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QUARTERLY

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STATE OF THE NATION

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REPORT

**NEGOTIATING THE FUTURE**

*summer 1991*



For those who stay its difficult course,  
democracy is doubly rewarding.



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The Quarterly State of the Nation Report is published jointly by Sowetan, South Africa's largest daily newspaper, and Vrye Weekblad, the independent weekly news magazine.

We find the symbolism of a joint venture between these two publications with their widely different constituencies exciting and meaningful. At the same time, the two publications have a lot in common: a complete independence of party-political restraints; a commitment to peace and a negotiated settlement; and a strong belief in democracy, human dignity and stability.

We believe there is a real need for reliable, non-partisan and in-depth information on the affairs of our nation among decision makers and opinion formers. That is the aim of this Report, which goes to some 10 000 of our nation's senior leadership: political, community, business, and administrative leaders as well as the security establishment, academicians, professionals and the locally based diplomatic corps.

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**Vrye Weekblad**

## DEMOCRACY: A VISION FOR THE FUTURE

Democracy is not just about holding regular elections. Democracy is also not just about majority rule. Democracy does not come about through quick fixes or strategic dogmatism, nor does it deliver instant peace and stability. It is very often born out of conflict and resistance to repression and in its first few years goes through turbulence and uncertainty,

says **DR FREDERIK VAN ZYL SLABBERT**



THE search for democracy can be both an escape from, or the preparation for tyranny. Democracy cannot be an end in itself. For a country to approach it as such, is to expect it to perform miracles that is not in its capacity to deliver.

Democracy is an instrumental value, it can be used by a country to realise or destroy its own potential. A country can democratically elect a tyrant and give him a mandate to destroy democracy. That is why there is nothing sacrosanct in the will of the majority. It can legitimize bad policies, corruption and incompetence, as easily as self-perpetuating oligarchies who exclude and protect themselves from democratic sanctions.

And yet, having said all of this, it is today more abundantly clear than ever that the desire for a democratic system of government has become an almost universal trend in the contemporary world. As we run out of time in the 20th century, more countries are caught up in the quest for democracy than ever before. This is true for Eastern Europe, Latin America and increasingly so for Africa.

It is also fairly safe to predict that many of these countries will experience disillusionment and frustration with their quest because they promoted false expectations about what they thought democracy could deliver. It is very often the inflated expectations about democratic government that undermines a country's ability to consolidate democratic tyranny and undemo-

cratic government.

That is why, as South Africa stands on the threshold of its own attempt at democratization, it is necessary that we warn each other about some of the myths concerning how to become a democracy and what a democracy can deliver.

### Some myths on how to become a democracy

**Myth 1:** *There is only one reliable political strategy that can guarantee a democratic outcome.*

There are many and competing claims about the democratic outcome of elite pacts, mass mobilization, modernizing oligarchies, revolutionary seizures of power. One can accept almost as a rule of thumb that fanaticism about one particular strategy's ability to deliver democracy to the exclusion of all others is guaranteed to bring about an undemocratic outcome.

For example, to insist on the primacy of elite manipulation, or mass participation or revolutionary (violent) transformation as the dominant strategy for democratization, is to undermine the potential of a wide diversity of actors and strategies that can assist in the process.

**Myth 2:** *Political tolerance has to be institutionalized before democracy can survive.*

Some would argue that democratic bargaining or bargaining about democracy should be postponed until there is enough tolerance or ingrained habits of moderation, mutual respect, fair play or willingness to compromise in society.

This is to confuse cause with effect. Very often people negotiate because they have no choice and deeply distrust each other because of competing interests. Trust may be a consequence of their bargaining but is not a precondition. Similarly, a culture of democratic tolerance may follow democratic practices but very seldom precedes it. Just keep Spain, Portugal, Chile and Nicaragua in mind.

**Myth 3:** *Civil liberties have to be respected before there can be democracy.*

This is part of the same confusion as the previous one. Democratization is precisely an attempt to escape autocratic rule where civil rights have been repressed. Respect for civil rights is part of the democratic bargain - not a precondition for it.

**Myth 4:** *Democracy cannot come about in a state of violence and instability. Not true. Very often democracies are born out of such a state. Violence and instability are very often the response to a prolonged period of repressive domination and stability. What has to be guarded against is that newfound political space should not be totally consumed by violence and instability, for this will invite new repression. But the continuing threat of anarchic violence and instability can serve to drive the democratic process and underline its urgency.*

I mention these myths about how to become a democracy to underline a simple point: We in South Africa must stop looking for excuses for not getting on with the job of negotiating a democratic outcome. We must stop posturing, morally outbidding and playing one-upmanship on preferred strategies, violence, tolerance, civil rights.

Our past has scarred and polarized us so much that it is futile to expect us to love and trust one another before we enter into bargaining. Maybe we will afterwards, or as a consequence of our bargaining, but even that is not absolutely necessary to become, or sustain a democracy. For the moment, our saving grace appears to be that enough key political actors seem to realise that we have no choice but to bargain for democracy if we hope to avert catastrophe.

## Some myths about what democracy can deliver

**Myth 1:** *Democracy will bring about growth and economic efficiency.*

This is perhaps the most dangerous myth for South Africa. There is a tendency to postpone the economic debate and wait for a democratic constitution to deliver us from economic evil and decline. There is ample evidence to show that democracies have no better aggregate rates of growth, savings and investment than non-democracies. In fact, very often, the particular process of democratization and a subsequent democratic constitution can lead to a capital and skills flight and precipitate galloping inflation.

If political groupings are economically illiterate before the onset of democracy, there is nothing in democracy per se that guarantees such literacy. That is why it is of critical importance that the economic debate be engaged before, during and after democratization in our society. If this is done on a sustained basis, then in time, depending on the type of democracy we bargain, there may be benevolent effects on income distribution, aggregate demand, education, productivity and creativity may combine to improve economic and social performance. It is too much to expect that these improvements will occur immediately or even that they will be defining characteristics of democratization.

**Myth 2:** *Democracy will bring about efficient administration.*

Very often democratization can, initially at least, lead to increasing inefficiency because of a wider range of interest groups involved in the decision making. Autocracies and military regimes display great repressive efficiency which very often induces nostalgia in some sections of the population, once they are under democratic rule, for the "good old days" when things were "nice and orderly" and people "knew where they stood". Of course, there is nothing inherent in democratic government which makes inefficiency inevitable. However, if corruption, sloth, incompetence, indiscipline is rampant in the populace, there is no reason why these characteristics will not also be carried over into a democratic constitution.

**Myth 3:** *Democracy will bring about enduring stability.*

Schmitter ("What Democracy Is and Is Not" by P Schmitter and T Karl, *Journal of Democracy*, Summer 1991, pp75-88) makes the point that democracies "are not likely to appear more orderly, consensual, stable or governable than the autocracies they replace". This is partly a by-product of democratic freedom of expression, but is also a reflection of the likelihood of continuing disagreement over new rules and institutions. Groups, parties and movements with recently acquired autonomy will test certain rules, protest against the actions of certain institutions and even insist on renegotiating their side of the bargain. As Schmitter says: "The presence of anti-system parties should be neither surprising, nor seen as a failure of democratic consolidation."

Again, I make these points about some of the myths concerning what a democracy can deliver to drive home a simple truth: a democratic constitution cannot guarantee commitment, efficiency, loyalty, stability or growth, but it can reflect it. Such a constitution can be the culmination of a far more profound democratic transformation of society or it can, for a brief period of its existence, signal the failure of such transformation.

Democracy has the capacity to unleash the potential of our country, to involve the broadest possible spectrum of our people's creative talents and abilities, to release the most available sources of information and overall, and over time, improve our ability to adjust and respond to changes in our domestic and external environment. Again, to quote Schmitter, what we can hope for in pursuing democracy is "the emergence of political institutions that can peacefully compete to perform governance and influence public policy; that can channel social and economic conflicts through regular procedures, and that can have sufficient linkages to civil society to represent their constituencies and commit them to collective course of action".

## What is a democracy?

This question has lost a great deal of its controversy in recent times. The pitched ideological battles signalled by such qualifications as "people's democracy", or "total", "guided", "one party" or whatever have to a large extent run out of steam.

Democratic governments may differ in the degree of establishing consensus, nature of popular participation, access to decisionmaking by interest groups, responsiveness to popular pressure and sanction, constraints on majority rule, political pluralism, checks and balances. These differences do not necessarily make some countries more or less democratic than others.

If one accepts that a modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and co-operation of their elected representatives, then there is a growing convergence of opinion that such a system of government reflects in that society the broad acceptance of two fundamental principles which make democracy feasible.

The first principle is "Contingent Consent" - by which is meant that a party that wins an election does not use its victory to deny its opponents to win some other time, and where those who lose



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Serious business... FW De Klerk, Nelson Mandela and Mangosuthu Buthelezi at the Peace Conference (Pic: Rodger Bosch/Southlight)

accept the right of those who win to take binding decisions over everybody else. Contingent consent does not presuppose agreement on values, or consensus on nation building. In fact, it accepts even fundamental differences in policy preferences and values. However, it does mean that such differences will be mediated through political consent. The existence of contingent consent in society precludes the possibility of democratically electing a party or individual that can undo democracy itself. The second principle is "Bounded Uncertainty". All democracies have to institutionalise political uncertainty. Uncertainty about electoral outcomes and policy shifts. However, it is not a limitless uncertainty in which society is at the mercy of the capricious will of a majority or individual or party. The uncertainty is bounded by constitutional guarantees of privacy, property, individual liberties and most important, competition between interest groups and co-operation within civil society. The principle of bounded uncertainty means that not only are there constitutional checks on the abuse of power, but that within broader civil society there is general acceptance and practice of constraining arbitrary political action. There is acceptance of limitations beyond which persons, parties, interest groups and bureaucrats cannot go in the pursuit of power or policy preferences. In any society in which bounded uncertainty is absent, civil society is under threat and a democratic outcome to political transition is less likely to become consolidated. The existence of these principles in society makes democracy feasible, but there has to be some characteristic political procedures followed to make democracy possible.

### Political Procedures:

- Control over government decisions about policy is constitutionally vested in elected officials;
- Elected officials are chosen in frequent and fairly conducted elections in which coercion is absent;
- Practically all adults have the right to vote in the election of officials;
- Practically all adults have the right to run for elective offices in the government;
- Citizens have the right to express themselves on political matters without fear of intimidation;
- Citizens have the right to seek out alternative sources of information. Moreover, alternative sources of information exist and are protected by law;
- Citizens have the right to form relatively independent associations or organisations, including independent political parties or interest groups;
- Popularly elected officials must be able to exercise their constitutional powers without being subjected to overriding opposition from unelected officials. This is particularly important in civilian - security relations;
- The polity must be self-governing, it must be able to act

independently of constraints imposed by some overarching political system.

These conditions capture the essence of procedural democracy. However, in addition to them, Horowitz (*A Democratic South Africa?* by DL Horowitz, California Press, 1991) makes the vitally important point that procedural democracy must be sustained by the electoral system which regulates political competition and copes with political conflicts which exist in society. He makes a convincing case for electoral tactics and practices which promote tolerance and reward moderation in deeply polarized or divided societies.

Perhaps the most important point that Horowitz makes, is that such electoral tactics and practices have to be bargained well in advance of a democratic constitution being implemented.

### Conclusion

From the above, it should be clear that democracy is not just about holding regular elections. Electoral competition is but one of the many sources of democratic competition in society. Outside of direct political competition there is competition between interest groups, voluntary associations and movements within civil society. Such competition is far more vital to consolidating democracy than regular electoral competition - particularly if such elections have no regard for democratic procedure and principle.

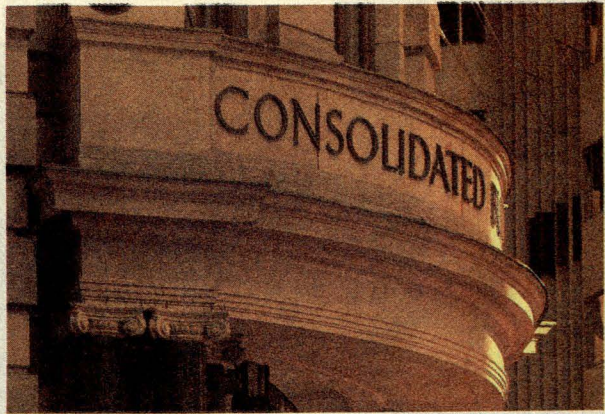
Democracy is also not just about majority rule. If majority rule ignores political intensity and permanently excludes minority interests, it will be a source of conflict and instability which will make democratic consolidation impossible.

