Negotiations involving the South African government, the African National Congress and the other participants in the multi-party Convention for a Democratic South Africa (CODESA) broke down in mid-May following government attempts to effectively entrench a white veto over the scope and pace of change. These parties have been meeting since December to draw up plans for establishing a democratic and non-racial constitution for South Africa.

All the parties believe negotiations will continue and the 40 member CODESA management committee, or executive secretariat, is meeting to resolve disagreements. In an effort to better understand the negotiations, The Africa Fund has outlined the steps in the negotiations process leading to non-racial elections that are now being discussed by the government, the ANC and the other CODESA parties. Future briefings will provide analysis of the negotiations process and a comparison of the positions of different parties to the talks. At this stage most of the proposals have been drafted by the government or the ANC, and some of these have been included in this briefing. As positions and proposals shift almost daily, the final outcome is likely to be different from that projected below.

The Management Committee of CODESA, made up of one delegate and one alternate delegate from each party plus two secretaries, began meeting to resolve outstanding disputes in late May. Unresolved issues include percentage of votes necessary to pass items in Constituent Assembly/Interim Legislature, government demands for a two chamber interim legislature with an upper house elected on a regional basis and the timetable for implementation.

A CODESA Meeting currently projected for the end of June will try to reach agreement on timetable and procedures for what is essentially a three stage process involving two sets of elections:

Phase I Transitional Executive Council (July 1992)
Phase II Constituent Assembly/Interim Legislature (January 1993)
Phase III Final Government (?)

Phase I

Step 1. Creation of Transitional Executive Council (TEC). To be chosen by CODESA and made up of representatives of all 19 parties that are members of CODESA, this council will have the power to block actions of de Klerk's cabinet and the present apartheid Parliament. But de Klerk's white minority government remains in power. The TEC will make decisions by a vote of 80% of its members. The government has proposed the TEC remain in existence as long as is necessary, but the ANC would like the TEC to remain in power only until elections for a Constituent Assembly/Interim Legislature are held (the ANC believes this should be no longer than three months).

An Independent Election Commission established by CODESA is to resolve disputes between the TEC and de Klerk's government. The electoral commission will also set up the process for registering voters and parties and conducting the elections. An Independent Media Commission will also be formed.

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Step 2. Voter Registration and Qualification of Parties will take place once the TEC is established. Registration of the estimated 20 million voters will be time consuming and issues such as voter ID and balloting procedures remain to be resolved. All parties recognize tremendous obstacles posed by people who do not have official identification documents of any type. This registration will be conducted on a non-racial basis, with no collection of statistics on ethnic background.

The de Klerk government is demanding that the Constituent Assembly/Interim Legislature consist of two houses. The first house will be elected in a non-racial nationwide vote. A second house or Senate would have representatives elected on an as yet unspecified regional basis. Having worked for decades to divided South Africa into separate ethnic regions through policies such as the homelands, the de Klerk government is trying to entrench these divisions in the new constitution drafting process. Precisely what regions would be used as the basis for these divisions and how they will be selected is unexplored and unknown. The ANC has rejected this demand, but it is still an outstanding issue.

Step 3. Elections for Members of a Constituent Assembly/Interim Legislature will be held at the end of a period the ANC envisages as lasting three months and others imagine might take longer. These elections are to be held on the basis of one person, one vote nationally, using proportional representation based on voting lists. It will probably be similar to the system used in neighboring Namibia, where elections leading to independence were held in 1990.

Phase II

Establishment of Constituent Assembly/Interim Legislature. This body will have two functions: For two days a week it will meet to draft the new constitution for South Africa as a "constituent assembly". Then for two or three days it will act as the legislature, replacing the present parliament, for the period before a new constitution is in place. The ANC has argued that decisions of this body should be ratified by a vote of two-thirds of its members. The government insists that decisions be passed by a vote of three-quarters of the members of this body. Under the ANC timetable the assembly would convene in January 1993.

As soon as the constituent assembly/interim legislature is elected it will appoint an interim executive to replace the TEC and the de Klerk cabinet. There are no clear scenarios for how this interim executive would function. De Klerk has proposed an rotating presidency with a new cabinet. In practice it seems likely that existing administration and civil service structures will remain largely intact.

There is apparently agreement by all parties that an interim constitution, written during the TEC phase, will come into effect sometime before the elections are held. Under this arrangement, with an interim government and interim constitution, the present government will be able to block any agreement on a final constitution. Thus, there is a danger that these interim bodies could turn into a "permanent interim government."

Phase III

Elections for a New Government Under a Constitution Approved by the Constituent Assembly. Timetable unclear. ANC would like before the end 1993. A number of authorities have suggested that it may be difficult to organize two elections in a period of just one year.

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