



TO : STEERING COMMITTEE MEMBERS OF WORKING GROUP 1
 FROM : CODESA ADMINISTRATION
 QUERIES : LOVEDALIA OR DIANNE
 RE : DRAFT MINUTES OF WGSC1 MEETING - 18 FEBRUARY

WGSC1 :

K Asmal	ANC	021-959-2960
M B Webb	Ciskei Government	0401-92651
D Dalling	Democratic Party	021-461-0092
T J Mohapi	Dikwankwetla Party	01438-30318
D R B Madide	Inkatha Freedom Pty	0358-20-2483 or 0358-20-2167
C J April	Labour Party	021-462-2489
E Pahad	SA Communist Party	011-836-8366 or 838-2816
L V Ntsubane	Transkei Gvt	0471-31-2595 or 0471-23876



F A X M E S S A G E

TO : MEMBERS OF WORKING GROUP 1 SUBGROUP 1
FROM : CODESA ADMIN - DIANNE
DATE : 20 FEBRUARY 1992
RE : DRAFT MINUTES OF WGSC1 MEETING - 18 FEBRUARY

Enclosed for your information, please find the following :

1. Draft minutes of the WGSC1 held on 18 February 1992.

Should you have any queries, please do not hesitate to contact us.

Regards.



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO THE APPROVAL OF THE CHAIRPERSON OF THE WORKING GROUP STEERING COMMITTEE AND TO RATIFICATION BY THE WORKING GROUP STEERING COMMITTEE AT ITS NEXT MEETING.

DRAFT MINUTES OF THE WORKING 1 STEERING COMMITTEE HELD AT THE WTC ON TUESDAY 18 FEBRUARY 1992 AT 2PM.

Present: (See Addendum A)

Chair: Mr Webb

Secretary: A Feinstein

Minutes: K Morgan

1. Opening:

The Convenor requested that the attendance list of the previous meeting insert the name of Mr E Samuels in the place of Mr April.

2. Adoption of agenda

The agenda was adopted without amendments.

3. Clarification of role of administrators

The role of the administrators was raised in the context of Dr Barnards queries. The convenor reported on the meeting in question that the administrative assistants had merely assisted him in the procedural matters of the meeting since it was the first time he was chairing the SG3 meeting. The meeting agreed that the role of the administrators was to assist the Chair without being prescriptive or influential.

4. Approval of minutes

The minutes of meetings held on 3/2/92 and 6/2/92 were approved without any amendments.

5. Matters arising from minutes

5.1 It was reported that SubGroups of WG1 have taken a decision contrary to that of the WGSC1, to allow advisers speaking rights in all SubGroups.

6. Consideration of WG1 minutes meeting of number two held on 6/2.

It was reported that apologies by the Labour Party were made through Mr Samuels and not Mr Hendrikse.

6.2 MC decision on whether documentation will be disseminated to all delegates and advisers

●
CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

●
PO Box 507, Isando, 1600, South Africa.
Telephone (011) 597-1198/99. Fax (011) 597-2211
●

Resolved:

The MC resolved that it is impossible for documents to be sent to all delegates. Documents will continue to be sent to Heads of Delegations only.

6.3 Prof Asmal to report on status of WG1 on submitting its own advertisement to the press

Prof Asmal reported that he had raised the issue with the Secretariat who resolved that due to a range of problems of a technical and sensitive nature:

- 6.3.1 There would be no general advertisement from Working Groups
- 6.3.2 That newspapers countrywide would be written to on the issue of submissions.
- 6.3.3 That this item would remain on the agenda of WG1, in case it became necessary to submit an advert in the future

7. Press release for DMC press conference on 18/2

Resolved:

- 7.1 That WGSC1 needs further discussion on the issue

8. Appointment of staffers

- 8.1 The SA Government proposed the following names to perform much the same tasks as the administrators as well as being runners and note takers:

- 8.1.1 Rolf Louw
- 8.1.2 Eric Venter
- 8.1.3 Andries Engelbrecht
- 8.1.4 Van Breda

- 8.2 Mr Asmal pointed out that the issue of staffers was previously discussed in the context of rapporteurs, ie they were to assist convenors in drafting reports and extracts from minutes etc.

- 8.3 That no other nominations were received for staffers

- 8.4 That the WGSC1 has not as yet worked out the Terms of Reference for Staffers

8.5 The meeting agreed :

To return to earlier decisions made on staffers and to establish a Terms of Reference for staffers and that on formulating a terms of reference, motivations need to accompany nominations for staffers.

9. Recommendations made by WG1 on the issue of type of research and information WG1 requires.

- 9.1 Prof Asmal reported that he had taken up the issue with the Secretariat.

