



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL, AND RESTRICTED TO THE MEMBERS OF WORKING GROUP 5, ITS STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE STEERING COMMITTEE AT ITS NEXT MEETING.

MINUTES OF THE MEETING OF THE STEERING COMMITTEE OF WORKING GROUP 5 HELD AT THE WORLD TRADE CENTRE ON MONDAY 4 MAY 1992 AT 9H30

PRESENT: R Ramontja United People's Front
D Mvelase SA Communist Party
Z Skweyiya African National Congress
Y Moolla Solidarity Party
GS Bartlett National Party
LPHM Mtshali Inkatha Freedom Party

I Thompson (minutes)

Apologies: R Burrows Democratic Party

1. Chairperson's opening remarks

The meeting was chaired by Mr Skweyiya

2. Adoption of agenda

The agenda was adopted with the following addition:

Ratification of the minutes of the meeting of the Steering Committee held on Monday 27 April 1992.

3. Ratification of minutes

It was felt that the minutes of the meeting of the Steering Committee held on Monday 27 April 1992 could not yet be ratified as the members of the Steering Committee had only received them that morning.

It was noted that there was dissatisfaction that these minutes, together with other relevant documentation of the proceedings of Codesa of the previous week, had not been received by all the members of the Steering Committee.

4. Reportback to CODESA 2

The Steering Committee prepared the motivation for the content of the report of Working Group 5 to CODESA 2 to present to the subsequent plenary session, based on the discussion document. (Addendum A)

5. Meeting of Steering Committees with DMC/Secretariat

5.1. A request was made for the minutes of the meeting of the Steering Committees with the DMC/Secretariat held on Tuesday 28 April 1992. This would be taken up with the

administrative staff of that meeting.

5.2. Z Skweyiya and Y Moolla were due to attend a further DMC/Secretariat meeting scheduled for 13h00 on Tuesday 5 May 1992.

5.3. The Steering Committee would advise that the plenary meeting of Working Group 5 scheduled for Monday 11 May 1992 would be postponed unless there was a clear indication emerging from the joint meeting of items requiring discussion before CODESA 2.

6. Next meeting

The next meeting would be held on Monday 11 May at 9h30.

7. The meeting closed.

ADDENDUM A

DRAFT PROGRESS REPORT OF WORKING GROUP 5 FOR CODESA 2

DISCUSSION DOCUMENT

1. This is a draft document intended for discussion by the Steering Committee of Working Group 5. The amendments recommended by members of the Steering Committee will be incorporated, and the document will be presented to the plenary meeting of Working Group 5 for discussion at its meeting on Monday 4 May.
2. The Terms of Reference of WG 5 as agreed on at CODESA 1 are attached for easy reference.
3. WG 5 had decided, after receiving various submissions, to divide into two sub-groups, in order to address the key issues, namely:
 - 3.1. Process/transition: a timetable for negotiations
 - 3.2. Date/climate: for negotiation/transition
4. **Sub-group 1**

The following issues were identified for closer attention:

 - 4.1. Date of CODESA 2
 - 4.2. Formation/duration of Interim Government
 - 4.3. Lifting of sanctions\economic climate
 - 4.4. Duration of transitional government
 - 4.5. Reincorporation of TBVC states
 - 4.6. Constituent assembly
 - 4.7. Date of general elections
5. **Sub-group 2**

The following issues were considered:

 - 5.1. The ending of violence
 - 5.2. Release of political prisoners
 - 5.3. Return of exiles
 - 5.4. Security forces (all inclusive)

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- 5.5. Control of the media
- 5.6. Role of traditional leaders (including the king of the Zulus)
- 5.7. Private armies

6. Task groups

Each of the sub-groups established four task groups, each to monitor the progress of the remaining four working groups in order to establish areas of consensus and to isolate problem areas.

