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TO: ALL MEMBERS OF THE DAILY MANAGEMENT COMMITTEE

DATE: 17 FEBRUARY 1992

Please find attached the outstanding draft minutes from last week's working group meetings:

- | | | |
|----|-----------------------|-------------|
| 1. | WG1 Subgroup 1 | 11 February |
| 2. | WG1 Subgroup 2 | 11 February |
| 3. | WG1 Subgroup 3 | 10 February |
| 4. | WGSC3 | 11 February |
| 5. | WGSC3 Recommendations | 11 February |
| 6. | WGSC5 | 10 February |

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 SUBGROUP AND TO RATIFICATION BY THE WORKING GROUP SUBGROUP AT ITS NEXT MEETING.

MINUTES OF THE MEETING OF WORKING GROUP 1 SUBGROUP 2 HELD AT THE WORLD TRADE CENTRE ON TUESDAY 11 FEBRUARY 1992 AT 13H30.

PRESENT: See Addendum A

L V Ntsubane (Chair)
A Schoeman and T Motumi (minute takers)

1. **Chairperson's opening remarks**

The Chairperson welcomed the delegates and noted that on Thursday 06.02.92, he gained the impression that all parties agreed that a climate conducive to free political participation does not exist and that that should be the basis from which the Sub-Group needs to move.

2. **Adoption of Agenda**

The agenda was rearranged and then adopted.

3. **Handling of submissions**

3.1 It was agreed that a distinction should be made between submissions by participating Parties and those by Interest Groups

3.2 That such submissions should be forwarded to the WGSC1 for scrutiny, and that those referred back to the Sub-Group should first be systematised by the Chairperson and the staffers before being submitted for discussion.

3.3 It was resolved that Parties should be free to make their submissions either orally or in writing.

3.4 It was accepted that external experts could be consulted as and when necessary.

4. **Prioritising Terms of Reference**

4.1 A NIC/TIC proposal on the subdivision of the Terms of Reference, into four categories was accepted. These were:

4.1.2 Security : d, g, and h

4.1.3 Development : e and i

4.1.4 Co-operation : n and o

4.2 It was agreed that the electronic media be approached for a time slot for CODESA

4.3 It was accepted that the WGSC1 using the electronic media to initiate informative campaigns to promote political tolerance, popularise democracy and the processes of CODESA.

5. **Work Programme**

5.1 Agreement was reached that future meetings should be set aside to first address security and stability issues and to then follow these discussions with deliberations on development and socio-economic issues, including privatisation.

6. **Date of next meeting: 18.02.92, 8am**

Addendum A

Addendum A

The following were present:

Organisation	Delegate	Adviser
ANC	Jacob Zuma	Pius Langa
Bophuthatswana Gvt	J Esterhuizen	
Democratic Party	D J Dalling	J van Eck
Ciskei Gvt	L W Maqoma	M M Maki
Inkatha Freedom Party	Dr Benard	Mrs Mars
Intando Yesizwe Party	E S Masango	D P Mahlangu
Inyandza National Mvmt	M J Twala	M J Mahlalela
Labour Party	E Samuels	L P O Wagenaar
NIC/TIC	M Shaik	E I Ebrahim
National Party	B Geldenhuys	
National People's Party	A K Bheesham	D Chetty
Solidarity Party	P Naidoo	C F Thandroyen
SA Communist Party	R Kassrils	M Scott
SA Government	H J Kriel	L D Barnard
Transkei Gvt	M Mpahlwa	
United People's Front	M I Moroamoche	S Maja
Venda Gvt	N E Mulaudzi	Rev Ramulondi
Ximoko Progressive Pty	S D W Nxumalo	E Mathe



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MINUTES OF THE MEETING OF WORKING GROUP 1 SUBGROUP 1 HELD AT THE WORLD TRADE CENTRE ON TUESDAY 11 FEBRUARY 1992 AT 08H00.

