



WORKING GROUP 1 SUB-GROUP 1/1/1/NOTES/24 MARCH

THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON. 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 WORKING GROUP SUB-GROUP AT ITS NEXT MEETING.

MINUTES OF THE FIFTH MEETING OF WORKING GROUP 1 SUBGROUP 3 HELD AT THE WORLD TRADE CENTRE ON TUESDAY 24 MARCH 1992 AT 08H30.

PRESENT : SEE ADDENDUM A

- MB Webb (Chair)
- A Schoeman (Minute taker)
- T Motumi (Secretary)

1. Convenor's Opening Remarks.

1.1 The meeting agreed that since the Reverend Mohapi has been hospitalised, he should be substituted by Mr Webb.

2. Attendance and Apologies.

2.1 Apologies were received from Mr Mpya (UPF) and Mr Kruger (Labour Party) who would be late. Mr Dalling sent his regards and he will rejoin the meeting after Easter.

3. Ratification of the Minutes.

- 3.1 The minutes need to reflect the fact that Item O of the terms of reference was not resolved.
- 3.2 The minutes further need to reflect that Item O would be discussed in future meetings.
- 3.3 The minutes were adopted.

4. Matters arising from the minutes.

4.1 The DP requested the return of its documents concerning the media.

5. The Approval of the Agenda.

5.1 The agenda was adopted without amendments.

6. Continuation of Discussion.

6.1 Discussion of Terms of Reference point F.

6.1.1 The SA government agreed to repeal Sections 4(a) and (b) of the Registration of Newspapers Amendment Act of 1982 which relate to Ministerial powers to cancel the registration of a newspaper. These sections have never been implemented. The repeal of these sections will be dealt with in a General Laws Amendment Bill.

6.2 Discussion on Terms of Reference Point O.

6.2.1 General agreement was reached on the urgent need for the establishment of an independent body that will pursue an intensive and continuous educative and informative campaign aimed at educating the public on political tolerance and democracy. All delegates were requested to consider the matter in the light of the various representations and submissions.

6.3 Continuation of discussion on Point F of the Terms of Reference.

6.3.1 Parties were requested to come to next week's meeting having prepared written responses to the submissions made. This will ensure comprehensive debate of the issue.

7. Discussion on Telecommunications and the electronic media (Point 1.1.4 F of Terms of Reference).

7.1 As rapporteur of Sub-Group 3, Mr Myburgh was requested to identify key issues and commonalities in the various submissions on telecommunications including electronic media.

7.2 Discussion is to continue at the next meeting.

8. Press Release.

8.1 The meeting agreed on the media release. (See ADDENDUM D)

9. Date for the next meeting.

9.1 The meeting agreed that the next meeting of the Sub-Group would be on Monday 30 March 1992 at 08H30.

ADDENDUM A

The following people signed the register:

AFRICAN NATIONAL CONGRESS	K Asmal
BOPHUTHATSWANA GOVERNMENT	P Maduna
CISKEI GOVERNMENT	MZ Masilo
DEMOCRATIC PARTY	MA Vilakazi
INKATHA FREEDOM PARTY	MB Webb
INTANDO YESISWE PARTY	GM Ndzondo
INYANDZA NATIONAL MOVEMENT	P Soal
LABOUR PARTY	D Smuts
NIC/TIC	Dr Madide
NATIONAL PARTY	I Mars
NATIONAL PEOPLE'S PARTY	SL Mthimunye
SOLIDARITY PARTY	DP Mahlangu
SOUTH AFRICAN COMMUNIST PARTY	MS Gininda
SOUTH AFRICAN GOVERNMENT	MJ Mahlalela
TRANSKEI GOVERNMENT	E Samuels
UNITED PEOPLE'S FRONT	P Wagenaar
VENDA GOVERNMENT	M Moola
XIMOKO PROGRESSIVE PARTY	M Shaik
	GB Myburgh
	AJG Oosthuizen
	AK Beesham
	D Chetty
	PI Devan
	C Naguran
	E Pahad
	F Baleni
	HJ Coetsee
	P Colyn
	LV Ntsubane
	M Mpahlwa
	MP Tladi
	LL Mpya
	ZC Nevhutalu
	PJ Nembambula
	BM Tlakula
	NM Mtsetwene

ADDENDUM B

Submissions were received from the following delegations:

The SA Government (Three Submissions)
Transkei Government
The Venda Government
The ANC (Two Submissions)
The Bophuthatswana Government

