



WRKGROUP\IMPLTIME\SCMMAR2.WI (2)

WORKING GROUP 5\STEERING COMMITTEE\MINUTES\2 MARCH

THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON OF THE STEERING COMMITTEE. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, ITS STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO 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 2 MARCH 1992 AT 16H15**

PRESENT:	GS Bartlett	National Party
	R Burrows	Democratic Party
	D Curry	Labour Party
	Y Moolla	Solidarity Party
	LPHM Mtshali	Inkatha Freedom Party
	D Mvelase	SA Communist Party
	R Ramontja	United People's Front
	Z Skweyiya	African National Congress

P Saxby (minutes)

**1. Chairperson's opening remarks**

The meeting was chaired by Mr G Bartlett up to and including Item 3 of the agenda. Mr D Curry chaired the remainder of the meeting.

**2. Adoption of agenda**

The agenda was adopted subject to the following amendments:

2.1 That Item 5 should include the following sub-item:

"5.1 Memorandum to All Chairpersons of Working Group Steering Committees"

2.2 That Item 7 should include the following sub-item:

"7.1 Submissions from outside CODESA:

- 7.1.1 Women for Peace
- 7.1.2 Mrs CFM Fourie
- 7.1.3 Mr HJS Dennis
- 7.1.4 Problem Source Analysis"

**3. Ratification of the minutes of the previous meeting and matters arising**

3.1 The minutes were adopted, subject to the following amendment:

3.1.1 That Item 7.2 should read as follows:

"It was agreed that, in the event of Sub-group 1 breaking into task

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

PO Box 507, Isando, 1600, South Africa.  
Telephone (011) 597-1198/99. Fax (011) 597-2211

groups on Monday 2 March 1992, party offices could be used to accommodate these meetings and that the parties concerned could co-ordinate this."

3.2 Regarding Item 4.2.2 of the minutes, the contents of the Memorandum to All Chairpersons of Working Group Steering Committees (Addendum A) were read and noted. It was agreed that the matter will be revisited at the next meeting of the Steering Committee, by which time an official response from the DMC to Mr G Bartlett's recommendations should have been received.

4. **Matters arising from the meetings of Working Group 5 and other Working Groups**

It was noted that few or no concrete decisions appear to be emerging from the other Working Groups.

5. **Matters raised with the DMC/Secretariat**

It was noted that this matter had already been addressed under Item 3.2 above.

6. **Reports from:**

6.1 **Sub-group 1 (Addendum B)**

It was reported that:

6.1.1 The sub-group has been sub-divided into four task groups, each dealing with the work of one the other Working Groups.

6.1.2 Permanent chairpersons and deputy chairpersons have been appointed for each task group as follows:

	<b>Chair</b>	<b>Co chair</b>
Task Group 1	J Walsh	C Dlamini
Task Group 2	DM Streicher	NM Raju
Task Group 3	R Hulley	C Carolus
Task Group 4	to be advised	

6.1.3 The Steering Committee should be requested to submit the recommendations detailed in Addendum C to the DMC via the Secretariat.

6.2 **Sub-group 2 (Addendum D)**

6.2.1 It was noted that:

6.2.1.1 No consensus was reached regarding appropriate mechanisms for dealing with the issue of electoral law, and that this matter will be revisited when Sub-group 2 meets again on Monday 9 March 1992.



6.2.1.2 A general mechanism for drawing experts/specialists into the work of the sub-group and its task groups should be addressed by the Steering Committee at its next meeting on Monday 9 March 1992.

6.2.2 It was agreed that:

6.2.2.1 Regarding an appropriate mechanism for the drafting of legislation as referred to in the Declaration of Intent, Mr D Curry should, in his capacity as chairperson of the Steering Committee, approach the DMC (in writing) for clarity on the issue.

6.2.2.2 Mr R Burrows should draft an appropriate letter with this in mind (Addendum E).

6.2.3 Regarding the overlap between the Terms of Reference of Sub-group 2 and the work of the other Working Groups, it was agreed that this issue should also be addressed in the letter referred to under Item 6.2.2.2 above.

