

THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF SUB COMMITTEE 4, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE SUB COMMITTEE AT ITS NEXT MEETING.

MINUTES OF THE FIRST MEETING OF SUB COMMITTEE 4 (THE FUTURE OF THE TBVC STATES) HELD AT THE WORLD TRADE CENTRE ON MONDAY 8 JUNE 1992 AT 10H00

- PRESENT (see Addendum A)
- SN Sigcau (chair)
- S Albertyn (secretary)
- M Durrheim (minutes)

1 Opening by chairperson

The chairperson welcomed delegates to the meeting.

2 Settling the agenda

The draft agenda was amended to read as follows:

- 1 Opening by chairperson
- 2 Settling the agenda
- 3 Letter from the chairperson of the Management Committee dated 2 June 1992
- 4 The terms of reference drafted by the Management Committee for the sub committee on matters related to working group 4:
 - 4.1 Presentation by Mr RF Botha
 - 4.2 Planning a work schedule for the sub committee to complete the terms of reference allocated to it
 - 4.3 Establishing a modus operandi for the sub committee in accordance with the terms of reference
 - 4.4 Planning a schedule of meetings for the sub committee and deciding upon who will chair meetings
- 5 The reservations of the Ciskei Government and the Bophuthatswana Government to the report of working group 4 tabled at CODESA 2. (Note: if this matter cannot be resolved in the sub committee it may have to be referred to working group 4 which the Management Committee may convene on the advice of the sub committee)
- 6 Land moratoriums and transfers
- 7 Any other matters

8 Closure

3 Letter from the chairperson of the Management Committee dated 2 June 1992

The letter was read out in the meeting.

- 3.1 The question of nominating additional members to the sub committee was discussed. The chair suggested that delegates consider the work of the sub committee before discussing the matter further.

4 The terms of reference drafted by the Management Committee for the sub committee on matters related to working group 4

4.1 Presentation by Mr RF Botha

- 4.1.1 Mr Botha pointed out the need to examine the relationship of sub committee 4 to the other structures established at Codesa 2. He noted his disagreement with the inclusion in the sub committee's terms of reference of point 2.3 as this was contradicted by paragraph 32 in the report of WG 3 to Codesa 2, and could therefore be divisive.
- 4.1.2 He referred to the report of WG 4 to Codesa 2 and stated that the first consideration affecting the TBVC states and therefore the work of sub committee 4 was the participation in the transitional executive councils of those states which elected to do so. He foresaw that Transkei, Venda and others may participate in elections and the drafting of an interim constitution. The main issue for sub committee 4 to address would therefore be the legal, practical, financial and administrative implications of re-incorporation. He posed the question of how these aspects could be addressed, and made the following suggestions:
- 4.1.2.1 A standing juridical committee, composed of legal experts, should be appointed to consider how existing bi-lateral and multi-lateral agreements should be handled and to make recommendations regarding laws to be passed in order to give legal effect to agreements reached.
- 4.1.2.2 Standing committees for each of the TBVC states to consider administrative and practical implications of re-incorporation. These standing committees could start work as soon as possible. Each committee would consist of representatives acceptable to the respective TBVC state and the SA Government and would consider administrative matters pertaining to the re-incorporation of that particular state. The committee would work on the assumption that re-incorporation will take place, even though this may not have been finally decided upon. The report of each standing committee would allow each participating state to understand fully the effect of re-incorporation.
- 4.1.2.3 Both these standing committees would report back to sub committee 4. Sub committee 4 would then make recommendations to the MC on the basis of these reports.
- 4.1.2.4 Codesa 3 would have to decide whether or not the standing committees should continue to function once sub committee 4 had completed its work. Mr Botha suggested that the standing committees should continue to meet after Codesa 3 and after re-incorporation (if this takes place) to assist in

resolving any disputes that may arise in the future.

