



**TO: ALL MEMBERS OF THE DAILY MANAGEMENT COMMITTEE**

ZJ de Beer	Democratic Party
PG Gordhan	Natal Indian Congress / Transvaal Indian Congress
P Hendrickse	Labour Party
FT Mdlalose	Inkatha Freedom Party
R Meyer	National Party
SS Ripinga	Inyandza National Movement
Z Titus	Transkei Government
J Zuma	African National Congress

**FROM: CODESA ADMINISTRATION**

**DATE: 13 JANUARY 1992**

Please find attached the following Working Group draft minutes:

- + WGSC1 3 February
- + WG1 6 February
- + WGSC1 6 February
- + ~~WG1 Subgroup 3~~ 10 February
- + ~~WG1 Subgroup 1~~ 11 February
- + ~~WG1 Subgroup 2~~ 11 February
  
- + WG2 6 February
- + WGSC2 10 February
- + WG2 11 February
  
- + WG3 6 February
- + WG3 11 February
- + ~~WGSC3~~ 11 February
  
- + WG4 6 February
- + WG4 10 February
- + WGSC4 11 February
  
- + WG5 6 February

Codesa Administration has taken note of the request that document headers be modified to aid DMC members in filing minutes, etc. This instruction will be given to all minute-takers at a briefing tomorrow (14/02), so that documents that you receive in future will be properly referenced. Thank you for your patience in this regard.

From now on, Working Group minutes will be faxed to you overnight on a Thursday night, together with the Agenda for the forthcoming DMC meeting. We trust this arrangement will be satisfactory.



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO THE APPROVAL OF THE CHAIRPERSON OF THE WORKING GROUP STEERING COMMITTEE AND TO RATIFICATION BY THE WORKING GROUP STEERING COMMITTEE AT ITS NEXT MEETING.

**MINUTES OF THE MEETING OF WORKING GROUP STEERING COMMITTEE 1 HELD AT THE RITZ HOTEL, SEA POINT CAPE TOWN ON MONDAY 3 FEBRUARY 1992 AT 6PM.**

**PRESENT:**

K Asmal	African National Congress
MB Webb	Ciskei Government
D Dalling	Democratic Party
TJ Mohapi	Dikwankwetla Party
DRB Madide	Inkatha Freedom party
E Samuels	Labour Party
E Pahad	SA Communist Party
LV Ntsubane	Transkei Governemnt
HJ Coetzee	SA Government

A Feinstein (secretary)  
K Morgan (minutes)

**1. Adoption of Minutes**

The minutes were adopted with the following amendments:

- 1.1 that 3.3.1 be read as: The importance of regular progress reports from each of the Sub- Groups to the WGSC1 who shall arrange for the discussion and consideration of the report at WG1;
- 1.2 that 6.3 be read as: WGSC1 instructed the Secretary, Andrew Feinstein to respond and kindly decline the invitation issued by the University of the Western Cape on the basis that CODESA is a representative organisation and therefore cannot send a delegation of two to the conference in question;

**2. Matters arising from the minutes of the second meeting of WGSC1**

**2.1 It was agreed:**

- 2.1.1 that since a meeting of the MC is taking place on Monday 10 February 1992, starting at 9am and expected to last for the rest of the day, WG1 should instead meet on Tuesday should the need arise;
- 2.1.2 that Andrew Feinstein draft a letter to the MC recommending that they meet on Tuesdays or Saturdays in future so as to facilitate and expedite the work of the Working Groups who have already scheduled meetings for Mondays;
- 2.1.3 that all documentation be sent to Heads of Delegations only;
- 2.1.4 that, noting that a media conference is planned to be held after the MC meeting on 10 February in order to invite submissions to each WG, it was proposed that the Chair should establish what latitude WGSC1, on behalf of WG1, has in planning its own advertisement and;

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- 2.1.5 that bearing in mind the area of work of WG1, the Chair make a recommendation to the MC that while WGSC1 recognises the need for the press conference it sees, in addition, a need for its own advertisement, to be inclusive of the Terms of Reference of all Working Groups;
- 2.1.6 that the Chair and secretary, Andrew Feinstein draft such a letter to the DMC and MC and that they report back to WG1 on February 6;
- 2.1.7 that all travel arrangements be co-ordinated through Glenda Cohen at the CODESA offices. Glenda may be contacted by phone at 011 3971198 and faxed at 011 3972211.

