

# AFRICAN NATIONAL CONGRESS

## Western Cape Region

### FAX TRANSMISSION



PO Box 13123, Sir Lowry Rd, 7900

1st Floor, Locarno House,  
228 Victoria Road, Woodstock

Tel: 021 - 448 5651

Fax: 021 - 448 5646

Date: 17/02/92

Number of pages (including this one): .....

TO: ALBIE SACHS

Fax number: 22-2616

For Attention: ALBIE

Department: .....

FROM: TONY YRGENI

Department: GENERAL SECRETARY

Message: DOCUMENT TO BE DISCUSSED IN TONIGHT'S

SPECIAL REC MTG.

Should this message be unclear, please phone: (021) 448 5651

**The People Shall Govern !**

THE TRANSITION TO A DEMOCRATIC AND NON-RACIAL SOUTH  
AFRICA: A POSSIBLE SCENARIO. FEBRUARY, 1992.

1.0. CODESA AGREES THAT THE PURPOSE OF THE CONVENTION IS TO LAY THE BASIS FOR THE POLITICAL TRANSFORMATION OF SOUTH AFRICA FROM AN APARTHEID TO A NON-RACIAL AND DEMOCRATIC SOCIETY. (THE BROAD OUTCOME IS DEFINED IN THE "DECLARATION OF INTENT".)

2.0. CODESA AGREES THAT THE END RESULT OF ITS DECISIONS IS THE ADOPTION OF A CONSTITUTION FRAMED WITHIN THE PARAMETERS CONTAINED IN THE "DECLARATION OF INTENT".

3.0. CODESA AGREES THAT SUCH A CONSTITUTION WILL BE DRAWN UP BY AN ELECTED BODY.

3.1. CODESA AGREES THAT SUCH ELECTIONS WILL BE CONDUCTED ON THE BASIS OF ONE PERSON, ONE VOTE, WITH NO DISTINCTION BEING MADE ON THE BASIS OF RACE, COLOUR OR GEOGRAPHIC LOCATION OF THE ELECTORS.

3.2. CODESA AGREES THAT ALL SOUTH AFRICANS OF THE AGE OF 18 AND ABOVE WILL BE ENTITLED TO VOTE.

3.3. CODESA AGREES THAT SOUTH AFRICA WILL BE UNDERSTOOD TO BE THE TERRITORY DEFINED AS SOUTH AFRICA UNDER THE ACT OF

R.

UNION OF 1909. UNLESS TERRITORIAL BOUNDARIES HAVE BEEN CHANGED SINCE THEN. AS A RESULT OF AGREEMENTS ENTERED INTO WITH THE INDEPENDENT STATES OF BOTSWANA, LESOTHO, MOZAMBIQUE, NAMIBIA, SWAZILAND AND/OR ZIMBABWE.

3.4. CODESA AGREES THAT AT THE TIME THAT THE ELECTIONS TAKE PLACE, PERSONS WHO ARE OTHERWISE SOUTH AFRICAN, MAY NOT BE RESIDENT WITHIN THE TERRITORY DEFINED UNDER 3.3. ABOVE. MEASURES WILL THEREFORE BE TAKEN TO ENSURE THAT THESE HAVE THE OPPORTUNITY TO PARTICIPATE IN THE SAID ELECTIONS.

4.0. CODESA AGREES THAT SEATS WILL BE ALLOCATED TO THE CONTENDING PARTIES ON THE BASIS OF PROPORTIONAL REPRESENTATION.

4.1. CODESA AGREES THAT THE CONTENDING PARTIES WILL PRESENT THEIR CANDIDATES IN NATIONAL PARTY LISTS, TREATING THE COUNTRY AS ONE CONSTITUENCY.

4.2. CODESA AGREES THAT FOR THE PURPOSE OF THE ELECTION OF THE CONSTITUTION-MAKING BODY, NO NATIONAL VOTERS ROLL WILL BE PREPARED.

4.3. CODESA AGREES THAT ALL NECESSARY STEPS WILL BE TAKEN TO ENSURE THAT ALL THOSE ELIGIBLE TO VOTE WILL BE ISSUED WITH THE NECESSARY IDENTITY DOCUMENTS.

5

110911-05-5-E

5.0. CODESA AGREES THAT AN ELECTORAL COMMISSION WILL BE FORMED TO ORGANISE AND SUPERVISE THE SAID ELECTIONS AND UNDERTAKE ALL OTHER MEASURES TO ENSURE THAT THE ELECTIONS ARE FREE AND FAIR.

5.1. CODESA AGREES THAT THIS ELECTORAL COMMISSION WILL BE COMPOSED OF SOUTH AFRICANS, CHOSEN BY CODESA, ON THE BASIS THAT THEY ARE PERSONS OF INTEGRITY AND ABILITY, CAPABLE OF CONDUCTING THEIR BUSINESS HONESTLY, WITHOUT FEAR OR FAVOUR, AND AS A COLLECTIVE, ENJOYING THE BROAD SUPPORT OF CODESA.

