

**REPORT ON THE JOINT MEETING BETWEEN SUB-GROUP ONE AND SUB-GROUP TWO OF WORKING GROUP FOUR: 24 MARCH 1992**

- 1 On 24 March 1992 sub-groups 1 and 2 of WG 4 held a joint meeting. The meeting was chaired by Mr S Verveen (Acting Chairman, Sub-Group 2) and Mr E Moorcroft (Chairman, Sub-Group 1).
- 2 The purpose of the meeting was to enable the sub-groups to inform one other of the results of their deliberations, and to establish whether the results of each sub-group's deliberations could assist the other in fulfilling its mandate.
- 3 It emerged that there was in fact little direct connection between the work done by the two sub-groups:
  - 3.1 Sub-group 2 ('Citizenship') had discussed the question of restoration of South African citizenship. Some members of the group felt that the restoration of citizenship should depend on the outcome of a prior testing of the will.
  - 3.2 However, sub-group 1 ('Testing of the will of the people') had discussed testing of the will with regard to re-incorporation, and not with regard to restoration of citizenship.
- 4 The reason for this lack of direct connection between the work of the two sub-groups is that there is not consensus within either sub-group whether restoration of citizenship should be dependent on re-incorporation:
  - 4.1 One view is that restoration of citizenship is simply returning to South Africans what they were deprived of when the four Status Acts were passed. In other words, it is simply a question of restoring the status quo, in the same manner as that by which citizenship was removed. On this view, there is no necessary connection with re-incorporation: it is not uncommon for citizens of one state to live in another state.
  - 4.2 Another view is that there is an absolute and unbreakable logical link between restoration of citizenship and re-incorporation. On this view, the logical and necessary first step is to test the will of the people on the question of re-incorporation. If the result is in favour of re-incorporation, then the restoration of citizenship will follow. This could take place before other aspects of re-incorporation have been completed.
- 5 This conclusion emerged from the reports presented by the two sub-groups on the results of their deliberations to date, and from the discussion of those reports.

---

**The report of Sub-group 2**

- 6 The Acting Chairman of sub-group 2 reported that the sub-group has reached sufficient consensus that South African citizenship be restored. In this regard there are two views:
- 6.1 Citizenship should be restored immediately;
  - 6.2 Citizenship should be restored after the testing of the will of the people and if such expression of the will is in favour thereof.
- 7 The Bophuthatswana Government recorded its position that
- 7.1 Citizenship should not be imposed upon people
  - 7.2 The will of the people at all time be tested in terms of the procedures that might be agreed upon.
- 8 Sub-group 1 further reported that, with regard to the mechanics of the restoration of citizenship
- 8.1 It was agreed that the question of subjecting the restoration of citizenship to the will of the people be referred to sub-group 1 of WG 4.
  - 8.2 It was further agreed that the question of the mechanics, time span and implementation of the restoration of citizenship be referred to WG 5.
- 9 At the joint meeting, some participants asked whether this reflected any consensus at all, in the light of the two differing views set out in paragraph 6 above. Members of the sub-group explained that the sub-group had indeed reached consensus amongst themselves that citizenship should be restored: but that some members felt that they should not be the final judges on this question, and that the people should express a final view on this through a testing of their will.

**The report of sub-group 2**

- 10 The Chairman of the sub-group presented a 'Final Summary' of the proceedings of this sub-group, recording that sufficient consensus had been reached on various of its terms of reference, with the exception of Bophuthatswana which had expressed certain reservations. (This 'Final Summary' is Addendum C to the minutes of the sub-group's meeting of 9 March 1992.)
- 11 The sub-group had agreed *inter alia* that the will of the people in the TBVC states be tested concurrently with the rest of South Africa, and that this be by way of referendum.

- 12 One of the matters recorded in the 'Final Summary' was that sufficient consensus had been reached that the will of the people in the TBVC states be tested. In a longer document headed 'Preliminary Summary of Proceedings' (Addendum B to the minutes of the sub-group's meeting of 9 March 1992), which gave a fuller account of the discussions of the sub-group, it was stated that it was agreed that 'if [it was suggested that this should read 'when'] 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 South Africa'. Certain parties had specifically recorded that they would not accept a referendum in which separate counting was done on the basis of race or ethnicity.
- 13 At the joint meeting, it emerged that contrary to the prior discussions of the sub-group, there was in fact not consensus on the question of separate counting of the votes of the people in the TBVC states. Certain parties opposed a separate counting. They stated that if a general testing of the will was to take place, in their view the people in the TBVC states should be able to participate in this testing. However, the votes of people in the TBVC states should not be separately counted.
- 14 It was pointed out that the terms of reference of sub-group 1 specifically require the sub-group 'to consider testing the will of the people concerned regarding re-incorporation or otherwise, of the TBVC states, by acceptable democratic means'. This, and other parts of the terms of reference, necessarily implied a separate counting. As in fact there was not consensus on the question of a separate counting, the sub-group could not give effect to its terms of reference. It was agreed that this should be reported to the Steering Committee of WG 4 and, if the Steering Committee thought it appropriate, to the plenary meeting of WG 4.
- 15 As a result of the deadlock on this issue, the joint meeting did not reach the question of who constitute 'the people concerned' in relation to the TBVC states. If a separately counted testing of the will of 'the people concerned' is to be undertaken, a decision would have to be taken as to which of the following groups would be included:
- 15.1 Citizens of a TBVC state resident in that state;
  - 15.2 Non-citizen residents of a TBVC state;
  - 15.3 Citizens of a TBVC state not resident in that state;
  - 15.4 Citizens of a TBVC state who are dual citizens, having acquired SA citizenship through the Restoration of SA Citizenship Act.

The sub-group had deferred discussion on the eligibility of voters until it had heard the recommendations of sub-group 2 of WG 4, and WG 2 and 3. As mentioned above, sub-group 2 did not deal with this question as it dealt only with restoration of citizenship.

Report: WG 4 SG 1 &amp; 2

24 March 1992

---

**General**

- 16 It also emerged from the joint meeting that the matters being discussed by certain other Working Groups are directly relevant to the issues discussed by sub-groups 1 and 2. For example, the underlying assumption of the discussions of sub-group 1 was that an all-encompassing referendum will be held. The question was raised whether the rest of the Codesa process, as it is currently developing, actually contemplates this.

G M Budlender  
Rapporteur