## **2.2 Grouping of items for discussion under themes agreed upon**

- 2.2.1 It was noted that the WGSC1 has grouped items of the Terms of Reference purely to facilitate and assist the WG1 on February 6 and subsequent meetings, to discuss the topics randomly given on the Terms of Reference and to identify the impediments to a free political process;
- 2.2.2 it was agreed that the themes agreed upon under Item 2.1.1 to 2.1.3 of the minutes be accepted for discussion for the WG1 meeting on 6 February with the following amendments:
  - 2.2.2.1 that Items O and N under the theme of Continuing the Security and Socio-Economic Process be added to the third theme "Creating the Climate and opportunity" as well;
  - 2.2.2.2 that there should be flexibility and openness to changes in the event of there being an overlap of the items of the Terms of the Terms of Reference allocated to these themes;
  - 2.2.2.3 that the WGSC1 reexamine the themes after it has been discussed at the WG meeting on February 6 but that the final decision rests with the WGSC1.

## **2.3 Rapporteurs**

Resolved:

- 2.3.1 That the presentation of a report is a political function and not an administrative function;
- 2.3.2 that specialists should not be employed as rapporteurs;
- 2.3.3 that chairpersons of Sub-Groups, assisted by staff workers, report to WGSC1;
- 2.3.4 that the report of Sub-Groups be inclusive of minority proposals in the Sub-Group;
- 2.3.5 that WGSC1, assisted by administrative staff, on the instruction from WG1, provide concise and suitable reports to CODESA;
- 2.3.6 that a final report by Sub -Groups be submitted to WGSC1 before CODESA 2;
- 2.3.7 that minutes of the Sub- Groups be the basis of such a report to CODESA;

- 2.3.8 that a pool of staff workers be drawn on tender from constituent delegations of WG1 where possible;
- 2.3.9 that the responsibility of appointing such staff workers rests with the WGSC.

## **2.4 Administrative arrangements for Working Group**

### **2.4.1 Constitution of Sub Groups**

Resolved:

- 2.4.2 that Sub-Groups consist of 1 delegate or his/her replacement and one adviser if so desired;
- 2.4.3 that advisers have no speaking rights;
- 2.4.4 that the principle of replacement of a delegate be exercised with the proviso that the Secretariat is informed prior to the meeting;

### **2.5 Schedule of meetings**

Resolved :

- 2.5.1 That a momentum for meetings of Sub-Groups needs to be established;
- 2.5.2 that two Sub-Groups meet per slot per day and that the third Group meet the following day;
- 2.5.3 that the time slots for such meetings be between 8am -1pm and 2.15pm -6.00pm.

## **2.6 Chairpersonship**

Resolved:

- 2.6.1 That the Chair of each Sub-Group be nominated from the WGSC;
- 2.6.2 that the principle of continuity be established with each Sub-Group chair serving until CODESA2 with the proviso that should the Chair prove to be inadequate due to political bias or personal inadequacy, the WGSC1 has the right to recall the Chair;
- 2.6.3 that should the Chair come from a particular Party, such a Party will be allowed a further delegate in that particular Sub-Group;
- 2.6.4 that the staff worker assisting the Chair should not be from the same Party as the Chair
- 2.6.5 that the WGSC propose names of persons to Chair Sub- Groups at next WGSC meeting;
- 2.6.6 That such Chairpersons from this day onward be referred to as Convenors;

2.6.7 that such Convenors will be nominated on an individual basis rather than on Party affiliation.

### 3. Any other business

Resolved:

3.1 that the Secretariat draft assignments for each Sub-Group, the preamble of which should take cognisance of the Terms of Reference particularly items 1.1.2 and 1.1.3;

3.2 that the Chair call on delegations to submit the nominations of their delegates to the Sub- Group at the WG1 meeting on February 6;

3.3 that the WGSC1 meet briefly after WG1 meeting on February 6 adjourns to discuss date of the next meeting of WGSC1;

3.4 that the Secretariat draw up and circulate schedule of Sub- Group meetings once decisions on meetings days have been finalised;

3.5 Secretariat to disseminate all the latest submissions

The meeting adjourned.



APPENDIX B

**MEMO**

**TO: ALL CHAIRPERSONS OF WORKING GROUPS**

**RE: LABOUR PARTY APOLOGY**

**The Labour Party, through Mr Peter Hendrickse, sends apologies for not having been able to be present at today's meetings of the Working Groups, owing to certain problems which they have had.**

jw523

~~PROPOSED~~ POSITION PAPER TO BE DELIVERED BY  
GOVERNMENT AT WORKING GROUP I (6 FEBRUARY 1992)

1. The Government fully supports the goal of Working Group I (WG I), which is to create a free and peaceful political climate, since the negotiation process will have no chance of success without the existence of such a climate.

