

Discussion Document:

**INTERIM GOVERNMENT:
TOWARDS A VIABLE OPTION**

1. INTRODUCTION:

1.1. Various options have been put forward on mechanisms to supervise the transition to democracy. The three main ones are:

- * comprehensive government - a sovereign Interim Government of National Unity;
- * limited intervention - sovereign control over areas of government with direct relevance to the transition; and
- * control over government - an interim governing council with powers to veto decisions of the current cabinet and parliament and introduce new measures.

1.2. All the three options have their pros and cons. The challenge is to find a route that maximises advantages on the side of the democratic movement and minimises the possible pitfalls.

2. AREAS OF CONSENSUS:

2.1. The transitional mechanism should have the capacity to ensure free political activity: limit the capacity of the apartheid state machinery to act against the people while empowering the people to express and assert their views.

2.2. It should not implement apartheid legislation; and all controversial projects of the present administration - political and social - should be frozen.

2.3. It should have a limited duration.

2.4. The international community has an important role to play in such areas as supervision and monitoring of the process.

2.5. The agreements reached at the APC regarding transitional

mechanisms will need legal and constitutional measures to give them the required force of law.

3. THE MAJOR FLAWS:

3.1. Positing the three options in defined compartments has tended to create rigid mind sets, thus undermining creativity. For instance, emphasis on comprehensive government or an interim governing council creates the impression of diffuse governing structures which do not focus on the crucial tasks of the transition. On the other hand, emphasis on limited intervention underplays the capacity of the state to use other ministries and departments for purposes of subverting the political process (e.g., foreign affairs and the Inkathagate scandal).

3.2. One of the major flaws with all the three options is that they ignore the struggles taking place in all fields of life. Mass action and negotiations in the area of education have reached a stage at which, in the near future, relevant structures will have to be set up to implement agreements reached. COSATU has put forward the proposal for a socio-economic forum. There are plans to set up a housing forum composed of various organisations. In the areas of sports and culture, the democratic movement holds the initiative...

3.3. The search for the most viable transitional mechanism should aim at finding convincing answers to the question, how a given approach:

- * empowers the democratic movement in the direction of transfer of power to the people as a whole;
- * ensures a free and fair transition by undermining the capacity of apartheid structures to subvert the process and use public resources for the gain of the NP and its allies;
- * avoids co-option of the democratic movement into apartheid structures and implementation of apartheid policies;
- * avoids undermining the democratic movement's organisational thrust through the deployment of vast numbers of cadres in governmental functions;
- * ensures that negotiations in the APC do not drag on endlessly and thus prolonging the transition;
- * helps to continually improve the socio-economic conditions of the people through a combination of day-to-day struggles and negotiations;
- * creates conditions for thorough-going transformation in the future;
- and
- * corresponds to the capacity of the democratic movement to achieve

the demand for a specific form of Interim Government.

4. SYNTHESISING THE OPTIONS:

4.1. Answers to these questions can best be sought in an approach that seeks to merge the three options in a creative manner. This will require adopting those components in all the options that enhance as much as possible the positive factors.

4.2. In line with the above, the Interim Government should:

- * have an Interim Governing Council,
- * have Commissions to deal with defined strategic areas; and
- * assume responsibility over the running of those areas where practical actions and negotiations have led to sufficient agreement for implementation structures to be set up.

How will this manifest itself in actual practice?

4.3. **Interim Governing Council** - a structure made up of senior representatives of the major parties/ eminent persons with powers:

- * to veto bills passed by the existing parliament and decisions taken by what remains of the cabinet;
- * to approve the repeal or amendment of existing legislation; and
- * to supervise the work of the joint interim governmental structures.

This would constitute a council around the incumbent state president. Their powers should be defined in such a way that they can veto any major decisions by the incumbent.

4.4. **Key transitional functions** - commissions composed of the major parties to run the following areas:

- * security forces and related matters;
- * state media including broadcasting;
- * electoral process;
- * budget and finance;
- * (areas such as justice, prison services and foreign affairs need to be seriously considered given their direct bearing on free political activity and the issue of international relations in the transition).

This will entail relevant changes in existing ministries, the

bureaucracy and command structures; relevant codes of conduct; etc.

4.5. **Comprehensive government** - a process of setting up joint structures to assume control of various aspects of government.

4.5.1. These structures will take form as agreement is hammered out in: education, housing, labour relations and other socio-economic issues, sports, culture and so on. Where sufficient agreement has currently been reached, relevant structures could be set up immediately after the APC.

4.5.2. Commissions to run these areas should involve structures of civil society such as trade unions and business, education structures, civic associations, sports and cultural bodies.

4.5.3. While they will impact on the future, negotiations in these areas should focus on the transitional period and not have the effect of binding the future democratic government.

4.5.4. Where agreement has not been reached, the current ministries would continue to function, subject to the veto of the Interim Governing Council.

4.5.5. Among others, this approach will obviate the following problems:

** bogging down the APC in detailed negotiations about the structure and functioning of ministries from Law and Order to Pensions and Welfare; and*

** attaching the lifting of sanctions simply to a once-off declaration after the APC instead of the actual progress made in the setting up of structures of joint control.*

4.6. The APC will also have to address, among other questions:

4.6.1. Concrete amendments to the present constitution encompassing the proposals agreed upon.

4.6.2. Fate of homeland structures in the context of local government.

4.6.3. Mechanisms to deal with dead-locks in the joint interim structures. The formula of using "sufficient consensus" partly addresses this problem.

5. CONCLUSION:

5.1. This approach has the added advantage of affording the two major players - the ANC and the NP - the possibility of achieving much of their publicly-stated perspectives without being seen as having backed down.

5.2. The ANC does not have to scale down its demand for a comprehensive Interim Government in public and at the APC. However, it will be able to adopt a viable and less risky route to the same goal.

5.3. The process of setting up structures beyond those that have a direct bearing on the transition does not have to be completed before Constituent Assembly elections are held.

JKN

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