

TO : MEMBERS OF WORKING GROUP 1,
 COORDINATORS OF WORKING GROUP 1

FROM : CODESA ADMINISTRATION

QUERIES : LOVEDALIA

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F A X M E S S A G E

TO : MEMBERS OF WORKING GROUP 1
FROM : CODESA ADMIN
DATE : 30 APRIL 1992
RE : DRAFT MINUTES - 28 APRIL 1992

Attached please find the following :

1. Draft minutes for the meeting on 28 April 1992.

Should you have any queries, please do not hesitate to contact us.

Regards.

THESE ARE DRAFT MINUTES AS APPROVED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL AND RESTRICTED TO 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.

DRAFT MINUTES OF WORKING GROUP 1 HELD AT THE WORLD TRADE CENTRE ON 28 APRIL AT 10H30.

PRESENT: (See ADDENDUM A)

Chair: Mr Webb

Secretary: A Feinstein

Minutes: K Morgan

1. **Convenor's Opening**

Mr Webb reported that he had been requested by the WGSC1 to chair the WG1 plenary session of the day.

Mr Webb commended the delegations for the team spirit that they had inculcated in the Working Group and its SubGroups and said that he hoped that the proceedings of the day would be conducted in that same spirit.

2 **Attendance and apologies**

The following apologies were registered:

2.1	F Baleni	SACP
2.2	MM Maekane	Dikwankwetla
2.3	SP Kakudi	Transkei Governemnt
2.4	GM Ndzondo	Ciskei Governemnt
2.5	M Moola	TIC/NIC
2.5	K Sehumi	Bop Government

3. **Adoption of Agenda**

3.1 Mr Webb apologised for the agenda not being circulated timeously since it had to be approved by the WGSC1 which had only met earlier that morning

3.2 The agenda was accepted without amendment

4. **Ratification of Minutes**

The minutes were ratified without any amendment

5. **Matters arising from Minutes**

Mr Webb advised delegates that since the last meeting of the WG1 plenary had taken place two months ago, and since much has passed during that period, it would be inadvisable to take matters arising in seriatim. Mr Webb then called on delegates to raise any particular matters arising, which were not covered by the SG reports.

There were none.

6. **Report from WGSC1**

6.1 Mr Webb reported:

- 6.1.1 That the WGSC1 has had 8 meetings
- 6.1.2 That SG1 has had 8 meetings
- 6.1.3 That SG2 has had 9 meetings
- 6.1.4 That SG3 has had 7 meetings
- 6.1.5 That 200 hours were spent on meetings

6.2 That WG1 had received 101 internal submissions and 98 external submissions

6.3 That the attendance and dedication of delegates had been of the highest order

6.4 That today's meeting is the third plenary session of WG1 and that it was at this meeting that delegates needed to begin to reach decisions preparatory to CODESA II

6.5 That the WGSC1 had dealt with a number of items and at times had engaged in self analysis in an attempt to discharge their responsibilities in a satisfactory manner

There was no discussion on this item.

7. **Relationship between the WGSC1 and the Daily Management Committee**

It was reported :

7.1.1 That a cordial and amicable relationship exists between the WGSC1 and the DMC

7.1.2 That while there were breakdowns in communication with the DMC at times, the WGSC1 had been able to negotiate with the DMC without major difficulties

7.2 Dr Madide raised the following objections with regard to the DMC:

- 7.2.1 That the DMC has at times, unilaterally assumed duties, which rightfully fell within the ambit of the work of WG1
 - 7.2.2 That the GAC was a case in point, that this was a matter which ought to have been attended to by WG1, but instead had been usurped by the DMC
 - 7.2.3 That the media subcommittee set up for CODESA II was an infringement on the rights of WG1 which dealt with matters related to the media
 - 7.2.4 That the DMC should have been open to recommendations from WG1 on the issue of the admission of the Zulu King and other Traditional leaders to CODESA
- 7.3 Mr Pahad explained that the Media subcommittee for CODESA II has nothing to do with the work of WG1 and that all delegations had been invited to nominate members to sit on the committee
- 7.4 It was agreed that Mr Devan's proposal, that in the interest of progress, Dr Madide's objections should be referred to the DMC, be accepted.

8. **Report from SG1**

Mr Webb called on Mr Samuels, the current chairperson of SG1 and the rapporteur, Mr Bester to present the report.

- 8.1 Mr Samuels gave an overview of the themes of the Terms of Reference of WG1 that SG1 had been entrusted with:

8.1.1 "Completing the reconciliation process"

- 8.1.1.1 The finalisation of matters related to the release of political prisoners and political trials (a)
- 8.1.1.2 The return of exiles and their families (b)
- 8.1.1.3 The amendment/and or repeal of any remaining laws militating against free political activity, including the elimination of all discriminatory legislation (c)
- 8.1.1.4 Any other matters which the WG may consider relevant to its brief (q)
- 8.1.1.5 Refugees (later included under this item)

8.2 **Rapporteur's Report on SG1: (see ADDENDUM B)**

8.3. The following interventions were made regarding Mr Bester's report (see ADDENDUM C)

8.4 It was agreed:

- 8.4.1 That a final report of the bilateral talks between the government and the ANC would be tabled to the WG as soon as it was completed
- 8.4.2 That there was sufficient consensus for the establishment of a joint task force comprising the South African Government and other involved Parties to address the problem of the Mozambican refugees
- 8.4.3 That contentious issues regarding the issue of the refugees be dealt with by the task force
- 8.4.5 That the task force look into the question of displaced persons (internal refugees) and that the task force has the right to co-opt delegates whenever necessary
- 8.4.4 That while it would be reflected in SG1's report as well as in the minutes, that there was substantial support for the "appeal" made to government on the issue of refugees, it would not be included in the final report to CODESA II (because of amendments proposed to the report on this issue.)
- 8.4.5 That the issue of free political activity needs extensive debate and that the WGSC1 should provide recommendations on how to deal with this issue
- 8.4.6 That after delegations have consulted with their principles the issue of security and emergency legislation should be reexamined at the next WG1 plenary to be held on 4 May
- 8.4.7 That mechanisms to deal with discriminatory legislation be discussed at the WG1 plenary on 4 May
- 8.4.8 That the WGSC1 make recommendations on how this issue should be dealt with in the WG session
- 8.4.9 That Venda would participate in the proposed task force
- 8.4.10 That the task force would be accountable to WG1
- 8.4.10 That CODESA should be informed of the establishment of the task group
- 8.4.11 That all delegations were free to make submissions to the task force
- 8.4.12 That Deputy Minister Schutte will be convenor of meeting

9. **Report from SG 2**

Mr Webb called on Mr Ntsubane and the rapporteur, Mr Shaik, to present SG2's report

- 9.1 Mr Ntsubane reported that SG2 had been unable to act with haste and that many problems were encountered which had delayed the progress of SG2 and that the major issues which SG2 was required to report on to CODESA II remained unresolved.

