

**NATIONAL NEGOTIATIONS CONSULTATIVE
FORUM : 7TH MARCH, 1992
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African National Congress

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NATIONAL NEGOTIATIONS CONSULTATIVE FORUM.

Date : 07 March, 1992

Time : 9H00 to 16H30

Venue : Rand International Hotel

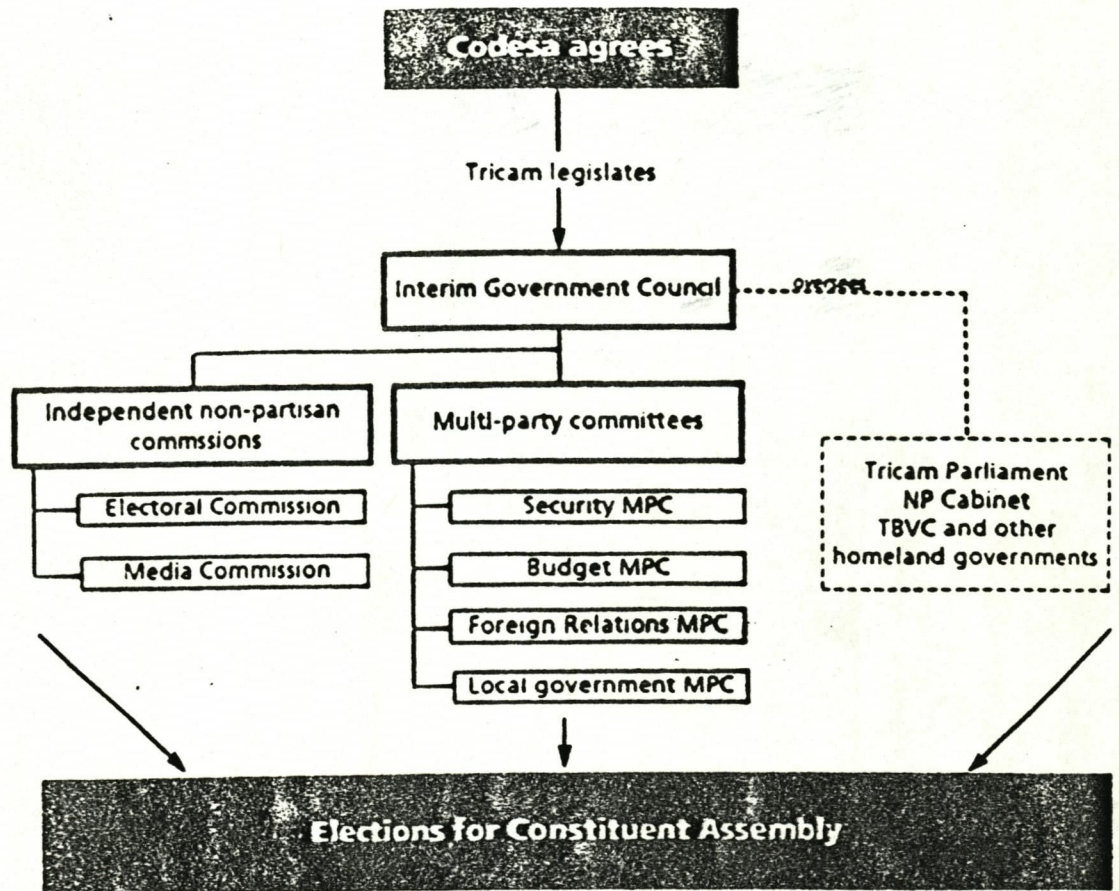
DRAFT AGENDA.

1. Opening and Welcome
2. Report on Codesa Management Committee
 - 2.1 Participation of Traditional Leaders - J. Slovo
 - 2.2 Signing of the Declaration of Intent and the proposed date of Codesa II - J. Zuma
 - 2.3 Gender Issues - J. Slovo
5. Working Group 1 - P. Maduna
 - 5.1 General Report
 - 5.2 Agreement on Media Control
6. Working Group 2 - A. Sachs
 - 6.1 General Report
 - 6.2 General Principles on Regions
 - 6.3 General Principles on Minorities
7. Working Group 3 - P. Mayibuye
 - 7.1 General Report
 - 7.2 Discussion on Phase I
8. Working Group 4 - A. Onar
 - 8.1 General Report
9. Working Group 5 - Z. Skweyiya
 - 9.1 General Report

1.