PRESENT: SEE ADDENDUM A

**D Dalling (Chair)
A Schoeman and T Motumi (minute takers)**

- 1. Chairperson's opening remarks**
- 2. Adoption of Agenda**

The agenda was adopted with the following amendments:

- 2.1 Request by Venda that the issue of refugees be added to the agenda.**
- 2.2 The agenda was rearranged and discussion on Terms of Reference was included.**

- 3. Discussion on Terms of Reference**

3.1 Finalisation of matters relating to the release of political prisoners and political trials.

- 3.1.1 It was agreed that the release of political prisoners is a priority in the completion of the reconciliation process.**
- 3.1.2 All delegates stressed the need for finalisation of the process.**
- 3.1.3 In regard to the release of political prisoners, and relating to indemnity, and the commission of offences a firm cut off date is required.**
- 3.1.4 There was strong support but not consensus for the proposition that CODESA should become involved in the process for the release of political prisoners.**
- 3.1.5 There was strong support for the proposition (but not full consensus) that the principle of general amnesty should be considered.**
- 3.1.6 The South African Government was requested to consult its legal advisors to examine Sections 1 and 2 of the Indemnity Act, and agreed to do this, to establish whether temporary immunity granted to persons presently in South Africa could not be converted to permanent indemnity without further red tape being involved.**
- 3.1.7 The SA Government and the ANC accepted the recommendation that they meet before the next meeting of the Subgroup to attempt to come to an agreement relating to political prisoners, the exile question and also to the question of CODESA involvement in these issues.**

4. **Programme of Work**

4.1 The schedule as mapped out was agreed to.

5. **Issues for next meeting**

5.1. It was agreed that the question of political prisoners will be finalised and other issues on the agenda not dealt with in this meeting will be dealt with at the next meeting.



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DRAFT MINUTES OF WORKING GROUP 1 -SUB-GROUP 3 HELD AT THE WORLD TRADE CENTRE ON 10 FEBRUARY 1992 AT 1.30AM.

Present: Delegates and advisers (see Addendum A)

Chair: Mr TJ Mohapi

Secretary: A Feinstein

Minutes: K Morgan

Apologies: Mr Barnard from the SA Government announced that he would replace Mr Coetsee for today's proceedings.

1. Opening:

The Chair reminded delegates that the brief of WG1-Sub-Group 3 (SG3) was to give priority to Theme 3: "Creating the climate and opportunity for free political participation" (see f,j,k,l, n,o and q of the Terms of Reference).

1.2 Mr Mohapi informed the meeting of the WGSC1's appointment of Conveners to the three Sub-Groups:

1.2.1 Sub-Group 1	D Dalling
1.2.2 Sub Group 2	L.V. Ntsubane
1.2.3 Sub Group 3	TJ Mohapi

2. Adoption of Agenda

The agenda was adopted

3. Status of Advisers

Resolved:

3.1 That advisers be allowed to actively participate in the deliberations.

4. Review of the Terms of Reference

Resolved:

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

PO Box 507, Isando, 1600, South Africa.
Telephone (011) 397-1198/99. Fax (011) 397-2211

- 4.1 To identify the key issues that need to be addressed;
- 4.2 To identify the tasks allocated to Sub-Group 3
- 4.3 To identify priority areas
- 4.4 To identify and establish areas of agreement, the details of which will be examined at future meetings
- 4.5 **General principles: see (Addendum B)**

5. **Handling of Submissions**

Resolved:

- 5.1 That delegations will prepare a motivation for and lists of proposed submissions by relevant Individuals/Organisations for discussion at the next meeting of SG3
- 5.2 That SG3 will decide at its next sitting what submissions are to be handed over to the WGSC1 for consideration
- 5.3 That the meeting of SG3 on 17 February hear submissions on items F,L,O,K and P.