- 9.2 The meeting agreed to keep the item on future agendas

10. **Report on Secretariat/Steering Committee representatives meeting on 17/2/92**

The Convenor reported that he and Mr Asmal had attended a meeting with the Secretariat on 17/2/92 where the following points were raised:

- 10.1 The issue of overlap between the work and agreement of different WG's was raised. It was pointed out that WG5 needs an effective flow of information from other WG's.
- 10.2 It was agreed that it should be recommended to the DMC that 1 DMC member and 1 person from the Secretariat/Administration should be given the responsibility to regularly scrutinise the minutes and other documents of all WG's and communicate to the different WGSC's a summary of relevant agreements reached.
- 10.3 Media: It was agreed that no urgent need for advertisements on submissions existed at present, but that this issue could be revisited later.
- 10.4 Statements to the media: It was reiterated that statements to the media is the responsibility of the MC (Through the DMC) and that WG's/SubGroups should not issue any statements to the media.
- 10.5 Given the importance of keeping the public informed of CODESA's progress, it was agreed that the relationship with the media should be an open one. It was further agreed to recommend to the DMC that a regular weekly briefing to be held (eg. on Tuesdays) by the DMC or someone designated by it on the nature of the WG's discussions.
- 10.6 It was further agreed that, in this regard, a written document containing what a WG would want to be aired at a briefing, should reach the Secretariat by 12h00 on Tuesdays.
- 10.7 Chairpersonship of WG's: Against the background of the need for competence, rotation and continuity in WG's it was agreed that this issue should be left to WG's with the understanding that a balance should be kept and that it should be allowed to evolve until CODESA II.
- 10.8 Rapporteurs for WG's; it was reported that, hitherto, only WG3 has appointed 2 rapporteurs, both civil servants from outside the WG. It was agreed to request the Secretariat to provide guidelines to WG's in this regard.
- 10.9 Submissions: It was agreed that in line with an earlier MC agreement, this was Parties/organisations/Administrations own responsibility.
- 10.10 It was noted that a central photocopier, working with a card purchasing system, would be available to participants soon.
- 10.11 It was agreed that WGSC's would inform their WGs of these two items.
- 10.12 Substitutes at WGSC level: It was agreed that no substitutes for WGSC members would be allowed.
- 10.13 Recordings: It was agreed that no individual or participant organisation should be allowed to make recordings of proceedings and to refer the matter of whether recordings should be kept for posterity, to the DMC. It was also agreed that the issue of whether recordings could be made by the rapporteur, should be revisited by the Secretariat.

11. WGSC1's response to above proposals:

Resolved:

- 11.1 That intergroup communication was necessary
- 11.2 That on the issue of the media the SG's will feed information to the DMC via the SC on a regular basis.
 - 11.2.1 That SubGroups will draft their statements at the end of each meeting
 - 11.2.2 That such statements, while given to the DMC will be simultaneously given to the press.
 - 11.2.3 That WGSC1 reserves the right to re-examine the issue.

12. Progress Reports**12.1 SubGroup 1 -D Dalling:**

Mr Dalling reported that the brief of his SubGroup was to deal with: The release of political prisoners; The return of exiles; The repeal of laws inhibiting free political participation.
Mr Dalling further reported that on 11 February SG1 only dealt with the issue of the Release of Political prisoners.

12.2 The following points emerged from that meeting:

- 12.2.1 There were two areas of consensus: if there were more political prisoners in South Africa and other states they should be released and that the finalisation of this process should be seen as a top priority
- 12.2.2 There was strong support but not full consensus for the proposition that CODESA become involved in the process of the release of political prisoners.
The ANC supported this proposition while the government rejected the proposition.
- 12.2.3 There was a debate on the concept of general amnesty and a proposition that the principle of general amnesty should be considered.
- 12.2.4 The South African Government was requested to consult its legal advisers to examine Sections 1 and 2 of the Indemnity Act, and agreed to do this, to establish whether temporary immunity granted to persons presently in South Africa could not be converted to permanent indemnity without further red tape being involved.
- 12.2.5 The South African government and the ANC accepted the recommendation that they meet before the next meeting of the SubGroup to attempt to come to an agreement relating to political prisoners, the exile question and also to the question of CODESA involvement in these issues.
- 12.2.6 At the meeting of SG1 on 17/2 it was reported that the meeting between the South African government and the ANC had not yet taken place but would take place on 24/2.
- 12.2.7 Mr Swanepoel reported that he would be unable to make recommendations on the questions of immunity and indemnity until the meeting between The SA Government and the ANC took place.

