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**COUNCIL OF MINISTERS**

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**CM/1692 (LV)**

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**REPORT OF THE SECRETARY GENERAL ON THE SITUATION  
IN SOUTH AFRICA**



Cm/1692

**MICROFICHE**

**REPORT OF THE SECRETARY GENERAL ON THE SITUATION**  
**IN SOUTH AFRICA**

*This Report, which covers the period between June 1991 and February 1992, attempts to evaluate some of the major developments that have taken place on the road to democratic and constitutional rule in South Africa.*

2. *It is increasingly being established that major developments and pronouncements usually take place or are made either at the beginning of the year or at the end of the year. Predictably, February 1992 may bring something new. The period in between usually witnesses efforts at implementation of pronouncements made by the Government, while at the same time the endemic violence that has plagued the country in recent years, has continued to deteriorate. The period has also witnessed preparations by the Parties for the commencement of Negotiations for a democratic South Africa. It has been agreed that the All Party Conference, officially labelled "Convention for a Democratic South Africa (CODESA)" should be held 20 December, 1991. The commencement of CODESA, is dealt with in this report.*

**The 48th National Conference of the ANC**

3. *The first significant event in South Africa following the Abuja Summit was the convening of the historic National Conference of the ANC from 2 to 7 July, 1991, in Durban. There were about 360 International Guests representing 56 countries and International Organizations such as the OAU and the UN Special Committee Against Apartheid. Among the International Guests were the representatives from the frontline States, Nigeria, Algeria, Egypt, Kenya, SADR, Senegal, Ghana and Libya. Members of the Parliaments from Japan, Australia, New Zealand, Asia, Europe and Congress Men and Women from the US, were also present.*

4. *In sum, the Conference renewed the mandate of the National Executive Council (NEC) and provided general guidelines on some specific issues such as negotiations and sanctions. It also elected its office-bearers as well as members of the NEC.*

5. *The Conference reaffirmed its commitment to negotiations bearing in mind the following strategic stages as stipulated in both the Harare and UN Declarations:*

- " a) *The removal of obstacles to negotiations;*
- b) *The establishment of interim measures to oversee the process of transformation from apartheid to a new democratic order;*
- c) *The adoption of a new democratic Constitution, the democratic election of a parliament and the establishment of a new government."*

6. *On sanctions, the Conference decided on a three-phase plan for the lifting of sanctions. These are:*

- " a) *The removal, by the regime, of obstacles to negotiations as stipulated in the OAU and UN Declarations, as well as the taking of effective measures by Pretoria to end violence;*
- b) *The installation of an interim government according to 'agreed transitional arrangements and modalities..... of the transition to a democratic order' (UN Declaration);*
- c) *The adoption of a democratic constitution, and the holding of elections for a non-racial parliament".*

7. *The Conference elected the following officers:*

<i>National Chairman</i>	:	<i>Oliver Tambo</i>
<i>President</i>	:	<i>Nelson Mandela</i>
<i>Vice-President</i>	:	<i>Walter Sissulu</i>
<i>Secretary-General</i>	:	<i>Cyril Ramaphosa</i>
<i>Asst. Secretary-General</i>	:	<i>Jacob Zuma</i>
<i>Treasurer-General</i>	:	<i>Thomas Nkwobi</i>

8. *The significance of the Conference, for the purpose of the unfolding political process, must be seen in terms of the renewed confidence it has imbued the ANC leadership to pursue the negotiations leading to the transformation of the South African Society. It will be recalled that the PAC had held its National Congress earlier on in the year.*

*The Formation of the Patriotic/United Front*

9. *The next major development on the way to Negotiations was the formation of the Patriotic/United Front of the oppressed political formations. The decision to forge the Patriotic/United Front was arrived at a Conference held in Durban from 25 to 27 October, 1991, under the auspices of the ANC and PAC. It was attended by ninety-two (92) Organizations and Associations representing political, cultural, religious and sports bodies and trade unions as well as representatives from the Bantustans, traditional chiefs also attended. Notable absentees from the Conference were the Inkatha Freedom Party (IFP) and the Azanian Peoples' Organization (AZAPO), even though they were invited to participate.*

10. *At the end of its exhaustive discussion, the Conference adopted a Declaration reflecting its common position on various issues of concern, pre-eminent among them are:-*

