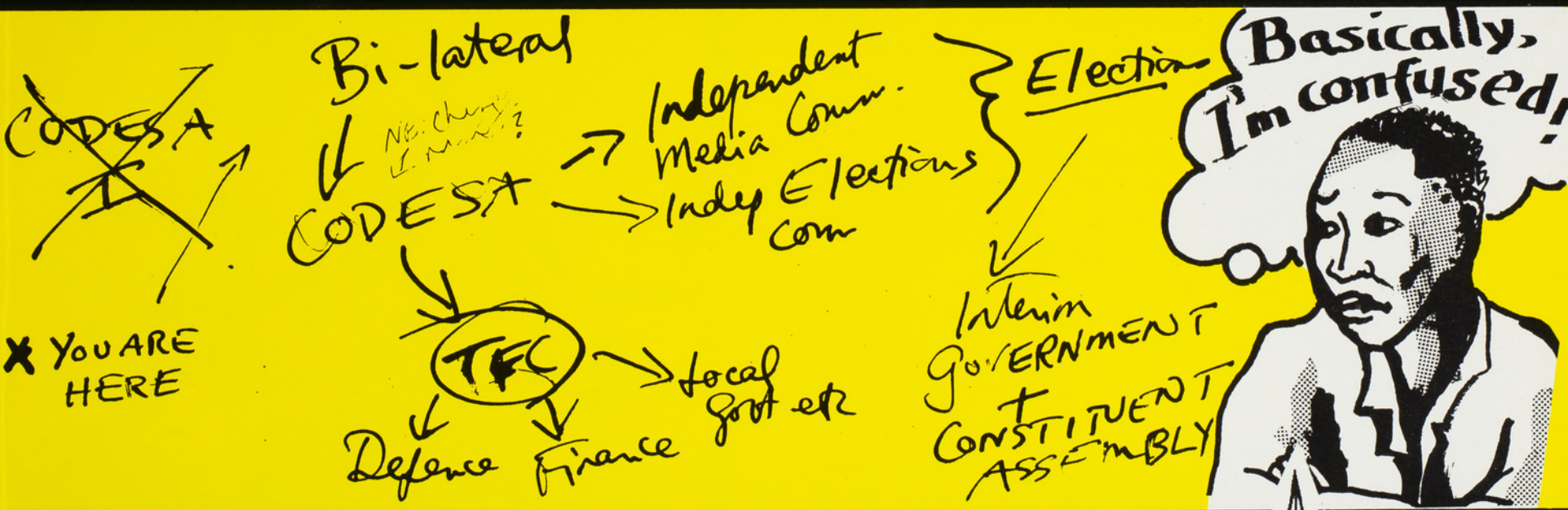


7 Steps to Democracy



An ANC Guide to the Negotiations Process

part 1



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Produced by the African National Congress
Negotiations Commission.
March 1993

Introduction



Everybody is interested in the process of negotiations. This is because it affects our future. However, the process of negotiations is not easy to understand. Most reports on negotiations include technical detail which people find confusing. Newspapers, television and radio tend to sensationalise issues. Discussion and debates about the process are therefore often confusing and emotional.

This Kit is produced with a view to facilitate and stimulate debates and discussions in all our structures.

This Kit gives the ANC's overall view of negotiations in a clear and simple form. It explains the ANC's approach to the transition in seven steps.

Each step has brief explanations and graphics. The graphics in the Kit are colour coded to help identify each structure and the process involved.

This is a starter Kit. Other Kits will be published to deal with further aspects of the process. Agreement has already been reached on some of the issues. This is a gain for the liberation movement. On other aspects, discussions are still taking place in bilateral and multi-party talks.

Highlights in the Struggle

The ANC was formed in 1912, to unite the African people against colonialism.

From 1947 the ANC began a series of joint campaigns with the Indian Congresses. These developed into the Defiance Campaign. The Coloured People's Congress and the white Congress of Democrats joined them in 1953. The campaign reached a peak in 1955 when the Congress of the People adopted the Freedom Charter.

In these campaigns, the vision of African Unity grew to include the idea of non-racial unity of all the oppressed, the exploited, and all democrats. Based upon the real conditions of our country, the Freedom Charter gave the idea of majority rule in South Africa a solid foundation.

In 1960 an All-In Conference was held in Pietermaritzburg to mobilise people against the declaration of the racist republic. This conference endorsed the ANC call for a national convention to decide on the future of the country.

In response to mounting resistance, the racist government banned the ANC in 1960. The ANC began the armed struggle in 1961. Our strategic objective became: to win majority rule by the armed seizure of power.

To win majority rule, the ANC engaged in armed struggle, mass struggles, underground organisation and mobilised international

support and pressure. This brought about a political crisis for apartheid. The government was not able to rule in the old way. Economically apartheid caused massive unemployment, rising inflation and low growth rates. Something had to change.

In 1987 the ANC began the process of negotiations. Nelson Mandela held a series of discussions with representatives of the apartheid regime from prison. He called for a negotiated settlement for the crisis in South Africa.

In 1989 the ANC and the OAU called for a negotiated settlement in the Harare Declaration. This became the basis for later steps towards peace.

The ANC was unbanned in 1990. It suspended armed struggle. "Talks about talks" started to create an atmosphere of free political activity. The Government was forced to release political prisoners, lift the State of Emergency, and allow exiles to return. The ANC called for an All Party Congress to kick start negotiations for a new constitution.

The Patriotic Front first met in October 1991. It adopted the PF Declaration, with a common programme for the transfer of power to the people.

In December 1991, nearly all the political parties in South Africa met to form CODESA. They adopted the CODESA Declaration of Intent.

Why negotiations play a crucial role today

As a result of the struggle of the 80's, the apartheid power bloc could not continue to rule in the old way. Its policies of repression and reform had failed. The crisis in the economy and the society grew worse. At the same time the liberation movement was not yet able to overthrow the regime.

Internationally, relations between world powers changed. People began to talk about finding negotiated settlements for conflicts in different parts of the world.

These changes, together with our struggles on a number of fronts, set the stage for a negotiated solution of the South African conflict. The regime was forced to:

- unban the ANC and other organisations
- release Nelson Mandela and other political prisoners
- acknowledge the defeat of apartheid ideology, and
- seek negotiations with the liberation movement.

