

South Africa in Transition

The Five Freedoms Conference

It happened in Dakar, It happened in Lusaka, in Harare, in Amsterdam and in Paris, And then it happened in Johannesburg.

Finally, South Africans of different political persuasions, including the ANC, were able to meet inside their own country to discuss their own future. This in itself should not have been anything remarkable and it is indeed a sad comment on our history that it was in fact unusual.

Still, it happened. The Five Freedoms Forum conference on 'South Africa at a Turning Point, Negotiations and the Future' in Johannesburg between August 24 and 26 was important, and exciting, for that very reason.

It was also significant because it demonstrated that a considerable degree of consensus, in principle at least, has developed on key constitutional issues between political groupings ranging from the National Party to the ANC and the SA Communist Party.

Consensus has been reached on the need for a justiciable bill of rights, voting rights for all South Africans, an independent judiciary, the need for a socio-economic programme to a degree, on minority rights.

There is also agreement that all groups, including smaller parties, should be represented in the negotiation process.

Important policy differences do remain, particularly over the election of a constituent assembly, the formation of an interim government, the nature of economic transformation and land redistribution, but it is clear that progress has been made on some key issues – and compromise solutions could be found on many of the major differences.

Although a growing consensus appears to be developing in principle on these issues, there are certainly differences on details, for instance on the content of a bill of rights, and these will take time to resolve during the negotiation process.

The growing consensus was reflected at the Five Freedoms conference and a National Party advertising campaign, at a reported cost of about R500 000, to promote the political changes since President FW de Klerk's speech on February 2.

The conference, for instance, was addressed jointly by Dr Pallo Jordan of the ANC, Mr Essop Pahad of the SACP, Mr Frank Mdlalose of Inkatha, Mr Ishmael Omar of Solidarity, Dr Zach de Beer of the Democratic Party, Mr Miley Richards of the Labour Party and Professor JC van der Walt of Rand Afrikaans University Law Faculty who was drafted, in the absence of an NP Spokesman, to play the role of 'devil's advocate'.

There were, unfortunately, some groups that refused to participate. They included the Conservative Party, the Azanian Peoples' Organisation (Azapo), the Pan Africanist Congress (PAC) and the New Unity Movement.

Although a few individual NP members, including at least one MP, Mr Hennie Bekker of Jeppe, did participate in the conference's proceedings, the party itself decided not to participate, after initially agreeing to do so, because the issues on the agenda were of a delicate nature and it was felt NP members would be under considerable constraints when discussing them.

If some political groupings were reluctant to attend, this did not extend to other organisations. Delegates attended from government departments, the defence force, business and industry, homeland governments, local authorities, resource groups, lawyers and legal aid groups, the South African Housing Trust, trade unions, universities, environmental groups, student and youth organisations, Africans from different parts of the country – all wanting to discuss the future of their own country. There were different positions and interests, often conflicting viewpoints and varying levels of understanding, and there was neither the time nor place for reaching agreement, but the delegates did have a common concern about the future.

The conference broke into 16 different groups on subjects as varied as education, the environment, sport and local government and these again reflected the diversity of opinion and groups. In the commission on business and labour in 1990s for instance, Cosatu was represented by its general secretary, Mr Jay Naidoo, the Chamber of Mines by Mr Johan Liebenberg, the white Transnet Union by Mr Philip Strauss and the ANC by Mr Dan Mkwanazi.

After another commission about ending violence, delegates and journalists were able to listen to full-scale and often heated debate between Mr Mkhuseleli Jack, representing the Mass Democratic Movement, and two KwaZulu cabinet ministers.

It was not all heated and differences were discussed, generally openly and rationally. It was indeed the sort of occasion which could only give participants a feeling that despite our history and differences South Africans will, if given the right occasion and atmosphere, be able to negotiate their own future, rather than have those regional and political differences resolved solely by the outcome of a power struggle.