9.2 **Rapporteur's report on SG2 (see ADDENDUM D)**

- 9.3 **The following comments/queries were made with regard to Mr Shaik's report: (see ADDENDUM E)**

9.4 **It was resolved:**

- 9.4.1 That Mr Shaik would amend the item on "monitoring commissions" to read: "The issue of monitoring commissions will be further discussed and that no agreement has been reached on this issue".
- 9.4.2 That Minister Kriel would submit the current available definitions of traditional weapons and dangerous weapons to the WG1 administrators and that it would be attached to the minutes
- 9.4.3 That in the light of the IFP's objection to Item 4.8.1 of the report the rapporteur would amend his report to read: That self protection units/neighbourhood watch groups should work in close co-operation with the police authorities as provided in clause 3.7.5 of the NPA
- 9.4.4 That the IFP's minority proposal be registered in the minutes (see ADDENDUM F)
- 9.4.5 That the outstanding issues: The monitoring commission, Budget and Infrastructure and role and composition of security forces be addressed by the WG1 at its next sitting on 4 May with a view to reaching possible consensus
- 9.4.6 That discussion on these issues was essential towards preparing a report for CODESA II.

10. **Report of SG3**

The SG3 report was presented by the rapporteur, Mr Myburgh (see ADDENDUM G)

10.1 The following comments/queries were put forward by delegations (See ADDENDUM H)

10.2 It was resolved:

10.2.1 That the issue of the SABC would be discussed again by the WGSC1

10.2.2 That Mr Myburgh amend his report to include the consensus position : that the telecommunication powers of the Post Master General would be transferred to the Independent Body

10.2.3 That Mr Myburgh reflect in his report that extensive discussion was held on Item F (Political neutrality of and fair access to State controlled/statutorily instituted media (particularly the SABC and SATV) including those of the TBVC states.

10.2.4 That the outstanding issues: Items K (The fair access to public facilities and meeting venues) and P (The advisability of fair and reasonable access for political Parties to all potential voters, wherever they may reside) be would be discussed in the WG1 plenary to be held on May 4

11.1 The Role of the International Community

Mr Webb reported that despite the fact that this issue was not fully canvassed in the WG, the WG would have to consider this Item since it has to make a report to CODESA II on this issue

Resolved:

11.1.1 That Prof Asmal prepare a neutral paper on the role of the International community, with a view to guiding discussion on this issue at the WG1 plenary on May 4

11.1.2 That Prof Asmal in drafting his report, take cognisance of submissions made by other delegations on the issue

11.1.3 That Prof Asmal examine the work done by other Working Groups on this assignment

11.1.4 That this item be placed on the agenda of the WG1 plenary on May 4

11.2 Mr Webb registered his objection to the fact that the DMC had not consulted WG1 on who should be sent to monitor the British elections and that the DMC did not consider sending any delegate from WG1 along with the rest of the delegation

- 11.3 The Venda delegation informed the meeting that in view of current political changes it wished to make amendments to its submission on the International community which it would submit to Prof Asmal for the purpose of assisting him in preparing his paper

12. **Role of WGSC1 in shaping report to CODESA II**

- 12.1 The Solidarity Party inquired of the WGSC1 what it intended to do with the external submissions it had received.
- 12.2 Mr Webb reported that some of the submissions have been considered by the SG's and that the WGSC1 reserves the right to call for oral evidence on specific matters that need further evidence.
- 12.3 Prof Asmal felt that the reports presented ought to reflect and capture some of the points Parties had made via their submissions

12.4 It was resolved:

That the WGSC1 would direct the work of the WG1 plenary on May 4 with a view to reaching decisions preparatory to CODESA 11

- 12.5 That the following items will be placed on the agenda for the WG1 plenary on 4 May with a view to facilitating the drafting of a more substantive report to CODESA 11

12.5.1.1 Items outstanding, not finalised in SG1:

12.5.1.2 Retrospectivity of the State of Emergency

12.5.1.3 Security legislation

12.6.1.1 Submissions on which no consensus has been reached in SG2:

12.6.1.2 Monitoring commissions

12.6.1.3 Budget and Infrastructure

12.7.1.1 Items not finalised by SG3:

12.7.1.2 The fair access to public facilities and meeting venues

12.7.1.3 The advisability of fair and reasonable access for political parties to all potential voters

12.8.1 The role of the International community

12.9.1 Report of DMC meeting with WGSC1 representatives (SEE ADDENDUM J)

12.10 The following Items, among others, will be considered by the WGSC1 meeting on May 1:

12.11 The restructuring of the SABC

12.12 Free political activity

12.13 Mechanisms for dealing with discriminatory legislation

13. **WG Assessment**

Mr Webb reported that the WG1 had had 17 items to consider and that it would probably report on 8-10 of them to CODESA II

14. **Date of Next Meeting**

Unless otherwise advised, the WG1 would meet on Monday, 4 May at 8.30am
It was agreed that delegations should expect faxes from the WGSC1 over the weekend with regard to a final agenda .

ADDENDUM A

The following people signed the registration forms:

Party/Organisation/ Administration

ANC	K. Asmal	
ANC	P.M. Maduna	
Bophuthatswana Govt.		
Bophuthatswana Govt.		
Ciskei Govt.	M.B. Webb	MM Maki
Ciskei Govt.	L.W. Maqoma	
Democratic Party	RJ Lorimer	H Bester
Democratic Party	P. Soal	D. Smuts
Dikwankwetla Party	J.S.S. Phatang	
Dikwankwetla Party	T.J. Mohapi	M.H Cunukelo
Intando Yesizwe Party	CN Mahlangu	
Intando Yesizwe Party	D.P. Mahlangu	
SA Government	H.J. Kriel	D.C.D. Swanepoel
SA Government	H.J. Coetzee	L.D. Barnard
	AJ Engelbrecht	
IFP	E. Bernard	A. M. Mncwango
IFP	D. Madide	Mrs Mars
Inyandza Party	M.G.Gama	MS Gininda
Inyandza Party	MJ Mahlalela	H.A Motaung
Labour Party	C.April	E Samuels
Labour Party	IJ Kruger	D Curry
TIC/NIC	B. Nair	E.I. Ebrahim
TIC/NIC	R.M. Shaik	D Patel
National Party	G.B. Myburgh	L.H. Fick
National Party	B.L. Geldenhuys	A.G. Oosthuizen
NPP	A.K. Beesham	D. Chetty
NPP	R.B. Garrib	S.M. Govender
Solidarity Party	P.I. Devan	C.F. Thandroyan
Solidarity Party	P. Naidoo	C.A. Naguran
SACP	R. Kasrils	
SACP	E. Pahad	M.I. Scott
Transkei Govt.	L.V.Ntsubane	
Transkei Govt.	M.A. Ntshinga	M. Mphalwa
Venda Govt.	R.C Nevhutalu	N.E Malaudzi
Venda Govt.	P.J. Nembambula	Rev Ramulondi
United People's Front	M.I Moroamoche	S. Maja
United People's Front	MP Tladi	L.L.Mpya
XPP	Chief SDW Nxumalo	E. Mathe
XPP	Z.M. Tlahule	N.M.Mtsetwene