This was a major strategic retreat for the regime and a victory for the democratic forces.

In the recent period, the De Klerk regime has suffered a further crisis. It has failed to win the support of the majority. It stands more divided than it ever was before. The regime has lost all ability to stop

the economic decline, unemployment, violence and rising crime.

Nevertheless, the regime still commands vast state and military resources. Powerful economic forces support it. It uses violence and propaganda to weaken the ANC and other democratic groups.

The liberation movement must therefore consider:

- the capacity of the liberation movement
- the capacity of the regime to endlessly delay the transfer of power, while it holds on to power and restructures the country to undermine the democratic future
- the cost to the people and the country of a long and drawn-out negotiations process
- the urgent need to address the social and economic problems of the people
- the need to stop the counter-revolutionary forces.

In this context, we believe that the best option for the liberation movement is to continue the negotiations process combined with mass action and international pressure. This process takes into account the need to combat counter revolutionary forces. Negotiations can change the balance of forces to ensure a complete democratic transformation.

Negotiations: our first choice

A peaceful political settlement has always been the first choice of the liberation movement. We only looked to an armed seizure of power when the prospect of a peaceful settlement vanished.

On the other hand, the regime only accepted the need for a political settlement when their use of force failed.

Negotiations therefore represent a victory for the democratic movement and a defeat for the forces of apartheid.

One of our strategic tasks must be to draw the regime on to the terrain of free political activity, peaceful democratic action, and genuine negotiations.

Delays in the process of peaceful transformation are not in the interest of the masses. The majority of the people want liberation and genuine democracy now.

The process of negotiations has given us a number of positive results. We have successfully reached agreement on the following:

a. The New Constitution

- The Constituent Assembly will draft and adopt the new constitution.
- The Constituent Assembly will be sovereign and will sit as a single chamber.

b. Levelling the Playing Fields

- The regime will not be both player and referee for the transition period.
- There will be a Transitional Executive Committee. This will be responsible for creating a climate of free political activity and for levelling the playing field.
- There will be an Independent Electoral Commission. This will be free of any party political involvement. It will be responsible for running and administering the elections.
- There will be an Independent Media Commission. This will also be free of any party political involvement. It will be responsible for ensuring that there is a level media playing field.

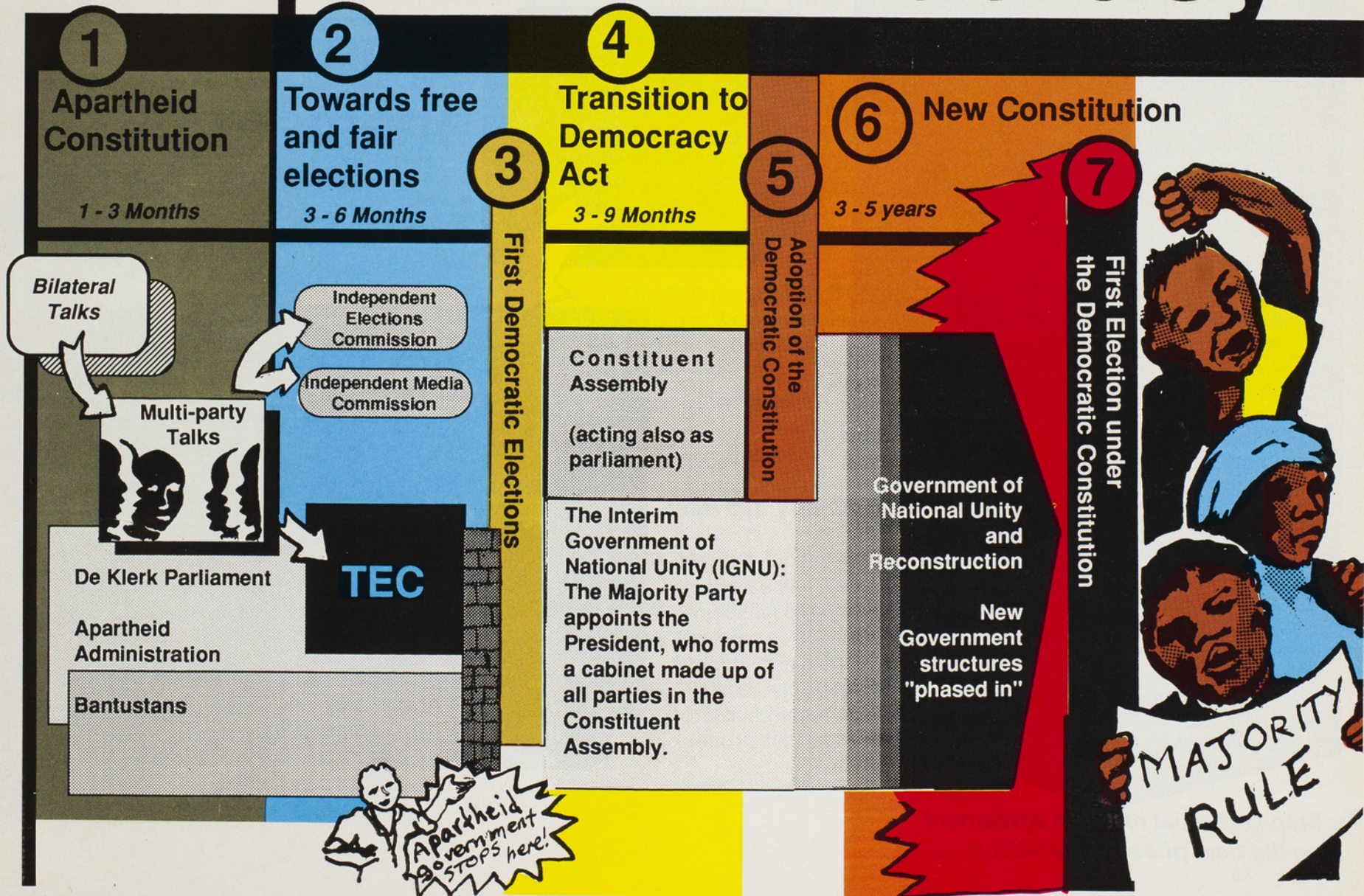
c. After the Elections

All structures of the apartheid administration will be replaced by:

- A Constituent Assembly, whose primary task will be to draft and adopt a new constitution; but which will also act as an interim parliament.
- An Interim Government of National Unity.