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Phase I: An impartial referee



Interim structures in this phase will be charged with the task of levelling the playing field. They should ensure equal treatment for all organisations, especially in the election campaign.

- Three categories of structures will be needed:
1. Independent commissions appointed by Codesa and non-partisan in their composition:
 - Electoral Commission – made up of South Africans of integrity to organise and supervise elections. It will have sole and exclusive control of the electoral process, with powers to validate or invalidate election results.
 - Media Commission – made up South Africans of high standing to ensure fair and balanced reporting. Emphasis will be on an Independent Communications Authority which will take charge of all state broadcasters and appoint new boards. This will also cover the TBVC territories. (See page 45)
 2. Multi-party Committees to take charge of the most important areas: security, the bud-

get, foreign relations and others such as local government. They will have complete control over these areas.

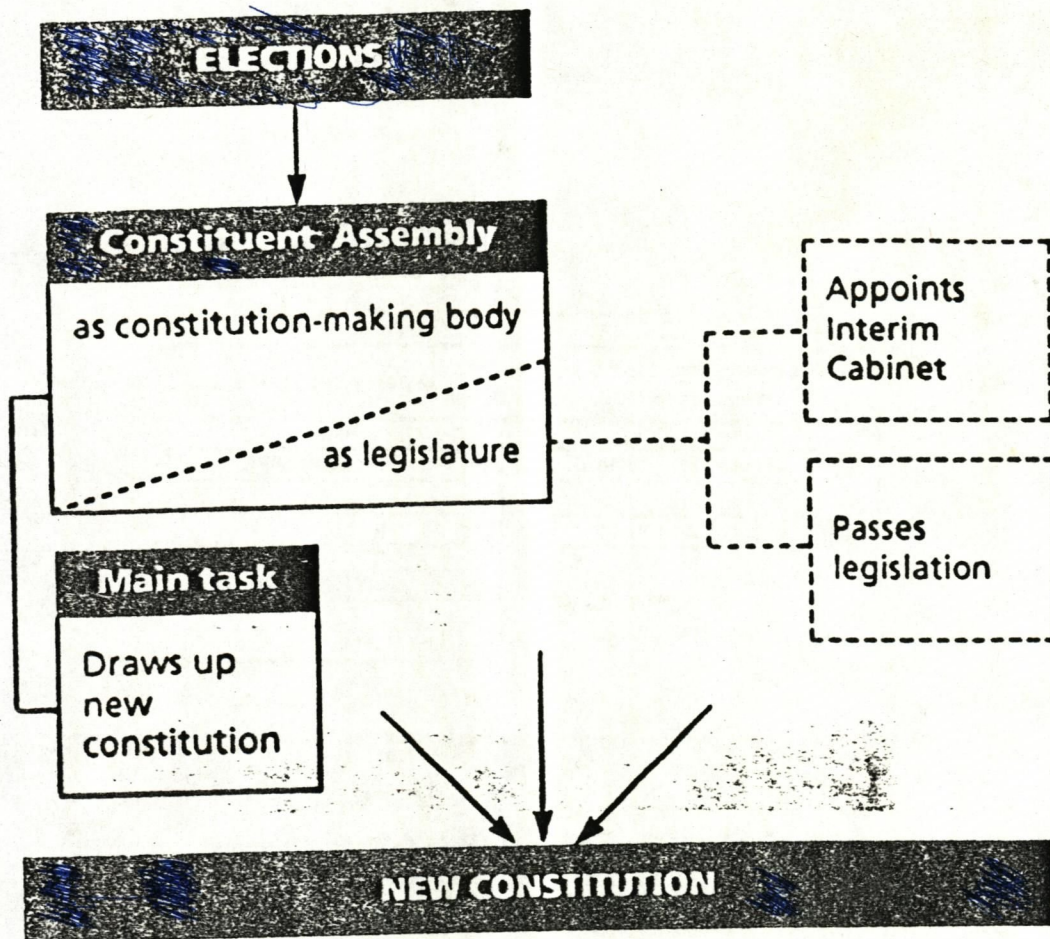
3. Interim Government Council: A body made up of parties in Codesa which oversees the tri-cameral parliament, the NP cabinet and structures in the TBVC and self-governing territories. It can veto as well as initiate legislation. Tri-cameral parliament to dissolve either when elections are declared or when the Constituent Assembly is elected.

