

**MANAGEMENT COMMITTEE REPORT TO CODESA 2 REGARDING
ACTIVITIES OF THE MANAGEMENT COMMITTEE**

1. ACTIVITIES OF THE MANAGEMENT COMMITTEE

- 1.1 Codesa 1 resolved that a Management Committee be formed to take charge of the overall management of the negotiation process. The Management Committee is currently being chaired by Mr P J Gordhan and consists of all the parties, organisations and administrations whose names are listed in the Declaration of Intent adopted by Codesa 1 on the 20th of December 1991.
- 1.2 The Management Committee appointed 8 persons who presently constitute what is known as the Daily Management Committee. The Management Committee has also designated two persons who have been assigned the task of discharging the functions reserved by CODESA 1 for the Secretariat.
- 1.3 During the period after Codesa 1, the Management Committee attended to a number of important matters falling within its Terms of Reference. It must be recorded that the Management Committee was specifically mandated to:
- 1.3.1 Supervise the administration of CODESA;
- 1.3.2 Implement the agreements of CODESA;
- 1.3.3 Create the necessary sub-structures for purposes of giving effect to its mandate; and
- 1.3.4 Supervise the work of working groups.
- 1.4 In order to discharge its mandate effectively the Management Committee had to set up an elaborate administrative structure. A professional firm was commissioned on an agency basis to provide the required administrative personnel. The staff complement has been increased periodically depending on the needs of CODESA. Individual parties and organisations have, on a number of occasions, been requested to second staff to assist as and when the need arises. The administrative staff, therefore, has provided the requisite back-up service to the five working groups and to the administrative structures referred to above.

2. SUB-COMMITTEES OF THE MANAGEMENT COMMITTEE AND THE ADMISSION OF FURTHER PARTICIPANTS

Mr Chairperson, I will now turn to deal with certain specific matters which were referred by CODESA 1 to the Management Committee for further consideration and attention.

2.1 Declaration of Intent:

- 2.1.1 The Inkatha Freedom Party indicated at CODESA 1 that it would like to have certain amendments made to the Declaration of Intent. A document detailing the issues which the IFP sought to address was circulated to delegates at Codesa 1. This document sought to ensure that participants could discuss freely at CODESA the constitutional models they would opt for. A subcommittee was then appointed to investigate and make

recommendations on the manner in which the IFP's proposals could be addressed. The Management Committee approved the recommendations of the subcommittee and the relevant addendum has since been presented to this convention under item 4.1 of the agenda for adoption. The addendum was considered at yesterday's proceedings and will not be dealt with further in this report.

- 2.1.2 It will also be recalled that the Bophuthatswana Government did not sign the Declaration of Intent in December last year. A representative of the Bophuthatswana Government was appointed to serve on the subcommittee which considered the IFP proposals on the Declaration of Intent. It is reported that Bophuthatswana's position with regard to the Bophuthatswana Government. Their position with regard to signing is still the same as that set out in the report of Codesa 1.

2.2 Traditional leaders:

- 2.2.1 Another important matter the Management Committee had to deal with was the formulation of guidelines in terms whereof the King of the Zulus and other traditional leaders could be admitted at CODESA. A subcommittee was appointed to deal with this matter. The subcommittee has now completed its report, and it has reported as follows:
- "1. The sub-committee has agreed that the Zulu King and other Traditional Leaders should have participation at Codesa. It was also agreed that there should be, in principle, no difference between the participation of the Zulu King and other Traditional Leaders.
 - "2. The sub-committee has agreed that participation should take the form of one delegation from each of the four provinces consisting of 12 delegates and 5 advisers. The administrations would be requested to facilitate with the bringing together of the Traditional Leaders, but not to prescribe as to who should form part of the delegations.
 - "3. For the province of the Transvaal, the sub-committee agreed that there should be equal representation from each of the 6 regions within the province. That would mean two representatives from each region and that the delegates will decide on their advisers.
 - "4. On the form of participation, after consideration of the written and oral submissions and from discussions within the sub-committee, the following two points of view have emerged:
 - "4.1 The four delegations should have participation in Codesa in a special way. The full four delegations would participate in the plenary sessions of Codesa. They should also form themselves into a consultative advisory group with a special status to advise and intervene. The consultative advisory group would have access to all the documentation in Codesa and identify the specific issues affecting Traditional Leaders and see where they would like to make an input or an intervention within the working groups. They will have the right to participate in debate within the working groups to influence decisions and intervene where necessary on issues affecting

Traditional Leaders. The four delegations would not form part of the consensus. The summary of oral and written submissions refers.

