

- SENT BY: 11- 1-83 ; 15:41 ; ANC NEG COMMISSION- iF 2/18

U\~ Â¥4~9-

Legal Resources Centre one ees

Nationa! Office cee ee
18 Pritchard Sirreet

FAX : 2001 Johannesburg

FAX NO: Tal.(01 1) 836-9821

: : Telefax 836-8680

Your Reterenaa : ; : . Docex No 278

COMPANY: â\200\230 f < â\200\230 : < id ; Postal Address
Our References AGKMÂ@ -FAXNO: Ge ' SGEO ns eee
RSE aa aoe TT

41 January 1993

Negotiations Commission.
Johannesburg

Fax No. 330-7119

Vall; Moose,
AtprastecceE ipa

Dear Hassan,

| enciose a first draft of a Legislative Framework for a Transitional Executive Council. {t could be a chapter of the Transition to Democracy Act, or could be enacted independently. In either avent, provision will have to be made for legislatian dealing with the Independent Election Commission and the Independent Media Commission.

The draft can serve as the basis for the discussion on Tuesday, !t may be neceasary to add more details, and to refine the language. We should consider on Tuesday where the draft needs te be strengthened, what new provisions are necessary, and what changes in language would be appropriate.

Two points which need to be discussed are:

1. How will the budget for the Transitional Executive Council and its sub-councils be fixed?

What type of infrastructure will be necessary in regard to offices, motor vehicles, equipment and staff, and from a practical point of view, how will these decisions be made and paid for.

Yours sincerely,

Pfr

Arthur Chaskalson.

A Chestaleon & Z (National Director) Â© M Budlender (Deputy Natamal Director) C Ciliers
IConruttantt FN Kentridge 0 8 Reid

WA KerfentiDirector) L J Boratek & Andrews % P Kahanovitz YS Meer W 4 Mgogt H J Smith M
L Watton

AM Lyeter (Direstor) M A Mdhtedhia RJ Purshotam P Rutaon 4 Verney

M PleeKet (Director) G Bioam PR Hathom

M @ Nerves (Direator) TA Baotley MR Chetty & J Francia O H GeWenhuye MH Hethom |, Mocdm
e ND B Orlayn MM Gagel D R Tarhlenehe

D F Miaw (Director) Â¥ J Brereton | Wupondwans (Botswana) Â\$ Moodilar J W Pienaar

HN Vaety (Cirwctes) O Giifitlan C FP Kimble M & Moname The Hen J J Trengve O C [Consut
ant)

Fae

6 ee ee a aes eo Ee Be LLM LO EU

Brat/3

11 January 1993

t.

A Transitional Executive Council shall be constituted with executive powers

for the following purposes:

(i) to prepare for and to facilitate the transition to a democratic order in
Seychelles

and

Seah RR Ral My

(li) to endeavour to create a climate favourable to free political
participation in which there will be no intimidation, and political
parties and organisations will as far as practicable be placed on an
equal footing with each other;

(ii) to promote conditions conducive to the holding of free and fair
elections in accordance with the provisions of the (the Transition to

Democracy Act).

(a) Notwithstanding the provisions of any other law, executive authority,
including discretions vested in the State President, Ministers or any

other

of the Sorcon & way have, Vertineet may have impact on any of the

are

purposes referred to in section 1, and which relate to -

(1) regional and local government:

(ii) law, Order, stability and security;

i 4/18

Are ee

â\200\235 SENT B

tts

Te

tiv) any aspect of finance referred to in section |;

(vy) @ny other matter assigned to the Transitional Executive Council
by the State President;

shall be exercised by the State President, Minister or person vested
with such authority or discretion, jolntiy with the Transitional
Executive Council, or if such function has been delegated by the
Transitional Executive Council to a sub-council, jointly with such sub-
council,

tb) All Practarnations, regulations and governmant notices dealing with
matters referred to In sub-section (a) shall be signed by the State
President, Minister or other person concern, and countersigned by a
mamber of the Transitional Executive council.

in addition to the executive power referred to in section 2, and the other
powers referred to in this Act, the Transitional Executive Council will have
the following powers:

ta) to raqueat Information from, end to have access to all records of, any
government, administration or particinant in the Transitional Executive
Council, Insofar as such Information or access to such record, is
reasonably required by it for the purpose of exercising its functions;

{o] tg delegate the exc

councils;

4,

(e)

(a)

(8)

{a)

(b)

aa

Ch

eo

Aer ERE â\200\224â\200\224. a me

111- 1-93 ;} 18:49; ANC NEG COMMISSION-

to receive raperts from and te confirm or amend dacisions mada by
any of its sub-councils:

to Initiate ar participate in negotiations with any government,

—

Bdministiation, persons oF of persons in relation to any matter

which in its opinion may be relevant to any of the purposes referred
to in section 7;

wr

ob

G

a

03

<r

any other power reasonably needed by |
purposes and to carry out its functions,

The Transitional Executive Council will be kept informed of. and will
be provided with copies of all proposed legislation, including
proclamations, bills and regulations of governments or administrations
that may be ralavant to the ourpases raferred to in section 7.

\Â¢ the Transitional Executive Council has reason to believe that any
proposed legislation, including bills, proctamations, of reguiations, will
have an adverse impact upon any of the purposes referred to in
â\200\230on 1, and thet the achlevament of such purpose would be
facilitated if such legislation were not io u6 oracted, * may, Aker
taking into account the necessity for such lagielation, require the
government or edministration concerned not to proceed therewith.

the government or administration concerned is of the opinion that
the proposed legislation will not have such adverse impact, or that
the necessity for the proposed legislation in its area of application
eutweighs 5 adverse impact, the question whether the lagislation

li- 188 : 15:44 3 ANC NEG COMMISSION

should be enacted or not, may be referred by such government of

tention tm Ã©n inelAaAAAr a
RETA E? RW &: wy

stra he Indesen nt Blarrlary Carivlecion Free a daclelan

od ows len F Y
i ve eee SET RT TE CP ees eae

DUM sare

upon this issue.

A decision by the Independent Election Commission on a matter referred to Jt in terms of sub-section (A¢) shall be final and binding, and shall not be subject to appeal or review in any court of law,

The Transitional Executive Council will be kept informed of, and will be entitled to ask for and to receive, information in regard to proposed executive actions by any government or administration, or contemplated actions on the part of any other participant in the Transitional Executive Council, that may have an impact on any of the matters referred to in section 7,

if the Transitional Executive Council has reason to believe that the implementation of such executive or other action will have an adverse impact upon the purposes referred to in section 1, and that the achievement of such purposes would be facilitated if such action were not to be taken, It may, after taking into account the necessity for such action as far as such government, administration or participant is concerned, require the government, administration or participant not to proceed therewith.