Democracy does not come about through quick fixes or strategic dogmatism, nor does it deliver instant peace and stability. It is very often born out of conflict and resistance to repression and in its first few years goes through turbulence and uncertainty. If I have to formulate a vision for South Africa on democracy, it has two components:

Firstly, that those who bargain for a democratic constitution, do so with a view that not they, but their fiercest opponents will be the first political beneficiaries. This will induce caution and moderation and deepen reflection on how to constrain the abuse of power. In other words, it will give great impetus to getting contingent consent and bounded uncertainty accepted as basic democratic principles.

Secondly, that we in South Africa pursue democracy not as an end in itself, hoping that it will deliver us the impossible, but as a means toward unlocking the incredible potential which is held captive among our people: that a democratic South Africa will be a servant to the rich diversity and promise which I believe to be possible in our future.

(Dr Slabbert is co-director of the Institute for a Democratic Alternative for South Africa and chairman of the Johannesburg Metropolitan Chamber.)



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## NEGOTIATIONS CAN BREAK DOWN, BUT...



There could be major areas of conflict in the negotiations between the ANC and the government on such issues as an elected constituent assembly and the time an interim government should rule, says **MOHAMMED VALLI MOOSA**, member of the ANC's negotiating team and of the movement's National Working Group, in this interview

with *Vrye Weekblad* editor **MAX DU PREEZ**

**You have now been sitting around a table with the government for a few months. How do you experience negotiating with the people you have perceived as your enemy for so long?**

We have found, in spite of all the massive resources which the government is able to marshal and in spite of the fact that they have the backing of the state departments and machinery, that we have really been a match for them in the negotiations. We have found that what is more important than having all sorts of resources is to have a strategy that can work and to have a clear perspective. The superiority of our ideas has acted to our advantage.

It has been easier for us to appeal to other parties that do not necessarily agree with us ideologically. It has been easier for us to argue against positions which the government takes. They are in the habit of being in power in spite of the fact that people in general do not see sense in their policies, so that even in negotiations their positions do not always make obvious sense to people.

There isn't any obvious reason why you should be opposed to the secretary-general of the UN sending somebody to see what is happening at the first meeting of Codesa. The ANC has been forced through years of struggle to inculcate a style of work which forces it to take positions which can appeal to a broad cross-section of the country and even the international community. It's had to take positions that can be lobbied in Moscow and Washington.

We also find that the government has often not been able to display the necessary flexibility. More often than the ANC they had to go back to get fresh mandates on new positions so that they would often come into the negotiations with very rigid positions - rather than to come into the negotiations knowing what your interest is and what the principle at stake is.

We also found that they are unable to move with the necessary speed. They have displayed a tremendous amount of nervousness about getting real negotiations off the ground.

**Isn't that extremely taxing on your patience and on your sense of conciliation?**

Man, it is often very taxing on our patience. For example, when the government finally agreed that we should invite international guests, they suggested that these guests should be invited by the foreign minister and that they should be hosted by the state. It is somewhat irritating when they continue to pretend that the South African state is legitimate, that the government itself is legitimate - as though Pik Botha represents all of us in the international world. It is rather taxing.

But really, I have no problem sitting down with an adversary at

the negotiating table, because we have not been dragged there. We are of the view that the negotiations are an initiative taken by the ANC. In fact, the first meeting of Codesa is very much an ANC initiative. It was the ANC, after Inkatha-gate, that said we now need to go for negotiations so that we can establish an interim government of national unity. It was the ANC president that said the first meeting of the All Party Conference would be held before the end of the year - so it was very much an initiative that we have taken, and we engage in these negotiations from the perspective that the white minority regime has finally been forced to negotiate a settlement with the authentic representatives of the people. They are not really doing it out of choice.

**What is the first and most important, and perhaps most difficult, item on the negotiations agenda?**

One of the very first things that we would like to reach agreement on, is what the constitution-making body should be. Constitution-making and the adoption of a new constitution for this country is at the heart of the negotiations. Everything else is to make that possible.

The interim government is meant to ensure that the process can happen in a manner which does not prejudice the position of any particular party. We need the role of the international community for similar reasons, we need climate-creation for the same reasons.

So: One of the first objectives we would set ourselves is to reach agreement on the constitution-making body. It is not going to be easy because we are very firm on the position that an elected constituent assembly should draft and adopt a constitution.

**So Codesa cannot become a constituent assembly?**

No. Codesa is a body that will discuss what the body is that drafts the constitution.

The government, of course, is opposed to that. There are a number of reasons why they are opposed to that, but one of the reasons is that they have not psychologically adjusted themselves to the need for real democracy. Democratic elections for a constituent assembly have to take place - that would be the real test of whether or not the government has come to terms with the need for democracy.

Until such time, we would still suspect that they are trying to dodge the establishment of real democracy. Therefore we would put that very high up on the agenda.

As I've said: We expect a deadlock on that issue and we're not going to compromise on that issue. Because the government or anybody else has not put forward any other proposal which appeals to us and, we think, to a very broad body of opinion in the country.

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I must just add here that the support for the constituent assembly is growing all the time. We feel that in the past two years that idea has gained more support - even amongst other political parties and the general public. Even international opinion is shifting in favour of a constituent assembly.

**And you would want that election for a constituent assembly to be held as soon as possible - even next year?**

We see no reason why we cannot go to the polls next year this time. There is no reason for that not to happen.

Well, the other very serious problem is that of time-frames. We would like the transition to be as short as possible. Indications from speeches made by members of the government are that the government sees the transition extending over a period of between five and fifteen years.

That is going to be a serious area of conflict. For us an interim government must not exist for the sake of existing. It must exist in order to drive the process, to drive us to the establishment of a democratically elected government. So we would see an interim government existing for a maximum period of 18 months. That's going to be a major area of conflict.

**Just for clarity: You would like to see a transitional government as soon as possible, then go into an election for a constituent assembly which will then draw up a new constitution on which the first democratic government will be based?**

Yes.

**Can the ANC deliver to its constituency? Through negotiations, I mean?**

Well, I would say that we are already beginning to deliver what our constituency wants as far as the negotiations themselves so far are concerned.

We are not negotiating from a position of weakness, we are negotiating from a position of strength. Even before the first meeting of Codesa we have already established that the government cannot act as both the referee and the player. Now, this does not mean that the government will not continue to try to act as a referee. We have already established that principle - that is a major victory that we have scored.

The South African government is represented as a party at Codesa like all other political parties. We would require of it at the very first meeting of Codesa to commit itself to all decisions of Codesa and to commit itself to implement decisions of Codesa.

Codesa itself is not run by the government; it is being chaired by neutral persons. The administration and infrastructure is being set up by Codesa itself. In fact we got the Consultative Business Movement to run administrative services at the conference. And that is a major victory that we have scored. If one looks at the outcome of the preparatory meeting, the ANC has not emerged from that meeting having compromised on its positions.

We are also securing the position where the international community would be able to have some sort of role. Already I think the first steps towards that have been taken. And that our constituency understands very clearly.

They understand that we are negotiating a new constitution for the country. That is what we're doing - and they understand that the only time when the land-hunger amongst our people can be addressed, when the issue of discrimination can really be dealt with and discrimination can really be eradicated, is when we have a truly democratically elected government.

At this point of time we are under white minority rule and what we are trying to do is to negotiate the white minority rule out of power and a democratically elected government into power. We have no doubt that our members understand what the negotiations are all about and understand the need for negotiations.

As an organisation and as a liberation movement we regard ourselves as being accountable to our membership but also to

the broader public out there. And it is our view that the majority of South Africans want the South African conflict to be resolved sooner rather than later. And if the possibility exists, as it does, for the conflict to be resolved through negotiations, then that is what the people want.

We are of the view that we will not be playing our historic role as a liberation movement if we fail to make the most of the possibilities of a negotiated settlement.

**There has been much talk of the "rapprochement" between the NP and the ANC, and many rumours of "deals". What is this "rapprochement" really, this affinity between the two groups? Or would you say it is merely a professional relationship that works?**

There is no affinity, nor is it a special relationship. We relate to each other as the two primary adversaries in the South African conflict. The South African government is our main adversary. If you follow the proceedings of the preparatory meeting which was held on the 29th and 30th of November very closely, you will be able to see that the major issues of conflict were really between the South African government and the ANC. The question of international participation, the question of independent chairpersons, and those sorts of matters. It wasn't a case of the South African government and the ANC against everybody else.

Those who express surprise at the fact the ANC and the government agree on some issues, don't understand the process of negotiation. If we issue a joint statement after months of negotiations, it does not mean that that statement reflects the starting positions.

The manner in which the government had conceptualised its multi-party conference, and the manner in which the ANC had conceptualised its All Party Congress, indicate that the starting positions of the two organisations were indeed fundamentally different. What we have been able to get agreement on, is that Codesa would be no more than a negotiating forum in order to negotiate the modalities for the drafting and adoption of a constitution.

That certainly was not the starting position of the South African government. The preparatory meeting itself was a process of negotiations and hard bargaining. That is also true of the bilateral meetings between ourselves and the government before the preparatory meeting and the bilateral meeting between ourselves and a whole range of other organisations like the PAC.

It was a process of negotiations through which we were able to arrive at decisions at the end. Everybody who had been following what the position of the PAC was prior to the Patriotic Front Conference, would know that the decisions which the PAC and the ANC jointly arrived at, together with various other parties at the Patriotic Front Conference, were not positions that the PAC had held even two months before the Conference.

**The Patriotic Front seems to be very shaky**

Well, the PAC is only one of the organisations which belong to the Patriotic Front. There are many other organisations that also belong to the Front. We are quite pleased that, apart from the PAC, all of the other organisations have been able to operate as an alliance in the negotiations and have been able to take common positions on strategic issues.

We had never seen the Patriotic Front as an organisation, as a functioning organisation in its own right. It is a front of organisations which hold common positions on key strategic positions. And we are confident that the organisations belonging to the Patriotic Front will take those common positions.

In fact, even if the PAC re-enters into negotiations, as we think that they will, all of the organisations in the Patriotic Front would take the same position in a constituent assembly - which is one of the central issues in the negotiations. There are deep differences on other matters between various organisations in the Patriotic Front, but the Patriotic Front was not an attempt to iron out those differences. In fact, it was an attempt to build a

coalition of organisations around certain positions relating to an interim government and constituent assembly and the process as a whole.

**Can negotiations break down and under what circumstances?**

Negotiations can break down. They will break down if there's an insistence on the part of the government that some sort of unrepresentative body of people should draft the constitutions.

**That's the one issue on which there can be no compromise?**

Yes, it's possible that the negotiations can break down around that issue. Of course it is unpredictable - and I think that we all will be very foolish to create a false impression in the minds of the public that it's going to be smooth sailing, that there are going to be no hitches.

In my view, the broad public would be called upon by the process to break deadlocks at times. It is really the voice of the public that will have to ensure that negotiations can be kept on track.

Because if negotiations break down, it means that the issues are thrown to the people and that the public at large would have to

act on the situation in order to get it back on track.

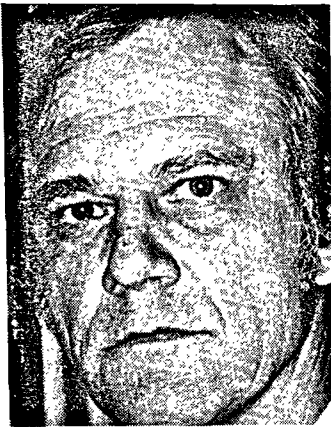
**Are you talking about mass action?**

I think that when one says mass action, one creates the impression that just a certain section of the people have a role to play in this regard. A lot of people see mass action as being out there for workers and youths and people who live in Soweto. I think that there could be some mass action, but that the broader public would also have to be involved in that. I think that the religious community, the media, opinion-makers, academics and the public at large would have to play some sort of role. In the same way that the general public have played a role in discrediting the system of apartheid.

