



WRKGROUP\IMPLTIME\SG1M9MAR.WI (2)

WORKING GROUP 5\SUB-GROUP 1\MINUTES\9 MARCH

THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON OF SUB-GROUP 1 OF WORKING GROUP 5. THEY ARE CONFIDENTIAL, AND RESTRICTED TO WORKING GROUP 5, ITS STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE SUB-GROUP AT ITS NEXT MEETING.

DRAFT MINUTES OF THE MEETING OF SUB-GROUP 1 OF WORKING GROUP 5 HELD AT THE WORLD TRADE CENTRE ON MONDAY 9 MARCH 1992 AT 14H00

PRESENT: (Addendum A)

1. Adoption of Agenda

1.1 The following agenda was recommended:

- 1.1.1 Steering Committee Minutes
- 1.1.2 Working Group Minutes
- 1.1.3 Reports from Task Groups
- 1.1.4 Other business
- 1.1.5 Closure

1.2 Noting that the meeting only had the authority to ratify its own minutes it was resolved that discussion on the minutes of the Plenary of Working Group 5 of the 2 March be postponed.

The amended agenda was adopted.

2. Announcements

The following announcements were made on behalf of Administration:

- 2.1 A press conference at 16H00. Agreed that Mr Y Moolla (Solidarity Party) being the only Steering Committee member present should be excused to consult with other Steering Committee members.
- 2.2 Written submissions as tabled at the meeting of 2 March were called for.
- 2.3 List of Task Group members was called for.
- 2.4 List of scribes for Task Groups was called for.
- 2.5 Attendance registers for Working Groups 1 and 2 were called for.

3. Apologies and substitutions

3.1 The following apologies were noted: C. Carolus (ANC), G. Bartlett (NP), A. Essop (L.P).

3.2 The following points were noted:

3.2.1 Item 3. (Task Group 2): Should be read together with Item 6.1. (after the recess the ANC moved from Task Group 2 to Task Group 3).

3.2.2 Item 3. (Task Group 2): It was noted that even though there are 11 parties/organisations listed, only 10 have been attending the meeting. It was noted that a representative from Venda will attend this meeting in the future but will be absent next week.

3.2.3 Item 6.3: Mr Reid and Mr Setiloane will both participate in Sub-Group 1.

4. Report on the meeting of 2 March

The draft report from the above meeting was adopted with the following amendments:

4.1 Item 6.2: Inyandza to attend Task Groups 1 and 2.

4.2 Item 6.6: Mr H Ebrahim substituted C. Carolus as Chair in the second session.

4.3 Item 10.1: UPP should read UFP.

4.4 Item 10.2.2: Should read: "the position of the King of the Zulus and traditional leaders."

5. Matters arising

5.1 Addendum C, Item 1: Mr Moolla (Solidarity Party) reported that discussion is taking place between the Steering Committee and the Daily Management Committee and the necessary letters have been written in accordance with the accepted procedures.

6. Reports from Task Groups

6.1 Task Group 1 (Addendum B)

6.1.2 The meeting was structured to address:

6.1.2.1 priorities

6.1.2.2 working procedures

6.1.2.3 general matters

6.1.3 Consensus was reached on key areas:

- 6.1.3.1 the release of political prisoners and the acceleration of the return of exiles;
- 6.1.3.2 the need for the reduction of violence;
- 6.1.3.3 the need for independent broadcasting.

6.1.4 Recommendations were made as follows:

- 6.1.4.1 that Working Group 5 resolve these issues before Codesa 2;
- 6.1.4.2 that the transitional executive authority envisaged by Working Group 3 would contribute to reducing violence;
- 6.1.4.3 that Working Group 1 should report to Codesa 2 on necessary steps to achieve an independent broadcasting authority with emphasis on fair and impartial party-political coverage in the run up to a future election.

6.2 **Task Group 2** (Addendum C)

6.2.1 Objectives were identified as follows:

- 6.2.1.1 Monitoring the progress of Working Group 2;
- 6.2.1.2 Evaluating progress and making proposals;
- 6.2.1.3 Recommending time frames to Plenary.

6.2.2 Noting the areas of commonality reached with regard to constitutional principles only it was recommended that:

- 6.2.2.1 Working Group 2 initiate discussion with regard to a constitution-making body before Codesa 2 so that appropriate time-frames could be proposed.

6.3 **Task Group 3** (Addendum D)

6.3.1 The following recommendations were made by general consensus:

- 6.3.1.1 That Codesa 2 meet on 23-24 April;
- 6.3.1.2 That Working Group 3 table its proposals for an interim/transitional government and for a future transitional process at Codesa;
- 6.3.1.3 That Working Group 3 submit reports on the following questions to the Management Committee by 14 April in order to have them included in Codesa 2 documentation:
 - * Question of appointing or electing the transitional authority?
 - * How it is appointed?