6. **Work programme:**

Resolved:

- 6.1 That in the absence of consensus, SG3, on the question of the control over the electronic media, including those in the TBVC states, agree to discuss the following points at its next meeting:
 - 6.1.2 The need for political neutrality and impartiality of the electronic media during the transition
 - 6.1.3 The need for fair access to the electronic media for every political Party in the transition period
 - 6.1.4 The restructuring of government bodies to ensure democratic and non-partisan control and organisation of the media in the transition period through an appointment of an independent broadcasting authority
 - 6.1.5 The need for adequate community participation in the transition period
 - 6.1.6 The need to ensure commercial radio and TV subscribe to the above principles
 - 6.1.7 That an attempt be made to draw a distinction between state controlled media and privately owned media
 - 6.1.8 that an attempt be made to reach agreement on the above principles

(It must be noted that the NP delegation reported that they might not be sufficiently prepared to reach consensus on the above principles by Monday.)

7 **Items K and P**

It was decided that a preliminary discussion be held on Items K and P to set the basis for the next meeting of SG3. The following points were raised for consideration:

- 7.1.2 That CODESA must accept that there cannot be discriminatory use of public services and venues;
- 7.1.2 that there be reasonable but equal access to these services and amenities;
- 7.2.3 That every venue which is organised by public authorities using public funds must be accessible to all;
- 7.2.4 Advice and information about electoral processes must be conveyed openly and freely to all Parties;
- 7.2.5 That an independent electoral supervisory commission be set up;
- 7.2.6 That the question of access to voters be examined.

8. Any other business:

Resolved:

- 8.1 That SG3 refer the issue of refugees to SG2
- 8.2 That SG3 make recommendations to other Working Groups on the amending/repealing of media legislation
- 8.3 That SG3 work out details of a programme for education for democracy using the electronic media

9. Date of next meeting:

Monday 17/02: Sub- Group 3, 08h00 - 18h00

Addendum B

4.5 The following general principles were put forward by delegations:

- 4.5.1 ANC: Need to work from the broad principle that deliberations of SG3 need to apply throughout South Africa;
 - 4.5.1.1 that the rules of democratic participation in organisation must apply in SG3;
 - 4.5.1.1 that it is imperative that the social facts, the laws and administrative facts that displaces the equal footing principle be examined;
 - 4.5.1.2 that the conditions of free political activity that is established by SG3 will affect the culture of democratic debate in a free South Africa;
- 4.5.2 Ciskei Government: Item N of the Terms of Reference must be given priority: The fostering of the spirit of tolerance, which will help build confidence of the people in Codesa.
- 4.5.3 DP: It is important that SG3 work closely with SG2 whose main brief is the question of violence to ensure sufficient work is put in around the problem of violence.
 - 4.5.3.1 That with regard to Item F of the Terms of Reference, the SG3 invite experts to expound on their views on political neutrality of and free access to state controlled media.
 - 4.5.3.2 That there be an Independent Broadcasting Authority.
 - 4.5.3.3 That if unanimity is achieved on this question, the recommendation should be taken to government and request to that government prepare legislation in Parliament this year embodying the recommendations made in SG3 .
 - 4.5.3.4 that SG3 Invite submissions from Independent Broadcasting Authorities on the issue of an Independent Authority
 - 4.5.3.5 With regards to Items J,K, and L of the Terms of Reference, the Federal Electoral Commission from the USA be invited to expound on the workings of its structure.
 - 4.5.3.6 That Mr Stan Katz from 702 and the Association of Independent Broadcasters and Mr Christo Viljoen be invited to give oral submissions to WG3.
- 4.5.4 NPP: That item O be given priority since CODESA needs to be filtered down to grassroots level.
- 4.5.5 Solidarity: Much work needs to be done to prepare people for future elections. the culture of political tolerance must be fostered.
- 4.5.6 NIC: That items which could be dealt with immediately be separated from medium to long term concerns and that mechanisms be found to implement the recommendations of SG3.
- 4.5.7 Intando Ye Sizwe: That the monopoly of the state over media must be avoided and that the media be controlled by a mechanism tailored by CODESA or by CODESA itself.
- 4.5.8 SACP: That items F,L and O be grouped to facilitate discussion.