Discrediting and working against the system of apartheid have never been the preserve of the ANC. It was a campaign which belonged to the people of South Africa - liberals and communists and all sorts of people. That is the sort of thing that's needed to keep the process on track.

If there's irreconcilable differences and the process breaks down, the public would then be called upon to pronounce a view on why it has broken down and who is right and who is wrong.

## INTERIM GOVERNMENT SIMILAR TO NP'S PROPOSALS



The National Party wants to hasten the negotiations process and reach a settlement as soon as possible to offset the uncertainty and anxiety gripping the country. This is the view of the NP's general secretary **DR STOFFEL VAN DER MERWE**. He was interviewed by *Sowetan* Assistant Editor **MOEGSIEN WILLIAMS**

**It is now going on two years since the dramatic February 2 announcements by President FW de Klerk which got the negotiations process under way. How would you describe this period?**

It was very dramatic and a period of great change and adaptation. The whole style of politics in South Africa changed from a harsh form of confrontational politics to negotiation politics. This demanded of people, on all sides, to rid themselves of the notions and the habits of the past. In the past people were enemies which one tried to eliminate in some way or another, either by locking up, shooting dead or blowing. Now it's a style of politics where, although we are still adversaries, we've to compete on a political level and we have in fact to negotiate certain rules.

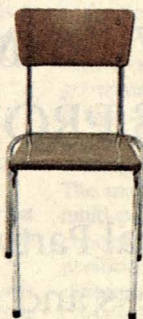
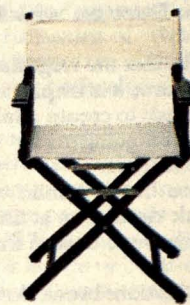
In the process, of course, there were many things that had to be done. The remnants of apartheid had to be removed which was a huge undertaking in itself. This had many implications in the sense of trying to convince, especially the white electorate, that the sky is not going to fall in. On the other hand, a number of steps had to be taken to ensure that one can create an

environment in which a relatively free political process can take place. For instance, the release of many people from prison and the removal of other obstacles to negotiations. It took us almost a year to arrive at a stage where we can start with serious negotiations. It sounds a long time but, in fact, it was a very busy time.

**The negotiations process actually started at the Groote Schuur meeting in May last year. What was its significance?**

The Groote Schuur meeting was, in fact, a political milestone, as it was the first time that the National Party and the ANC officially came together, although it was for the NP more in its capacity as the Government. There were certain matters that concerned the ANC regarding certain laws, the release of prisoners and so forth. Nevertheless, that was the first significant public meeting. We, of course, have a long history of informal meetings. In the beginning meetings took place, even before February 2 1990, between officials of the Government and the ANC which both sides denied at the time. The subsequent

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## QUARTERLY STATE OF THE NATION REPORT

Pretoria and DF Malan Airport meetings were all milestones on the road towards full-scale negotiations that we are now beginning to enter.

**It is clear from the inaugural Codesa steering committee meeting that much rapport had been reached behind the scenes between the ANC and the NP. How would you describe it?**

After the Pretoria meeting there were continued meetings emanating from Groote Schuur and Pretoria around certain unfinished business and it was agreed then that one should aim at getting constitutional talks going. You can't just announce constitutional talks and think that people will turn up. So, therefore, it took a very long period of discussion behind the scenes to hammer out more or less the outlines or form which such negotiations should take. What's important here is to bear in mind this was not just discussions between the ANC and the National Party. There were discussions between the National Party and Inkatha, the National Party and the DP, the National Party and others. On the other side there were also discussions between the ANC and a variety of other parties which, as you know, led for instance to the establishment of the Patriotic Front. There were even direct discussions between the ANC and some of the parties we have spoken to. So there was a criss-cross of bilateral talks that took place over a long period. There was a time, of course, when this whole process was under way and was making good progress in March/April when the ANC broke off with its ultimatum and brought it to a standstill for six months. Something like Codesa can't just simply be taken out of a hat.

**How do you see the negotiations process developing?**

It is difficult to make too firm a prediction. I think what one will see on December 20 and 21 is basically just the kick-off of the process. I don't think we'll be able to solve all the problems of the country over those two days. For instance, each of the delegations will want to say something which will take a sizeable chunk of the time. Then there are procedural matters to be taken care of. The main thing will be the appointment of working groups and the definition of their briefs.

It is generally foreseen there will be a series of meetings of Codesa.

There is the one line of thought that says Codesa must finish what is now on its agenda and that it should give rise to an elected assembly which will then write the constitution. There is another line of thought that says Codesa should, under its own auspices, continue with constitutional negotiations.

**Will the NP employ specific tactics during the negotiations?**

It's not going to serve much purpose to make our tactics public prior to negotiations. Our general approach, however, is to get the process going and reach, as speedily as possible, a conclusion that will lead to a democratic South Africa. We will also try to achieve the greatest degree of consensus.

**Will Codesa be given legal teeth?**

The idea is that the resolutions that Codesa adopts must be based on consensus. If there is consensus it means that the National Party and the Government are party to that. This means there would have been an undertaking to translate whatever is necessary into legislation. Codesa itself does not at this moment have any legal standing or powers.

One of the possibilities is that it may be given some legal powers which will entail an amendment to the constitution. This is just one of many possibilities.

**What are the chances of a political settlement by this time**

**next year?**

I don't want to exclude that. It depends on the will of the political parties. It depends on how serious they take the matter. I would say that if one does arrive at some political settlement by this time next year, then we would have done well. It is so easy, as we have seen this year, for one of the major parties to stop the process for months at a time.

It is possible (by this time next year) that we would have arrived at some sort of preliminary, transitional or interim arrangement. It is very difficult for me to envisage a full-blown political settlement by this time next year. It is possible but I don't think probable. From our side we would very much like to see that. We would very much like to bring certainty to the situation. The uncertainty is very bad for the economy, it is bad for the morale of people and is a contributory factor to the continued violence in the country. So we would very much like to see that but one has to be realistic. It is dangerous to predict time frames.

**What is the NP's approach to an interim government?**

The State President on February 1 this year had said we were in favour of transitional arrangements because why should we wait until we have the final product before we start implementing the notion of power sharing.

It would be good for the country if one has an early start with a thing like that. But then we have some requirements. We say it must be a properly negotiated agreement and it must be constitutional. Those are our requirements.

**What are the practicalities of what you are saying?**

There are two basic facets to the Government's approach, that is the legislature and the executive. It may be easier to bring people in on the executive level, in other words bring people into the Cabinet and even into the presidency.

That would still leave a large vacuum in terms of the legislature. But there are so many possibilities that it would be difficult to say it would be like this or it could be like that.

There is a view in the ANC, for instance, to try and get control of a few aspects, the security forces, broadcasting and so forth. But they select very clearly those areas which would not bring any responsibility. They want to be in a position where they can give instructions without sharing in any way the responsibility. I don't think one can go for that. If you want to be part then you have to be a full part. If you want to share in the determination of policies then you must also share in the responsibility which the execution of those policies bring.

**Key groups like the ANC and the PAC say that the Government can't be player and referee in the process. What do you say to that?**

In other countries the government of the day remains the government although it is a contender for power in an election. So during the time of election the government remains the government but it is also a contender for power. That seems to work fairly well.

It is a handy thing for the ANC to bandy about but it's not really very realistic. Nevertheless, for quite different reasons, we feel that as soon as possible there should be some form of shared power and shared responsibilities. This is why we have been pushing forward the whole process of negotiation.

There must be good government in the country. They (the ANC) talk about an interim government all the time but they have not specified what it means. They want to suspend the constitution, they want such a government to rule by decree. I don't see why this is necessary.

**How about bringing in a neutral mediator?**

I think it would be a very sad day for us as South Africans if we cannot continue to manage our own affairs.

## QUARTERLY STATE OF THE NATION REPORT

I think it is quite within our powers as South Africans to manage our own affairs and to reach an agreement among ourselves. There's also no such thing as a person who stands neutral towards South Africa. The point is that at the end of the day we South Africans have to live with the results of negotiations. I would prefer to create my own mess rather than live with the mess created by someone else.

### **Is the NP planning to form alliances during and after the negotiations phase?**

During the constitution building phase it will be a good thing for every party to speak for itself so that one does not bind people into compartments which alliances tend to do.

It is preferable that various parties maintain as much of their own identity and independence as possible during this process. In the election process it's a different matter.

If the NP finds common ground with other parties it makes sense to explore the possibilities of co-operation.

Now it is premature, too early in the game, to form alliances. The ANC's experience in the Patriotic Front, for instance, is a good example of what I'm saying.

### **What is the NP's stance on the Patriotic Front?**

The Patriotic Front has created the impression of a ganging-up on a racial basis. We resented that and we said so.

### **Is an alliance with the ANC a possibility?**

Whatever is in the best interest of South Africa is our priority. If we can find common ground with the ANC and it will allow us to manage the country in a way that is best for all South Africans then yes, it is a possibility.

We have several misgivings, however, about such a possibility. The ANC's propensity for socialism is one such misgiving.

We don't see eye to eye with them on the question of the decentralisation or centralisation of a future government.

Another problem with the ANC is its close association with the Communist Party. These are but a few of the very substantial differences between the NP and the ANC.

### **But the NP's constitutional proposals, in fact, promote an enforced coalition government?**

Our proposals aim at that. They say that once an election is held, the three largest parties should enter into a coalition. We feel that the approach where you have to find common ground is the only way that a country like South Africa can be managed successfully.

### **The NP's open membership, is it mere tokenism with built-in measures to safeguard the party's "Afrikaner Christian character"?**

We have an expressed Christian attitude but there is nothing in the constitution or the principles of the National Party that is biased towards the Afrikaners or whites.

There are no black or coloured branches. The temptation was there, for instance, to organise the party along racial lines as in the present tricameral Parliament but we said no. The NP has gone out of its way to structure itself on a nonracial basis.

There is nothing that prevents any number of people of colour to join the party so long as they subscribe to the principles of the party.

### **How many black members do you have?**

People often ask us that question. My answer to that is I don't know. The party works on a decentralised basis with provincial structures and they work on membership quite separately from one another. Secondly, because we don't establish black branches or brown branches it is not possible to say. In fact, it is not possible to say who joins because race is not asked for on our

membership forms. From a general point of view, yes, there is great enthusiasm and interest in the party by people other than whites, especially among coloured people.

### **Is it possible for blacks to form a majority membership of the NP?**

There's nothing to prevent it. There are no barriers.

### **How do you sell your constitutional proposals to potential black members if the perception is that they are a crude attempt to entrench the privileges and rights of a minority?**

Yes, there's an open attempt to secure minority rights. I will dispute your assertion, however, that our constitutional proposals are an attempt to secure the privileges of minorities.

South Africa is a country of minorities and we need to pay special attention to their rights. If not, we could have such a conflagration in this country that it would be impossible to salvage anything.

This we say without denying or excluding the rights of the majority. One has often seen situations where the minority is completely at the mercy of the majority which results in tremendous problems.

### **What, in a nutshell, is the philosophy of your constitutional proposals?**

It is to establish true and sustainable democracy underpinned by the rule of law, constitutional government and justice for all. We don't want to exchange one form of domination for another form of domination.

### **What have been the criticisms?**

People find our notion of a presidency, for instance, rather strange. It is a sophisticated concept. We still maintain, however, it will be a wise thing to do under the circumstances of South Africa.

There is some suspicion that it is an effort to entrench the privileges of minorities. There is also the notion, especially prevalent in the ANC, that when the NP was in power, majority rule was okay. Now we want to change the rules. My response to that is: Do you think the result of that form of majority rule has been particularly good?

### **But where else has a system, as contained in the NP's proposals, worked?**

It works in Switzerland but I don't want to place too much emphasis on that because the South African situation is very different. But there are similarities as Switzerland is also a country with diversity and where it's necessary to maintain a fine balance between the interests of the various groups.

It is going to be very frustrating for the guy at the top. In terms of our proposals there will have to be continued negotiations and finding of compromise - which is going to take lots of time, lots of energy but the end result will be worth it. It can work if everybody wants it to work.

