

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 APPROVAL OF THE WORKING GROUP SUB-GROUP AND TO RATIFICATION BY THE WORKING GROUP SUB-GROUP AT ITS NEXT MEETING.

MINUTES OF THE TENTH MEETING OF WORKING GROUP 1 SUBGROUP 2 HELD AT THE WORLD TRADE CENTRE ON 4 MAY 1992 AT 08H30.

PRESENT : SEE ADDENDUM A

LV Ntsubane (Chair)
A Schoeman (Minute taker)

1. Convenor's Opening Remarks.

The convenor welcomed the delegates to the meeting, he explained that the meeting was the result of a request by the Sub-Group to the Steering Committee.

2. Attendance and Apologies.

Apologies were received from the following delegates:

C April (Labour Party)
J Scholtz (Labour Party)
D Chetty (National People's Party)
KCAV Sehume (Bophuthatswana Government)
General Pruis (South African Government)

3. Adoption of Agenda.

The agenda was adopted without amendments.

4. Ratification of Minutes.

The minutes were adopted without amendments.

5. National Peace Accord.

5.1 Monitoring Commission

There was consensus on the following:

- 5.1.1 that regional monitoring commissions be created in each RDRC region.
- 5.1.2 that these monitoring commissions be constituted from amongst the parties and organisations represented on these RDRC's and/or drawn from independent, local monitoring agencies or persons.
- 5.1.3 that persons serving on these monitoring commissions be given the necessary training and certification to enable them to efficiently perform their functions in an impartial and objective manner.
- 5.1.4 that the assistance of professional dispute resolution agencies be used in the training and development of such local/regional monitoring commissions.
- 5.1.5 that the functions of these regional monitoring commissions be :
 - 5.1.5.1 to monitor the compliance by NPA signatories to the codes of conduct as provided for in the Accord.
 - 5.1.5.2 to monitor the behaviour of parties and organisations at grass roots in relation to violence.

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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5.1.5.3 to monitor the compliance of parties and organisations to the NPA after it has been brought to their attention that they have been in violation of the Accord.

5.1.6 political parties and members of RDRC's should refrain from making inflammatory remarks in relation to the causes of violence, and should desist from apportioning blame based on unsubstantiated evidence while such matters are under review or investigation by the commission.

5.2 Budget and infrastructure

There was consensus on the following:

5.2.1 That CODESA calls on the international community to provide financial and other assistance to facilitate successful implementation of the NPA.

5.2.2 That we recommend to the National Peace Secretariat that it prepares and submits a budget to government outlining the funding requirements of the peace process, as provided for in clause 6.12.5 of the NPA.

5.2.3 That we further recommend to the National Peace Secretariat to take active steps to solicit assistance from local sources in order to obtain funding for the NPA. These steps could include the holding of musical concerts, sports events, and other such activities with a peace theme as well as approaching the business sector in this regard.

6. Role and composition of the Security Forces (I) and (E)

6.1 Consensus was reached that, for the purpose of WG1, this subgroup is satisfied that all the Security Forces would be placed under the control of interim/transitional governmental structures.

6.1.1 This SG takes notice of the proposals tabled in WG3 to set up preparatory councils, one or more of which would deal specifically with the Security Forces.

6.1.2 The SG supports the aforementioned principles and agrees that the details of such councils be worked out by WG3.

7. Outstanding matters of the NPA.

7.1 In so far as the promotion of peace is concerned, the meeting agreed to urge the leadership of all organisations to urgently come together at peace rallies and meetings and to be seen by all to be jointly and collectively working towards peace and stability in our country. These peace rallies and meetings should be held under the auspices of the NPS and should augment the efforts of religious leaders in this regard.

7.2 The Sub-Group is of the view that the successful implementation of the NPA is fundamental to the creation of a climate of free political activity, peace and stability in our country.

7.2.1 In this regard the Sub-Group strongly recommends to the signatories of the NPA to take active steps to ensure that they appoint senior office bearer(s) whose specific responsibility it will be to manage the organisation/party's duties in regard to the NPA.

7.2.2 The Sub-Group further recommends, that where possible, such persons be relieved of all other organisational/party obligations in order to facilitate the above.

7.3. Goldstone Commission.

In regard to the Goldstone Commission, the Sub-Group agreed to recommend the following to the NPS and NPC that they:

- 7.3.1 take active steps to implement and monitor the recommendations of the Goldstone Commission.
- 7.3.2 distribute timeously the relevant recommendations of the Goldstone Commission to the relevant RDRC/LDRRC and the political parties in order to ensure that these recommendations are implemented in accordance with the Code of Conduct for political parties as set out in the NPA.

