

61

TO : MEMBERS OF WORKING GROUP 2,
COORDINATORS OF WORKING GROUP 2

FROM : CODESA ADMINISTRATION

QUERIES : LOVEDALIA

RE : DRAFT MINUTES - 2 MARCH 1992
DRAFT AGENDA - 9 MARCH 1992
DELEGATE FACT SHEET NO 2

PLEASE NOTIFY US IMMEDIATELY IF YOUR FAX NUMBER OR ADDRESS HAS CHANGED. WE CANNOT BE HELD RESPONSIBLE FOR ENSURING THAT YOU RECEIVE COPIES OF ALL DOCUMENTATION UNLESS WE ARE KEPT INFORMED OF THESE CHANGES.

WORKING GROUP 2

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M V Moosa (011) 333-9090
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M M Mohanlall (021) 403-2971 (M)
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SOLIDARITY PARTY

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P Z Ndamase
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VENDA GOVERNMENT

C Neluvhalani :
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M J Mushasha

XIMOKO PROGRESSIVE PARTY

J C Ackron (01526) 23140
E E Ngobeni See Above
K R Myakayaka See Above
F Cloete See Above

OTHER PARTIES TO RECEIVE DOCUMENTATION :

WG2 SECRETARY
Mark Phillips

(011) 403-1764



F A X M E S S A G E

TO : MEMBERS OF WORKING GROUP 2
FROM : CODESA ADMIN - DIANNE
DATE : 4 MARCH 1992
RE : DRAFT MINUTES - 2 MARCH
DRAFT AGENDA - 9 MARCH
DELEGATE FACT SHEET NO 2

Attached please find the following :

1. Draft minutes of the meeting of Working Group 2 held on 2 March 1992.
2. Draft agenda of the meeting of Working Group 2 to be held on 9 March 1992.
2. Delegate Fact Sheet No 2.

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

Regards.



WGAG0903.WP (5)

WORKING GROUP 2\AGENDA\9 MARCH

DRAFT AGENDA FOR THE SEVENTH MEETING OF WORKING GROUP 2 (CONSTITUTIONAL PRINCIPLES) ON 9 MARCH 1992 AT THE WORLD TRADE CENTRE

1. **Apologies**
2. **Ratification of Agenda**
3. **Ratification of Minutes**
4. **Meaningful participation of political minorities**
 - 4.1 **Draft document prepared by the Steering Committee**
 - 4.2 **Further submissions**
5. **Key Issues to be Addressed:**
 - 5.1 **Economic freedom, governmental intervention and economic systems**
 - 5.2 **Accommodation of the diversity of languages, cultures and religions**
 - 5.3 **Role of Traditional Leaders**
 - 5.4 **The Bill/Charter of Fundamental Rights including:**
 - 5.4.1 **Its nature and scope**
 - 5.4.2 **Affirmative action**
 - 5.4.3 **Second generation rights**
 - 5.5 **Self-determination**
6. **AOB**
7. **Next Meeting**

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

PO Box 507, Isando, 1600, South Africa.
Telephone (011) 597-1198/99. Fax (011) 597-2211



ADMINISTRATION/FACTSHEET/2 MARCH

DELEGATE FACT SHEET NO 2 2 MARCH 1992

I. ADMINISTRATIVE ARRANGEMENTS/FACILITIES

The main aim of the Administration is to:

- * Ensure accurate records of all meetings
- * To provide documentation in the hands of delegates on time
- * to provide facilities for the functioning of all CODESA structures.

There are, however, a few practical problems. The main issue revolves around the programming of CODESA's activities, so as to enable the Administration to achieve this aim.

