

TRANSITIONAL EXECUTIVE COUNCIL (TEC)

FRIDAY 11 JUNE 1993

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FOURTH REPORT OF THE TECHNICAL COMMITTEE ON THE TRANSITIONAL EXECUTIVE COUNCIL 28 MAY 1993

1. INTRODUCTION

Having thus far produced three reports which mainly dealt with the composition and functioning of the Transitional Executive Council/Authority and its sub-councils were they to be established, the Technical Committee at this stage deems it advisable to facilitate a debate in the Negotiating Council regarding the need for the establishment of such a Transitional Executive Council. To this end, the Committee proposes to furnish the Negotiating Council with an overview of the positions of various participants as they emerged from submissions at the disposal of the Technical Committee.

The Committee should like to point out that a summary of the 13 submissions received until 13:00 on Wednesday 19 May 1993 is to be found in the second report of the Technical Committee (dated 21 May 1993). Six further submissions had been furnished, a summary of which appears as Addendum A to this report.

2. OVERVIEW OF POSITIONS

Even where a participant did not expressly indicate its attitude on the need or desirability of a transitional executive structure, its position could be inferred from the contents and nature of the submission(s).

The majority of participants expressed themselves in favour of a transitional executive body, albeit not necessarily in the form proposed by Working Group 3 of Codesa. The positions in support of such a body range from acceptance that there will be such a body, and that the only question is what it will look like and how it will function, to support which can hardly be expressed in other terms than overtly enthusiastic and insisting that it should be established immediately.

In two submissions the need of a transitional executive body was questioned, one indicating that there was neither need nor time for such an institution, the other that if a transitional structure became *fait accompli*, the right to make further inputs was reserved.

Three submissions did not express principled opposition to the notion of a transitional executive body, but intimated that other matters, such as the form of state, constitutional principles, the boundaries, powers and structures of regions and an interim constitution should first be addressed.

One submission contained an ambivalent position, suggesting on the one hand that there is no objection in principle to the establishment of a transitional executive, stating later on, however, that the powers of such a transitional executive should be exercised through 'established government structures and powers'.

3. CONCLUSION

From the above it would appear that, with the exception of one participant who felt that there was no time for a transitional executive structure, there was no opposition in principle to a transitional executive structure.

ADDENDUM A SUMMARY OF REMAINING INPUTS RECEIVED BY THE COMMITTEE (FOR THE OTHERS SEE SECOND REPORT OF THE TECHNICAL COMMITTEE DATED 21 MAY 1993)

1. Inkatha Freedom Party

The IFP supports a two phase transitional process on the condition that the following should be agreed upon prior to further negotiations on a Transitional Executive Council: interim constitution; a set of constitutional principles that would be binding on the constitution making body; final and entrenched boundaries, powers and structures of regions; form of state; full agreement on the nature of the political dispensation.

2. Intando Yesizwe

Intando Yesizwe supports the establishment of the Transitional Executive Council and maintains that its decisions should be binding on parliament, departments of state and administrations; that it should be entitled to overrule decisions of any of these bodies; that it should have the power to prescribe to these bodies on matters within its jurisdiction.

3. Inyandza National Movement

Inyandza supports the establishment of a Transitional Executive Council with a multiparty character with effective executive powers. A sub-council on elections is further proposed.

4. KwaZulu Government (in conjunction with Inkatha Freedom Party)

The KwaZulu Government expresses the view that the Transitional Executive Council should not be established until an agreement on the process of transformation and on the form of state has been reached. However, it is also of the opinion that the powers of the Transitional Executive Council could be exercised through existing government structures and powers.

5. Transvaal Indian Congress/Natal Indian Congress

In a further submission, the Transvaal Indian Congress and the Natal Indian Congress propose the following:

5.1 The Transitional Executive Council should be established by mid-1993.

5.2 It should have cabinet status and full executive powers.

- 5.3 The State President, ministers and officials (of all administrations) should only act with the prior approval of the Transitional Executive Council in regard to matters falling within the Transitional Executive Council's jurisdiction.
- 5.4 The Transitional Executive Council should have full access to all relevant information and personnel.
- 5.5 The Transitional Executive Council should have specific powers of intervention.
- 5.6 Decisions should be taken by a two-thirds majority.
- 5.7 Disputes should be resolved by the Transitional Executive Council.

6. Venda

Venda supports the fact that the Transitional Executive Council should have effective executive powers, that it should have access to all relevant information, and that it should be able to delegate powers to sub-councils.

7. African National Congress

Two further detailed submissions dealing specifically with the terms of reference of sub-councils were subsequently provided by the African National Congress.