- *the call for the convening of an All Party Congress/Pre-Constituent Assembly Meeting to define the Constitutional Principles and modalities of a new Constitution;*
- *the formation of an Interim Government/Transitional Authority;*
- *the re-incorporation of the Bantustans;*
- *the election of a Constituent Assembly on the basis of universal suffrage to draft the new democratic Constitution as well as the definition of the role to be played by the international community; and*
- *agreement on a time-frame from the establishment of a democratic order.*

*The Conference also agreed to reconvene within six months to review progress made.*

11. *The formation of the Patriotic/United Front, even at this time, is a significant development of immense proportions. It holds the promise of an insurance against manipulation by the enemy at the negotiating table. It may be recalled that the need for a united front of the National Liberation Movements and all democratic forces have been stressed at almost every session of the Council of Ministers and the Assembly for the last decade. It is a measure of great satisfaction and immense joy that the repeated appeals of the OAU have begun to bear fruits. The credit for this goes entirely to the two National Liberation Movements, the PAC and the ANC.*

12. *It must however, be pointed out that the foundation for the Front is still fragile and would still require a great deal of deft footwork to make it solid. For one thing, the absence of the Inkatha Freedom Party and AZAPO from the Front is a setback that requires a redoubled effort to ensure their admission into the Front. Secondly, even the main actors in the drama, the PAC and the ANC, have begun trading accusations and counter-accusations just before and after the CODESA preparatory meeting of 29 to 30 November, 1991 for substantive negotiations. It is the hope that the leadership of the two Movements will strive to eliminate all provocative acts in order to maintain a united front at the Negotiations.*

13. *It must be mentioned for the record that at the Seventh Session of the Ad-Hoc Committee of Heads of State and Government held in Abuja on 29th July 1991, and at the request of the National Liberation Movements for financial assistance towards the convening of the Conference of the Patriotic/United Front, the following countries promptly responded as follows:-*

- |    |   |                        |
|----|---|------------------------|
| 1. | <i>Nigeria</i>  | <i>US\$ 250,000.00</i> |
| 2. | <i>Uganda</i>   | <i>US\$ 20,000.00</i>  |
| 3. | <i>Tanzania</i>   | <i>US\$ 20,000.00</i>  |
| 4. | <i>Botswana</i>   | <i>US\$ 20,000.00</i>  |
| 5. | <i>Zimbabwe, Algeria and the Congo pledged to contribute.</i> |                        |

14. *Just as the parties in opposition have been preparing themselves for the All Party Conference, so also has the other major actor, the ruling National Party been preparing itself and dropping hints as to what it can accept and what it cannot accept, as well as issuing threats like... "The National Party is not prepared to allow the ANC or any other party or movement to takeover power... Domination spells disaster". Admittedly all the parties have been making public pronouncements on their positions, such a public posturing as quoted above by the State President should not be taken lightly even though one is tempted to ignore it as the last kicks of a dying horse. The statement clearly undermines the regime's commitment to democratic change.*

*The CODESA Preparatory Meeting*

15. *Another significant development within the reporting period is, without doubt, the Preparatory Conference of some 20 political organizations, including the major ones as well as delegates from Homelands and the Coloureds and Indian Chambers of Parliament, was held from 29 - 30 November, 1991. As the name implies, the Conference was to set the agenda for the forthcoming constitutional negotiations and to iron-out all other critical issues that might impair the work of the Constitutional negotiations.*

16. *Notable absentees were the Conservative Party, Hersligte Nasionale Party, the Afrikaner Weerstandsbeweging and AZAPO. Similarly, they were absent from the first session of CODESA. It is hoped that efforts would be made for them to attend the subsequent sessions of CODESA.*

17. *The Conference was jointly chaired by two Transvaal Supreme Court judges, Mr. Justice Ismail Mohamed and Mr. Justice Schabert. The Conference agreed that Negotiations for a new Constitution will be formally launched on 20 and 21 December 1991, under the acronym CODESA - Convention for a Democratic South Africa, at the World Trade Centre near Jan Smuts Airport and will be observed by guests from the United Nations, the Organization of African Unity, the Non-Aligned Movement, the Commonwealth, the European Community as well as Representatives from foreign governments.*

