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# ANC

## Negotiations Bulletin

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### INTRODUCTION

Since the referendum, the government has introduced into negotiations the concept of 'preconditions'. The preconditions are that MK must be disbanded before an Interim Government is established and that violence must come to an end. The primary objective of the government is to give the impression that it is MK that is responsible for the escalation of the present scourge of violence in our townships.

MK is neither a 'private army'; nor is it responsible for the violence. What however is evident, is that violence in our townships always seem to flare up before major events in our country. It is therefore not sinister to see a relationship between the present escalation of violence and Codesa II which it is hoped will announce the formation of an Interim Government.

### MEDIA

As in the past, the government has successfully used the media in the recent referendum to destroy the credibility of the Conservative Party. The state controlled media has consistently sought to undermine the ANC, and continues to do so. The coverage by these institutions have always been biased and little more than the ruling party's propaganda mouthpieces. The SABC and other forms of state controlled media would naturally be important mediums which the government hopes to have in its control during the run-up to an election. It is in this context that the ANC put its proposals to Codesa.

ANC's proposals - the ANC tabled its proposals for interim media structures on the 23rd March, 1992. The proposals argue that the Media has a central role to play in levelling the political playing field. It is therefore proposed that a Media Commission, be appointed by Codesa. The Commission would be composed of South Africans of high standing and representative of the widest possible spectrum of forces. The Commission would have the following tasks:

- Appoint an Independent Communications Authority;
- appoint Public Broadcasting Boards for the SABC TV and Radio and also for the TVBC public broadcasters;
- oversee government departments dealing with media.

These structures should be empowered to take the necessary steps to ensure that media coverage, especially during the run-up to an election, is

	<p>free and fair. As for privately owned media structures, is proposed that a code of ethics be adopted which would ensure free and fair coverage.</p> <p>Thus far, there has been broad agreement that an Independent Communications Authority be appointed. It has been suggested that this body, which would be truly independent of party political representation an influence, should be named the South African Independent Telecommunications Authority (SAITA). Discussions are however continuing and it is hoped that final agreements is reached in due course.</p>
<b>INTERIM GOVERNMENT</b>	<p><b>a) ANC's proposals</b> - The ANC proposes that there should be a two-phased Interim Government:</p> <p><b>Phase I:</b> In this phase a Codesa appointed <b>Interim Government Council (IGC)</b> should be established to oversee the activities of the present government. The IGC would establish <b>Multiparty Committees</b> which would take control of the key government functions like; law and order, defence, finance and foreign affairs.</p> <p>It would also establish and <b>Independent Electoral Commission</b> and an <b>Independent Media Commission</b>.</p> <p><b>Phase II:</b> In Phase II the elected Constituent Assembly would appoint an Interim Government which would replace the existing cabinet and the structures established in Phase I.</p> <p><b>b) Government's proposals</b> - On the 23rd March, 1992, and after weeks of delay, the regime proposed that a series of '<b>Transitional Councils</b>' around key government functions be established. These Transitional Councils would be multi-party in nature. The Transitional Councils would act as mere advisory structures to existing government ministers.</p> <p>The ANC rejected the regimes proposals out of hand and referred to the proposed Transitional Councils as 'toy telephones'. No other party at Codesa supported the regimes proposals. It was then decided to adjourn Working Group 3 (which is the Working Group dealing with this matter) for two weeks so that the regime is given an opportunity to review its position.</p> <p>Subsequently, on the 6th April, 1992 the regime tabled '<b>new</b>' proposals. In essence the 'new' proposals did not differ from their original proposals. In the new proposals they used the term '<b>Preparatory Councils</b>' instead of 'Transitional Councils'.</p> <p>Once again the regimes proposals were rejected.</p> <p><b>c) Present Position</b> - Some progress, however, was made on the 7th April, 1992 when the following was agreed in Working Group 3:-</p> <ol style="list-style-type: none"> <li>1. It was agreed that an over-arching executive structure should be established;</li> <li>2. It was agreed that Multiparty Committees/ Transitional Councils be established for key areas of government. These structures should have executive powers;</li> <li>3. A technical sub-committee has been established in order to give flesh to 1. and 2. above.</li> </ol>

## CONSTITUENT ASSEMBLY

### a) ANC's proposals -

- The Constitution be drafted and adopted by a body to be elected according to the principle of **one person one vote**.
- This body shall be as inclusive as possible i.e. it would seek to involve as many of the political formations as possible.
- All persons over the age of **eighteen (18)** living within the 1910 borders and regarded in international law as South Africans, shall be entitled to vote.
- The system of proportional representation shall be used.
- The Constituent Assembly shall consist of **four hundred (400)** delegates. The number 400 is not an arbitrary figure but arrived at by estimating that there should be one elected representative to approximately **50 000 voters**.
- The Constituent Assembly shall elect from its own ranks a representative drafting commission consisting of **40 persons** to work under its direction.
- Decisions at the Constituent Assembly shall be by a **two thirds majority**.
- The Constituent Assembly shall be obliged to enshrine the principles agreed upon by **Codesa** in the new constitution and shall not contradict such principles.
- The Constituent Assembly shall appoint an **independent constitutional panel** consisting of nine (9) respected, representative and competent persons to hear any disputes within the Constituent Assembly over the interpretation of the general constitutional principles agreed upon at Codesa.
- Functioning within the above framework, the Constituent Assembly shall be legally entrusted with sovereign powers to draft and put into operation a new and binding constitution for South Africa.

### b) The Regime's proposals on the Constitution-making body:

- The Constitution should be drafted by a **two-chamber parliament**;
- The first chamber, called the **National Assembly** should be elected by proportional representation on the basis of one person one vote. Those living in the TVBC states will not be able to vote if re-incorporation has not taken place at the time of election.
- The second chamber, called the **Senate** will be composed of the existing Tricameral parliament together with the homeland Legislative Assemblies. The Senate will have the power to veto any decision of the National Assembly.
- There should be no time limit for the drafting of the constitution.

**c) Inkatha's proposals on the Constitution-making body:** The IFP is opposed to an elected constitution-making body. It proposes that the new constitution be drafted by a Constitutional Council which is appointed by Codesa and not elected on the basis on one person one vote.

**d) Present position:** There is no agreement as yet in Codesa about the constitution-making body.

<b>TRADITIONAL LEADERS</b>	This matter is being dealt with by a sub-committee of the Management Committee of Codesa. To date, the committee has interviewed over 70 traditional leaders which are representative of all traditional leaders. The committee has as yet not finalised it's position and a report is due shortly.
<b>ISSUES FOR DISCUSSION</b>	Participation of Traditional Leaders at Codesa - There are four possible options. Traditional leaders could be either excluded completely, or accorded observer status, or full rights of participation, or allowed to participate with regard to particular matters which would be of relevance to them? Kindly let us hear your views on this.
<b>GENERAL</b>	<p>With reference to the issues raised for discussion in the <b>Negotiations Bulletin No. 7</b>, it is rather disturbing that we have as yet not heard the views from any of the Regions thus far. It is important that these Bulletins be used as discussion documents. The views of branches and regions are of great importance. In this regard, please address all your views to:</p> <p><b>The Secretariat Negotiations Commission, P O Box 61884 Marshalltown 2107.</b></p>