



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 SUBJECT TO RATIFICATION BY THE WORKING GROUP STEERING COMMITTEE AT ITS NEXT MEETING.

**MINUTES OF THE FIFTH MEETING OF WORKING GROUP 2
(CONSTITUTIONAL PRINCIPLES) HELD AT THE WORLD TRADE CENTRE ON
MONDAY 24 AND TUESDAY 25 FEBRUARY 1992**

PRESENT:

Delegates and Advisors (See Addendum A)
J Slovo (Chair)
M Phillips (Secretary)
R Hartley (Minutes)

DOCUMENTS DISTRIBUTED ON 24.2.92:

1. Draft agenda
2. 24.2.92: Draft document on common principles regarding the balance between central, regional and local government prepared by the Steering Committee of Working Group 2
3. Ratified minutes of the third meeting of Working Group 2 held on 11.2.92
4. Draft minutes of the fourth meeting of Working Group 2 held on 17.2.92
5. Delegate factsheet No 1
6. Solidarity Party: Working Group 2 - Constitutional principles
7. Codesa Working Group 2: Key issues to be addressed (Venda Government)
8. The balance between central, regional and local government (Venda Government)
9. Inyandza National Movement: Proposals for central, regional and local government
10. National Peoples Party: Position paper on the balance of power between central, regional and local government
11. United People's Front proposals on the balance of power between central, regional and local government
12. Reservations recorded and tabled by the government of Bophuthatswana regarding its participation in Codesa
13. ANC Working Group 2: What is meant by general principles

DOCUMENTS DISTRIBUTED ON 25.2.92

14. Dikwankwetla Party: The balance between central, regional and local government
15. 25.2.92 Draft document on common principles regarding the balance between central, regional and local government prepared by the Steering Committee of Working Group 2
16. National Party submission to Working Group 2, 25.2.92: The meaningful participation of political minorities.
17. Ximoko Progressive Party, 25.2.92: The meaningful participation of political minorities

1. Apologies for 24.2.92

Z Yacoob	Natal and Transvaal Indian Congresses (Alternate: IC Meer)
M Hendrickse	Labour Party (Alternate: Prof Devenish)
D Worrall	Democratic Party (Alternate: T Leon)
Prof Cloete	Ximoko (Alternate: EPP Mhinga)
J Slovo	SA Communist Party (in the chair) (Alternate: E Daniels)
MM Makhalemele	Dikwankwetla Party (Alternate: Mopeli)
M Alachouzoz	Inkatha Freedom Party
TM Krishna	Solidarity (Alternate: K Reddy)
H M Neerahoo	National People's Party
G H Grove	SA Government (Alternate JHE Basson)

Apologies for 25.2.92

R Cronje	Bophuthatswana Government (Alternate: TE Scheepers)
SG Mothibe	Bophuthatswana Government
J Rabie	National Party (Alternate: S Camerer)
T Leon	Democratic Party (Alternate: D Welsh)
S Ismail	National People's Party (Alternate: A Rajbansi)
J Slovo	SA Communist Party (in the chair) (Alternate: E Daniels)

2. Ratification of Agenda

2.1 The agenda was ratified with the following addition:

2.1.1 Item 2A: Bophuthatswana Government Information Item.

2A. Bophuthatswana Government Information Item

2A.1 The Bophuthatswana Government read a document entitled "Reservations recorded and tabled by the Government of Bophuthatswana regarding its participation in Codesa". The document was noted and not discussed.

3. Adoption of Minutes

3.1 The minutes were ratified with the following change:

3.1.1 The last line of item 6.1.3.1.3 was amended to read: "each shall be set out and enshrined in the constitution".

4. Key Issues to be Addressed

4.1 The Balance Between Central, Regional and Local Government

4.1.1 The following parties spoke to written submissions:

4.1.1.1 United People's Front

4.1.1.2 Solidarity Party

4.1.1.3 National People's Party

4.1.1.4 Inyandza National Movement

4.1.1.5 Venda Government

4.1.2 Steering Committee Proposal

4.1.2.1 Mr Eglin spoke to the document entitled "Draft document on common principles regarding the balance between central, regional and local government" on behalf of the Steering Committee.