"4.2 The four delegations should be afforded full participation in Codesa as all other participatory parties/organisations/administrations in Codesa and would function at all levels of Codesa. The summary of oral and written submissions refers."

2.2.2 Paragraphs 1 to 3 of the above report have been approved by the Management Committee. What remains for the Management Committee to resolve is the form in which participation shall take place. In this instance there was a choice between items 4.1 and 4.2 as set out above. After it became clear that no consensus or sufficient consensus could be reached on the matter, the Chairman of the Management Committee presented a further proposal which reads as follows:

"4.1 The four delegations will have a right to participate in plenary sessions.

"4.2 They will have a similar right to participate in the Working Groups.

"4.3 Recognising that the Traditional Leaders have a vital role in guiding and unifying our people, which is made possible by standing above party politics and concentrating on the general interest of the nation, the standing rules remain with regard to reaching agreement.

"4.4 In keeping with the above, the delegations of the Traditional Leaders would participate in the structures of Codesa as decided by CODESA 2."

2.2.3 During the course of the discussions within the Management Committee three further options emerged. These will not be dealt with herein.

2.2.4 To summarise, therefore, the Management Committee has agreed that Traditional Leaders be represented at CODESA according to provinces; it has further resolved that in dealing with this matter no distinction should be made between the King of the Zulus and the other traditional leaders; and, lastly, the Management Committee still has to finalise the recommendation regarding the form in which participation shall take place.

2.3 Gender Advisory Committee:

2.3.1 It will be recalled that at CODESA 1, concern was expressed about the fact that there were very few women within the participating delegations. The Management Committee was asked to address this issue.

2.3.2 In the first instance the Management Committee examined the various courses which could be followed in order to give effect to the views and concerns that had been expressed at CODESA 1. It concluded that this was a matter which each participant had to attend to. Consequently it was

resolved that parties, organisations and other participants be urged to include women in their delegations. The Management Committee made this appeal known to all participants.

- 2.3.3 In an endeavour to address, in a more direct way, the concerns which had been expressed, the Management Committee resolved on the 30th March 1992, to establish the Gender Advisory Committee. The Gender Advisory Committee is a subcommittee of the Management Committee. The document establishing the Gender Advisory Committee provides that it shall be composed "preferably of women".
- 2.3.4 The Terms of Reference of the Gender Advisory Committee read as follows:
- "2.1 CODESA is committed amongst other things towards the creation of a non-sexist democracy.
- "2.2 (The) Gender Advisory Committee shall look into the Terms of Reference of each of the Working Groups and advise on the gender implications thereof.
- "2.3 (The) Gender Advisory Committee shall look into agreements arrived at in Working Groups and decisions of the Management Committee and advise on their gender implications."
- 2.3.5 The Gender Advisory Committee has covered a lot of ground within a very short time. Its report was tabled yesterday and has been made available you. In view of the time factor the recommendations of the Gender Advisory Committee could not, in some instances, be considered by Working Groups.

2.4 Admission of further participants at Codesa:

It will be recalled that when CODESA 1 was held, a number of organisations had indicated that they, too, would like to be admitted as participants. A number of applications were also received after CODESA 1. It was agreed at Codesa 1 that this matter had to be investigated first before the criteria for admission could be formulated. To this end a newspaper search to establish the type of coverage which each applicant had received over a certain period, was conducted. A questionnaire was also formulated with a view to establishing, amongst other things, the popularity of the relevant organisations, the level of their support and the extent of their activities in their sphere of operation. This was all done in an attempt to establish whether these parties could, strictly speaking, be referred to as political parties and also whether they could be regarded as having significant support. Of the 19 parties which applied, eight had not responded to the questionnaire at the time the matter was discussed by the Management Committee and nine other parties had their applications turned down. One of the remaining two parties has withdrawn its application and the other application has been held over.

