



WORKING GROUP 2\MINUTES\17 FEBRUARY

**MINUTES OF THE FOURTH MEETING OF WORKING GROUP 2  
(CONSTITUTIONAL PRINCIPLES) HELD AT THE WORLD TRADE CENTRE ON  
MONDAY, 17 FEBRUARY 1992 AT 10H00**

**ADOPTED AT THE MEETING HELD ON 24 & 25 FEBRUARY 1992**

**PRESENT :**

Delegates and Advisors (See Addendum A)

M J Mahlangu (Chair)

M Phillips (Secretary)

R Hartley (Minutes)

**DOCUMENTS DISTRIBUTED :**

1. Ratified minutes of the second meeting of Working Group 2 held on 6 February 1992.
2. Draft minutes of the third meeting of Working Group 2 held on 11 February 1992.
3. Draft agenda.
4. Working Group 2 addresses, telephone numbers and fax numbers of delegates and advisers.
5. Travel and accommodation forms.
6. Ciskei Government : The Balance Between Central, Regional and Local Government.
7. The Labour Party of South Africa : General Constitutional Principles.
8. The National Party : Constitutional Principles which should be Enshrined the a New Constitution for the Republic of South Africa.
9. United People's Front : Constitutional Principles.
10. Ximoko Progressive Party : The Balance Between Central, Regional and Local Government.

1. **Apologies**

Z Yacoob	Natal and Transvaal Indian Congress (Alternate : I Meer)
Prof Cloete	Ximoko Progressive Party
R Cronje	Bophuthatswana Government (Alternate : Dr Scheepers)
S G Mothibe	Bophuthatswana Government (Alternate : I Findlay)
G H Grove	South African Government (Alternate : J H E Basson)
Chief Ndamame	Transkei Government (Alternate : Prof Koyana)
M J H Mahlangu	UPF (In the Chair) (Alternate : Adv Maake)
M M Makhalemele	Dikwankwetla Party
Adv Mushaha	Venda Government
V R Zietsman	Ciskei Government

2. **Ratification of Agenda**

2.1 The agenda was ratified with the following changes :

2.1.1 Item 3B - "Further submissions by parties" - was added.

2.1.2 Item 5 was deleted.

3A. **Adoption of Minutes**

3A.1 The minutes were adopted with the following change :

3A.1.1 The document - "Ciskei Government Constitutional Principles" - was added to the list of documents.

3B. **Further Submissions by Parties**

3B.1 The following parties made submissions on their general constitutional principles :

3B.1.1 Labour Party

3B.1.2 National Party

3B.1.3 United People's Front

4. **Discussion of Steering Committee Documents**

4.1 It was noted that the document "Provisional Areas of Commonality that Already Exist" should not have been released to the press.

4.2 It was agreed that parties could make written proposals to the Steering Committee regarding additions to the documents "Provisional Areas of Commonality that Already Exist" and "Key

Issues to be Addressed" and that the Steering Committee would consider amending the document accordingly.

5. **Handling of Submissions by Public**

5.1 This item was removed from the agenda.

6. **Discussion of Key Issues**

6.1 The Balance Between Central, Regional and Local Government

6.1.1 Written and verbal submissions were presented by :

- 6.1.1.1 Ciskei Government
- 6.1.1.2 Ximoko Progressive Party
- 6.1.1.3 Democratic Party
- 6.1.1.4 Labour Party
- 6.1.1.5 Solidarity
- 6.1.1.6 Venda Government
- 6.1.1.7 Inkatha Freedom Party

6.1.2 It was agreed that those parties who had made verbal submissions will supply delegates with written submissions at the next meeting.

