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ANC

Negotiations Bulletin

Number 10

MCH 91-13-1-5

18 May 1992

<p>NO AGREEMENTS AT CODESA II</p>	<p>At CODESA II, held on 15th and 16 May 1992, draft agreements were tabled from the following Working Groups:</p> <p>Working Group One - creation of a climate for free political activity.</p> <p>Working Group Three - Interim government, phase one.</p> <p>Working Group four - Reincorporation of the TBVC States.</p> <p>No report was tabled from Working Group Two on the Constitution-Making body. This was a result of the deadlock in Working Group Two.</p> <p>As a result of the deadlock on the Constitution-Making body, CODESA II did not enter into any agreements whatsoever. It is the view of the ANC that the agreements from each of the five Working Groups form part of a single package. The mandate of the ANC's negotiators was not to enter into piecemeal agreements.</p> <p>The Constitution-Making body and the Constitution-making process is at the heart of the negotiations. All other agreements, like Climate creation, Interim Government and Reincorporation of the TBVC States are meant to facilitate Constitution-Making.</p> <p>The 1992 January 8th Statement makes reference to the relationship between agreement on Interim Government and agreement on a Constituent Assembly as follows:</p> <p>"There cannot be any point in setting up an Interim Government if this principle (the principle of a democratically-elected constitution -making body) has not been adopted"</p> <p>The ANC will continue to be guided by this approach.</p>
<p>WHY WAS THERE NO AGREEMENT ON THE CONSTITUTION-MAKING BODY ?</p>	<p>Many people have been left with the impression that the deadlock was merely over percentages (i.e. should decisions be taken by special majorities of 66,7%, 70%, or 75%) The conflict over the percentages is a symptom of a much deeper problem. So what was the real issue at stake?</p> <ul style="list-style-type: none"> - All parties had agreed that a democratically elected Assembly would write the new constitution. - All parties had agreed that this body would be called a National Assembly and would also act as an Interim Parliament. - All parties had agreed that CODESA will draft an Interim Constitution to give legal effect to the elected Constitution-Making body and Interim Government. <p>The ANC and other Patriotic Front Organisations at CODESA agreed to the idea of an interim constitution drafted by CODESA provided that it would be replaced as a whole by a new Constitution drafted by the National Assembly.</p> <p>The regime, having agreed to an elected Constitution-Making body, set such stringent conditions that the National Assembly would take many years to draft a new Constitution. This would mean that the Interim Constitution would remain in force and may even become the final Constitution. This was the trap set by the National Party. We were therefore forced to deadlock rather than make such an unacceptable compromise.</p> <p>The regime wanted the following:</p> <ul style="list-style-type: none"> * SENATE : The regime wanted the agreement to say that the decisions of the elected National Assembly would be subjected to the veto of an undemocratically constituted senate. * REGIONS : The regime wanted agreement that the Interim Constitution will define the