

It is a pity, Mr Chairman, and we all regret the fact that finality could not be reached concerning the functioning of the Parliament and the procedures required for the approval of the new Constitution. However, the differences in this regard are not so great or insurmountable that a compromise is not within reach. However, to achieve this, more time is required; negotiations concerning matters of such great importance cannot be finalised in an atmosphere akin to that of a pressure cooker. It is patently unrealistic to try to reach agreements and compromises under so much stress and with the limited time available. Negotiations demand patience and tolerance. The differences which could not be resolved by Working Group 2 are not irreconcilable. The progress which has been made must not be judged on the basis of one outstanding issue alone; a more accurate perception is obtained by judging the process in its totality; that is against the great progress we have made and the

/potential...

potential for further progress. When perceived in that light, the results which have already been achieved are quite remarkable.

A matter to which I would briefly like to refer concerns the National Party's proposal with respect to a two chamber parliament. It would appear that the merits of our proposals are not fully appreciated or else are deliberately being misrepresented or misconstrued as a house of losers. It is common knowledge that most of the finest examples of democracies in the world justifiably take pride in their two chambers' legislature. The list is indeed impressive. Monuments to democracy such as Switzerland, the United States of America and the Federal Republic of Germany have vibrant and influential second chambers. The concept of a second chamber provides one more instance of democratic and popular control over the actions of government. This is to the conspicuous advantage of those being governed; the citizens.

It is an internationally recognised and proven fact that the vital question of the proper and adequate representation of regional and minority interests can best be achieved in such a second chamber. One might go so far as to say that these interests could only adequately be served in such an institution.

South Africa is, after all, a country of diversity, and democracy entails the proper and fair representation of all the interests of its population. In view of the regional and cultural diversities of our land, it is essential that the system of government should inspire the people with confidence and consequently alleviate their

/uncertainties...



uncertainties and anxieties concerning the future.

Mr Chairman, there are observers who are very pessimistic when they consider our country's future. They refer to the high levels of violence and the tragic loss of life and so many futile and unnecessary killings; they mention the enormous socio-economic backlogs, the problems of housing, education, health, unemployment, poverty and the concomitant escalation of crime and violence; they conclude that this is a recipe for disaster. Let us not deny the facts. This is part of the reality of South Africa.

However, there is also another side to our reality. That is the reality of the opportunities offered by our country; the reality that we are making progress towards a new non-racial democratic and just South Africa.

Mr Chairman, I would conclude by saying, the progress registered by the Working Groups of CODESA over the past few months, has been most encouraging. I trust that CODESA 2 will strengthen our resolve to make South Africa a winning nation.

MR JUSTICE MAHOMED

Our next speaker is President Mangope of Bophuthatswana. Please feel free, President Mangope, to comment on any issue relevant to The Way Forward.

/PRESIDENT L M MANGOPE...

PRESIDENT L M MANGOPE  
BOPHUTHATSWANA GOVERNMENT

Thank you Mr Chairmen.

Your Excellencies, Honoured Guests and Fellow Delegates, before my colleague comments on some technical details, the recent events in and around CODESA necessitate that my Government repeat some positions insofar as the issue of incorporation and our accession to a new South Africa is concerned.

Mr Chairman, we have repeatedly stated that we were a sovereign and independent nation until the area south of the Molope River, then known as British Bechuanaland, was unjustly and unilaterally annexed in direct and flagrant violation of agreements, and incorporated into the Cape Colony in 1895 by Colonial Britain. We never accepted, Mr Chairman, this unlawful action which deprived us of our freedom, our independence and citizenship.

We regained our independence and sovereignty in 1977, and are once again a proud nation with a proud history and a culture of our own. Irrespective of how these facts are misconstrued or denied by whomsoever, we remain a people with our own Government in our own country, and we are proud of it, sir.

This can only be changed if it is the will of our own people to do so. We have a completely open mind, Mr Chairman, on our constitutional future and will promote the best interests of our people at all times. There has been a regrettable trend at CODESA to generalise in regarding and considering the so-called TBVC States as if they were a homogeneous group or single entity. We are not. We are different. Different because of our history, because

/of...



of our development, our economy, our achievements, and apart from many other reasons, because Bophuthatswana is a democracy, elections having been held every five years, there has been no doubt that my Government would like to continue as we are, an autonomous and independent country, preferably with extended borders and continued friendly and cordial relations with our neighbours.

We sincerely believe that this will provide us with the best possible method of managing our own affairs. This is also in accordance with the universally accepted and inalienable right to self-determination. But to satisfy ourselves that this is truly in the continued best interests of our people, we did and we continue to analyse and assess other alternatives and options.

Our options are as follows:

- Firstly, a sovereign independent Bophuthatswana with the existing bilateral arrangements and agreements with the Government of South Africa maintained, and participating in a wider Southern African economy.
- Secondly, an independent Bophuthatswana in a confederal arrangement with the Republic of South Africa.

/Thirdly...