7. Summary of submissions

The submissions made by the various parties is summarised hereunder:-

- 7.1. CODESA 2 should meet by mid-April at the latest.
- 7.2. Before CODESA 2, the position of the Zulu King and the issues of the exiles and political prisoners should be resolved; progress should be made on ending the violence; a substantive report on constitutional principles should be produced (Working Group 2); and proposals for an interim government should be tabled (Working Group 3).
- 7.3. An interim government should be formed between May and October 1992.
- 7.4. An elected assembly should be formed between September 1992 and March 1993, to sit in conjunction with the tricameral parliament.
- 7.5. Before the assembly is elected, the position of the media and the control of the security forces should be resolved (Working Group 1).
- 7.6. Final elections under a new democratic constitution should be targeted between September 1993 and November 1994.

8. Stimulation of discussions/process

In an endeavour to stimulate the discussions and deliberations, participants were requested to respond to the undermentioned questions within the relevant Working Groups:

8.1. Interim/transitional authority

Acknowledging that the delegates have agreed upon the need for an interim/transitional government, the following questions arise from this:

- 8.1.1. Should the interim/transitional authority be elected or appointed?
- 8.1.2. If appointed, by whom should it be appointed?
- 8.1.3. If elected, by whom should it be elected?
- 8.2. Should the interim/transitional authority act as a constitution-making body?

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- 8.3. Purposes and objectives of the interim/transitional authority:
 - 8.3.1. What should the purpose(s) of the interim/transitional authority be?
 - 8.3.2. What should the objectives of the interim/transitional authority be?
- 8.4. Legislature
 - 8.4.1. What should be the fate of legislative powers of the present legislative structures?
 - 8.4.2. Should the interim/transitional authority have legislative powers?
 - 8.4.2.1. If yes, what should these powers be?
 - 8.4.2.2. If no, who is to perform the legislative function during the transitional period?
 - 8.4.3. In what form should the legislature be structured?
 - 8.4.4. By whom is the legislature to be structured?
- 8.5. Executive body
 - 8.5.1. What should be the fate of the present executive structures?
 - 8.5.2. Should the interim/transitional authority have executive powers?
 - 8.5.2.1. If yes, what should those powers be?
 - 8.5.2.2. If no, who is to perform executive functions during the transitional period?
 - 8.5.3. In what form should the executive be structured?
 - 8.5.4. By whom should the executive be structured?
- 8.6. The present RSA constitution
 - What should happen to this constitution during the transitional period?
- 8.7. TBVC and self-governing states
 - 8.7.1. With respect to the TBVC states:
 - 8.7.1.1. What should their position be during the transition period?
Should they participate in the interim/transition authority?
 - 8.7.1.2. What should happen to their constitutions?

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- 8.7.1.3. What should happen to the administrative structures of the TBVC countries during the transitional period?
- 8.7.2. With respect to self-governing states
 - 8.7.2.1. What should their position be during the transition period? Should they participate in the interim/transition authority?
 - 8.7.2.2. What should happen to their administrative structures during the transition?
- 8.8. The role of the international community
 - 8.8.1. Should the international community play any role during the transition period?
 - 8.8.2. What should the role of the international community be?
 - 8.8.3. Which international organisations should be involved?

9. Time frames

With respect to each of the above (where applicable), what should be the time frame for each item be?

Working Group 5, in dealing with the questionnaires, arrived at the following tentative time frames by which the Working Group should respond to the questions noted above:

All by mid April 1992.

The Sub-group on time frames proposed that the implementation of an interim government should be by 30 June 1992 or before the end of this parliamentary session.

10. Progress in other Working Groups

It was negotiated through the DMC that members of the various task groups (referred to in Item 5) would be permitted to attend the plenary sessions of the various groups to observe the proceedings of the respective groups.

11. Conclusion

- 11.1. WG 5 holds the view that the question of the drafting of legislation was a task assigned to it by virtue of the terms of reference agreed on at CODESA 1. However, the viewpoint of the DMC on this matter is a contrary one.
- 11.2. Sub-group 2 of WG 5 has already commenced with examining, reviewing and re-drafting the Electoral Act.
- 11.3. In evaluating the minutes and records of the other Working Groups, Working Group 5 is concerned about the lack of progress in these groups. Consequently, WG 5 is frustrated in its

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endeavours to play a meaningful role, to give effect to the functions and duties assigned to it at CODESA 1.

- 11.3. Working Group 5 can only function effectively if the other Working Groups arrive at decisions.