TASK GROUPS

1. ORGANISATION AND PLANNING

1.1 TASKS

- * VENUE
- * FINANCE
- * INVITATIONS
- * SECRETARIAT/ADMINISTRATION
- * SECURITY ← *Sub groups*
- * MEDIA —
- * PROTOCOL —

1.2 CONVENOR *Dr. Maduma - Inyanga*

2. DRAFTING

2.1 TASKS

- * DECLARATION OF INTENT
 - PURPOSE/GOALS
 - BROAD PRINCIPLES
- * COMMITMENT OF PARTIES/GOVERNMENT
- * STANDING RULES
- * DECISION MAKING
- * ~~PURPOSES AND GOALS~~

2.2 CONVENOR *Feldgate I.F.P.*

3. PROCESS

3.1 TASKS

- * AGENDA OF CODESA
- * WORKING GROUPS OF CODESA
 - IDENTIFYING OF WORKING GROUPS
 - ^{*Terms of Ref.*} ASSIGNMENT FOR WORKING GROUPS
 - FUNCTIONING OF WORKING GROUPS
- * ADDITIONAL ITEMS TO BE HANDLED BY STEERING COMMITTEE
- * MEDIATION AND FACILITATION
- * CHAIRMEN
 - PANEL
 - FUNCTIONING
 - KEEPING JUDGES INFORMED
- * WAY FORWARD

3.2 CONVENOR *Mahlangu UPF (Lebowa)*

MEMORANDUM

TO : ALL CHAIRPERSONS OF WORKING GROUPS, WORKING GROUP STEERING COMMITTEES AND WORKING GROUP SUB-GROUPS

RE : REPORT BACK TO CODESA 2

FROM : DAILY MANAGEMENT COMMITTEE

DATE : 8 APRIL 1992

At its meeting of 6 April 1992, the DMC discussed the issue of report backs by Working Groups to Codesa 2 and agreed upon the following:

The DMC/MC would continue to look side by side with the WGs into finding a uniform and co-ordinated way for the WGs to report back to Codesa 2. The emphasis should be to try to structure the agenda of Codesa 2 in such a way as to place under focus:

- * Agreements reached
- * Matters still requiring attention
- * The way forward and the mechanism for handling such out standing matters

Assistance would be rendered by the DMC to WGs in formulating a set of guidelines for reporting back and drafting reports. Input, in this regard, from the WGs would be appreciated.

In light of this the DMC has decided to set a deadline for final reports from WGs as, Thursday 7 May 1992. This is not only for the purpose of preparing the final documentation for Codesa 2, but especially to give the principals of the various delegations sufficient time to read and reach decisions on the recommendations contained in these reports for Codesa 2.

It should be noted that due to this fact, reports from sub-groups should likewise be in time for WGs to prepare a final report.

