

Decision Making and Commitment of Parties / Governments

1. Codesa is a forum which is being established to facilitate negotiations for agreement on the modalities to be employed to introduce an acceptable national constitution.
2. The government and the liberation movement have agreed to negotiate because they accept that the present constitution is not democratic and is based on the will of a minority.
3. If negotiations are to succeed all participants have a responsibility to commit themselves to be bound by the decisions of Codesa.
4. Having committed themselves to be bound by the decisions of Codesa it is again the responsibility of the participants to commit themselves as far as practicable to implement those decisions.
5. Until there is agreement on the question of an interim government the Nationalist Party government as well as the TBVC governments must commit themselves to give effect to Codesa decisions by translating them into law, for without Codesa decisions being made law Codesa would be reduced to a mere talk shop whose resolutions are inconsequential.
6. The general method of reaching decisions in deliberations involving parties which have divergent views is to take a vote. Such a method, however, should be avoided in a forum like Codesa unless it becomes impossible to reach consensus.
7. In Codesa, therefore, all possible endeavours must be made to try and reach consensus. On matters where the issue under discussion is for the good of the people of South Africa as a whole, and not for the benefit only of a political party of government, where consensus cannot be attained, the matter should be referred to a mediation committee. If the mediation committee does not achieve agreement then Codesa should resort to a vote and the view of a 2/3 majority should constitute a decision.
8. Save for the fact that the Nationalist Party government and the TBVC governments have the powers to make laws, all participants in Codesa have an equal status - none is better than any of the others. Accordingly when a decision has been taken, either by consensus or by a vote, all have a responsibility to give effect to such a decision using the powers of their disposal.

TRANSKEI GOVERNMENT