6.3 The general frustrations currently being experienced by the Working Group in its attempts to begin serious work were noted with concern.

7. **New business**

It was agreed that:

7.1 The submissions tabled as detailed under Item 2.2 above should be examined by the members of the Steering Committee with a view to making recommendations at its next meeting regarding which of the submissions should be circulated to the full Working Group and/or its sub-groups.

7.2 A decision on the circulation of these submissions should be made when the Steering Committee meets at 09h30 on Monday 9 March 1992 to ratify the minutes of its previous meeting.

8. **Schedule of meetings for the following week**

It was agreed that the Working Group should meet as follows:

09h00 - 13h00	Sub-group 1 task groups
09h30 - 10h00	Steering Committee
10h00 - 16h00	Sub-group 2
14h00 - 16h00	Sub-group 1
16h00 -	Steering Committee

9. **Draft agenda for the next meeting of the Steering Committee**

It was agreed that this should follow the same format as before.

10. The meeting closed.





SECRETARIAT TO CHAIRPERSONS OF WGSCs/MEMO/28 FEBRUARY

Addendum A

**TO:** ALL CHAIRPERSONS OF CODESA WORKING GROUP STEERING COMMITTEES

**FROM:** CODESA SECRETARIAT

**DATE:** 28 FEBRUARY 1992

- RE:**
1. MECHANISM FOR PROCESSING REQUESTS FROM WGs TO DMC
  2. REQUEST FROM NATIONAL LAND COMMITTEE ON EXTENSION OF DEADLINE FOR SUBMISSIONS (ADDENDUM A)
  3. REQUEST FROM CHAIRPERSON OF WGSC5 REGARDING FORMAT OF MINUTES AND INCLUSION OF ADDENDA (ADDENDUM B)
  4. MEMO TO WG SECRETARIES AND MINUTE-TAKERS REGARDING FORMAT CHANGES TO MINUTES (ADDENDUM C)

**CC:** SECRETARIES OF ALL WGs

---

Would all Chairpersons of WGSCs kindly take note of the following:

1. At the DMC meeting of 24 February, the following decision was taken:

"With regard to the mechanism for processing requests from WGs to the DMC, it was agreed that WGSCs should put such requests before the Secretariat, who will discuss it with the Chairperson of the WGSC and deal with the matter, if possible. If the matter requires further consultation, the Secretariat should do so by contacting DMC members."

WGSC Chairpersons may make use of this mechanism as required.

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

PO Box 507, Isando, 1600, South Africa.  
Telephone (011) 597-1198/99. Fax (011) 597-221

2. **With reference to Addendum A (Letter from the National Land Committee):**

The NLC wishes to make submissions to **Working Groups 1, 3 & 4**, but has requested an extension of the 2 March deadline. Please would all WGSC Chairpersons give consideration to this request and communicate with the Secretariat, so that it may respond on the matter at the earliest opportunity.

3. **With reference to Addendum B (Letter from GS Bartlett, WGSC5 Chairperson):**

In order to facilitate its work of monitoring all agreements, recommendations, etc of CODESA WGs, it is requested that such agreements be itemised in an Addendum to minutes.

Further suggestions regarding format of minutes will be attended to by CODESA Administration (see Addendum C).

4. **With reference to Addendum C (Memo to all WG Secretaries and Minute-takers):**

Would all Chairpersons kindly ensure that the following changes to format of minutes are being observed in all minutes of their WG, WGSC and subgroups (where applicable).



Teletax (011) 836-6931  
 Telephone (011) 832-1123  
 4th Floor Khoto House 42 Marshall Street Johannesburg  
 P O Box 16888 Doornfontein 2026 Johannesburg South Africa

# National Land Committee

26\2\92

ATTENTION: CODESA DAILY MANAGEMENT COMMITTEE  
 C/O CODESA SECRETARIAT  
 Fax: 397 2211

Dear Sirs,

The National Land Committee is a national network concerned with land and rural issues. Our affiliated organisations work with about 70 communities nationwide.