Kind regards

P.P. Mac Mahony
PJ GORDHAN
CHAIRPERSON

**DRAFT AGENDA
FOR THE MEETING OF THE MULTI-PARTY NEGOTIATING FORUM
TO BE HELD AT 10H00 ON 2 JULY 1993**

1. **Moment of Prayer/Meditation**
2. **Welcome and Attendance**
3. **Ratification of the Agenda**
4. **Minutes**
 - 4.1 Adoption of the minutes of the Negotiating Forum of 1 April 1993
 - 4.2 Matters arising from the minutes of the Negotiating Forum of 1 April 1993
5. **Substantive Issues - Report of the Negotiating Council**
 - 5.1 Procedures and Structures
 - 5.2 Resolution on Violence: Recommendations to the Negotiating Forum
 - 5.3 Resolution on the Transition Process: Recommendations to the Negotiating Forum
 - 5.3.1 Constitutional Principles
 - 5.3.2 SPR's
 - 5.3.3 Constitution for the Transition Period and the Constitution-Making Body
 - 5.3.4 Fundamental Human Rights during the Transition
 - 5.3.5 Levelling the Playing Field and Creating Conditions conducive to the Holding of Free and Fair Elections:
 - 5.3.5.1 Independent Electoral Commission
 - 5.3.5.2 Independent Media Commission
 - 5.3.5.3 Amendment or Repeal of Legislation Impeding Free Political Activity and Discriminatory Legislation
 - 5.3.5.4 TEC and its Sub-Councils
 - 5.3.6 An Election Date
6. **Procedural Issues - Report from the Negotiating Council**
 - 6.1 Participation
 - 6.2 Meetings Schedule
 - 6.3 Name of the Process
 - 6.4 Non-South African Participation
 - 6.5 Role of the International Community
7. **Administrative Matters**
8. **Closure**

**DRAFT RESOLUTION BY THE NEGOTIATING FORUM ON THE
CONTINUATION OF THE NEGOTIATING PROCESS**

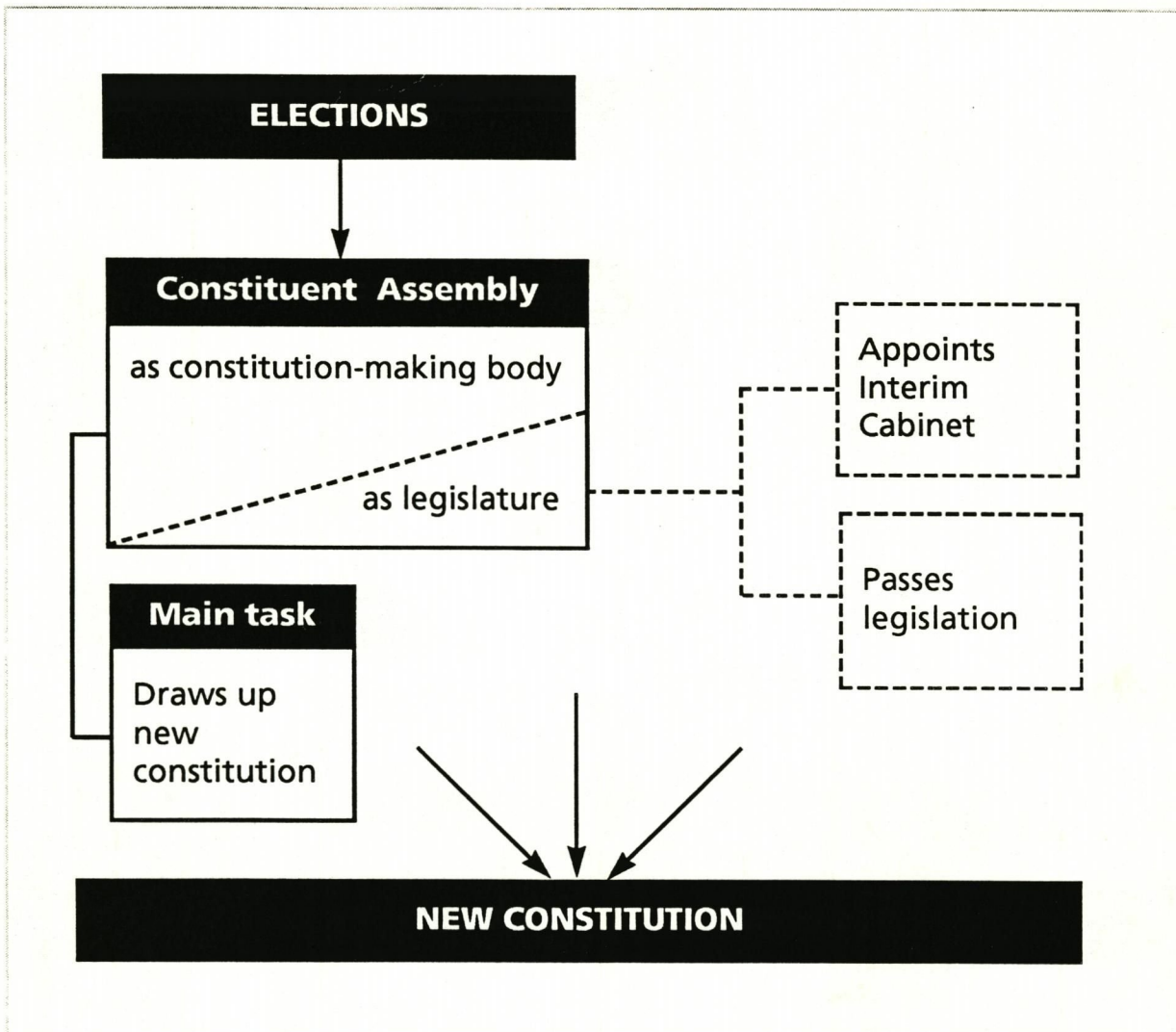
This meeting of the Negotiating Forum held on Friday 2 July, 1993;