Rapporteur's Draft Report: SG1**ADDENDUM B****8.2 The release of Political Prisoners:**

Mr Bester reported:

- 8.2.1.1 That there was initial discussion on the issue of political prisoners in which the South African government had tabled a report on progress made since the Groote Schuur and Pretoria minutes in that regard
- 8.2.1.2 That thereafter various submissions were made by other parties regarding various issues including the issues of amnesty and indemnity
- 8.2.1.3 That the governments report had also mentioned that bilateral mechanisms between the government and ANC were in place at the time and that meetings were taking place on an ongoing basis and that on the basis of that, the SG decided that they would leave the two parties involved to continue their discussions within the mechanisms set up for the moment.
- 8.2.1.4 That at various times during the deliberations of the SG, the parties reported that discussions were taking place on a satisfactory basis and that they were discussing the issue of political prisoners within the broader context of various other issues.
- 8.2.1.5 That the SG decided to allow the two Parties concerned to continue their deliberations
- 8.2.1.6 That it was agreed that the ANC and the government would present a report in due course to WG1.
- 8.2.1.7 That it was further agreed that with the exception of any reports which may be made by the two parties on their bilateral talks to the SG, the SG would have no other discussion on the subject of political prisoners unless there was a submission that there are currently existing political prisoners in detention in which the two parties involved in bilateral talks are not involved with
- 8.2.1.8 That the issue of political prisoners could be taken no further in SG2 since the progress on this issue was dependent on the bilateral talks between the government and ANC.

8.2.2.1 Return of exiles

Mr Bester reported:

- 8.2.2.2 That this matter was not discussed in the SG except for referring it to the bilateral discussions between the South African government and the ANC.
- 8.2.2.3 That the SG was informed that progress was being made in the bilateral talks on the repatriation issue dealt with, within the ambit of the the task force.

8.2.3.1 **Amendment and /or repeal of any remaining laws militating against free political activity,including the elimination of all discriminatory legislation.**

Mr Bester reported that:

8.2.3.2. That the SG had received many submissions on this issue and that there had been much discussion on the matter in the SG

8.3.3.3 That the SG agreed that the approach to paragraph (c) of the Terms of Reference should be the following:

8.3.3.4 Firstly, there needs to be acceptance of the principle of free political activity.

8.3.3.5 Secondly, there needs to be agreement on the definition of/ general principles underpinning/ guidelines for free political activity.

8.3.3.6 Thirdly, attention must be given to specific pieces of legislation.

8.3.3.7 That there was general consensus on the following:

8.3.3.7.1 a climate for free political participation is an essential element of the transitional phase towards and in a democratic South Africa and

8.3.3.7.2 the process of democracy requires that all participants in the political process should be free to participate peacefully in that process without fear and on an equal footing and on the basis of equality with other participants.

8.3.3.7.3 That it was however expressed by parties that the general principle to free political activity is relative to the circumstance in which one finds oneself and that it should always be seen against the background of what be a comprehensive definition of such political activity which includes the rights and obligations of individuals within the ambit of the law

8.2.4.1 **Definition for free political activity**

Mr Bester reported:

8.2.4.2 That there was general agreement on the necessity to formulate a definition of or the principles underpinning free political activity

8.2.4.3 That various oral and written submissions on the content of such definition/principles have been made and a motion tabled.

- 8.2.4.4 That no consensus was reached on a definition of/general principles underpinning free political activity.
- 8.2.4.5 That various oral and written submissions were received about legislative measures which may offend against free political activity.
- 8.2.4.6 That a task force was appointed to inquire into the reform of Emergency and Security legislation. The task force met several times and made appropriate recommendations for consideration by the SG.

8.2.5.1 Emergency Legislation

- 8.2.5.2 There was sufficient consensus on the following:
- 8.2.5.3 A State of Emergency should only be declared on the advice of a multi-party interim executive /cabinet/interim government council. This would only take effect once such a body has been instituted;
- 8.2.5.4 The proclamation of a State of Emergency or an unrest area and any regulations issued in terms thereof should be objectively justiciable in a court of law on, inter alia the following grounds:
- 8.2.5.4 whether the factual situation existing at the time justify the declaration of the state of emergency or unrest area in terms of criteria laid down in the Public Safety Act, 1953;
- 8.2.5.5 whether the exigencies of the situation justify the powers conferred by regulations made in terms of the proclamation of the state of emergency or unrest area.
- 8.2.5.6 Mr Bester reported that there was extensive discussion expressing the desirability of retaining the power conferred in the Public Safety Act, 1953 to declare a state of emergency retrospectively. Parties will refer this to their principals with a view to reaching consensus. Mr Bester reminded delegations that Section 1 of the Public Safety Act, provides for a declaration of a State of Emergency by the State President and that such a State of Emergency can be declared retrospectively by a period of 4 days. He further reported that this issue was extensively discussed and that was both agreement and opposition to this issue in the SG.
- 8.2.5.7 Delegations therefore agreed that the matter of the retrospectivity of the emergency would be discussed by their principals and that they would report

back to the next WG1 plenary on 4/5/92.

- 8.2.5.8 Mr Bester further reported that the SG felt that the retention of the Public Safety Act was necessary with the proviso that certain amendments be made.
- 8.2.5.9 There was sufficient consensus on the desirability of including in the Public Safety Act:
 - 8.2.5.9.1 Extended provisions for Parliamentary control of a state of emergency;

- 8.2.5.9.2 A provision for certain non - derogable rights;
- 8.2.5.9.3 Provisions for certain procedural controls over detention without trial.

8.2.6.1 Security Legislation

The SG discussed a report by the task force on the reform of security legislation and agreed to refer the said report to principals with a view to facilitating consensus at a meeting of Working Group 1.

