



WRKGROUP\IMPLTIME\MINAPR27.WI(2)

WORKING GROUP 5\MINUTES\27 APRIL

THESE MINUTES ARE CONFIDENTIAL, AND RESTRICTED TO THE MEMBERS OF WORKING GROUP 5, ITS STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE.

(Adopted as amended at the meeting of Working Group 5 on 4 May 1992)

MINUTES OF THE MEETING OF WORKING GROUP 5 HELD AT THE WORLD TRADE CENTRE ON MONDAY 27 APRIL AT 10H00

PRESENT: (Addendum A)

1. Chairperson's opening remarks

Y Moolla was given the responsibility of chairing the session, in the absence of TM Setiloane.

2. Adoption of agenda

The agenda was adopted with the following amendment:

2.1. Mr D Curry (see Item 5 of the minutes)

2.2. Item 6 would be deleted. (No Sub-groups or Task Groups had met since the previous meeting)

3. Ratification of minutes

The minutes of the meeting of Working Group 5 (30 March 1992) were adopted with the following amendments:

3.1. Item 6.3.1. should be deleted.

3.2. Item 8 should refer to Mr Y Moolla.

4. Report from DMC/Secretariat

The meetings of the Steering Committee with the DMC/Secretariat on 30 March and 27 April were reported on.

4.1. Working Groups 1-4 had all accepted (despite some initial reservations) the proposal that members of the Task Groups of Working Group 5 attend their corresponding plenary sessions. The mechanism for this process was referred back to the Steering Committee for fine-tuning.

4.2. The proposal for a Drafting Committee (as outlined in the DMC\Secretariat meeting with the Steering Committee on 27 April 1992) was reported to the plenary. (see Addendum B) Due to the absence of several members of the Steering Committee, the meeting on 27 April was of an exploratory nature.

4.2.1. It was agreed that the Task Group convenors' proposal for the task group working procedure (as drawn up on 9 March: see Addendum C) should be forwarded to to the joint DMC/Secretariat and Steering Committees

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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meetings (scheduled for 28 April) to be incorporated into the drafting proposal.

5. **Mr D Curry**

Mr D Curry, who had been a member of the Steering Committee of Working Group 5, had moved to Working Group 1. It was agreed that he would not be replaced in the Steering Committee.

6. **Working Group 5 report to CODESA 2**

The memorandum from the DMC (8 April) regarding "Report back to CODESA 2" was noted. It was agreed that the Steering Committee draft a report for CODESA 2, to present to the Working Group for discussion at its next meeting.

7. The next meeting would be held at 10h00 on Monday 4 May 1992.

8. The meeting closed.

A handwritten signature in black ink, appearing to be 'D. Curry', written in a cursive style.

ADDENDUM A

The following people signed the attendance register:

Organisation	Delegate	Adviser
ANC	P Jordan Z Skweyiya	G Bizos
Bophuthatswana Govt	IJ Reid	AM Boikanyo LI Morule
Ciskei Government	PP Jacobs	
Democratic Party	JJ Walsh DHM Gibson	
Dikwankwetla Party	ST Leokaoko DT Mokoena	P Thaele
Inkatha Freedom Party	FX Gasas	P Smith M Zondi
Intando Yesizwe Party	VS Mahlangu N Mbonani	S Mtsweni
Inyandza Nat Movement	DS Kunene SS Ripinga	BD Madonsela GG Zama
Labour Party	Mrs Y Bassier K Lategan	A Essop M Hendrickse
NIC/TIC	H Ebrahim Y Vawda	N Balton FM Meer
National Party	M Streicher C Fisser	P Matthee
National People's Party	O Ganie DK Padiachey	As Pillay AL Singh
Solidarity Party	Y Moolla NM Raju	M Naranjee I Osman
SACP	D Mvelase C Dlamini	

ADDENDUM A

SA Government	L Wessels A Williams	JM Spaarwater GC von Bratt
Transkei Government	N Mabude N Bebeza	PG Qokweni GE Zilwa
United People's Front	MJ Duba R Ramontja	SN Bambo IKE Moloko
Venda Government	E Lukhaimane LS Ramavhoya	M Mphaphuli E Randima
Ximoko Progressive Party	MH Matjokana DZJ Mtebule	SE Mathumbu ML Nkuna

Isabel Thompson (minutes)

Apologies:	GS Bartlett	National Party
	P Marais	National Party
	IKE Moloko	United People's Front
	LPHM Mtshali	Inkatha Freedom Party
	JS Mabona	Intando Yesizwe Party
	TM Setiloane	Bophutatswana Government
	A Masondo	SA Communist Party
	M Mafu	SA Communist Party
	R Burrows	Democratic Party
	R Hulley	Democratic Party
	MN Poni	Ciskei Government
	BH Muller	Ciskei Government
	ARL Xaba	Dikwankwetla Party

ADDENDUM B

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE MC, THE DMC, THE SECRETARIAT AND THE WGSC'S.