We responded with great interest to your letter inviting submissions from interested parties to Codesa working groups. The communities with whom we work have interests in making submissions to a number of working groups. In order to do so consultation processes have been set up with a number of these groupings, many of them in remote areas. Because of the necessity for this process to be completed we do not think our submissions will be complete by March 2nd. We would therefore like to request an extension of time in order to complete this work. We are intending putting in submissions to Working Groups one, three and four on matters of relevance to their terms of reference.

We hope our request for an extension meets with your approval. We would like to request that your response to this request reach us as soon as possible.

Thanking you,

Yours Sincerely



Richard Clacey (NLC Chairperson)



*Annexure A*



# DIE NASIONALE PARTY, NATAL THE NATIONAL PARTY, NATAL

Derde Verdieping/Third Floor STAFMAYERHUIS/HOUSE Beach/ening/Grove 28 DURBAN 4001

☎ 301-2737  
☎ 2643 DURBAN 4000  
FAX 304-5880

1992 -02- 26

Mr P J Gordan  
Chairman: Daily Management Committee of  
CODESA  
P O Box 307  
Isando  
1600

Dear Mr Gordan

I am writing to you in my capacity as Chairman of the Steering Committee of Working Group 5, which met at the World Trade Centre on Monday 24 February 1992.

You will note from the Terms of Reference of Working Group 5 that this Working Group has to monitor the agreements, recommendations, etc, of the other four working groups and for this reason it was requested that Working Group 5 be provided with the minutes of all the other working groups' meetings.

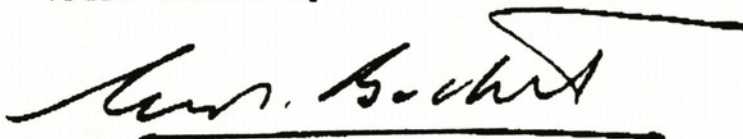
Our main concern and interest are the decisions, resolutions and recommendations of the various working groups and to facilitate our work we would like to recommend that all minutes should follow the line which we note has been adopted by Working Group 2. Here I am referring in particular to the minutes of the fourth meeting of Working Group 2 held on Monday, 17 February 1992 (see Annexure A). Page 4, item 6.1.3.3, states "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". At the end of these minutes is attached a draft document with the heading, "24th of February 1992 - Draft Document on common principles regarding the balance between central, regional and local government prepared by the Steering Committee of Working Group 2". If each working group would provide as an addendum to their minutes, such a document itemising agreements, proposals, etc, this would facilitate the task of Working Group 5 considerably.

As I am sure you will appreciate, Working Group 5 has a great deal of paper work to get through, and an additional suggestion that would assist us greatly is that the minutes should reflect primarily resolutions, recommendations and decisions and not too much of the content of the debate. Underlining the words, "it was agreed" or "it was recommended" whenever an agreement is reached or a recommendation is made, so that this can be picked up quickly, would also be helpful.

Yours sincerely



G S Bartlett

Chairman of Working Group 5 Steering Committee



SECRETARIAT TO CHAIRPERSONS OF WGSCs/MEMO/28 FEBRUARY

Addendum C

**TO: ALL SECRETARIES OF WGs, AND ALL MINUTE-TAKERS OF WGs,  
WGSCs AND WSGs**

**FROM: MURPHY MOROBE, CODESA ADMINISTRATION**

**DATE: 28 FEBRUARY 1992**

Would all Secretaries and Minute-takers kindly take note of the following changes to the format of minutes, and implement them with immediate effect (ie, starting with all minutes of meetings held in the week of 2 March).

1. When draft minutes have been approved by the chairperson, the qualification which heads all minutes should be amended to read:

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

2. In order to assist WG5 in its task of monitoring all WG recommendations and agreements, minute-takers must, when preparing their minutes **underline the words "it was agreed" or "it was recommended" whenever an agreement is reached or a recommendation is made.**

Please would Secretaries ensure that these two procedures are being observed by all minute-takers.

