

**TO : HEADS OF DELEGATION OF CODESA WORKING GROUP 3,
CO-ORDINATORS OF WORKING GROUP 3,
MEMBERS OF WGSC3**

FROM : CODESA ADMINISTRATION

QUERIES : LOVEDALIA OR DIANNE

**RE : REPORT FROM WG3 RAPORTEURS AND SUMMARY OF
RECOMMENDATIONS AND DECISIONS**

**PLEASE WOULD NOMINATED HEADS OF DELEGATION OR CO-ORDINATORS FOR
THE WORKING GROUP, ENSURE THAT THIS DOCUMENT IS DISTRIBUTED
CONFIDENTIALLY TO ALL MEMBERS OF THE WORKING GROUP REQUIRING IT,
INCLUDING DELEGATES, ADVISERS AND MEMBERS OF THE WORKING GROUP
STEERING COMMITTEE (WGSC) WHERE APPROPRIATE.**

THANK YOU.

WORKING GROUP 3

ANC	Negotiations Comm	011-333-9090
Bophuthatswana Gvt	D Schoeman	0140-84-2943
Ciskei Gvt	H J S Kayser	0401-91189
Democratic Pty	Off : Z de Beer	021-461-0092
Dikwankwetla Pty	R H Mopeli	01438-31569
IFP	A Macaulay/ S Felgate	0358-20-2167
Intando Ysizwe	M J Mahlangu c/o J S Mabona	01215-2548
Inyandza Nat Mvmnt	P M H Maduna	013140-862
Labour Party	L Landers	021-45-3706
NIC/TIC	P G Gordhan	031-309-2278
	N Pillay	012-374-4792
National Pty	D de Villiers	ask for fax 021-45-3216
		012-323-2275
National People's Pty	M Mohanlall	021-403-2971
Solidarity Pty	A Arbee	012-325-7720
SACP	G Fraser-Moleketi	011-836-8366
SA Government	B J du Plessis	021-461-2934
	c/o L Niewoudt	012-343-8043
Transkei Gvt	Z Titus	0471-23876
United People's Frt	c/o PR Chief Min	0156-35244
Venda Gvt	C Neluvhalani:	
	Chief Gvt Liaison Off	0159-23172
Ximoko Prog Pty	A E Nkondo/Ackron	01526-23140 or Ria Meyer on 01526-24646
		ask for fax
WG3 Secretary	C Coleman	011-618-2079



F A X M E S S A G E

TO : MEMBERS OF WORKING GROUP 3
FROM : CODESA ADMIN
DATE : 14 FEBRUARY 1992
**RE : REPORT FROM RAPPORTEURS AND SUMMARY
OF RECOMMENDATIONS**

Enclosed for your information, please find :

1. A report from the Working Group 3 Rapporteurs entitled "Summary Report on Interim Arrangements".
2. A Summary of recommendations and decisions arising from WGSC3 meeting of 11 February 1992.

Should you have any queries, please do not hesitate to contact us.

Regards

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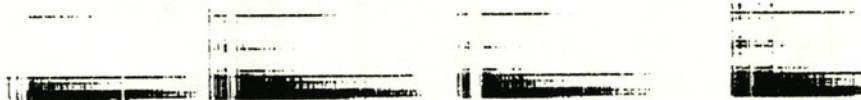
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**FACSIMILE MESSAGE TO: ALL DELEGATES AND ADVISERS
OF WORKING GROUP 3 (INTERIM
ARRANGEMENTS)**

**FROM: WORKING GROUP 3
RAPPORTEURS**

**RE: SUMMARY REPORT ON INTERIM
ARRANGEMENTS**



1. GENERAL

- * Some delegations have placed pre-conditions on their participation in the Interim Arrangements. How these pre-conditions should be dealt with, must be decided by the Working Group.
- * Not all delegations have stated their positions. The possibility therefor exists that further options will be identified as the Working Group proceeds with its work.
- * The question of the involvement of the International Community is being dealt with by Working Group 1 and was therefore largely omitted from this report.
- * Apparent commonalities that exist may disappear once the Working Group goes into the detail of each proposal.

* The position of the TSVC states is the subject matter of Working Group 4. Consequently, Working Group 3 cannot resolve this issue before Working Group 4 has finalised its work. With this in mind, the position of the delegations regarding the TSVC states have been omitted, including the question of regionality or unity.