- * Its powers, purposes and objectives?
- * Its relationship with the existing legislature?
- * Its relationship with the existing Executive Cabinet?
- * What becomes of the existing constitution?
- * The position/participation of the existing TBVC states?

6.3.2 It was further resolved that:

- 6.3.2.1 Clarification on the position/participation of the TBVC states was not essential before Codesa 2;
- 6.3.2.2 The question of the international role was not a matter for conclusion before Codesa 2.

6.3.3 It was further recommended that:

- 6.3.3.1 An interim/transitional government should be installed by 30 June or the last day of the present parliamentary session (whichever comes first);
- 6.3.3.2 That Sub-Group 2 should note proposed timetable and assess whether or not it is realistic in terms of processing legislative amendments;
- 6.3.3.3 That the meeting on Monday 16 March should be postponed.

6.3.4 It was agreed

- 6.3.4.1 That the Task Group would rely on formal minutes of Working Group 3 as well as on informal contact;
- 6.3.4.2 That Working Group 3 be requested to address the question of interim government at provincial, regional and local level.

6.4 **Task Group 4 (Addendum E)**

6.4.1 Reincorporation of the TBVC states was agreed upon by sufficient consensus pending:

6.4.1.1 Reports from Sub-Committees to Working Group 4:

- * testing the will of the people;
- * Citizenship;
- * Administrative, financial, practical effects;
- * Legislation

6.4.2 It was further agreed that it was not realistic at this stage to propose a time-frame.

7. **Matters arising**

7.1 **Time frames**

It was agreed by general consensus that noting that decisions with regard to time frames would ultimately be made by Working Group 5 Plenary the Task Groups are mandated to make recommendations. In keeping with this understanding the following recommendations were made:

- 7.1.1 Codesa 2 should take place from 24-25 April, 1992;
- 7.1.2 Substantive proposals around the key issues identified by Working Group 1 should be submitted by 14 April;
- 7.1.3 An interim government should be installed by 30 June or last day of the current parliamentary session (whichever comes first).

7.2 Decisions should be binding

It was agreed by general consensus that decisions taken by Task Groups could not be reversed by the Group. By the same token, decisions taken at the next level, i.e. at Sub-Group 1 of Working Group 5 should be binding. As these decisions are discussed from one level to the next the same principles should apply.

7.3 Date of next meeting

- 7.3.1 It was agreed that the next meeting will take place on Monday 23 March 1992.
- 7.3.2 It was recommended that the meeting of 23 March should be a meeting of Working Group 5 Plenary and that this recommendation would be taken up at the meeting of the Steering Committee.

8. The meeting closed.

WRKGROUP\IMPLTIME\SG1M9MAR.WI (2)

WORKING GROUP 5\SUB-GROUP 1\MINUTES\9 MARCH

Addendum A

The following people signed the attendance register:

Organisation	Sub-Group 1
Bophutatswana Government	IJ Reid
Ciskei Government	BJ Muller MN Poni
Democratic Party	R Hulley J Walsh
Dikwankwetla Party	ST Leokaoke P Thaele
Inkatha Freedom Party	FX Gaza M Zondi
Inyandza National Movement	D Kunene TR Jordan
Labour Party	Y Bassier
NIC/TIC	H Ebrahim (chair)
National Party	PJ Marais DM Streicher
National People's Party	O Ganie AL Singh
Solidarity Party	Y Moolla NM Raju
South African Communist Party	C Dlamini A Masondo
South African Government	A Williams HP Fourie
Transkei Government	N Bebeza PG Qokweni

WRKGROUP\IMPLTIME\SG1M9MAR.WI (2)

WORKING GROUP 5\SUB-GROUP 1\MINUTES\9 MARCH

United People's Front

MJ Duba
SN Bambo

Venda Government

EK Lukhaimane

Ximoko Progressive Party

MH Matjokana
SE Mathumbu

Melody Emmett (minutes)



WORKING GROUP 5\SUB-GROUP 1\TASK GROUP 1\REPORT\9 MARCH

Addendum B

DRAFT REPORT FROM TASK GROUP 1 OF SUB-GROUP 1 OF WORKING GROUP 5, 9 MARCH, 1992

1. Chairman and Scribe

Mr J. Walsh was appointed Chairman and Mr O. Ganie as Secretary.