The following pattern has emerged in CODESA's activities:

- * Mondays and Tuesdays are used for meetings of WGs, WGSCs, Subgroups, Sub-committees and the DMC/MC. These meetings have increased considerably. For instance, on Monday 2 March, 22 meetings are scheduled. Immediately after these meetings, secretaries and minute takers have to start writing the minutes.
- * The deadline for the draft of the minutes, approved by the relevant chairperson, of all the above-mentioned meetings is Wednesday 12h00. This means that in the case of some minutes, less than 24 hours are allowed for a draft of the minutes of any meeting. The Secretariat has initiated a meeting with the five secretaries of the Working Groups to be held regularly on Tuesday evenings, with the following aims:
 - + To raise and discuss all administrative problems
 - + To monitor the functioning of the Working Groups
 - + To enable the Secretariat to compile a report to the DMC and
 - + To enable the Secretariat to compile the DMC/MC Agenda.

The process of faxing the draft minutes, approved by the different chairpersons, to the WG and WGSC members, is then initiated on Wednesday afternoon and takes two and a half days to complete (with 4 technically-advanced fax machines working 24 hours a day). Any problems with regard to not receiving faxed minutes, or late reception of minutes, should please be communicated to the Administration.

Against this background, it is important to also note that before CODESA 1, parties/organisations/administrations have been requested to submit the names of suitable administrative staff. This same request was made again on 12 February. As work increases, CODESA Administration is able to take on more staff. The sole test in this regard is competence.

It must be pointed out, however, that so far, parties/organisations/administrations have responded primarily to requests at the level of Security. Staff requirements for CODESA have now moved into specific areas, requiring specific competence, for example, minute taking. At present, the secretarial and administrative staff component is adequate. It is also important to note that before CODESA 1, it was approved by the Steering Committee to appoint the Consultative Business Movement (CBM) as an independent body to provide the core of the staff for the CODESA Administration. All staff appointments are therefore made under the aegis of CBM.

DELEGATE FACT SHEET NO 2

II. FINANCIAL ASSISTANCE TO PARTIES/ORGANISATIONS IN CODESA

In pursuance of decisions by the Management Committee of **CODESA** on 13 January 1992 and on 24 February 1992, the following is brought to your attention:

OFFICE ACCOMMODATION AND MEALS

- 1.1 Office accommodation is provided by **CODESA** for each party, organisation or administration in the *World Trade Centre*. Basic furniture (tables and chairs) will also be supplied. Any other furniture required will, however, have to be rented from **CODESA**. Please notify us immediately, should you wish to make use of this facility. Under no circumstances will you be allowed to bring in your own furniture.
- It is suggested that parties, organisations or administrations make use of this opportunity to facilitate preparations for **CODESA II**.
- 1.2. A maximum monthly subsidy of R2 000 per party/organisation/administration will be paid in respect of expenses for **CODESA** and offices at the *World Trade Centre*. These will include the following: telephone calls, fax costs, photocopying costs, rental of equipment and secretarial services. PLEASE NOTE THAT THE SUBSIDY IS PAYABLE ON RECEIPT OF DOCUMENTED PROOF OF ACTUAL EXPENSES AND THAT IT COMES INTO EFFECT RETROSPECTIVELY FROM 13 JANUARY 1992.
- 1.3 **CODESA** cannot supply telephone and/or fax lines. Should these be required, they will be supplied by *Telkom* for the account of each party, organisation or administration. Application forms are available at our offices and must be returned to **CODESA** to facilitate the installation thereof.
- 1.4 Please note that **CODESA** cannot provide any equipment such as word processors, fax machines or photocopiers *or render any of these services for or on behalf of parties, organisations or administrations* or their representatives on working groups. These must be provided for by each party, organisation or administration. One photocopier has been made available for the service of party offices. It is controlled by Aaron Tshehla, and is situated underneath the escalator. At present requests for copying should be given to him in writing (forms obtainable at the machine). These will be attended to on a first-come, first-served basis, PLEASE NOTE THAT ALL COPIES MADE ON THIS MACHINE WILL BE CHARGED TO THE ORGANISATION AT 15C PER COPY.
- 1.5 **CODESA only supplies meals to members of and advisers to members of working groups.** **CODESA** can make no provision in respect of meals for support staff to members of working groups, their bodyguards, private secretaries or drivers or the support staff of parties, organisations or administrations occupying offices in the *World Trade Centre*. A tuck shop is available on the premises and all such support staff, private secretaries, drivers and bodyguards can make use of it on a cash basis.
- 1.6 PLEASE NOTE THAT AS FROM 3 MARCH 1992 ALL LIQUOR AT MEALS WILL BE ON A CASH BASIS.