7.4 Legal Enforceability.

The meeting agreed:

- 7.4.1 to recommend to the NPC to take active and urgent steps to ensure the legal enforceability of the Code of Conduct for the Political Parties as provided for in clause 9.6 of the NPA.
- 7.4.2 to further recommend that the special courts as provided for in the NPA be constituted as soon as possible and enacted within the current session of parliament.

7.5 Measures to deal with transgressions of the NPA.

- 7.5.1 In so far as transgressions of the NPA by political parties are concerned, it was agreed that:

- 7.5.1.1 On presentation of the Goldstone Commission's findings to the relevant political party/parties;

- 7.5.1.1.1 Such parties should respond in writing to the Commission,

- 7.5.1.1.2 That the findings be made public in order to bring such parties to account for such transgressions.

ADDENDUM A

AFRICAN NATIONAL CONGRESS	J Zuma
	P Maduna
BOPHUTHATSWANA GOVERNMENT	J Esterhuizen
CISKEI GOVERNMENT	L Maqoma
	M Maki
DEMOCRATIC PARTY	HJ Bester
	RJ Lorimer
DIKWANKWETLA PARTY	JSS Phatang
	MH Cunukelo
INKATHA FREEDOM PARTY	AM Mncwango
	DR Madide
INTANDO YESISWE PARTY	ES Masango
	CN Mahlangu
INYANDZA NATIONAL MOVEMENT	PR Mahlalela
	MJ Twala
LABOUR PARTY	IJ Kruger
	C April
	J Scholtz
	A Delport
	E Samuels
NIC/TIC	E Ebrahim
	M Shaik
	D Patel
NATIONAL PARTY	BL Geldenhuys
	LH Fick
NATIONAL PEOPLE'S PARTY	AK Beesham
	D Chetty
	SM Govender
SOLIDARITY PARTY	P Naidoo
	CF Thandroyen
SOUTH AFRICAN COMMUNIST PARTY	R Kasrils
	M Scott
SOUTH AFRICAN GOVERNMENT	HJ Kriel
	LCA Pruis
	GB Myburgh
TRANSKEI GOVERNMENT	MA Ntshinga
	M Mpahlwa
UNITED PEOPLE'S FRONT	MI Moroamoche
	S Maja
VENDA GOVERNMENT	NE Malaudzi
	ME Ramulondi
XIMOKO PROGRESSIVE PARTY	SDW Nxumalo
	E Mathe

ADDENDUM B

Summary of Discussion.