The international community should be intimately involved at various levels. In particular, organisations which were represented at Codesa 1 should help supervise elections. Preferably, they should be integrated into at least the Electoral Commission.

Attention needs to be paid to the place and role of socio-economic forums. (See page 29)

The period between the legislation of Codesa decisions and elections should not exceed six months.

Phase II: Sovereign structures



1. The Constituent Assembly (CA) will be elected on the basis of proportional representation. All South Africans 18 years-old and above will be eligible to vote. Some form of identification will need to be agreed upon. Parties which receive 5 per cent and more of the vote will have seats on a proportional basis in the CA.
2. The CA will operate both as a constitution-making body and as a legislative assembly.
 - When it operates as a constitution-making body (the main task) it will take decisions by a two-thirds majority.
 - As a legislative body it will pass legislation relevant to the transition and operate on the basis of consensus. It will also appoint an interim cabinet, preferably from all the parties in the CA. The interim cabinet will also strive to operate by consensus.
3. The constitution-making process should not exceed nine months. Incentives/penalties should be worked out to ensure that this is adhered to. This should apply to all parties.
6. The constitution could include "sunset" clauses to help ease the country into full-blooded democracy.

Const. order:

P.T.
Need.
regul-govt.

W.G.2

CONSTITUTIONAL PRINCIPLES.

DRAFT DOCUMENT ON COMMON PRINCIPLES REGARDING THE BALANCE BETWEEN CENTRAL, REGIONAL AND LOCAL GOVERNMENT.

Prepared by Working Group 2.

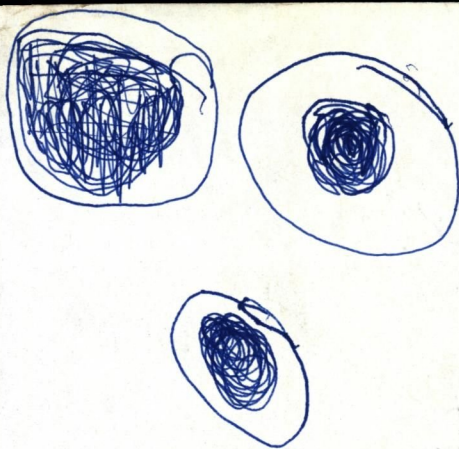
1. Government shall be structured at national, regional and local levels.
2. At each level there shall be democratic representation.
3. Each level of government shall have appropriate and adequate legislative and executive powers, duties and functions that will enable each level to function effectively: such powers, duties and functions to be entrenched in the constitution.
4. In addition to the powers, duties and functions entrenched in the constitution, each level of government may delegate powers, duties and functions to the lower level of government.
5. The general principles of the constitution, including the terms of the Bill/Charter of Fundamental Rights shall apply to each level of government.

DRAFT PRINCIPLES ON MEANINGFUL PARTICIPATION OF MINORITIES PREPARED BY THE STEERING COMMITTEE FOR WORKING GROUP 2.

1. There shall be effective participation of minority parties in a future constitutional order consistent with democratic principles.

This does not imply or exclude
enforced power-sharing.
or compuls. coalition.

4.



DRAFT RESOLUTION ON INTERIM ARRANGEMENTS

Propo. by Mas

Agreed:

initiate

1. There is need for interim/transitional arrangements in order to facilitate the transition towards a new democratic constitution to which CODESA is committed.
2. An important aspect of such arrangements will be the creation of a transitional executive structure. *which shall have as its primary function the*
constit. making body
3. The transitional executive structure should at least initially be by appointment in accordance with *objectives, structures &* procedures agreed upon by CODESA. *take*
4. Agreements reached at CODESA in this regard will have to be given effect to by Parliament through amendments to the existing constitution and relevant legislation, in order to give them constitutional and legal form.
5. Other aspects of the interim/transitional arrangements still need to be discussed.

