



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

DRAFT MINUTES OF WORKING GROUP 1 -SUB-GROUP 3 HELD AT THE WORLD TRADE CENTRE ON 10 FEBRUARY 1992 AT 1.30AM.

Present: Delegates and advisers (see Addendum A)

Chair: Mr TJ Mohapi

Secretary: A Feinstein

Minutes: K Morgan

Apologies: Mr Barnard from the SA Government announced that he would replace Mr Coetsee for today's proceedings.

1. Opening:

The Chair reminded delegates that the brief of WG1-Sub-Group 3 (SG3) was to give priority to Theme 3: "Creating the climate and opportunity for free political participation" (see f,j,k,l, n,o and q of the Terms of Reference).

1.2 Mr Mohapi informed the meeting of the WGSC1's appointment of Conveners to the three Sub-Groups:

- 1.2.1 Sub-Group 1 D Dalling
- 1.2.2 Sub Group 2 L.V. Ntsubane
- 1.2.3 Sub Group 3 TJ Mohapi

2. Adoption of Agenda

The agenda was adopted

3. Status of Advisers

Resolved:

3.1 That advisers be allowed to actively participate in the deliberations.

4. Review of the Terms of Reference

Resolved:

- 4.1 To identify the key issues that need to be addressed;
- 4.2 To identify the tasks allocated to Sub-Group 3
- 4.3 To identify priority areas
- 4.4 To identify and establish areas of agreement, the details of which will be examined at future meetings
- 4.5 **General principles: see (Addendum B)**

5. **Handling of Submissions**

Resolved:

- 5.1 That delegations will prepare a motivation for and lists of proposed submissions by relevant Individuals/Organisations for discussion at the next meeting of SG3
- 5.2 That SG3 will decide at its next sitting what submissions are to be handed over to the WGSC1 for consideration
- 5.3 That the meeting of SG3 on 17 February hear submissions on items F,L,O,K and P.

6. **Work programme:**

Resolved:

- 6.1 That in the absence of consensus, SG3, on the question of the control over the electronic media, including those in the TBVC states, agree to discuss the following points at its next meeting:
 - 6.1.2 The need for political neutrality and impartiality of the electronic media during the transition
 - 6.1.3 The need for fair access to the electronic media for every political Party in the transition period
 - 6.1.4 The restructuring of government bodies to ensure democratic and non-partisan control and organisation of the media in the transition period through an appointment of an independent broadcasting authority
 - 6.1.5 The need for adequate community participation in the transition period
 - 6.1.6 The need to ensure commercial radio and TV subscribe to the above principles
 - 6.1.7 That an attempt be made to draw a distinction between state controlled media and privately owned media
 - 6.1.8 that an attempt be made to reach agreement on the above principles

(It must be noted that the NP delegation reported that they might not be sufficiently prepared to reach consensus on the above principles by Monday.)

7 **Items K and P**

It was decided that a preliminary discussion be held on Items K and P to set the basis for the next meeting of SG3. The following points were raised for consideration:

- 7.1.2 That CODESA must accept that there cannot be discriminatory use of public services and venues;
- 7.1.2 that there be reasonable but equal access to these services and amenities;
- 7.2.3 That every venue which is organised by public authorities using public funds must be accessible to all;
- 7.2.4 Advice and information about electoral processes must be conveyed openly and freely to all Parties;
- 7.2.5 That an independent electoral supervisory commission be set up;
- 7.2.6 That the question of access to voters be examined.

8. Any other business:

Resolved:

- 8.1 That SG3 refer the issue of refugees to SG2
- 8.2 That SG3 make recommendations to other Working Groups on the amending/repealing of media legislation
- 8.3 That SG3 work out details of a programme for education for democracy using the electronic media

9. Date of next meeting:

Monday 17/02: Sub- Group 3, 08h00 - 18h00

Addendum B

4.5 The following general principles were put forward by delegations:

- 4.5.1 ANC: Need to work from the broad principle that deliberations of SG3 need to apply throughout South Africa;
- 4.5.1.1 that the rules of democratic participation in organisation must apply in SG3;
- 4.5.1.1 that it is imperative that the social facts, the laws and administrative facts that displaces the equal footing principle be examined;
- 4.5.1.2 that the conditions of free political activity that is established by SG3 will affect the culture of democratic debate in a free South Africa;
- 4.5.2 Ciskei Government: Item N of the Terms of Reference must be given priority: The fostering of the spirit of tolerance, which will help build confidence of the people in Codesa.
- 4.5.3 DP: It is important that SG3 work closely with SG2 whose main brief is the question of violence to ensure sufficient work is put in around the problem of violence.
- 4.5.3.1 That with regard to Item F of the Terms of Reference, the SG3 invite experts to expound on their views on political neutrality of and free access to state controlled media.
- 4.5.3.2 That there be an Independent Broadcasting Authority.
- 4.5.3.3 That if unanimity is achieved on this question, the recommendation should be taken to government and request to that government prepare legislation in Parliament this year embodying the recommendations made in SG3 .
- 4.5.3.4 that SG3 Invite submissions from Independent Broadcasting Authorities on the issue of an Independent Authority
- 4.5.3.5 With regards to Items J,K, and L of the Terms of Reference, the Federal Electoral Commission from the USA be invited to expound on the workings of its structure.
- 4.5.3.6 That Mr Stan Katz from 702 and the Association of Independent Broadcasters and Mr Christo Viljoen be invited to give oral submissions to WG3.
- 4.5.4 NPP: That item O be given priority since CODESA needs to be filtered down to grassroots level.
- 4.5.5 Solidarity: Much work needs to be done to prepare people for future elections. the culture of political tolerance must be fostered.
- 4.5.6 NIC: That items which could be dealt with immediately be separated from medium to long term concerns and that mechanisms be found to implement the recommendations of SG3.
- 4.5.7 Intando Ye Sizwe: That the monopoly of the state over media must be avoided and that the media be controlled by a mechanism tailored by CODESA or by CODESA itself.
- 4.5.8 SACP: That items F,L and O be grouped to facilitate discussion.