2.1 REASONS/NEED FOR INTERIM ARRANGEMENTS

Although different reasons are given by the various delegations as to why Interim Arrangements are required, all delegations agree that there should be an Interim Arrangement to supervise/manage the transition to democracy.

The following reasons are given as to why an Interim Arrangement is required:

- * The current Government is not representative of all South Africans and the exclusion of a large number of citizens can only generate widespread discontent and prejudice and is perceived as being illegitimate. The Interim Arrangement should be broadly based and inclusive rather than exclusive to promote acceptability, legitimacy and in order to ensure that it is perceived as a government of national unity and reconciliation.
- * A party cannot at the same time be a player and referee. Therefore, all the participants should be placed on an equal footing. The resolution of the political impasse in South Africa is a critical factor for the improvement of the economic situation which is nearing stagnation.
- * The levelling of the political playing field as a prerequisite for the holding of free and fair elections.

- * The elimination of political violence and the creation of political tolerance.
- * Overall it is important to maintain continuity of government for the period leading to the finalisation of a new Constitution for South Africa.

2.2 COMMONALITIES

All delegates are agreed about the need for Interim Arrangements. This is not in dispute.

2.3 ISSUES, OBSTACLES AND PRECONDITIONS

- * Violence must be addressed earnestly before elections can be held in an effort to level the political playing field.
- * Encouragement of the parties and organisations still outside CODESA to participate to promote the principle of inclusivity.
- * Improvement of economic situation. Serious efforts should be made to encourage investment in the country as a prerequisite for the improvement of the economy.

- * Efficient and effective control of Government functions must prevail during the transition period.
- * Options as to the form and structure of Interim Arrangement remain open and be the subject of further discussion.

3.1 PURPOSE AND OBJECTIVES OF PROPOSED INTERIM ARRANGEMENTS

3.1.1 The Transitional Arrangement must:

- * Take full and effective control of -

Finance, Media, Foreign Affairs, the Security Forces and all other Governmental functions including the preparations for democratic elections.
- * Govern South Africa according to predetermined policies agreed upon at CODESA until a new constitutionally elected government, representing all the people of South Africa is installed.
- * Identify methods of administering the TBVC and self governing states during the transition period.
- * Promote shared responsibility and build trust and goodwill between political groups.

- * Preserve constitutional and legal continuity.
- * Promote a culture of democracy and co-responsibility.
- * Govern in accordance with a negotiated interim Bill of Rights which shall incorporate a Code of Conduct for political organisations.
- * Create growth, economic activity and generate employment.
- * Avoid disfunctions of government and ensure social justice.
- * Promote peace and stability so that fair and free elections can be guaranteed.
- * Supervise the process of electing/appointing a constitutional making body.

3.1.2 KEY ISSUES

The Interim Arrangement should be:

- * Broad based and inclusive, encouraging the parties outside CODESA to participate.

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- * Capable of addressing the question of terminating violence and creating stability and peace.
- * Accepted internationally in order to promote economic growth, resulting in job creation.
- * Instrumental in the further levelling of the political playing field.

3.1.3 COMMONALITIES

There is substantial agreement as to the purpose and objectives of the interim arrangement.

3.1.4 ISSUES, OBSTACLES AND PRE-CONDITIONS

- * There are some delegations that have not signed the declaration of intent. This is seen as an obstacle to the process.
- * Not all political groupings are represented at CODESA and this is perceived as an obstacle.
- * The on-going violence and instability in the country is not only an obstacle to the political process but also a deterrent for international investment.

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- * Until the work of Working Group 4 on the TBVC states is completed, it will prove difficult to finalise their participation in the Interim Arrangement.
- * The media is perceived as partisan and control thereof should be addressed immediately.
- * Control of the Security Forces must be addressed immediately.
- * Incorporation/integration of other forces into the SADF and SAP should be addressed.

4. FUNCTIONS OF INTERIM ARRANGEMENT BODIES

4.1 THE EXECUTIVE

To attend to all executive Government functions with special emphasis on:

- * Finance
- * Security Forces
- * Media
- * Foreign Affairs

To lay the infra-structure for elections.

4.2 THE LEGISLATURE

To attend to all legislative functions of Government with special emphasis on the issues set out above.

To give effect to decisions by the executive by passing the required legislation.