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SUB - GROUP. 1. OF WORKING GROUP 4

RE : TESTING THE WILL

All the parties except Bophuthatswana agreed on reincorporation.

The majority of the parties and organizations agreed that the question of testing the will of the people cannot be finalised until we know what phases Working Groups 2 and 3 will provide for.

The majority of the parties agreed that whatever method to be used to test the will must be guided by the principles of non-racialism and non ethnism. All the parties except Bophuthatswana agreed that CODESA should run the process of testing the will of the people.

We are composing our final report for the Working Group. We hope to have one or two more seatings before tabling our recommendations to the plenary of Working Group. 4.

6

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REPORT

RE : WORKING GROUP 5

Working group 5 has within itself formed two subgroups charged with the following specific assignments:-

- (a) To identify key issues and problems relating to legislation;
- (b) To investigate and report upon all proposals with regard to appropriate time-frames for all the processes and assignments undertaken e.g. CODESA and other bodies emanating out of CODESA.

SUB-GROUP 1

This sub-group will address specific key issues prioritised in the following manner:

1. Process / transition time table for negotiations.
 - a) date for CODESA 2,
 - b) Formation / duration of Interim Government,
 - c) Lifting of sanctions;
 - d) Formation / duration of Constituent Assembly;
 - e) Duration of transitional government
 - f) TBVC states (referendum, incorporation);
 - g) Date of a general referendum;
 - h) Date of general elections.
2. Date / climate for negotiations / transition:
 - a) End to violence
 - b) Release of political prisoners;
 - c) Security forces (inclusive of all)

- d) control of media
- e) Role of traditional leaders (including the King of the Zulus)
- f) Private armies

SUB-GROUP 2

This sub-group is assigned to identify key issues and problems relating to legislation. It was agreed that advisers should be given a right to speak at meetings of this subgroup. It was further agreed that the steering committee should consult with the DMC on the manner in which the Working Groups are to approach the issue of legislation.

Within this sub-group task groups should be established to examine the minutes of each Working Group in relation to its particular terms of reference, and report back to the subgroup. The said task groups will brainstorm flow procedures for the implementation of principled decisions emanating from the other Working Groups with a view to reporting back to the subgroup.

The task groups will in addition, address the question of an appropriate mechanism for dealing with submissions received by DMC from interest groups outside CODESA.

Regarding submissions from other working Groups it was agreed that four task groups should be formed to analyse the minutes of Working groups 1-4 with a view to making inputs.

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GENDER ADVISORY COMMITTEE

The National Working Committee decided on the 4th March, 1992 that the following be proposed to CODESA on the 9th March, 1992:-

"In the context of the commitment in the Declaration of Intent to establish a democratic, non-racial and non-sexist South Africa, the Management Committee appoints an Advisory Committee whose terms of reference shall be:

1. To assess and draw the attention of the Working Groups to the gender implications of their terms of reference, and other relevant matters as identified.
2. To consider the recommendations of the Working Groups as they may impact on the commitment in the Declaration of Intent.

Each participant at Codesa would be entitled to appoint one representative, preferably a woman, to the Committee."

9.

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SUMMARY OF NWC DECISIONS RE DEALING WITH THE CURRENT CRISES IN EDUCATION AND HEALTH AND MANAGING THOSE SECTORS DURING THE TRANSITION

Noting

1. that there are serious problems facing our people in the fields of education and health
2. that there is broad support for our view that the government is incapable of addressing the crises in these sectors
3. that it will be extremely irresponsible for us to call for an end to the governments attempts without proposing constructive, workable solutions
4. that a very broad spectrum of organisations, institutions and individuals look to the ANC to provide leadership in this regard
5. that proposals in this regard should be integrated into our perspective of Interim Government

Decided

1. To call for a moratorium on all unilateral restructuring of the health and education sectors
2. To call for the establishment of decisionmaking fora of all major role players which will deal with these sectors (i.e. a separate forum for health and one for education)

The proposal for the education sector is that the forum consist of all 14 education departments, the government and extra-parliamentary organisations (the exact nature to be determined by the organisations themselves)

The brief of these fora will be to address the crisis. It will not get involved in any long term restructuring

3. To formalise the calls through submissions to the appropriate working groups at CODESA

Two important meetings are taking place this weekend where we will submit these proposals

1. Education summit :

Participants include political organisations, unions, education sectoral organisations, university and n d technikon heads, homeland departments

2. Health Consultation

Participants include tri-partite alliance and all 1 1 progressive health organisations

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10.