Having noted the adoption by this Forum of the reports and recommendations tabled by the Negotiating Council at this meeting;

Hereby:

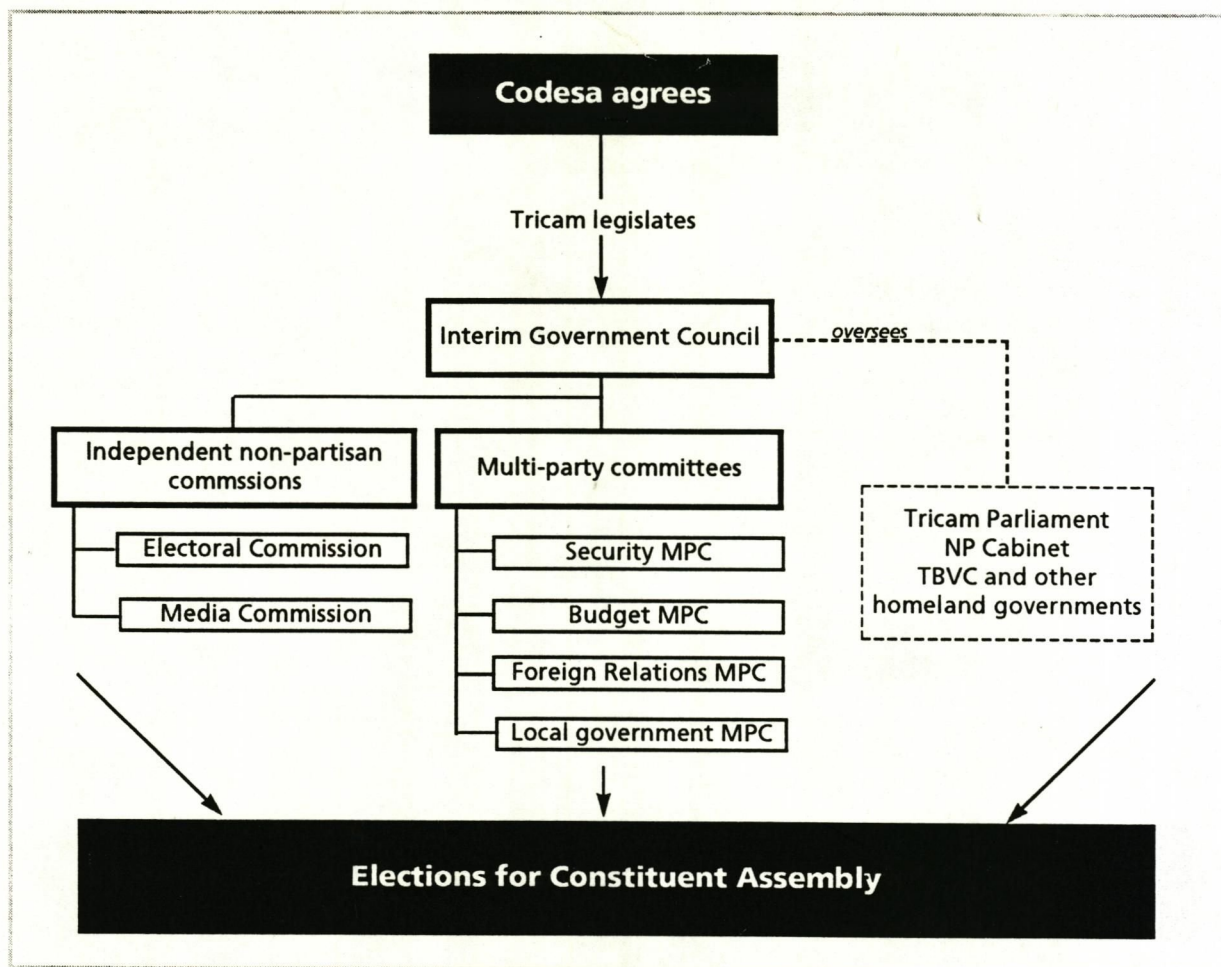
1. **Confirms** the date for the election as the 27 April 1994;
2. **Instructs** the Negotiating Council to:
 - 2.1 ~~To~~ take note of the fact that a constitution for the transition period will have to be adopted and to identify the other agreements to be reached as well as the implementation steps to be taken before the election can take place;
 - 2.2 Prepare time scales for the agreements and the implementation steps to be undertaken for the election to take place;
 - 2.3 Determine whether the election can be held on an earlier date than the 27 April 1994 if a final settlement on the substantive issues should be reached earlier; and
 - 2.4 Determine the precise number of days over which the elections will be held in co-operation with the Independent Election Commission.

