

**AGREED TERMS OF REFERENCE FOR WORKING GROUPS FOR
CODESA**

WORKING GROUP 1

1. **FIRST ASSIGNMENT**

Creation of a climate for free political participation.

1.1 **Terms of Reference**

WHEREAS the parties at Codesa have committed themselves to the terms and objectives set out in the Declaration of Intent as amended from time to time

AND WHEREAS it has been nationally and internationally recognised that a climate for free political participation is an essential element of the transitional phase towards and in a democratic South Africa

AND WHEREAS democracy requires that all the participants in the political process should be free to participate in that process without fear and on an equal footing and on a basis of equality with the other participants

IT IS RECORDED that the terms of reference of the Working Group on the Creation of a Climate for Free Political Participation shall be as follows:

- 1.1.1 To investigate and report upon all proposals and make recommendations with regard to the actions needed to be taken to foster and establish in South Africa a climate in which all individuals and organisations can participate freely, without interference or intimidation, in all political activity and, in particular, in the processes leading up to the introduction of a new constitution.
- 1.1.2 To identify the key issues and problems that need to be addressed.
- 1.1.3 To identify areas of commonality and aspects where agreement already exists between participating delegations.
- 1.1.4 Specifically, but without vitiating the generality of the above, to consider whether and how the following issues should be addressed:
 - (a) the finalisation of matters relating to the release of political prisoners and political trials;
 - (b) the return of exiles and their families;
 - (c) the amendment and/or repeal of any remaining laws militating against free political activity, including the elimination of all discriminatory legislation;
 - (d) political intimidation;
 - (e) the termination of the use of military and/or violent means or the threat thereof of promoting the objectives/views of a political party or organisation;
 - (f) political neutrality of, and fair access to, State-controlled/statutorily instituted media (particularly the SABC and SATV), including those of the TBVC states;
 - (g) the successful implementation of the National Peace Accord;

- (h) the prevention of violence-related crime and matters giving rise thereto;
- (i) the composition and role of the security forces in South Africa and the TBVC states;
- (j) the funding of political parties;
- (k) the fair access to public facilities and meeting venues;
- (l) the advisability of statutory provisions guaranteeing equal opportunity for all parties to establish and maintain their own means of mass communication;
- (m) the need for an improvement in socio-economic conditions;
- (n) the fostering of a spirit of tolerance amongst political parties;
- (o) the role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy and the processes of Codesa;
- (p) the advisability of fair and reasonable access for political parties to all potential voters, wherever they may reside;
- (q) any other matters which the working group may consider relevant to its brief.

2. SECOND ASSIGNMENT
Role of international community.

2.1 Terms of Reference

WHEREAS the parties at Codesa have committed themselves to the terms and objectives set out in the Declaration of Intent as amended from time to time

AND WHEREAS the validity and acceptability of the process of transition and the outcome thereof internally and internationally, will depend on an open and fair process providing for full and effective participation of all South Africans

IT IS RECORDED that the Working Group on the Role of the International Community shall have the following terms of reference:

- 2.1.1. To investigate, consider and report upon all proposals and make recommendations with regard to the role that the international community and/or organisations could be asked to play in the formal or informal processes involved in the period leading up to the introduction of a new constitution for South Africa.
- 2.1.2 To identify the key issues and problems that need to be addressed.
- 2.1.3 To identify areas of commonality and aspects where agreement already exists between participating delegations.