

FOR INTERNAL USE – NOT FOR PUBLICATION



ANC

Negotiations Bulletin

Number 11

1 June 1992

INTRODUCTION	<p>Pursuant to the deadlock in Codesa II, the ANC withdrew its compromise proposals and stated (see: Bulletin No. 10) that it would be engaging in consultation with its regional structures and allied organisations in order to determine a way forward. This was done both at the National Negotiations Consultative Forum held on the 26th May, 1992 and the ANC National Policy Conference which took place between the 28th and 31st May, 1992.</p> <p>At the Policy Conference, the following guidelines for the transition were agreed to.</p>
OBJECTIVES	<p>The transfer of power to the majority leading to the transformation of society.</p>
CREATION OF A CLIMATE FOR FREE POLITICAL ACTIVITY	<p>In the phase prior to elections the following, amongst others, must be ensured:</p> <ol style="list-style-type: none"> 1. Release of political prisoners and safe return of exiles, which should be put into immediate effect; 2. Repeal of all repressive legislation; 3. Effective monitoring of the violence by the international community; 4. Independent control of the electoral process; 5. Effective multi-party control of all security forces; 6. Multi-party control of state finances; 7. Effective multi-party control of further specified areas of government, including provincial and local levels of government.
THE CONSTITUENT ASSEMBLY	<ol style="list-style-type: none"> 1. A democratically elected single chamber Constituent Assembly (CA) on the basis of proportional representation and one person one vote whose decisions will not be subject to the veto of any other body; 2. The CA will take its decisions by a two thirds majority; 3. The CA will complete its work within a specified period of time; 4. An effective deadlock breaking mechanism. In the event of a deadlock, for example, a constitution which enjoys the support of 51% of the delegates in the CA will be put before the people of South Africa for a decision by means of referendum. Another option could be to call for fresh election;

**INTERIM
GOVERNMENT**

5. The elections should be effectively monitored by the international community, and various sections of our community.

1. After the elections the tri-cameral parliament and other legislative structures will be dissolved and legislative functions during the transition will pass into the hands of the elected **CA**;
2. The elected **CA** would appoint a new executive authority for the country in line with the principle of interim government of national unity;
3. All existing regional and local administrations will during the transition period fall under the jurisdiction of the **CA** and its executive arm. The creation of new regional and local levels of government and the definition of their boundaries, powers and functions shall be decided by the **CA**; and
4. The decision-making mechanism in the legislative and executive arm of the elected Interim Government should be by way of a specified percentage, for example, a **two-thirds majority**;
5. People residing in the '**TVBC states**' shall as of right be entitled to participate fully in the phases of transition, including the right to participate in all elections on the same basis as other South Africans.
6. The above measures should be legislated through the enactment of a '**Transition to Democracy Act**' which would replace the **1983 Constitution of South Africa Act**. This Act should be strictly confined to measures necessary for the transitional arrangements needed for the limited period of transition to a democratic constitution. A limited time-frame for the entire process should be agreed to and enacted by the Transition to Democracy Act.

FAX TO: All Regions.
FAX NO: _____ PAGE: _____ OF: _____
ATTENTION OF: Reg Secretaries
FROM: Hassen Ebrahim DATE: _____
COMPANY: ANC Neg - Comm
FAX NO: 333 9090 **Post-It** Notes from 3M