

**FIRST DRAFT OF WORKING GROUP 4'S REPORT TO CODESA 2**

1 **Brief summary of the terms of reference for Working Group 4.** (a copy of the full terms of reference will be attached)

2 **Explanation of the way working group 4 conducted its business.**

2.1 **Establishment of sub groups**

Working group 4 created four sub groups to look at the following issues:

2.1.1 Sub group 1 - testing the will of the people

2.1.2 Sub group 2 - citizenship

2.1.3 Sub group 3 - practical, financial and administrative implication of reincorporation

2.1.4 Sub group 4 - constitutional, legal and political implications of reincorporation.

Each delegation was representated on the sub groups.

of Working group 4 determined terms of reference for each sub groups. Copies of the terms of reference are annexed marked.....

2.2 **Progress made in each of the sub groups.**

2.2.1 **SUB GROUP 1**

No consensus was reached in the group about testing the will of the people. The sub group deadlocked over whether there should be a seperate counting of the votes in the TBVC states.

2.2.2 **SUB GROUP 2**

Sub group 2 reached sufficient consensus that South African citizenship be restored. In this regard there were two views on the timing of this restoration of citizenship:

a) citizenship should be restored immediately;

b) citizenship should be restored after the testing of the will of the people and if such expression of the will is in favour thereof.

The Bophuthatswana Government recorded its objection to this and stated 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.

2.2.3      **SUB GROUP 3**

Sub group 3 reached consensus on a number of points. These are:

- 2.2.3.1      there is no objection to reincorporation in principle.
- 2.2.3.2      reincorporation should be conducted in such a way to ensure business confidence.
- 2.2.3.3      there shall be a moratorium on all land transfers to the TBVC governments.
- 2.2.3.4      the assets of the TBVC states are to be transferred to the new government on reincorporation.
- 2.2.3.5      optimal use of the existing structures in the TBVC states must be ensured.
- 2.2.3.6      prioritisation of development projects are to form part of the national\regional development projects.
- 2.2.3.7      good administration should be maintained during the transition.
- 2.2.3.8      civil servants should retain their existing salaries, conditions of service etc.
- 2.2.3.9      servicing and repayment of debts should be the responsibility of the new national\regional government.
- 2.2.3.10     it was recommended that 2 commissions be appointed to investigate and make recommendations on the following:
  - 2.2.3.10.1     retention of business confidence
  - 2.2.3.10.2     use of existing infrastructure
  - 2.2.3.10.3     good administration during the transition

2.2.3.10.4 the future of the civil service

2.2.4 Reservations

The Bophuthatswana Government reiterated its preference for non reincorporation but stated that every option which promises a better future or a future or at least as good as its present position will be regarded as a feasible and realistic option for consideration.

2.2.5 **SUB GROUP 4**

3 Points of agreement reached:

3.1 Working group 4 reached consensus on the following issues:

A copy of the agreement of working group 4 is attached.

3.2 Consensus was also reached on a number of issues relating to the practical, financial and administrative effects of reincorporation. A copy of the report is attached marked.....

4 Points of disagreement in working group 4

5 Points not yet covered by working group 4 from the terms of reference