### **But do you really believe an organisation like the ANC, for instance, coming to power in an election based on universal franchise, will want to share power on the basis that you propose?**

I know it will be tempting for such a party to say we've won the election and we'll do it our way. We believe that is the recipe for disaster. This is exactly why we don't want this sort of thing. In fact, the ANC's proposal for an interim government, the idea of a government of national unity, is similar to what the NP is proposing.



State President FW de Klerk and his wife, Marika

**But your proposals appear to be the opposite of effective government?**

It depends on how you view effective government. One can describe PW Botha's government as very effective in decision-making but it was not effective in getting its decisions accepted by the population.

In terms of our proposals, yes, it will be difficult to have decisions taken. But once they are taken, they will be implemented with great effectiveness because the public will accept them.

There are so many examples in the world where the majority made grave mistakes. The worst cases of racial oppression and genocide in history were committed by majorities. The majority is not always right and one has to put some limitations on the power of the majority.

**Can we expect another white general election?**

I hope not. A white general election is only due a few years hence and we hope that before that time one would have been able to finalise a constitution that will look very different. There will still have to be a referendum to test support for such a constitution and in which at least the white votes will be counted separately.

We feel confident that once we are able to present a reasonable constitution as a negotiated constitution, the majority of whites will agree with it. At the end of the day we are sure common sense will prevail and people will realise there's really no other way.

**In the light of negotiations, how would you interpret the swing to the Right in the Virginia by-elections?**

It is true that it is never pleasant for a party to lose but there are good reasons why the result turned out the way it did. We feel that when it really matters, many of those people will vote the right way. We are, however, not going to wait for that to happen by itself. There are two things we're going to do. Firstly, we need

to shorten the period of uncertainty. We would, therefore, want to push ahead with negotiations as fast as we can although I don't want to commit myself to a time frame.

We also want to mount an intensive campaign to keep people informed.

We are confident that in the longer term, people will accept this (a negotiated settlement).

**What if white support for the NP becomes completely eroded?**

If we change our mind about negotiations, what will we do then? Where will it land us if we go back and say we won't want to negotiate anymore? We don't have much of a choice. We have to get this thing through to its logical conclusion and then submit it to the voters for their decision, which we are confident will be positive. It is possible we'll lose support in the short-term but the NP is committed to a negotiated settlement.

**There is talk of a white backlash, especially in the lower echelons of the armed services. What do you say to that?**

I have no confirmation of that. What is true is that the political orientation of the army, for instance, should logically reflect the people from which it is drawn. So it is logical that a proportion will reflect the views of those who are not happy with the direction of the Government.

On the other hand, the tradition and discipline in the armed forces have always been strong and one of loyalty to the government of the day. Of course one does find aggravations here and there and one can't totally exclude some happenings of an unco-ordinated nature. But I will regard that as unlikely.

**A third Boer rebellion?**

I don't expect an uprising but we're living in unusual times. Our history shows that when sentiments run high against something, talk is cheap. Action, however, is so much more difficult. I'm not overly worried about that.

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## GOING TO A DUEL WITH AN UNLOADED GUN

The only victor in the negotiations up to now has been the De Klerk government, says **STRINI MOODLEY**, publicity secretary of the Azanian People's Organisation

AS we stand at the threshold of 1992, Azapo is firmly convinced that we are far from being a nation. We remain a society deeply divided by racism and capitalism - the twin monsters that have kept black people in bondage.

Despite the glib-tongued, romantic rhetoric that changes have been or are being wrought, the reality is that nothing has changed. Change has only occurred for the aspirant, petty bourgeois, non-white classes who have sold themselves to the filthy lucre of personal achievement. But the vast majority of the black working class remain in bondage.

Poverty, the rocketing cost of living, unemployment, disease, violence and naked racism continues to deprive black people of their birthright.

What amazes Azapo is that the liberals, the capitalists and the racists are painted as the good guys now. The National Party has, with one fell swoop, become a legitimate political symbol. White people have suddenly acquired the right to speak about our oppression and exploitation - and not only that, but also the right to prescribe the formula for easing our suffering.

And to cap it all, nobody uttered a murmur when Rajbansi, Hendrickse, Reddy, Mangope, Buthelezi and a host of other puppets sat down to plot our future - the future of a nation that is supposed to be in the making. It mattered little that the ANC and PAC were also there. Because neither of them achieved any gains for black people - the oppressed and exploited. The only ones who came out of the meeting with any gains were De Klerk and his henchmen.

Nobody cares an iota that these men have collectively cost this country millions of lives through their deliberate programmes of keeping black people poor; through their continuing programme of violence, death and destruction, through the graft that continues to ensure that the puppet of Venda can earn himself over R200 000 per year, while people in Venda live on or below the starvation line. That is an obscenity and that same man will sit around a table with others to discuss the future of our children.

Steve Biko said, "You never accept the unloaded of the two guns from your enemy and then challenge him to a duel."

That is what the All Party Congress is: the ANC and the PAC have accepted the unloaded of the two guns and they are now attempting a duel.

Of course, because a secret deal has already been forged, a document will emerge from the conference which will make it appear as though the ANC and PAC have won. The reality is that more people will join De Klerk's gravy train.

Before 1990, black people had developed a radical and highly politicised approach to their dealings with the regime. Now we have been de-radicalised and de-politicised and have been hoodwinked into the politics of negotiations, the politics of the ruling class, at our own expense. In reality, since all these so-called negotiations began, black people have won nothing. So far, it is only De Klerk who has won.

His government has been legitimised, his puppets have been legitimised and he has made major gains in the international community. What have black people to show?

Has the land been returned to its rightful owners? No. Do we have the vote? No. Have the police and army stopped killing our people? No. Do we have proper schools? No. Do we have proper health care? No. Are we in control of the economy? No.

Black people have nothing. We have only had promises. And, to make black people tired and ready to have peace at any cost, the De Klerk regime sends armed bandits into trains, to bus stops, taxi ranks and into the townships to mow down innocent people. Where he does not have the manpower to do it himself, he calls on his puppets to do it on his behalf.

Black people will not be freed by the all party congress, nor by any other trick manufactured by the ruling class.

There is only one route to true and lasting peace where there shall be justice and democracy. To get to that route, the De Klerk regime must resign. If De Klerk is so sincere about change, if he believes that a democracy must be established in this country then let him resign TODAY. Let him tell the world that he wishes to follow the route of democracy and he and his government are resigning; that he is dismantling the homelands; that he wishes a neutral party to come into this country to mediate the transition to the democracy.

Azapo challenges the regime to do that if it is sincere about democracy.

Azapo calls on De Klerk to resign for the following reasons:

1. His regime is illegitimate and was put in power by force and sustained in power by a white minority;
2. His government is incompetent. It has destroyed the economy of this country. It spends over R6 billion per year on maintaining Venda, Ciskei, Transkei and Bophuthatswana - and we are not talking about KwaZulu, KwaNdebele, Gazankulu, Lebowa and the other bantustan monstrosities. Economists (who tell the truth) say that the maintenance of apartheid costs this country in excess of R40 billion per year. Azapo is not hoodwinked by the lie that sanctions are responsible for the collapse of this economy. The regime is made up of a bunch of incompetent fools who've wasted taxpayers' money and greedy capitalists who thought only of profits;
3. His government and those of all his predecessors have failed to manage this country democratically and distribute the wealth of this country equally;
4. The capitalists in this country are equally incompetent. Instead of developing the most precious resources of any country - its people - they drove us into compounds, hostels and townships. They stole our land. Together with the regime they denied us education, housing, health care, recreation and sporting facilities.

Today these same people want to discuss the future of this country while hanging firmly onto the reins of power. For Azapo that can never be!

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## TREURNICHT: SOUTH AFRICA AS A COMMONWEALTH OF PEOPLES

Negotiations are purely academic and will never reach fruition because the Conservative Party will sweep to power in the next all-white general election, says its leader, **Dr Andries Treurnicht**. He is interviewed by *Sowetan* Editor **AGGREY KLAASTE** and assistant editor **MOEGSIEN WILLIAMS**

COLD comfort.

This was our overwhelming feeling as we left the somewhat humble offices of Conservative Party leader Dr Andries Petrus Treurnicht in Skinner Street, Pretoria.

We ventured into the lair of "Dr No" hoping to delve into the reasons for the CP's intransigent position on negotiations, to ascertain its vision of a new South Africa and if it had a promise to South Africans in general and blacks in particular.

We left empty-handed.

Treurnicht, a former dominee and editor, was amiable and courteous, if somewhat inscrutable behind thick glasses.

He has a small frame and it is hard to imagine that he had taken on PW Botha when he led the breakaway from the National Party in 1982 because of its reformist approach to politics. Since then, as one detractor puts it, Treurnicht has not looked forward.

He exudes confidence and has an old-world charm.

The hour-long interview, however, was like travelling in a time machine back to the Verwoerdian years.

Treurnicht says the CP would turn back the clock and reintroduce apartheid measures such as the Group Areas Act and Separate Amenities Act if it came to power.

He surprises by his belief in the unity of the universe - but qualifies it.

"We firmly believe the universe is one but we also see, hear and read that according to God's providence, there are various peoples with a sense of own identity, belonging and culture." In the style of a dominee, he thunders "damnation" when the interview turns to negotiations.

He is convinced that President FW de Klerk is going to negotiate himself out of power.

"He is going to lose power because he is prepared to subject his own people to majority rule."

A prerequisite for CP participation in something like the Convention for a Democratic South Africa (Codesa) is a recognition of the "self-determination of peoples".

"There is no doubt that the CP will lose support among whites if it participates in talks on any other basis."

Treurnicht is adamant that the CP will not accept the outcome of the negotiations should it be based on majority rule.



"In such a situation, with a common voters' roll, the minorities will be swamped.

"This will inevitably lead to an ANC government, which we will never accept."

Treurnicht believes that the ANC is a "much over-rated" organisation.

"It's a terrorist organisation that is controlled by the communists and that is demanding the surrender of power.

"To regard them as a participant in negotiations to decide on the future of the country is absurd."

Treurnicht says he had issued a "friendly warning" to other right-wing organisations keen to participate in the negotiations process.

"We have told them not to go to the negotiations because they will be in a worse situation when their demands are not met."

He dismisses the present tension in the CP between the "pragmatists" and the "fundamentalists" as a "gesprek" (debate).

Treurnicht views negotiations as purely academic and is convinced they will come to naught.

He is convinced that the CP will sweep to power in the next all-white general election and be able to put into effect its vision of a South African Commonwealth - "per definition an association of states.

"Our policy of partition means territorial division but we don't speak of an Afrikaner heartland as we have growing support among English-speaking white South Africans.

"As far as the land is concerned, our policy is to begin with the situation as it is and to exchange and to barter should we want to acquire more."

Treurnicht says the strongest argument in what the CP stands for will come from blacks.

"The liberals don't have a solution for South Africa.

"Blacks, given a better deal, will yet become the strongest advocates of a confederation."

For Treurnicht, victory in the next all-white general election is the key to the creation of a constellation of states. In a way, it has become the *raison d'être* of the CP.

The Nats, however, have clearly decided that it's a carpet they will pull from under the feet of Treurnicht and his followers by pushing through the current Parliament a new constitution before an election is due.