But let us not lose perspective: a political settlement is only the beginning and not the end - what we must ensure through CODESA and WG I are a climate which will form the foundation for a stable and functional democratic government and society.

2. The words of the chairperson, Mr Jacob Zuma, during the first meeting of WG I are relevant and significant. If we fail in our goal at WG I, it will have direct negative consequences for all the working groups.

Let me put it quite bluntly. Political democratization and the principle of equal and free political participation will only be possible if South Africa is once again free of violence from whatever source. A drastic change in attitude as well as visionary leadership will be necessary to achieve this end. In this regard WG I has a momentous task ahead of it and the progress within WG I will to a large degree dictate developments within the other working groups.

3. The creation of armed private armies, which even only threatens the use of force, is not acceptable and is not reconcilable with free political participation. The threat of public violence, armed training, the possession of illegal weapons and arms caches contradict the creation of a climate for free political participation. This is even more so in the case of organisations which are party to the Peace Ac-  
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It is the task of this Government, and it will be the task of any future Government, to prevent a so-called Lebanon situation in South Africa. The surest way to anarchy is to allow parties, either inside or outside the negotiation process, to continue planning and posturing for acts of terrorism, insurrection, the seizure of power, armed resistance etc. WG I will have to ensure a level playing ground with fair rules applicable to all the parties - surely this excludes political parties and/or movements having their own armed wings.

4. The continuing violent climate has a direct bearing on criminal activities and the mammoth task facing the Government in terms of quelling political violence, is giving other individuals and gangs a free hand to intimidate and terrorize the population. Although the Government realizes that there is no simple solution to the abovementioned problem, it is equally true that politically-inspired people's militia, self



defence units etc, are proving to be part of the problem rather than part of the solution.

The Government is of the opinion that, in the final instance, only a dramatic improvement in the majority of the population's socio-economic situation as well as a politically neutral and effective police force will make a significant difference to South Africa's alarming levels of criminality.

5. Peace and progress are, however, not the twin results of security considerations only, but have to be explained in the context of socio-economic realities. Sound management by the Government and the private sector will obviously play a major part in the improvement of South African's living standards, but a pre-requisite for economic growth, development programs etc is foreign investment. In this regard each and every participant at CODESA has a responsibility - it is our task to demonstrate to the international community that a stable and democratic order as well as a vibrant, market-orientated economic system is our collective goal. It is by now a well-known historical and empirical fact that certain political and economic systems can only lead to impoverishment. These lessons should not be ignored by CODESA.
  
6. The fact that most of South Africa's political roleplayers are talking directly with one another at CODESA, illustrates that South Africans are capable of finding an internal solution, without external involvement. This does not mean that

the international community, be it on a individual or multi-lateral level, cannot provide any assistance or play any constructive role. But, it does imply that no individual, organisation or government with a foreign loyalty, will be allowed to involve him- or itself directly in the negotiating process, any interim government arrangement or the implementation of the final settlement. A political settlement in South Africa is, and should stay the exclusive privilege and responsibility of South Africans.

7. In conclusion: For the last three decades the political life of South Africans was dominated by, on the one hand, suppression and, on the other hand, the outrages of a so-called liberation struggle. This has to a large degree prevented the development of a political culture characterised by a democratic attitude, tolerance, and persuasion. WG I and its participants will also have to address this reality. No constitution and no system will survive if intimidation, streetviolence, mass politics stay-aways etc are the vehicles for the attainment of political goals. No leader and no political party or movement can expect his followers to practice democracy if he himself projects a negative attitude towards reconciliation and peace.

In view of the above the terms of reference of WG I represent collective thinking of participants of CODESA as to what is to be considered in order to arrive at recommendations on remedies, solutions and possibly actions. Consequently all

the terms of reference and the specific items mentioned under paragraph 1.1.4 require our attention and should remain on this Agenda.



**DRAFT MINUTES FOR THE MEETING OF WGSC1 HELD AT THE WORLD TRADE CENTRE ON THURSDAY 6 FEBRUARY AT 5PM.**

**PRESENT:**

K Asmal	ANC
MB Webb	Ciskei Governemnt
D Dalling	DP
TJ Mohapi	Dikwankwetla Party
DRB Madide	IFP
E Samuals	LP
E Pahad	SACP
LV Ntsubane	Transkei Government
HJ Coetsee	SA Government

**1. Conveners:**

Resolved:

- 1.1 That the WGSC will appoint conveners to the three Sub-Groups.