- 4.1.2.5 Mr Botha pleaded that sub committee 4 should not handle the abovementioned issues, but they be left to the standing committees to do the technical work.
- 4.1.2.6 Mr Botha suggested that sub committee 4 should not be expanded in order to include representatives from all parties to Codesa, as had been suggested earlier, as these parties could be represented on the standing juridical committee, provided the delegates were legal experts. All parties are already on the MC where the recommendations of sub committee 4 are to be debated and decided upon.
- 4.1.3 In response to Mr Botha's presentation, Mr Keikelame restated the Bophuthatswana Government's position with respect to participation in interim arrangements. He stated that participation in interim arrangements may result in the Bophuthatswana government committing itself in ways that it would later regret, and that it would therefore prefer to consider its options once it has a clear understanding of all the issues involved. He would therefore prefer that a standing committee on administration work on the assumption that Bophuthatswana would not be re-incorporated. It was agreed that if a state has agreed upon re-incorporation, then the standing committee on administration would only consider the practical effects of re-incorporation. It was further agreed that if a TBVC state has not yet decided upon re-incorporation or otherwise, the standing committee would consider the effect of both re-incorporation and non re-incorporation.
- 4.1.4 Mr Godden supported the suggestions made by Mr Botha without making any commitment on behalf of the Ciskei Government regarding re-incorporation or participation in an interim government. The Ciskei Government has been working on the assumption that it would be re-incorporated into a regional entity and when discussing these matters would prefer to know what the regional framework is going to be.
- 4.1.5 Mr Phosa responded positively to Mr Botha's proposals, but indicated the need to consult with his principals.
- 4.1.6 Mr Abrahams expressed his concern regarding the composition of sub committee 4, stating that unless it was expanded to include representatives of all parties to Codesa it may be accused of being exclusive, and the MC should be consulted. Other delegates responded by saying that large groups tended to be unwieldy, and that sub committee 4 is a new structure with new terms of reference. Accordingly, delegates on sub committee 4 would not push constituency positions, but would act in a way that instils confidence in the parties not represented. The sub committee would be reporting back with recommendations to the MC, on which all parties are represented.
- 4.1.7 It was agreed not to discuss items 4.2 and 4.3 until delegates had the opportunity to discuss Mr Botha's proposals with their principals.
- 4.2 Planning a schedule of meetings for the sub committee and deciding upon who will chair meetings
- 4.2.1 The MC will be asked at its next meeting on Monday 15 June 1992 to provide sub committee 4 with a time-frame for its work. This will help the sub committee

determine a schedule of meetings. In the meantime it was agreed that the next meeting of sub committee 4 will take place at the World Trade Centre on Wednesday 17 June 1992 at 10h00.

4.2.2 Mr Godden proposed that the chairpersonship of meetings of sub committee 4 should rotate. After considerable discussion, during which a number of delegates indicated that they would prefer not to chair meetings, it was agreed that:

- * the chair would rotate;
- * the same person would chair two consecutive meetings;
- * Ciskei would chair the next two meetings of sub committee 4, followed by Inkatha and then Transkei, whereupon the situation would be re-examined.

4.2.3 It was agreed that, in order to facilitate continuity, Ms Sigcau would be the permanent representative of sub committee 4 at MC meetings, and that the second representative would be appointed on a rotational basis.

5 The reservations of the Ciskei government and the Bophuthatswana government to the report of working group 4 tabled at Codesa 2

5.1 Mr Godden outlined the Ciskei's governments reasons for being unhappy with the report of working group 4 to Codesa 2. Because the Ciskei's objections were not appended to the final report presented to Codesa 2, and no opportunity was given at Codesa 2 for a discussion of the working groups' reports, the Ciskei government had had no alternative but to state its objections at Codesa 2.

It was agreed that the steering committee of WG 4 was not responsible for the misrepresentation of the Ciskei government's position, but that it was caused by the Ciskei government's representative on the task group and in WG 4 not articulating the position of the Ciskei government correctly.

After considerable discussion it was agreed that the Ciskei government had already placed on record its objections to the report of WG 4 at Codesa 2. It was further agreed that it would be more constructive to address matters in the sub committee and in the proposed standing committees as WG 4 had completed its task. It would therefore be pointless to reconvene WG 4.

5.2 Mr Keikelame pointed out that the Bophuthatswana government was unhappy with the MC's report to Codesa 2, which had not included the reservations so clearly stated in the report of WG 4 to Codesa 2. It was agreed that the MC will be asked to rectify their report.

6 Land moratorium and transfers

Mr Godden referred to the report of WG 4 to Codesa 2, where it is stated under item 3.2.3 Land Transfers, that "Ciskei states that the moratorium should not apply to the transfer of land to individual communities who have not as yet received the land promised." Mr Godden referred to a document which sets out outstanding land issues between the SA government and Ciskeian communities, and appealed to sub committee 4 to remove blocks preventing action by the SA government.

Mr Botha explained that land moratorium applied to land being transferred on a purely ideological basis. This did not rule out people/communities who were entitled to land that had been promised them, and stressed that 'hardship cases' must still be addressed. Mr Botha suggested that the standing committees address this matter. It was agreed that the Ciskei government would provide the sub

committee with all relevant documentation pertaining to this matter.

7 **Closure**

The meeting was closed at 13h30.