CODESA PRESS STATEMENT: 24 FEBRUARY 1992

We dare not turn our back on history

We are gathered here at CODESA to find a way towards a new democratic South Africa. The door is open to all political groupings to join us in the knowledge that they are free to advance any view consistent with democracy in our effort to reach a just negotiated settlement.

It is only through the process of frank discussion and negotiation that a peaceful road can be found to build a future in which all our people can work together to create a life of peace, justice and security for all.

It is only through this process that we can begin to seek an answer to satisfy the just aspirations of our diverse peoples in their quest to assert and to protect their cultural, language and religious rights.

We declare that there is no unbridgeable gap between unity and diversity. All of us here are committed to seeking a route of individual freedom; a route without domination of one group over another within our common border.

There is no other way for South Africa to find its rightful place among the comity of nations in our interdependent world.

There is no other way to avoid a future of turmoil, unending strife and economic collapse for every inhabitant of our land.

All South Africans - black and white - stand at the crossroads. The negotiation process is not just an option; there is no alternative. The choice before us is either to participate in it or to move inexorably towards the nightmare of chaos and civil war.

We dare not turn our backs on history. We appeal to all in our land who value the future of themselves and their children to support the process of negotiation that has been started at CODESA.



**AFRICAN
NATIONAL CONGRESS**

PRESS STATEMENT ON INTERIM GOVERNMENT

On Monday and Tuesday 2nd and 3rd of March, Codesa's Working Group III reviewed inputs by various parties on the question of Interim Government.

Consensus was reached on the following major questions:

- that there is need for interim government to facilitate transition to democracy;
- that the creation of a transitional executive structure is an important aspect of such a government;
- that at least initially, the executive structure will be appointed in accordance with procedures agreed upon by Codesa;
- that Parliament will have to give legal effect to the arrangements reached at Codesa (as agreed at Codesa I the texts of all legislation required to give effect to the agreements will be drafted by Codesa); and
- that other elements of interim arrangements still need to be discussed.

A document containing these proposals has been referred to the various principals. The National Working Committee of the ANC yesterday considered this document and agreed to the formulations contained therein. We consider these proposals an important breakthrough, signifying the acceptance of two basic principles by virtually all Codesa participants:

- the need for an interim executive structure, and
- that in the first phase such a structure will be appointed by Codesa.

In the detailed discussions that are to follow, the ANC will put forward its well-known positions regarding an Interim Government Council, independent non-partisan commissions on elections and the media, and multi-party committees for certain areas of government pertinent to elections for a Constituent Assembly.

Other parties are at liberty to put forward their own detailed proposals. We therefore reject any interpretation that the agreement implies that the State President will appoint members of organisations taking part in Codesa into the cabinet. Co-option under any guise is not acceptable to the ANC and the majority of participants in Codesa.

Issued by: Department of Information and Publicity

5 March 1992

12.

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PATRIOTIC FRONT MEMBERS AT CODESA

A meeting of the Patriotic Front members in CODESA took place on the 21st of February 1992. Those present were:

Intando, Labour Party, Venda, Ximoko, NIC, TIC, United People's Party, Inyadza, Transkei, SACP and ANC.

1. OPENING

Comrade President, Nelson Mandela, opened the meeting and welcomed all the guests. He stated that the purpose of the meeting was to strategise together.

2. SCENARIO DOCUMENT

Cde Thabo Mbeki presented the ANC scenario document. The scenario was unanimously adopted. It was agreed that it should be tabled at the Working Group 3 of CODESA.

3. ON WHITE REFERENDUM

It was rejected by all participants. A joint press conference was held where a joint press statement was read.