5.2. CODESA AGREES THAT THE NECESSARY LEGISLATION WILL BE ENACTED TO ESTABLISH THE ELECTORAL COMMISSION AND GRANT IT SOLE AND EXCLUSIVE CONTROL OF THE ELECTORAL PROCESS, WITH FULL POWERS TO VALIDATE AND/OR INVALIDATE THE RESULTS IN PART AND/OR IN FULL.

5.3. CODESA AGREES THAT THE INTERNATIONAL ORGANISATIONS INVITED TO ATTEND THE FIRST SESSION OF CODESA (DECEMBER 1991), WILL BE REQUESTED TO OBSERVE THE ELECTORAL PROCESS AND MAKE THEIR OWN DETERMINATION AS TO WHETHER THE ELECTIONS WERE FREE AND FAIR.

*new info*

6.0. CODESA AGREES THAT AT THE SAME TIME, THERE SHALL BE ESTABLISHED AN INTERIM GOVERNMENT COUNCIL, WITH BOTH

✱

LEGISLATIVE AND EXECUTIVE POWERS.

6.1. CODESA AGREES THAT THE COUNCIL WILL BE DRAWN FROM THE PARTICIPANTS AT CODESA.

6.2. CODESA AGREES THAT THE COUNCIL WILL TAKE ITS DECISIONS BY SUFFICIENT CONSENSUS.

6.3. CODESA AGREES THAT THE TRI-CAMERAL PARLIAMENT AND ALL OTHER LEGISLATIVE BODIES IN THE COUNTRY WILL IMMEDIATELY DISSOLVE.

6.4. CODESA AGREES THAT ALL EXISTING ADMINISTRATIONS IN THE COUNTRY WILL COME UNDER THE CONTROL OF THE INTERIM GOVERNMENT COUNCIL.

6.5. CODESA AGREES THAT THE FORM OF SUCH CONTROL MAY VARY  
DEPENDING ON THE NATURE AND IMPORTANCE OF EACH STATE  
FUNCTION.

6.6. CODESA AGREES THAT, IN THIS CONTEXT, PARTICULAR ATTENTION WOULD BE PAID TO:

6.6.1. THE SECURITY FORCES:

6.6.2. PUBLIC FINANCES:

8.

6.8.3. THE STATE-OWNED MASS MEDIA; (THIS COULD ALSO BE PLACED UNDER AN INDEPENDENT CONTROL BODY RATHER THAN A MULTI-PARTY FORUM MADE UP OF REPRESENTATIVES DRAWN FROM CODESA);

6.8.4. FOREIGN AFFAIRS.

6.7. CODESA AGREES THAT THE NECESSARY CHANGES WILL BE MADE TO THE PRESENT CONSTITUTION TO GIVE LEGAL EFFECT TO THE DECISIONS OF CODESA TO ESTABLISH AN INTERIM GOVERNMENT COUNCIL.

7.0. CODESA AGREES THAT THE INTERIM GOVERNMENT COUNCIL WILL BE PUT IN PLACE NOT LATER THAN THREE MONTHS AFTER THE NECESSARY DECISIONS HAVE BEEN TAKEN BY CODESA.

8.0. CODESA AGREES THAT ELECTIONS TO THE CONSTITUTION MAKING BODY (CONSTITUENT ASSEMBLY) WILL TAKE PLACE NO LATER THAN THREE MONTHS AFTER THE ESTABLISHMENT OF THE INTERIM GOVERNMENT COUNCIL.

9.0. CODESA AGREES THAT THE CONSTITUENT ASSEMBLY WILL ALSO ACT AS AN INTERIM PARLIAMENT FROM WHICH WILL BE DRAWN AN INTERIM EXECUTIVE AUTHORITY.

9.1. CODESA AGREES THAT ONCE THIS HAS HAPPENED, THE INTERIM GOVERNMENT COUNCIL WILL BE DISSOLVED.

8

9.2. CODESA AGREES THAT THE CONSTITUENT ASSEMBLY WILL TAKE ITS DECISIONS BY A TWO-THIRDS MAJORITY.

9.3. CODESA AGREES THAT THE INTERIM PARLIAMENT WILL TAKE ITS DECISIONS BY CONSENSUS.

10.0. CODESA AGREES THAT THE CONSTITUENT ASSEMBLY WILL COMPLETE ITS WORK NO LATER THAN NINE MONTHS AFTER ITS ELECTION.

11.0. CODESA AGREES THAT, UNLESS AGREED BY THE CONSTITUENT ASSEMBLY, ALL INTERIM ARRANGEMENTS WILL CEASE TO OPERATE AS SOON AS A NEW PARLIAMENT AND GOVERNMENT HAVE BEEN ESTABLISHED IN ACCORDANCE WITH THE NEW CONSTITUTION.

12.0. THE CONSTITUENT ASSEMBLY COULD AGREE TO DESIGNATE THE FIRST FIVE YEARS, OR ANY OTHER PERIOD OF TIME, AS A TRANSITIONAL PERIOD AND INCORPORATE IN THE CONSTITUTION "SUNSET CLAUSES" WHICH WOULD FALL AWAY AT THE END OF THE SAID PERIOD.