●  
CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

●  
PO Box 507, Isando, 1600, South Africa.  
Telephone (011) 597-1198-99. Fax (011) 597-2211  
●





WRKGROUP\IMPLTIME\SGTR2MAR.WI (2)

WORKING GROUP 5\SUB-GROUP 1\REPORT\2 MARCH

Addendum B

THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON OF WORKING GROUP 5 SUB-GROUP 2. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF WORKING GROUP 5, ITS STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE SUB-GROUP

**DRAFT MINUTES OF THE MEETING OF SUB-GROUP 1 OF WORKING GROUP 5 HELD AT THE WORLD TRADE CENTRE ON MONDAY 2 MARCH 1992 AT 08H30**

PRESENT: (Addendum A)

1. **Report of the meeting of 24 February**

The draft report from the above meeting was adopted with the following amendments:

1.1 Item 6.1: Delete "date of general referendum".

1.2 Item 7: Include after "inputs": "on suggested time frames".

1.3 Addendum B: Mr N Bevaza should read Mr N Bebeza; Mr Lukhaimane's initials are EK.

2. **Participation status for advisers**

It was agreed that the advisers to Working Group 5 should be given full participation status within the sub-group.

3. **Appointment of four Task Groups**

The sub-group agreed to divide itself into the following task groups:

\* Task Group 1 (Working Group 1, Climate):

(DP, Transkei, NIC/TIC, XPP, NP, Dikwankwetla, Inyandza, NPP, SACP, ANC)

\* Task Group 2 (Working Group 2, Constitutional Principles):

(Bophuthatswana, Transkei, Solidarity, Labour, NIC/TIC, XPP, NP, UPF, IFP, Dikwankwetla, Inyandza)

\* Task Group 3 (Working Group 3, Transition):

(Ciskei, DP, Solidarity, Labour, Venda, UPF, IFP, SA Govt, SACP, ANC, Intando Yesizwe, Inyandza)

\* Task Group 4 (Working Group 4, TBVC States):

(Bophuthatswana, Ciskei, Venda, NPP, SA Govt, Intando Yesizwe, Inyandza)

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

PO Box 307, Isando, 1600, South Africa.  
Telephone (011) 597-1198/99. Fax (011) 597-221

4. **Submissions from delegations to Sub-group 1**

It was noted that written submissions had been received from the SA Government and NPP, and that other recommendations would follow after the adjournment.

5. The meeting adjourned at 09h25 until 11h00.

6. **Apologies and substitutions**

The following changes were noted:

- 6.1 ANC to move from Task Group 2 to Task Group 3 (noted under Item 3 above).
- 6.2 Inyandza to attend Task Groups 3 & 4 (noted under Item 3 above).
- 6.3 Bophuthatswana: Mr IJ Reid to attend Sub-group 1 and Mr TM Setiloane to attend Sub-group 2.
- 6.4 ANC: Mr M Maharaj to replace Mr P Jordaan.
- 6.5 NIC/TIC: Mr S Chetty to replace Dr F Meer.

7. **Adoption of Agenda**

The proposed agenda was adopted.

8. **Duties of Task Groups**

It was agreed that the task groups' function will be to monitor the decisions of Working Groups and to identify any such decisions which have time-frame implications; then to bring specific time-frame proposals to the sub-group as recommendations. Any recommendations requiring decisions would be taken to plenary sessions of Working Group 5.

9. **Appointment of Convenors and Deputy Convenors of Task Groups**

It was agreed to have on-going, not rotational, convenors and deputy convenors for each task group. The following were appointed:

- \* Task Group 1: J Walsh, DP (convenor); C Dlamini, SACP (dep. convenor)  
Scribe to be appointed
- \* Task Group 2: M Streicher, NP (convenor); NM Raju, Solidarity (dep. convenor)  
Scribe to be appointed
- \* Task Group 3: R Hulley, DP (convenor); C Carolus, ANC (dep. convenor)  
HP Fourie, SA Govt. (scribe)



- \* Task Group 4: MN Poni, Ciskei (convenor); EK Lukhaimane, Venda (dep. convenor)  
AL Singh, NPP (scribe)