**2. Schedule of meetings:**

- 2.1 That the WGSC draft a schedule of dates of meetings of Sub Groups to be circulated to all delegations. (see Addendum A)

**3. Conveners of Sub- Groups**

3.1 The WGSC proposed the following conveners for the SUB Groups:

- |                   |              |
|-------------------|--------------|
| 3.1.1 D Dalling   | Sub-Group 1  |
| 3.1.2. V Ntsubane | Sub- Group 2 |
| 3.1.3 TJ Mohapi   | Sub- Group 3 |

**4. Date of Next Meeting of WG1**

Resolved:

- 4.1 That the WGSC on the basis of progress made by Sub-Groups will determine the date of the next WG1 meetings.

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MINUTES OF THE SECOND MEETING OF WORKING GROUP 2 HELD AT THE WORLD TRADE CENTRE ON THURSDAY 6 FEBRUARY 1992 AT 10H00

**PRESENT :**

Delegates and advisors (see Addendum A)

M V Moosa (Chair)

M Phillips (Secretary)

R Hartley (Minutes)

**DOCUMENTS DISTRIBUTED :**

Draft Minutes of the First Meeting of Working Group 2 held at the World Trade Centre on Monday 20 January at 10h30

Draft Agenda

Communication to Working Group Steering Committees from the Daily Management Committee

Codesa Factsheet : Facilities for Parties, Organisations or Administrations at the World Trade Centre and Procedures for Claiming Expenses During the Period January to June 1992

Possible areas of commonality and aspects where possible agreement exists between the participating delegates

An IFP folder including a paper entitled Working Group 2 Position Paper of the Inkatha Freedom Party

General constitutional principles which should be enshrined in a new constitution for the Republic of South Africa (NP)

Codesa : Transkei's inputs to be presented to Codesa working groups on 06 February 1992

**APOLOGIES :**

Advocate Mashasha from Venda Government

Labour Party

Mr Mahlangu of UPF

Advocate JS Maake

Mr Rabie of NP

**ADOPTION OF AGENDA :**

The meeting adopted the draft agenda distributed to all Working Group 2 members. Dikwankwetla's objection to the inclusion of items 3 and 4 on the agenda was noted.

## 1. ADOPTION OF MINUTES

- 1.1 The minutes were unanimously adopted with the following two amendments:
- 1.1.1 Re 4.1.2 : The chairperson of the Working Group shall be nominated by the Steering Committee on a rotational basis.
- 1.1.2 Re 4.2 : The LP's reservation should be withdrawn and the National People's Party Reservation should be recorded.
- 1.2 Mr Maharaj of the DMC explained that the minutes were confidential until ratified, after which point delegates could circulate them at their discretion within their parties.

## 2. REPORT OF THE STEERING COMMITTEE

- 2.1 **Agendas**  
It was agreed that the Steering Committee would devise the agendas of Working Group Meetings
- 2.2 **Media Strategy**  
It was agreed that the Steering Committee, in consultation with the Daily Management Committee, should devise a media strategy after each meeting of the Working Group. Delegates were urged to follow the recommendations made by the Steering Committee on dealing with the media.
- 2.3 **Sub Groups**  
The issue of the formation of Sub-Groups was referred to an unspecified later meeting of the Working Group.
- 2.4 **Rapporteur**  
The issue of a rapporteur was postponed until such time as a rapporteur may be necessary.
- 2.5 **Chairperson**  
The following three principles with regard to chairing were agreed on:
- 2.5.1 The chairperson shall be neutral.
- 2.5.2 The chairpersons of the working group shall be nominated by the Steering Committee on a rotational basis.
- 2.5.3 The delegation from which the chairperson is drawn shall be entitled to an alternate for that meeting.
- 2.6 **Submissions**  
The following points regarding submissions to the Working Group were agreed:
- 2.6.1 Submissions shall be accepted until 10.3.92.
- 2.6.2 There will be some flexibility regarding this deadline, although this will not be advertised.

2.6.3 No oral evidence will be heard by the Working Group unless delegates agree to hear such evidence.

2.6.4 Working Group delegates should be supplied with the press kit to be issued on 10.2.92.

2.7 **Contact numbers**

It was agreed that delegates would not be obliged to supply the Working Group with their home phone numbers. Delegates will be provided with a full set of contact numbers of Working Group members at the next Working Group meeting.

2.8 **Format of minutes**

The format of minutes of Working Group meetings was approved.

