

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 RATIFICATION BY THE WGSC1 AT ITS NEXT MEETING

DRAFT MINUTES OF THE WGSC1 MEETING HELD IN CAPE TOWN ON 1 MAY 1992 AT 3PM.

PRESENT: (see ADDENDUM A)

Chair: Mr Webb
Secretary: A Feinstein
Minutes: K Morgan

1. **Convenor's opening**

Mr Webb thanked members of WGSC1 for the constructive role they had played during the proceedings of the WG1 plenary session held on 28/4/92. Mr Webb also thanked the administrators for their efforts particularly during the past week.

2. **Apologies:**

Mr Ntubane

3. **Adoption of agenda**

The agenda was adopted with the following amendments:

- 3.1 That Item 6 should read "The drafting of a definition of a climate for free political activity"
- 3.2 That Item 7 should be removed from the agenda and subsequent items renumbered
- 3.3 That the new Item 9 should read: "The reconstitution of the SABC and proposals for monitoring the performance of the SABC"
- 3.4 That item 12 read "... to consider any important legislation that WGSC1 might have to discuss"

4. **Adoption of Minutes**

The minutes were adopted without any amendments

5. **Matters Arising**

Resolved:

- 5.1 That Mr Samuels and Mr Soal's report back on the DMC proposals be placed on the agenda of the WG1 plenary session on 4 May

6. **Drafting of a definition of free political activity**

The following points were raised in discussion:

- 6.1.1 That there was a need to provide an insight into the notion of Free Political Activity
- 6.1.2 That the obstacles hampering free political activity should be identified
- 6.1.3 That such obstacles should be examined in the context of the current violence, intimidation, existing discriminatory laws, the holding of meetings, laws and broadcasting etc.
- 6.2 **It was agreed:**
- 6.2.1 That the task of drafting a comprehensive report on the "creation of a climate for free political activity" should be handed over to the rapporteurs, who in turn should assist in directing the WG1 plenary on 4 May, on this issue
- 6.2.2 **That the Terms of Reference for such a report should be:**
- 6.2.2.1 The formulating of guidelines for the creation of a climate for free political participation with a view to determining outstanding tasks which can be undertaken by Parties within the context of CODESA
- 6.2.2.2 Pointing out the responsibility of individuals and political organisations and Parties in the creation of such a climate
- 6.2.2.3 Ascertaining, more precisely, what has been done to create such a climate
- 6.2.2.4 Ascertaining, what still needs to be done to create such a climate
- 6.2.2.5 To determine if the climate is such that CODESA can move forward to the next stage of democratisation
- 6.2.3 **That such a report consider:**
- 6.2.3.1 The content of submissions made by delegations on this issue, particularly the ANC and government's submissions circulated on 23/4 and 27/4 respectively
- 6.2.3.2 The principles and code of conduct of the NPA as a framework and motivation for binding delegations to a particular code

7. **Mechanism for dealing with Discriminatory legislation**

7.1 **It was agreed:**

7.1.1 That the elimination of legislation which impedes free political activity should be the departure point of the report

7.2 **It was further agreed that the following categories and procedures should be adopted in dealing with this issue:**

7.2.1 Identification of legislation without the elimination of which free political activity cannot take place

7.2.2 Legislation that needs to be removed in the interest of society :this would involve such legislation pertaining to the Tricameral Parliament, Own Affairs and the like. Procedure: to be dealt with during the Interim dispensation

7.2.3 Remaining discriminatory laws and practices. Procedure: to be dealt with via a Bill of Rights

7.2.4 Legislation which needs to be amended to support/enhance the progress of democratisation

7.3 It was agreed that notice should be taken that WG1 considered its Terms of Reference as embracing only that phase pertaining to the creation of a climate for free political participation (7.2.1)

7.4 It was accepted that all delegations should be invited to make submissions on specific discriminatory legislation that might impede the progress of transitional arrangements

8. **The reconstitution of the SABC and monitoring of its performance**

8.1 The WGSC1 recognising:

8.1.1 The urgency of the situation

8.1.2 The need to present CODESA II with a principled agreement that the SABC Board needs to be reconstituted and recommendations on how and when this should be implemented

8.2 **Resolved:**

8.2.1 That, since WG1 has reached consensus that an Independent Body to regulate the telecommunications sector be created at the earliest opportunity, it was agreed:

8.2.1.1 That the WGSC1 will initiate discussions with the Chairperson of the Board of the SABC and such representatives as he may determine, on the possible early reconstitution of the Board of the SABC, the appropriate ministry to be included in such discussions and;

8.2.1.2 That the first meeting for such discussions will take place before CODESA II.

8.2.1.3 That the mechanism for monitoring the performance of the SABC be referred to at the same meeting as 8.2.1

9. **Shaping of CODESA II report**

Resolved:

- 9.1 That such a report has to be a consolidated and synthesised report of the three Subgroups
- 9.2 That the report has to take into account the minutes, the process and substance of the SubGroups, the WGSC1 and the WG plenary
- 9.3 That the initial report be drafted by the rapporteurs
- 9.4 That the rapporteurs should meet before 5 May

10. **Form and content of meeting of WG1 Plenary**

Resolved:

That a draft agenda be drawn up and faxed to delegations over the weekend

11. **Schedule of meetings**

Resolved:

- 11.1 That in the light of SG2's request for one more meeting that they should meet on Monday 4 May from 8h30 -12h30
- 11.2 That the WG1 plenary sits on Monday, 4 May, from 13h30 -19h00
- 11.3 That should it be necessary, the WG1 plenary would continue on Tuesday with the WGSC1 sitting thereafter.
- 11.4 That representatives from the WGSC1 meet with representatives from WGSC5 on Monday between 12h30 - 13h45 to consider relevant legislation

Present:

E Samuels
K Asmal
HJ Coetsee
P Soal
DRB Madide
E Pahad
MB Webb
Rev Mohapi

Mr Myburgh
Mr Shaikh
Mr Bester

Labour Party
African National Congress
SA Government
Democratic Party
Inkatha Freedom Party
SA Communist Party
Ciskei Government