8. Monitoring Commission.
 - 8.1 The DP stated that this is an important issue. They believed that an independent monitoring commission would lower the occurrence of violence, for both sides would attempt to that they 'are the good guys'.
 - 8.2 The SA government stated that they are willing to accept point 5.1 of the minutes of the last meeting, except for point 5.1.4. They believed that 5.1.4 needed to be discussed in the broader context of international involvement.
 - 8.3 The ANC stated that they understood the SA government's concern. They argued that we should find a way to get around it. They believed that we as South African's have not been able to stop the violence, it has actually increased after the signing of the NPA. They believed that there was no mechanism to deal with parties that have committed offenses.
 - 8.4 The ANC argued that we are still dealing with the legacies of the past, such as mistrust, accusations and counter accusations. An international grouping would not be subject to the same antagonisms, it will be perceived as impartial.
 - 8.5 The ANC argued that if confidence could be created in monitoring is could also facilitate the reaction to violence or potential violence.
 - 8.6 The SACP stated that the discussion is wider than 5.1.4. They believed that 5.1.4 only relates to assistance in the training of monitoring groups.
 - 8.7 The SA government stated that on the face of it the ANC and SACP points seem reasonable, but they cannot 'open the doors' unless we agreed on the total package. The international involvement and this includes training should be a CODESA decision.
 - 8.8 The meeting agreed on the wording of 5.1.4.
 - 8.9 The meeting came to consensus on 5.1. of the minutes on 27/04/1992.
 - 8.10 The meeting did not discuss point 6.2 of the agenda fore the meeting came to an consensus agreement re budget and infrastructure problems in the previous meeting.
 - 8.11 Role and Composition of the Security Forces.
 - 8.12 The rapporteur stated he has drafted a compromise statement re. the above issue.
 - 8.13 The meeting agreed on this document.
 - 8.14 Outstanding matters in the NPA
 - 8.15 the NPP stated that it wished to discuss point 9.
 - 8.16 The SA government intervned and stated that next on the agenda should be the Goldstone Commission.
 - 8.17 The ANC stated that it wished to discuss the previous point. There was a church meeting this weekend, one of the resolutions was that political parties should have joint rallies. The ANC wanted to know what the meeting how the meeting should deal with this.
 - 8.18 The IFP stated that this is not a new issue, it has been discussed several times in the past.
 - 8.19 The chair stated that he will allow ten minutes of discussion on this issue.
 - 8.20 UPP stated that we should respond positively to the request.
 - 8.21 The DP proposed a phrase to summarise discussion.
 - 8.22 The SA government stated that we should ask the NPA as a matter of urgency to take the necessary steps so that people on the ground could have joint meetings, that include the religious leaders.
 - 8.23 The IFP reiterated its concern that this request has been made before by the church leaders. The churches constantly look at peace. The problem is the political leaders.
 - 8.24 The meeting came to agreement on this issue.
 - 8.25 The Goldstone Commission
 - 8.26 The chair stated that they have not been able to get justice Goldstone to address this SG.
 - 8.27 The SA government stated that there was no time left to get justice Goldstone to address the SG.
 - 8.28 The SA government stated they belief the reason the Goldstone Commission is not coping is due to the fact that they are not adequately staffed.
 - 8.29 The SA government stated that a Bill dealing with this issue has been passed in parliament.
 - 8.30 The SACP stated the meeting need to look at to whom the Goldstone Commission reports. They argued that it was imperative that he does not only report to the State President but that it also reports to the NPC/NPS.
 - 8.31 The chair stated that the SACP was in line with what the SG was told by the NPS re the lack of coordination.
 - 8.32 The SA Government stated that all the reports of the Goldstone Commission was published. They stated that either condemnation of actions or criminal investigations follow from the

- inquiries of the Goldstone Commission.
- 8.33 The chair asked who decides what action should be taken.
- 8.34 The ANC stated that the main thrust of the discussion should be how to stop the violence. They believed that the problem was the time it takes the police to investigate and act on the findings of the Goldstone Commission. They asked whether things should not be dealt with in a specific way.
- 8.35 The NP stated that point 6.4 of the NPA deals with this question.
- 8.36 The SA government stated that they cannot more fully agree with the ANC. They stated that the SG should recommend to the NPS that it should accept the responsibility to see that the recommendations of the Goldstone Commission is implemented.
- 8.37 The IFP stated that this is not sufficient.
- 8.38 The SA government modified its proposal to refer to the relevant recommendations.
- 8.39 The SACP stated that the meeting should look at the legal enforceability and the relation between CODESA and the NPA.
- 8.40 Legal Enforceability.
- 8.41 The NP stated that Chp. 9 of the NPA deals with this question. The special courts do however not exist and still need to be created. The procedure for these courts need to be created as well.
- 8.42 The DP stated that the SG needs to recommend that these courts are brought about as soon as possible.
- 8.43 The NPP stated that 10.2. and 10.10 of the NPA was relevant ion this regard.
- 8.44 The NP requested clarity. Does the above mean that the issue will be referred back to the NPC?
- 8.45 The NP clarified the NP and stated that they support the DP proposal.
- 8.46 The meeting agreed that the time framework (see body of minutes).
- 8.47 The DP stated that there are not enough police investigating the violence.
- 8.48 The IFP asked wether special courts do not already exist.
- 8.49 The SA government stated that they do not and that they agreed with the DP statement that there is not enough police investigating the violence. They are however investigating how to address the problem.
- 8.50 The IFP stated that they were not clear whether the government cannot set up special courts tomorrow.
- 8.51 The NP stated that there is no such a thing as a special court in the SA legal system. The courts could only be created by passing the relevant legislation in parliament.
- 8.52 The SA stated that it is concerned with the fact that there is no procedure to act against transgressors of the NPA.
- 8.53 The Ciskei stated that this issue should go to the plenary.
- 8.54 The IFP stated that more use should be made of professionals both in the legal profession and law enforcement officials.
- 8.55 The DP proposed that the following machinery could be created: if transgressions are reported the NPC should put this before the organisation/party in question and demand a response in a set period of time.
- 8.56 The SA government stated that no one is responding to this at the moment. The NPC is furthermore not geared to investigating accusations. The SA government proposed that people should be consulted in this regard and reminded the meeting that in SA law both organisations and individuals could be fined.
- 8.57 The meeting agreed on the issue (see body of minutes)
- 8.58 The NPP stated that party/organisational leadership should take public responsibility.

