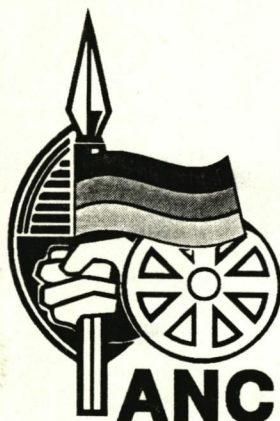


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ANC

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INTRODUCTION

The first meeting of Codesa held on 20 and 21 December 1991 adopted a Declaration of Intent. This constitutes a major victory for the democratic forces.

The Declaration of Intent contains all the essential elements of the ANC's General Constitutional Principles. These principles are also consistent with those outlined in the OAU's Harare Declaration and the UN General Assembly Declaration adopted in December 1989.

The Declaration of Intent commits the regime to be bound by decisions of Codesa and also to their implementation. Noteworthy here is that we now have prior agreement that Codesa itself will "draft the texts of all legislation required to give effect to the agreements reached in Codesa". This clause could be used to ensure that the actual powers of the tri-cameral parliament are reduced substantially.

Constitutional amendments, amendments to existing legislation and the enactment of new legislation, for the purposes of giving effect to negotiated agreements, would be dictated to by Codesa, and not parliament, the government or the ruling party.

The fact that the IFP and the Bophuthatswana government did not sign the Declaration does not diminish its significance. From the ANC's point of view, we had required of the regime, more than any other party to become signatory to the Declaration. Despite its strong resistance to the Declaration in the pre-Codesa negotiations, the regime finally submitted.

DECLARATION OF INTENT

We the duly authorised representatives of political parties, political organisations, administrations and the South African government, coming together at this first meeting of the Convention for a Democratic South Africa, mindful of the awesome responsibility that rests on us at this moment in the history of our country.

Declare our solemn commitment:

1. to bring about an undivided South African with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination;
2. to work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;
3. to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equality opportunities and

- social justice for all South Africans;
4. to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate;
 5. to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:
 - a. that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;
 - b. that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;
 - c. that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;
 - d. that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances;
 - e. that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;
 - f. that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.

We agree:

1. that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy.
2. that Codesa will establish a mechanism whose task it will be, in co-operation with administrations and the South African government, to draft the text of all legislation require to give effect to the agreements reached in Codesa.

We, the representatives of political parties, political organisations and administrations, further solemnly commit ourselves to be bound by the agreements of CODESA and in good faith to take all such steps as are within our power and authority to realise their implementation.

We, the South African government, declare ourselves to be bound by agreements we reach together with other participants in Codesa in accordance with the standing rules and hereby commit ourselves to the implementation thereof within our capacity, powers and authority.

***Nkosi sikelel' iAfrica. Ons vir jou Suid Afrika.
Morena boloka sechaba sa heso. May the Lord bless our country.
Mudzimu Fhatutshedza Africa. Hosi katekisa Africa.***

WORKING GROUPS

It has been agreed that the following Working Groups would be established:

- | | |
|--------------------------|---|
| Working Group 1: | Creation of a Climate for free political participation/Role of the International Community. |
| Working Group 2: | General Constitutional Principles/Constitution-Making body. |
| Working Group 3 : | Transitional Arrangements/Interim Government. |

Working Group 4: Future of the TBVC States.

Working Group 5 : Time frames and Implementation of Codesa's decisions.

Each organisation is allowed to have two delegates and two advisors on attending each Working Group. The task of the Working Groups is to debate issues and table proposals to the second meeting of Codesa which is to be held in March 1992.

A one-day meeting of the Working Groups is to be held on 20/01/92. The purpose of this meeting would be to appoint Chairpersons and arrange the schedule of work for each Working Group. The Working Groups begin their actual work on 06/02/92. The ANC representatives on the Working Groups will be as follows :

WORKING GROUP 1

Delegates: Joe Modise; Jacob Zuma

Advisors: Penuel Maduna; Kader Asmal

WORKING GROUP 2

Delegates: Cyril Ramaphosa; Mohammed Valli Moosa

Advisors: Frene Ginwala; Arthur Chaskelson

WORKING GROUP 3

Delegates: Thabo Mbeki; Joe Nhlanhla

Advisors: Joel Netshitenzhe; Dullah Omar

WORKING GROUP 4

Delegates: Alfred Nzo; Matthew Phosa

Advisors: Barbara Masekela; Pius Langa

WORKING GROUP 5

Delegates: Pallo Jordan; Zola Skweyiya

Advisors: Lucille Meyer; George Bizos

CODESA MANAGEMENT COMMITTEE

A Management Committee composing of 1 delegate and 1 advisor from each organisation has been established. The ANC delegate on the Management Committee is Jacob Zuma and the advisor is Mac Maharaj.