#### 10. Submissions from delegations to Sub-group 1

- 10.1 Delegates from SA Govt, NPP, Ciskei, Venda, UPP, XPP, Transkei and ANC gave submissions.
- 10.2 The following is a brief summary of these submissions:
- 10.2.1 CODESA 2: should meet by mid-April at the latest.
  - 10.2.2 Before CODESA 2: resolve the position of the King of the Zulus (DMC); resolve the issues of exiles and political prisoners, and make progress on violence; produce a substantive report on constitutional principles (Working Group 2); table proposals for an interim government (Working Group 3).
  - 10.2.3 Interim Government: to be formed between May and October 1992.
  - 10.2.4 Elected Assembly: to be formed between September 1992 and March 1993, to sit in conjunction with the Tricameral Parliament.
  - 10.2.5 Before Elected Assembly: resolve the position of the media and the control of the security forces (Working Group 1).
  - 10.2.6 Final elections under a new democratic constitution: to be targeted between September 1993 and November 1994.
- 10.3 These submissions were not debated and no decisions were made. They were noted and referred to the task group and sub-group sessions when they meet on Monday 9 March 1992.

#### 11. Matters arising

On the proposal by the SA Government, it was agreed that the Steering Committee of Working Group 5 should be asked to approach the DMC to request the other working Groups to provide Working Group 5 with their anticipated timetable of decisions arising from their respective Terms of Reference as soon as possible.

Mr G Bartlett agreed to take up this request with the Steering Committee.

12. **Date of next meeting (Monday 9 March 1992)**

09h00 - 13h00	task groups
14h00 - 16h00	Sub-group 1

It was noted that task groups may also make their own meeting arrangements on non-CODESA days if they so wish.

13. The meeting closed.



The following people signed the attendance register:

Organisation	Sub-group 1
African National Congress	C Carolus (deputy chair)
Bophuthatswana Government	IJ Reid
Ciskei Government	MN Poni BH Muller
Democratic Party	RR Hulley (chair) J Walsh
Dikwankwetla Party	ST Leokaoko P Thaele
Inkatha Freedom Party	FX Gasa M Zondi
Intando Yesizwe Party	S Mtsweni
Inyandza National Movement	D Kunene
Labour Party	Y Bassier A Essop
Natal/Transvaal Indian Congress	H Ebrahim
National Party	GS Bartlett DM Streicher
National People's Party	O Ganie AL Singh
Solidarity Party	Y Moolla NM Raju
South African Communist Party	A Masondo
South African Government	ABE Williams HP Fourie
Transkei Government	N Bebeza PG Qokweni

United People's Front

MJ Duba  
Sn Bambo

Venda Government

EK Lukhaimane  
EM Randima

Ximoko Progressive Party

MH Matjokana  
SE Mathumbu

Rowena Murray-Brown (minutes)



**RECOMMENDATIONS TO THE DAILY MANAGEMENT COMMITTEE FROM THE STEERING COMMITTEE OF WORKING GROUP 5 REGARDING THE WORK OF WORKING GROUP 5 SUB-GROUP 1**

Sub-group 1 recommends to the Steering Committee of Working Group 5 that it sends the following messages to the Daily Management Committee, to be distributed to the relevant Working Groups:

1. **To Working Groups 1 - 4**

Working Group 5 asks Working Group 1 - 4 to give an indication of the time schedules they envisage with regard to all their particular tasks.

2. **To Working Group 1**

Working Group 5 is of the opinion that real progress in CODESA's work is dependant upon the creation of the correct climate for a negotiated change to a democratic dispensation, and therefore asks Working Group 1 to address the matter of violence in South Africa as a matter of urgency.

3. **To the Daily Management Committee**

That the target date for holding CODESA 2 by the end of March should be adhered to if at all possible, and that it should be ensured that Working Groups 1 - 4 have made sufficient progress on which to report in order to make CODESA 2 truly meaningful.