- 4.5.9 NPP: That the role of language must be looked into.
- 4.5.10 NP: That there need to be consensus on whether to invite submissions from those outside CODESA
- 4.5.11 Venda: Refugees from Mozambique are being used as hit squads and because they're not treated as international refugees, they are exploited. The possibility exists of refugees being forced to vote in a particular direction because of the distribution of patronage to them as has happened in other countries. Refugees must therefore be registered and treated in an internationally acceptable manner.
- 4.5.12 ANC: That state controlled media must be neutral.
- 4.5.12.1 That fair access to the media must be given to all Parties involved in the electoral contest.
- 4.5.12.2 That a public service broadcasting service should not be an attempt at political control but rather to encourage participation.
- 4.5.12.3 That the SG3 be committed to a public broadcasting service.
- 4.5.12.4 There is a need to grapple with the question of commercial media.
- 4.5.12.5 The vast inequality of resources among Parties require that there is fair access to commercial advertising in media.
- 4.5.12.6 SG3 needs to examine the question of statutory provision to equal access to all parties to the electronic media.
- 4.5.12.7 That a public service broadcasting service must play a non-partisan and educative role.
- 4.5.12.8 That a public service broadcasting service can play a role in educating people on tolerance and democracy, distance learning etc.
- 4.5.12.9 That media laws must be amended or repealed and that recommendations to other Working Groups to this effect must be made by the SG3.
- 4.5.13 DP: Three steps are necessary to progress:
- An independent communications authority needs to be instituted consisting of people working independently of government and political organisations.
- 4.5.13.1 There is a need to establish the mechanisms for appointing such a body.
- 4.5.13.2 Need to appoint a joint Chief Executive officer for the present.
- 4.5.13.3 BOP: That the popularity of BOP TV lies is the educational role it plays.
- 4.5.13.4 There is a need to ensure freedom of expression of the media is guaranteed.
- 4.5.13.5 SABC: The TBVC states need to be part of the deliberations of SG3.
- 4.5.14 Ciskei: TBVC states must be viewed independently.
- 4.5.14.1 Ciskei cannot agree to an independent authority.
- 4.5.14.2 There needs to be a code of conduct in relation to the print media.
- 4.5.15 Venda: Reincorporation into South Africa must be accepted as a reality and that an Independent Board must apply to the TBVC states.
- 4.5.16 Transkei: Independent control should not be subjected to the attitudes of the print media which in some cases privately controlled.
- 4.5.17: Inyandza: Codesa should establish a body to monitor the media.
- 4.5.18 SACP: There is a need to come to an agreement on precise legislation that needs to be repealed or amended.

4.5.19

A sub-committee should be set up to work in tandem with the sub-committee of the National Peace Accord dealing with communications to the public, in order to facilitate the work of SG3.

ADDENDUM A

The following people signed the registration form:

Party/Organisation/ Administration	Delegate	Adviser
ANC	Kader Asmal	P.M. Maduna
Bophuthatswana Govt.	K.C.A.V. Sehume	J Esterhuizen
Ciskei Govt.	M.B. Webb	MG Ndzondo
Democratic Party	P. Soal	D. Smuts
Dikwankwetla Party	T.J. Mohapi	
Intando Yesizwe Party	S.L. Mthimunya	D.P. Mahlangu
SA Government	N Barnard	PJ Colyn
IFP		
Inyandza Party	Ms Gininda	MJ Mahlalela
Labour Party	E Samuals	IJ Kruger
TIC/NIC	R.M. Shaik	M Moola
National Party	G.B. Myburgh	A.G. Oosthuizen
NPP	A.K. Beesham	D. Chetty
Solidarity Party	P.I. Devan	C.A. Naguran
SACP	E. Pahad	F. Baleni
Transkei Govt.	L.V. Ntsubane	M. Mphalwa
Venda Govt.	R.C. Nevhutalu	J. Nembambula
United People's Front		L Mpya
XPP	Z.M. Tlakula	N.M. Msetwene