4. REINCORPORATION OF THE TBVC STATES AND

REINTEGRATION OF THE SELF-GOVERNING TERRITORIES

The Parties agreed on the approach to reincorporation. The main approach is to avoid reincorporation under the tri-cameral parliament.

5. REGIONS IN A DEMOCRATIC SOUTH AFRICA

It was agreed that the paper presented by Comrade Maduna should be studied by the respective parties who should propose amendments if necessary.

6. ROLE OF TRADITIONAL LEADERS

The role of traditional leaders has two sides to it:-

1. the participation of traditional leaders in CODESA ;
2. the role of traditional leaders in a future constitutional dispensation

6.1. The participation of traditional leadres in CODESA

It was decided that parties should present their party positions at CODESA as they were differences of approach on this issue.

6.2. On The Role of Traditional leaders in a future Constituional dispensation

It was decided that a national meeting of traditional leaders should be convened to enable these leaders to present their views. However, their views would not in the end be prescriptive on what should be done.

7. ON THE FUTURE OF THE PATRIOTIC FRONT

The house agreed that the reconvening of the next Patriotic Front meeting should be the responsibility of all.

However, the house agreed that Intando, LP, NIC, Inyandza, COSATU, UPF and ANC should convene the next PF Conference. This would be an interim committee and the PF conference itself will set up a permanent structures.

RESERVATIONS

RECORDED AND TABLED BY THE GOVERNMENT OF BOPHUTHATSWANA
REGARDING ITS PARTICIPATION IN CODESA .

1. Pursuant to its sovereignty and its refusal on or since 20 December 1991, to accede to the Declaration of Intent of CODESA, it is hereby expressly and categorically declared for the information of all signatories and others involved in CODESA, that the presence and participation of representatives of the Government of Bophuthatswana in the proceedings of any of the working groups of CODESA, or any plenary sessions thereof since 20 December 1991, or in the future does not imply any departure from the said refusal. Furthermore, that participation by the said Government in the operations and functioning of CODESA does not expressly, impliedly or tacitly mean or can be construed to mean that the said Government has consented to the said Declaration of Intent.

2. Concerning any ruling at any session or meeting of CODESA or its working groups, to the effect that "sufficient consensus" is the appropriate measure required for proper decision making in any particular case, the Bophuthatswana Government places on record that, it specifically reserves the right to disassociate itself from decisions of CODESA taken by "sufficient consensus", where such decisions affect Bophuthatswana.

3. We, the Government of Bophuthatswana declare ourselves, subject to the proviso and reservation stipulated herein, to be bound by agreements we conclude or reach together with other participants in CODESA in accordance with the standing rules, and hereby commit ourselves to the implementation thereof within our capacity, powers and authority: Provided that we shall not be bound by, nor shall we be obliged to implement any decision of CODESA, if such decision directly or indirectly conflicts with, affects or impinges on the sovereign independent status or autonomy of Bophuthatswana, or in any way pertains to the incorporation of its territory, or any part thereof, in South Africa or any other State whether federal, confederal, federation or confederation or of any other constitutional nature whatsoever, unless the Government of Bophuthatswana acting within its powers and capacity aforesaid has expressly consented to any such decision, or has signified its approval thereto.

WORKING GROUP 1 REPORT

As we reported to the last meeting of the Negotiations Forum, this Working Group was divided into three Sub-Groups.

Sub-Group One

In this Sub-Group the ANC is represented by Comrades Kader Asmal and Penuell Maduna.

Regarding the issue of political prisoners, the Sub-Group felt that finalisation was a priority in the completion of the reconciliation process. It was also said that as far as this issue as well as the questions of return of exiles and the ending of political trials were concerned, a firm cut-off date was required.

After the ANC's submission that the issues of the release of political prisoners and the return of exiles had since become multi-lateral matters with which CODESA had to be seized, the Sub-Group recommended that the ANC and the SA Government be (and were) given time to see if they could not resolve them at the bilateral level. The ANC had submitted that a general amnesty should be considered as a possible solution to the problems in these areas. There was strong support for this view but no consensus was reached. The two parties still have to report to the Sub-Group on their deliberations. It is only after such a report that the Sub-Group will proceed and discuss these issues.