DRAFT MINUTES OF THE MEETING BETWEEN MEMBERS OF THE DMC, THE SECRETARIAT AND THE STEERING COMMITTEE OF WORKING GROUP 5 HELD AT 8H00 ON 27 APRIL 1992 AT THE WORLD TRADE CENTRE.

PRESENT:

- M Streicher (replacing G Bartlett) (WGSC 5)
- Z Skweyiya (WGSC5)
- Y Moola (WGSC5)

- M Maharaj (Secretariat)

- P G Gordhan (DMC Chairperson)

- I Thompson (Minutes)

1. Chairperson's Opening Remarks

- 1.1. The meeting was chaired by PG Gordhan.
- 1.2. Apologies were noted from Z Titus, R Meyer and P Hendrickse (DMC), and L Mtshali and R Burrows (WGSC 5). The absence of R Ramontja and D Mvelase was also noted.
- 1.3. The main issue to be discussed at this meeting would be the question of drafting, as a continuation of the discussion of the DMC, Secretariat and WGSC 5 held on 30 March 1992.

2. Drafting Sub-committee

The following proposal for a drafting structure be considered by Working Group 5:

- 2.1. It was reiterated that the drafting committee would be structured to involve participants from WG 5, Rapporteurs of the Working Groups, and experts from the above mentioned list (as reflected by the minutes of the meeting held on 30 March)
- 2.2. A list of experts in specific fields (where drafting would be necessary) would be compiled as follows: members of the DMC and WG 5 would put names forward to the Secretariat this week.

ADDENDUM B

- 2.3. Several categories where drafting expertise would be required were identified:

These categories should be borne in mind when names of experts are submitted.

- 2.3.1. The drafting of a new electoral law (initiated already by Task Group 2. Sub-group 2 of Working Group 5)
- 2.3.2. Restoration of SA citizenship
- 2.3.3. An interim Bill of Rights
- 2.3.4. Legislation ensuring the freedom of political expression
- 2.3.5. The reworking of legislation that is expressly or insidiously sexist.

- 2.4. It was noted that due to the absence of the above mentioned Steering Committee members, the proposal would be reported to the Steering Committee and to the Working Group meetings scheduled for later that morning.

3. Co-ordination of Working Groups

It was noted that the initial reservations held by Sub-group 1 of Working Group 1 regarding the attendance of Working Group 5 members at other Working Group meetings as observers were no longer held by that Sub-group.

- 4. The next meeting of Working Group Steering Committees, the DMC and the Secretariat was scheduled for 15H00 on Tuesday 28 April 1992.
- 5. The meeting closed.

ADDENDUM C

REPORT BY THE CONVENORS OF TASK GROUPS 1 - 4 OF SUB-GROUP 2 OF WORKING GROUP 5 ON WORKING PROCEDURE

Proposed working procedure for task groups:

1. Task groups should take the initiative in identifying issues requiring legislation.
2. When a Working Group has reached agreement on an issue which requires legislation for implementation, such an agreement, together with a memorandum explaining the agreement, should be forwarded to the relevant task group via the Steering Committee of Working Group 5.
3. As its first step, a task group should draw up a draft brief for the experts who are to draft the legislation.
4. When a task group has reached agreement on a draft brief, such brief should be submitted to Sub-group 2 of Working Group 5 for its approval.
5.
 - 5.1 Once Sub-group 2 has approved the brief, such brief should be forwarded to the relevant Working Group, via its Steering Committee, to enable the Working Group to assess whether the brief is consistent with its principled agreement.
 - 5.2 If there is doubt as to which Working Group should be considering the brief, then the brief should be sent to the Management Committee for direction.
6. When the relevant Working Group has approved of the brief, such brief should be returned to the relevant Task Group via the Steering Committee of Working Group 5.
7. The task group should then forward the brief to the group of experts to enable them to prepare draft legislation.
8. Draft legislation prepared by the expert draftspersons should then be submitted, via the task group, to Sub-group 2 for approval.
9. Draft legislation, as approved by sub-group 2, should then be approved by Working Group 5 before being forwarded to the relevant Working Group, via its Steering Committee, for its approval.
10. Draft legislation which has been approved by a Working Group should then be returned to Sub-group 2 for its final approval, before being submitted to CODESA by Working Group 5 (after its ratification).