

XIMOKO PROGRESSIVE PARTY

WORKING GROUP 3

23 MARCH 1992

POSITION PAPER CONCERNING POWER

AND NATURE OF INTERIM STRUCTURES

It would appear to us that more attention must be devoted at this stage in the discussion on the time schedules for Phase One and Phase Two of Interim arrangements.

If on the one hand Phase One is to be introduced by June 1992 and to be followed by early elections for a Constituent Assembly in late 1992 or early 1993 then the powers proposed for a Multi-party Cabinet appointed by Codesa may differ vastly from those which are needed to tide over a Phase One of much longer duration. Question 9 on our previous Agenda should therefore be addressed already at this stage of Group 3's deliberations.

The time schedule applicable to Phase One must surely depend to a great extent on whether a climate favourable to fair elections can be anticipated soon. Some delegations appear to be of the view that elections can and should be held at an early date. Other delegations are of the view that the process of levelling the playing fields will be a much longer one and that elections cannot be entertained in the present climate of violence.

We in Ximoko are of the views that elections as early as possible are indicated but subject to the following important qualifications. In order to improve the existing climate of suspicion and uncertainties, we feel that elections should only be embarked upon when Codesa has formulated a concrete set of principles and guidelines which can reassure any electorate as to the direction which any future Constituent Assembly is likely to follow. We are aware that such a set of principles cannot bind any future Constituent Assembly but we are also of the view that these principles, having been adopted by the parties at Codesa, are unlikely to be overturned by any future legislature or Constitution-making body. Already a whole set of principles for a democratic system of Government have been enunciated by Group 2.

We feel that these and other later enunciated principles should be adopted by Codesa and the present Parliament so as to form the basis of any future interim Government and also the basis of the protection of minority rights. If the protection of minorities and the introduction of checks and balances is not effected at this present stage in Phase One long before any Constituent Assembly is elected then such protection or introduction is left to take the whim of a body which may guarantee and protect nothing at all.

The enunciation and adoption of a firm set of principles by Codesa should therefore be a sine qua non of any decision to move to Phase Two and the holding of elections. Should Codesa be willing to follow this procedure we are of the view that the Multi-party Cabinet could be installed by July 1992 and that the legislatures of the present SA Government, the TBVC and Self-governing States remain in position to implement the decision of the Multi-party Cabinet and to combine with the normal functions of government. In such event we are of the view that the powers to be ascribed to the Multi-party Cabinet should not simply be limited to those fields of activity which will ensure a levelling of the playing fields only. They should involve all those powers and duties which render the Multi-party Cabinet responsible in toto for all of its actions.