The Sub-Group has in the meantime commenced discussions on the laws that inhibit free political activity and participation. Parties have made their written submissions in this regard. The submissions cover the situation in both the territory directly falling under the Pretoria regime and the TBVC territories. The initial response of the Pretoria regime was that statutes such as the Internal Security Act of 1982 (as amended), the repeal (or the amendment, as the case may be) of which the ANC and other organisations/parties were arguing for, were necessary.

Some of the delegations have itemised the legislation and motivated why these are regarded as inhibiting free political activity or as discriminatory. It is expected that in the further debates it will be possible to discuss suggestions on the repeal or amendment of such laws. Some of the delegations have suggested that CODESA should seriously consider an interim Bill of Rights to address the problems posed by these laws. The ANC delegation was not happy about this suggestion and the Negotiations Forum will have to address it so that our delegation knows more or less how to handle it on Monday the 9th March 1992.

It was also suggested that CODESA should look into the feasibility of a General Laws Amendment Bill to achieve a much quicker repeal/amendment of the relevant laws. It was said that in addition to this, a clause could be appended to cover and protect basic human rights and freedoms. This would help deal with all the laws not covered by the General Laws Amendment Bill and allow the courts a measure of judicial review.

Sub-Group Two

In this Sub-Group the ANC is represented by Comrades Jacob Zuma and Pius Langa.

The Sub-Group has divided its work into four areas, namely:

1) Stability:-

Under this topic, the Sub-Group has so far discussed the National Peace Accord, which is regarded as a flawed pre-CODESA document which therefore needs to be looked into in the light of current developments. The Sub-Group sought to have meetings with the National Peace Accord Structures and personnel but could not achieve this as the Daily Management Committee did not approve.

The Sub-Group has also agreed on a definition of political intimidation which issue seems to have dominated their deliberations. (See Annexure "A" for the definition.)

2) Security:-

No discussion has taken place in this regard as yet. The question of the role of security forces has so far only been touched upon and left for discussion at a later stage.

3) Development and 4) Co-operation still have to be discussed.

Sub-Group Three

Regarding "Political neutrality of, and fair access to, State-controlled/statutorily instituted media," the Sub-Group reached consensus that there is a need for an independent authority to regulate all forms of telecommunication, including radio and television, and to exploit and supervise the utilisation of the electro-magnetic frequency spectrum and relevant technologies. This came after a lengthy debate with the National Party initially arguing in their presentation that, as far as they were concerned, the SABC and SABCTV were completely independent of the government. The ANC and many other parties had always argued for an independent broadcasting authority.

It should be noted, however, that while the South African Government now accepts the need for such an independent authority, it has its own ideas about what this should be like.

It outlines the functions of the proposed independent authority, which it refers to as the Commission for Telecommunication and then proceeds to suggest another structure, the so-called Complaints Tribunal. The latter structure, which will be chaired by a judge of the Supreme Court assisted by two assessors, would deal with complaints against the media. From the look of things it is the latter body which will, on the basis of a negotiated set of programme standards, ensure the independence and neutrality of a national public service broadcaster and adequately protect the SABC against any political interference, manipulation or intimidation.

The practical implications of the consensus reached as stated above still have to be discussed by the Sub-Group. The SA Government and the TBVC administrations, though part of this agreement, will have to indicate what they propose doing to facilitate the achievement of the envisaged changes.

ANNEXTURE "A"

4.2 The meeting agreed on the definition of Political Intimidation as :

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, for instance the following legal rights of an individual :

- 4.2.1 Right to freedom of expression or opinion
- 4.2.2 Right of freedom of association
- 4.2.3 Right of freedom of movement

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

- 4.2.3.1 kill, injure, apply violence to, intimidate or threaten any other person's political beliefs, words, writings or actions;
- 4.2.3.2 remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;
- 4.2.3.3 interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;
- 4.2.3.4 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
- 4.2.3.5 obstruct or interfere with an official representative of any other political party or organisation's message to contact or address any group of people;
- 4.2.3.6 to possess, carry or display dangerous weapons or firearms by members of the general public when attending any political gathering, procession or meeting.