At the Five Freedoms conference, that atmosphere was set by the ANC's director of foreign affairs, Mr Thabo Mbeki, in his opening address. He stressed that rival

political organisations not party to current talks must enjoy "equal weight" in the debate towards "a national consensus".

Mr Mbeki added: "We should all join hands to evolve a set of constitutional principles, perhaps a future preamble to the new constitution, based on the perspective of a united, democratic, non-racial and non-sexist South Africa."

He said right-wing groups had "a right and a duty to present their views in any such negotiation forums as will be agreed".

That mood or atmosphere was continued when the representatives of the participating political groups discussed negotiations and demonstrated that a measure of 'national consensus' does in fact already exist.

Support for an enforceable bill of rights was underlined by Dr Jordan when he said: "We would not be averse to the system in the United States where the Supreme Court enforces it."

He also said certain individual rights had to be protected in a collective interest: "One cannot practice one's religion on one's own and one cannot practice one's sport on one's own."

The protection of minorities "is a very strong and valid tradition in democracies. The ANC is not against the protection of cultural and language rights in a new South Africa."

However, the system where a minority had dominated the political system and had used every possible device to entrench its power could not continue, Dr Jordan said.

Although there is general agreement that the participants in the negotiation process should have proven constituencies of support, disagreements on how this should be established are manifest.

The ANC and SACP believe nation-wide elections for a constituent assembly should be held as soon as possible so that all parties have a popular mandate and are answerable to the people.

Other groups, however, supported Dr De Beer when he said he did not believe representativity needed to be tested at the polls at this point and that "what is put before the people for approval should, if possible, be arrived at by consensus."

Every attempt should be made to reach consensus on a proposal for a constitution itself and that placed before the people. "This is a more effective way of involving the masses," Dr De Beer said.

With Mr Mbeki's plea for national consensus, it may well be possible for agreement between these two positions to be thrashed out.

The interim government issue could be more difficult to resolve.

Dr Jordan said the government could not both be a player on the negotiating field and the referee and added that the ANC believed "all participants in the process should be referees".

The ANC wanted an interim government, comprised of representatives from all major political groupings, which would immediately start cleaning the statute books of all apartheid legislation.

The government, however has said it would remain in power until a constitution was approved by Parliament.

Dr De Beer said the temptation to get rid of a government which had ruled so badly for 40 years should be resisted, although it should make itself more responsible to the majority of the people by drawing members of the disenfranchised majority into advisory and responsible positions.

He was supported by Dr Mdlalose who said it was an unfortunate situation but South Africa would have "to live with the devil in power until a new constitution has been written and approved. Otherwise an ever bigger monster may be created."

Although Mr Omar proposed "an informal super cabinet", be formed from the negotiation talks, it seems the role of the government in transition will remain a contentious issue.

There are also clear differences over economic policies, and this was highlighted by Dr Jordan's comments about land.

He said the white minority had used every method possible to deprive the majority of their right to land and put them in a position of landlessness with the result that 17% of the population owned 87% of the land.

"I cannot think of a more inequitable system."

"Land and landlessness are a major grievance in South Africa."

The free market system sounded "very, very hollow" in the squatter camps and rural areas.

Because some people said a bill of rights should protect those who had wealth, land was one of the most contentious issues in negotiation.

Dr Jordan added that "this historical injustice" had to be addressed, the system that resulted in whites owning 87% of the land could not continue and solutions had to be found to satisfy the aspirations of the majority on this issue.

Clearly, such contentious issues still have to be resolved during the negotiating process, but, as many delegates to the Five Freedoms conference remarked, the degree of consensus on many important issues about the future constitution of the new South Africa is steadily increasing.

There may well be questions about the cost of the whole exercise, but ultimately the conference gave hope, real hope, about the future. It showed that South Africans can indeed sensibly discuss serious issues despite their differences. The Five Freedoms conference may, indeed, have provided a basis for the negotiating process. □