2. Adoption of Agenda

- 2.1 Election of Chairperson
- 2.2 Appointment of Scribe
- 2.3 Review of the Terms of Reference
- 2.4 Set Priorities/Discussions
- 2.5 Establish Working Procedures
- 2.6 General

3. Priorities/Discussions

Consensus was reached on the following:

3.1 Political Prisoners, Return of Exiles & General Amnesty

Working Groups 1 and 5 have identified that the release of political prisoners, the return of exiles and general amnesty are vital prerequisites in the process of setting a climate conducive to negotiation. Therefore Working Group 5 requests Working Group 1 to try and resolve these issues and implement same as soon as possible but not later than Codesa 2.

3.2 Violence

Reduction of the level of violence is critical to the creation of the climate and opportunity for free political participation.

A transitional executive authority as envisaged by Working Group 3 would greatly contribute to achieving this end.

Working Group 1 is therefore asked to report to Codesa 2 on its planned programme of action and progress made in terms of the National Peace Accord.

3.3 Media

Noting the decision to establish an independent broadcasting authority, we believe Working Group 1 should report to Codesa 2 on steps necessary to achieve this.

Priority must be given to implementation to ensure fair and impartial party political coverage from the commencement of the run-up period to a future election.

4. Date of next meeting

The date of the next meeting is to be decided in Sub-Group 1 Plenary session.



WORKING GROUP 5\SUB-GROUP1\TASK GROUP 2\REPORT\9 MARCH

Addendum C

**DRAFT REPORT FROM TASK GROUP 2 OF SUB-GROUP 1 OF WORKING GROUP 5, 9
MARCH 1992**

1. Agenda

- 2.1 Objectives
- 2.2 Progress made in Working Group 2
- 2.3 Report and recommendation
- 2.4 Next meeting

2. Objectives of the Group:

- * To evaluate progress made in Working Group 2 and report back to Working Group 5.
- * To make tentative recommendations of time frames through Sub-Group Plenary.

3. The following points were noted:

- 3.1 Documents are not readily made available;
- 3.2 Noting that time frames recommended in isolation of other Task Groups are counter-productive it was agreed that the question of time frames should be raised at the Plenary of Working Group 5 Sub-Group 1;
- 3.3 Noting areas of commonality that have been achieved with regard to constitutional principles it was agreed that recommendations should be made to Working Group 2 that discussions proceed regarding a constitution-making body before Codesa 2.

5. Date of next meeting

It was resolved that the Plenary of Working Group 5 Sub-Group 1 should determine the date of the next meeting.



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WORKING GROUP 5\SUB-GROUP1\TASK GROUP 3\REPORT\9 MARCH

Addendum E

DRAFT REPORT FROM TASK GROUP 3 OF SUB-GROUP 1 OF WORKING GROUP 5, 9 MARCH 1992

1. Attendance

See Addendum A.

2. Approval of minutes of 2 March 1992

The minutes were approved.

3. Time tables for Working Group 3

3.1 It was agreed to use item 10.2 of the minutes of Sub-group 1 of Working Group 5 of 2 March 1992 as well as the questions included in Appendix C of the minutes of the meeting of Working Group 3 on 2 March 1992 as guidelines for the formulation of target dates for Working Group 3. The following decisions were taken:

3.1.1 It is recommended that CODESA II meet on 24 and 25 April 1992.

3.1.2 It is further recommended by sufficient consensus that Working Group 3 should table its proposals for an interim/transitional government, and for the future transitional process, for consideration at CODESA II.

3.1.3 Following from these recommendations it is recommended that Working Group 3 submit reports on the following questions from Appendix C to the Management Committee by 14 April 1992 in order to have it included in the documentation for CODESA II:

* "1. Interim\Transitional Authority

Acknowledging that the Delegates have agreed upon the need for an Interim/Transitional Government, the following questions arise from this:

1.1 Should the Interim\Transitional Authority be elected or appointed?

1.2 If appointed, by whom should it be appointed?

1.3 If elected, by whom should it be elected?

* "2. Should the Interim/Transitional Authority act as a constitution making body?

* "3. Purposes and objectives of Interim/Transitional Authority:

3.1 What should the purpose(s) of the Interim/Transitional Authority be?

* **Directly quoted from Appendix C**

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3.2 What should the objectives of the Interim/Transitional Authority be?

* "4. Legislature:

4.1 What should be the fate of the Legislative Powers of the present legislative structures?

4.2 Should the Interim/Transitional Authority have legislative powers?

4.2.1 If yes, what should these powers be?

4.2.2 If no, who is to perform the legislative function during the transitional period?

4.3 In what form should the legislature be structured?

4.4 By whom is the legislature to be structured?

* "5. Executive Body:

5.1 What should be the rate of the present Executive Structures?

5.2 Should the Interim/Transitional Authority have executive powers?

5.2.1 If yes, what should those powers be?

5.2.2 If no, who is to perform executive functions during the transitional period?

5.3 In what form should the Executive be structured?

5.4 By whom is the Executive to be structured?

* "6. The present RSA constitution:

What should happen to this constitution during the transitional period?

