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OPENING MESSAGE

Sipho Mahamba*

This opening message comes from the University of the North, a relatively large multi-campus, historical black institution in South Africa. It is a university with a proud tradition of resistance to apartheid in its many facets.¹ It is a university which has contributed much to the education and training of the single largest cohort of black professionals, as well as cultural and political leaders in present day South Africa. Needless to say, unlike universities in other countries, our university is currently engaged in the demanding struggle for democratization of university governments which, when successful, will enable the university system to continue to play a significant role in the empowerment of the disadvantaged sector of South African society. Given the above, our university is honored to be associated with the co-hosting of this symposium on constitutional federalism. Allow me in particular to thank The American University and its law school, the Washington College of Law, as well as the Eleanor Roosevelt Institute for Justice and Peace, for having had the practical intelligence at a very crucial time in the history of our country, to organize a working symposium whose main themes are close to the hearts and minds of millions of South Africans.

We in South Africa are still recovering from the hangover of the second Convention for Democracy in South Africa (CODESA).² We know from that experience of national disappointment, as well as the experiences of the people of Thailand, much of Africa, Eastern Europe, and so on, that the end of history is not yet in sight. The struggle for democracy on a world scale is still raging on. The failure of CODESA II in South Africa recently must surely mean, among other things, that those who have tasted the fruits of a normal democracy also fear it,

* International Monetary Fund. Sipho Mahamba presents his remarks on behalf of Professor N. Chabani Manganyi, Vice Chancellor, The University of the North.

1. See Liz Sly, *Mandela Says No Interim Council Plan*, CHI. TRIB., Apr. 26, 1992, at 8 (noting the statements of Nelson Mandela upon speaking at his inauguration as chancellor of the University of the North).

2. *Id.* Sponsored by De Klerk's National Party, with the cooperation of the African National Congress and seventeen other parties, many groups have been deeply disappointed by the failure of CODESA to bring blacks into the government. *Id.*

while the majority who have never participated, love it with a passionate intensity. In a certain sense, the debate about democracy and the protection of fundamental human rights is about this very fear and love of democracy as experienced by black and white South Africans. In the debate about constitutional federalism, whose code name in South Africa is regionalism, what will matter in the end are not just the structures and processes, but also the purposes for which democracy is to be established.³ To be meaningful, democracy will need to alleviate poverty, adjudicate racial imbalances, provide opportunity, and increase the possibilities of life for the majority of the population. Perhaps we will learn from the debate in this symposium that democracy is essentially a non-exploitable commodity. It cannot easily be transplanted from one civil society to another. It needs to be nurtured to take root in the specific circumstance and history of a people. We need to keep this in mind as we evaluate the new emerging democracies as well as those associated in particular with the South African independence movement. The forthcoming debate must be conducted with a clear understanding that in South Africa at the present moment, we are dealing with life and death struggles and issues. There is an imperative for the speedy establishment of an effective democratic and non-sectarian structure of transitional rule so that peace and stability may be established in our country.

Thus, the reluctance, so far, of the Nationalist government to relinquish minority power is a matter for great concern.⁴ It will exacerbate racial and ethnic tensions, escalate the already unacceptable levels of public violence, and even worse, deepen the prevailing economic crisis. Those countries and people who love freedom for themselves and cherish it for others must stand up and be counted. The sunset of apartheid must not be allowed to become the long and bitter winter of the discontent of the South African people.

3. See Rich Mkhondo, *Kwazulu Warns of Civil War in South Africa*, REUTER LIBR. REP., Feb. 3, 1993 (noting that while De Klerk's National Party favors some form of federalism, the ANC favors a strong central government).

4. See Frank Rutter, *Talks on Transition to Black Rule Near Crucial Stage in South Africa*, VANCOUVER SUN, Feb. 23, 1993, at A9 (describing the breakdown of the CODESA negotiations, including information concerning the massacres of blacks in June and September 1992); *But see* Brendan Boyle, *South African Government Faces Critics on Reform*, REUTER LIBR. REP., Feb. 22, 1993 (noting that the government and the ANC agreed to resume talks about returning to the CODESA negotiations).