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1992-03-13

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ANC

Negotiations Bulletin

Number 7

March 1992

INTRODUCTION

A lot of progress has been made at the negotiating table. Amongst the most important is the government's acceptance of the ANC's demand for an interim Government and the principle that a new South Africa would be non-racial, democratic and non-sexist.

1 WORKING GROUP 1

1.1. CREATING A CLIMATE FOR FREE POLITICAL ACTIVITY

MEDIA

The Government has accepted the principle that the electronic media and all broadcasting services be placed under Independent supervision. However, the government is still clinging to its unilateral restructuring of the media. The ANC will therefore continue to challenge this.

SECURITY

Discussions at a bilateral level with the Government with regard to the release of political prisoners, the return of exiles and security legislation are continuing. The outcome of these discussions would produce agreements which are to be tabled at Codesa.

1.2 CONTROL OF SECURITY FORCES

Notwithstanding the statements made by NP Ministers Roelf Meyer and Kriel, our position remains that the future of MK shall be determined at the Interim Government Council. MK shall not be disbanded before then.

The ANC is presently carrying out detailed research on the control of the security forces and proposals in this regard will shortly be tabled at Codesa.

2 WORKING GROUP 2

2.1 Agreements on General Constitutional Principles. Working Group 2 has agreed to the framework of a constituent assembly. It is as follows:

- 2.1.1 "South Africa will be a democratic, non-racial, non-sexist sovereign state.
- 2.1.2 The constitution shall be the supreme law.
- 2.1.3 The diversity of languages, cultures and religions will be acknowledged.
- 2.1.4 All will enjoy universally accepted human rights, civil liberties, including the freedom of religion, speech and assembly.

- 2.1.5 There will be a separation of powers between the legislature, the executive and the judiciary with appropriate checks and balances.
- 2.1.6 The legislative branch of government will embrace multi-party democracy, regular elections, universal adult suffrage, a common voters roll and in general proportional representation.
- 2.1.7 The judicial branch of government will include:
- ◆ A judiciary that will be independent, non-racial and impartial.
 - ◆ An entrenched and justiciable bill of rights.
 - ◆ A legal system that guarantees the equality of all before the law.
- 2.1.8 Government shall be structured at national, regional and local levels.
- ◆ At each level there shall be democratic representation.
 - ◆ Each level of government shall have appropriate and adequate legislative and executive powers, duties and functions that will enable each level to function effectively; such powers duties and functions to be entrenched in the constitution.
 - ◆ In addition to the powers, duties and functions entrenched in the constitution, each level of government may delegate powers, duties and functions to the lower level of government.
 - ◆ The general principles of the constitution, including the terms of the Bill/ Charter of Fundamental Rights shall apply to each level of government.
- 2.1.9 A new constitution should provide for effective participation of minority political parties consistent with democracy. "
 (It has been agreed in the Working Group that this principle does not imply or reject:
- ◆ constitutional prescription for the participation of minority political parties in any executive structure of government;
 - ◆ simply majoritarianism;
 - ◆ veto powers by minority political parties on any issue]

2.2 CONSTITUENT ASSEMBLY

Discussions on the nature and character of the Constituent Assembly are due to begin on the 23rd March, 1992.

3 WORKING GROUP 3

INTERIM GOVERNMENT

- 3.1. The following has been agreed:
- 3.1.1 That there is need for interim/ transitional arrangements in order to facilitate the transition towards a new democratic constitution to which Codesa is committed.
- 3.1.2 An important aspect of such arrangements will be the creation of a transitional executive structure.
- 3.1.3 The transitional executive structure shall initially be by appointment in accordance with procedures agreed upon by Codesa.
- 3.1.4 Agreements reached at Codesa in this regard will have to be given effect to by Parliament through amendments to the existing constitution and relevant legislation, in order to give them constitutional and legal form.
- 3.1.5 Other aspects of the interim/ transitional arrangements still need to be discussed.

3.2 In this regard, it is important to note that the Working Group denied reports that the agreement implied the formation of a "super cabinet" or co-option of other formations to the present government. The position of the ANC remains that as reported in the March, '92 edition of Mayibuye.

4 **WORKING GROUP 4**

REINCORPORATION OF THE TVBC STATES

With the exception of Bophutatswana, which has proven to be intransigent on a number of matters, there is general agreement that the TVBC states be immediately reincorporated. The ANC position, in this regard, is guided by the principle that there must be an immediate restoration of citizenship of all of South Africa's people and that an Interim Government must exist over all of South Africa including each of the TVBC states.

5 **WORKING GROUP 5**

This working group is presently considering the agreements reached in other working groups and will draft legislation accordingly. Also being considered is the drafting of an electoral law. These agreements are also being considered with a view to making recommendations with regard to appropriate time frames and target dates for its implementation.

6 **PARTICIPATION OF TRADITIONAL LEADERS IN CODESA**

A special sub-committee of Codesa has been set up to discuss this matter. The matter has to date not been resolved.

The position of the ANC is that all traditional leaders should be accorded observer status.

7 **DATE OF CODESA II**

It has already been agreed that Codesa II should be held towards the end of April, 1992. There is now a common understanding that Codesa II must deliver substantial and meaningful progress. The ANC is determined to ensure that Codesa II takes place only after its immediate demands for an Interim Government and Constituent Assembly have been fully discussed and agreements reached.

8 **PATRIOTIC FRONT MEMBERS WITHIN CODESA**

Patriotic Front forces participating at Codesa have continued to meet on a regular basis to strategise and discuss progress being made at Codesa. This relationship has ensured that many matters are speedily resolved.

At a meeting which took place on the 21st February, 1992, it was agreed at this meeting that the reconvening of the next Patriotic Front meeting be the responsibility of all. It was further agreed that Intando Ye Sizwe, the Labour party, Inyandza, Cosatu, the UPF and the ANC establish an interim committee to convene the next meeting after which permanent structures would be set up.

9 **ISSUES FOR DISCUSSION**

Contributions on any of the matters pertaining to the process of negotiations would be appreciated. In particular, discussion documents by branches and regions on the following matters would be most welcome:

9.1 **ELECTORAL LAW**

There is widespread feeling against the present identity documents. It is important for have a common understanding on voter identity and a new electoral law. In

this regard, we would appreciate views on how to approach the matter of voter identification. Here, issues which are to be taken into consideration are: ensuring that only South Africans vote and that no person may vote more than once. Some of the proposals made thus far are the use of identity books and indelible ink. Your ideas on this matter are important.

9.2 REINCORPORATION OF THE TVBC STATES

The process of reincorporation of the TVBC states is another matter of immediate importance. Some parties may find it convenient to exploit the fears and uncertainties of those in the civil service of these states. It is for us important to ensure that such reincorporation does not cause any of the people resident and working in such areas any hardship or adversely affect the basic civil service and the provision of amenities.

9.3 INDEPENDENT ELECTORAL COMMISSION

An electoral commission should be made up of South Africans of integrity to organise and supervise elections. It will have sole and exclusive control of the electoral process with powers to validate or invalidate election results. An independent electoral commission is critical if we are to ensure free and fair elections.

What are your views with regard to an independent electoral commission. Can you suggest what kind of people should be appointed to such a commission. Should you have names of such people, kindly let us have them together with the necessary motivation for your choice.

NB: PLEASE LET US HAVE YOUR CONTRIBUTIONS ON THE ABOVE BY NO LATER THAN THE 25TH MARCH, 1992.