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL, AND RESTRICTED TO WORKING GROUP 5, ITS STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO THE APPROVAL OF THE CHAIRPERSON OF SUB-GROUP 2 OF WORKING GROUP 5, AND TO RATIFICATION BY THE SUB-GROUP AT ITS NEXT MEETING

**MINUTES OF THE MEETING OF SUB-GROUP 2 OF WORKING GROUP 5, HELD AT THE WORLD TRADE CENTRE ON MONDAY 2 MARCH AT 15H00**

PRESENT: (Addendum A)

**1. Chairperson's opening remarks**

1.1 The meeting was chaired by Mr DT Mokoena.

1.2 In the absence of a formal agenda, it was agreed that the meeting should commence with reports from the task groups.

**2. Reports from the task groups**

2.1 **Task Group 1** (dealing with the work of Working Group 1)

The report presented by Mr P Gastrow, as detailed in Addendum B, was noted.

2.2 **Task Group 2** (dealing with the work of Working Group 2)

The report presented by Mr C Fisser, as detailed in Addendum C, was noted.

2.3 **Task Group 3** (dealing with the work of Working Group 3)

The report presented by Mr Y Vawda, as detailed in Addendum D, was noted.

2.4 **Task Group 4** (dealing with the work of Working Group 4)

The report presented by Mr L Wessels, as detailed in Addendum E, was noted.

**3. Matters arising from the reports of the task groups**

3.1 Regarding an appropriate mechanism for dealing with the drafting of electoral legislation, no consensus was reached. It was agreed that the matter should be revisited at the next meeting of the sub-group on Monday 9 March 1992.

3.2 It was noted that discussion on the reports of the task groups had not been completed.

**4. Date of the next meeting**

The next meeting of Sub-group 2 will take place on Monday 9 March at 10h00.

**5. The meeting closed.**



## Addendum A

The following people signed the attendance register:

<b>African National Congress</b>	G Bizos Z Skweyiya
<b>Bophuthatswana Government</b>	AM Boikanyo TM Setiloane
<b>Ciskei Government</b>	PP Jacobs
<b>Democratic Party</b>	R Burrows P Gastrow
<b>Dikwankwetla Party</b>	DT Mokoena MS Setai
<b>Inkatha Freedom Party</b>	LPHM Mtshali P Smith
<b>Intando Yesizwe Party</b>	N Mbonani VS Mahlangu
<b>Inyandza National Movement</b>	BD Madonsela GG Zama
<b>Labour Party</b>	D Curry K Lategan
<b>Natal/Transvaal Indian Congress</b>	Y Vawda N Balton
<b>National Party</b>	C Fismer PA Mathee
<b>National People's Party</b>	DK Padiachey VP Rattan
<b>Solidarity Party</b>	M Naranjee I Osman
<b>South African Communist Party</b>	D Mvelase
<b>South African Government</b>	L Wessels GC von Bratt
<b>Transkei Government</b>	GE Zilwa M Mabude

United People's Front

R Ramontja  
IKE Moloko

Venda Government

LS Ramavhoya  
M Mphaphuli

Ximoko Progressive Party

DZL Mtebule  
ML Nkuna

Minutes:

Pam Saxby





WRKGROUP\IMPLTIME\SG2TG1.WI

WORKING GROUP 5\SUB-GROUP 2\TASK GROUP 1\REPORT\2 MARCH

Addendum B

**DRAFT REPORT FROM TASK GROUP 1 OF SUB-GROUP 2 OF WORKING GROUP 5, 2 MARCH 1992**

Rapporteur: Mr P Gastrow, Convenor of Task Group 1

Task Group 1 met on Sunday evening, 1 March 1992 and on Monday, 2 March 1992. This report reflects the discussion under the agenda items of these meetings.

**1. Chairperson**

It was agreed that, for the time being, the Convenor, Mr Peter Gastrow would chair the meetings of Task Group 1.

**2. Minutes of Meeting**

It was agreed that, at each meeting of the Task Group, a member would be identified to keep a record of agreements reached, of recommendations and of important points raised during the meeting.

**3. Terms of Reference**

3.1 The Terms of Reference of Sub Group 2 were considered and regarded as adequate for the work of Task Group 1. It was noted that, if need be, the Terms of Reference could always be amended at a future date.