18. *The Conference also agreed on the following issues to be included in the Agenda of CODESA:*

- a) General constitutional principles*
- b) A constitution-making body or process*
- c) Transitional arrangements or interim government*
- d) The future of TBVC states (Transkei, Bophutatswana, Venda and Ciskei)*
- e) The role of the international community*

19. *The success of the historic Conference can be attributed to the thorough groundwork and behind the scenes negotiation between the major actors, prior to the convening of the Conference. It is to be hoped that such meticulous preparations and consultations will be much more in evidence when Negotiations get underway. With the success attained at the Preparatory Conference, it can be said that the way has now been paved for the commencement of substantive negotiations on the democratic transformation of the South African society. This initial success should not, however, be allowed to induce a sense of complacency, for the path to substantive negotiations is still fraught with formidable obstacles.*

20. *One of the decisions of the Conference deserves specific attention. The Agreement of the parties to invite the OAU, among other international organizations, to observe the negotiating process should engender a certain response relating to how the OAU could facilitate not only the negotiating process but the entire political process. The problem posed for the OAU is not exactly the same for the other international organizations. The OAU, whether on political or financial grounds, cannot escape its historic responsibility to the people of South Africa.*

*The Commencement of the Convention for a Democratic South Africa (CODESA)*

21. *The much awaited and much-talked about negotiations for a new democratic South Africa under the banner of CODESA effectively began on 20th and 21st December, 1991, at the Johannesburg World Trade Centre amid great expectation and anxiety and in the full glare of the media.*

22. *In all, there were 19 delegations representing political parties and formations as well as the Government of South Africa and the TBVC (Transkei, Bophutatswana, Venda and Ciskei) states. The full list is attached as Annex II. The Conservative Party, the Afrikaner Weerstandsbeweging (AWB), the AZAPO and the PAC boycotted the session. Observers from the United Nations, the Organization of African Unity, the Commonwealth, the Non-Aligned Movement and the European Community were in attendance.*

23. *The first session of CODESA, under the Joint Chairmanship of Justice Schabert and Justice Mohamed, after listening to the opening remarks by leaders of delegations, adopted a Declaration of Intent and set up Working Groups to consider in detail various issues of concern.*

24. *The Declaration, signed by 16 of South Africa's main political organizations, the Government of South Africa and three Homeland Governments, commits the signatories to basic democratic principles including the holding of regular elections, the independence of the judiciary, the supremacy of the Constitution and the separation of powers. It also commits the signatories to abide by agreements reached in CODESA especially on crucial issues such as the Interim Government and a Constitutional Assembly. Two of the Delegations at CODESA, the Inkatha Freedom Party and the Government of Bophutatswana refused to commit themselves in advance of negotiations to be carried out in the Working Groups. Accordingly, they declined to sign the Declaration, even though they agreed to remain in CODESA. The Declaration of Intent is attached as Annex I.*

25. *Five Working Groups were set up by CODESA.*

- *The first Group will aim to create a climate for free political participation as well as to decide on what role to be assigned to the international community;*
- *The second Group establish general constitutional principles and also formulate a recommendation on the constitution making body/process;*
- *The third Working Group is to agree on transitional arrangements or an interim government that could rule South Africa within a year or two;*
- *The fourth Working Group will deliberate on the future of the TBVC states (Transkei, Bophuthatswana, Venda, Ciskei);*
- *The fifth Working Group will establish target dates for CODESA decisions and on how its decisions will be implemented.*

26. *All the Working Groups will carry out their work in terms of the Declaration of Intent. They are expected to commence their work on February 6, 1992 and to submit their reports to CODESA plenary session before the end of March, 1992.*

27. *By the successful outcome of the historic session, South Africa can now be said to have crossed the rubicon on its way to a democratic, non-racial society. To say this, is not to say that the end is here, for there are still major hurdles to clear. The major parties are still poles apart from their conceptions of transitional arrangement or interim government as well as on the mechanism for the drawing up of the Constitution. Some observers believe the twin issue of interim government and constituent assembly constitute the gravest threat to CODESA. Fortunately, the major actors are well aware of this danger. All things being equal and given goodwill on all sides, there is reason to hope that CODESA would be able to pull the chest-nut out of the fire.*