4.3 COMMONALITY

It is fairly commonly accepted that the Interim Arrangement Bodies will have the above functions.

4.4 ISSUES, OBSTACLES AND PRECONDITIONS

Pending the finalisation of the assignment of Working Group 2 regarding the constitution making body, agreement must be reached as to how the process leading to democratic elections will be managed.

Parties not represented at CODESA might prove to be an obstacle in this process. As before, the on-going violence will also prove to be an obstacle. In addition to this the lack of trust between parties will have to be resolved so that it does not become an obstacle in the functioning of the above bodies.

5. STRUCTURE OF INTERIM ARRANGEMENT BODIES

5.1 EXECUTIVE

5.1.1 There are proposals that:

- * The State President be retained as head of the Executive.
- * An acting State President be elected by a Multi-Party National Assembly.
- * A CODESA appointed Administrator be appointed.
- * A rotating State President be appointed from the members of a 5 person Executive.

5.1.2 There are suggestions that a Council of Leaders should be appointed, with the State President being a member of such Council of Leaders.

5.1.3 It was also suggested that:

- * Cabinet Committees be appointed by CODESA to assist existing Ministers. Again these appointees should come from all parties participating in CODESA.

- * Additional Cabinet Ministers be co-opted from unrepresented parties to form part of the Executive. This can be achieved by amending the existing Constitution.
- * CODESA appoints an Executive Council/Interim Administrators also to serve as executive heads of Departments.
- * A multi-party Cabinet be elected by a Multi-Party National Assembly.
- * A Cabinet, consisting of 15 members appointed by a Constituent Assembly and 15 members to be appointed from all the parties in Parliament, be created.

5.2 THE LEGISLATURE

5.2.1 It was suggested that:

- * The present Parliament should abolish the distinction between own and general affairs and should sit as one body and vote accordingly.

- * A Multi-Party National Assembly be constituted by all political organisations having signed the Declaration of Intent, on an equal basis. This National Assembly shall replace the existing tricameral Parliament.
- * No legislative body be created. The Executive to rule by decree.
- * CODESA be converted into a Constituent Assembly and the present Parliament will be required to give CODESA that legal authority (the presumption is that Parliament will therefore fall away).
- * The tricameral Parliament should be transformed into one house which must incorporate mechanisms to reflect the interests of all South Africans.
- * The existing Parliament be retained to implement recommendations of CODESA.

5.3 KEY ISSUES

The proposals seem to be extremely divergent and need to be reconciled through negotiation.

5.4 COMMONALITY

It seems to be agreed that an Executive and a Legislature will be required during the transitional period. The proposals, however, reflect to a large extent divergent trains of thought, with only limited agreement.

5.5 ISSUES, OBSTACLES AND PRE-CONDITIONS

To a lesser extent, the question of those delegations that have not signed the Declaration of Intent will be an obstacle in the composition of the Executive and the Legislative Bodies. Again, non-participation of other political groupings might create a problem of legitimacy and representativity.

Some of the suggestions could prove not to be financially cost effective.

5.7 THE JUDICIARY

Only passing reference was made to the judicial system during the transitional period. It does seem as if it is common cause that a strong independent Judiciary is essential. The reference to a Bill of Rights by a number of delegations illustrates this need.

6. PROCESS OF BRINGING INTO OPERATION OF INTERIM ARRANGEMENTS

6.1 It was suggested that:

- * CODESA appoints the interim structures but that Parliament gives effect to decisions taken by the structures and CODESA.
- * CODESA be converted into a Constituent Assembly and be given the necessary authority to implement decisions by Parliament prior to its dissolution.
- * Parliament and the Executive be broadened by co-option and that Parliament appoints the Executive. The Constitution should be amended to provide for this arrangement.
- * Elections be held for a Constituent Assembly who will thereafter proceed with the drawing of a new Constitution and conducting the Business of Government.
- * Parliament and Executive should remain, with adjustments brought about by amending the Constitution.
- * CODESA should appoint Interim Arrangement Bodies to rule by decree. Parliament would then dissolve.

- * The whole process should be undertaken under supervision of or with the involvement of the International Community.
- * An Interim Constitution be drafted by CODESA before installing an Interim Arrangement. A Transitional Multi-Party National Assembly should then install the Interim Arrangement Bodies.
- * The present Government is to remain but that decisions by CODESA be implemented by Parliament.

