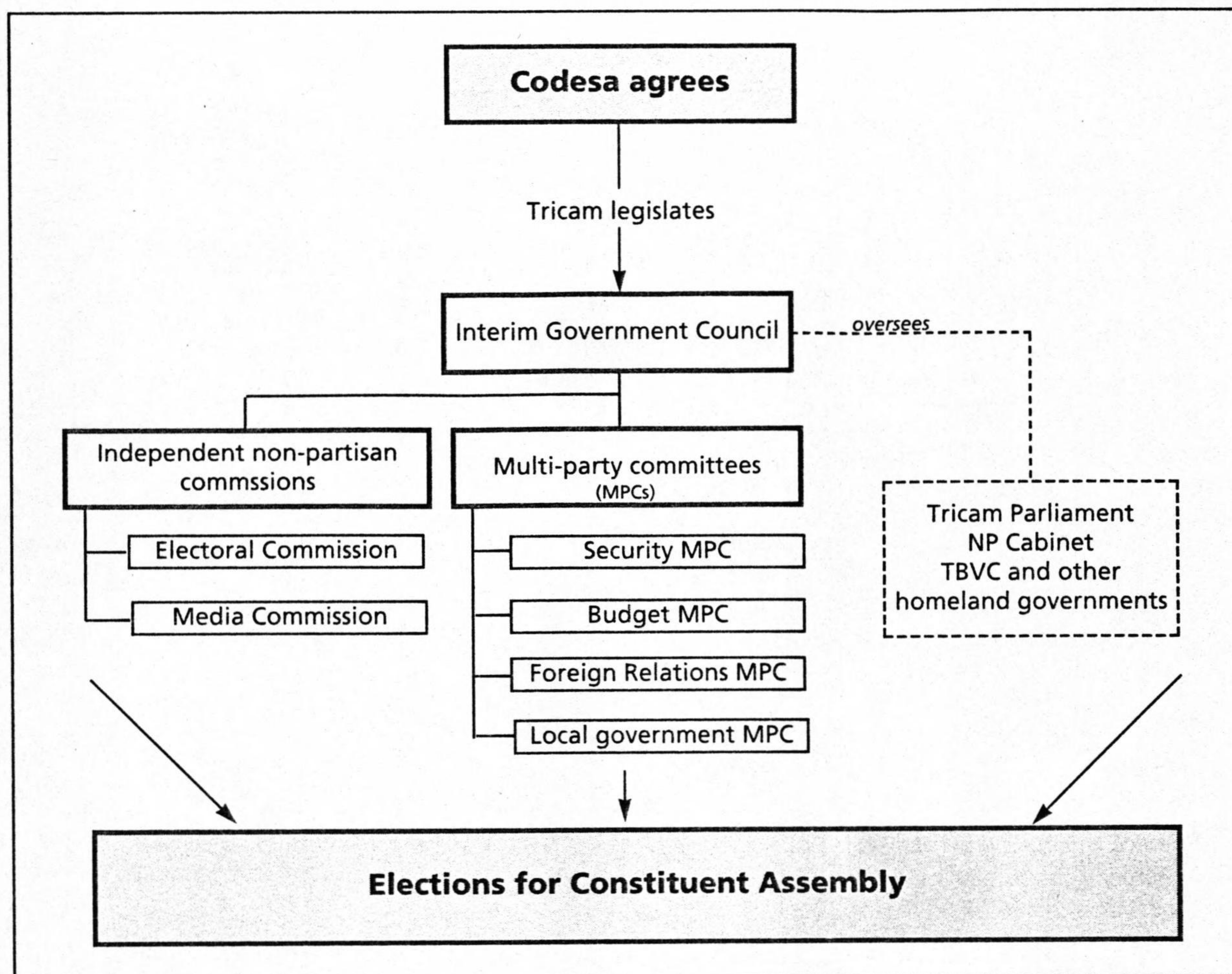




NEGOTIATIONS STEP-BY-STEP DRAFT PROPOSALS

STRUCTURE	TASKS	TIME FRAME		
CODESA	<ul style="list-style-type: none">• Working Groups negotiate agreements on free political activity, Interim Government, Constituent Assembly, reincorporation of TBVC territories, role of international community, time frames and implementation• Agreements adopted by full sittings of Codesa• Agreements drafted into Bills by Codesa sub-structures• Bills passed by tricameral parliament	February 1992 3-4 months April/May 1992		
Interim Government	<ul style="list-style-type: none">• Interim Government set up to supervise transition• Starts with immediate implementation of control over security forces, public media, electoral process, budget and finance, socio-economic forums, etc	May 1992 1 month May 1992		
	<ul style="list-style-type: none">• Detailed negotiations over any other areas of government continue and implementation as agreement is reached• Campaign for elections• Registration of voters or any other mechanisms agreed on• Elections for Constituent Assembly	June 1992 4 months September 1992		
Constituent Assembly	<ul style="list-style-type: none">• Elects chair and establishes rules of procedure• Negotiates new constitution on the basis of constitutional principles agreed on at Codesa• Adopts new Constitution	October 1992 3 months December 1992		
Formation of a democratic parliament and government	<table><tr><td>Option 1<ul style="list-style-type: none">• Constituent Assembly converts itself into the first National Assembly• Election of any other house of parliament• Formation of democratic government• Interim Government dissolves• Election of regional governments</td><td>Option 2<ul style="list-style-type: none">• Constituent Assembly dissolves• Election of new parliament• Formation of democratic government• Interim Government dissolves• Election of regional governments</td></tr></table>	Option 1 <ul style="list-style-type: none">• Constituent Assembly converts itself into the first National Assembly• Election of any other house of parliament• Formation of democratic government• Interim Government dissolves• Election of regional governments	Option 2 <ul style="list-style-type: none">• Constituent Assembly dissolves• Election of new parliament• Formation of democratic government• Interim Government dissolves• Election of regional governments	Jan/Feb 1993 2-3 months 3-4 months April/May 1993
Option 1 <ul style="list-style-type: none">• Constituent Assembly converts itself into the first National Assembly• Election of any other house of parliament• Formation of democratic government• Interim Government dissolves• Election of regional governments	Option 2 <ul style="list-style-type: none">• Constituent Assembly dissolves• Election of new parliament• Formation of democratic government• Interim Government dissolves• Election of regional governments			
