

REPLACEMENT FOR CODESA - BASIC CONCEPTION

NEW FORMAT- NEW NAME

CODESA as such has a considerable prestige internationally but has been discredited internally. We feel it better to replace it with a new format for negotiation and a new name.

THE BASIC IDEA

The basic idea would be to have a body functioning along the lines of the Security Council of the UN. Its task would be to draft a binding agreement in relation to all matters relevant to the adoption of a democratic constitution for South Africa, such agreement subsequently being adopted as law by the existing tricameral authorities.

PROCEDURE

The body would meet continuously until agreement had been reached, breaking only for normal rest days and to hold urgent consultations when required.

All formal sessions would be held in public. This would not exclude lobbying in the corridors but there would be no decision making behind closed doors.

Technical committees could be established to resolve purely technical or drafting problems but all political questions would have to be decided by the full body in public deliberations.

An agenda would have to be drawn up in advance. The parties could submit resolutions to which other parties could agree wholly or in part. The resolutions would then be circulated with a view to achieving consensus as is done in the UN. If no consensus is reached, then areas of agreement and disagreement could be indicated. Final decisions could be postponed until the agenda had been worked through when all the resolutions could be collated with a view to achieving a consensus.

If no general consensus can be achieved, it would be sufficient if the two principal interlocutors, namely the ANC and the Government, agree.

It is envisaged that basically the arguments will be presented by the leaders of two major groupings, the ANC at the head of a Patriotic Front grouping, and the Government

at the head of the other grouping. This would not exclude independent participation and observations by other parties.

PARTICIPANTS

The basic reality is that the success of negotiations depends on agreement between the Government and the ANC. This should be reflected in the participation and the decision making. The ANC could invite a spread of persons to be part of its advisory team. Some would be political, some technical. Only a limited number of persons, however, would have the right to speak.

Similarly, the Government could establish a broad grouping of supporters or parties associated with its principal positions, with the same restriction on the right to speak.

Agreement could be reached to invite other groupings that are well established as national political parties to sit in on the proceedings and make their observations (for example, PAC, AZAPO -if not part of the Patriotic Front grouping, Inkatha - if not part of the Government grouping, Democratic Party). The rules of procedure would be such as to guarantee them the right to speak but not for unduly long periods of time. They would also have the power to participate in the elaboration and amendment of resolutions.

We propose that the proceedings be based on draft proposals or resolutions which could be submitted by any of the attending parties. Other parties would then subscribe to the resolutions and attempts would be made to achieve a consensus or near consensus.

It would not be necessary to get full agreement on each proposal at each stage. The materials would be collected and once the agenda had been worked through, an attempt would be made to consolidate them and to get consensus at the end. If full consensus could not be reached, a procedure could be worked out whereby agreement between the main interlocutors, coupled with substantial support from others, would be sufficient for the matter to be legislated upon and hence for the agreement to be implemented.

CHAIR

There would be a number of advantages to having someone from the international ^{community} chairing the proceedings. Such person (or persons) could not only ensure the requisite neutrality but also act as a facilitator.