3.2 Because Task Group 1 has to focus on the activities of Working Group 1, its convenor was instructed to communicate and meet with the convenors of the three sub-groups established by Working Group 1.

**4. Priorities for Task Group 1**

4.1 It was agreed that attention should be given to the numerous outdated provisions in laws which still exist. The convenor was instructed to contact the Law Commission, which has done a lot of research on this matter, in order to obtain the necessary information for the Task Group.

4.2 The need to draw up a draft electoral law was discussed. There was no clarity as to whether a draft electoral law would fall within the Terms of Reference of Task Group 1. It was agreed that the convenor would raise this matter at the meeting of Sub-Group 2 and suggest that, if need be, an ad-hoc task group be established to start working on a draft electoral law.

4.3 A study of the minutes of Working Group 1 shows that insufficient consensus about specific issues exists to enable Task Group 1 to proceed with the task of considering specific legislation.

**6. Working Procedures for Task Group 1**

It was agreed that the following procedure be proposed to Sub Group 2:

- 3.1 Once Working Group 1 has reached agreement on an issue which requires legislation, the details of such agreement, together with a memorandum instructing the agreement, should be forwarded to the Steering Committee of Working Group 5 and the convener of Task Group 1.
- 3.2 Whilst Task Group 1 could start doing some preparatory work on the issue agreed upon by Working Group 1, it should only formally deal with the matter once the Steering Committee of Working Group 5 has placed the matter on the agenda of Task Group 1.
- 3.3 Task Group 1 should then draw up a brief for the legal experts who are to do the drafting of the legislation.
- 3.4 Such a brief would only be forwarded to the legal experts once it has been considered and approved of by a plenary session of Working Group 5.
- 3.5 Once the legal draughtspersons have drafted the legislation, such draft legislation would be forwarded to plenary meetings of both Working Group 1 and Working Group 5 for their approval.

No finality could be reached by Task Group 1 as to who the legal experts should be.

#### 7. Resources and expertise required

- 7.1 It was agreed that the drafting of legislation should be a team effort by experts who come from more than one background. The draughtspersons should therefore not all be State legal draughtspersons.
- 7.2 Suggestions made during discussion (but not agreed upon) were:
  - 7.2.1 To establish a small team of experts who are then attached to CODESA to deal with legislation that is required.
  - 7.2.2 That every delegation to CODESA should nominate one legal expert to serve on a committee of experts. Such committee would then deal with legislation.

#### 8. General

Task Group 1 requested the Steering Committee of Working Group 5 to provide absolute clarity as to whether or not delegations are entitled to substitute one of their existing delegates or advisors with a legal expert as and when required.





WRKGROUP\IMPLTIME\SG2TG2.WI (2)

WORKING GROUP 5\SUB-GROUP 2\TASK GROUP 2\REPORT\2 MARCH

Addendum C

**DRAFT REPORT FORM TASK GROUP 2 OF WORKING GROUP 5, 2 MARCH 1992**

Rapporteur: Mr C Fisser, Convenor of Task Group 2

**1. Agenda**

- 1.1 Plan procedure
- 1.2 Involvement of specialists in drafting legislation.
- 1.3 Submissions
- 1.4 Decisions taken by Working Group 2 and required legislation.
- 1.5 Report back mechanism to Sub Group 2 of Working Group 5.
- 1.6 General

**2. Plan procedure**

- 2.1 Task Group 2 to study terms of reference and minutes of Working Group 2.
- 2.2 Task Group 2 to analyse decisions and check issues which require legislation - amendments or enactments.
- 2.3 Task Group 2 to report to Sub Group 2.
- 2.4 Sub Group 2 to report to Working Group 5 in full plenary.
- 2.5 Working Group 5 to take up the issue of specialists and draft legislation with Working Group 2.
- 2.6 Draft legislation then to be returned to Working Group 5.
- 2.7 Working Group 5 to discuss draft legislation with Working Group 2.
- 2.8 Working Group 5 to present draft legislation to CODESA.

