

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE SUB GROUP, THE WORKING GROUP, 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 FOURTH MEETING OF SUB GROUP 1 (TESTING THE WILL OF THE PEOPLE) OF WORKING GROUP 4 (THE FUTURE OF THE TBVC STATES) HELD AT THE WORLD TRADE CENTRE ON MONDAY 9 MARCH 1992 AT 09H30**

PRESENT: Delegates (see Addendum A)  
EK Moorcroft (chair)  
M Durrheim (minutes)

**1. Apologies**

N Nogcantsi  
B Anderson

The abovementioned delegates were absent for the first half of the morning.

**2. Chairperson's opening remarks**

Delegates were welcomed by the chairperson and the meeting was opened with prayer.

**3. Agenda**

The agenda for the meeting was adopted.

**4. Confirmation of minutes of meeting held on 2 March 1992**

The minutes of the meeting held on 2 March 1992 will be amended as follows:

**4.1 Point 6 will be amended to read as follows:**

It was agreed that sub group 1 would submit to working group 4 that the management committee of Codesa set up an independent and objective broadcasting facility, perhaps called "Voice of Codesa". Broadcasting would be via all electronic media (TV, radio etc) at prime time. "Voice of Codesa" would broadcast directly from Codesa after the usual weekly press conference, so that it is seen to be objective and independent. The spokesperson would be the chair of the management committee.

**4.2 The fourth paragraph of point 7.2.1 will be amended to read as follows:**

It was agreed that the will of the people needs to be tested as soon as possible. In order to ascertain at what stage the referendum should take place it was felt necessary to liaise with working groups 2 and 3. It was agreed to suggest to working group 4 that a sub-committee be formed to liaise between these three working groups.

- 4.3 Point 7.2.4 will be amended to read as follows:  
The role of Codesa in the referendum was discussed. It was agreed that in South Africa the referendum should be Codesa-driven. With respect to the TBVC states it was agreed that the referendum should be Codesa-driven, with the co-operation of the states involved. The Bophuthatswana government recorded its objection to any role being played by Codesa in Bophuthatswana.
- 4.4 Point 7.2.5 will be amended to read as follows:  
Concern was expressed about the capacity of Codesa to play the kind of role the sub group envisaged for it unless its financial position could be improved. It was felt that Codesa should be bolstered by the international community and allowed to raise funds. It was felt that this problem should be drawn to the attention of working groups 2 and 3.
- 4.5 The minutes were adopted together with the above amendments.

## 5. Matters arising

### 5.1 Election of a Rapporteur

The National Party stated that, in view of the important progress sub group 1 has made, in the spirit of co-operation that the respective delegations have established at Codesa thus far, and in the belief that this spirit of co-operation can be extended to all delegations when needed in future, the National Party was prepared to withdraw its nomination for a rapporteur. The National Party appealed to the SACP to withdraw their nomination for a rapporteur and agree that the chairperson of sub group 1 should continue to report back to working group 4. The SACP agreed to this proposal.

It was agreed that the chairperson of sub group 1 will report back to working group 4 and liaise with the two rapporteurs appointed by working group 4 in the drawing up of the report for Codesa 2.

### 5.2 Strategies for information

Delegates were informed that the steering committee of working group 4 had requested that the sub group include this request in its report to working group 4.

### 5.3 Liaison with working groups 2 and 3

Delegates were informed that the steering committee of working group 4 had suggested that sub group 1 include the request for liaison between sub group 1 and working groups 2 and 3 in its report to working group 4.

## 6. Review of progress made

### 6.1 The chairperson presented a "Summary of Proceedings" (Addendum B).

6.1.1 During the ensuing discussion it was agreed that with regard to eligibility of voters sub group 1 is unable to make a recommendation until it has heard the recommendations of sub group 2 of working group 4 and working groups 2 and 3.

6.1.2 It was agreed that the Summary of Proceedings be adopted by the sub group and

included in the minutes (Addendum B).

- 6.2 Delegates agreed upon the wording of a document headed "Final Summary of Proceedings" which will be included in the minutes (Addendum C) and presented to working group 4.

7. **Votes of thanks**

All delegates thanked the chairperson for the role he had played in facilitating the working of sub group 1. The chairperson also thanked the delegates for the positive spirit of co-operation evident during proceedings.