ADDENDUM C

10. Summary of Discussion.

- 10.1 The meeting agreed that the would ANC lead discussion on Item O of the terms of reference.
- 10.2 The South African Government would make submissions at the next meeting on the question of the funding of political parties.
- 10.3 The issue of the funding of political parties is to be on the next agenda.
- 10.4 Discussion on Item O.
 - 10.4.1 The ANC stated that the Law Commission Report refers to the need for constitutionally protected human rights. Extensive education is needed on this topic, for 'good intentions are not good enough'. A culture of rights need to be created in South Africa. Active defence of democracy is needed. Attention need to be drawn to the development of support for the idea of civil society- independent of the state. This would effectively mean a focus on the law and their power separate from the state.
 - 10.4.2 The ANC argued that the meeting need to look at laws militating against a civil society. It is important that the assumption of difference in the operation of the law between urban and rural areas be eradicated. There must be no no-go areas in the law.
 - 10.4.3 The ANC further argued that a different administrative approach is needed by the police. The police must be the effective guarantor of human rights.
 - 10.4.4 The ANC suggested that a structure is needed to assist in the implementation of educative and informative campaigns. They suggested this structure should be a National Council for Democracy. Similar structures already exist in countries like Germany and America.
 - 10.4.5 The ANC argued that CODESA should consider the establishment of this structure to assist private bodies engaged in democratic activities.
 - 10.4.6 The chair stated that this focus first on affirmative action and then on democracy.
 - 10.4.7 The NIC/TIC suggested that the meeting should first agree on the principle of a National Council for Democracy and then discuss issues such as time slots and the media.
 - 10.4.8 The chair suggested the meeting should focus on the desirability of the Council for Democracy.
 - 10.4.9 The DP stated that issues on the ground tend to occur beyond expectations and against policies of organisations.
 - 10.4.10 The ANC responded by saying that CODESA is a temporary structure and the educational process need to be instituted permanently. The National Council for Democracy would be such a permanent structure.
 - 10.4.11 The SA government stated that South Africa have a Common Law which clearly defined rights. A codified statement have to address first, second and third generation rights.
 - 10.4.12 The SA Government argued that we need to embark on a programme of education, especially leadership of organisation.
 - 10.4.13 The SA Government argued that we need to start with basic rights. They further proposed that the structure proposed be a Bill of Rights.
 - 10.4.14 The SA Government argued that the police should not be protecting peoples rights, they should be protected by the law.
 - 10.4.15 The Solidarity Party argued that a Bill of Rights is a long term proposal. Urgent education is however needed on the principle of democracy. They argued that both the printed media and the electronic media should be used for this purpose.
 - 10.4.16 The NPP agreed with the ANC proposal and with the urgent need for education on

democracy.

- 10.4.17 The NPP criticised the leadership of organisations who have not taken the message to lay down arms to the ground.
- 10.4.18 The NIC/TIC drew the meetings attention to the commitment of CODESA to address the issue of gender discrimination. This implies that people should not use sexist or gender bias language.
- 10.4.19 The IFP stressed the urgency of the issue under discussion. They suggested that a task force be set up to look at the issue immediately.
- 10.4.20 The Venda government state that the agreed with the urgency of the issue and further stressed that a intensive reeducation programme is needed.
- 10.4.21 The INM stated that the meeting have to draw a distinction between a subjective and objective approach.
- 10.4.22 The INM further stated that they agree with the ANC proposal, for the body proposed by the ANC would be a neutral body with its own powers. They suggested this body could be set up in a few days.
- 10.4.23 The chair posed the question whether this would be a private or CODESA structure.
- 10.4.24 The SACP stated that their was wide agreement on the need for a structure of some kind. They proposed that people who made proposals on this issue should meet and come to some form of agreement on the issue.
- 10.4.25 The SACP stated that the meeting should investigate how to link the issues under discussion with the NPA and its sub structure eg. the publicity committee.
- 10.4.26 The Transkei contended that the ANC proposal will go a long way in creating a climate.
- 10.4.27 The chair stated that he felt the meeting has in general agreed to the establishment of an independent authority.
- 10.4.28 The ANC argued that there was no agreement on the future constitutional structure. In the long term a body is needed that will address the question of democracy. The meeting needs to focus however on the short term needs as well. They argued that a body is needed that could work closely with the existing structures of the NPA its functions would however be different.
- 10.4.29 The ANC argued that the strength of CODESA would lie in the seriousness with which it seriously address the issue.
- 10.4.30 The chair requested the meeting to focus on the suggestion by the IFP of a task force.
- 10.4.31 The ANC rejected the proposal stating that the issue of time and resources need to be considered. They suggested that delegates respond in writing to the issue and state what they consider an integrated approach.
- 10.4.32 The NP supported the suggestion by the ANC.
- 10.4.33 The DP supported the ANC and NP. They suggested that the delegates study the ANC document and the DP document submitted in a previous meeting.
- 10.4.34 The Labour Party state that they like the idea of a National Council for Democracy. The issue needs to be examined more completely.
- 10.4.35 The NIC/TIC stated that the meeting need to examine the suggested structure, look at the overlap and engage in creative thinking on the issue.
- 10.4.36 The NPP stated they agree with the concept of the National Council for Democracy. They stressed the urgency of the issue and argued that in the short term a media campaign is of the utmost importance. They suggested that a task force could play an important role in this regard.
- 10.4.37 The chair intervned and stated that consensus has not been reached on the establishment of a task force.
- 10.4.38 The NP stated that the meeting has discussed the long term objectives in detail. The meeting need to now focus on the short term objectives.
- 10.4.39 The NP suggested that the electronic media should be approached and see whether