The Management Committee has appointed a sub-committee called the Daily Management Committee. It is composed of the following:

Jacob Zuma	(ANC)
Zac de Beer	(DP)
Roelf Meyer	(NP)
Selbi Ripinga	(Inyandza)
Pravin Gordhan	(NIC/TIC)
Frank Mdlalose	(IFP)
Peter Hendrickse	(LP)
Zamindlela Titus	(Transkei)

One of the first tasks faced by the Management Committee is to consider applications to participate in Codesa. Applications have been received from over twenty groups including FIDA, National Forum, Merit Peoples Party, Boervolk, Contralesa, Pan Africanist Congress of South Africa etc. It would also have to deal with the outstanding matter of the participation of King Zwelithini.

CHALLENGES FACING THE MOVEMENT

The deep differences between the ANC and the Regime's perspectives on the central questions facing Codesa are already beginning to emerge. The regime now appears to be proposing the following scenario:

- + Firstly agreement should be reached on an Interim Government "that is broadly representative of the total population" and on changing the composition of Parliament so that it would "include the total population in an equitable manner".
- + Before parliament adopts constitutional amendments to give effect to the above, "a mandate has to be obtained by means of a referendum. Such a referendum will have to produce, among other things, a positive mandate from the electorates of each of the existing Houses of Parliament". In other words the Coloured, Indian and White groups will *each* have to say yes before the constitutional amendments are tabled in parliament.
- + Elections are then held (i.e. after the referendum and subsequent constitutional amendments by parliament) for an interim government and a reconstituted parliament.
- + The interim government will then "be able to take the lead in further constitutional reform."
- + In the meantime, this "interim power-sharing model" could exist for a period of ten to 15 years.

Clearly, the ANC would reject this approach as the President has already done. We must reject it because:

- + it would lock the country into an interim phase and postpone the enactment of a democratic constitution indefinitely. For the ANC it constitutes a trap.
- + whether or not constitutional amendments are made would depend on the whims of a racial minority.
- + the regime's "interim power-sharing model" would be based on the National Party's constitutional proposals (involving a multi-party presidency and a multi-party cabinet etc).

However, in rejecting the regime's approach we should not lose sight of the fact that the government has admitted to the legitimacy of the interim government demand. This constitutes a victory, albeit a limited one, for all those campaigning for an Interim Government of national unity.

The regime is also trying to give the impression that it is more democratic by calling for an elected interim government as opposed to the ANC's unelected interim government which rules by decree. The regime is skilfully trying to subvert the demand of the democratic movement for an interim government and an elected constituent assembly.

For the democratic movement an interim government is needed for the purposes of ensuring free and fair elections; administering the country during the lifespan of the Constituent Assembly and then conducting election in terms of the new democratic constitution. The regime's approach makes the interim government an end in itself.

We need to place emphasis where it belongs: the goal is the drafting and implementation of a new constitution. Unless agreement is reached on this matter, interim government can only serve as a trap, for interim government is the means to facilitate the bringing into being of a Constituent Assembly and the implementation of a new constitution.

ANC APPROACH

The 1992 January 8 statement makes three important interventions in relation to the ANC's approach to the forthcoming negotiations:

- + It sets our clear time-frames for the process – the target being elections for a Constituent Assembly this year. This replies to the regime's decade-long time-frame.

- + It sets out clearly that agreement first has to be reached on the constitution-making body before an agreement can be entered into on Interim Government.
- + Once agreement has been reached on the Constituent Assembly and agreement has been reached on Interim Governmental control of the security forces, state media and the electoral process, these decisions should be implemented and preparations started for elections for a Constituent Assembly. Negotiations over other aspects of government should be facilitated as much as possible, but they should not delay movement towards a Constituent Assembly. This constitutes an important refinement to our approach.
- + The above contains elements of a strategic approach that would guide our work in Codesa over the next period. □