8.2.7.1 Procedure

Regarding the procedure to be followed in the repeal and/or amendment of legislative measures militating against free political activity, it was agreed that the following three options (not necessarily exhaustive or mutually exclusive) should be examined:

- 8.2.7.2 separate pieces of legislation amending/repealing individual statutes or the use of a General Law Amendment Act;
- 8.2.7.3 the enactment of an Interim Bill of Rights against which offending legislation can be tested;
- 8.2.7.4 amendment/repeal of offending legislation combined with the enactment of a statute dealing with freedom of political activity against which any outstanding offending measures can be tested.

There was no agreement on which of the options was the more appropriate

8.2.8.1 **REFUGEES**

8.2.8.2 There was substantial support , within the SG for the following:

- 8.2.8.2.1 That an appeal be made to the South African government to consider:
 - 8.2.8.2.2 Whether the UNHCR could play a constructive role in the resolution of the Mozambican refugee problem;
 - 8.2.8.2.3 Making suitable appeals for international assistance to deal with the refugee problem;
 - 8.2.8.2.4 Whether the registration of refugees would assist to ameliorate the problem in the interim period;
 - 8.2.8.2.5 Investigating allegations regarding the abuse of refugees and arms smuggling by refugees
- 8.2.8.3 That an appeal be made to concerned Parties and governments to

- 8.2.8.2.3 Making suitable appeals for international assistance to deal with the refugee problem;
- 8.2.8.2.4 Whether the registration of refugees would assist to ameliorate the problem in the interim period;
- 8.2.8.2.5 Investigating allegations regarding the abuse of refugees and arms smuggling by refugees
- 8.2.8.3 That an appeal be made to concerned Parties and governments to make direct submissions to the South African government regarding problems experienced by them in respect of refugees and that they suggest possible solutions
- 8.2.8.4 There was sufficient consensus within the SG that a joint task force of the South African government and other involved Parties and governments be formed to address the problem of Mozambican refugees.

- 8.3. The following interventions were made regarding Mr Bester's report: Addendum C
- 8.3.1 Rev Mohapi requested that a written report of the bilateral talks be made available to WG1
- 8.3.2 Prof Asmal responded that verbal reports made on the issue refer to the fact that negotiations and discussions are continuing and that there was no substantive report on the content of the negotiations, as this is the nature of the negotiation process, and that furthermore, written reports are progress reports which form part of the minutes are to be found in the minutes
- 8.3.3 Dr Madide argued that the final report has to be tabled and accepted by WG1
- 8.3.4 Mr Webb assured Dr Madide that the final report, when it was ready, would be tabled to the WG.
- 8.3.5 Minister Schutter: reported that he was not in agreement with the summary given and that the only agreement that had been reached the night before, was that a task force be formed consisting of the SA government and 3 other parties to investigate the matter of refugees and ways of dealing with it. That on the one hand to make an appeal to the government to do certain things and on the other hand to agree that there be a task force to investigate it, is putting the cart before the horse.
- 8.3.6 Mr Samuels: Disagreed with the Minister saying he believed that an appeal had been made to the government and that while the Government and NP did not form part of this appeal there was substantial support for that appeal
- 8.3.7 Mr Webb: Responded by saying that an appeal had been made which while the Minister may not have agreed with, did agree to convene the task force
- 8.3.8 Prof Asmal: Agreed that the report given by the Convenor was in fact the approach adopted the night before and that the appeal could constitute part of the discussions to be held in the task force
- 8.3.9 The Minister: Thought that the significance of the statement was the issue and that it is a question of whether all appeals that carry support should become part of the record because it carries a certain flavour for example if the statement is published, the government might find itself saying that they don't think the high commissioner has a constructive role to play and that in the process could therefore lose valuable ground already covered on the international front. The issue is thus sensitive.
The minister further inquired if the delegations have really considered the significance of making appeals for international assistance to deal with the refugee problem since it may not be feasible for a government who has a programmes for refugees to consider such an appeal. The minister conceded that the appeal had some value but urged that it should become part of a report since it could have a negative influence on attempts to reach conclusions on the issue.
- 8.3.9 Venda Govt: It was their understanding that the meeting was attempting to ascertain whether Mr Bester's report was accurate not whether it was desirable for certain aspects of the report to be included or excluded. That the matter being debated should thus be accepted as part of the report.
- 8.3.10 UPF: Supported the Venda intervention
- 8.3.11 Mr Webb: Felt that it was evident that sufficient consensus had been reached on a joint task force being formed and that the contentious issues would be placed on the agenda of the task force.

- 8.3.12 Mr Pahad: Urged the meeting to understand that procedurally, where substantial agreement has been reached in deliberations that agreement should be recorded as is. That if items carrying substantive consensus are worthy of further debate then so be it.
- 8.4.13 Minister Kriel: Pointed out that the meeting should not lose sight of the fact that the SG's are reporting to the WG and that the WG has the right to ratify the decisions of the SG's.
- 8.4.14 Mr Gininda: That the deputy Minister had made reference to economic implications of the refugee problem. The govt. should consider that aid coming from the international world should relieve the government of its burden. That it should be emphasised that an appeal had been made to the Govt. to allow the High Commissioner for refugees to be involved in the Mozambican refugee problem.
- 8.4.15 Mr Bester: The discussion on the refugee issue last night was constructive and that it would be unfortunate if that constructive spirit is dented in any way at this meeting.
It is correct to state that in terms of the report agreed to by this WG1 to CODESA the involvement off the UNHC for example, is not something on which consensus had been reached. It is neither an item which the SG will revisit unless otherwise decided today. From that point of view it should be excluded from the report and be
- 8.4.16 Prof Asmal: questioned how it was possible that a consensus reached in a SG was being redebated in the WG. There was no ruling that a WG could rewrite or remove a decision arrived at by a SG
- 8.4.17 Minister Coetsee: The SG's are accountable to the WG and the WG has the right to influence and direct the SG's when there are incongruities
- 8.4.18 Prof Asmal: It is an anarchic proposition that where consensus has been received the full authority of principals that the WG will then revise that consensus
- 8.4.19 Venda Govt: agreed with Prof Asmal's statement
- 8.4.20 It would seem that the decision to revisit the issue is an attempt to delay the process and derail the negotiations process .
- 8.4.20.1 Minister Kriel: There was never intention to delay the process. have to be on firm ground when taking decisions. That the same principle of CODESA II reserving the right to reject the WG1 report applies to the SG's which should be subjected to the to the authority of WG1
- 8.4.20.2 Mr Bester: WG1 has not lost its authority because SG1 has reached consensus. The assumption is that delegates are accountable to WG1.
- 8.4.20.3 NIC: Agrees with ANC on how sufficient consensus is to be reached. Delegates are represented at SG's with the full authority of their principles and that the WG should merely endorse positions of consensus. When insufficient consensus exists WG1 should give direction. On the question of CODESA II unless there are serious differences on principles, CODESA II will generally accept positions reached by the 5 WG's.