2.9 **Steering Committee minutes**

It was agreed that Steering Committee minutes should be circulated to members of the Working Group.

3. **IDENTIFICATION OF AREAS OF COMMONALITY REGARDING  
CONSTITUTIONAL PRINCIPLES**

**AND**

4. **IDENTIFICATION OF THE KEY ISSUES AND PROBLEMS THAT NEED TO BE  
ADDRESSED.**

4.1 **Initial presentation**

Mr Eglin of the DP presented a paper outlining possible areas of commonality in the working group.

4.1.1 It was agreed to remove the word "strong" from Point C.2 in the document.

4.1.2 It was agreed to amend the title of the document so as to make it clear that the proposed areas of commonality were not yet final decisions of the Working Group. This was done by inserting the word "possible".

4.1.3 The document, as amended by 4.1.1 and 4.1.2 above, was supported by the ANC, NP, IFP, Solidarity, TIC/NIC, Transkei Government, UPF and Ximoko.

4.2 **Self determination**

It was agreed that the question of self-determination be placed on the agenda of the Working Group. The following agenda item was proposed by the NP, seconded by the ANC and agreed on by the Working Group: "the principle of self-determination of peoples and its application and practical implementation in the South African situation" shall be placed on the agenda of the Working Group.

4.3 **Procedure for documentation and submissions**

It was agreed that the following procedure will be followed before preparing a final document from the Working Group:

4.3.1 Delegates will present and distribute typed copies of proposals to Working Group meetings.

4.3.2 The Steering Committee will consolidate these proposals into a discussion document which will be discussed in the Working Group.

4.3.3 This document will be amended in successive meetings, until a final document on which there is agreement is produced.

#### 4.4 General principles

The following general principles and issues were placed on the agenda by delegations:

4.4.1 The Transkei Government delegation drew attention to paragraphs (h) and (f) of its submission, and proposed that these be added to the document on possible areas of commonality.

4.4.1.1 Paragraph (h) reads: "A democratic South Africa shall respect the rights, sovereignty and territorial integrity of all countries and pursue a policy of peace, friendship and mutually beneficial co-operation with all people."

4.4.1.2 Paragraph (f) reads: "The recognition and acceptance of a role for traditional leaders at national, regional and local levels of administration."

4.4.2 The IFP proposed the principle that the constitution accord with the wishes of the majority of South Africans.

4.4.3 Solidarity and the NPP proposed the principle of minority inclusion, which extended beyond minority rights to the formal inclusion of minorities in government.

4.4.4 The SA Government proposed eight general constitutional principles:

4.4.4.1 The supremacy and rigidity of the constitution.

4.4.4.2 A constitutional state.

4.4.4.3 A charter of fundamental rights.

4.4.4.4 Separation of powers.

4.4.4.5 The meaningful participation of political minorities.

4.4.4.6 Regional and local autonomy.

4.4.4.7 Autonomy of civil society and community self-determination

4.4.4.8 A balance between socio-economic freedom and state responsibility.

4.4.5 The SACP raised the following issues:

4.4.5.1 Codesa should not prescribe economic constitutional provisions.

4.4.5.2 Codesa should not prescribe the entrenchment of power sharing.

4.4.5.3 The constitution should not prevent a future parliament from implementing affirmative action.

4.4.5.4 There should be no rights of secession or separation in a model which devolved power.

4.4.6 The ANC proposed the following eight principles:



- 4.4.6.1 A united, democratic, non-racial, non-sexist state with sovereignty over the whole of South Africa.
- 4.4.6.2 An impartial judiciary.
- 4.4.6.3 A multi-party democracy with regular elections, and a common voters role with each vote having equal value.
- 4.4.6.4 Separation of powers.
- 4.4.6.5 Diversity of languages, cultures and religions should be acknowledged.
- 4.4.6.6 A universally accepted Bill of Rights and equality before the law.
- 4.4.6.7 Government should function at national, regional and local level.
- 4.4.6.8 Affirmative action should be enshrined in the constitution.

4.4.7 The DP suggested three areas required further examination:

- 4.4.7.1 Devolution of power and de-centralisation.
- 4.4.7.2 The balance between defensive and assertive rights in a Bill of Rights.
- 4.4.7.3 Checks and balances to ensure government accountability and to prevent abuses of power.