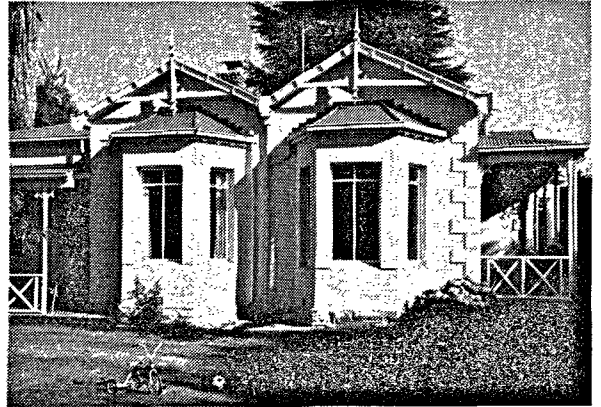


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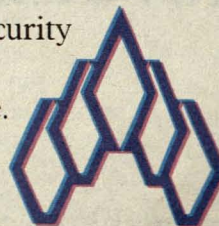


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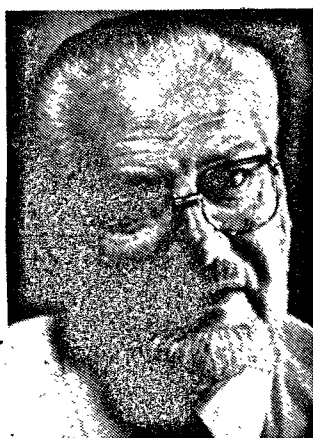
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## THE AFRIKANER NEEDS A STATE

A separate state for Afrikaners should not be seen as a racist state. Whites will not automatically become citizens and blacks will not automatically be excluded, writes **CAREL BOSHOFF**, leader of the Afrikaner Volkswag



### Minority rule

Governments rule in ways which they believe will make their power more secure; even minority governments tend to perpetuate their authority under various pretexts, for example "trusteeship", "orderly emancipation" and "maintenance of peace and prosperity".

In the South African context minority rule, whatever the form and under whatever pretext, and however enlightened it may be, is tantamount to domination, oppression and discrimination, and has come to be generally accepted as untenable.

### Majority rule

Direct majority rule, characterized by general elections, a single voters' roll, one-man-one-vote and winner-takes-all, as an alternative to minority rule, has received comparatively little attention. It suits nation-states and others in which small minorities are present and accept assimilation.

South Africa, however, is not a nation-state; it is portrayed as an outstanding example of a deeply divided society. Ordinary direct majority rule is considered unsuitable to the circumstances prevailing in such a society and may yield no better results than minority rule.

### Consociation

Constitutional experts generally prescribe more complex systems of majority rule (some form of consociational democracy) for South Africa. The 1983 constitution represents a tendency in that direction; the proposals put forward by the KwaZulu Natal Indaba follow the same line.

The main features of consociation include recognition of minorities, their proportional representation in the government, rights of veto and devolution of power.

Conditions for the success of consociational democracy include the following: minorities must be of approximately equal size; they must have common enemies; society-wide loyalties; absence of extreme socio-economic inequalities; relative isolation from each other; and traditions of political accommodation.

The circumstances prevailing in South Africa are highly unfavourable to consociational systems.

The leading authority in this field, Arend Lijphart, concludes that in extreme cases of plural societies, such as South Africa, the outlook for democracy of any kind is poor.

### Critical interests

Consociational models will come up against the obstacle of irreconcilability of certain interests of blacks and whites under a common dispensation.

To say that a dispensation is in a minority's interests means that it must place the minority in a better position than it would otherwise be in, and satisfy its preferences and ambitions regarding existential security, welfare and destination.

Crucial to the promotion of a minority's interests is its access to numerous instruments and avenues of political and economic power which will enable the minority to reach a wide range of aims, including such aims as physical survival, sense of freedom, identity and vocation, rights and liberties, powers and opportunities, income and wealth.

These are critical interests, the things that minorities would generally want more of rather than less, since with more of them they are more likely to get what they finally seek. Interests are irreconcilable when the demands of the different minorities are incompatible and when they cannot reach a settlement which they regard as reasonable by standards common to them.

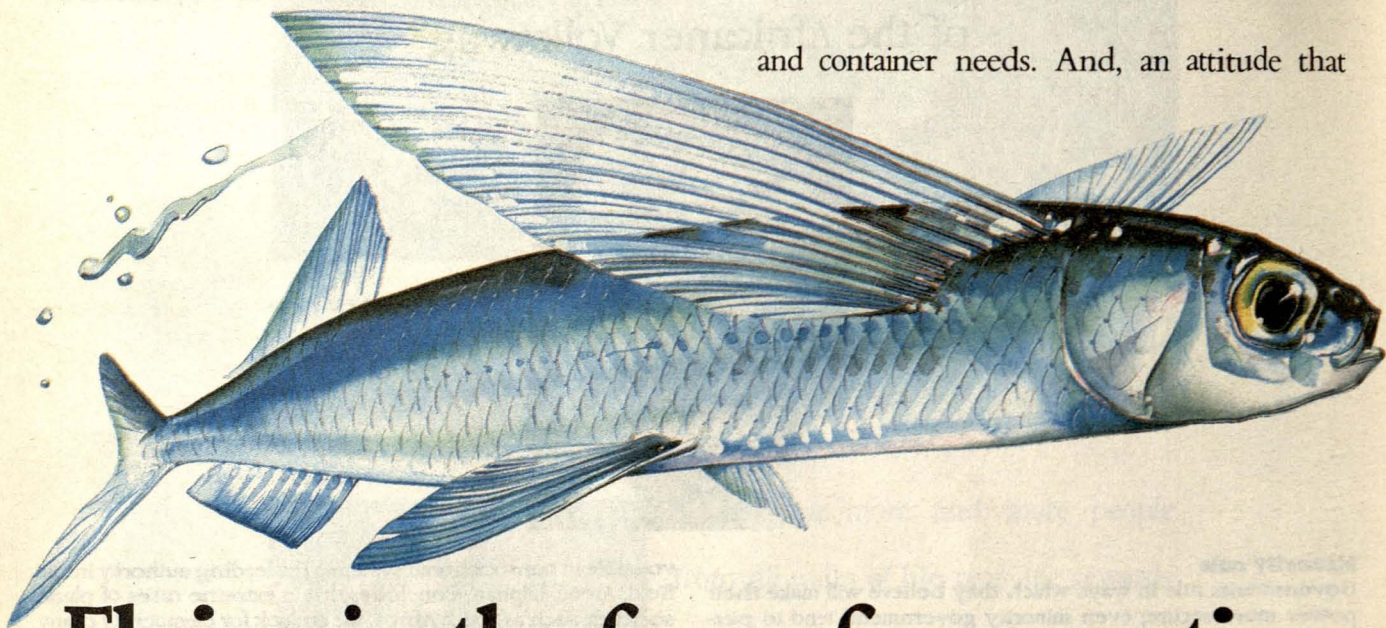
Demands and standards of reasonability may of course change, so that interests which are irreconcilable at one point in time may cease to be so at another. To say that many of the interests of different minorities are irreconcilable is not to deny that there are common interests.

Within a common dispensation Afrikaners will seek to maintain their economic standards, their freedoms, their power, their cultural identities, and control of their education and of development on their land; and they would want to be protected against assimilation to which they might be subjected directly or indirectly. Afrikaners believe they are entitled to these things; they are accustomed to them and have come to expect them and to depend on them.

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Blacks on the other hand, seek the dominant political position to which their numbers entitle them; the land and opportunities of which they feel deprived; and a status more conducive to a sense of their own worth. If they get much of what they want most of all, Afrikaners cannot get much of what they want most of all. Of course the converse is also true.

#### Minority rights

Power-sharing in South Africa without domination is a contradiction in terms. There is no way in which Afrikaners can enter a common dispensation, on a human basis, without being dominated. Pronouncements to the contrary lack credibility. Many Afrikaners rely on so-called minority guarantees: they believe that they will be represented in parliament, in the Cabinet and in other executive bodies; that they will be able to veto decisions which go against their critical interests; that their education and language will remain intact. Guarantees such as these, if they are given, cannot last as they have not lasted anywhere else in the world under comparable circumstances. Discrimination against minorities, oppression, expulsion, genocide and forceful assimilation have persisted to this day and occur in many countries despite declarations of human rights, international conventions and super-power protection. The fears of small minorities will not be allayed by pronouncements, treaties, guarantees or constitutional provision in this regard.

#### The enduring nature of minorities

There is no inherent stability in playing down the existence of minorities, of the boundaries between them and of the tendency of such boundaries to endure. The minorities living in South Africa will not disappear as a result of political re-definition, just as they have not been created by such definition. They have come about through a growth process which has stretched over centuries. Social scientists agree that boundaries between minorities tend to be permanent and, importantly, to re-affirm themselves, even after long periods of violation and apparent decline.

#### Domination

Afrikaners have dominated other minorities for a long time, but they are not used to being dominated. Their entire history is a history of struggle for freedom. This struggle is likely to continue in the future, even though it may seem that they are at present divided on many critical issues.

The fact that Afrikaners quarrel among themselves over some of their most critical interests and that they pursue different roads to survival, is not unique. It is characteristic of freedom movements: it is true of minorities in general, in South Africa and elsewhere, that they tend to be solid in the face of direct threats to their existence, but to be fragile afterwards.

Afrikaners identify themselves in three broad categories, namely those who regard identity, freedom and vocation as their critical needs which they feel they have to proclaim and defend; those who regard Afrikanerdom as the core of a white nation that has to be preserved; and those who regard the Afrikaner as one interest group in a South African nation. The size of each category will vary with experience in the evolving "New South Africa".

#### Dual existence

Many nations exist in two segments, one segment in its own country under its own government and the other in neighbouring countries or countries further afield, as citizens of those countries. For example, a minority of Jews fought for and gained their own states while the majority still live abroad. Some Jews in the diaspora find the existence of Israel embarrassing, but most support it.

Similarly, minorities of Afrikaners left the British Empire to form their own states, fought two wars of independence and established the RSA. The consequences of their actions have become

established reality and have been accepted by the majority.

#### Black unity

Blacks have a history of well over a hundred years of resistance to domination. They have succeeded in establishing a common cause in this and in other respects. It seems certain that they will want to establish some kind of common society under one government regardless of the obstacles. Many Afrikaners will join them in this undertaking. It also seems certain that at least some black minorities will not lightly give up their identity; some may want to retain their dual status while others may stay in the RSA only in a federal or other regional context.

#### Prescription

Afrikaners have in the past prescribed their destinies to other minorities, for example self-government or self-determination; defined their position as minorities, wards, "volke-in-wording", separate nations and so forth. Generally, prescription has been resented and resisted by the people concerned.

This situation has changed: Afrikaners in the respective categories will participate in negotiations about their own place in a future political dispensation, without being in a position to prescribe to others. Their various points of view and proposals about their own destiny will be weighed on merit and the outcome may not be exactly what each one desires.

#### Negotiated partition

The situation with regard to partition has also changed. In the sixties partition was offered as a solution to the existential problems of black minorities, leaving the rest of the RSA as a white homeland. Black leaders did not oppose partition in principle, but refused to agree to a principle where they felt that it might not be carried out equitably. Pronouncements to this effect were made as early as 1916 and again in 1933.

Partition which took place from 1976 to 1981 confirmed black reservations. The most fundamental objections to the policy were the inadequate land and other resource allocations and the denial of political rights to those citizens of partitioned states who had to stay in the RSA permanently.

Today more and more Afrikaners are seeking a partitioned state for themselves; they can claim world-wide support for negotiated partition as the views of Hoernle, Crocker, Adelman, Von der Ropp and many others will indicate; more and more will come to realize that it is the only solution which they have left.

#### Identification of land

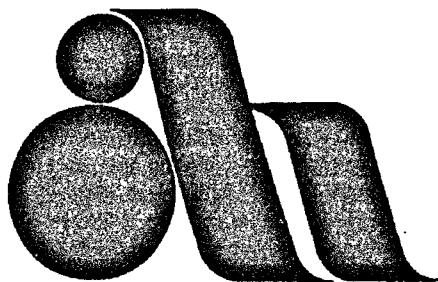
The Afrikaners' undoing, time and again, has been their choice of land: too much, more than they could manage, and in the wrong place. Movement into the interior was never-ending; instead of moving westwards they moved east - and northwards where their interests clashed with those of settled black populations. Eventually they took on the responsibility for almost the entire sub-continent, a vast land-area with resources, population and an economy that they could not possibly control in the long run.

The eastern half of South Africa has been occupied by black people for centuries; they still live there and to resettle them in order to make room for an Afrikaner state is unthinkable. That leaves the western part of the country for consideration. The north-western parts in particular are sparsely populated, which means that relatively few people may have to be resettled, and relatively few Afrikaners have to move in to achieve an absolute majority.

