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ANC

Negotiations Bulletin

Number 21

SPECIAL EDITION

19 February, 1993

Introduction

The National Executive Committee of the ANC met in full plenary session from 16-18 February, 1993 in Soweto, Johannesburg. During its first meeting for 1993, the NEC reviewed the work of its National Working Committee, and received reports from the Organising Department, the Negotiations Commission and the Elections Commission.

The meeting discussed, at length, a report and recommendations from the Negotiations Commission. In a resolution on Negotiations, the NEC committed the ANC to a comprehensive programme of reconstruction and development, which will proceed in tandem with the transition to democracy.

The NEC endorsed the multi party Negotiations Planning Conference to be held on 5&6 March, 1993 with a view to a speedy resumption of CODESA. The ANC will enter into discussion with a range of political parties in pursuance of this objective.

CONTENTS

- *NEC Resolution on Negotiations (18/02/93)*
- *Negotiations Planning Conference (Details)*
- *ANC Proposals on how to deal with armed formations*
- *Transitional Executive Council*
- *Role of traditional leaders in negotiations*
- *Why we reject NP's 'power sharing'*
- *ANC scenario for the transition to democracy*

NEC Resolution on Negotiations and National Reconstruction

"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 paralyse 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 represen-

tation 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 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 on 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 re-

gional 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 matter of 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."

Negotiations Planning Conference

It is generally agreed that there should be a Negotiations Planning Conference. The purpose of this Conference is to facilitate the resumption of Codesa. The proposed date for the Conference is 5th & 6th March, 1993.

On the agenda would be: an assessment of the current situation and the resumption of multilateral negotiations.

The Conference would be convened on the basis of each party inviting one other. The venue is however not agreed to. The World Trade Centre has however been considered as a possibility.

A panel of chairpersons would be selected from parties represented. As for the size of the delegations, this would be about 3 delegates from each party or organisation.

The principle of inclusivity would be used to invite all political parties and organisations. This would mean that all the parties which participated in Codesa would be invited together with the PAC, Azapo, CP, AVU, AWB and the HNP. The NP regime has proposed that Bantustan administrations be also invited. The ANC has rejected this.

The ANC has proposed that the Conference be completely open to the media. The NP regime does not agree with this approach. This matter is still under discussion.

The ANC proposal on how to deal with armed formations.

Prior to the formation of the TEC, it is proposed that all armed formations, including the SADF and MK, present a complete list of all arms and personnel for an independent audit and possible control. There should be a moratorium on further recruitment.

During the TEC phase, all armed formations would then be placed under joint control and be accountable to the TEC. Once an election takes place, the Interim Government of National Unity would then restructure the armed forces in terms of the new constitution.

Transitional Executive Council

Legislation

The ANC has submitted a draft of the legislation in terms of which the TEC could be established. This proposal is in accordance with the agreements already arrived at Codesa. The NP regime has yet to respond to this.

Tasks of the TEC

The TEC has two important tasks: *firstly*, the leveling of the playing field; and *secondly*, the preparations for elections.

The leveling of the playing field would be

achieved through the sub councils for law and order and defense and the Independent Media Commission.

Sub councils for law and order

The ANC has further submitted detailed proposals relating to the sub councils dealing with the joint control over the armed formations and law and order. The regime is due to respond to these proposals shortly.

The role of traditional leaders in Negotiations

The ANC has proposed that traditional leaders should be invited with the right to speak at the Codesa Plenary meetings, participate fully in the deliberations and be part of the decision making at these plenary meetings. However, they may only attend meetings of the Management Committee as observers but shall have the right to make representation to this Committee on matters that affect them. As for representation, it is suggested that this be on a provincial basis. These arrangements do not affect the agreement that the TEC and its sub structures will be composed only of representatives of political parties/ organisations. These issues have been canvassed fully with Contralesa.

Why we reject the NP regime's 'power sharing'

The National Party's concept of 'Power-sharing'

When the NP regime proposed the idea of a power-sharing government they wanted such a government to:

- * have a rotating President. In other words leaders of all parties in the government would take turns to be President of the country every six months or so;
- * take its decisions by consensus. In other words minority parties in the government would be able to veto any decision;
- * power-sharing should be a permanent feature of the new constitution.

In short, power-sharing means that all parties, regardless of the number of votes they receive, would be equals in the government.

This makes a mockery of elections, and ensures that an electoral victory for the ANC is rendered meaningless.

Our objection to power-sharing is therefore based on principle.

The ANC's concept of a Government of National Unity

- A Government of National Unity must be based purely on electoral results. Its composition must reflect voter preferences and nothing else.
- Minority parties should not be in a position to paralyse the functioning of government by enjoying veto powers.
- The Government of National Unity must be able to embark upon a programme of national reconstruction and transformation of the various organs of state.

The Government of National Unity (both Interim and Government of National Unity and Reconstruction) should therefore:

- * have a single President elected by the Constituent Assembly;
- * have representation of parties in the cabinet in proportion to the number of seats each have in the Constituent Assembly;
- * the President should exercise executive authority.
- * on certain specified matters decisions would be taken by a 2/3 majority of the cabinet.

The composition and function of a Government of National Unity, while being as inclusive as possible, must not stand in contradiction to the principle of majority rule.

The ANC is opposed to the NP regime's proposal of power sharing. Such a proposal has no other purpose than to guarantee minority parties a place in government. It is self serving. It is also a means of ensuring the survival of the National Party for a further period. The proposals also in effect mean that the minority parties would hold a veto over the majority party. Such an agreement does not make for good government let alone enabling the government to take the necessary steps to pursue the reconstruction of our country.

The ANC's proposal does not seek to share power but to harness it for the purpose of rebuilding a reconstructing our society. It

places national interests above that of the parties concerned. Underlying the proposal is an attempt to develop national unity. It is a nation-building exercise. It reflects the tolerance necessary for differing political views. It is also an attempt to undermine counter revolutionary forces which would seek to destabilise the new government.

ANC scenario for transition to democracy

Negotiations Planning Conference

- attended by all parties to plan the resumption of CODESA

CODESA

TRANSITIONAL EXECUTIVE COUNCIL (TEC)

Main task is to ensure levelling of political playing field and free & fair elections

INDEPENDENT ELECTIONS COMMISSION

to organise & supervise elections

INDEPENDENT MEDIA COMMISSION
to ensure neutrality of state controlled media

ELECTIONS

CONSTITUENT ASSEMBLY

- * Composition
 - 1/2 (half) from national lists
 - 1/2 (half) from regional lists
- * Decisions by 2/3 majority
- * Drafts & adopts new constitution
- * the CA has full authority to draft constitution, incl. Bill of Rights & decide powers/functions/boundaries of regions

INTERIM GOVERNMENT OF NATIONAL UNITY

Composition

- * President elected by a simple majority of CA
- * Parties with more than 5% of seats in CA represented proportionally in cabinet
- * In general, executive authority is exercised by the President
- * For specified matters, President requires approval of at least 2/3 of cabinet

ADOPTION OF NEW CONSTITUTION

CA continues as
PARLIAMENT

Interim government continues as
GOVERNMENT OF NATIONAL UNITY & RECONSTRUCTION

- * it phases in new constitution
- * prioritises a programme of reconstruction & transformation of state institutions

ELECTIONS

- to be held not later than 5 years after first election for the Constituent Assembly. At this point Government of National Unity is replaced by a majority government in terms of the new constitution