8. **Date of next meeting**

It was agreed not to set a date for the next meeting of sub group 1 until there has been liaison with the other sub groups and working groups referred to above.

**Note:** At a steering committee meeting held at 16h00 on Monday 9 March it was decided that all delegates of sub group 1 should meet together with all delegates of sub group 2 (Citizenship) of working group 4. This meeting will take place at the World Trade Centre on Tuesday 24 March from 09h30 to 16h00.

9. **Closure of meeting**

The meeting was closed at 12h50.

## ADDENDUM A

The following persons attended the meeting of sub group 1 of working group 4 on Monday 9 March 1992.

<b>Organisation</b>	<b>Delegate</b>
ANC	M Phosa
Bohputatswana	SS Seane
Ciskei Government	N Nogcantsi
Democratic Party	EK Moorcroft
Dikwankwetla Party	MC Noge
Inkatha	B Anderson
Intando Yesizwe Party	M Mahlangu
Inyandza National Movement	J Matsana
Labour Party of SA	W Whyte
National Party	PJ Farrell
N P P	RC Panday
NIC	J Yawitch
SACP	S Ngonyama
SA Government	AT Meyer
Solidarity Party	Y Seedat
Transkei Government	LM Bengu
UPF	NM Malekane
Venda Government	RR Sumbana
Ximoko Party	C Khosa

## ADDENDUM B

## PRELIMINARY SUMMARY OF PROCEEDINGS OF SUB GROUP 1 (TESTING THE WILL OF THE PEOPLE) OF WORKING GROUP 4 (THE FUTURE OF THE TBVC STATES)

1. Sub group 1 approached its brief in the following way:  
first it dealt in broad general terms with points 1.1 to 1.3 of its terms of reference, which include the investigation of the relationships between the TBVC states and South Africa under a new South African constitution. In particular it sought to identify key issues and problems, as well as areas of commonality between participating delegates. Two key issues were identified. These are:
  - 1.1 Is it desirable to support the re-incorporation of the TBVC states into a new South Africa? and
  - 1.2 Is it desirable to test the will of the people regarding re-incorporation?
2. The question of testing the will of the people forms part of the specific brief of sub group 1.
  - 2.1 As a consequence of debate, together with perusal of written submissions, the following areas of commonality have been identified:
    - 2.1.1 All delegates, with the exception of Bophuthatswana, have no objection to re-incorporation. Bophuthatswana is still considering constitutional options.
    - 2.1.2 All delegates, with the exception of Bophuthatswana, agree that the people themselves should have a deciding vote in this matter, i.e. the will of the people must be tested. Bophuthatswana has expressed the view that such a decision should be the responsibility of the Bophuthatswana government.
3. There was broad agreement between those delegates who supported the concept of "testing the will of the people" that the best way of testing this will would be by means of a referendum. The SACP stated that whereas its attitude was that restoration of citizenship by the SA government was desirable, it was nonetheless not averse to a referendum.
4. All delegates agreed that the referendum should not be held on the basis of race or ethnicity.
5. There was also general agreement (with the exception of Inkatha) that the referendum should be held on a nation-wide basis i.e. that separate referenda should not be held in each TBVC state independent from the rest of the RSA.
6. Two key issues were identified. These were:
  - 6.1 The question to be asked in the referendum, and
  - 6.2 The timing of the referendum.
7. Central to these two issues will be the recommendations made by sub group 2 regarding the constitutional

future of the RSA. It was agreed that when these recommendations are put to the people of South Africa for their approval, then they should be put to the people of the TBVC states also.