4.1.2.1.1 The document was amended at the suggestion of Mr Eglin as follows:

4.1.2.1.1.1 Item 2: At each level there shall be democratic representation.

4.1.2.1.1.2 Item 5 (new item): The general principles of the constitution, including the terms of the Bill/Charter of Fundamental Rights shall apply to each level of government.

4.1.2.1.2 Paragraphs 1,2 and 5 were agreed without changes.

4.1.2.1.3 Paragraph 4 was agreed after being amended to read: "In addition to the powers, duties and functions entrenched in the constitution, each level of government may delegate powers, duties and functions to the lower level of government."

4.1.2.1.3 It was agreed that the Steering Committee would propose a suitable amendment to paragraph 3 to the meeting of the Working Group scheduled for Monday 2 March 1992.

4.1.2.1.4 The Inkatha Freedom Party proposed the addition of the following clause: "The relationship of regional to local government should also take cogniscence of the special form of local government in terms of traditional territorial authorities". It was agreed that this would be discussed under item 4.6 on the agenda.

4.2 Meaningful Participation of Political Minorities

4.1 The following parties made submissions:

- 4.1.1 National Party (written and oral)
- 4.1.2 Intando Yesizwe Party
- 4.1.3 Ximoko Progressive Party (written and oral)
- 4.1.4 TIC/NIC
- 4.1.5 Inyandza National Movement
- 4.1.6 Democratic Party

4.2 It was agreed that the Steering Committee would consider drafting a principle on this issue for consideration at the next meeting.

5. Next Meeting

The next meeting will take place on Monday 2.3.92 from 10h00 to 16h30 at the World Trade Centre.

ADDENDUM A

The following delegates and advisors signed the Attendance Register of Working Group 2 meeting held on 24 February 1992:

Organisation	Delegate/Advisor
African National Congress	C Ramaphosa MV Moosa F Grinwala A Sachs
Bophutatswana Government	SG Mothibe R Cronje TE Scheepers I Findlay
Ciskei Government	MC Kashe IJ Smuts J Laubuschagne VR Zietsman
Democratic Party	CW Eglin AJ Leon D Welsh
Dikwankwetla Party	SOM Moji S Mopeli M Mopeli
Inkatha Freedom Party	N Brits SH Gumede BS Ngubane
Intando Yesizwe Party	EN Ginindza C Albertyn I Lephoko BE Mabuza
Labour Party	IM Richards G Devenish C Nasson
Natal/Transvaal Indian Congresses	T Pillay F Cachalia IC Meer F Haysom

National Party	F van Heerden JA Rabie S Camerer I Rautenbach
National People's Party	M Mohanlall S Ismail B Singh
Solidarity Party	DS Rajah K Reddy R Arenstein
SA Communist Party	J Slovo B Nzimande N Hoosain E Daniels
SA Government	G Viljoen JT Delpport F Venter JHE Basson
Transkei Government	S Holomisa PZ Ndamase DS Koyana R Nogumla
United People's Front	MJ Mahlangu MC Ramusi SJ Maake RJ Dombo
Venda Government	GM Legege MP Nthabalala A Budeli Adv Mushasha
Ximoko Progressive Party	EE Ngobeni KR Myakayaka J Ackron EPP Mhinga

ADDENDUM A

The following delegates and advisors signed the Attendance Register of Working Group 2 meeting held on 25 February 1992:

Organisation	Delegate/Advisor
African National Congress	C Ramaphosa MV Moosa F Grinwala A Sachs
Bophutatswana Government	TE Scheepers
Ciskei Government	MC Kashe IJ Smuts J Laubuschagne VR Zietsman
Democratic Party	CW Eglin AJ Leon D Welsh
Dikwankwetla Party	SOM Moji S Mopeli M Mopeli
Inkatha Freedom Party	N Brits SH Gumede BS Ngubane
Intando Yesizwe Party	EN Ginindza C Albertyn I Lephoko BE Mabuza
Labour Party	D Lockey IM Richards G Devenish C Nasson
Natal/Transvaal Indian Congresses	T Pillay F Cachalia IC Meer F Haysom
National Party	F van Heerden S Camerer I Rautenbach

National People's Party	M Mohanlall S Ismail B Singh
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SA Government	G Viljoen JT Delpport F Venter JHE Basson
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