DRAFT REPORT OF SUBGROUP 2 WORKING GROUP 1

1. TERMS OF REFERENCE

The terms of reference of SG2 are the following:

"CONTINUING THE SECURITY AND SOCIO-ECONOMIC PROCESS"

- (d) Political intimidation
- (e) The termination of the use of military and/or violent means or the threat thereof of promoting the objectives/views of a political party or organisation
- (g) The successful implementation of the National Peace Accord
- (h) The prevention of violence-related crime and matters giving rise thereto
- (i) The composition and role of the security forces in South Africa and the TBVC states
- (m) The need for an improvement in socio-economic conditions
- (n) The fostering of a spirit of tolerance amongst political parties
- (q) Any other matters which the Working Group may consider relevant to its brief

2. The SubGroup agreed to discuss the above terms of reference under the following themes :

- 2.1 Stability (d,g,h)
- 2.2 Security (e,i)
- 2.3 Development (m)
- 2.4 Co-Operation (n).

3. Stability.

3.1 Political Intimidation

There was consensus on the following:

3.1.1 That all political disputes between parties be resolved peacefully

3.1.2 The definition of Political Intimidation:

Any action or set of actions committed by any individual, organisation, political party, government represented at CODESA, as well as the self governing territories or any agency of such government or self governing territory, that is designed by the use or the threat of use of force or violence to disrupt or interfere with the legal rights of an individual, for instance:

- 3.1.2.1 Right to freedom of expression or opinion
- 3.1.2.2 Right of freedom of association
- 3.1.2.3 Right of freedom of movement

3.1.3 In particular, the following shall be considered forms of political intimidation, to :

- 3.1.3.1 kill, injure, apply violence to, intimidate or threaten any other person's political beliefs, words, writings or actions;
- 3.1.3.2 remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;
- 3.1.3.3 interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;
- 3.1.3.4 seek to compel, by force or threat of force, any person to join any party or organisation, attend any meeting, make any contribution, resign from any post or office, boycott any occasion or commercial activity or withhold his or her labour or fail to perform a lawful obligation; or
- 3.1.3.5 obstruct or interfere with any official representative of any other political party or organisation's message to contact or address any group of people;
- 3.1.3.6 to possess, carry or display dangerous weapons or firearms by members of the general public when attending any political gathering, procession or meeting.

3.2 Prevention of violence related crime:

3.2.1 Consensus was reached on:

- 3.2.1.1 The need for government security forces to bring those responsible for the smuggling of AK 47's and other illegal weapons into the country from the neighbouring states to book as a matter of urgency.
- 3.2.1.2 The need for political parties to adhere to the guidelines as set out in the National Peace Accord in so far as mass action is concerned.
- 3.2.1.3 The need for the improvement of socio-economic conditions to curb the high crime rate.

3.2.2 Consensus was not reached on the following:

- 3.2.2.1 The use of the death penalty as a deterrent to criminal activity.
- 3.2.2.2 A call by Codesa on the lifting of sanctions as a means of improving socio-economic conditions.

3.3 The National Peace Accord

After discussion with representatives of the National Peace Secretariat and the National Peace Committee the Sub-Group adopted the following guidelines for its discussion in relation to the successful implementation of the National Peace Accord:

3.3.1 Implementation of provisions:

- 3.3.1.1 RDRC/LDRC including task descriptions
- 3.3.1.2 Justices of Peace
- 3.3.1.3 P.R.O.
- 3.3.1.4 Inclusion of tribal/Local Authorities
- 3.3.1.5 Socio-economic aspects of the NPA

3.3.2 Policing

- 3.3.2.1 Police Board
- 3.3.2.2 Special investigation units:
 - 3.3.2.2.1 Violence/Intimidation
 - 3.3.2.2.2 For police itself
- 3.3.2.3 Community participation/relations
- 3.3.2.4 Neighbourhood watch groups
- 3.3.2.5 Dangerous weapons

3.3.3 Joint Monitoring Commission

- 3.3.3.1 Formations
- 3.3.3.2 Complaints officers

3.3.4 Security Forces

3.3.5 Budget and infrastructure problems

3.3.6 Goldstone Commission

3.3.7 Co-ordination between 3 levels of NPA

3.3.8 Legal enforceability

- 3.3.8.1 Special Courts
- 3.3.8.2 Draft Bill

3.3.9 Education programmes/publicity

3.3.10 Liaison

- 3.3.10.1 NPC and organisations
- 3.3.10.2 NPA and CODESA

3.3.11 General

- 3.3.11.1 Parties participating in Codesa who are not signatories to the NPA.
- 3.3.11.2 Dealing with accusations of transgressions of the NPA by signatories.
- 3.3.11.3 Self-protection units.
- 3.3.11.4 Adherence of political parties to the code of conduct as provided for in the NPA.

4. Consensus was reached on the following:

4.1 Regarding the implementation of the NPA it was agreed :

- 4.1.1 That a fulltime Chairperson/officer/employee/s be appointed by consensus by each

RDRC on the understanding that at least one such functionary will be appointed and that the said functionary will be remunerated for his/her services by the NPA;

- 4.1.2 That delegates to RDRC's and LDRC's who suffer financially as a result of their participation in NPA activities be reimbursed;
- 4.1.3 That organisations participating in the NPA activities be requested not to vary the appointment of delegates to RDRC's and LDRC's as this seriously inhibits the progress of the work of the NPA;
- 4.1.4 That permanent offices with appropriate staff and equipment be established in each area for which a RDRC has been formed;
- 4.1.5 That the NPS should seek to facilitate the participation of delegates on NPA structures, having special regard for the normal work commitments of delegates;
- 4.1.6 That the reference to "Business representatives" in clause 7.4.4.3 of the NPA be interpreted to include representatives from professional organisations;

4.2 Regarding Justices of the Peace it was agreed that:

- 4.2.1 In view of the current preparation of legislation to implement clause 7.5 of the NPA, we recommend that the legislation be put before parliament during its current session;
- 4.2.2 We urge all signatories to the NPA to ensure that the process of consultation required by clause 7.5.1 of the NPA to precede the appointment of Justices of the Peace, proceed expeditiously in anticipation of legislation being passed to provide for matters pertaining to the appointment, powers, etc of the Justices of the Peace;

4.3 Regarding Police Reporting Officers, as provided for in clause 3.2.4 of the NPA, it was agreed that:

- 4.3.1 All police reporting officers already nominated be appointed to their positions forthwith;
- 4.3.2 In the appointment of members of the special investigative unit appointed in terms of clause 3.2.4.1 of the NPA, sensitivity regarding the acceptability and credibility of members of the SAP be taken into account.

