

Report on the work of Working Group I1. Introduction

- 1.1 The Working Group had two plenary meetings where general discussions on the terms of reference took place and administrative arrangements concerning its work were decided on, the most important of which was the appointment of the Steering Committee which includes a representative each of the ANC and the SACP.
- 1.2 On the recommendation of the Steering Committee, the Working Group split into three sub-groups each dealing with a set of topics which, in theory, form a coherent theme and are identified from the terms of reference adopted by Codesa I. These deal with matters arising out of Assignment I, the creation of a climate for free political participation. Formally, new topics may be introduced by any participating organisation but no such topic has yet surfaced. Sub-groups have been meeting since February 10th.
- 1.3 Members of the ANC's delegation meet regularly to discuss tactics and to work out our contributions and interventions. Also, for the past three weeks, members of delegations from the broad democratic and anti-apartheid tradition here been meeting on the Sunday night before the meetings of the sub-groups to discuss matters of mutual interest. These meetings have been very valuable, not least in terms of allocation of work.

2. Sub-Groups

- 2.1 The three sub-groups are as follows:

Sub-Group I: Completing the Reconciliation Process:

Items (a), (b), (c) and (q) from the Working Group's terms of reference, which deal with political prisoners and political trials, the return of exiles and the repeal or amendment of laws which impinge on free political activity, including discriminatory legislation.

The ANC's representatives on this sub-group are:

Comrade Kader Asmal (delegate)

Comrade Penuell Madune (advisor)

Sub-Group II: Continuing the Security and Socio-Economic Process:

Items (d), (e), (g), (h), (i), (m), (n), (o) and (q) from the terms of reference dealing with violence, intimidation, the role and composition of security forces, the implementation of the National Peace Accord and political tolerance.

The ANC's representatives on this sub-group are:

Comrade Jacob Zuma (delegate)

Comrade Pino Langa (adviser)

A separate report will be made by this sub-group.

Sub-Group III: Creating the Climate and Opportunity for Free Political Participation

Items (f), (j), (k), (l), (p), (q), (n), (o), (q) from the terms of reference dealing with the neutrality of and fair access to state-controlled media (especially the SABC and SATV), including the TBVC states, the funding of political parties, fair access to public facilities and meeting venues and to voters, equal opportunity for parties to establish and maintain their own means of mass communication, political tolerance and education for democracy and the processes of Codesa.

The ANC's representatives on this sub-group are:

Comrade Kader Asmal (delegate)

Comrade Pius Langa (adviser)

- 2.2 Each sub-group has attempted to discuss the items in turn and delegations have submitted documentation for the topic under discussion. The ANC's documents are available. On technical matters - such as the repeal of repressive legislation or laws which affect free broadcasting - we have relied on very professional and systematic material prepared by other and independent bodies. Our regions have supplied valuable material on the position concerning Bop, Ciskei and the relationship between Kwa Zulu and Inkatha.
- 2.3 The debates have clarified a number of issues and it is obvious that there is a majority - a considerable and clear-cut one - on a range of issues. But Bop remains silent and the government and the National Party have been either unwilling or unable to agree on these matters, so that consensus, either ordinary or of a sufficient nature, has not been achieved. However, on a range of matters, the debate is still at an early stage and has not yet crystallised. On the other hand, there is a feeling that some delegations may opt for a drawn-out debating session, rather than confront the need for a clear-cut decision.

3. Some Issues

- 3.1 There are some issues on which attention has to be drawn as they impinge on basic policies of the movement.
- 3.2 In sub-group I, there was an initial debate on political prisoners and exiles where there was a very clear dissatisfaction with the present position where the government controls the ultimate decision concerning the status of these people. There was a clear-cut majority for a general amnesty. Following interventions by the government, it was agreed that further discussion would be postponed so that bilateral discussions between the ANC and the government could take place. Such a meeting has now taken place.
- 3.3 The sub-group cannot indefinitely postpone discussion on this matter because of the heightened feelings that it raises and the need for a speedy and resolute settlement. It would therefore appear that at the meeting on 23rd March, the sub-group will be faced with the dilemma of turning its attention to the extent to which the Groot Schuur and Pretoria Minutes regulate the work of the sub-group or whether multilateralism has to operate in tandem with bilateralism. The issue is urgent.
- 3.4 The government announced at the last meeting of sub-group II that it supported the idea of a Telecommunications Commission, with overall authority for the allocation of frequencies. But it has not gone beyond this limited area and, together with the National Party, considers that SABC and SATV are neutral and impartial and that no change is required in their structures.
- 3.5 The SABC issue, together with a number of other matters, really fall within the ambit of transitional arrangements and could more profitably be transferred to Working Group 3, in the light of the movement's decision that broadcasting should be regulated by an Independent Broadcasting Commission in the first phase of the run-up to an election.
- 3.6 As far as the role of the international community is concerned, it was felt, correctly, that at the beginning of the debate, it would have been artificial to have begun such a discussion in a vacuum. However, the Working Group as a whole decided that this Assignment "should be addressed on the basis that participating organisations may raise associated issues under Assignment I": this was clearly intended to raise the issue of sanctions and the "foreign" finding of parties, as has in fact occurred.

3.7 However, the Steering Committee of Working Group I, has decided, that it "may, if necessary, activate a sub-group to deal specifically" with the role of the international community. Such a time may now have arrived.

Cape Town

6 March 1992