6.2 TIME FRAMES

Although no specific time frames were stipulated, indications are that the majority of delegations feel that a shorter rather than longer transitional period is indicated.

Suggestions of time frames ranged from within a couple of months to two years. Some of the delegations pointed out that care should be taken not to opt for a "quick-fix" approach.

6.3 KEY ISSUES

It is important that some kind of uniform position as to the

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bringing into operation of interim arrangements should be looked into.

6.4 COMMONALITIES

Although everybody seems to agree on the principle that an Interim Transitional Body will be required, the suggestions tabled differ substantially.

6.5 ISSUES, OBSTACLES AND PRE-CONDITIONS NEEDING ATTENTION

As already stated, the fact that there does not seem to be commonality, on the structure or composition of the Interim Arrangement is going to delay the process of finalising the work of Working Group 3.



FAX TO: ALL DELEGATES AND ADVISERS OF WG 3
FROM: WG 3 STEERING COMMITTEE

SUMMARY OF RECOMMENDATIONS AND DECISIONS ARISING FROM MEETING OF WORKING GROUP 3 STEERING COMMITTEE HELD 11 FEBRUARY 1992 (TO BE TABLED FOR DISCUSSION AS PART OF AGENDA ITEM 6 OF WORKING GROUP 3 MEETING, 17 FEBRUARY 1992)

1. BRIEF TO RAPPORTEURS

- 1.1 It was decided that the rapporteurs should structure the report from the exploratory discussion on interim arrangements in the WG under the headings as they wish but should address and identify key issues, commonalities and differences, and areas needing special attention.
- 1.2 Rapporteurs should not summarise any individual party's position.
- 1.3 The report should not refer to from which party a particular proposal emerged.

2. AGENDA FOR NEXT WORKING GROUP THREE MEETING ON 17 FEBRUARY 1992

The proposed agenda is as follows:

- 2.1 Opening of the meeting and Welcome
- 2.2 Apologies
- 2.3 Ratification of the Minutes of the Third Meeting of Working Group Three
- 2.4 Adoption of the Agenda
- 2.5 Tabling of Report of Rapporteurs
- 2.6 Tabling of Report of the WGSC3
- 2.7 Exploratory discussion of:
 - 2.7.1 Reasons\need for interim arrangements
 - 2.7.2 Purposes and objectives of proposed interim arrangements
 - 2.7.3 Functions of Interim Arrangements in terms of:
 - (a) Executive Bodies
 - (b) Legislative Bodies
 - 2.7.4 Structure and implications of Interim Arrangements in respect of:
 - (a) Executive Bodies
 - (b) Legislative Bodies
 - 2.7.5 Process of bringing into operation Interim Arrangements and recommended time frames for interim arrangements.
- 2.8 Confirmation of dates for next meeting
- 2.9 Other urgent business
- 2.10 Closure

3. SUB GROUPS

- 3.1 The WGSC3 proposes that attempts should be made in the first instance to move through discussion of the agenda of the Working Group in the plenary. Where the Working Group is unable to resolve differences, it is an option for the meeting to break into smaller sub-groups to deal with these matters and give rise to recommendations for the full WG plenary to consider.
- 3.2 The option and functions of sub-groups will be re considered at a later stage.

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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4. **MEETING WITH CODESA SECRETARIAT**

It was decided that K Andrew and I. Ianders would attend the meeting with the CODESA Secretariat on Monday 17 February, 08H00 - 10H00 at the World Trade Centre, Johannesburg.

5. **CHAIRPERSON**

- 5.1 It was recommended that the WG 3 bear in mind that there is a need to combine the need for continuity and rotation as MC had recommended.
- 5.2 For efficient working of the group, it is recommended that a chairperson continues for four meetings and then rotates alphabetically by name. D de Villiers would then be next in the chair after K Andrew who would continue for the next two meetings.

6. **RAPPORTEURS**

Inkatha Freedom Party has recommended H Zille and A Gqokoma as rapporteurs. The WGSC3 feels that while the two rapporteurs are sufficient for the moment, the volume of work as time progresses would determine whether additional rapporteurs are needed. The WGSC3 recommended that the two nominees become part of a pool of rapporteurs that would be available should the need arise at a later stage. Delegates are welcome to add suggestions of individuals to form part of the pool of rapporteurs.