

MINUTES OF THE MEETING OF TASK GROUP 2 (DRAFTING) HELD IN
ROOM 3 WORLD TRADE CENTRE AT 11H15 ON 17.12.91

Chairperson: Mr Walter S Felgate

Present: As per attached attendance register.

Apologies: The Bophuthatswana Delegation submitted a written apology together with a resume of their views on the subject of sufficient consensus.

Minutes: The minutes of the Group's meeting on 09.12.91 were tabled without discussion or adoption.

Report Back by Sub-committees:

1. Mr Firoz Cachalia tabled the draft of his sub-committee's report (see appendix 1). The draft was discussed and **accepted** by the group with the deletion of section 5 and the understanding that the heading would need to be changed.

It was agreed that this sub-committee deal with WGs in light of comments by Dr Gerrit Viljoen that the other TGs were not dealing with WGs.

2. Mr N J Mahlangu laid a draft report of his sub-committee before the Group (see appendix 2). This was **accepted** by the Group after lengthy discussion and several alterations (see appendix 3).
3. Mr Colin Eglin laid a draft report of his sub-committee before the Group (see appendix 4). He stressed that this was a preliminary draft and that the sub-committee had not reached sufficient consensus on the entire document although much of it had been agreed.

The Ciskei delegation tabled an alternative draft, which was later withdrawn by Dr H J S Kayser.

4. The Group considered Mr Eglin's draft, made certain alterations (see appendix 5) and comments and referred the matter back to the sub-committee for further work.

STANDING RULES

Appendix 1

1. Agreement will be arrived at by consensus.
2. Where no consensus exists, agreement will be arrived at by sufficient consensus. Sufficient consensus will have been reached when the degree of agreement is of such a nature that the work of Codesa can move forward effectively.
3. Disagreeing participants shall have the right to record their objections or dissent.
4. When disagreement exists, the chair will allow parties adequate time to consult amongst each other and with their principals before recording any position.
- ~~5. Working groups.~~

Evdsl

Appendix 2

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

Rules of Procedure for Plenary Sessions

Participants

1. (1) Participants in the Convention shall be the political parties, the South African Government, organizations and administrations listed in the Annexure hereto.
- (2) The Convention may resolve to admit additional participants.
- (3) The Government shall be a non-voting participant of the Convention.
- (4) The Convention may admit observers to its meetings, without the right to vote, and such observers may be granted the opportunity by the Convention to speak.

Delegates

2. (1) Each participant shall be entitled to be represented by 12 (twelve) delegates which shall constitute its delegation. In addition, each delegation shall be entitled to name up to 5 (five) advisors.
- (2) A participant shall be entitled to substitute a member of its delegation with an alternate member.
- (3) Each participant shall submit and register the names of its delegates, alternates and advisors with the Secretariat at least 48 (forty-eight) hours before a plenary session of the Convention and shall likewise register the name of the leader of its delegation.
- (4) An alternate may not be substituted for a delegate without prior notification to the Secretariat.
- (5) Only duly accredited delegates may participate in the work of the Convention.

(6) In the event of a dispute concerning the credentials of a delegate, the Steering Committee shall rule on the matter.

Adoption of Resolutions

3. (1) Every delegation shall, when called by the Chair to express its position on a proposal or matter before the meeting, have such position stated by the leader of the delegation or a spokesperson appointed by the leader of the delegation.

(2)

(3)

(4) The Chair may declare a meeting open and permit the debate to proceed when delegates of at least two-thirds of the participants are present.

Speeches and Interventions

4. (1) Every delegate shall be entitled to speak in the debate.

(2) At the opening of a session, the Chair shall call the speakers in the order previously arranged by the Steering Committee.

(3) In general, the Chair shall call up speakers in the order in which they signify their desire to speak. However, the Chair shall ensure that each delegation is afforded a reasonable opportunity to speak.