4.4 Regarding the inclusion of representatives of tribal authorities in the RDRC's provided for in clause 7.4.4.4, it was agreed that:

- 4.4.1 The NPA makes special efforts to include representatives of relevant local and tribal authorities into all RDRC and LDRC structures;
- 4.4.2 Special efforts be made to create an awareness of the NPA amongst tribal and local authorities.

4.5 Regarding measures to facilitate socio-economic reconstruction and development, it was agreed that:

- 4.5.1 It should be recommended to the NPA and the RDRC's that they appoint sub-committees on socio-economic reconstruction and development as a matter of urgency;
- 4.5.2 Members of such sub-committees appointed i.t.o. clause 5.7 of the NPA should not only consist of members of the relevant RDRC, but should primarily consist of

people with knowledge and expertise in the relevant fields.

4.6 Regarding the Police Board it was stated that:

- 4.6.1 The names of the proposed members of the Board have been finalised and that the Board will be appointed within the next week or two;
- 4.6.2 The Board will consist of 22 members, 11 of whom will be nominated by the NPC; 5 will be from the SAP and 6 from the police forces of the self-governing territories.
- 4.6.3 It was agreed that the Police Board, in addition to their other functions and duties:
 - 4.6.3.1 Advise on ways in which the procedures of the special units appointed in terms of 3.2.4.1 can be given greater public credibility.
 - 4.6.3.2 Advise on ways in which the credibility and support for the police in the community could be improved.
 - 4.6.3.3 That the reports by the special police investigative units appointed i.t.o. clause 3.2.2.6 which are made available to the NPC, be distributed to the relevant RDRC's and LDRC's as a matter of standard procedure.

4.7 Regarding relations between the community and the police:

- 4.7.1 It was agreed that in many areas improvement of the relationship between the community and the police can contribute towards the resolution of conflict and that all factors that create alienation between the police and communities be addressed urgently by means of inter alia:
- 4.7.2 Facilitating police/community liaison, including workshops between relevant parties;
 - 4.7.2.1 Ensuring strict adherence by all parties to the provisions of that accord.
- 4.7.3 It was recommended to the NPC that they take active steps to achieve greater support for the police and co-operation by communities in effective policing.

4.8 Regarding the recommendations of the RDRC's:

- 4.8.1 In relation to the SAP, the Venda Police Force, the Kangwane Police Force, the Gazankulu Police Force, the Kwandebele Police Force and the Lebowa Police Force, it was agreed that the RDRC's could make recommendations to the relevant police authorities as to:
 - 4.8.1.1 The selection of top police officers for township police stations;
 - 4.8.1.2 The appointment of officers commanding and members of special police investigation units established i.t.o. clause 3.2.2.6.
 - 4.8.1.3 Where circumstances permit, determining the nature of police action in conflict areas, ie. the nature of security force action, the duration of their action, the SAP and SADF mix in these actions, the timeous negotiations between the security forces and community leaders to defuse hostility, etc.

4.9 Regarding self protection units/neighbourhood watch groups as provided for in clause 3.7 of

the NPA.

4.9.1 It was agreed that

4.9.1.1 we recommend to the NPA that the RDRC/LDRC's take urgent steps to encourage the formation of nonpartisan community based self protection groups/neighbourhood watch groups, as provided for in clause 3.7 of the NPA, in order to promote peace and the effective combat of crime. These self protection units/neighbourhood watch groups should work in close cooperation with the relevant police authorities, as provided for in clause 3.7.5 of the NPA.

4.9.1.2 We further recommend that the RDRC's/LDRC's should take steps to monitor the activities of such formations and to encourage cooperation between such formations and the relevant police authorities.

4.10 Regarding dangerous weapons and the possession of illegal fire-arms, it was agreed that:

4.10.1 Stronger sentences and other measures be imposed for the possession of illegal firearms and the possession, carrying and displaying dangerous weapons or other firearms in contravention of the regulations issued as provided for in 3.6.4 of the NPA.

4.10.2 The police increase their searches for illegal firearms and other dangerous weapons.

4.10.3 A record be kept of the political affiliation [if any] of persons arrested for the possession of illegal fire-arms or dangerous weapons.

4.10.4 The above should be undertaken within the context of impartial policing.

4.11 Regarding Joint Monitoring Commissions it was agreed that:

4.11.1 Regional monitoring commissions be created in each RDRC region.

4.11.2 That these monitoring commissions be constituted from amongst the parties and organisations represented on these RDRC's and/or drawn from independent, local monitoring agencies or persons.

4.11.3 That persons serving on these monitoring commissions be given the necessary training and certification to enable them to efficiently perform their functions in an impartial and objective manner.

4.11.4 That the assistance of both local and international monitoring agencies be considered in the training and development of the above-mentioned regional monitoring commissions.

4.11.5 That the functions of these regional monitoring commissions be:

(i) to monitor the compliance by NPA signatories to the codes of conduct as provided for in the Accord.

(ii) to monitor the behaviour of parties and organisations at grass roots in relation to violence.

(iii) to monitor the compliance of parties and organisations to the NPA after it has been brought to their attention that they have been in violation of the Accord.

4.11.6 Political parties and members of dispute resolution committees should refrain from making inflammatory remarks in relation to the causes of violence, and should desist from apportioning blame based on unsubstantiated evidence while such matters are under review or investigation by the commission.

4.11.7 RDRC's should facilitate liaison between political parties, the relevant police authorities and the regional monitoring commissions.

4.12 Regarding the security forces, it was agreed that this issue be dealt with in conjunction with items (e) and (i) of the terms of reference of WG1SG2.

4.13 Budget and infrastructure problems

It was agreed:

4.13.1 That Codesa calls on the international community to provide financial and other assistance to facilitate the successful implementation of the NPA.

4.13.2 That we recommend to the National Peace Secretariat that it prepares and submits a budget to government outlining the funding requirements of the peace process, as provided for in clause 6.12.5 of the NPA.

4.13.3 That we further recommend to the National Peace Secretariat to take active steps to solicit assistance from local sources in order to obtain funding for the NPA. These steps could include the holding of peace musical concerts, peace sports events, and other such activities; together with approaches to the business sector in this regard.

