



WRKGROUP\IMPLTIME\SCM1105.WI(2)

WORKING GROUP 5\STEERING COMMITTEE\MINUTES\11 MAY

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

**MINUTES OF THE MEETING OF THE STEERING COMMITTEE OF WORKING GROUP 5 HELD AT THE WORLD TRADE CENTRE ON MONDAY 11 MAY 1992 AT 09H30**

PRESENT:        Z Skweyiya                    African National Congress  
                  R Burrows                      Democratic Party  
                  LPHM Mtshali                Inkatha Freedom Party  
                  G Bartlett                     National Party  
                  Y Moolla                        Solidarity Party  
  
                  I Thompson                    (Minutes)

**1. Chairperson's Opening Remarks**

The meeting was chaired by Mr Skweyiya.

**2. Adoption of agenda**

The agenda was adopted without amendment.

**3. Ratification of minutes**

The minutes of the meetings of the Steering Committee held on 27 April 1992 and 4 May 1992 were adopted without amendment.

**4. Report from meeting of Steering Committees and DMC\Secretariat**

4.1. Mr Zam Titus from the DMC was available to clarify questions arising from the report titled: "Report prepared by Z Titus on the constitution of a Codesa Drafting Committee following upon resolutions and decisions taken at a meeting of the WGSCs, GAC and DMC held on 5 May 1992". (Addendum A)

4.2. It was agreed that resolution of the matters raised by this report should be resolved by the DMC and the Steering Committee of Working Group 5 after CODESA 2.

4.3. It was agreed that the report of the group to CODESA 2 should state that a proposal regarding a Drafting Committee was in circulation in Codesa, under the section "Matters Outstanding" of the report.

Further, the report should mention the following specific issues to be addressed:

4.3.1. The relationship of a Drafting Committee with the respective governments/administrations and existing Codesa structures.

It was noted that there was unclarity as to whether this included the administrations

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of the self governing territories.

4.3.2. The proposal for a panel of drafting experts to be established.

4.4. Mr Skweyiya and Mr Mtshali would represent the Steering Committee at the joint meeting of Steering Committees and the DMC\Secretariat to be held at 12h30 today.

**5. Reportback to CODESA 2**

5.1. The Steering Committee adjusted the reportback to CODESA 2, as formulated on 4 May 1992 by the plenary of WG 5, to conform to the format required by the DMC.

5.2. Mr Skweyiya and Mr Mtshali were nominated to represent the Steering Committee on the panel of Steering Committees at CODESA 2.

6. It was noted that Mr Moolla would be on leave from 14 May to 15 June 1992.

7. The next meeting would take place on 25 May 1992.

8. The meeting closed.

## ADDENDUM A

**REPORT PREPARED BY Z. TITUS  
ON THE CONSTITUTION OF A CODESA DRAFTING COMMITTEE  
FOLLOWING UPON RESOLUTIONS AND DECISIONS TAKEN  
AT A MEETING OF THE WGSCs, GAC AND DMC  
HELD ON THE 5TH MAY 1992**

The proposal with regard to the formation of the Drafting Committee as set out in the minutes of the MC meeting of the 30 March 1992 were put to the meeting of the WGSCs, the GAC and the DMC held on the 5th May 1992.

It was stated that these proposals had also been presented by the Chairman of the Management Committee to the meeting of the WGSCs and the DMC held on the 24 March (to which WGSC5 was not invited) and again to the meeting held on the 28th April 1992 at which all the WGSCs (except those of WGs 2 and 3, which were attending to other urgent matters), the DMC and the GAC were represented.

It was also recorded that the proposals had been presented to the representatives of WGSC5 at meetings held on the 30th March and informally on the 27th April between WGSC5 and the DMC. At the meeting of the 27 April, certain specific matters in respect of which drafting-specialists are required, were also identified.

The meeting held on the 5th May 1992, did not object to any of the proposals set out in the minutes of the meetings referred to above. However it was agreed that what was left to be considered was the mapping out of how to take the matter forward. It was proposed that the DMC would, through P.J. Gordhan, R.P. Meyer, P. Hendrickse and Z. Titus, confer with WGSC5 representatives who still have to be nominated, on the following outstanding matters:

- a) the formulation of a schematic presentation or organogram setting out how the Drafting Committee will be structured. They will also indicate how it will interact with the existing CODESA structures and the respective governments/administrations which in the end will assume the final responsibility for translating such draft legislation into law;
- b) the selection of the persons who will constitute the Drafting Committee as well as those who will head such a Drafting Committee. They will also determine the number of persons who are required for this purpose; and
- c) the formulation of a procedure which will have to be followed by all concerned in the processing of all legislation emanating from or being dealt with by any CODESA structure. In this regard, it was noted that the draft procedure which has been worked out by WG5 may have to be refined in consultation with the members of the Drafting Committee. It was further noted that the procedure which WG5 has proposed does not deviate from any of the minuted agreements reached as at 5 May 1992 insofar as the constitution of a Drafting Committee is concerned.

After some debate as to how the DMC and the respective members of WG5 would take this matter further, it was agreed that a record of the details above be prepared for presentation to WGSC5 which will hold an urgent meeting regarding this issue on Monday 11th May 1992. WGSC5 will report on an urgent basis on the outcome of its meeting to the DMC. All this is being done solely in an effort to ensure that firm proposals regarding the Drafting Committee can be presented to CODESA 2 for consideration.

Finally, it must be recorded that at the meeting of the 5th May it was generally accepted that no legislation would have been drafted before CODESA 2.