

D I K W A N K W E T L A    P A R T Y

TRANSITIONAL ARRANGEMENTS METHOD OF BRINGING INTO BEING OF  
TRANSITIONAL ARRANGEMENTS :

GROUP 3

1. While the Interim Constitutional arrangements have as their principal function to assist in the establishment of a climate conducive for arriving at a new Constitutional dispensation as speedily as possible. In our view the Interim Government should not entail writing a full-blown Interim Constitution and protracted negotiations with regard to the Constitutional Negotiations.
2. Provisions of the existing constitution must be amended to accommodate recommendations from CODESA. While CODESA must be a supervisory body in the implementation of its recommendations, in Phase I, it must recognise the maintenance of the status quo until such time that the recommended changes are enacted by the existing Parliament.
3. Further Mr Chairman, it is our submission that the transitional Constitutional arrangements should be given legal force/form and legal justification in present Constitution.

It is submitted that CODESA has already attained a wide measure of recognition internally as well as externally and that it should be accorded a substantial role in the transitional arrangements. Even if it does not constitute the most desirable method, under the prevailing circumstances, appointment seems to be the most appropriate method of bringing into being most of the transitional institutional structures.

However, appointments in certain instances may be regarded as nothing more than co-option.

4. By giving CODESA a say in such appointments this objection may be removed or alleviated. In certain instances designation or "indirect election" by members of CODESA may provide an appropriate way or bring into being of transitional governmental structures or of endorsing the institutionalisation of such structures.

As agreed : Agreements reach<sup>ed</sup> in CODESA in this regard will have to be given effect to by Parliament through amendmends to the existing Constitution and relevant legislation, in order to give them Constitu-  
tional and legal form.

5. Purpose and objectives of Interim Arrangements with respect to period leading <sup>up to</sup> an election. Our strong view is that first of all, the present Constitution would have to be amended in order to pave way for whatever interim executive (Cabinet) evolves.

6. The Executive Structure during transitional period.

The existing Cabinet should be enlarged to include the representatives of CODESA. The participation of the TBVC States will be subject to their decision on incorporation into RSA. The appointments for the enlargement of the Cabinet should be subject to a vote of confidence by CODESA.

7. Legislature in the transitional period.

The three houses of Parliament should remain in place until the implementation of the New Constitution. Any amendment required to facilitate the process of transition must be subjected to Parliament for enactment.