The Bantustans and the so-called Self-Governing areas will also be replaced by interim regional administrations, under the Interim Government of National Unity.

7 Steps to Democracy



Step One:

Apartheid Constitution

A. Who Rules?

The De Klerk Government still rules. The Apartheid Administration still rules. The "Independent Homelands" still rule.

B. Goals:

1. Resume multi - party negotiations
2. Negotiate to replace apartheid constitution with the Transition to Democracy Act

C. Our tasks:

- Mobilise to pressure the Government into accepting the Transition to Democracy
- Mobilise to stop the violence

Bilateral Talks



Multi-party Talks



*Step One must result in agreement
on the next phase of transition. . . .*

Reaching Agreement



1. The ANC's Objectives:

- Everyone needs to agree on the process (from step 2 through step 7)
- The present law must be amended to allow for the installation of the Transitional Executive Council and its sub-councils.
- A new Electoral Law must be drafted.
- The peace process must be strengthened.

2. How will this be done?

The ANC plans to reach these goals by negotiating at both the multi-party and the bilateral level. Bilateral talks with different parties will continue to help multi-party negotiations.

3. How long will it take?

Between 1 and 3 months

4. What can you do?

- Mobilise support for the Constituent Assembly and the Interim Government of National Unity.
- Strengthen all peace structures.
- Organise all activists in all structures of the Mass Democratic Movement in preparation for the elections.
- Organise and educate our people about the elections, the need to obtain proper identity documents, and the importance of voting in the first non-racial elections.

Step Two:

Towards free and fair elections

A. Who Rules?

The National Party Government and the Bantustans still exist.

BUT ALSO: the Transitional Executive Committee (TEC) oversees and supervises the De Klerk administration and the bantustans.

There are three Independent Commissions:

- to supervise the elections
- to supervise the media
- to report on the question of regions to the Constituent Assembly (NOT to make decisions!) and to propose electoral boundaries.

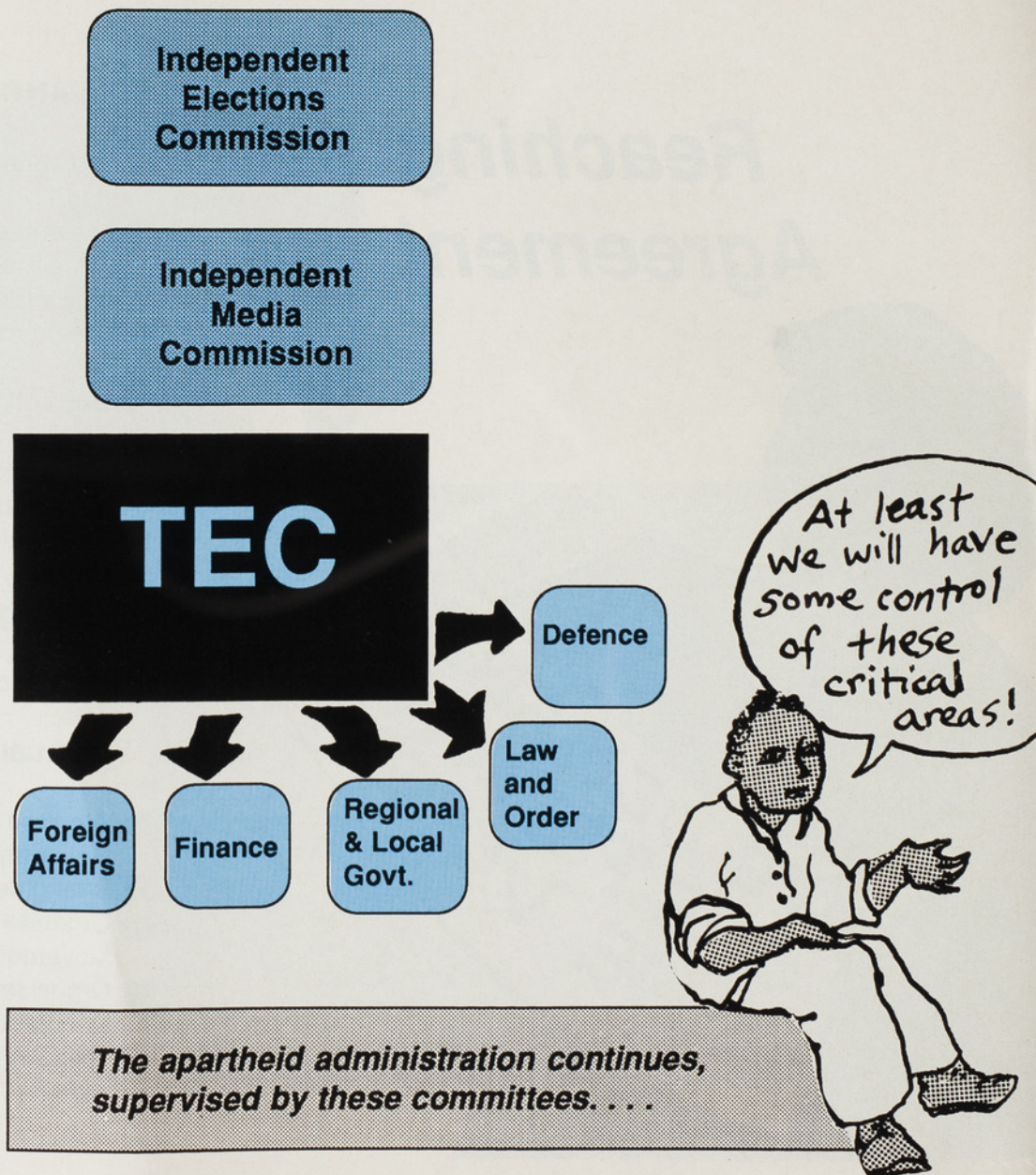
B. Goals:

1. Ensure that all players can participate equally
2. Create a climate for free and fair elections

C. Our tasks:

Organise to win the elections!
Mobilise to stop the violence.
Define ANC policy for a new government.