Please turn over

PER DIEM ALLOWANCES TO DELEGATES AND OFFICIAL ADVISERS

- 1.1 A per diem allowance of R200 per delegate or official adviser for the days on which meetings of **CODESA** are attended may now be claimed. This will only apply to persons not receiving remuneration from State sources. It, however, excludes state/administration officials who have been granted leave without pay to attend meetings of **CODESA**. Documented proof of this will be required.
- 1.2 Income tax will have to be deducted from per diem allowance payments. Delegates claiming per diem allowances must please complete a registration form (available from our Financial office and a separate claim form for allowances.
- 1.3 Allowance may be claimed retrospectively from 13 January 1992.

CLAIMS FOR TRANSPORT AND SUBSISTENCE

- 1.1 Claims for transport and subsistence must please be completed and submitted individually for each separate meeting by every representative and adviser. Only claim forms bearing the printed date for the specific meeting can be accepted.
- 1.2 Faxed copies of claims, flight tickets and hotel bills are unfortunately unacceptable. All claims must please be original and accompanied by original proof of expenditure.
- 1.3 **CODESA** does not refund telephone calls, valet services, bar charges, cigarettes or any claims for meals taken at hotels in stead of those offered at the *World Trade Centre* on the days of meetings.
- 1.4 When claiming for cost of travelling by car, please note that the car registration number must please be supplied and that the kilometers travelled should reflect the shortest route. The engine capacity of your vehicle must also be stated in cubic centimeters.
- 1.5 **CODESA** only refunds air fares in the economic class. Bookings made through one of our accredited travel agencies may also only be made in the economic class. To facilitate problems experienced with travel, accommodation and transport problems, **CODESA** now has a special **CODESA TRAVEL OFFICE** in the *World Trade Centre* co-ordinating with the various agencies and you should not hesitate to call them at (011) 397 2452.
- 1.6 Hotel accommodation booked through any of our accredited agencies must please be made at least 48 hours prior to day of arrival. Should you not take up the accommodation booked for you, you will be personally held responsible for the "no show"-fee charged to **CODESA**. This also applies in respect of accommodation not used for the full period booked.
- 1.7 **CODESA** only accepts responsibility for hotel accommodation (when necessary) on the night before and/or after meetings.
- 1.8 **CODESA** can unfortunately not accept claims for 5-star hotels and/or suites. Should delegates or advisers make their own arrangements for accommodation in such hotels, **CODESA** can only refund an amount equivalent to the tariff negotiated by **CODESA** with either the Jan Smuts Holiday Inn or the Airport Sun.

Please turn over

- 1.9 When transport is required from airports in Johannesburg, requests should be made at least 24 hours prior to your arrival. Once again, if you have requested transport and do not make use of it on arrival, you will be personally held responsible for the costs incurred.
- 1.10 **CODESA** does not accept claims for car hire.
- 1.11 Please note that **CODESA** only accepts responsibility for transport arrangements between hotels, the airports and the *World Trade Centre* for official meetings of **CODESA**. We do not provide transport for representatives, their advisers or support staff to attend meetings other than those of **CODESA** in the *World Trade Centre*, elsewhere in Johannesburg or its surroundings.

dpcod59 2 March 1992

Please turn over



WORKING GROUP 2\MINUTES\2 MARCH

THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, 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 THE SIXTH MEETING OF WORKING GROUP 2 (CONSTITUTIONAL PRINCIPLES) HELD AT THE WORLD TRADE CENTRE ON MONDAY 2 MARCH 1992

PRESENT:

Delegates and advisors (See Addendum A)
B S Ngubane (Chair)
M Phillips (Secretary)
R Hartley (Minutes Secretary)

DOCUMENTS DISTRIBUTED:

1. Draft agenda
2. Draft minutes of the fifth meeting of Working Group 2 held on 24.2.92 and 25.2.92
3. Ratified minutes of the fourth meeting of Working Group 2 held on 17.2.92
4. 2.3.92 Draft principle on meaningful participation of minorities prepared by the Steering Committee for Working Group 2
5. Labour Party of SA: The relationship or balance between central, regional and local government
6. Codesa Working Group 2 - SA Government - 2.3.92: The balance between central, regional and local government
7. Solidarity: Meaningful participation of political minorities
8. South Africa in the nineties (Solidarity)
9. National People's Party: Position paper of the NPP on key issue: meaningful participation of political minorities
10. ANC: Minorities and Democracy
11. Delegate fact sheet No 2: 2.3.92
12. SA Government: Extracts from different proposals on the relationship between central and regional government
13. SA Government: Proposals on general constitutional principles submitted to Codesa Working Group two
14. Codesa Working Group 2: SA Government comparison of the different proposals submitted on minority protection

1. Apologies

Prof Koyana	Transkei Government
Chief Ndamase	(Alternate: Mr Nogumla)
B Singh	National People's Party (absent for part of the meeting)
	(Alternate: A Rambarran)
ZM Yacoob	Natal and Transvaal Indian Congresses
	(Alternate: Y Mahomed)
Adv Mushasha	Venda Government
MM Makhalemele	Dikwankwetla Party
	(Alternate: M Mopeli)
MJ Mahlangu	United People's Front
Prof Cloete	Ximoko Progressive Party
	(Alternate: EPP Mhinga)
M Alachouzoz	Inkatha Freedom Party

2. Ratification of Agenda

2.1 Item 6.3 was renumbered as item 6.4 and visa versa.

2.2 The agenda was then ratified.

3A Ratification of Minutes of meeting of 24.2.92 and 25.2.92

3A.1 Item 4.2.1.7: "Venda Government" was added.

3A.2 On page 7, under Addendum A, "Intando Yesizwe Party" was changed to "Inyandza National Movement".

3A.3 D Lockey informed the meeting that he had attended the meeting of 24.2.92 and 25.2.92.

3A.4 I Omar informed the meeting that he had attended the meeting of 24.2.92 and 25.2.92.

3A.4 On pages 6 and 8 under Addendum A, EPP Mhinga was replaced by Prof Cloete.

3A.5 It was agreed that all future Working Group minutes will contain the contents of Steering Committee proposals regarding common principles.

3B Amendment to ratified minutes of meeting of 17.2.92

3B.1 The word "judicial" was substituted with the word "executive" under point 6.1.3.1.3 of the minutes of 17.2.92.

4. Draft document prepared by the Steering Committee on the balance between central, regional and local government dated 25.2.92

4.1 The SA Government spoke to its document entitled "The balance between central, regional and local government". The SA Government interpreted the proposal of the steering committee as follows:

"The South African Government considers the question of the autonomy of regional and local governments to be a matter of principle. Therefore, "appropriate and adequate legislative and executive powers, duties and functions" in the proposed paragraph 3 is understood to indicate autonomous powers, duties and functions, originally allocated to regional and local governments by the Constitution.

"The specific functions to be entrusted to the regional and local government levels must be determined according to the principle of subsidiarity, which means that a function must be situated at the level where it may be performed optimally.

"Since a function cannot be performed without the necessary financial capability, fiscal competency must accompany the allocation of powers to the highest practicable degree. Where full fiscal autonomy is not practicable, the financial capability of the regional and local governments must be supplemented by means of constitutionally regulated horizontal and vertical fiscal equalization."