6.1.3 Common Ground on Possible Principles

6.1.3.1 The South African Government suggested there was common consensus on the following four principles :

- 6.1.3.1.1 A three tier government structure with the first tier being central government, the second regional government, and the third being local government.
- 6.1.3.1.2 Each tier of government should be based on democratic representation.
- 6.1.3.1.3 Each tier shall have legislative, judicial and fiscal autonomy and the duties, powers and functions of each shall be set out and enshrined in the constitution.
- 6.1.3.1.4 In addition to those powers, duties and functions enshrined in the constitution, the central government may delegate further powers to the lower levels of government.

6.1.3.2 The IFP and the ANC expressed support for the four principles. The ANC

added that each level of government should respect the constitution and the Bill of Rights.

6.1.3.3 It was agreed that the Steering Committee would draft a document setting out these principles and present this to the next meeting as a working document.

6.1.4 The Inyandza National Movement proposed that consideration should be given to whether different tiers of government should have concurrent jurisdiction regarding certain duties, powers and functions.

6.1.5 It was agreed that discussion of the principles of commonality regarding the balance between central, regional and local government would not prevent any party from putting forward arguments and presentations at future meetings.

## 7. Next Meeting

It was agreed that the Working Group will meet on Monday, 24 February 1992 from 10h00 to 17h00 and on Tuesday, 25 February 1992 from 09h00 to 15h00.

## ADDENDUM A

The following delegates and advisers signed the Attendance Register of Working Group 2 meeting held on 17 February 1992:

Delegate/Adviser	Organisation
C Ramaphosa	ANC
M V Moosa	ANC
F Ginwala	ANC
A Sachs	ANC
T E Scheepers	Bophuthatswana Govt
I Findlay	Bophuthatswana Govt
M C Kashe	Ciskei Govt
I J Smuts	Ciskei Govt
J Labuschagne	Ciskei Govt
V R Zietsmann	Ciskei Govt
C W Eglin	Democratic Party
D Worrall	Democratic Party
D Welsh	Democratic Party
S O M Moji	Dikwankwetla Party
S Mopeli	Dikwankwetla Party
M Mopeli	Dikwankwetla Party
N Brits	IFP
S H Gumede	IFP
M Alachouzos	IFP
B S Ngubane	IFP
S J Mgidi	Intando Yesizwe
A P Laka	Intando Yesizwe
I T Mahlangu	Intando Yesizwe
M P Mahlangu	Intando Yesizwe
E N Ginindza	Inyandze National Movement
C Albertyn	Inyandze National Movement
I Lephoko	Inyandze National Movement
B E Mabuza	Inyandze National Movement
I M Richards	Labour Party
D Lockey	Labour Party
M Hendrickse	Labour Party
C Nasson	Labour Party
T Pillay	NIC/TIC
F Cachalia	NIC/TIC
I C Meer	NIC/TIC
F Haysom	NIC/TIC
F van Heerden	National Party
J A Rabie	National Party
S Camerer	National Party
I Rautenbach	National Party
M Mohanlall	National People's Party
S Ismail	National People's Party
B Singh	National People's Party

H Neerahoo	National People's Party
I Omar	Solidarity Party
D S Rajah	Solidarity Party
K Reddy	Solidarity Party
R Arenstein	Solidarity Party
J Slovo	SA Communist Party
B Nzimande	SA Communist Party
N Hoosain	SA Communist Party
E Daniels	SA Communist Party
G van N Viljoen	SA Government
F Venter	SA Government
J H E Basson	SA Government
P Holomisa	Transkei Govt
P Z Ndamase	Transkei Govt
D S Koyana	Transkei Govt
R Nogumla	Transkei Govt
S J Maake	United People's Front
M C Ramusi	United People's Front
Adv Malatji	United People's Front
R J Dombo	United People's Front
G M Legege	Venda Govt
M P Nthabalala	Venda Govt
A Budeli	Venda Govt
Adv Mushasha	Venda Govt
E E Ngobeni	Ximoko Prog Party
K R Myakayaka	Ximoko Prog Party
J Ackron	Ximoko Prog Party
S Cloete	Ximoko Prog Party