Step Two ends with the First National Democratic Elections



Levelling the Playing Field and Creating a Climate for Free Political Activity

1. The ANC's Objectives:

- The Transitional Executive Council (TEC), the Independent Electoral Commission (IEC) and the Independent Media Commission (IMC) must be installed and must work effectively.
- All armed forces including the SAP and SADF must come under effective multi-party control in the period before the elections.
- We must reduce the levels of violence.
- We must secure and maintain a climate of free political activity.

2. How will this be done?

- We must participate in the TEC and its sub-councils.
- We must mobilise all anti-apartheid structures in the elections campaign.

3. How long will it take?

- Between three to six months.

4. What can you do?

- Strengthen the existing peace structures.
- Organise for victory in the elections campaign.
- Respect the right of other political parties to organise in your areas, and educate people to be politically tolerant.

Structures:

TEC: The TEC is an executive structure made up of one representative from each political formation involved in the multi-party negotiation process. The TEC will be responsible for those areas of government which directly relate to levelling the playing field and creating a climate for free political activity. The TEC will also oversee the work of sub-councils dealing with Defence, Law and Order, Finance, Local and Regional Government, and Foreign Affairs. In this regard, a major area is ensuring joint control over all armed forces in the country, including the SAP.

The IMC and IEC: The Independent Media Commission and the Independent Electoral Commission will be independent of any party political influence. They will be responsible for ensuring free and fair elections, and remove bias in the media.

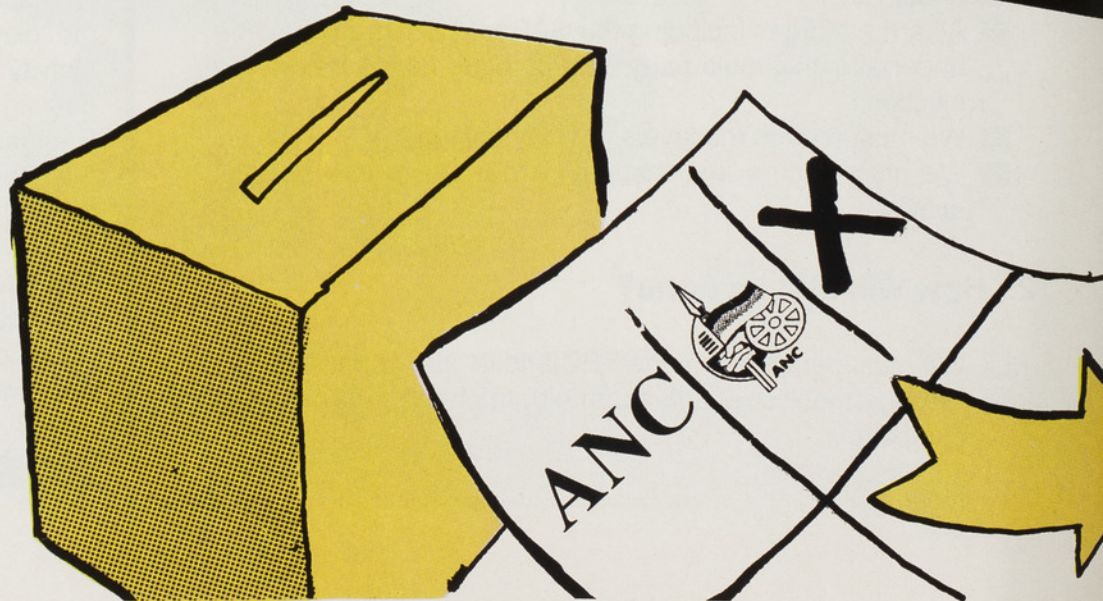
Step Three: First Democratic Elections

*Supervised by an Independent
Elections Commission with
Independent Monitors*

Our Task:

**WE NEED TO WIN
WITH A MASSIVE
MAJORITY!**

Independent Elections
Commission



*These Elections result in an elected
Constituent Assembly, which will draft a
new Constitution and create a new
Government.*

Voting for Democracy



1. The ANC's Objectives:

The ANC aims to win a decisive majority of the vote.

2. How will the Elections be run?

- The elections will be run by the Independent Electoral Commission. This will be free of the apartheid regime's control.
- Voting will take place at polling booths in all localities.
- Eligible voters will be identified by means of identity documents and voting cards.
- All South African citizens, including people living in the bantustans, will be allowed to vote.
- Parties participating in the elections will place their candidates on two lists, a national list and a regional list.
- Voting will take place on the basis of proportional representation. This means that you will cast your vote for a particular party and not for individual candidates. The votes will then be counted nationally and regionally to determine the number of votes that each party wins. Votes will not be counted separately in each constituency.

3. In general:

The election will replace the white minority regime with a democratically elected government. It will take a major step towards the end of white minority rule. It will mean the end of the bantustans.

Step Four:

The Constituent Assembly and Interim Government of National Unity

Who Rules?

1. *Constituent Assembly (CA):*

- writes the new constitution
- acts as parliament.

2. *Interim Government (IGNU):*

- multi-party cabinet
- runs the administration
- works for national unity

Our Tasks:

- Make sure OUR needs, demands, policies are reflected in the new constitution
- Ensure the IGNU starts making changes for the better in our lives.

The Constituent Assembly writes the new constitution and begins the task of rebuilding the country.



Establishing Democracy and National Unity

1. The Constituent Assembly (CA)

The Constituent Assembly will have two functions during this period:

- it will act as the ***Interim Parliament***; and
- it will act as the ***Constitution Making Body***.

As the ***Interim Parliament***, it will pass the laws of the country.

As the ***Constitution Making Body***, it will draft and adopt the new constitution. It will decide upon the powers, functions, and duties of different government structures. It will also decide on the boundaries, powers, functions and duties of the regions. Above all, it will decide on the rights and duties of citizens and draft a Bill of Rights.

The main aim of the ANC during this period is to make sure that the new Constitution reflects the needs and opinions of the

people. It should be adopted in the shortest possible time.