#### Conditions for success

1. Partition will have to be negotiated: it should form an integral part of the negotiation for a new constitutional dispensation. Approval in principle and guide-lines for implementation should be embodied in the agreements reached and be put to the vote, not separately but as part of the entire package. If partition is negotiated in this way, foreign recognition should not present

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Alraid and confused: Rightwingers at a meeting.

any problems;

2. Partition on the basis of race should be avoided: a people, seeking self-determination, presently forming an unassimilable minority, should be taken out of the RSA and given separate political and geographical definition. This means that whites will not automatically become citizens, and blacks will not automatically be excluded;

3. Any form of domination must be avoided;

4. Afrikaners must rapidly become the vast majority of the population: self-defined minorities demanding self-determination should not be included in the partitioned state;

5. Equal citizenship should apply to all permanent residents: international law and custom must be respected;

6. Settlement and resettlement should be voluntary: the RSA and the partitioned state should come to an agreement and should co-operate in assisting people who want to move, to do so. A certain amount of inducement will have to be provided at the start;

7. Allowance will have to be made for access to places of emotional interest to Afrikaners, such as Danie Theron's monument, Magersfontein, Bloedrivier, the Voortrekker Monument. Negotiations about ownership and maintenance will be neces-

sary;

8. Conflicting claims by Afrikaners with regard to land and other issues will have to be resolved in advance. They are dispersed over the country, their interests differ. It will be difficult to satisfy demands based on historical considerations;

9. In demarcating land, consideration should be given to the use of mountains and rivers as boundaries, to the provision of access to the sea and air, to the inclusion of agricultural land and water resources and to the avoidance of the cutting up of the territories of the RSA and the partitioned state;

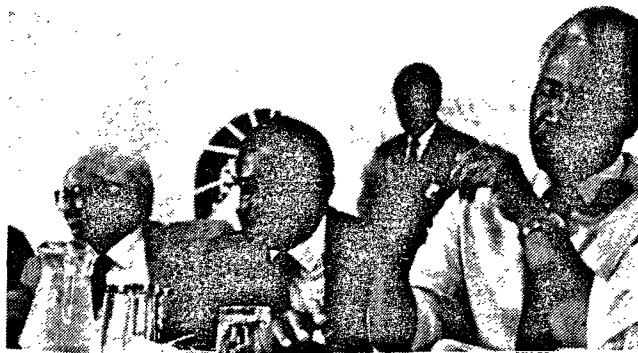
10. Partition should be mutually advantageous: it should help to solve political problems rather than aggravate them, contribute to peace and prosperity in the sub-continent and to the stability and strength of the RSA. Constructive relations, trade and mutually acceptable development are important.

### Conclusion

Afrikaners are concerned about what is currently taking place in South Africa and about their future. Anxieties may be eased and their co-operation gained by providing a partitioned state. Forcing them into a common system should be avoided at all costs.

## A SHAKY FRONT

There are rumblings about the Patriotic Front, says Sowetan political writer **THEMBA MOLEFE**



At the PF-conference: The ANC's Walter Sisulu, the OAU's brig Hashim Mbita and the PAC's Clarence Makwetu

WHEN the Patriotic Front was launched in Durban in October liberation politics entered a new phase it was believed. Its basic thrust was to engage the "ruling minority into negotiating itself out of power".

Effectively, State President FW de Klerk would have had to assume a new role: as an ally rather than the sponsor.

But events seem to have taken an about-turn with the PF's prime movers falling out with each other and the Front looking like it is going to be stillborn.

The claim by the Pan Africanist Congress that the African National Congress and the "regime" have struck a deal to jointly run the country caused a political storm and has threatened the functioning of the PF before it even got off the ground.

When they met on October 25 to 27 the 90-plus organisations and parties in the Front reached consensus that a constituent assembly elected on a one-person-one-vote basis was the only legitimate body to draw up a new constitution for South Africa. And this must be done through some transitional mechanism refereed by an independent unit or party.

Consensus was reached that the Government should dissolve and with it all its structures as entrenched in the current constitution.

This new consensus, as trail-blazed by PF convenors the ANC and PAC, was accepted uniformly by all in the Front.

This "consensus" meant that during the ensuing period (after the Durban conference) the ANC and PAC would be sharing platforms with "puppet" organisations such as Dikwakwentla People's Party of QwaQwa, Ximoko Xa Rixaka of Gazankulu, the Labour Party and Solidarity Party in taking the message to the grassroots constituencies of the "patriots".

The PF was, therefore, poised to alter the complexion of negotiations. It had brought to the side of the liberation movements the Government's guaranteed allies - "bantustan" and tricameral parliamentary leaders.

Broken down even further, it meant the next six months, agreed upon as the period of consultation and evaluation, this consensus should have filtered down three quarters of South Africa's population as represented in the PF.

Now the PAC feels left out and has charged that its partner in the PF has struck a deal with the "regime" to jointly run the country and have an interim government installed by next February.

These "deceitful dealings", which the PAC said contradicted the spirit of the PF, were apparently disclosed by the ANC's director of international affairs, Thabo Mbeki, on November 20 to African diplomats at the United Nations. The PAC's representative was

allegedly asked to leave the meeting.

The ANC and the Government have denied the claims and the existence of "minutes" reflecting a deal. Mbeki said a meeting was held, but with members of the Frontline States and not with ambassadors.

The ANC seems to have denied the nature of the meeting but not the deliberations which are central to the row, thus giving reasonable belief that Mbeki did make certain statements in New York without informing the PAC.

So, did the ANC strike a deal with the Government or not?

However, all what this fracas might mean is that the negotiations stage is now minus one more player, despite the PAC leadership's optimism.

The PAC's leadership - on the whole issue of negotiations - has been under the constant scrutiny of its formations, the militant student wing Paso, African Women's Organisation and its youth wing.

There have also been rumblings within the PAC membership itself and the leadership faces ominous pressure to stick to its erstwhile stance of non-collaboration.

The dissatisfaction within some quarters in the PAC's ranks thus seems set to pressure the leadership to completely disengage from any negotiations.

Others demand that disengagement should prevail if negotiations are not about modalities of setting up a constituent assembly and transitional mechanisms - the reason that PAC leaders have said led the organisation to talk to the "regime".

But then this, the demand for a constituent assembly, was a major unifying factor between the ANC and PAC and that led to the successful launch of the PF in Durban.

When it walked out at the Jan Smuts Airport multiparty preparatory talks on November 30, the PAC charged that the constituent assembly was not even discussed. All its PF partners - the bantustans and the tricameral parliament representatives - appeared to agree with the "regime" in spite of the Durban consensus.

On this score alone it is, therefore, unlikely that the PAC will participate in the Congress for a Democratic South Africa on December 20 and 21. This, in spite of Nelson Mandela's statement that the PAC's walkout was a "storm in a tea cup", was revolutionary posturing and its non-participation would not stand in the way to Codesa.

This will also mean the stillbirth of the Patriotic Front of comrades united against apartheid and the perpetuation of political feuding among the liberation movements.

## THE TRANSITION AND ITS OUTCOME - THE ANC PERSPECTIVE

Whoever controls the process of transition can condition the character of the process - how democratic it is - and the outcome of the process. The ANC believes that an interim government comprising all the major parties can best ensure that the process is participatory and inclusive and that the outcome will be democratic, writes **RAYMOND SUTTNER**, head of political education and member of the National Executive Committee of the ANC

THE ANC seeks a democratic outcome to negotiations - that is, we seek peace under a democratic constitution. For there to be peace, there must be democracy without any artificial mechanisms aimed at shortcircuiting the impact of majority rule. We support legitimate checks and balances, such as a bill of rights, but we reject NP attempts to undermine the impact of majority rule through any form of minority veto.

But let us start from where we are now - and that is in a period where the apartheid regime is managing the entire process of transition. It determines the conditions under which players operate politically and the degree of political freedom that they enjoy. The ANC was unbanned in February 1990 but it has never enjoyed the freedom of political activity allowed to pro-government organisations. It continues to be the object of police harassment and violence.

NP control over the process can also have a major impact on what is negotiated. Current economic restructuring is aimed at depriving a future majority rule government of the opportunity to redistribute wealth. Furthermore, after introducing the NP constitutional proposals, De Klerk threatened that the government has the power to prevent adoption of a constitution incompatible with the values found in their proposals. He said they would not hesitate to use that power. In other words, NP conceptions of democracy would have to provide the framework within which alternatives can be advanced.

We therefore are in a situation where the government of the day is also a party to potential negotiations. It is most likely to secure its interests, it believes, if it deals with an ANC of a particular type. It is trying to use its power as a government to influence the character of the ANC. Take for example, the government's obsession with preventing mass action. To prevent mass action on the part of the ANC is to deprive the ANC of its power base and to sever the links between its leadership and the masses. To do this is to transform the ANC's character. This is partly what motivates the continued unsolicited advice, that the ANC become a political party. What is meant is not so much becoming a political party, as such, but becoming an organisation which is not "encumbered" by a mass constituency. It is thought to be

easier to sell a deal to such an organisation, which would be powerless while the NP have power.

It is also a government that would like the negotiations to have a particular outcome and De Klerk's threat indicates that it is not open to alternatives that militate against some form of group veto - which is hardly disguised in the most recent NP proposals. The ANC demand for an interim government of national unity is based on these factors, where the government is both a negotiator and controller of the process of negotiations and it seems, determined to set limits on what the outcome can be. Whoever controls the process of transition can condition the character of the process - how democratic it is - and the outcome of the process. We believe that an Interim Government (IG) comprising all the major parties can best ensure that the process is participatory and inclusive and that the outcome will be democratic.

Such an IG must level the playing fields - that is, ensure that all parties can in fact operate freely, spreading their message, recruiting members and canvassing support for future elections for a Constituent Assembly. We believe the Constituent Assembly should be the body to make the constitution.

The demand has gained widespread support in recent months. The Inkathagate scandal and the extensive evidence of government complicity in the violence have demonstrated before the public what the ANC has long alleged about government partiality.

In so delicate a situation as ours the process of transition needs to be managed by an authority enjoying widespread support. Otherwise it will fail. And we cannot afford it to fail. The current violence is already doing damage that is likely to have long term implications. Any patriot must feel an obligation to see it ended. The current government has shown that it is unwilling to end it. It has failed to meet its obligations to release political prisoners under the Pretoria and Groote Schuur Minutes. It has placed obstacles in the way of returning exiles and continues to place barriers in the way of creating a climate for negotiations. We believe that the continuation of this government in office is the major obstacle in the way of negotiations, in the way of the

“*Electrical energy is the common factor that binds us in our quest for a better quality of life for all our peoples. By concentrating on the positives, on common development factors, we are building bridges for tomorrow. I believe that electricity could be a catalyst not only for illustrating the interdependence of all Southern African states, but also for stimulating a new development in our subcontinent.*”

Dr. John Maree, Chairman  
Eskom Electricity Council



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ANC cadres at a rally

process leading towards peace. It must go. If the IG is central to the process, what should the outcome be? The ANC has not got a constitutional blueprint. There is a discussion document drawn up by our Constitutional Committee that lays down principles and structures for a future democratic constitution. A draft bill of rights has also been prepared. Although these do not have the status of official policy, when such policy is finalised it is unlikely to differ substantially from these documents.

The ANC's constitutional proposals derive generally from the Freedom Charter, adopted in 1955, after a mass campaign to establish the demands of ordinary South Africans throughout the country. The constitutional proposals elaborate on this document, which is rather general in its formulations and accommodates new demands that have come to the fore.

It is important to stress that the ANC is putting these proposals forward for discussion in our own ranks in order to prepare our membership and followers to make an impact on negotiations. When they vote for representatives to the Constituent Assembly it is intended that they will have some idea of the constitutional vision that the particular organisations advance.

But we are also trying to take these discussions to the public in general. Our object is not to create an ANC constitution, but one that is broadly acceptable to all patriotic South Africans, all who want peace and justice to prevail. That is why we are prepared to make compromises necessary to win that broader loyalty, as long as these do not undermine the overall democratic impact of a new constitution.

The ANC proposals provide for a unitary state, with two houses of parliament, both elected on the basis of one person one vote and through proportional representation. The second house incorporates regional representation, though this is not federal in character. The second house will have a limited power to delay legislation, but unlike the NP proposals, no veto power. The power of parliament is not untrammelled and individual liberties would be protected by a bill of rights. Infringements would be examined by courts of law.