Rapporteur's report of WG1 SG2 4/5/1992

1. Regarding the Joint Monitoring Commissions there was consensus on the following:

- 1.1.1 that regional monitoring commissions be created in each RDRC region.
- 1.1.2 that these monitoring commissions be constituted from amongst the parties and organisations represented on these RDRC's and/or drawn from independent, local monitoring agencies or persons.
- 1.1.3 that persons serving on these monitoring commissions be given the necessary training and certification to enable them to efficiently perform their functions in an impartial and objective manner.
- 1.1.4 that the assistance of professional dispute resolution agencies be used in the training and development of such local/regional monitoring commissions.
- 1.1.5 that the functions of these regional monitoring commissions be :
 - 1.1.5.1 to monitor the compliance by NPA signatories to the codes of conduct as provided for in the Accord.
 - 1.1.5.2 to monitor the behaviour of parties and organisations at grass roots in relation to violence.
 - 1.1.5.3 to monitor the compliance of parties and organisations to the NPA after it has been brought to their attention that they have been in violation of the Accord.
- 1.1.6 political parties and members of RDRC's should refrain from making inflammatory remarks in relation to the causes of violence, and should desist from apportioning blame based on unsubstantiated evidence while such matters are under review or investigation by the commission.

2. Budget and infrastructure problems

There was consensus on the following:

- 2.1 That CODESA calls on the international community to provide financial and other assistance to facilitate successful implementation of the NPA.
- 2.2 That we recommend to the National Peace Secretariat that it prepares and submits a budget to government outlining the funding requirements of the peace process, as provided for in clause 6.12.5 of the NPA.
- 2.3 That we further recommend to the National Peace Secretariat to take active steps to solicit assistance from local sources in order to obtain funding for the NPA. These steps could include the holding of musical concerts, sports events, and other such activities with a peace theme as well as approaching the business sector in this regard.

3. Role and composition of the Security Forces (I) and (E)

Consensus was reached that for the purpose of WG1, this subgroup is satisfied that all the Security Forces would be placed under the control of interim/transitional governmental structures.

This SG takes notice of the proposals tabled in SG3 to set up preparatory councils amongst others one or more such councils specifically intended to deal with the Security Forces.

The SG supports the aforementioned principles and agrees that the details of such councils be worked out by WG3.

4. Outstanding matters of the NPA.

- 4.1. In so far as the promotion of peace is concerned, we urge the leadership of all organisations to urgently come together at peace rallies and meetings and to be seen by all to be jointly and collectively working towards peace and stability in our country. These peace rallies and meetings should be held under the auspices of the NPS and should augment the efforts of religious leaders in this regard.
- 4.2. The Sub-Group is of the view that the successful implementation of the NPA is fundamental to the creation of a climate of free political activity, peace and stability in our country. In this regard we strongly recommend to the signatories of the NPA to take active steps to ensure that they appoint senior office bearer(s) whose specific responsibility it will be to manage the organisation/party's duties in regard to the NPA. We further recommend, that where possible, such persons be relieved of all other organisational/parties obligations in order to facilitate the above.

5. Goldstone Commission.

In regard to the Goldstone Commission, we recommend to the NPS and NPC to:

- 5.1 take active steps to implement and monitor the implementation of, the recommendations of the Goldstone Commission.
- 5.2 to distribute timely the relevant recommendations of the Goldstone Commission to the relevant RDRC/LDRC and the political parties in order to ensure that these recommendations are implemented in accordance with the Code of Conduct for political parties as set out in the NPA.

6. Legal Enforceability.

- 6.1. We recommend to the NPC to take active and urgent steps to ensure the legal enforceability of the Code of Conduct for the Political Parties as provided for in clause 9.6 of the NPA.
- 6.2 We further recommend that the special courts as provided for in the NPA be constituted as soon as possible and enacted within the current session of parliament.

7 In so far as transgressions of the NPA by political parties are concerned, it was agreed that:

- 7.1 On presentation of the Goldstone Commission's findings to the relevant political party/parties;
- 7.1.1 Such parties should respond in writing to the Commission,
- 7.1.2 That the findings be made public in order to bring such parties to account for such transgressions.