This will allow the new democratic government to proceed with the reconstruction of the country and the final end of apartheid.

2. The Interim Government of National Unity (IGNU)

The Constituent Assembly will elect the President of the country by a simple majority. The President will then appoint a cabinet. He will invite the leaders of each of the political parties who have won more than 5% of the seats in the Constituent Assembly to nominate representatives to sit in the cabinet. Each of these parties will have cabinet posts in proportion to the number of seats they have in the Constituent Assembly.

This shall be called the Interim Government of National Unity (IGNU).

In this period, the ANC must make sure it defends and consolidates the new democratic government.

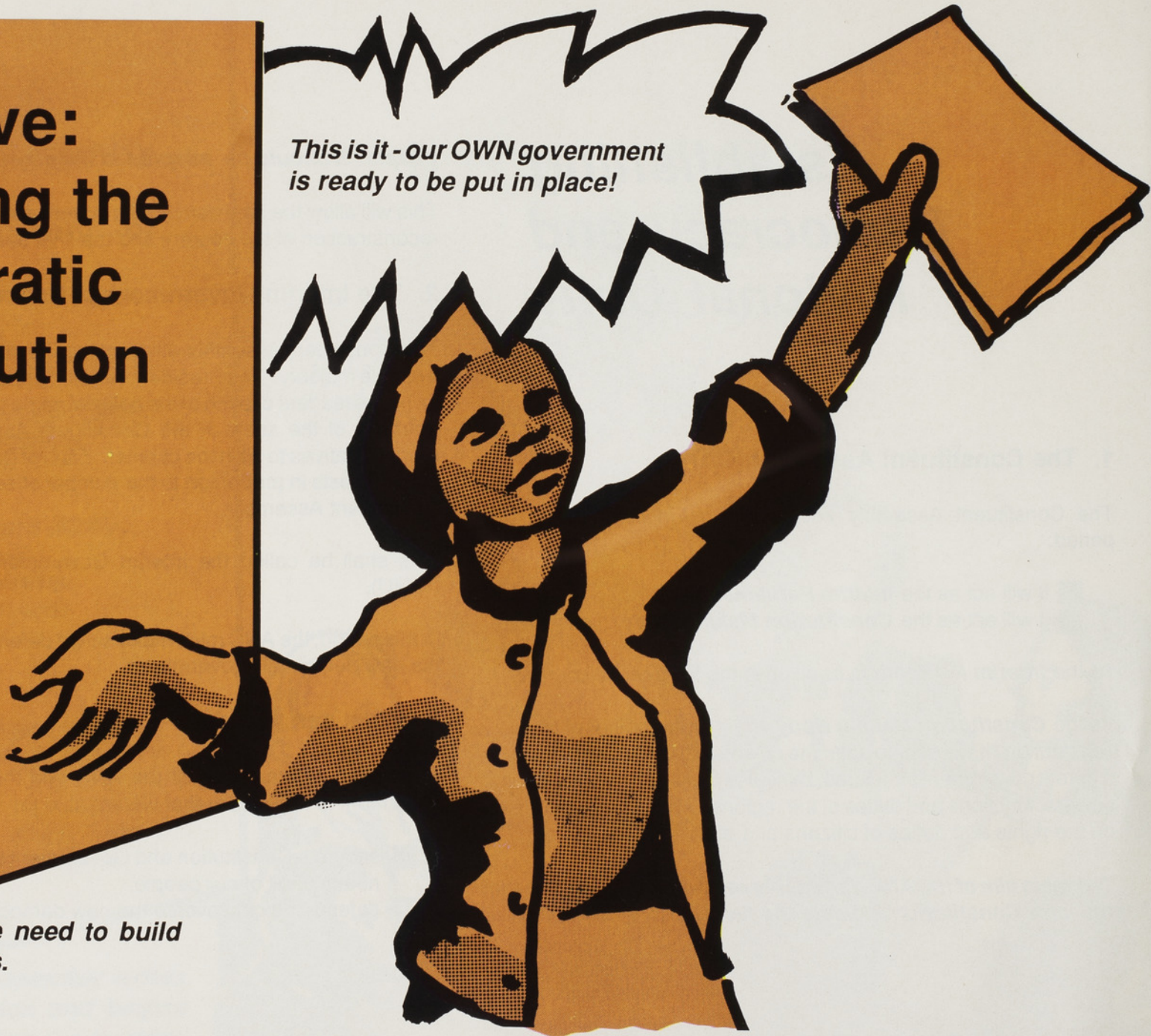
3. What can you do?

Strengthen all structures of the ANC and the Mass Democratic Movement to make sure that we are able to:

- secure a Constitution and Government that reflects the needs of all of our people.
- defend and consolidate the new democratic order.

Step Five: Adopting the Democratic Constitution

*This is it - our OWN government
is ready to be put in place!*



*After adoption, we need to build
the new structures.*

Constitutional Principles for a Democratic Future

1. Constitutional Principles

The position of the ANC is that the Constituent Assembly must follow these principles when it makes the new constitution:

- a. South Africa will be a united, democratic, non-racial, non-sexist, sovereign state. All will enjoy a common South African citizenship.
- b. The Constitution shall be the Supreme Law.
- c. The Constitution will acknowledge the diversity of languages, cultures and religions.
- d. There will be a separation of powers between the legislature, the executive and the judiciary with appropriate checks and balances.
- e. The government will be representative and accountable, and embrace multi-party democracy, regular elections, universal

adult suffrage and a common voters role.

- f. The judiciary will be independent, non-sexist, non-racial and impartial.
- g. There will be an enforceable Bill of Rights, which shall guarantee:
 - universal accepted human rights and freedoms
 - civil liberties including freedom of religion, speech and assembly
 - equality of all before the law
 - that no property may be taken by the state except in accordance with statute and in the public interest.
- h. The government shall be structured at national, regional and local levels.
- i. The constitution shall work to improve the quality of life of all South Africans, by providing economic growth, human development, social justice and equal opportunities for all of our people.
- j. The constitution shall define a suitable role for traditional leaders, consistent with the goal of a united, non-racial, non-sexist and democratic South Africa.