GENERAL REPORT

REPORT: CODESA WORKING GROUP 4

1. INTRODUCTION

Working Group 4 met in plenary sessions initially. It has also been divided into four sub-committees. Sub-committees will report back to plenary sessions. The main issues are set out hereunder.

2. REINCORPORATION - DESIRABILITY OR OTHERWISE

This issue was debated in plenary sessions. The ANC handed in a position paper demanding immediate reincorporation. This position was supported by many parties. It was opposed by Boputhatswana and the South African government. It was clear that the majority supported reincorporation and the chair recorded that sufficient consensus had been reached for reincorporation. However, the South African government objected. The record was therefore amended to read that a number of parties expressed themselves in favour of reincorporation.

3. SUB-COMMITTEES

The Working Group divided into four sub-committees:

- a) Testing the Will of the People.
- b) Citizenship.
- c) Administrative, Financial and Practical Implications of Reincorporation.
- d) Political, Legal and Constitutional Implications of Reincorporation.

4. RAPPORTEURS

Each sub-committee was requested to appoint a rapporteur. The ANC alliance nominated a person for each sub-committee. The NP/DP grouping nominated a SECOSAF person in each sub-committee. Transkei, Venda and parties from the various national states were highly critical of SECOSAF and its role. All of us therefore opposed SECOSAF persons. The issue in each sub-committee has not been resolved and deadlock will be reported to the plenary session of the Working Group. This will enable the Working Group itself to try to reach consensus on rapporteurs.

5. OUTSTANDING ISSUES

The ANC team in the Working Group takes into account the fact that the work of each of the sub-committees must be seen in the

context of what we are seeking to achieve in the whole Working Group and that the Working Group itself must work in the context of our overall objectives in Codesa. The following are outstanding issues:

a) Testing the Will of the People

The ANC holds the view that the creation of Bantustans was illegal and illegitimate and reincorporation should take place forthwith. There is no need for testing the will of the people. However, some of our allies are of the view that the people in their respective territories should be afforded the opportunity of expressing their will. This creates a problem because we cannot recognise separate self-determination. The ANC has argued that self-determination means self-determination for the whole of the South African people. If any testing of will has to take place, it must be national, non-ethnic, non-racial, include the people of the TBVC states and be conducted by Codesa. The issue is still being debated.

b) Citizenship

The ANC has proposed that South African citizenship should immediately be restored to the people of the TBVC states. This position enjoys support. The South African government, Boputhatswana, etc have opposed this. Two positions have crystallized and we have recorded the present position in the sub-committee as follows:

Sufficient consensus exists that South African citizenship be restored to the people of the TBVC states. In this regard there are two views:

- i) Citizenship should be restored immediately.
- ii) Citizenship should be restored after the testing of the will of the people and if such expression of will is in favour thereof.

Reservation: The Boputhatswana government records its position that:

- a) Citizenship should not be imposed on people.
- b) The will of the people at all times be tested in terms of the procedures that might be agreed upon. This issue is still being debated.
- c) Administrative, financial and practical implications. This is a very tricky area and we can get bogged down in lots of discussions relating to technical matters. In this way obstacles can be placed in the way of a decision on reincorporation. Clearly we need to make certain that the discussion on technical matters do not stand in the way of a political decision.

- d) Political, legal and constitutional implications. This also involves legal and technical matters but once a political decision is taken, these implications can be worked out.
- e) The issue of Boputhatswana. Boputhatswana has made clear that it is an independent state and will not in advance undertake to abide by Codesa decisions. It participates in discussions and contributes to the prevention of consensus or sufficient consensus. However, Boputhatswana will decide at the end of the process whether it will come in or remain independent. This creates a great deal of problems in each of the Working Groups and the position of Boputhatswana must be discussed.

6. THE ISSUE OF CONSENSUS

The definition of sufficient consensus has come under scrutiny in this Working Group. The standing rules define what is meant by sufficient consensus and has been accepted by most parties. However, the South African government supported by Boputhatswana objects. Their view is that sufficient consensus in this Working Group means that if any of the SATBVC states do not agree, there can be no consensus.

CONCLUSION

The Working Group will meet in plenary on 9 March. The sub-committees will also continue their work.

5 MARCH 1992