Democratic Government set up	Formal end of apartheid rule	FREEDOM DAY		

Phase I: An impartial referee



Interim structures in this phase will be charged with the task of levelling the playing field. They should ensure equal treatment for all organisations, especially in the election campaign.

Three categories of structures will be needed:

1. Independent commissions appointed by Codesa and non-partisan in their composition:
 - Electoral Commission – made up of South Africans of integrity to organise and supervise elections. It will have sole and exclusive control of the electoral process, with powers to validate or invalidate election results.
 - Media Commission – made up South Africans of high standing to ensure fair and balanced reporting. Emphasis will be on an Independent Communications Authority which will take charge of all state broadcasters and appoint new boards. This will also cover the TBVC territories. (See page 45)
2. Multi-party Committees to take charge of the most important areas: security, the bud-

get, foreign relations and others such as local government. They will have complete control over these areas.

3. Interim Government Council: A body made up of parties in Codesa which oversees the tri-cameral parliament, the NP cabinet and structures in the TBVC and self-governing territories. It can veto as well as initiate legislation. Tri-cameral parliament to dissolve either when elections are declared or when the Constituent Assembly is elected.

The international community should be intimately involved at various levels. In particular, organisations which were represented at Codesa 1 should help supervise elections. Preferably, they should be integrated into at least the Electoral Commission.

Attention needs to be paid to the place and role of socio-economic forums. (See page 29)

The period between the legislation of Codesa decisions and elections should not exceed six months. ♦

continues from page 8

period of nine months for the Constituent Assembly will be more than sufficient. Incentives or penalties need to be built into this time frame to discourage delays.

What happens after a constitution is adopted?

Firstly, it will be necessary to elect a new parliament – or the second House if the Constituent Assembly converts itself into a national assembly. National, regional and local government bodies will also have to be formed.

SUNSET CLAUSES

Secondly, should the constitution contain clauses that will help ease the country into unqualified democracy: that is “sunset” clauses which will lapse after a certain period?

In Zimbabwe, there were entrenched seats for whites out of proportion with their actual numbers, limitations on land redistribution and so on.

In Ghana, regulations inhibiting the complete overhaul of the civil service and other provisions were included in the first independence agreement. A given number of years and/or loaded majorities were required to abolish these regulations.