2. What can you do?

- **Strengthen all structures of civil society** to make sure that the Constituent Assembly takes into account the views of all of our people.
- **Discuss these issues in your structures. Campaign for them in your communities. Assert your views.**

Step Six:

Government of National Unity & Reconstruction

A. Who rules?

The Interim Government continues as the Government of National Unity and Reconstruction. The Constituent Assembly becomes the new parliament. It acts to put into place the new legislature and Government structures, defined in the new democratic constitution.

B. Goals:

- Govern the country
- Phase in structures of the new constitution

C. Our tasks:

- Reconstruct the economy, the state and society
- Work to build national unity



This phase ends in the Democratic Elections under the new constitution, within 3 to 5 years after the first elections.

Building a People's Democracy

1. The ANC's Objectives:

When we reach this step, we have:

- voted in a government of our choice; and
- adopted a constitution which represents the aspirations of the people.

The task of the democratic government during this period is to "phase in" the democratic constitution. This means that the democratic government should reconstruct the government and society in the way called for by the democratic constitution.

2. How will this be done?

The Interim Government of National Unity transforms itself into a Government of National Unity and Reconstruction. The tasks of this government are:

- to consolidate and further strengthen the principle of national unity begun by the Interim Government; and
- to build structures in the government and society that are spelled out in the democratic constitution.

The Constituent Assembly has now completed writing the new constitution. After this constitution is adopted, it continues with its work as the Parliament of the people.

3. How long will it take?

The period from the first democratic election to the next election should take three years, but not longer than five years.

4. What can you do?

- Participate in the process of reconstructing our society.
- Strive to ensure that the democratic government successfully implements the changes in the structures of government and society.

Step Seven: First Elections under the Democratic Constitution

**The result is
Democratic
Majority Rule***

* A multi-party democracy



Appendix A: The Harare Declaration

Excerpts from the Declaration of the OAU Ad-Hoc Committee on Southern Africa on the Question of South Africa; Harare, Zimbabwe, August 21, 1989.

The people of Africa, singly, collectively and acting through the OAU, are engaged in serious efforts to establish peace throughout the continent by ending all conflicts through negotiations based on the principle of justice and peace for all.

We believe that as a result of the liberation struggle and international pressure against apartheid, as well as global efforts to liquidate regional conflicts, possibilities exist for further movement towards the resolution of the problems facing the people of South Africa. For these possibilities to lead to fundamental change in South Africa, the Pretoria regime must abandon its abhorrent concepts and practices of racial domination and its record of failure to honour agreements, all of which have already resulted in the loss of so many lives and the destruction of much property in the countries of Southern Africa.

We reaffirm our recognition of the rights of all peoples, including those of South Africa, to determine their own destiny, and to work out for themselves the institutions and the system of government under which they will, by general consent, live and work together to build a harmonious society.

We believe that a conjuncture of circumstances exists which, if there is a demonstrable readiness on the part of the Pretoria regime to engage in negotiations genuinely and seriously, could create the

possibility to end apartheid through negotiations. Such an eventuality would be an expression of the long-standing preference of the people of South Africa to arrive at a political settlement.

We are at one with them that the outcome of such a process should be a new constitutional order based on the following principles, among others:

1. South Africa shall become a united, democratic and non-racial state.
2. All its people shall enjoy common and equal citizenship and nationality, regardless of race, colour, sex or creed.
3. All its people shall have the right to participate in the government and administration of the country on the basis of a universal suffrage, exercised through one person one vote, under a common voters role.
4. All people have the right to form and join any political party of their choice, provided that this is not in the furtherance of racism.
5. All shall enjoy universally recognised human rights, freedoms and civil liberties, protected under an entrenched Bill of Rights.
6. South Africa shall have a new legal system, which shall guarantee equality of all before the law.
7. South Africa shall have an independent and non-racial judiciary.
8. There shall be created an economic order

which shall promote and advance the well-being of all South Africans.

Together with the rest of the world, we believe that it is essential, before any negotiations take place, that the necessary climate for negotiations be created.

Accordingly, the present regime should, at the very least:

1. Release all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them.
2. Lift all bans and restrictions on all proscribed and restricted organisations and people.
3. Remove all troops from the townships.
4. End the state of emergency and repeal all legislation, such as, and including, the Internal Security Act, designed to circumscribe political activity.
5. Cease all political executions.

These measures are necessary to produce the conditions in which free discussion can take place - an essential condition to ensure that the people themselves participate in the process of remaking their country. The measures listed above should therefore precede negotiations.

We support the view of the South African liberation movement that upon the creation of this climate, the process of negotiations should commence along the following lines:

Appendix B: The Patriotic/United Front Declaration

1. Discussions should take place between the liberation movement and the South African regime to achieve the suspension of hostilities on both sides by agreeing to a mutually binding ceasefire.
2. Negotiations should then proceed to establish the basis for the adoption of a new Constitution by agreeing on among others the Principles enunciated above.
3. Having agreed on these Principles, the parties should then negotiate the necessary mechanism for drawing up the new Constitution.
4. The parties shall define and agree on the role to be played by the international community in ensuring a successful transition to a democratic order.
5. The parties shall agree on the formation of an interim government to supervise the process of the drawing up and adoption of a new constitution; govern and administer the country, as well as effect the transition to a democratic order including the holding of the elections.
6. After the adoption of the new Constitution, all armed hostilities will be deemed to have been formally terminated.
7. For its part, the international community would lift the sanctions that have been imposed against apartheid South Africa.

adopted at the Patriotic/United Front Conference held in Durban on the 25 - 27 October 1991

We, women and men, together as equals, assembled under the banners of political, labour, women's religious, youth, professional, sports, cultural and business formations as well as organisations of traditional leaders;

Experienced in diverse ways of engaging in the struggle against apartheid and minority rule; Repositories of true democratic values and champions of human rights in our country gather together in this conference of the Patriotic/United Front in Durban on 25 - 17 October 1991;

Reaffirming our commitment to the establishment of a non-racial, non-sexist, democratic, unfragmented and unitary country;

Recognising that through struggle our country has reached a point where transfer of power from the white minority regime to the people as a whole now is the most urgent necessity of struggle;

Convinced that the de Klerk regime cannot be, and is not the agent of democratic change;

Resolved together to seize this moment in history to ensure the speedy establishment of national democracy.