- 12.2.8 The meeting decided that SG3 would re-discuss the issue of political prisoners once the meeting between the ANC and the South African government has been concluded so as not to preempt decisions.
- 12.2.9 The meeting agreed that the discussion on Exiles would be held over pending a report on projected bilateral meetings between the South African government and the ANC.
- 12.2.10 It was reported that Lawyers for Human Rights have submitted a proposal on Political Prisoners and have requested the right to amplify their submissions verbally. It was agreed that this issue will be taken to the WGSC for consideration.
- 12.2.11 The repeal of remaining laws: There was no consensus on this issue but it was agreed that members should itemise the legislation and motivate why these are seen to inhibit free political activity or are discriminatory. This catalogue should further include suggestions on the repeal or amendment of such laws.
- 12.2.12 That an Interim Bill of Rights be considered as a possible vehicle to deal with matters not easily achieved by the remaining laws. That the issue of Interim Bill be raised with the WGSC1 at a later stage
- 12.2.13 That in addition to a General Law Amendment Bill several general clauses should be included in legislation eg. a clause on Freedom of Association.
- 12.2.14 The Venda delegation raised the question of refugees and made certain representations in this regard. The meeting stressed that the refugee problem affected the whole of South Africa. The South African Government undertook to look at these representations and to deliver a response at the next meeting.
- 12.2.15 A number of delegates objected to material distributed by an IFP delegate attacking the ANC, arguing that the procedure of CODESA was abused and disrupted by an individual member distributing the documentation in question without consulting his own organisation.

13 WGSC1 Response to report

13.1 LHR and submissions:

Resolved:

- 13.2 That the WGSC1 work out how Submissions are going to be treated
- 13.3 That Mr Feinstein draft a letter to LHR, acknowledging receipt of the letter and stating that the WGSC1 would get back to them in due course.

14. Sub Group 2: Mr Ntsubane

- 14.1 Mr Ntsubane reported that the point of departure of the meeting on 11/2 was to hear submissions from delegations and then to consider submissions from other interest Groups.
- 14.2 It was agreed that outside submissions be submitted to the WGSC1 for consideration which would first be systematised by administrators before being submitted for discussion.

- 14.3 There was consensus on the issue of the electronic media- that the WGSC1 approach the media for a time slot for CODESA
- 14.4 That the WGSC1 should use the electronic media to initiate informative campaigns to promote political tolerance, popularise democracy and the process of CODESA
- 14.5 It was agreed that the Terms of Reference be subdivided into four categories. These were:
Stability:d,g,and h
Security: e and i
Co-operation:n and o
Development:m
- 14.6 The meeting on 18/2 dealt with the issue of stability which was subdivided into 5 topics.
- 14.7 There was disagreement on how to address the issue of the National Peace Accord
- 14.8 It was agreed that there were weaknesses in the Accord
- 14.9 It was accepted that an attempt be made to get committee members of the Accord to make representations at the next meeting on Monday 24.
- 14.10 It was agreed that the next meeting would deal with the issue of Security and Stability.

15 **WGSC1 Response to report**

Resolved:

- 15.1 That future requests for oral submissions must be cleared by the WGSC1
- 15.2 Mr Dalling brought to the attention of Mr Ntsubane the fact that Channel TSS was underutilised and would possibly be open to providing a time slot for CODESA.
- 15.3 The WGSC1 requested that Mr Feinstein check with the DMC the possibility of them approaching the electronic media for a time slot for CODESA.

16. **SubGroup 3: Rev.Mohapi**

- 16.1 There was a lack of consensus on the question of control of the electronic media
- 16.2 Five principles were raised:
- 16.2.1 There was a need for political neutrality and impartiality in the transition
- 16.2.2 There was a need for free access to the electronic media for every political Party during the transition
- 16.2.3 The need for adequate community participation in the transition
- 16.2.4 The creation of an Independent Broadcasting Authority
- 16.2.5 A Code of conduct for the SABC

16.3 On the issue of access to public amenities and facilities and access to all potential voters the following points were raised for future discussion:

16.3.1 CODESA must accept that there can't be discriminatory use of public facilities and amenities

16.3.2 There should be reasonable but equal access to these services and amenities

16.3.3 Free access to advice and information about electoral processes to all Parties must be given

16.3.4 There should be free access to locations where voters reside

No decisions on these issues were taken

16.3.5 The issue of refugees should be referred to SG 1 and 2

16.3.6 Newspaper leak: There was a distorted report published before the minutes were circulated

16.3.7 It was recommended that the WGSC1 discuss the issue of the principle of releasing press statements or leaks, the content of the press statement and decide on the action to be taken as well as the need to monitor the media.

16.3.8 All delegates agreed to the principle of political neutrality and impartiality of the electronic media and all delegations with the exception of the NP, the SA Government, the Ciskei and Bophuthatswana governments, agreed that this principle should be embodied in an Independent Broadcasting Authority.

16.3.9 The issue of a code of conduct for the electronic media will be discussed

16.3.10 At the next meeting the ANC will put forward a motion on neutrality and impartiality.

16.3.11 It was noted that the government would only put forward its position in two weeks.

17. **Date of Next meeting**

17.1 Due to a lack of time it was decided to continue the WGSC1 meeting on Monday 12h30 to 13h30.

ADDENDUM A

The following people signed the register:

K Asmal	African National Congress
MB Webb	Ciskei Government
D Dalling	Democratic Party
TJ Mohapi	Dikwankwetla Party
Dr Madide	Inkatha Freedom Party
E Samuels	Labour Party
E Pahad	SA Communist Party
LV Ntsubane	Transkei Government
HJ Coetsee	SA Government