(4) The Chair shall apply the standard rules applicable to meetings, except as otherwise stipulated herein or in terms of any resolution adopted under rule 8.

The Chair

5. (1) Meetings shall be convened by the Steering Committee, but otherwise controlled, adjourned and prorogued by the Chair, who shall be appointed by the Steering Committee. The Steering Committee shall assist the Chair in the performance of the Chair's functions as and when the Chair considers it necessary.

(2) If a duly appointed Chairperson finds it necessary to be absent from a meeting or any part thereof, the Steering Committee may appoint a temporary replacement for the duration of such absence.

Minutes

6. (1) The proceedings of plenary sessions of the Convention shall be recorded and transcribed as expeditiously as possible and the Secretariat shall make the transcript available to all delegates.

(2) All other official meetings of the Convention, including meetings of Working Groups and the Steering Committee shall be recorded in full, but only the decisions, recommendations and conclusions shall be minuted and sufficient copies made available to all participants by the Secretariat.

Access of media and public

7. The Steering Committee shall determine the extent to which the media shall have access to meetings of the Convention.

Additional Rules of Procedure

8. The Convention shall adopt whatever additional rules of procedure or make such arrangements as are necessary for the better performance of its business or the conduct of its meetings.

Miscellaneous

9. (1) The Convention may set up committees, working groups or any such subsidiary organs as are necessary for the conduct of its business.

(2) The Steering Committee shall supervise the work of the Secretariat and provide for the technical services of and assistance to the Convention, including the arrangements concerning the venue, security and expenses of the delegates.

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

Rules of Procedure for Plenary Sessions

Participants

1. (1) Participants in the Convention shall be the political parties, the South African Government, organizations and administration listed in the Annexure hereto.
- (2) The Convention may resolve to admit additional participants.
- (3) The Convention may admit observers to its meetings, and such observers may be granted the opportunity by the Convention to address its meetings.

Delegates

2. (1) Each participant shall be entitled to be represented by 12 (twelve) delegates who shall constitute its delegation. In addition, each delegation shall be entitled to name up to 5 (five) advisors.
- (2) A participant shall be entitled to substitute a member of its delegation with an alternate member.
- (3) Each participant shall submit and register the names of its delegates, alternates and advisers with the Secretariat at least 48 (forty-eight) hours before a plenary session of the Convention and shall likewise register the name of the leader of its delegation.
- (4) An alternate may not be substituted for a delegate without prior notification to the Secretariat.
- (5) Only duly accredited delegates may participate in the work of the convention.
- (6) In the event of a dispute concerning the credentials of a delegate, the Steering Committee shall rule on the matter.

Adoption of Resolutions

3. (1) Every delegation shall, when called by the Chair to express its position on a proposal or matter before the meeting, have such position stated by the leader of the delegation or a spokesperson appointed by the leader of the delegation.
- (2) Agreement will be arrived at by general consensus.
- (3) Agreement by sufficient consensus will have been reached when consensus is of such a nature that the work of the Convention can move forward effectively.
- (4) Disagreeing participants shall have the right to record their objections or dissent.
- (5) When disagreement exists, the Chair will allow parties adequate time to consult amongst each other and with their principals before recording any position.

Quorum

4. The Chair may declare a meeting open and permit the debate to proceed when delegates of at least two-thirds of the participants are present.

Speeches and Interventions

5. (1) Every delegate shall be entitled to speak in the debate.
- (2) At the opening of a session, the Chair shall call the speakers in the order previously arranged by the Steering Committee.
- (3) In general, the Chair shall call up speakers in the order in which they signify their desire to speak. The Chair, however, shall ensure that each delegation is afforded a reasonable opportunity to speak.
- (4) The Chair shall apply the standard rules applicable to meetings, except as otherwise stipulated herein or in terms of any resolution adopted under rule 9.

The Chair

6. (1) Meetings shall be convened by the Steering Committee, but otherwise controlled, adjourned and prorogued by the Chair, who shall be appointed by the Steering Committee. The Steering Committee shall assist the Chair in the performance of the Chair's functions as and when the Chair considers it necessary.