Believing that a democratic order can only be ushered in through a mechanism in which our entire national elects by proportional representation on the basis of universal suffrage, a Constituent Assembly that drafts and adopts a democratic constitution which shall constitute the basis for unifying our divided and tortured land around a common patriot-

ism;

Recognising that the de Klerk regime is illegal, illegitimate, and totally discredited and does not enjoy the trust of our people, and that it has unilaterally embarked upon the restructuring of our economy and shaping of our social life in order to perpetuate, in a new guise, the old social order based on white privilege and black impoverishment;

Pledging ourselves to ensure that these designs shall be defeated, we demand that the regime ceases such action forthwith and acknowledges it has no right to unilaterally take such measures;

Commit ourselves to create the necessary to harmonise our approach to socio-economic transformation;

Condemn the introduction of Value Added Tax (VAT) and call upon all our people to support and participate fully in the national strike on the 4th and 5th November 1991 and all other forms of united action on this and other issues;

Noting that de Klerk's constitutional proposals are intended to entrench minority privilege and the current power structure and represent nothing else but a dying order which seeks to give itself a veto power over the future of our country;

Noting further that the violence raging throughout our country today has been initiated and sponsored by the apartheid state, including the use of foreign mercenaries, and that it has the power to stop it, we demand that it does so forthwith; Further that there should be the immediate and verifiable expulsion of all foreign mercenaries from our soil;

Call upon our people to refuse to become tools of the regime, assert our inherent desire for peace and take all measures to contain and eliminate the violence which constitutes a prime obstacle to the establishment of a genuine democratic order;

Accordingly pledge to ensure that all peace initiatives, including the Peace Accord, aimed at assisting in securing peace among our people are fully exploited at every level of our community;

Sharing the agony of those in sorrow over their dead and injured and searching for their lost ones and concerned that the violence has rendered our women and children the main victims of the carnage;

Call for the normalisation of the relations between our people and our traditional chiefs;

Commit ourselves, side by side with our people, to bring peace by all means at our disposal including helping in the creation of self-defence units and embarking upon programmes to assist the victims of violence.

NOW THEREFORE

In order to ensure that elections to the constituent assembly are free and fair we insist upon the establishment of an Interim Government/Transitional Authority to ensure that the de Klerk regime does not preside over or manipulate the transition through the misuse of its de facto control over state power and resources;

Commit ourselves to a sovereign Interim Government/Transitional Authority that shall at the very least control security forces and related matters, the electoral process, state media and defined areas of budget and finance, as well as secure international participation;

DEMAND the holding as soon as possible of an All Party Congress/Pre-Constituent Assembly Meeting (APC/PCAM) which shall be brought together by independent and neutral convenors as a necessary mechanism to set into motion the process leading to a democratically elected Constituent Assembly which

shall effect the transfer of power;

CONFIRM our common understanding that the APC/PCAM shall underwrite the Constitutional Principles, find the modalities for drawing up the constitution through the Constituent Assembly, realise the establishment of the IG/TA, ensure the re-incorporation of the bantustans, define the role of the international community and agree upon the time frame to bring about a democratic order.

Resolve further that the joint liaison committee established by the co-convenors of this conference be maintained to facilitate post-Conference follow-up as well as look into ways and means, including the establishment of a Consultative Forum and the convening of a further Patriotic/United Front Conference within six months in order to involve all the organisations gathered here today into closer consultation, joint action and the drawing in of formations still outside this process.

Outraged at the failure of the regime to fully comply with the demand, endorsed by the whole international community for the unconditional release of all political prisoners and for general amnesty for all exiles;

DEMAND that the regime complies with these requirements forthwith;

AND PLEDGE to campaign for the immediate realisation of these aims.

United by these common positions, maintaining our separate identities and independence, we assembled at this Patriotic/United Front Conference now therefore, separately and collectively, dedicate ourselves to intensify the struggle on every front, and every

terrain to realise, within the immediate future, a truly democratic order in which every individual is assured a place and a say as an equal and in which non-sexism, non-racialism and democratic majority rule shall be non-negotiable and be realised in practice.

To this end and acknowledging that there remain areas where consensus among us still needs to be reached, we pledge ourselves to continue our search for united action and widening the areas of common understanding;

And call upon our people wherever they are to join and engage in this process emanating from our Conference to create a nation that will be at peace with itself.

Appendix C: The CODESA Declaration of Intent • Dec 1992

We, the duly authorised representatives of political parties, political organisations, administrations and the South African Government, coming together at this first meeting of the Convention for a Democratic South Africa, mindful of the awesome responsibility that rests on us at this moment in the history of our country,

declare our solemn commitment:

1. to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination;

2. to work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;

3. to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans;;

4. to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate;

5. to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:

a. that South Africa will be a united, democratic, non-

racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;

b. that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;

c. that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;

d. that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances;

e. that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;

f. that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.

We agree:

1. that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy.

2. that CODESA will establish a mechanism whose task it will be, in co-operation with administrations

and the South African Government, to draft the texts of all legislation required to give effect to the agreements reached in CODESA.

We, the representatives of political parties, political organisations and administrations, further solemnly commit ourselves to be bound by the agreements of CODESA and in good faith to take all such steps as are within our power and authority to realise their implementation.

SIGNED BY:

African National Congress
Ciskei Government
Democratic Party
Dikwankwetla Party
Inyandza National Movement
Intando Yesizwe Party
Labour Party of South Africa
Natal/Transvaal Indian Congress
National Party
National People's Party
Solidarity
South African Communist Party
Transkei Government
United People's Front
Venda Government
Ximoko Progressive Party

We, the South African Government, declare ourselves to be bound by agreements we reach together with other participants in CODESA in accordance with the standing rules and hereby commit ourselves to the implementation thereof within our capacity, powers and authority.

Signed by Mr. F.W. de Klerk for the South African Government.

