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HUMAN RIGHTS SITUATION IN SOUTH AFRICA

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With the announcement in June 1993 of a date for the first non-racial elections, and agreement in September on the transitional arrangements for the period leading up to the election in April 1994, and in November on an interim Constitution, the international community was in a position to acknowledge the end of institutionalized apartheid. The challenge for the South Africans and the international community now will be to ensure that a framework is put in place and maintained in the post-apartheid South Africa in which the fundamental rights and civil liberties of all South Africans are respected.

BACKGROUND

The establishment of the Transitional Executive Council (TEC) on December 7, and the passage of the interim Constitution on December 22 were important milestones in South Africa's progress away from apartheid. The TEC, which includes representatives from all the groups which adopted the interim arrangements in the multi-party negotiations, for the first time allows representatives of the majority of South Africans to influence major policy decisions. The interim Constitution sets out the ground rules, principles and checks and balances for governing the country over the next five years. It includes a chapter on fundamental rights, which contains all civil and political, economic, social and cultural rights.

Other legislation relating to the transitional process and dismantling of apartheid was passed during December, including legislation to establish an independent electoral commission, to restore South African citizenship to the citizens of the "independent" homelands and to reincorporate the homelands into South Africa, and to integrate local government councils by February.

While the legal cornerstones of apartheid have been abolished, the legacy of apartheid's boycott/protest culture and discriminatory policies will take years to overcome. South Africa is a country which has no tradition of political tolerance or acceptance of open debate. Politically motivated violence has been on the increase since the mid-1980s, and in 1992 it caused a breakdown in the constitutional negotiations for almost a year. In certain areas, violence has become endemic, reflecting both a political struggle for power and ethnic rivalries. Teams of international observers from the United Nations, Commonwealth, EU and OAU have been in place since mid-1992, working with the domestic structures of the National Peace Accord, but violence continues at a very high level and may well increase in the lead-up to the election. The security forces were and remain widely mistrusted. Progress is being made in reforming the police, and integrating the armed wings of the ANC and PAC with the national army and the security forces of the "independent" homelands, but this transformation will be neither easy nor rapid.

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