

**DRAFT AGENDA FOR THE FIFTH MEETING OF
WORKING GROUP TWO (CONSTITUTIONAL PRINCIPLES)
ON 24 & 25 FEBRUARY 1992 AT
THE WORLD TRADE CENTRE**

1. Attendance Register
2. Ratification of Agenda
3. Ratification of the Draft Minutes of the Working Group 2 Meeting Held on 17 February 1992
4. Key Issues to be Addressed :
 - 4.1 The Balance Between Central, Regional & Local Government :
 - 4.1.1 Written Submissions from the Parties
 - 4.1.2 Steering Committee Proposal
 - 4.2 Meaningful Participation of Political Minorities
 - 4.3 Economic Freedom, Governmental Intervention and Economic Systems
 - 4.4 Accommodation of the Diversity of Languages, Cultures and Religions
 - 4.5 The Bill/Charter of Fundamental Rights including :
 - 4.5.1 Its Nature and Scope
 - 4.5.2 Affirmative Action
 - 4.5.3 Second Generation Rights
 - 4.6 Role of Traditional Leaders
 - 4.7 Self Determination

**DRAFT AGENDA FOR THE MEETING OF WORKING GROUP
TWO (CONSTITUTIONAL PRINCIPLES) ON 11 FEBRUARY
1992 AT THE WORLD TRADE CENTRE AT 10h00**

1. Ratification of Agenda
2. Ratification of Minutes of Previous Meeting
3. Submissions by Delegates on Areas of Commonality and Difference and General Constitutional Principles
4. Adjournment
5. Key Issues to be Addressed : Steering Committee Proposal
6. AOB

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 WORKING GROUP AT ITS NEXT MEETING.

MINUTES OF THE THIRD MEETING OF WORKING GROUP 2 HELD AT THE WORLD TRADE CENTRE ON TUESDAY, 11 FEBRUARY 1992 AT 10H00

PRESENT:

Delegates and advisors	(see Addendum A)
T Delport	(Chair)
M Phillips	(Secretary)
R Hartley	(Minutes)

DOCUMENTS DISTRIBUTED:

1. Ratified minutes of the 1st meeting of Working Group 2 held on 20 January 1992.
2. Draft minutes of the 2nd meeting of Working Group 2 held on 6 February 1992.
3. Draft agenda.
4. Solidarity's Draft Constitutional Principles for a New South Africa
5. Working Group 2: General Constitutional Principles (Venda Government)
6. Inyandza National Movement Fundamental Constitutional Principles
7. National Peoples Party of South Africa Constitutional Principles which will be Embodied in a New Constitution for the Republic of South Africa
8. Ximoko Progressive Party Statement of Constitutional Principles and Tenets
9. Intando Yesizwe Party's Constitutional Principles of the Envisaged New Democratic South Africa
10. Working Group 2: First Assignment - General Constitutional Principles (DP)
11. General Constitutional Principles to be Enshrined in a New Constitution (Dikwankwetla)
12. Constitutional Rule in a Participatory Democracy (NP)
13. Constitutional Principles, Draft Proposal by NIC/TIC
14. Position Paper of the South African Communist Party on the 1st Assignment of the Terms of Reference of Working Group 2
15. Working Group 2: Provisional Areas of Commonality that Already Exist (Steering Committee document)
16. Working Group 2: Key Issues to be Addressed (Steering Committee document)

APOLOGIES:

MM Makhalemele	Dikwankwetla
SG Mothibe	Bophuthatswana Government (Alternate: I Findlay)
R Cronje	Bophuthatswana Government (Alternate: T Scheepers)
A Budeli	Venda Government
F Venter	SA Government
S Cloete	Ximoko Progressive Party
Adv Holomisa	Transkei Government (Alternate: Prof. Koyana)
F Cachalia	N/TIC (Alternate: N Haysom)

NEW ADVISOR:

Prof Devenish replaces M Hendrickse as LP advisor.

