

STATEMENT BY THE GOVERNMENT ON PROPOSED TRANSITIONAL ARRANGEMENTS

1. The Government has today submitted proposals about transitional arrangements to CODESA Working Group 3. A copy of the document submitted is attached.

2. Essentially two transitional phases are envisaged. The second and most important phase is dealt with first:
 - The government gave notice that it will place on the table at CODESA, by the end of April, detailed proposals for a transitional constitution;

 - These proposals will entail a elected and representative and responsible transitional government based on significant minority party participation in both the legislature and the executive;

 - The proposals will be formulated and tabled in the form of a draft bill within the framework more fully set out in the attached document, but including:
 - A Parliament with two houses; the first elected on a system of proportional representation and the second with regional and other disproportionate representation;
 - A joint Presidency constituted of the leaders of the three to five strongest political parties in the National Assembly;
 - A cabinet appointed by the Presidency;
 - A Charter of Fundamental Rights enforceable by the Supreme Court.

 - The discussion and negotiation of these proposals should start when the draft bill is tabled in CODESA Working Group 3 by the end of April. The negotiation and the implementation of the

transitional constitution have been made conditional to the resolution of outstanding questions regarding violence in general and related issues, including the understandings in paragraph 3 of the Pretoria Minute and the D F Malan Accord. The transitional constitution should not be implemented before a satisfactory situation of overall order and stability has been achieved. This is a situation we would all wish to reach as soon as possible. Apart from the human misery it causes, violence can easily destroy all trust between negotiating parties. Therefore all parties participating in the negotiation of the transitional constitution, are called upon to co-operate in the endeavour bringing it to an end.

3. Since the main proposal, namely the transitional constitution, will take some time to negotiate and implement, an initial preparatory step is proposed. This step falls within the agreement already reached in Working Group 3 about an appointed transitional executive structure. The proposal was submitted in much more detail and is open for discussion and negotiation now and for implementation as soon as agreement has been reached and the necessary legislation passed. These proposals include the following:
 - For a number of reasons, but especially because of the sensitivity surrounding the idea of co-optation, the extension of the Cabinet to include representatives of those not now represented in government structures, are not proposed. While the present Cabinet will therefore continue as it is, separate structures are being proposed.
 - Transitional Councils for different areas calling for special attention while the transitional constitution is being negotiated and until it is implemented. Their main aims will be the

levelling of the playing field to ensure free and fair elections, planning for and facilitating the transitional constitution and attending to matters that may disrupt or delay the reform process. Socio-economic areas needing urgent attention may also be placed under specific councils.

- The members of the councils will be full-time executives.
- The Councils are composed of people nominated by CODESA and appointed by the State President. Serving Ministers and Deputy Ministers can also be appointed and serve in both capacities simultaneously. In total no more than 30 persons shall serve on Councils. This limit can be maintained irrespective of the number of Councils instituted by appointing an individual to more than one Council;
- Councils will probably have to be appointed for at least:
 - * Elections;
 - * Regional Government;
 - * Local Government;
 - * Government Finance;
 - * Law and Order (Police);
 - * Defence.
- The functions of the first four are described in the attached document but the functions of the last two, and their institution, will have to be negotiated in the light of progress made in Working Group 1 and in various bilateral negotiations.
- Other areas for which Councils may be considered, are education, housing, health and international relations.

- Obviously, councils will have to be given the statutory competencies and the administrative support they may need to fulfil their functions;
 - All the Councils meeting together will form a Joint Council without the competencies of the individual Councils. They will, however, be able to adopt by consensus resolution with persuasive power.
4. The Government is convinced that the system of Transitional Councils proposed, will be able to make a major contribution not only in smoothing and preparing the way toward the first elections, but also in the process of reconciliation and growth towards nationhood.