Appendix D: NEC Resolution on Negotiations and National Reconstruction • Feb 1993

Further to our adopted document "Negotiations, a Strategic Perspective" this meeting of the NEC decides as follows:

1. We reject the National Party's power sharing proposal either for a permanent or fixed period.

2. In the interest of reconstruction and peace and the need to minimise the potential threat to democratic advance from divisive forces in the period immediately following the adoption of the new constitution, we declare our support for an **Interim Government of National Unity (IGNU)** which would exist up to the point of the adoption of the new constitution. After the adoption of the new constitution the **IGNU** would continue in the same form as a **Government of National Unity and Reconstruction (GNUR)** in order to phase in structures provided for in the new constitution.

The **GNUR** would exist for a specified limited duration, whose term would come to an end by the first election under the new constitution, which would be held no later than five years after the elections for the **Constituent Assembly (CA)**.

3. Such a **GNUR** shall be governed by the overriding principle that minority parties shall not have the powers to paralyze the functioning of the executive or to block the process of restructuring, more particularly:

(a) It shall be made up of an executive in which there will be proportional representation of all the parties elected to the **CA** subject to a minimum threshold of 5 % of the seats in the **Constituent Assembly**.

(b) **The President** shall be elected by a simple majority of the **Constituent Assembly**.

(c) **Representatives of minority parties in the cabinet** shall be appointed by the President in consultation with the leaders of each party in question. The President shall have the right to insist on an alternative if the person proposed by such leader is, for specified reasons, unacceptable.

(d) In general the President shall exercise his or her executive powers after consultation with the cabinet.

(e) In the case of certain specified powers the President shall exercise his or her powers in consultation with the parties represented in the cabinet. In the event of a disagreement the President's decisions shall require support from 2/3 of the members of the cabinet.

(f) The specified powers mentioned in (e) are still to be negotiated and before an agreement is reached in this regard a detailed mandate will have to be obtained from the **NWC** sitting with either the chairperson or secretary of each region.

4. The meeting further reaffirms its positions concerning the **Constituent Assembly** that the **Constituent Assembly** shall be a sovereign constitution-making body which will be bound only by agreed general constitutional principles. It should be composed of representatives elected on the basis of national and regional lists. It would take decisions by a two thirds majority. Matters pertaining to the powers and functions of regions will also require an

additional two thirds majority of the regional representatives sitting as a whole. The **Constituent Assembly** should complete its work as quickly as possible and not later than nine months after its election.

The **ANC** will continue to negotiate the issue of an effective deadlock breaking mechanism which would be used in case the **Constituent Assembly** is unable to conclude its work within the specified time frame.

5. The meeting of the **NEC** resolved that work should continue to build a national consensus on the question of future regional government, through discussions with other parties and organisations. All decisions concerning the powers, functions, boundaries and structure of regional government should be decided by the **Constituent Assembly**. Any Commission on Regions that may be established by a multi-party forum would, apart from delimiting electoral regions for the **Constituent Assembly** elections, only make recommendations to this **Assembly**.

6. Programme of Reconstruction and Development

In endorsing the package concerning inter alia a Government of National Unity, the **NEC** affirmed that such arrangements must, during the transition period itself, be reinforced by an effective programme of reconstruction and democratic transformation.

The **ANC** immediately needs to embark on a process to consolidate its ranks, supporters and those of the broad democratic forces around a transitional strategy to empower the oppressed majority.

This will entail:

- identifying those key sections of the organs of state that require restructuring as a priority;
- evolving an affirmative action programme, with definite time frames, to reconstruct the organs of state in conformity with a democratic society;
- far-reaching programme of social and economic reconstruction to address the pressing needs of the majority of South Africa;
- a process of consultation and mobilisation of mass democratic forces and the convening of a conference on reconstruction and broad strategy. Such a conference to be held within four months.

Appendix E: Resolution on the need for the resumption of the multi-party negotiations • March 1993

We the parties, organisations and administrations assembled in this Multi-party Planning Conference:

Aware of the responsibility we individually and collectively bear for the well-being of our country;

Believing that the problems of our country should be resolved peacefully through process of negotiation;

Realising the urgent need for the economic development of the country;

Agreeing that the resources of the country need to be preserved, developed and improved for the benefit of all the people of this country and for future generations;

Accepting that all the people of this country and the whole community of nations throughout the world look to us to move the country forward towards a non-racial, non-sexist and fully democratic future;

Now resolve to:

1. Commit ourselves, individually and collectively, to the resumption/commencement of multi-party negotiations within the next month, in order to move as speedily as possible towards the attainment of our primary objective, which is the drafting and adoption of a new Constitution for South Africa;

And further resolve that:

2. The multi-party forum shall be reconvened as a matter of national urgency, not later than 5 April 1993;
3. Each participating organisation will send two delegates and two advisers.
4. The first meeting will determine, inter alia:
 - 4.1 mechanisms and procedures (including chairpersonship);
 - 4.2 how to accommodate the views of those participants who were not in CODESA, in relation to the agreements reached in CODESA;
 - 4.3 how these agreements can serve as a constructive foundation for the resumed/commenced negotiations process to build on;
 - 4.4 how this forum shall be structured and named;
 - 4.5 the role of the international community.
5. The Facilitating Committee of this Conference will have the responsibility of deciding upon and implementing the steps that are necessary to give effect to this resolution.
6. All participants are required to make an unqualified commitment to this process of negotiations as a pre-requisite for their participation.

In Conclusion . . .

This booklet was produced to help our membership and the South African people understand the ANC's view on the process of negotiations.

If you have any questions, wish to know more about the process, or wish to make a contribution, please write to the address given below.

In particular, we would be interested in receiving your views on one or more of the following issues:

1. The Independent Media Commission (IMC) and the Independent Electoral Commission (IEC) would be made up of South Africans held in high esteem and who do not hold office in any political organisation. These individuals would be required on a full time basis. Who would you recommend?
2. What are your views on the role of traditional leaders in the process of negotiations?
3. What are your views on the constitutional principles adopted by the ANC?
4. How would you recommend we defend and consolidate the gains we make in the process of negotiations?
5. What are your views on the period of reconstruction and building a people's democracy?

Please write to:

***The Secretary
Negotiations Commission
African National Congress
PO Box 61884
Marshalltown 2107***



**African National Congress
Negotiations Commission
PO Box 61884
Marshalltown 2017**

