

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 THE APPROVAL OF THE CHAIRPERSON OF THE WORKING GROUP SUB-GROUP AND TO RATIFICATION BY THE WORKING GROUP SUB-GROUP AT ITS NEXT MEETING.

MINUTES OF THE MEETING OF WORKING GROUP 1 SUBGROUP 1 HELD AT THE WORLD TRADE CENTRE ON MONDAY 17 FEBRUARY 1992 AT 13H00.

PRESENT: SEE ADDENDUM A

D Dalling (Chair)
A Schoeman (minute taker)

1. **Convenor's Opening Remarks**
2. **Ratification of Minutes**

The minutes were adopted with the following amendments:

- 2.1 Point 3.1.5 was amended to state that: There was support for the proposal (but not full consensus) that the principle of general amnesty should be considered.
- 2.2 Point 3.1.7 was amended to start with the following: In view of existing bilateral agreements between the South African Government and the ANC.

3. **Matters Arising from the Minutes**

- 3.1 In response to point 3.1.6 of the minutes it was highlighted that the technical aspects cannot be examined until the issue has been resolved between the ANC and the South African Government. It was however stressed that the question of indemnity is not only a bilateral concern but involves other parties and members of CODESA.
- 3.2 The meeting between the ANC and the South African Government, (point 3.1.7 of minutes) has not yet taken place but has been scheduled for Monday 24 February. The meeting accepted this while stressing the urgency of the meeting, for it was felt that delays in holding an ANC/SA Government meeting could retard the progress of the sub-group.

4. **Continuation of Discussion**

- 4.1 **Release of Political Prisoners**

- 4.1.1 The meeting agreed that the sub-group would discuss the issue of Political Prisoners once the meeting between the ANC and the South African Government has been concluded. This discussion would examine the question of all Political Prisoners held or allegedly held by any South African Organisation or Party, as also by any of the TBVC governments.
- 4.1.2 The meeting agreed to hear the additional verbal representation from Lawyers for Human Rights. Confirmation of this decision to be obtained from the WGSC1.

- 4.2 **Exiles**

- 4.2.1 The meeting agreed that the discussion on Exiles would be held over pending a report on projected bilateral meetings between the ANC and SA Government.

4.3 Repeal of remaining apartheid laws

- 4.3.1 The sub-group agreed that the discussion on the repeal of remaining laws militating against free political activity and discussion on all discriminatory legislation, would be conducted by first itemising existing legislation and then examining the three options aimed at addressing the repeal, listed below, in tandem (these options are not exhaustive or mutually exclusive).

4.3.1.1 Members should itemise the legislation and motivate why these are seen to inhibit free political activity or are discriminatory. This list should further include suggestions on the repeal or amendment of such laws.

4.3.1.2 An Interim Bill of Rights to address issues arising out of discussion regarding the freeing of political activity and the issue of discriminatory legislation

4.3.1.3 In addition to a General Law Amendment Bill several general clauses should be included in legislation eg. a clause on Freedom of association. These will be applied to laws not covered by the General Law Amendment bill by the courts and open to the discretion of the judiciary.

- 4.3.2 It was further agreed that Mr Dalling would raise the question of the interim Bill of Rights at the Steering Committee meeting and seek guidance from them on the issue. This however does not prevent the sub-group from discussing the Interim Bill of Rights as a possible solution to the method of repeal of remaining Apartheid laws.

- 4.3.3 See Addendum B for questions tabled by the African National Congress.

4.4 Refugees

- 4.4.1 The Venda delegation raised the question of refugees and made certain representations in this regard. The meeting stressed that the refugee issue does not only affect Venda but the whole of South Africa. The South African Government undertook to look at these representations and to deliver a response at the next meeting.

5. General Matters

- 5.1 A number of delegates objected to material distributed by an IFP delegate attacking the ANC, arguing that the procedure of CODESA was abused and disrupted by an individual member distributing the documentation in question without consulting his/her own organisation.

**ADDENDUM A
PRESENT:**

AFRICAN NATIONAL CONGRESS
 BOPHUTHATSWANA GOVERNMENT
 CISKEI GOVERNMENT
 DEMOCRATIC PARTY
 DIKWANKWETLA PARTY
 INKATA FREEDOM PARTY
 INTANDO YESISWE PARTY
 INYANDZA NATIONAL MOVEMENT
 LABOUR PARTY
 NIC/TIC
 NATIONAL PARTY
 NATIONAL PEOPLES PARTY
 SOLIDARITY PARTY
 SOUTH AFRICAN COMMUNIST PARTY
 SOUTH AFRICAN GOVERNMENT
 TRANSKEI GOVERNMENT
 UNITED PEOPLE'S FRONT
 VENDA GOVERNMENT
 XIMOKO PROGRESSIVE PARTY

K Asmal (D)
 P Maduna (A)
 KCAV Sehume
 J Esterhuizen
 MB Webb
 M Nozondo
 J van Eck (D)
 H Bester (A)
 JSS Phatang
 MH Cunukelo
 Dr. Benard
 A Mncwango
 SL Mthimunye
 DP Mahlangu
 MS Gininda (D)
 MJ Mahlalela (A)
 E Samuels (D)
 D Patel
 M Moolla
 GB Myburgh (D)
 LH Fick (A)
 R Garrib
 SM Govender
 P Naidoo (D)
 CF Thandroyen (A)
 E Pahad (D)
 F Baleni (A)
 HJ Coetsee (D)
 D Swanepoel (A)
 MA Ntshinga
 SP Kakudi
 MI Moroamoche
 S Maja
 NE Mulaudzi
 ME Ramulondi
 BM Tlakula (D)
 NM Mtsetwene (A)

ADDENDUM B

Questions posed by the ANC to the South African Government and all other parties or organisations that support an Interim Bill of Rights.

1. How long will an Interim Bill of Rights be in effect ?
2. Who will provide assistance to test legislation ?
3. What mechanism would be used ?
4. South Africa is a country without a history of a Bill of Rights, where judges have worked under a sovereign system, how will the judiciary suddenly address the issues that arise before them?
5. Who will take initiative to bring the action to invalidate the whole list of laws?

ADDENDUM C

Submissions were made to Sub-group 1 On 17 February 1992 by the following organisations:

Inkatha Freedom Party
Inyandza National Movement
Lawyers for Human Rights
Venda Government