28. *The absence of the PAC from CODESA unfortunately seems to undermine the cohesiveness of the Patriotic Front. The prompt intervention of the OAU at this delicate stage cannot be over-emphasized. The OAU should strive to ensure that the gains made at the Patriotic Front meeting are consolidated and reinforced.*

#### The Violence

29. *If wishes could produce magical effects, the violence in South Africa would long have ceased to feature in this Report. And yet inspite of efforts made to arrest the situation, except for the months of May, June and July, 1991, the violence has continued to sweep through the townships with renewed intensity and ferocity.*

30. *It will be recalled that following the ultimatum given to the regime in April by the ANC to end the violence as a condition for the continuation of the negotiation process, the violence subsided and almost came to a complete stop during the months of May, June and July. This temporary respite reinforced the suspicion that someone was in control of the*

*button that could be switched on and off at the whims of the controller. This has further been reinforced by the sudden outburst of the violence in August, September and October. The National Peace Accord signed in September between the South African Government, the ANC and the Inkatha Freedom Party has not been able to stem the tide of the violence. As of mid December, more than one thousand people have been cruelly murdered. ANC officials continue to be targets for murder squads. According to a study published by the Community Agency for Social Enquiry (CASE), responsibility for the violence in the Reef for the period July 1990 to July 1991, is as follows:*

<i>Inkatha</i>	<i>51%</i>
<i>Police</i>	<i>23%</i>
<i>ANC</i>	<i>4%</i>
<i>Others</i>	<i>22%</i>

31. *It is against such a background that CODESA will be held. It will be too much to expect that the violence will cease, the only thing left is to hope that the violence does not escalate to the point of placing the negotiation process in jeopardy.*

### Sanctions

32. *It may seem irrelevant that this item is being mentioned especially at a time when the question of sanctions is no longer a topical issue. That may well be so, but no one can seriously deny the continued relevance of sanctions even in the face of the tremendous changes taking place in South Africa. The concern for the OAU in recent years has been how to arrest the global erosion of sanctions, not on whether or not sanctions are still necessary. The necessity for maintaining sanctions has been stressed time and again by the higher organs of the OAU. The only thing the OAU has not been able to do is to define its own "programmed management" strategy aimed at arresting the erosion.*

33. *The proceedings of the Abuja Summit on the question of sanctions are still fresh in the minds of many. The Ad-Hoc Committee of Heads of State and Government on Southern Africa met on 29 July, 1991 in Abuja and at the end of its deliberations the position of the OAU on sanctions still remained substantially the same except an appeal to those that had lifted some aspects of sanctions to maintain the remaining ones. This was the position of Africa when the Commonwealth Heads of State and Government met in Harare in October, 1991.*

34. *The Commonwealth Summit adopted the "programmed approach" to the lifting of sanctions, linking their removal to the achievement of specific objectives. Accordingly, the Summit lifted what has now come to be generally known as "people to people sanctions" including the academic boycott and cultural exchanges. Trade and investments will be lifted when constitutional negotiations aimed at transforming South Africa into a non-racial society is underway. Following the adoption and the coming into force of a new democratic constitution, the financial, oil and arms embargo will be lifted.*

35. *The UN General Assembly has followed suit by lifting sporting and cultural boycott. The OAU and NAM remain the only dominant organizations that still insist on comprehensive maintenance of sanctions.*

36. *Some Member States of the OAU are also Member States of the Commonwealth. On very many occasions, the Commonwealth has been made to follow the position of the OAU on African issues through the instrumentality of the African Group within the Commonwealth. The same can be said of the UN, especially the General Assembly. There is no doubt that without the concurrence of the Member States of the OAU in those two institutions, their review on the question of sanctions would not have been possible. If that is so, then the issue for the OAU now is whether it would continue holding on to its position or follow the path of the Commonwealth and the UN. Both in the columns of previous reports*

*and in the statements of the Secretary General to the Council and the Assembly, repeated attempts had been made to draw attention to the need for the OAU to enhance or at least maintain its credibility in the face of the threat of sanction-erosion, by the adoption of a flexible posture that would have enabled the Organization to recapture its unrivalled position on the question of sanctions. Be that as it may, the overriding consideration in determining what position to adopt, must be the credibility of the OAU.*