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DRAFT MINUTES OF THE SECOND WORKING GROUP 3 STEERING COMMITTEE MEETING HELD ON 11 FEBRUARY 1992 AT THE WORLD TRADE CENTRE AT 14H00

PRESENT : WGSC3 Members (See Addendum A)
C Coleman (Secretary)
K Kweyama-Makgabo (Minute Taker)
P Kleynhans (Rapporteur)
T Madiba (Rapporteur)

1. Apologies

Apologies were sent by A Macaulay.

2. Brief to Rapporteurs

The WGSC3 agreed that rapporteurs could structure the report from the exploratory discussion on interim arrangements in the Working Group under the headings as they wish but should address and identify key issues, commonalities and differences and areas needing special attention. They should not summarise any individual party's position. The report should, in addition, not refer to from which party a particular proposal emerged.

3. Agenda for Next Working Group 3 Meeting

The agenda for the next Working Group 3 meeting of 17 February 1992 will be as follows :

- 3.1 Opening of the Meeting and Welcome
- 3.2 Apologies
- 3.3 Ratification of the Minutes of the Third Meeting of Working Group 3
- 3.4 Adoption of the Agenda
- 3.5 Tabling of Report of Rapporteurs
- 3.6 Tabling of Report of the WGSC3
- 3.7 Exploratory discussion of :
 - 3.7.1 Reasons/Need for Interim Arrangements
 - 3.7.2 Purposes and Objectives of Proposed Interim Arrangements

3.7.3 Function and Interim Arrangements in terms of :

- 3.7.3.1 Executive Bodies
- 3.7.3.2 Legislative Bodies

3.7.4 Structure and Implications of Interim Arrangements in respect of :

- 3.7.4.1 Executive Bodies
- 3.7.4.2 Legislative Bodies

3.7.5 Process of Bringing into Operation Interim Arrangements and Recommended Time Frames for Interim Arrangements

3.8 Confirmation of Dates for Next Meeting

3.9 Other Urgent Business

3.10 Closure

4. **Sub-Groups**

The WGSC3 agreed that attempts should be made in the first instance to move through the agenda of the Working Group in the plenary. Where the Working Group is unable to resolve differences, it is an option for the meeting to break into smaller sub-groups to deal with these matters and give rise to recommendations for the full Working Group plenary to consider. The WGSC3 will consider the option and functions of sub-groups at a later stage. It was agreed that P Maduna would address this item at the Working Group 3 meeting on 17 February 1992.

5. **Meeting with Codesa Secretariat**

K Andrew and L Landers will attend the meeting with Codesa Secretariat on Monday, 17 February 1992 from 08h00 to 10h00 at the World Trade Centre, Johannesburg.

6. **Chairperson**

K Andrew reported the recommendation of the Management Committee regarding chairpersons. It was agreed that there is a need to combine the need for continuity and rotation as the Management Committee had recommended. For the efficient working of the group, it is recommended that a chairperson continues for four meetings and then rotates alphabetically by name. D de Villiers would then be next in the chair after K Andrew, who would continue for the next two meetings. R H Mopeli would address this item in the Working Group.

7. **Rapporteurs**

Inkatha Freedom Party has recommended H Zile and A Gqokoma as rapporteurs. The WGSC3 feels that while the two rapporteurs are sufficient for the moment, the volume of work as time progresses would determine whether additional rapporteurs are needed. The WGSC3 recommended that the two nominees become part of a pool of rapporteurs that would be available should the need arise at a later stage. Delegates are welcome to add suggestions of individuals to form part of the pool of rapporteurs. T Mbeki is to address this item in the meeting.

