

WORKING GROUP 3
VENDA CONTRUBUTION

INTERIM GOVERNMENT / TRANSITIONAL ARRANGEMENTS /
/ TRANSITIONAL AUTHORITY

1. INTRODUCTION

Mr Chairman, the objective of this paper is to make known the position of the Venda delegation with regard to the question of interim arrangements.

It must be stressed from the onset that the processes in which CODESA is presently involved were necessitated by the unacceptable nature of government as practiced by the S.A Government over a long period of time.

The international community has consistently spoken against the separatist and racialistic policies of the S.A Government in no uncertain terms. In order to induce a negotiated political settlement it has taken the following steps:

- 1.1 It has consistently subjected S.A. to sanctions and such - like measures that not only presured the S.A. Government into seeking a political solution but also left the economic capabilities of this country adversely weakened.
- 1.2 The United Nations has through its General Assembly, declared apartheid a crime against humanity. (see the Universal Declaration of Human Rights by the United Nations General Assembly passed on 10/ December / 1948 by 48 votes to nil with 8 abstentions).

In the light of the above, the Venda delegation therefore has the following submissions to make:

- 1.1.1 The present political status quo needs to be replaced by an authority brought into being by the majority of the inhabitants of South Africa.

- 1.1.2 The above should be preceded by an interim government. There must of necessity be concensus amongst all CODESA participants as to how the transitional process should be initiated and as to how it should proceed including its life span.
- 1.1.3 It is extremely important that all CODESA participants should approach the formative stages of the envisaged New South Africa, subject to the proviso that they do so while being on an equal footing. It is therefore important that no participant and in particular the South African government should attempt to be both referee and player at the same time in this negotiation process.
- 1.1.4 It must be noted that the modalities that CODESA will employ to bring about an interim authority will determine not only its acceptability to the majority of South Africans but also the acceptability of any future government that will result. This in itself also determines whether we are heading for a peaceful future South Africa or for a state of civil war and factionalism.

2. THE NEED FOR AN INTERIM GOVERNMENT

It being clear that the National Party and the South African Government have vested interests in whatever is going to happen in the future it is only fair therefore that it be on an equal footing with all the other CODESA participants.

Our delegation therefore argues for the constitution of an interim government. This will ensure the formation of a future South African Government, which is representative of the majority of the inhabitants of South Africa.

3. THE POWERS OF THE INTERIM GOVERNMENT

In order to be effective, the interim government must amongst others:

- 3.1 Be accorded an agreed measure of constitutional and legislative powers.
- 3.2 Assume a centralised control over the security forces in South Africa; the T.B.V.C. and the Self-Governing states.
- 3.3 Embark on a competency training programme including an element of affirmative action. This will help undo the imbalances inherent in the apartheid based, preferential employment tendencies in the South African and homeland civil services.
- 3.4 In conjunction with the international community, bring into being a constituent assembly. This should be subject to the proviso that the extent of the participation of the international community should be agreed upon at CODESA.
- 3.5 Consist of various departments which will sufficiently cater for the continuation of various administrative functions, that in turn facilitate the civil service of the South African Government, the TBVC and the self-governing states.
- 3.6 Determine questions of foreign policy, international relations as well as rules pertaining to immigration.
- 3.7 Rule by decree which decree should be restricted to particularly identified areas with a view to facilitate the speedy proceeding of the transitional processes.

4. THE CONSTITUTION AND STRUCTURING OF THE INTERIM GOVERNMENT

4.1 THE RESPONSIBILITY TO BRING INTO BEING AN INTERIM GOVERNMENT.

We as a delegation contend that CODESA itself should be the one to facilitate and determine the modalities of bringing into being an interim government.

4.2 POSITIONS IN THE INTERIM GOVERNMENT

4.2 (a) ADMINISTRATOR

CODESA should appoint an administrator of the interim government. Such a person should come from such international organisations as CODESA may deem fit. This will ensure that such an administrator will have a neutral outlook and will therefore be acceptable to all sincere participants at CODESA.

4.2 (b) COUNCIL OF INTERIM ADMINISTRATORS

CODESA should proceed to appoint a body known as the council of interim administrators. This body may be constituted with special emphasis on skill and acceptability which will be determined and assessed by CODESA itself. This body should function amongst others as provided in 3.5 above.

5. THE PARLIAMENTS OF THE SOUTH AFRICAN GOVERNMENT, THE TBVC AND SELF GOVERNING STATES.

The parliaments of the South African Government, the TBVC and the self - Governing States should be dissolved. All these structures should concentrate on participation in the constitution of the interim government and should fall directly under its control.

6. THE ROLE OF THE INTERNATIONAL COMMUNITY DURING THE TRANSITIONAL PERIOD.

6.1 MOTIVATION

Mr Chairman, the future South African Government must of necessity be part and parcel of the international community if it is to be viable economically and otherwise. The participation of the international community in the transitional stages in our situation brings about 2 advantages.

6.1 (a) Firstly it will ensure the acceptability of any future South African Government by the international community as it will have played a role in bringing it into being.

6.1 (b) Secondly, trust amongst CODESA participants can only be fostered if there is the assurance that international bodies with a neutral outlook are overseeing the whole transformation process.

7. AREAS OF PARTICIPATION BY THE INTERNATIONAL COMMUNITY

7.1 PEACE KEEPING

Mr Chairman, whereas we are faced with a situation wherein the bona fides of the present security forces are questionable; and whereas allegations of partiality are rife it is imperative that a neutral peace keeping force should monitor the day to day happenings preceeding the coming into being of a future South African Government. It is in this regard that the United Nations peace keeping force under Chapter VII of the United Nations Charter can be useful in our situation.

The composition and size of the peace keeping force should be determined by CODESA in conjunction with the United Nations Security Council subject to the provisions of Article 42 of the United Nations Charter.

7.2 ELECTORAL PROCESSES

It is necessary that the election of a future South African Government should be overseen by a neutral body. In this regard the office of the United Nations Secretary General should assist by:

- 7.2 (a) Supervising the electoral process and providing the logistics necessary for this function.
- 7.2 (b) Overseeing the registration of voters and the prevention of electoral irregularities.
- 7.2 (c) Safeguard the political rights of the thousands of farm workers who are under the direct control of conservative farming employers.
- 7.2 (d) Through the office of the United Nations High commissioner for refugees, cater for the interests of the many refugees who came from the neighbouring states like Mozambique; Zimbabwe and Namibia.

It should be noted that many of these political refugees have been forced to acquire identity documents from the South African Government the TBVC and self-governing states illegally. These people may be misused for election purposes just as there are already allegations that they are being used in clandestine operations.

These people should be assisted to acquire their rightful refugee status so that the electorate cannot be overwhelmed by people who do not qualify to vote.

- 7.2 (e) Ensure the speedy acquisition of identification documents for election purposes. Here, the maximum period should not exceed 3 months.

8. CONCLUSION

In conclusion Mr Chairman, it is clear that the present political dispensation is neither acceptable to the majority of South Africans nor to the international community CODESA should therefore strive towards the creation of a United; non racial; non sexist; democratic society in which the aspirations of everyone will be realised.

In the meantime, only an interim government becomes an obvious choice not as an end in itself but as a process towards a new constitution which will usher in a new political dispensation.

We therefore as a delegation propose that such an interim government be constituted within no more than 6 months with a life span of no more than 18 months.