Phase II: Sovereign structures



1. The Constituent Assembly (CA) will be elected on the basis of proportional representation. All South Africans 18 years-old and above will be eligible to vote. Some form of identification will need to be agreed upon. Parties which receive 5 per cent and more of the vote will have seats on a proportional basis in the CA.
2. The CA will operate both as a constitution-making body and as a legislative assembly.
 - When it operates as a constitution-making body (the main task) it will take decisions by a two-thirds majority.
 - As a legislative body it will pass legislation relevant to the transition and operate on the basis of consensus. It will also appoint an interim cabinet, preferably from all the parties in the CA. The interim cabinet will also strive to operate by consensus.
3. The constitution-making process should not exceed nine months. Incentives/penalties should be worked out to ensure that this is adhered to. This should apply to all parties.
6. The constitution could include "sunset" clauses to help ease the country into full-blooded democracy.

Phase I: An impartial referee



Interim structures in this phase will be charged with the task of levelling the playing field. They should ensure equal treatment for all organisations, especially in the election campaign.

Three categories of structures will be needed:

1. Independent commissions appointed by Codesa and non-partisan in their composition:
 - Electoral Commission – made up of South Africans of integrity to organise and supervise elections. It will have sole and exclusive control of the electoral process, with powers to validate or invalidate election results.
 - Media Commission – made up South Africans of high standing to ensure fair and balanced reporting. Emphasis will be on an Independent Communications Authority which will take charge of all state broadcasters and appoint new boards. This will also cover the TBVC territories. (See page 45)
2. Multi-party Committees to take charge of the most important areas: security, the bud-

get, foreign relations and others such as local government. They will have complete control over these areas.