8. **Minutes of Previous and Future Meetings**

Minutes of future meetings of WGSC3 will be ratified half an hour before the next Working Group meeting by the WGSC3.

9. **Next Meeting Date**

The next meeting of WGSC3 will be held on Monday, 17 February 1992, firstly at 09h30 to 10h00 to ratify minutes and then 17h00 to 18h30 or as soon as the meeting of Working Group 3 is over.

ADDENDUM A

List of Working Group 3 Steering Committee Members Present at the Second Meeting of WGSC3 on 11 February 1992 :

Delegate	Organisation
T Mbeki	African National Congress
K Andrew	Democratic Party
R H Mopeli	Dikwankwetla Party
P M H Maduma	Inyandza National Movement
L Landers	Labour Party
D de Villiers	National Party
L L Mtshizana	Transkei Government

**SUMMARY OF RECOMMENDATIONS AND DECISIONS ARISING FROM THE
MEETING OF WORKING GROUP 3 STEERING COMMITTEE HELD ON
11 FEBRUARY 1992 (TO BE TABLED FOR DISCUSSION AS PART OF
AGENDA ITEM 6 OF WORKING GROUP 3 MEETING ON 17 FEBRUARY 1992)**

1. Brief to Rapporteurs

- 1.1 It was decided that rapporteurs could structure the report from the exploratory discussion on interim arrangements in the Working Group under the headings as they wish but should address and identify key issues, commonalities and differences and areas needing special attention.
- 1.2 Rapporteurs should not summarise any individual party's position.
- 1.3 The report should not refer to from which party a particular proposal emerged.

2. Agenda for Next Working Group 3 Meeting on 17 February 1992

The proposed agenda is as follows :

- 2.1 Opening of the Meeting and Welcome
- 2.2 Apologies
- 2.3 Ratification of the Minutes of the Third Meeting of Working Group 3
- 2.4 Adoption of the Agenda
- 2.5 Tabling of Report of Rapporteurs
- 2.6 Tabling of Report of the WGSC3
- 2.7 Exploratory discussion of :
 - 2.7.1 Reasons/Need for Interim Arrangements
 - 2.7.2 Purposes and Objectives of Proposed Interim Arrangements
 - 2.7.3 Function and Interim Arrangements in terms of :
 - 2.7.3.1 Executive Bodies
 - 2.7.3.2 Legislative Bodies
 - 2.7.4 Structure and Implications of Interim Arrangements in respect of :
 - 2.7.4.1 Executive Bodies
 - 2.7.4.2 Legislative Bodies
 - 2.7.5 Process of Bringing into Operation Interim Arrangements and Recommended Time Frames for Interim Arrangements
- 2.8 Confirmation of Dates for Next Meeting

2.9 Other Urgent Business

2.10 Closure

3. **Sub-Groups**

3.1 The WGSC3 propose that attempts should be made in the first instance to move through discussion of the agenda of the Working Group in the plenary. Where the Working Group is unable to resolve differences, it is an option for the meeting to break into smaller sub-groups to deal with these matters and give rise to recommendations for the full Working Group plenary to consider.

3.2 The option and functions of sub-groups at a later stage.

4. **Meeting with Codesa Secretariat**

It was decided that K Andrew and L Landers will attend the meeting with Codesa Secretariat on Monday, 17 February 1992 from 08h00 to 10h00 at the World Trade Centre, Johannesburg.

5. **Chairperson**

5.1 It was recommended that Working Group 3 bear in mind that there is a need to combine the need for continuity and rotation as the Management Committee had recommended.

5.2 For the efficient working of the group, it is recommended that a chairperson continues for four meetings and then rotates alphabetically by name. D de Villiers would then be next in the chair after K Andrew, who would continue for the next two meetings. R H Mopeli would address this item in the Working Group.