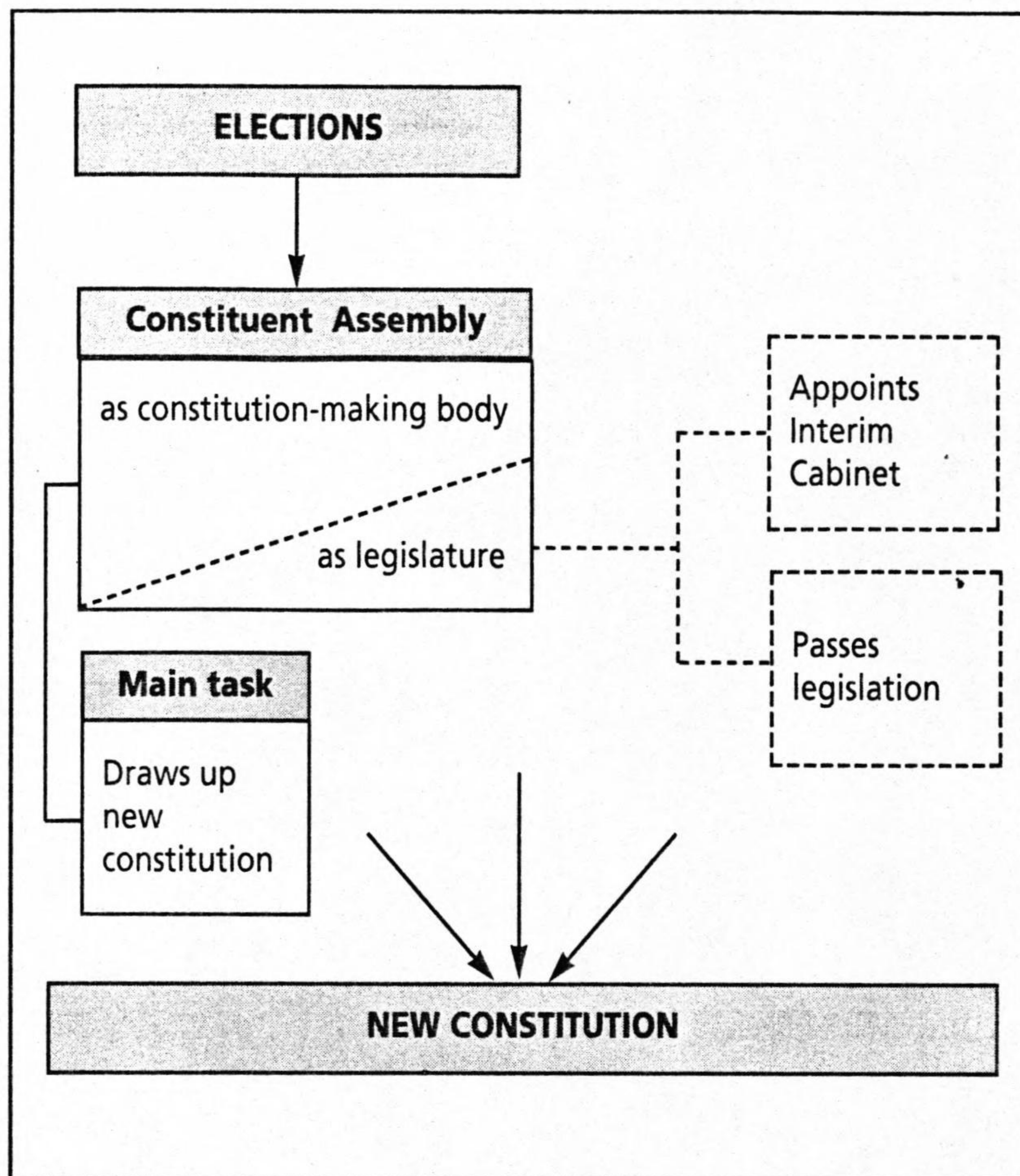
Do we need such measures in South Africa? How will they help to address “white fears”? Should they be entrenched in the constitution or take the form of pacts among the stronger political parties?

In other words, do we need a transitional phase after the adoption of the new constitution? How long should it be?

DEFENDING DEMOCRACY

Discussion on these issues cannot be postponed: the democratic movement must ensure that the achievements of the people are not fatally undermined by those who are in strategic positions. Democracy must not only be won. It must also be skilfully defended. ♦

Phase II: Sovereign structures



1. The Constituent Assembly (CA) will be elected on the basis of proportional representation. All South Africans 18 years-old and above will be eligible to vote. Some form of identification will need to be agreed upon. Parties which receive 5 per cent and more of the vote will have seats on a proportional basis in the CA.
2. The CA will operate both as a constitution-making body and as a legislative assembly.
 - When it operates as a constitution-making body (the main task) it will take decisions by a two-thirds majority.
 - As a legislative body it will pass legislation relevant to the transition and operate on the basis of consensus. It will also appoint an interim cabinet, preferably from all the parties in the CA. The interim cabinet will also strive to operate by consensus.
3. The constitution-making process should not exceed nine months. Incentives/penalties should be worked out to ensure that this is adhered to. This should apply to all parties.
6. The constitution could include “sunset” clauses to help ease the country into full-blooded democracy. ♦