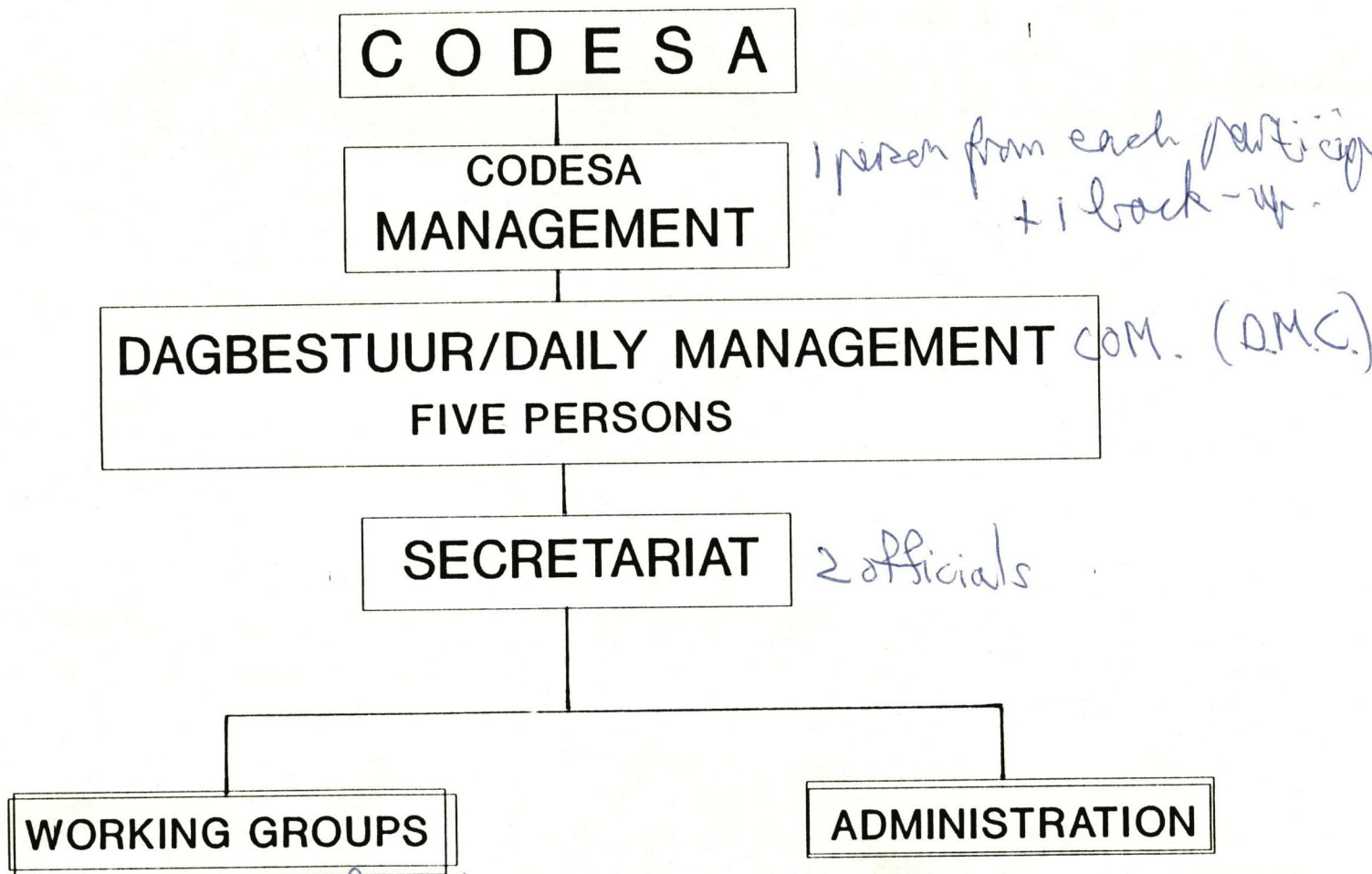
3. Interim Government Council: A body made up of parties in Codesa which oversees the tri-cameral parliament, the NP cabinet and structures in the TBVC and self-governing territories. It can veto as well as initiate legislation. Tri-cameral parliament to dissolve either when elections are declared or when the Constituent Assembly is elected.

The international community should be intimately involved at various levels. In particular, organisations which were represented at Codesa 1 should help supervise elections. Preferably, they should be integrated into at least the Electoral Commission.

Attention needs to be paid to the place and role of socio-economic forums. (See page 29)

The period between the legislation of Codesa decisions and elections should not exceed six months.

PROPOSED STRUCTURE FOR CODESA



1 person from each participant - 15/1/92
+ 1 back-up.

COM. (D.M.C.)

2 officials

Meet 20 Jan 1992
How to work/progr.
First work session:
6/2/1992

CODESA <
not later
than end of March