6. **Rapporteurs**

Inkatha Freedom Party has recommended H Zile and A Gqokoma as rapporteurs. The WGSC3 feels that while the two rapporteurs are sufficient for the moment, the volume of work as time progresses would determine whether additional rapporteurs are needed. The WGSC3 recommended that the two nominees become part of a pool of rapporteurs that would be available should the need arise at a later stage. Delegates are welcome to add suggestions of individuals to form part of the pool of rapporteurs.



WRKGROUP\IMPLTIME\SCMINFEB10.WI (TE)

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DRAFT MINUTES OF THE WORKING GROUP STEERING COMMITTEE 5 HELD SAT THE WORLD TRADE CENTRE ON THURSDAY 10 FEBRUARY 1992 AT 14H30

PRESENT:

G Bartlett
R Burrows
KH Lategan (for D Curry)
Y Moola
LPHM Mtshali
D Mvelase
R Ramontja
Z Skweyiya

National Party
Democratic Party
Labour Party
Solidarity Party
Inkatha Freedom party
SA Communist Party
United People's Front
African National Congress

T Eloff (secretary and minutes)

1. **Welcome and opening remarks**

The chairperson, Ms D Mvelase, welcomed the delegates.

2. **Adoption of the agenda**

The relationship between WG5, WGSC5 and the DMC was included in the agenda as item 5.1. The issue of sub-groups and the Terms of Reference of WG5 was added as item 5.2.

Under a point of order the issue of substitutes for members of the WGSC was raised. It was agreed that this matter should be referred back to WG5 for a clear ruling, and that the chairperson would also raise the issue with the DMC. On the basis that the presence of Mr Lategan did not constitute a precedent, it was agreed that he could attend the meeting.

3. **Ratification of the minutes of the meeting of 29 January and matters arising**

The minutes were ratified with the amendment that the word "delegates" in item 10.1

is replaced by "delegations".

No matters were raised from the minutes.

4. **Matters arising from the minutes of the WG5 of 6 February**

It was agreed that the draft minutes of the WG5 meeting can be faxed to members.

5. **Matters raised by the DMC**

5.1 It was agreed to recommend to the DMC that, with regard to item 3.7 of the "Extracts of the minutes of the DMC meeting of 6 February 1992 concerning the relationship between WG5 and the DMC" (addendum A), the Secretariat should also keep the WGSC informed after having met with two members of each of the WG's.

5.2 It was agreed that the present chairperson of WGSC5, D Mvelase, and the next chairperson, LPHM Mtshali, will attend the meeting between the Secretariat and two members of each WG on Monday 17 February at 08H00.

6. **New business**

6.1 **The relationship between WG5, WGSC5 and the DMC**

6.1.1 Extracts from the minutes of the meeting between the DMC and WGSC5 (addendum A) were discussed. It was agreed that these will be made available to members of WG5 with the minutes of this meeting. It was also agreed to recommend to the DMC, through the Secretariat that item 3.3 of this extract should read "**administrative** process/ procedure and **political** process and content".

6.1.2 It was agreed to recommend to WG5 that item 1.1.4 (b) and (e) of the Terms of Reference should be managed by the DMC and the Secretariat respectively. This was done on the understanding that the two items ultimately stay the responsibility of WG5.

6.1.3 With regard to the proposed meeting between the Secretariat and WGSC5, it was agreed to address this after the above mentioned meeting of 17 February between the Secretariat and two members of each WGSC.

6.1.4 It was agreed that in the meeting of 17 February with the Secretariat, the two delegates of WGSC5 should raise the item covered under 6.1.1 of the minutes of WGSC5 of 29 January 1992, i.e. receiving documentation from other WG's.

- 6.1.5 It was noted that in the MC meeting of 10 February the word "political" in item 3.12 of the "Extracts" (addendum A) was substituted with "executive".