- 4.5.9 NPP: That the role of language must be looked into.
- 4.5.10 NP: That there need to be consensus on whether to invite submissions from those outside CODESA
- 4.5.11 Venda: Refugees from Mozambique are being used as hit squads and because they're not treated as international refugees, they are exploited. The possibility exists of refugees being forced to vote in a particular direction because of the distribution of patronage to them as has happened in other countries. Refugees must therefore be registered and treated in an internationally acceptable manner.
- 4.5.12 ANC: That state controlled media must be neutral.
- 4.5.12.1 That fair access to the media must be given to all Parties involved in the electoral contest.
- 4.5.12.2 That a public service broadcasting service should not be an attempt at political control but rather to encourage participation.
- 4.5.12.3 That the SG3 be committed to a public broadcasting service.
- 4.5.12.4 There is a need to grapple with the question of commercial media.
- 4.5.12.5 The vast inequality of resources among Parties require that there is fair access to commercial advertising in media.
- 4.5.12.6 SG3 needs to examine the question of statutory provision to equal access to all parties to the electronic media.
- 4.5.12.7 That a public service broadcasting service must play a non-partisan and educative role.
- 4.5.12.8 That a public service broadcasting service can play a role in educating people on tolerance and democracy, distance learning etc.
- 4.5.12.9 That media laws must be amended or repealed and that recommendations to other Working Groups to this effect must be made by the SG3.
- 4.5.13 DP: Three steps are necessary to progress:
- An independent communications authority needs to be instituted consisting of people working independently of government and political organisations.
- 4.5.13.1 There is a need to establish the mechanisms for appointing such a body.
- 4.5.13.2 Need to appoint a joint Chief Executive officer for the present.
- 4.5.13.3 BOP: That the popularity of BOP TV lies is the educational role it plays.
- 4.5.13.4 There is a need to ensure freedom of expression of the media is guaranteed.
- 4.5.13.5 SABC: The TBVC states need to be part of the deliberations of SG3.
- 4.5.14 Ciskei: TBVC states must be viewed independently.
- 4.5.14.1 Ciskei cannot agree to an independent authority.
- 4.5.14.2 There needs to be a code of conduct in relation to the print media.
- 4.5.15 Venda: Reincorporation into South Africa must be accepted as a reality and that an Independent Board must apply to the TBVC states.
- 4.5.16 Transkei: Independent control should not be subjected to the attitudes of the print media which in some cases privately controlled.
- 4.5.17: Inyandza: Codesa should establish a body to monitor the media.
- 4.5.18 SACP: There is a need to come to an agreement on precise legislation that needs to be repealed or amended.

4.5.19

A sub-committee should be set up to work in tandem with the sub-committee of the National Peace Accord dealing with communications to the public, in order to facilitate the work of SG3.

ADDENDUM A

The following people signed the registration form:

Party/Organisation/ Administration	Delegate	Adviser
ANC	Kader Asmal	P.M. Maduna
Bophuthatswana Govt.	K.C.A.V. Sehume	J Esterhuizen
Ciskei Govt.	M.B. Webb	MG Ndzondo
Democratic Party	P. Soal	D. Smuts
Dikwankwetla Party	T.J. Mohapi	
Intando Yesizwe Party	S.L. Mthimunye	D.P. Mahlangu
SA Government	N Barnard	PJ Colyn
IFP		
Inyandza Party	Ms Gininda	MJ Mahlalela
Labour Party	E Samuals	IJ Kruger
TIC/NIC	R.M. Shaik	M Moola
National Party	G.B. Myburgh	A.G. Oosthuizen
NPP	A.K. Beesham	D. Chetty
Solidarity Party	P.I. Devan	C.A. Naguran
SACP	E. Pahad	F. Baleni
Transkei Govt.	L.V. Ntsubane	M. Mphalwa
Venda Govt.	R.C. Nevhutalu	J. Nembambula
United People's Front		L Mpya
XPP	Z.M. Tlakula	N.M. Msetwene