- Thirdly, if we were to consider joining a new South Africa, it will have to be on a basis which offers the best hope for peace, prosperity, and at least be as good or better than the quality of life enjoyed by my people at present.

Insofar as any decisions on the option of incorporation is concerned, the process can only be undertaken against the background facts that we are sovereign. We are an independent State and are responsible to our electorate. We are subject to our constitution and therefore no decision can be taken by us, the Government, until and unless the new constitution has been determined, so as to enable us to place the principles and details thereof, before the people of my country for their decision.

It cannot therefore be expected of us, for the reasons stated, to participate in any form of transitional government in South Africa, and participation in any election for such a government. We remain committed, however, to continue negotiations at CODESA, or in any other forum aimed at formulating basic principles and values for a new constitution. We believe that we have a great deal to offer from our experience in this regard.

To sum up, Sir : in order to consider incorporation into South Africa as an option, the proposed constitution will have to include basic principles and values. It will have to make provision for strong regional states, with clearly established boundaries, and entrenched powers and functions, including executive, legislative, judicial and



fiscal powers. One of the major considerations that would influence our ultimate decision will be the contents and implications of a proposed constitution; an issue that I hope to deal with in greater detail tomorrow, sir.

We sincerely hope, Mr Chairman, that you will allow us this basic right to state our position in a democratic way. Thank you sir.

MR JUSTICE SCHABORT

Thank you President Mangope. Ladies and Gentlemen, the next speaker will be Major-General Holomisa of the Transkei.

/Honoured...

MAJOR-GENERAL H B HOLOMISA  
TRANSKEI GOVERNMENT

Honoured Chairpersons, Honoured Members of this Convention and Honoured Guests, it is my view that in addressing The Way Forward, we need to examine the causes of the impasse we find ourselves in within Working Group 2. It is against this background that I will read my statement.

The political situation obtaining in South Africa has been a bone of contention internally and internationally. The conflicting interests, inherent therein, have given rise to mistrust of each mother's motives and intentions. This naturally engenders antagonistic attitudes which in turn deepen suspicion. Suspicion causes some of us to maintain positions inimical to the broad interests and general welfare of the country, and negates the initiatives and giant strides of patriots to foster the ideal of a common country with indivisible interests.

We are here at CODESA because of reasons known to all: the majority of South Africans do not have the right to vote. There is a tendency, which is commonly found in human nature, for those in power to entrench their positions perpetually. The deadlock we have witnessed, therefore, is caused by the fact that those in power do not intend relinquishing power, and also do not intend effecting the desired changes to the laws of the country, irrespective of the views of the majority. The crisp question therefore, which comes up for consideration, is whether those in power in fact are committed to a true and real democracy which would accommodate the wishes of the majority of the electorate.

/Why do...



Why do we have to prescribe percentages which are so high that a Government in power would in fact be powerless? Why should we move so far away from practices followed by all democracies in the world? The reason is simple, in my view, and that is: those in power intend ensuring that they will retain control long after they have relinquished their seats.

To the members of the International Community, I want to say that you still have a role to play in ensuring that an acceptable constitution will eventually be introduced in this country. We are where we are today because of the pressures you have applied. You can no doubt see that the situation in South Africa is not irreversible. We implore you to analyse the situation carefully before you decide to relax the pressures which have brought us to where we are.

To all the Ambassadors who are here in this country, I would like to request them, through their forum, that they must seriously analyse this situation and go back and report to their countries, and come back to report to the leaders of this country, how they see the situation.

Fortunately, on behalf of the Black community, we would never support the continuation of the head of the State of this country, to go outside this country and lobby outside against us. That has got to be reviewed by the OAU, the United Nations, Commonwealth and EC with immediate effect. We are posing a challenge to the Ambassador, or the representative of Japan, to set an example in this case.

/Whilst...

Whilst we are hitching our wagon to the glittering stars of reconciliation, peace, national unity, prosperity and understanding - these being the logical outcome of the negotiation process - South Africa is being rocked by political scandals, reminiscent of dictatorships which attach no value whatsoever to humanity. These tend to distort the perceptions of South Africans about the truthfulness and worthiness of the business we are conducting in the World Trade Centre today.

In conclusion, we are all cognisant of the hair-raising stories, carried in the media last week and this week, which cast a shadow of doubt on the sincerity of some of our partners engaged in the Herculean task of restructuring a new South Africa.

The country at present experiences rarely rivalled peace and calm. We hope this is going to be the standard practice and norm in the post-CODESA 2 era.

Finally, regarding the startling disclosures sweeping the country, it is imperative that CODESA considers the advisability of calling upon neutral arbiters and jurists to look into, and verify, the authenticity of the contents of the documents, mentioned in the media, that are in my possession; like the signal message linked to the disappearance of Goniwe and others. A Commission of Inquiry, consisting of international jurists and credible local legal personnel, should be instituted by CODESA.

Failure by CODESA to consent to the aforementioned condition, will make it impossible for me and the Government to release the documents to any other authority or investigating team.

Thank you.

/Our next...