### Conclusion

37. *Since February 1990, the world has witnessed gradual but significant changes in South Africa leading inexorably to the convening of CODESA. CODESA marks a decisive turning point in the history of South Africa as it embarks on negotiations for a new democratic South Africa. Africa in particular and indeed the rest of the international community will be following developments in South Africa at this phase of the political process with considerable trepidation. This is the time for all those with some measure of influence to begin exerting that influence to ensure that the negotiations stay on course. The OAU has a significant role to play in facilitating the task of CODESA. It also has to provide a technical back-up to the representatives of the oppressed during this phase, and maybe to consider making financial allocation to support the impending electoral campaigns of the National Liberation Movements before they are transformed into political parties just as it was done for ZANU, ZAPU and SWAPO. The OAU must call on all the parties and organizations to take full advantage of the opportunity to ensure the success of CODESA. Accordingly, the Council may wish to consider:*

- i. Modalities to enable OAU play an active role in the political process including the establishment of a technical back-up.*
- ii. Provision of special funds to support the electoral campaigns of the National Liberation Movements.*
- iii. The review of sanctions in line with the positive developments in South Africa.*

**DECLARATION OF INTENT**

*We, the duly authorised representatives of political parties, political organizations, administrations and the South African Government, coming together at this first meeting of the Convention for a Democratic South Africa, mindful of the awesome responsibility that rests on us at this moment in the history of our country,*

*declare our solemn commitment:*

1. *to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination;*
2. *to work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;*
3. *to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans;*
4. *to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate;*
5. *to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:*

- a. *that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;*
- b. *that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;*
- c. *that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;*
- d. *that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances;*
- e. *that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;*
- f. *that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and legal system that guarantees equality of all before the law.*

**We agree:**

- 1. *that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy.*
- 2. *that CODESA will establish a mechanism whose task it will be, in co-operation with administrations and the South African Government, to draft the texts of all legislation required to give effect to the agreements reached in CODESA.*

*We, the representatives of political parties, political organizations and administrations, further solemnly commit ourselves to be bound by the agreements of CODESA and in good faith to take all such steps as are within our power and authority to realise their implementation.*

**SIGNATURE(S)**

**REPRESENTING**

\_\_\_\_\_

*African National Congress*

\_\_\_\_\_

*Bophuthatswana Government*

\_\_\_\_\_

*Ciskei Government*

\_\_\_\_\_

*Democratic Party*

\_\_\_\_\_

*Dikwankwetla Party*

\_\_\_\_\_

*Inkatha Freedom Party*

\_\_\_\_\_

*Inyandza National Movement*

\_\_\_\_\_

*Intando Yesizwe Party*

\_\_\_\_\_

*Labour Party of South  
Africa*

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*Natal/Tv1 Indian Congress*

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*National Party*

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*National People's Party*

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*Solidarity*

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*South African Communist  
Party*

---

*Transkei Government*

---

*United People's Front*

---

*Venda Government*

---

*Ximoko Progressive Party*

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*Annex 1*

*Page 4*

*We, the South African Government, declare ourselves to be bound by agreements we reach together with other participants in CODESA in accordance with the standing rules and hereby commit ourselves to the implementation thereof within our capacity, powers and authority.*

***SUGNATURE***

\_\_\_\_\_ *South African Government*

*Nkosi sikelel'iAfrika. Ons vir jou Suid Afrika.*

*Morena boloka sechaba sa heso. May the Lord bless our country.*

*Mudzimu Fhatutshedza Africa. Hosi Katekisa Afrika.*

**ANNEXURE TO STANDING RULES**

*African National Congress*

\* *Afrikaner Weerstandsbeweging*

\* *Azanian People's Organization*

*Bophuthatswana Government*

*Ciskei Government*

\* *Conservative Party*

*Democratic Party*

*Dikwankwetla Party*

\* *Herstigte Nasionale Party*

*Inkatha Freedom Party*

*Inyandza National Movement*

*Intando Yesizwe Party*

*Labour Party*

*Natal/Tvl Indian Congresses*

*National Party*

*National People's Party*



\* *Pan-Africanist Congress*

*Solidarity Party*

*South African Communist Party*

*South African Government*

*Transkei Government*

*United People's Front*

*Venda Government*

*Ximoko Progressive Party*

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\*Absent

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