5. Outstanding matters for discussion:

5.1 Goldstone Commission

5.2 Co-ordination between 3 levels of NPA

5.3 Legal enforceability

5.3.1 Special Courts

5.3.2 Draft Bill

5.4 Education programmes/publicity

5.5 Liaison

5.5.1 NPC and organisations

5.5.2 NPA and CODESA

5.6 General

5.6.1 Parties participating in Codesa who are not signatories to the NPA.

5.6.2 Dealing with accusations of transgressions of the NPA by signatories.

5.6.3 Self-protection units.

5.6.4 Adherence of political parties to the code of conduct as provided for in the NPA.

6. Security

6.1 Role and the Composition of Security forces in South Africa and the TBVC states:

There was consensus on the following:

- 6.1.1 All participants at Codesa commit themselves to the peaceful settlement of political disputes.
- 6.1.2 That national security in South Africa shall be sought primarily through efforts to meet the social, political and economic needs of the people.
- 6.1.3 That the security forces in South Africa shall:
 - 6.1.3.1 be bound by the principle of constitutional supremacy.
 - 6.1.3.2 be politically non-partisan
 - 6.1.3.3 be committed to resolving conflict primarily through non-violent means
 - 6.1.3.4 respect human rights, non-racialism and democracy
 - 6.1.3.5 strive to be representative of South African society as a whole.
- 6.1.4 The need for the implementation of mechanisms that will ensure the public accountability of the security forces.
- 6.1.5 The need for the implementation of codes of conduct for the security forces, with the proviso that they would be further discussed and finalised in the future.
- 6.1.6 The need for the implementation for a programme of orientation designed with the view to improve security force - community relations, specifically with regard to the respect for human rights, non-racialism and democracy.

6.2 Matters still to be discussed after consultation with principals:

- 6.2.1 Multi-party control of the security forces.
- 6.2.2 The reconstitution of the security forces with a view to establishing new, national, legitimate and representative security forces, inclusive of SADF, MK, the security forces of the TBVC states and self-governing territories.
- 6.2.3 The termination of all operations and the use of methods by the security forces that limit free political activity.

6.3 Matters still to be discussed

- 6.3.1 The termination of the use of military and/or violent means or the threat thereof of promoting the objectives/views of a political party or organisation.
- 6.3.2 The need for an improvement in socio-economic conditions.
- 6.3.3 The fostering of a spirit of tolerance amongst political parties.

ADDENDUM E

9.3 The following comments/queries were put forward with regard to the Rapporteurs report:

- 9.3.1 SACP: There was a need for a clear definition of "threat" (as referred to under the item:political intimidation)
- 9.3.2 Mr Shaik: The SG tried to find a definition that was in keeping with the definition provided by the NPA, but agrees that there was a need for a clearer definition.
- 9.3.3 It is difficult to find a definition for the word threat, it has to be judged in accordance with the situation
- 9.3.4 That with regard to getting full time employees for the LDRC's and RDRC's, agrees with the suggestion, but that this is dependent upon the availability of finance
- 9.3.5 Minister Kriel: Found that Mr Shaik had presented a limited view on the issue of monitoring commissions. That the question of monitoring commissions were discussed but no agreements were recorded. That it was made clear that further discussion was required.
- 9.3.6 Mr Shaik: agreed to amend his report :The issue of monitoring commissions will be further discussed and that no agreement has been reached.
- 9.3.7 Inyandza: inquired if the SG had discussed the issue of definitions for traditional weapons and dangerous weapons
- 9.3.8 Minister Kriel: The definition of the above was being negotiated with various Parties It was agreed that Minister Kriel would submit the current definition of the said weapons to the secretariat which would be attached to the minutes
- 9.3.9 Prof Asmal: Inquired what "other assistance" meant under the item 4.1.3 of the report
- 9.3.10 Mr Shaik: Parties felt there was a need for other assistance besides financial assistance
- 9.3.11 Minister Kriel: "Other assistance" must be seen in the context of financial assistance only and not issues of training as Mr Shaik has suggested and furthermore it should be not be seen in terms of international interference
- 9.3.12 SACP: inquired as to what the next step would be if CODESA II accepted the SG's recommendations to the NPA
- 9.3.13 Mr Shaik: This would have to be negotiated with the NPA who had willingly invited and accepted recommendations from the SG
- 9.3.14 Some of the proposals of SG2 requires changes to the law, in this case the matter would have to be referred to WG5 to consider what specific legislation was required
- 9.3.15 Mr Shaik: That outstanding issues be dealt with either by SG or WG plenary

- 9.3.16 There was substantial discussion by delegations on whether subgroups should reconvene
- 9.3.17 IFP: Cant accept the recommendation made that the police force be subjected to the RDRC's by SG. Submitted a minority proposal
- 9.3.18 Mr Lorimar: The IFP proposals are included in under 4.9 of the rapporteurs report.
- 9.3.19 Minister Kriel: The IFP's proposal should be read in conjunction with the NPA
- 9.3.20 The rapporteur agreed to adjust the report
- 9.3.21 Prof Asmal felt that outstanding matters such as the Goldstein commission, special courts, control and reconstitution of the security forces need further discussion and a that a report to CODESA II on these issues have to be presented

WORKING GROUP I, SUBGROUP 2SUBMISSION BY IFP OF WORKING DOCUMENT WITH REGARD TO
POSSIBLE COOPERATION BETWEEN THE POLICE AND THE PUBLIC

Apropos the presentation by the Minister of Police RSA, Mr Kriel to the subcommittee at our last meeting, i.e. 21 April 1992, the IFP undertook to respond in writing as a result of discussions emanating from a discussion of Item 6.8.1 - 6.8.4 of minutes of meeting of Tuesday, 7 April 1992.

The issue of poignancy here was how, or whether, the police could work with protection units / neighbourhood watches / defence units, who would be accountable to the LDRCs or/and RDRCs.

- 1.1 The issue of the communities actively interested and involving themselves in their own safety was axiomatic.
- 1.2 So also was the issue of the communities cooperating with, and assisting the police.
- 1.3 The involvement of the LDRCs and RDRCs was also acceptable as their very raison d'être.
- 1.4 It was the manner and form of this cooperation and its modus operandi that revealed some divergency of opinion.

The IFP tended to argue forcefully that the police and other legally approved security instruments cannot be subordinated to untrained and legally unaccountable people, but accepted that a high degree of community participation was felt to be highly desirable.

- 2.1 Protection units / neighbourhood watches, etc. must be under the leadership of a professional police force.
- 2.2 In so saying we were not unmindful of the reasons for wishing to eschew control of the community by the police.
 - 2.2.1 For one thing, many people have been victims of unprofessional actions by the police.
 - 2.2.2 It is also undeniable that police have been convicted for violent action, or if not convicted, have nevertheless been accused of, or suspected of, such action.

