

NEGOTIATIONS FORUM

RAND INTERNATIONAL HOTEL, JOHANNESBURG 7TH MARCH 1992

PROGRESS MADE BY WORKING GROUP TWO

Having agreed on a basic set of general principles taken from the Declaration of Intent, the Group is steadily working its way through the more contentious issues. The ANC tabled a document explaining how the term "general principles to be enshrined in the Constitution" should be understood. We emphasised that the details of the Constitution and the elements and structures of government should be left to the constitution-making body. This proposition was broadly accepted.

1. Consensus has been reached on the question of central, regional and local government. (See text attached together with notes by the Government and by the ANC and a general statement on fiscal powers.)

2. We are currently discussing the question of meaningful participation of minorities. The Steering Committee prepared the following draft:

"There shall be meaningful participation of minority parties in a future constitutional dispensation."

The ANC has proposed that the following words be added: "consistent with democratic principles"

The main argument has been between the view supported by the Government and others that power-sharing at the executive level be included in the Constitution. The ANC position has been that whereas a prescribed form of coalition could play a useful role in the transitional period, the future constitutional arrangement itself should protect the rights of opposition and not create impediments to coalition governments on a voluntary basis. It should not however prescribe an enforced form of coalition. The issue is still being debated.

For the key issues still to be addressed see the document attached.



Not limited

National government will be answerable to the nation as a whole and will attend to national tasks. ~~These~~ These will include international relations, defence, basic responsibility for maintaining peace in the country, and national economic development and fiscal and monetary policy. They will also involve the broad framework for attending to problems of housing, nutrition, education, health, job creation, social security, access to land and other issues that can only be solved with a national effort.

The Constitution and the Bill of Rights will be the supreme law for the whole country and will operate with equal force in all regions.

The defence force, police and prisons service will be organised as unified, non-racial, nation-wide entities, with built-in elements of regional and local community accountability.

There will be a single non-racial court system with regional divisions functioning on the lines of the present provincial and local divisions, and so on down to district, magistrates and, possibly, community courts.

The civil service will be organised on a national and a regional basis. The national component will be based at the country's capital [or capitals] and will be responsible for the preparation of national legislation and its execution at national level. Public administration at the regional level will be subject to double subordination, that is, be answerable to the central government in terms of general policy and orientation, and to regional government in terms of practical implementation.

We envisage someone similar to the former Provincial Administrator serving as a link between central and regional governments. Otherwise, we do not contemplate the existence in the same area of parallel or duplicated national and regional civil services [such as one finds in the USA where state and federal agencies operate side by side in each state].

Regional governments, accountable to the electors of the region, liaising with the central government, operating through regional administrations and applying the law of the land as tailored to meet the region's needs, shall be responsible for the implementation of government policy at the regional level.

(\*) Its functions will not be limited but will be exercised i.to the checks and balances created by the constitution. Its specific

functions 00044