The ANC believes that the people should govern and that the basic democratic form that this should take, is through a party or organisation obtaining majority support having the right and constitutional capacity to rule.

But does this mean that the ANC is indifferent or hostile to minorities? Minority privileges and vetoes, yes. But legitimate rights of minorities and majorities are constitutionally protected. Every person or group has the right to practise their religion, culture and language, whether they are a minority or part of the majority.

The ANC proposals provide for provincial and local structures but they enjoy powers that are delegated from parliament and are not autonomous as in the NP and Democratic Party proposals.

The ANC is opposed to a federal option for South Africa. This is not because of a desire for "excessive centralism" or a lust for power. In fact, the ANC is committed to seeing the development of local level democracy, where people are directly involved in controlling their own lives. We have encouraged this in mass democratic structures.

What basis is there for a federal solution? In South Africa, it has been pointed out, it is the centre that has character as a state entity and there are no regions with a character sufficiently distinct to be natural bases for sovereignty. Normally a federation is established through sovereign entities uniting into a larger whole, rather than the larger entity distributing its power to regional entities.

Economically SA is an integrated unit. There are no areas that are autonomous or self-sufficient. Culturally, despite apartheid, South Africans of all races share a great deal - for example the Christian religion being the persuasion of some 80 percent of the population.

It is hard not to be cynical about the federal demand. Albie Sachs has remarked:

"For nearly eighty years, to quote the official motto, Unity has been Strength. Only now that the prospect of universal suffrage is on the near horizon, does Unity suddenly become Weakness." The ANC has not struggled for so long in order to create a toothless parliament. People want the vote for what the vote can do. We want a strong, but democratic state with the power to tackle and eradicate the legacy of apartheid and to create decent living conditions for all.

White South Africans should not fear democracy. The ANC is committed to non-racialism. The sooner we have majority rule the sooner the conditions for peace can be created.

## WE NEED A STRONG DOWNWARD DEVOLUTION OF POWER

The Inkatha Freedom Party has taken note of the evidence that no amount of centrist political power can overcome the inherent difficulties in an ethnically heterogeneous population, but the people must rule, declares IFP president

**MANGOSUTHU GATSHA BUTHELEZI**



NON-VIOLENCE and negotiation have been the guiding principles of my political career. I have never for a moment doubted that South Africans were themselves quite capable of ending apartheid and of establishing democracy in our country. That is why we have always rejected the armed struggle.

That too is why we have consistently called for a National Convention to enable all parties to author a new constitution under which a majority of all race groups could be governed as they wished to be governed.

I have always argued against expecting South Africans to unite in making constitutional leaps into the dark. Negotiations about a new constitution should continue until consensus is reached about the kind of constitution we need. Once consensus has been reached, the new constitution should become law through an act of the South African parliament.

It is only in this way that black and white will be brought together to act in unity. We will need this unity if threats, which are always present in times of radical change, are not to become

disruptive.

I established the Inkatha Freedom Party as a membership-based organisation committed to constituency politics and committed to bringing about change through negotiations. In the 1970s, we brought the Buthelezi Commission into being. The commission drew its commissioners from all walks of life and all race groups and was open to all political parties which wanted to participate in it.

The commission sat in serious session for nearly two years and produced a set of recommendations which the IFP and the KwaZulu Government accepted in principle. The hard work that went into the commission, and the recommendations arrived at, will not be lost, because the IFP and the KwaZulu government will take cognizance of the work of the Buthelezi Commission in its own approach to negotiations about the new South Africa into which we are now entering.

The IFP and the KwaZulu government will also take serious note of the constitutional proposals of the KwaZulu/Natal Indaba.



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The recommendations of the Commission and the Indaba will be used as a base line from which the IFP involvement will proceed.

The IFP is very aware that the progression into the Buthelezi Commission and from it into the KwaZulu/Natal Indaba is a progression which must continue into the future. It was along this progression that negotiations for a Joint Executive Authority took place. The JEA is the first leg of an unfinished journey into the future. It was established with a view to going on to establish a Joint Legislative Authority.

This brings me to the second point I want to make after having said that there is a need to maximise continuity in the process of change. It is that it would be extremely difficult to over-emphasise the importance of regionalism in South Africa's constitutional development.

If we want peace in this country and if we want negotiations for a new multi-party, non-racial democratic South Africa to proceed at maximum pace and with the greatest certainty, then we will have to accept the need for massive devolution of power downwards from the Central Government to the Regional Governments.

Majoritarian principles will have to hold sway in whatever constitutional arrangement we arrive at. The people must rule and majorities must forever be important. The IFP, however, has taken serious note of what has happened in the USSR, in East Germany and in the Baltic States as country after country and region after region gave evidence that no amount of powerful centrist political power could overcome the inherent difficulties in an ethnically heterogeneous population.

The IFP's and the KwaZulu Government's credentials, as far as racism is concerned, have been clearly established by the Buthelezi Commission and the KwaZulu/Natal Indaba constitutional proposals, which we accept in principle.

We believe that cultural, economic, democratic and political factors should all play a very important part in determining future state or provincial boundaries for the constituent parts of the new South Africa.

In this regard we accept the nine development regions as worthy of study and geographic amendment to determine areas of jurisdiction for second tier government of the future.

The IFP sees a great need to bring government closer to the people. This can only be achieved by establishing consensus as a vital principle in the country's future political system. We believe that cross-cutting checks and balances should be built into a future constitutional arrangement. These would make a central government dependent upon the approval of regional government for its political programmes.

We believe that a strong downward devolution of power should be associated with a constitutionally entrenched Bill of Rights and with a set of proposals for minority group protection. We believe the regional government authorities and their tax bases should similarly be entrenched.

Entrenched clauses, like the rest of the constitution, should be put under the jurisdiction of the country's courts. These courts should be beyond party political control by making the constitution and action by the Executive arm of Government subject to Supreme Court intervention.

The IFP proposals are made to enrich the debate about the new South Africa and should not be seen as all-or-nothing proposals. Debate must be vigorous, honest and progressive and no political party should adopt constitutional non-negotiables, which are beyond the reach of give and take politics in which the spirit of compromise should prevail.

(This is an edited version of Mr Buthelezi's preface to the IFP's proposed constitution for South Africa.)

## 'DISBAND AND RECONSTITUTE CODESA'

The Conservative Party believes that its solution for the future - two or more states - is fair, realistic and moral. **ZB DU TOIT**, spokesman for the CP and editor of its mouthpiece, *Die Patriot*, defends this position

BECAUSE of the diverging values of the different components of the population, the CP is convinced that a constitution is no solution to South Africa's problems.

A constitution can only succeed if it is the expression of an already existing communal value system. It is totally futile to use a constitution as a method to try and bring about a non-existent consensus on values.

Another reason why a constitution will fail as a mechanism to defuse conflict, is that it is per se applicable to a unitary dispensation and thereby negates ethnic aspirations.

Attempts to draw up a constitution for South Africa as a unitary state are a step backwards in the light of the narrow link between conflict and ethnic diversity. Moreover, events of the last year have proved beyond doubt that there often exists a reciprocal link between ethnic diversity and the level of conflict: the bigger the ethnic differences, the more intense the clashes. Because South Africa has some of the most diverse ethnic groupings in the world within its borders, it is heading for conflict if the lessons of especially history since World War II are

not heeded.

The CP is convinced that it is the one political grouping in South Africa that is taking proper cognizance of the two historical driving forces of our time: democracy and the right of nations (volke) to political freedom.

The party believes that it would be foolish to ignore any one of these two forces in the quest for a solution to South Africa's problems.

With these realities in mind, it is clear that the Convention for a Democratic South Africa is not an honest quest for a solution to the country's problems.

This meeting unfortunately occupies itself with only one facet of South Africa's problems, namely the legitimate demand for political rights.

The other serious question, the desire of peoples (volke) to freedom, is not addressed at all as part of the non-negotiables. Codesa has put itself on a flawed moral basis through this neglect. Democracy has no higher moral hierarchy than the self-determination of nations (volke).

Because an individual can only enjoy full human dignity when his nation (volk) has political freedom, any proposals from Codesa will furthermore affect the principle of human dignity. The CP believes that Codesa, because of its neglect to recognise the realities, constitutes the prelude to serious conflict in South Africa. The negotiations will simply result in majority rule and the domination of smaller peoples; a sure recipe for violence and conflict.

Therefore the CP believes that Codesa should be disbanded and be reconstructed so that South Africa's problems can be addressed properly.

Until that happens, the CP will not consider taking part.

#### Vision for the future

Because the CP recognises the divergent values and aspirations of the different ethnic groups in South Africa, it believes that nations who strive towards that have the right to self-determination and independence.

By the same token, other nations and groups should not be forced or prescribed to in any way to conduct themselves in a particular way in the political field. If particular groups decide to merge with other groups in a multi-ethnic dispensation it should be their right to do so.

Because the CP represents by far the majority of Afrikaners it can state with great assertiveness that the Afrikaner will not accept any system that does not acknowledge his freedom. In this

matter the Afrikaner has the support of tens of thousands of other language speakers that could be assimilated.

If the beliefs of political parties and organisations are taken into account, the CP believes a dispensation that provides for the freedom aspirations of the Afrikaner nation as well as full political rights to individuals necessitates two (or more) states. The CP believes that two such states should be the result of a historical settlement reached by the political role players. Such a settlement can, however, only be reached if everybody accepts the extent of the problem and attempts to find partial solutions are stopped.

The CP has the will to negotiate meaningful boundaries for a future dispensation but only on the condition of fairness to all. The party is further of the opinion that meaningful bilateral negotiations are possible to facilitate the gradual exchange of citizens.

In this way a dispensation can be created consisting of: a state on the one side that embodies Afrikaner aspirations and a state on the other side founded on the basis of multi-ethnicity. A confederal relationship should be considered very strongly. This solution will be destroyed if it is preceded by prolonged violence. A harmonious neighbourly existence will be enhanced if the concept of two states are peacefully negotiated as a necessary part of the solution.

The CP is convinced that its vision for the future is realistic, fair, moral, and the only way to prosperity and harmony.

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## CAN POLITICIANS DO EVERYTHING?

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Politicisation should be positively utilised by specific interest groups in their areas of interest, argues **PROFESSOR ADRIO KÖNIG**, Head of the department of Systematic Theology at Unisa

CODESA starts on 20 and 21 December, and there are probably only a handful of extremists who do not welcome it. Codesa will present a challenge to South African politicians to switch from one kind of democracy to another, from conflict politics and majority rule (winner takes all) to a negotiated settlement (and many negotiated settlements in the future) and communal politics, i.e. a political dispensation in which minority parties also play a role. Of this white people have very little experience, while the cultural background of most black people leaves more opportunities for community and communal effort.

A very noticeable feature of the invitation to Codesa is that only political parties or groups are involved. Do we really think that politicians alone can work out a new dispensation for our total society? After all, they look at our society from a particular angle, and furthermore, they must constantly keep in mind the approval of their power base.

This considerably restricts their manoeuvrability during negotiations. Most politicians had to toe their party line for most of their lives, which means that their ability to think in an original way is not necessarily well-developed.

Surely, our society consists of more interest groups than only political parties. There are cultural interests, economic, social, health, labour, education, religious and judicial interests, and many more.

What immense influence could representatives from these groups not have on Codesa?

In fact, two of these groups have played a role in the immediate past - but a conspicuously limited one. A previous state president summoned leading business people to discuss national problems with them (the Carlton conference). A number

of religious and business leaders facilitated the beginning of Codesa (at the Sandton conference).

We are thus aware of more than only the politicians when important national issues are at stake. But unfortunately only in a limited way. The religious and business leaders could only facilitate, not really take part. Once Codesa takes off, they will merely be spectators. And legal practitioners may chair Codesa, but once more only as facilitators, not as participants.

This reflects an attitude that has left us very poor indeed. Our society is negatively politicised.