- 7.1 The Bophuthatswana government recorded its position i.e. that if the Bophuthatswana government decides that it is necessary to test the will of the people, the ensuing referendum would be conducted by the Bophuthatswana government.
8. It would then follow that rejection of the recommendations by the people of any one or more of the TBVC states would also indicate rejection of the idea of re-incorporation by that state or states.
9. It was agreed that if the will of the people in the TBVC states is to be tested, then it will be necessary to count the votes of the people in those states separately from those of people in the rest of the RSA.
  - 9.1 The ANC, SACP, and NIC/TIC placed on record that they would not accept a referendum in which separate counting was done on the basis of race or ethnicity.
10. With regard to the timing of the referendum, it was agreed that the will of the people in the TBVC states should be tested as soon as possible.
  - 10.1 It was felt strongly by the ANC, SACP and NIC/TIC that all the people of the TBVC states should be given the opportunity to participate in the transitional arrangements and in the drawing up of the new constitution.
11. It became clear that a difficulty existed between those who believe that re-incorporation should take place sooner in order that the people of the TBVC states should be able to participate more fully and those who believe that re-incorporation should take place later so that the people will not be called upon to "take a step in the dark" i.e. they should first know what it is that Codesa has decided.
12. It was pointed out that the difficulty was rooted in the problem of co-ordinating the proceedings of working groups 2, 3 and 4.
13. The NIC/TIC, ANC and SACP placed on record their position that re-incorporation of the TBVC states should be by means of a unilateral act by the South African government.
14. The eligibility of voters was discussed i.e. who would be eligible to vote in the TBVC states. Would it be citizens only, or would residents also be included?
  - 14.1 Bophuthatswana made it clear that only those in possession of Bophuthatswana citizenship would be allowed to vote, although it was stressed that this citizenship was open to all who resided within the boundaries of that state.
  - 14.2 It was agreed that with regard to eligibility of voters sub group 1 is unable to make a recommendation until it has heard the recommendations of sub group 2 of working group 4 and working groups 2 and 3.
15. There was strong agreement that the referendum should be Codesa-driven.
  - 15.1 With regard to the TBVC states, it was agreed that the referendum should be supervised by Codesa provided that this was done in co-operation with the administrations of the respective states.

- 15.2 The Bophuthatswana government recorded its objections to any role being played by Codesa in Bophuthatswana.
  - 15.3 Concern was expressed that unless Codesa's financial capacity was increased, it would not be able to play the kind of role envisioned for it.
  - 15.4 It was agreed that the possibility of Codesa recruiting international funding be pursued.
16. It was agreed that if the people of the TBVC states were to be kept fully informed of the proceedings of Codesa, then full use should be made of all electronic media, (TV, radio etc). It was suggested that a "Voice of Codesa" be created which would broadcast directly from Codesa after the usual weekly press conference. The spokesperson would be the chair of the management committee. The reports would then be seen to fair, free and objective.

ADDENDUM C

FINAL SUMMARY OF PROCEEDINGS OF SUB GROUP 1 (TESTING THE WILL OF THE PEOPLE) OF WORKING GROUP 4 (THE FUTURE OF THE TBVC STATES)

With the exception of Bophuthatswana, which expressed certain reservations, sufficient consensus has been reached on the following points related to our terms of reference:

- a) That the will of the people in the TBVC states be tested.
- b) That such a test be done concurrently with the rest of South Africa and that race or ethnicity should play no role in the process.
- c) That testing be done by way of a referendum.
- d) That the question asked be related to the constitutional recommendations/proposals made by Codesa.
- e) With regard to the eligibility of voters this sub group is unable to make recommendations until it has heard the recommendations of sub group 2 of working group 4 and working groups 2 and 3.
- f) That the referendum should be driven by Codesa in co-operation with the administrations of the respective states.
- g) That a 'Voice of Codesa' be established.

The following additional points are for noting:

- i) That the referendum take place as soon as is practically possible (pending 'd' above).
- ii) That a liaison committee be established in order to co-ordinate the further proceedings of Working Groups 2, 3 and 4.



#### SCHEDULE OF MEETINGS

1. Monday 23 March 1992 : WG 4 Sub-group 2 at 10h00 to 16h00
2. Monday 23 March 1992 : WG 4 Sub-group 3 at 10h00 to 16h00
3. Monday 23 March 1992 : WG 4 Sub-group 4 at 10h00 to 16h00
4. Tuesday 24 March 1992 : WG 4 Sub-group 1 and Sub-group 2 to have a joint meeting from 09h30 to 16h00
5. Tuesday 24 March 1992 : WG 4 Sub-group 3 at 09h30 to 16h00
6. Tuesday 24 March 1992 : WG 4 Sub-group 4 at 09h30 to 16h00
7. Tuesday 24 March 1992 : WGSC 4 at 16h30 to 17h00
8. Tuesday 24 March 1992 : WGSC 4 and WGSC 3 to meet at 17h00
9. Monday 30 March 1992 : WG 4 at 10h00 to 13h00