6.2 Terms of reference and sub-groups

- 6.2.1 It was agreed to recommend to WG5 that two sub-groups should be formed, each having one delegate and one adviser for each of the participating organisations. Substitutes should be allowed in these sub-groups.
- 6.2.2 It was agreed to recommend the following division and terms of reference to WG5:

Sub-group 1: Monitoring, implementation and time frames

Terms of Reference:

- * To investigate and report upon all proposals with regard to appropriate time frames and target completion dates for all of the processes and assignments being undertaken by CODESA, its WG's and other bodies created as a result of agreements/decisions of CODESA (WG5 Terms of Reference item 1.1.1).
- * To identify the key issues and problems that need to be addressed (item 1.1.2).
- * To identify areas of commonality and aspects where agreement already exists between participating delegations (item 1.1.3).
- * Specifically, but without vitiating the generality of the above, consider whether and how to address:
 - the practicability of setting of target completion dates for all agreements/activities/decisions [item 1.1.4 (c)];
 - the monitoring of the process and the adjustment of targets whenever necessary [item 1.1.4 (d)];
 - the practical effect of implementation of agreements [item 1.1.4 (i)].

Sub-group 2: Legislation

Terms of Reference:

- * To identify the key issues and problems that need to be addressed (item 1.1.2).

- * To identify areas of commonality and aspects where agreement already exists between participating delegations (item 1.1.3).
- * Specifically, but without vitiating the generality of 1.1.1 to 1.1.3 of WG5's Terms of Reference, consider whether and how to address:
 - the identification of legislation that needs to be enacted or amended [item 1.1.4 (f)];
 - assisting in formulating the terms of the legislation or amendments [item 1.1.4 (g)]; and
 - the legality of the process in relation to time frames to be negotiated within the context of constitutional continuity [item 1.1.4 (j)].

6.2.3 It was agreed to recommend to WG5 that the WGSC5 will act as a sub-group addressing, amongst other things, items 1.1.2, 1.1.3 and 1.1.4 (a) and (k) of the Terms of Reference of WG5.

6.2.4 It was agreed to recommend to WG5 that, although items 1.1.4 (b) and (e) were delegated to the DMC and Secretariat respectively, those items ultimately stay the responsibility of WG5.

6.2.5 It was agreed to recommend that all submissions for the attention of these sub-groups should be made directly to the Working Group, and that submissions from outside should be made to the Working Group through its Steering Committee.

6.3 Reports from other WG's

It was agreed that this would be addressed after the meeting of 17 February between the Secretariat and members of each WGSC.

6.4 New submissions

6.4.1 The submission of Ciskei was noted.

6.4.2 It was agreed that, in terms of the Guidelines for WG's distributed by the DMC on 20 January, parties' submissions and copies thereof were their own responsibility.

7. Dates of future WGSC meetings

It was agreed that the next WGSC5 meeting should take place directly after the meeting of WG5 on Monday 17 January.

8. Agendas for future meetings of WG5 and WGSC5

8.1 It was agreed that the agenda for the meeting of WGSC of 17 February should be as follows:

- 8.1.1 Chairperson's opening remarks
- 8.1.2 Adoption of agenda
- 8.1.3 Ratification of the minutes of the previous meeting and matters arising
- 8.1.4 Matters arising from the meeting of WG5 and other WG's
- 8.1.5 Matters raised by the Secretariat
- 8.1.6 Report on/from sub-groups
- 8.1.7 New business
- 8.1.8 Date of next meeting

8.2 It was agreed that the agenda for the meeting of WG5 of 17 February should be as follows:

- 8.2.1 Chairperson's opening remarks
- 8.2.2 Adoption of agenda
- 8.2.3 Ratification of the minutes of the previous meeting
- 8.2.4 Matters arising from the minutes of:
 - * Working Group 5
 - * WGSC5
- 8.2.5 The relationship between WG5, WGSC5 and the DMC
- 8.2.6 The Terms of Reference of WG5, sub-groups, time frames and mechanisms
- 8.2.7 New submissions
- 8.2.8 Date and time of next meeting(s)

9. Other business

It was agreed that in future, addendum numbers should be supplied on the agenda and all addenda.

10. The meeting adjourned