

## OUTSTANDING ISSUES IN THE NEGOTIATIONS PROCESS

### 1. Free Political Activity

- 1.1 *Climate for free political activity on KwaZulu, Ciskei and Bophothatswana:* This matter needs to be dealt with mainly at a bilateral level with the regime as the responsibility for ensuring a climate for free political activity in the Bantustans rests with the regime.
- 1.2 *Covert operations and special forces:*  
The termination of covert operations and the confinement of the special forces to barracks need to be dealt with prior to the establishment of the TEC.
- 1.3 *Repressive legislation:* Matthew  
All repressive legislation needs to be repealed prior to the establishment of the TEC.
- 1.4 *State -controlled media:*  
The independent Media Commission which would be established when the TEC is established would seek to ensure state-owned media plays a neutral role during the run-up to the elections. However, certain important steps need to be taken in the present period, i.e. even before the TEC is established. In this regard we should seek to negotiate a Media Accord with the regime. The Accord would seek to (a) stop all unilateral restructuring of the SABC, and (b) ensure fair coverage in news and current affairs programs, and adequate access to the media for all political parties.

### 2. Unilateral Restructuring

The regime is hurriedly restructuring in the following fields:  
Economy, Education, Health, Local governments, Arts and culture, Land, Media, Forestry, etc

It has now become imperative that this matter become a subject of the bilateral negotiations. This would be in addition to the negotiations on these matters in the following forums: The National Economic Forum, National Negotiations Forum on Local Government, and; the Education Forum.

### 3. Elections Related Issues

- 3.1 We need to fine-tune our position on the composition, powers and functions of the Independent Electoral Commission. This can best be done by producing a draft Electoral Law.

- 3.2 What would be the eligible age for voting in the elections for voting in the elections for a Constituent Assembly? At CODESA we proposed that it should be 18 years of age. However, many of our structures have now suggested 16 years of age.
- 3.3 Should there be registration of voters and the drawing up of a voters' roll? Voter registration has both advantages and disadvantages. We have to adopt a position on this matter.
- 3.4 *Voter Identification:* What method should be used for identifying voters? A number of options present themselves:
  - ( i ) the voters roll exclusively (i.e if there is voters registration);
  - ( ii ) Book of Life exclusively;
  - ( iii ) a combination of the above two together with any other form of identification that the voter can produce.
- 3.5 The role of the International Community in the electoral process: We need to develop a detailed proposal on the terms of reference, powers, functions, duties, size and composition of the international mission that would be involved in the electoral process.

#### 4. The Transitional Executive Council (TEC)

- 4.1 We need to determine the detailed terms of reference for the sub-councils on Defence and Law and Order. *and all others.*
- 4.2 The powers, functions and composition of the Independent Media Commission need to be agreed to.
- 4.3 Draft legislation for the TEC and its related structures has to be completed.

#### 5. Regional government during the transition:

The administration of the so-called self-governing territories and the TBVC areas need to be addressed urgently. Draft legislation in this regard needs to be prepared.

#### 6. Interim Government of National Unity:

- 6.1 According to the Transition to Democracy Act:
  - 6.1.1 The legislative arm of the IG would be the same body as the CA, but acting as an Interim Parliament.
  - 6.1.2 The executive arm (cabinet ) of the IG would be made up of appointees of all parties i the CA who enjoy more than 5% of the total seats on the CA.

6.1.3 The State President would be appointed by the majority party.

6.2 We need to consider whether our proposal should be a vice-president who would be appointed by the second party in the CA.

## 7. Constituent Assembly

7.1 The CA would have 400 members.

7.2 Decisions would be taken by a two thirds majority.

7.3 The CA shall complete its work within a time frame of nine months.

7.4 *Deadlock-breaking mechanism:* In the event of the CA not completing its work within nine months, are we in favour of the proposal in the Transition to Democracy Act? (i.e fresh elections after nine months)

7.5 Only parties receiving more than three per cent of the total vote would be entitled to representation in the CA.

7.6 The CA would be bound by General Constitutional Principles. CODESA had arrived at far-reaching agreement on constitutional principles. The regime would seek to add as much detail as possible to the constitutional principles.

7.6.1 We need to agree to a formulation on a clause on property rights.

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