

PRESS STATEMENT ON INTERIM GOVERNMENT

On Monday and Tuesday 2nd and 3rd of March, Codesa's Working Group III reviewed inputs by various parties on the question of Interim Government. 3

Consensus was reached on the following major questions:

- * that there is need for interim government to facilitate transition to democracy; â\200\224
- * that the creation of a transitional executive structure is an important aspect of such a government;
- * that at least initially, the executive structure will be appointed in accordance with procedures agreed upon by Codesa;
- * that Parliament will have to give legal effect to the arrangements reached at Codesa (as agreed at Codesa I the texts of all legislation required to give effect to the agreements will be drafted by Codesa); and
- * that other elements of interim arrangements still need to be discussed.

A document containing these proposals has been referred to the various principals. The National Working Committee of the ANC yesterday considered this document and agreed to the formulations contained therein. We consider these proposals an important breakthrough, signifying the acceptance of two basic principles by virtually all Codesa participants:

- * the need for an interim executive structure, and
- + that in the first phase such a structure will be appointed by Codesa.

In the detailed discussions that are to follow, the ANC will put forward its well-known positions regarding an Interim Government Council, independent non-partisan commissions on elections and the media, and multi-party committees for certain areas of government pertinent to elections for a Constituent Assembly. .

Other parties are at liberty to put forward their own detailed proposals. We therefore reject any interpretation that the agreement implies that the State President will appoint members of organisations taking part in Codesa into the cabinet. Co-option â\200\224 any guise is not acceptable to the ANC and the majority of participants in odesa.

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The national government and provincial governments shall not alter the rights, powers and functions of the governing bodies, management councils or similar authorities of departmental, community-managed or state-aided primary or secondary schools, unless agreement, resulting from bona fide negotiations has been reached with such bodies and reasonable notice of implementation has been given.

The national government and provincial governments shall not alter the rights, powers and functions of the controlling bodies of universities and technikons, unless agreement, resulting from bona fide negotiations, has been reached with such bodies.

Where in the case of 1 and 2 above, agreement is not reached after such negotiations, the competence of the Government to alter the rights, powers and functions of the governing bodies, management councils or similar authorities of departmental, community-managed or state-aided primary or secondary schools as well as the controlling bodies of universities and technikons will not be constrained. In such event, individuals and bodies will have recourse to challenge the exercise of the competence of the government within the framework of the Constitution.

The responsible government authorities shall fund departmental, community-managed or state-aided primary or secondary schools on an equitable basis

which ensures an acceptable quality of education.

INFORMATION RELEVANT TO TIME FRAMES

Before the first phase of interim government is initiated the following matters have to be attended to and where necessary sufficient consensus within Codesa has to be achieved in order to enable the process to go forward:

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Agreement has to be reached on the constitutional principles, the constitution making body, and the other outstanding work of the Working Groups.

Constitutional amendments have to be drafted and agreed upon for the purpose of providing a legal framework for the two stages of interim government.

Legislation needs to be drafted and agreed upon to provide the legal framework for the holding of elections, the administration of the electoral process including the identification of voters, and the powers of the Electoral Commission. The members of the Electoral Commission will have to be agreed upon and appointed.

Legislation needs to be drafted to implement the agreement in Working Group 3 concerning the Transitional Executive Council and Sub-Councils. In particular provision will have to be made for the Electoral Commission to have the same powers in the TBVC states as it will have in the rest of South Africa.

The process of reincorporation of the TBVC states has to be determined and legislation and "international agreements" need to be drafted to deal therewith.

Legislation needs to be drafted to deal with the Media Commission.

Legislation needs to be drafted to deal with Working Group 1 agreements

A policy on Regions needs to be finalised to ensure that the provisions of the legislation dealing with the constitution making body does not conflict with such policy.

The issue of political prisoners has to be resolved

The issues around MK have to be resolved.

This is likely to be the most difficult of the three phases and will involve hard negotiations. It is unlikely to be completed in less than three months.

Phase two must allow sufficient time to prepare for and conduct elections. Although preparation for elections can commence before the implementation of phase one, there are a number of problems that have to be sorted out in regard to mobilising support and holding meetings in places such as Kwa Zulu, Ciskei and Bop. The international community may have to be involved in persuading the South African government to use its influence to secure the necessary law changes in, and the co-operation of, the administrations in these regions. Depending upon the electoral law and how it deals with regions and registration of voters, this stage may take as long as six months.

Phase three must allow sufficient time for the negotiation of a democratic constitution and possible recourse to a deadlock breaking mechanism if a sufficient majority for a constitution cannot be achieved within a specified time. Another six months may be needed for this purpose.