1. Ratification of Agenda

1.1 The agenda as suggested by the Steering Committee was ratified.

2. Ratification of Minutes

2.1 The minutes were ratified with the following amendments:

2.1.1 Page 1

2.1.1.1 The document "General constitutional principles which should be enshrined in a new constitution for the Republic of South Africa" was submitted by the SA Government and not the NP as stated.

2.1.1.2 Advocate Mushasha's name was incorrectly spelled under APOLOGIES.

2.1.1.3 Advocate JS Maake was present.

2.1.2 Page 3

2.1.2.1 Item 2.6.3 was amended to read "No oral evidence will be heard by the Working Group unless the working group agrees to hear such evidence".

2.1.2.2 Item 2.6.4 was amended to read "Working Group delegates should be supplied with all media releases by Codesa".

- 2.1.2.3 The second sentence of item 4.2 was amended to read "The following agenda item was proposed by the South African Government, seconded by the ANC ...".

3. Submissions by Delegates

- 3.1 The following parties read from written submissions to the Working Group.
- 3.1.1 The Venda Government
 - 3.1.2 The Ciskei Government
 - 3.1.3 Natal and Transvaal Indian Congresses
 - 3.1.4 Inyandza National Movement
 - 3.1.5 Democratic Party
 - 3.1.6 Ximoko Progressive Party
 - 3.1.7 Dikwankwetla
 - 3.1.8 Solidarity
 - 3.1.9 National People's Party
 - 3.1.10 Intando Yesizwe
 - 3.1.11 South African Communist Party
- 3.2 The Labour Party will make a written submission to the next Working Group meeting.

4. Adjournment

- 4.1 The Working Group adjourned while the Steering Committee drew up two documents:
- 4.1.1 Provisional Areas of Commonality that Already Exist
 - 4.1.2 Key Issues to be Addressed

5. Steering Committee Proposals

- 5.1 The Working Group agreed that both Steering Committee documents were interim proposals which will be subject to amendment and additions in the course of the Working Group's work.
- 5.2 The Working Group agreed that the document "Provisional Areas of Commonality that Already Exist" will be tabled for comment at the next Working Group meeting. The committee noted Solidarity's point that attention needed to be paid to what is meant by the term "South Africa".
- 5.3 The Working Group agreed that the issues outlined by the Steering Committee in the document "Key Issues to be Addressed" will begin to be discussed at the next meeting. Working Group members were urged to prepare for discussion on all the issues identified for the next meeting.

5.4 The Working Group noted and accepted the Steering Committee's recommendation that the debate on the question of what criteria should be used to determine what constitutes a "constitutional principle", should be postponed until such time as the Working Group starts formulating principles.

5.5 **Additional items for discussion in future**

5.5.1 The SA Government suggested the following item be added to the Key Issues to be Addressed document:

5.5.1.1 The nature and scope of a charter of fundamental rights.

5.5.2 The Labour Party suggested that the following items be added to the Key Issues to be Addressed document:

5.5.1.1 Second generation rights.

5.5.1.2 The role of referenda in the constitution making process.

5.5.3 It was agreed that the Steering Committee would consider placing Assignment 2 on the agenda after consultation with the Steering Committee of Working Group 3.

5.5.4 It was agreed that the Steering Committee would consider suggestions made to it by delegates regarding additions to the Key Issues to be Addressed document.

6. **Any Other Business**

6.1 It was agreed that all Working Group documents shall be dated in future.

6.2 It was agreed that a process for dealing with submissions from the public will be discussed at the next Working Group meeting.

6.3 It was agreed that the Steering Committee will consider making the Key Issues to be Addressed document public once additions have been made to it for the purpose of assisting members of the public in making submissions.

6.4 The chair was thanked for his skilful handling of the meeting.

7. **Next Meeting**

The next meeting will be held from 10h00 to 15h00 on Monday 17 February 1992 at the World Trade Centre.

8. **Adjournment**

The meeting adjourned at 14h30.