We know of course that in a similar manner many professionals have been convicted of acting outside the law, for example, doctors, lawyers, ministers of religion, social workers, teachers, etc. We do not, however, condemn the whole profession for such infractions, thus, in the same way we must keep our sense of balance and realism with the police.

2.2.3 The political argument that the police lack credibility in the eyes of the public is not entirely tenable for two reasons:

- a) CODESA is almost the whole process of reconciliation and righting previous wrongs. Therefore, if we have faith in it we cannot be seen to be throwing our hands up even before the process is complete.
- b) People do in fact use the police when they come across the need to do so, therefore, they accept police can act neutrally and efficaciously.

The IFP, therefore, whilst encouraging community cooperation and involvement in their own protection together with police support, feel that on no account should such activities be regarded as a substitute for, or as having a pre-eminent position, to the police.

Addendum G

POLITICAL NEUTRALITY OF UNFAIR ACCESS TO STATE CONTROLLED/STATUTORILY INSTITUTED MEDIA (PARTICULARLY THE SABC AND SATV) INCLUDING THESE OF THE TBVC STATES

DRAFT REPORT BY SG3 RAPPORTEUR TO WG1 - DATED 27 APRIL 1992

The Terms of Reference of SG 3 is as follows:

- K) The fair access to public facilities and meeting venues
- L) The advisability of statutory provisions guaranteeing equal opportunity for all parties to establish and maintain their own means of mass communication
- P) The advisability of fair and reasonable access for political parties to all potential voters, wherever they may reside
- Q) Any other matters which the Working Group may consider relevant to its brief
- N) The fostering of a spirit of tolerance amongst political parties
- O) The role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy and the processes of CODESA
- Q) Any other matters which the Working Group may consider relevant to its brief

A INDEPENDENT BODY1. Independent Body

There is consensus that an independent, neutral body be established to regulate the telecommunication sector.

There is also consensus that such an Independent Body be created in terms of an act of Parliament.

2. Functions

There is consensus that such an Independent Body would have as its principle functions:

- 1. The regulation of the utilisation of the electromagnetic spectrum including the allocation of licenses and the determination of license conditions according to an agreed set of standards.
- 2. The appointment of a suitable structure to monitor the proper exercise of license conditions.

3. Powers

Myburgh shall prepare a list of all the powers from the papers submitted which such an Independent should have

The powers of the Post Master General in relation to telecommunication shall be transferred to the Independent Body

4. Name of Independent Body

To stand over.

5. Constitution of Independent Body

Qualifications of members: members of the Independent Body shall be South-African Citizens of merit who act in the public interest.

Furthermore no board member should be an office bearer of any political organisation or have a vested interest in the film and broadcasting industries, or any other conflicting interest.

Board members should divest of any economic interest in the media and/or political office. Regional, language, cultural and gender considerations need to be taken into account during the nomination process. In addition to competent and widely respected person, account shall be taken of expertise in the following fields: News and journalistic affairs, broadcasting, education, technological, religious, business, legal, film, advertising, entertainment, culture, public relations.

6. Appointment Procedures

There is consensus, that organs of civil society be invited, inter alia by advertisement in the press, to nominate name to either CODESA or the interim structure whichever is appropriate at the time, bearing in mind the urgency of the matter, for purposes of preparing a short list of names from which the board of the Independent Body can be appointed.

7. Accountability and Finance

There is general agreement that the Independent Body shall be accountable to the executive of the interim constitutional authority provided that once a representative Parliament come into being such a body shall be accountable to parliament or of its standing committees, provided that the independence of such a body shall not be impinged upon in any way whatsoever.

The extent of the Independent Body accountability shall be dependant upon of the method of financing such a body. In this regard various method are possible and are at present subject to consideration.

8. Licensing procedures, conditions and standards

There is general agreement that the above matter should be devolved upon the Independent Body.

9. SABC

As part of the negotiating process the issue of the reconstitution of the SABC and the monitoring of its present performance should be referred to the Steering Committee for a recommendation to the Working Group.

10. Complaints/Disputes and Monitoring

The Independent Body shall, with Parliamentary approval by way of legislation, set up such structures as may be necessary inter alia.

1. for adjudicating disputes,

2. for monitoring the efficiency of the licence and to ascertain whether licensees comply with their licence

conditions,

3. for investigating complaints and for giving effect to remedial actions.

11. Code of Conduct

The Independent Body shall lay down the standard to be complied with by licensed broadcasters (such standards could be included in a Code).

Individual Broadcasters shall compile a Code of Conduct to which they will have to comply and which could be made a condition of their licences.

REPORT SG3 TO WG1 - 27 APRIL 1992

- K) The fair access to public facilities and meeting venues
- L) The advisability of statutory provisions guaranteeing equal opportunity for all parties to establish and maintain their own means of mass communication
- P) The advisability of fair and reasonable access for political parties to all potential voters, wherever they may reside
- Q) Any other matters which the Working Group may consider relevant to its brief
- N) The fostering of a spirit of tolerance amongst political parties
- O) The role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy and the processes of CODESA
- Q) Any other matters which the Working Group may consider relevant to its brief

Various submissions were received dealing with the above items.

The Subgroup was however unable to discuss these matters due to a lack of time.

ITEM (J)

FUNDING OF POLITICAL PARTIES

REPORT S/G3 TO W/G1 - DATED 27 APRIL 1992

There is consensus that the provision of the prohibition of Foreign Financing of Political Parties Act No 51 of 1968 with regard to the receipt of foreign funds by Political Parties be suspended until a date 6 (six) months from the date of the General Election in terms of the provisions of a negotiated new constitution for South Africa.

The following comments/queries were put forward by delegations ADDENDUM H

- 10.1.1 Prof Asmal: That despite the fact the SG had spent substantial time on discussing the SABC, it could not reach consensus. He reported that this item will be discussed by WGSC1
- 10.1.2 Pro Asmal: Inquired as why Mr Myburgh had not included in his report the fact that the SG had reached consensus on the issue of telecommunication powers of the Post Master general being transferred to the independent body.
- 10.1.3 Mr Myburgh: Disagreed that there was consensus on this issue because there was an attempt to include "other authorities" in the clause
- 10.1.4 SACP: While there was debate on what "other authorities" meant consensus had been reached on the transferring of present powers of the Post Master General to the Independent authority.
- 10.1.5 The DP, Intando we Sizwe, Venda government, Dikwakwetla, Solidarity and NP agreed with the ANC and SACP on this issue
- 10.1.6 ANC and LP: The outstanding issues should be discussed at the WG1 plenary on 4 May
- 10.1.7 Transkei: The report does not reflect the amount of discussions held on Item F
The rapporteur agreed to add this on to his report