One can use "politicise" in a positive sense as well: all people in a society should be politically aware and open minded. It has often been said that the black youth are far more politicised than the white youth because their lives are so dramatically limited by political decisions in which they could have no say. This kind of politicisation is healthy, provided that it stays within bounds. When young children start taking part in political marches, (as in the black society) or collect signatures for political petitions (as in the white society) it becomes a little extreme.

But a society can be politicised in an extremely negative way - and this is our problem. We have developed a long tradition in which the government is expected to do everything. Every new problem or need must be addressed by another minister or government department. For this reason almost our entire society is up to its knees in politics as regards education, defence force, health, you name it. And this is the reason most of this society is in such an appalling condition. A government is not meant for such work.

The particular interest groups must look after their interests themselves. A government's job is to provide the guarantee that

equality and justice will prevail among the interested groups. In this way the space is created for groups to manage and further their own interests. It involves people who have a direct interest in particular problems, instead of painful bureaucracy and government departments.

If our society was structured in the way described, these groups would all be able to make essential contributions to Codesa. Not only political parties, but the society itself would then be involved in its own future. And politicians would then come

into their own: they will make a contribution to their limited field of managing the relationships between interest groups, and deciding how the government that must achieve this should be realised and constituted. More, much more than this, however, is to be negotiated by Codesa.

The steering committee must seriously consider, even at this late stage, to invite interest groups as full participants to the conference.

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## WHAT THE PAC WANTS

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**BARNEY DESAI**, Secretary for Publicity and Information of the Pan Africanist Congress, sets out the PAC's views on a transitional authority and constitutional proposals



THE Pan Africanist Congress, at its first conference held in the country (after an enforced interruption of 31 years), decided that the constitutional way forward to democratic rule would be through a Constituent Assembly, elected on the basis of one person one vote, on a common voters roll, in a unitary state. It is this forum that should fashion the new constitution embodying the will of the people. We decided that we would engage the regime to discuss the modalities for the convening of the Constituent Assembly.

In our view, the process of change should be overseen by a Transitional Authority to insure that the election is free and just. We assert that control of the security forces, the electoral media and the monitoring of the electoral process in conjunction with some form of international participation is essential. The Transitional Authority must be of a limited duration and must not implement existing apartheid laws.

Clearly our proposals are in line with our conviction that the transfer of power to the people ought to occur in circumstances where there is legitimate authority acting on a democratic mandate. A sovereign interim government will not have such a mandate and will ipso facto lend itself to managing the crisis created by apartheid.

What are our ideals for a democratic future? These are clearly set out in the United Nations Consensus Declaration of 1989 which, together with the ANC, we co-authored and are, inter alia:

1. South Africa shall become a united, non-racial and democratic state;

2. All its people shall enjoy common and equal citizenship and nationality, regardless of race, colour, sex or creed;

3. All its people shall have the right to participate in the government and administration of the country on the basis of universal, equal suffrage, under a non-racial voters' roll, and by secret ballot, in a united and non-fragmented South Africa;

4. All shall have the right to form and join any political party of their choice, provided that this is not in furtherance of racism;

5. All shall enjoy universally recognised human rights, freedoms and civil liberties, protected and under an entrenched bill of rights;

6. South Africa shall have a legal system that will guarantee equality of all before the law;

7. South Africa shall have an independent and non-racial judiciary;

8. There shall be created an economic order that will promote and advance the well-being of all South Africans;

9. A democratic South Africa shall respect the rights, sovereignty and territorial integrity of all countries and pursue a policy of peace, friendship and mutually beneficial co-operation with all peoples.

The historic Patriotic Front conference has fully endorsed the essentials of the very consistent policies of the PAC with regard to the terms on which there can be negotiations with the regime. It has put the issue for a Constituent Assembly beyond debate. Differences that do exist on the question of Interim Government/Transitional Authority, can, we believe, be resolved by a conscientious effort to reach consensus.

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In January 1992 IDASA will transform its Johannesburg office into a TRAINING CENTRE FOR DEMOCRACY, designed to offer more in-depth programmes on the history, philosophy and practice of democratic values in all aspects of society. Short courses conducted by specialists will be available to grassroots organisations, business and individuals.

### Some other project highlights for 1992:

- \* A POLICE FORCE FOR A DEMOCRATIC SOCIETY
- \* DEMOCRACY THROUGH THE MASS MEDIA  
A multi-faceted programme involving the press, television and radio to enhance public understanding of the transition process and the need for a culture of democracy.
- \* YOUTH PROGRAMME  
Two key events to involve young people in programmes that focus on the potential and future of youth who have lost out on education due to the political turmoil in the country.
- \* AFRICA PROGRAMME  
Building on its African links, IDASA has scheduled further initiatives for 1992 to draw South Africans closer to the rest of Africa and to bring leading Africans to South Africa.

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## THE PIVOTAL DISPUTE: WINNER TAKES ALL VS CONSENSUS POLITICS

Coalition politics is here to stay and will play a critical role in shaping the negotiations process. This is the view of **SESHI CHONCO**, Director of Programmes at the Institute for a Multi-Party Democracy, who analyses the latest political developments

ON Friday November 29 South African politics reached a threshold. Old political enemies and friends came together to deliberate over the future of South Africa.

The coming together was not only important because it was the beginning of real politicking.

For some time now South African politics has been characterised by system and anti-system politics. The key contenders have enjoyed the luxury of making rhetorical policy pronouncements without locking themselves into detail.

South African politics has suffered a lot from semantological gymnastics camouflaged in public expressions such as interim government, transitional government, interim arrangement, pre-constituent assembly arrangement.

November 29 marks the end of this terminological gymnastics and starts the beginning of serious politicking.

About 19 parties attended a meeting at Jan Smuts Holiday Inn to begin multi-party negotiations for a new constitution. The conference, even though marred by the absence of Azapo, the CP and the PAC's withdrawal, was successful in that South Africans with major differences of opinion sat together and acknowledged an urgent need to resolve the South African question.

The success of the meeting was beyond anyone's expectations. Dr Gerrit Viljoen, captured the spirit well when he declared that the meeting "signifies a clear irreversible and definite break with the past."

The meeting, according to Dr Frank Mdlalose, national chairman of the Inkatha Freedom Party, demonstrated that South Africans could overcome "the difficulty and divisions of apartheid and the violent society it had created".

The meeting itself ended on a promising note, resulting in the creation of a negotiation forum, the Codesa.

### Legitimacy and representation

Codesa seems to mean many things to different people. To some, it is a negotiation forum, whose task is to prepare a way for a Constituent Assembly. To others it is an interim government structure that will work hand in hand with the present government while negotiations are in progress.

Codesa thus faces a challenge to clearly define itself through its terms of reference as to what it is from what it is not.

It is this confusion over semantics that made the PAC think that the meeting that led to the birth of Codesa was to define modalities for a Constituent Assembly, only to discover that the meeting and the participants had a completely different agenda. The question of definition of terms of reference is also closely linked to that of representation - who is going to be represented in Codesa? At this stage this has not been clearly defined. So far Codesa's steering committee has decided that all parties be

invited to the forum.

But that decision has since been clouded by a demand from Inkatha that the KwaZulu government and the Zulu nation be given independent status respectively. Furthermore, Fida has decried the fact that it has been left out when it claims to have more supporters than the AWB. Once again the question is: what is the threshold to decide which party must participate and on what basis?

Dr Zac de Beer has argued that participation in Codesa be limited to political parties. While this is a start towards definition of participating organs, it is still unclear. How does one arrive at what constitutes political parties in a country where political parties, liberation movements, civic associations and trade unions sometimes operate as one and the same thing?

Unions have operated more as political parties, therefore De Beer's point is still insufficient to help clarify the question of representation. There is also a suggestion that political parties that can demonstrate about four percent support, based on proportional representation, would be allowed to participate in the negotiation forum. While this is a reasonable point of departure, so far the mechanics of doing this have not been clearly defined. A temptation to make the negotiation forum a free for all museum, may undermine its legitimacy.

Codesa also faces another critical challenge; to be legitimate, it must comprise a multiplicity of political views. That implies that it must reach out to the left, right and centre of politics. In order to do so, it will have to give assurances to the parties that are now outside the forum that their aspirations will be placed on the agenda.

Such parties as the AWB and the CP have called for self-determination outside of the SA state and will only participate in Codesa provided they receive assurances that their aspirations will be realised.

The call by these parties in a sense renounces the South African statehood and goes against the grain of Codesa.

Can Codesa succeed to persuade these parties to participate without alienating participation by liberation movements? What if these parties still refuse to participate? No, Codesa's task is to deliver the goods. It must move quickly towards demonstrating that it is an institution that can make SA move towards a new constitution. If it succeeds in acting rather than talking, then it would become acceptable. Put bluntly, its success will be measured by its ability to put Thabo Mbeki, Pandelani Nefolohodwe, Benny Alexander and Frank Mdlalose in the Union Building.

While this may sound simplistic, in politics appearance is as important as reality.

If Codesa can make it possible for legitimate leaders to participate in government and exercise responsibility with power, it



In step? FW de Klerk and Nelson Mandela

can succeed in legitimising itself, albeit temporarily. In the end, parties that operate outside of Codesa will have to catch up with the negotiation train, and may do so.

So far Codesa has been given several tasks, including the creation of a free political climate and to look at transitional arrangements.

Two approaches have emerged over how South Africa can advance a new constitution.

One is the argument presented by the Government and the IFP that a constitution can be drafted by the all-party convention and as such there is no need for a Constituent Assembly.

The second approach is that advocated by the ANC and the PAC, that only a Constituent Assembly can draft a new constitution. The first school argues that South Africa is a sovereign state and the Government is a de facto one, recognised internationally as legitimate.

For the second school, a Constituent Assembly is the only legitimate form of people's expression. A Constituent Assembly, constituted on the basis of one man, one vote, will ensure that the type of constitution that is drafted is representative of the legitimate aspirations of the majority.

Thus the Constituent Assembly school is sceptical of an all-party convention writing a constitution, because such an all-party forum is subject to manipulation by minority interests.

Once again, a Constituent Assembly is a means to real political power, it is not an end. The primary objective is the pursuit of state power and therefore it is possible, but not improbable, that the ANC could settle for an all-party settlement that delivers political power without necessarily riding the Constituent Assembly train.

There is already a pointer towards this.

The ANC has agreed to allow Codesa to look at general constitutional principles and this creates the possibility for an all-party congress to draw up a constitution and then put it in a popular referendum for approval.

There is already a convergence of views around constitutional principles from the ANC, DP, IFP and NP.

These views come out very clearly in their constitutional proposals.

To begin with, they all advocate democracy and acknowledge the principle of universal franchise.

They have all proposed bicameral legislatures involving a

system of proportional representation. All parties have proposed a united South Africa, integrating TBVC countries with some federal power arrangement.

All parties support devolution of power and have proposed elected regional and local authorities.

However, there continues to be substantive differences.

Reading through all these constitutional proposals, the serious challenge is whether consensus politics or the majority rule principle will prevail.

If the tradition established by Codesa is to be taken seriously, sufficient consensus rather than majority rule principle will decide the next course of negotiation politics.

At this stage Codesa will either write the terms of reference for a Constituent Assembly or evolve into such an assembly itself. Indications point to the latter rather than the former.

It is clear that these constitutional proposals are not put forward as final positions but are meant for discussion and debate. Some of these proposals will be modified in the process of negotiation. It is certain, however, that the proposals from the various parties will have a major influence in shaping the negotiation debate. The ANC and its allies will call for a political system which will produce a winner takes all situation, while the NP and IFP will call for consensus politics.

It is unlikely that both these positions will prevail. Rather, what will emerge is a system characterised by coalition politics.

It is here where minority parties will exercise a decisive influence.

Furthermore, indications are that negotiation politics will deliver a unitary state with a strong but limited central government and some form of federal regional arrangement.

The ANC may have to compromise on a federal principle at a regional level, thus acceding to the devolution of power to regions.

The NP may relinquish its call for multiparty presidency and opt for a single, directly elected president or president elected by the majority party in parliament.

Because of the plural nature of South African society, coalition politics is here to stay and will play a critical role in shaping the course of negotiations.

(The views expressed in this article does not necessarily reflect the views of the Institute for a Multi-Party Democracy.)



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**Everyone must  
enjoy  
human rights**

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