- programmes on CODESA could be screened.
- 10.4.40 The SACP agreed that the meeting should not subsume issues in the NPA. They were wary to state that the NPA has failed. They stressed the need for a link between these structures and issues.
- 10.4.41 The Venda Government stated that the ANC proposal could be applicable to the short term.
- 10.5 Discussion on telecommunications and the electronic media.
- 10.5.1 The SA Government submitted a paper.
- 10.5.2 The Transkei submitted a paper.
- 10.5.3 The Venda government submitted a paper.
- 10.5.4 The ANC submitted a paper.
- 10.5.5 The ANC stated that broadcasting cannot be restructured in the interim period. They suggested that discussion focus on private media, the central role of CODESA in the issue and the need to restructure the SABC before 1993, when the term of office for the board of directors expire.
- 10.5.6 The ANC suggested that for the next meeting people try to merge the proposals.
- 10.5.7 The SA Government stated that the Code of Conduct is not exclusive and could be read with any of the proposals.
- 10.5.8 The DP stated that there is remarkable agreement on the basic needs. They suggested a task group to prepare a single document.
- 10.5.9 The chair raised the question of external parties who have requested to be allowed to address the Sub-Group.
- 10.5.10 The SACP suggested that if possible points of commonality should be drawn together. The external submissions could then be assessed in terms of this.
- 10.5.11 The meeting discussed external submission and suggested that the Steering Committee examine them and suggest which should be heard.
- 10.5.12 The meeting agreed that the Rapporteur Mr Myburgh should be requested to identify key issues and commonalities in the various submissions on the telecommunications including electronic media.
- 10.5.13 The meeting agreed on the report to the Management Committee. (See ADDENDUM D)

ADDENDUM D

Report to the Management Committee.

STATEMENT OF THE SUBGROUP 3 WORKING GROUP 1 FOR MEDIA RELEASE - 24/03/1992.

1. The SA government has agreed to repeal Sections 4(a) and (b) of the Registration of Newspapers Amendment Act of 1982 relating to Ministerial powers to cancel the registration of a newspaper. These sections have never been implemented. The repeal of these sections will be dealt with in a General Laws Amendment Bill.
2. As general agreement was reached that there is an urgent need for an independent body to be established to pursue an intensive and continuous educative and informative campaign to inform the public of political tolerance and democracy, all delegates were requested to consider the matters in the light of various representations and submissions, and revert to next week's meeting in writing so that the matter may be fully debated.
3. Mr Myburgh has been requested to identify key issues and commonalities in the various submissions on the telecommunications including electronic media.
4. Discussion is to continue on all the above aspects at the meeting.

DRAFT AGENDA FOR WG1SG3 TO BE HELD ON 30 MARCH AT THE WORLD TRADE CENTRE
AT 08H30.

1. Convenors opening remarks
2. Apologies
3. Adoption of agenda
4. Ratification of minutes
5. Matters arising from minutes
6. Continuation of discussion
 - 6.1 Item F : The impartiality of telecommunications and the electronic media
 - 6.2 Item O Appointment of an Independent Educative Body
 - 6.3 SACP discussion paper on newspaper distribution
7. Report to Management Committee
8. Date of next meeting