(2) If a duly appointed Chairperson finds it necessary to be absent from a meeting or any part thereof, the Steering Committee may appoint a temporary replacement for the duration of such absence.

Minutes and Documentation

7. (1) The proceedings of plenary sessions of the Convention shall be recorded and transcribed as expeditiously as possible and the Secretariat shall make the transcript available to all delegates.
- (2) All other official meetings of the Convention, including meetings of Working Groups and the Steering Committee shall be recorded in full, but only the decisions, recommendations and conclusions shall be minuted and sufficient copies made available to all participants by the Secretariat.
- (3) The Steering Committee may, in its discretion, make available the full or partial text of any proceedings of the Convention.
- (4) Any participant shall have the right to circulate, through the Secretariat, relevant documents to other participants.

Access of Media and Public

8. (1) All plenary sessions of the Convention shall be open to the media.
- (2) The Steering Committee shall determine the extent to which the media shall have access to other meetings of the Convention.

Additional Rules of Procedure

9. The Convention shall adopt whatever additional rules of procedure or make such arrangements as are necessary for the better performance of its business or the conduct of its meetings.

Miscellaneous

10. (1) The Convention may set up committees, working groups or any such subsidiary organs as are necessary for the conduct of its business.

(2) The Steering Committee shall supervise the work of the Secretariat and provide for the technical services of and assistance to the Convention, including the arrangements concerning the venue, security and expenses of the delegates.

(3) The Steering Committee shall ensure that reasonable notice is given for the convening of all meetings of the Convention and the provision of the appropriate documentation.

Draft no 3 17 December 1991

We, the representatives of political parties, political movements and administrations coming together at this first meeting of the Convention for a Democratic South Africa mindful of the awesome responsibility that rests on us at this moment in the history of our country, declare our solemn commitment:

1. to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination.
2. to work to heal the divisions of the past and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law.
3. to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate.
4. to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans.
5. to set in motion the process of drawing up and establishing a constitution that will ensure:
 - a. that South Africa will be a united democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory.
 - b. that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary.
 - c. that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll.
 - d. that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.

- e. the Constitution shall acknowledge the diversity of languages, cultures and religions of the people of South Africa.
- f. that in general the basic electoral system shall be that of proportional representation.
- g. that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances.

We further solemnly commit ourselves to be bound by the decisions of CODESA and in good faith to take all such steps as are within our power and authority to realise their implementation.

Nkosi sikelel' iAfrika. Morena boloka sechaba sa heso.
Ons vir jou Suid Afrika. May the Lord bless our country.
Mudzimu Phatutsheza Afrika. Hosi katekisa iAfrika.

Draft no 3 17 December 1991

We, the duly authorised representatives of political parties, political movements, administrations and the South African Government, coming together at this first meeting of the Convention for a Democratic South Africa mindful of the awesome responsibility that rests on us at this moment in the history of our country, declare our solemn commitment:

1. to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination, to secure the advancement of all.
2. to work to heal the divisions of the past and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law.
3. to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate.
4. to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans.
5. to set in motion the process of drawing up and establishing a constitution that will ensure:
 - a. that South Africa will be a united democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory.
 - b. that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary.
 - c. that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation.
 - d. that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances.
 - e. that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged.

- f. that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.
- g. that in general the basic electoral system shall be that of proportional representation.

We, the representatives of political parties, political organisations and administrations, further solemnly commit ourselves to be bound by the decisions of CODESA and in good faith to take all such steps as are within our power and authority to realise their implementation.

Nkosi sikelel' iAfrika. Morena boloka sechaba sa heso.
Ons vir jou Suid Afrika. May the Lord bless our country.
Mudzimu Fhatutshedza Afrika. Hosi katekisa iAfrika.