* "7.2 In respect of the Self-Governing States:

7.2.1 What should their position be during the transitional period? Should they participate in the Interim/Transitional Authority?

* Directly quoted from Appendix C

7.2.2 What should happen to their administrative structures during the transitional period?

3.1.4 With regard to the following questions it is recommended that it will be desirable to have it answered by 14 April 1992 but it was decided that it is not essential for CODESA II or the early part of the process:

* "7.1 In respect of the TBVC States:

7.1.1 What should their position be during the transitional period? Should they participate in the Interim/Transitional Authority?

7.1.2 What should happen to their constitutions?

7.1.3 What should happen to the administrative structures of the TBVC countries during the transitional period?"

3.1.5 With regard to the following questions it is recommended that no target dates be set at this stage:

* "8. The role of the International Community:

8.1 Should the International Community play any role during the transitional period?

8.2 What should the role of the International Community be?

8.3 Which International Organisations should be involved?"

3.1.6 The target date for the installation of an Interim/Transitional Authority should be 30/6/1992 or the last day of the present Parliamentary Session, whichever ever comes first.

3.1.7 Further target dates will be considered as soon as Working Group 3 reports further progress.

4. Sub-group 2 of Working Group 5 is requested to take note of these recommendations and confirm whether it is realistic or not.

5. Procedures to get information to Task Group 3

It was agreed that the Task Group will rely on the formal minutes of Working Group 3 as well as on informal contacts between members of the Task Group and the Working Group to get the information they need as quickly as possible.

* Directly quoted from Appendix C

6. Other Matters

It was agreed to request Working Group 3 to address the question of interim government at provincial, regional and local levels as a matter of urgency.

7. Next meeting

7.1 It was decided not to meet on 16 March 1992.

7.2 The next meeting will take place on 23 March 1992, if the Steering Committee decides to call a plenary meeting of Working Group 5 on that day.

ADDENDUM A

THE FOLLOWING PEOPLE WERE PRESENT:

RR Hulley (DP)	Chairperson
C Carolus (ANC)	Deputy Chairperson
HP Fourie (SA Gov)	Secretary
SN Bambo (UPF)	
FX Gasa (IFP)	
A Masondo (SACP)	
Y Moolla (SP)	
BH Muller (Ciskei Gov)	
EM Randima (Venda Gov)	

APOLOGY

JS Mabona (IYP)

ABSENT

A Essop (LP)



WG5SG1TG4\MINS.WI (5)

WORKING GROUP 5 SUB-GROUP 1 TASK GROUP 4\9 MARCH

Addendum F

**DRAFT REPORT FROM TASK GROUP 4 OF SUB-GROUP 1 OF
WORKING GROUP 5, 9 MARCH 1992**

1. The following minutes were scrutinised :

1.1 Working Group 4 :

1.1.1 First Meeting - 20 January 1992

1.1.2 Second Meeting - 6 February 1992

It was agreed that the secretary would communicate with the Administration to make copies of submissions (18) available to the task group (Item 4.3).

1.1.3 Third Meeting - 10 February 1992

It was agreed (refer 5.2) that the outstanding report from the sub-committee be made available as soon as possible ie immediately the report is tabled at the Working Group/Working Group Steering Committee meeting(s).

It was agreed that Items 7.1.1 - 7.1.4 of necessity raised cogent problems which would affect the scheduling of realistic time frames.

1.1.4 Fourth Meeting - (Item 3.5)

It was noted that the report referred to Item 1.1.3 is outstanding.

1.1.5 Fifth Meeting -

1.2 Working Group Steering Committee

Meetings 20/1/92, 27/1/92, 11/2/92, 18/2/92, 18/2/92, 24/3/92

2. Conclusion

It was agreed pending :

2.1 Reports from sub-committees to Working Group 4

2.1.1 Testing the will of the people

2.1.2 Citizenship

2.1.3 Administrative, financial, practical effects

2.1.4 Legislation

and the in depth research and feed-backs required and with some TBVC states favouring re-incorporation while others were opposed to re-incorporation, it would be pre-mature to schedule a realistic time frame for the re-incorporation of TBVC states.

2.2 It was agreed that there were still outstanding Working Group/Working Group Steering Committee minutes which the task group needed to scrutinise, further exacerbating the difficulty of setting realistic time scales.