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CODESA WORKGROUP 5

SUBMISSION BY CISKEI GOVERNMENT

1. Terms of reference

1.1 Ciskei Government submits that the main task of Working Group 5 as set out in paragraph 1.1 of the terms of reference, is to identify the steps which need to be taken by the parties of Codesa to implement agreements and to advise on the time frames and target dates for the implementation thereof. This leaves the other groups free to give their undivided attention to the various matters on which agreements must be reached, without becoming bogged down by the details required for the implementation of each such agreement. The specific items mentioned in paragraph 1.1.4 deals with some, but not necessarily all of the matters which should be addressed in planning for the implementation of agreements.

1.2 In order to ensure that attention is given to all agreements and that there are no conflicting agreements, they must be recorded and examined, referred back to working groups where necessary, and thereafter conveyed to all participants in Codesa and other parties.

1.3 The practical effect of each agreement must then be examined in order that the steps required for the implementation of all aspects can be determined, a realistic time frame for each step can be worked out and responsibilities for the execution of the

resulting agreed programme for implementation can be defined.

1.4 Where implementation also requires that new legislation be introduced or existing legislation amended, the group will arrange for the identification of such legislation and assist with the formulation of new or amended texts or scrutinise texts prepared elsewhere. It is the view of Ciskei Government that rapporteurs should be appointed to draft legislation where necessary and to report on such drafting, but that outside rapporteurs should not be part of the working group.

1.5 It will also be the responsibility of the group to monitor the implementation process and to make such adjustments to the programme as may be justified.

1.6 It is evident from this analysis of the group's terms of reference that it will have a particularly onerous task to plan and oversee the implementation of every agreement reached by the four other teams and that its activities may extend considerably beyond that of the other groups.

2. Sub-groups

2.1 In view of the above analysis of the group's terms of reference, Ciskei Government is of the opinion that the formation of three sub-groups, with the undermentioned areas of responsibilities, could best address the issues:

2.1.1 Co-ordination and information - It is agreed that the Steering Committee attends to items 1.1.4 (a), (b) and (e) of the terms of reference.

2.1.2 Implementation and time frames - Items 1.1.4 (c), (d), (h) and (i) should be dealt with by this sub-group. In view of the above exposition of the implementation steps, it is not considered practicable to separate the practical (not legal) effects of implementation from target dates and time frames for such implementation. The identification and formulation of legislation and determination of legality of the process is a distinct activity from the practical (administrative) planning for and monitoring of implementation.

2.1.3 Legislation - Items 1.1.4(f),(g) and (j).