- 4.2 The Working Group noted the ANC's disagreement with the South African Government's interpretation. The Working Group also noted the ANC's statement that the following concepts are neither implied nor rejected by clause three of the Steering Committee document:
- 4.2.1 Concurrent powers
 - 4.2.2 Overriding powers
 - 4.2.3 The creation of metropolitan governments with a special status.
- 4.3 The Working Group agreed on the following formulation with regard to clause 3 of the Steering Committee document:
- 4.3.1 "This meeting agrees that the draft document implies that all levels of government will have fiscal powers defined in the constitution. This agreement is unanimous. This agreement should be considered when the Working Group's report is drawn up for Codesa 2.
- 4.4 The Working Group agreed on the five principles contained in the Steering Committee document. The principles are as follows:
- 4.4.1 Government shall be structured at national, regional and local levels.
 - 4.4.2 At each level there shall be democratic representation.
 - 4.4.3 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.
 - 4.4.4 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.
 - 4.4.5 The general principles of the constitution, including the terms of the Bill/Charter of Fundamental Rights shall apply to each level of government.

5. Meaningful Participation of Political Minorities

- 5.1 The Steering Committee's draft principle on meaningful participation of minorities was tabled.

- 5.2 Further submissions were made by the following:
 - 5.2.1 Solidarity Party
 - 5.2.2 National People's Party
 - 5.2.3 Natal and Transvaal Indian Congresses
 - 5.2.4 South African Communist Party
 - 5.2.5 African National Congress

- 5.3 The following parties undertook to make submissions to the next meeting of the Working Group:
 - 5.3.1 Inkatha Freedom Party
 - 5.3.2 Labour Party
 - 5.3.3 Transkei Government
 - 5.3.4 United People's Front

- 5.4 The ANC proposed that the words "consistent with democratic principles" be added to the steering committee document.

- 5.5 The matter was referred to the Steering Committee to formulate a further draft principle to be presented to the next meeting of the Working Group.

6. Next Meeting

It was agreed that Working Group 2 will meet again on Monday, 9.2.92 at the World Trade Centre from 10h00 to 16h30.

ADDENDUM A

The following delegates and advisors signed the Attendance Register of Working Group 2 meeting held on 2 March 1992:

Organisation	Delegate/Advisor
African National Congress	C Ramaphosa MV Moosa F Grinwala A Sachs
Bophutatswana Government	SG Mothibe R Cronje I Findlay TE Scheepers
Ciskei Government	MC Kashe IJ Smuts J Laubuschagne VR Zietsman
Democratic Party	CW Eglin D Worrall AJ Leon D Welsh
Dikwankwetla Party	SOM Moji S Mopeli M Mopeli
Inkatha Freedom Party	N Brits SH Gumede BS Ngubane
Intando Yesizwe Party	SJ Mgidi AP Laka MP Mahlangu IT Mahlangu
Inyandza National Movement	C Albertyn I Lephoko BE Mabuza EN Ginindza

Labour Party	D Lockey IM Richards G Devenish C Nasson
Natal/Transvaal Indian Congresses	Y Mohamed F Cachalia IC Meer F Haysom
National Party	F van Heerden JA Rabie S Camerer I Rautenbach
National People's Party	M Mohanlall S Ismail B Singh H Neerahoo
Solidarity Party	DS Rajah I Omar K Reddy R Arenstein
SA Communist Party	J Slovo B Nzimande N Hoosain E Daniels
SA Government	G Viljoen JT Delpont F Venter JHE Basson
Transkei Government	S Holomisa R Nogumla
United People's Front	MC Ramusi KR Malatji RJ Dombo
Venda Government	GM Legege MP Nthabalala A Budeli
Ximoko Progressive Party	EE Ngobeni KR Myakayaka EPP Mhingwa J Ackron

9 MARCH 1992

**DRAFT PRINCIPLE ON MEANINGFUL PARTICIPATION OF MINORITIES PREPARED BY THE
STEERING COMMITTEE FOR WORKING GROUP 2**

1. A new constitution should provide for effective participation of minority political parties consistent with democracy.