4.5 It was agreed that parties would bring written submissions for distribution at the next meeting.

## 5. ANY OTHER BUSINESS

- 5.1 It was agreed that meetings would take place on Mondays but that delegates should keep Tuesdays free since two meetings a week might be necessary in future.
- 5.2 It was agreed that the DMC would be informed of the inclusion of the issue of self-determination on the agenda of the Working Group, for the purpose of issuing a press statement.

## 6. NEXT MEETING

The next meeting will be held at 10h00 on Tuesday 11 February at the World Trade Centre.

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

**PRESENT:**

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

**DOCUMENTS DISTRIBUTED:**

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

**APOLOGIES:**

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

**NEW ADVISOR:**

Prof Devenish replaces M Hendrickse as LP advisor.

**1. Ratification of Agenda**

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

**2. Ratification of Minutes**

2.1 The minutes were ratified with the following amendments:

**2.1.1 Page 1**

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

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

2.1.1.3 Advocate JS Maake was present.

**2.1.2 Page 3**

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

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

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

**3. Submissions by Delegates**

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

**4. Adjournment**

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

**5. Steering Committee Proposals**

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

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

5.5 **Additional items for discussion in future**

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

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

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

5.5.1.1 Second generation rights.

5.5.1.2 The role of referenda in the constitution making process.

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

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

6. **Any Other Business**

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

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

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

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

7. **Next Meeting**

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

8. **Adjournment**

The meeting adjourned at 14h30.

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE SUBJECT TO RATIFICATION BY THE WORKING GROUP STEERING COMMITTEE AT ITS NEXT MEETING.

MINUTES OF A MEETING OF THE STEERING COMMITTEE OF WORKING GROUP 2 (CONSTITUTIONAL PRINCIPLES) HELD AT THE WORLD TRADE CENTRE ON MONDAY, 10 FEBRUARY 1992 AT 18H00

PRESENT: Delegates (see Addendum A)  
M Phillips (secretary and minutes)

1. Documents Distributed

The following documents were distributed:

Draft minutes of the second meeting of working group 2

Draft minutes of the first meeting of working group 2 steering committee

Working Group 2 proposal (SA Government)

Submission from Ronelle Botha

2. Agenda for Next Working Group Meeting

The agenda for the next meeting of the working group to be held on 11 February 1992 at the World Trade Centre is as follows:

2.1 Ratification of agenda

2.2 Ratification of minutes of previous meeting

2.3 Submissions by delegates on areas of commonality and difference and general constitutional principles

2.4 Adjournment

2.5 Key issues to be addressed: Steering Committee proposal

2.6 AOB

3. Key Issues to be Addressed

The meeting identified the following key issues to be addressed by the working group:

3.1 The balance between central, regional and local government.

3.2 The meaningful participation of political minorities.

3.3 Economic freedom, governmental intervention and economic systems.

3.4 Accommodation of the diversity of languages, cultures and religions.

3.5 Affirmative action and the bill of rights.

3.6 Self-determination.

4. **Document on Key Issues to be Addressed**

The meeting decided to prepare a document summarising the key issues of general constitutional principle which need to be addressed and which the steering committee has identified from the documentation thus far submitted to the working group. The steering committee will consider tabling the document to the working group during its adjournment at the meeting to be held on 11 February 1992.

5. **Next Meeting**

The meeting did not decide on a date for its next meeting.

ADDENDUM A

The following persons attended the meeting of the Working Group 2 Steering Committee held at the World Trade Centre on 10 February 1992:

T Delpont (Chair)  
V Moosa  
C Eglin  
B Ngubane  
J Slovo



## KEY ISSUES TO BE ADDRESSED

1. The balance between central, regional and local government.
2. The meaningful participation of political minorities.
3. Economic freedom, governmental intervention and economic systems.
4. Accommodation of the diversity of languages, cultures and religions.
5. Affirmative action and the bill of rights.
6. Self-determination.

## AREAS OF COMMONALITY THAT ALREADY EXIST

1. South Africa will be a democratic, non-racial, non-sexist, sovereign state.
2. The constitution shall be the supreme law.
3. The diversity of languages, cultures and religions will be acknowledged.
4. All will enjoy universally accepted human rights civil liberties including freedom of religion, speech and assembly.
5. There will be separation of powers between the legislature, the executive and the judiciary with appropriate checks and balances.
6. The legislative branch of government will embrace multi-party democracy, regular elections, universal adult suffrage, a common voters roll and in general proportional representation.
7. The judicial branch of government will include:
  - 7.1. A judiciary that will be independent, non-racial and impartial.
  - 7.2. An entrenched and justiciable bill of rights.
  - 7.3. A legal system that guarantees the equality of all before the law.