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VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:  
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Letter dated 20 January 1989 from the Chargé d'affaires a.i. of  
South Africa to the United Nations Office at Geneva addressed  
to the Under-Secretary-General for Human Rights

I have the honour to refer to the Report of the Ad Hoc Working Group of Experts (E/CN.4/1988/8) and more specifically to Part One II A of that document, which deals with State policy.

Anticipating that the 1989 Report would probably adhere to the same views, misconceptions and half-truths, and bearing in mind that this document is not made available to the South African authorities sufficiently early to be able to even give cursory comments on it before the debate takes place on it, I attach extracts of a recent speech by the South African Minister of Constitutional Development and Planning, Mr. J.C. Heunis. Since the forty-fifth session of the Commission on Human Rights would no doubt wish to be informed of the recent constitutional development in South Africa, I should be grateful if this letter and its annexure could be circulated as an official document of the session.

(Signed) T.G. VISSER  
Chargé d'affaires a.i.

Annex

EXTRACTS OF A SPEECH BY MR. J.C. HEUNIS, MINISTER OF CONSTITUTIONAL  
DEVELOPMENT AND PLANNING OF SOUTH AFRICA

In an inauguration ceremony on 11 January 1989, of the newly elected city council of Katlehong (a black township in South Africa) the Minister of Constitutional Development and Planning, Mr. J.C. Heunis, inter alia, made the following important statements:

"CONSTITUTIONAL CHANGE

Our country, South Africa, is experiencing unparalleled change, and this gives rise to both uncertainty and specific expectations about the future.

I am sure that everybody who is here today is in favour of change, especially constitutional change.

However, we all have different perceptions of the nature and extent of the change that is being brought about.

I am convinced that, should I ask each of you individually, each person would give different answers when asked to propose his or her guidelines for change, to give us their expectations of change or to explain their views on the obstacles to change.

The divergent points of view of our country contribute to the difficulty of bringing about constitutional change - especially if our goal is to strive for constitutional solutions that are acceptable to the majority of peace-loving South Africans.

PROGRESS TO DATE

Although there has been much criticism, I believe that success must be measured by the results.

In business eventually it is the figures that count.

Therefore I think it is fair to judge our progress towards a broadened democracy not by subjective perceptions, but by the facts.

And I am quite prepared to let the facts speak for themselves.

Those who allege that the Government is not committed to continued constitutional change often neglect to look back a mere six years.

In 1983, only six years ago, Parliament consisted of Whites only.

The provincial governments consisted of Whites only.

It was Government policy for Black people to exercise their political rights in their various national states.

Since then, many changes have taken place:

In 1983 democracy was broadened when the Coloured and Indian communities received representation in Parliament and in Cabinet.

Provincial Councils were abolished in 1986 and replaced by multiracial executive committees.

Various steps have also been taken in the social, economic and political fields. For example:

- the Prohibition of Political Interference Act;
- the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act;
- influx control has been abolished and uniform identity documents for all South Africans have been instituted;
- discriminatory measures were removed from immigration legislation;
- throughout the country many central business districts have been made accessible to everyone; and
- a bill allowing for free settlement areas has been finalized.

The permanence of Black people in the Republic of South Africa has been acknowledged, as well as the social, economic and political consequences thereof.

Citizenship has been restored to members of Black communities permanently residing in the Republic of South Africa who lost their South African citizenship as a result of the independence of Transkei, Bophuthatswana, Venda and Ciskei. The Council for the Co-ordination of Local Government Affairs, consisting of representatives of all population groups, has been established to advise Government on local government affairs.

As a result of this Council's activities, various acts were passed resulting in greater uniformity between the different local government systems.

A Training Board for local government personnel and councillors has also been instituted.

Regional Services Councils have also been established at local government level.

Representatives of all groups serve together on these councils and take joint decisions on matters affecting all the communities within a particular region.

At regional level it is envisaged that the powers of self-governing territories will be extended.

Another important development was the establishment of the Joint Executive Authority of KwaZulu and Natal.

All this has happened in a mere six years.

It is clear that far-reaching constitutional change has already taken place at all levels of government as part of the process of democratization.

We have not yet reached the end of the road of revolutionary constitutional change, however.

#### THE ROAD AHEAD

Although the problems we face are numerous and complex, the choice we have is simple:

We have to decide between negotiation and violence.

I believe we all want a South African society in which fundamental democratic freedoms are secured - arrived at through a peaceful process of negotiation and bargaining.

Negotiation, however, means more than mere talking.

It implies that all parties must be willing to make some compromises.

In the negotiation process agreement should be sought on the principles underlying the issues involved, before any attempt is made to reach consensus on the details.

The Government agrees with those who stress the necessity of the creation of the right climate for negotiations and has therefore taken various preparatory steps.

A framework of principles or guidelines was presented to serve as basis for negotiation:

- an individed South Africa, one citizenship and universal franchise within a diversified (not unitary) political system, which recognizes the coexistence of various communities, without detracting from the rights of any regional government to exercise the option for independence;
- balanced power sharing among all communities in regard to matters of national concern and self-determination in regard to community affairs through elected representatives;
- the rule of law as the basis for the protection of the fundamental rights of individuals and communities;
- and the protection of the human dignity, life, liberty and prosperity of all, regardless of colour, race, or creed.

In spite of the declared commitment of the Government to negotiation, some people still find excuses not to commit themselves to peaceful negotiations.

We should remember that negotiation and bargaining is a process of give and take which implies a search for areas of agreement in order to reach consensus.

I believe all of us should refrain from concentrating on reasons for not negotiating and we should bring our conditions, our fears and the hopes of our people to the negotiation table.

The choice that is demanded from us is a choice about the nature of the new South Africa and the manner in which we will realize our goal.

For the way in which change comes about shall determine the nature of the future.

The South African Government has made this choice.

The State President has clearly articulated the South African Government's commitment.

'My Government and I have made a choice by which I have to stand or fall.

It is a choice for constitutional, social and economic reform.'  
(30 September 1985.)

Because I have faith in all the people of our country I believe that in spite of numerous and formidable obstacles, we will succeed in negotiating a new South Africa.

In the proposed forum for negotiation, leaders of all population groups will meet as equals to plan and prepare a new constitution for South Africa.

Local government leaders will have a very important role to play in the negotiating council, since they will elect two representatives to represent them on the council in each of nine regions.

The proposed council can serve as a symbol.

It symbolizes what is needed in our country.

We need more contact and communication between people, between organizations and groups.

We have to communicate with one another, we have to search for solutions - not on our own - but together.

We must therefore continue to build links.

We have to build a road on which we can travel towards a new South Africa.

We must co-operate in building that road and we must undertake the journey together.

We can all contribute towards establishing links between our various communities.

Let us listen to one another.

Let us plan together.

Let us jointly build our future."

SOUTH AFRICAN PERMANENT MISSION  
GENEVA

18 JANUARY 1989

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