**3. Specialists/drafting**

- 3.1 The meeting accepted the principle of the involvement of specialists.
- 3.2 A specialist drafting group of 3 - 5 people was suggested.
- 3.3 It was agreed that this should include one person with extensive experience in drafting parliamentary legislation in order to meet the technical requirements of parliament.

**4. Submissions**

- 4.1 It was recommended that no specific public invitation should be made, but that the DMC should keep the public informed of issues being discussed at CODESA

and progress made. If, as a result of this, submissions are made to Working Group 5 then they should be entertained.

4.2 Draft Bills should not be published.

5. **Dilemma of Task Group 2**

5.1 Immediate investigation into area of draft legislation.

5.2 Working Group 2 has not started dealing with constitutional processes yet. It must be urged to do so.

5.3 Participants in Working Group 5 are requested to identify other areas which they believe need immediate attention - with regard to decisions taken by Working Group 2.

6. **Report back**

It was agreed that the convenor, Mr C Fisser, should present the report.

7. **General**

Sub-group 2 should determine the date of the next meeting of its task groups.





WRKGROUP\IMPLTIME\SG2TG3.WI

WORKING GROUP 5\SUB-GROUP 2\TASK GROUP 3\REPORT\2 MARCH 1992

Addendum D

DRAFT REPORT FROM TASK GROUP 3 OF SUB-GROUP 2 OF WORKING GROUP 5, 2  
MARCH 1992

Rapporteur: Mr R M Burrows

1. It was agreed that only decisions agreed upon, and in writing, should be recorded.
2. Regarding Item 2 of the Declaration of Intent:
  - 2.1 It was agreed that clarity be sought by the Steering Committee as to the full meaning of Item 2 of the Declaration of Intent.

"We agree that CODESA will establish a mechanism whose task it will be, in co-operation with administrations and the South African Government, to draft the texts of all legislation required to give effect to the agreements reached in CODESA."
  - 2.2 Further, whether Working Group 5, as constituted, meets the requirements for the "mechanism" envisaged?
  - 2.3 Further, whether it is the intention to devise another means of linking Working Group 5 and "administrations and the South African Government", and whether "co-operation" may be fully concluded within Working Group 5?
  - 2.4 Further, what is the definition of "administration" in this section?
  - 2.5 Further, whether there is any conflict between this section of the Declaration of Intent and the Terms of Reference of Working Group 5?
3. It was agreed to enquire whether CODESA 2 will address the principled decisions taken at a Working Group or whether it will look to completed legislation.
4. It was agreed that initial and final draft forms of legislation stemming from work in a Task Group should be submitted via Working Group 5 to the Working Group originating the principled decision before conclusion.
5. It was agreed that queries regarding legislation being drafted should be sent in writing to the Steering Committee originating the principled decision for clarification, to be supplied in writing.
6. It was agreed that, if no clarification is obtained, then the matter should be raised at a meeting of all Steering Committee representatives and the Secretariat for clarification in writing. The possibility of the convenor of the Task Group being invited to attend was noted.
7. It was agreed that the Terms of Reference of Sub-Group 2 should be amplified by a new section (4) to read (from the wording of Working Group 5 Terms of Reference):

"To prepare, in draft form, the documentation which is required for effect to be given

to such agreements."

8. It was agreed to recommend that Working Group 5 refers to its Steering Committee and the DMC that a procedure for the transmission of draft legislation to Parliament, approved by CODESA, be agreed upon.
9. It was agreed that all submissions from outside bodies on legislation being handled by Working Group 5 be referred directly to the Working Group originating the principled decision on that legislation for its comment and handling.
10. It was agreed that the advertising of final draft legislation for public comment, together with time limits (after agreement has been reached with the Working Group originating the principled decision) be undertaken by Working Group 5, operating in conjunction with the Secretariat.
11. It was agreed that:
  - 11.1 When necessary, small groups of legal drafting experts be constituted, each group to handle a specific legislative task.
  - 11.2 Each participating organisation at CODESA should have the right, individually or jointly, to nominate an expert for such a drafting group.
  - 11.3 Each drafting group should gain its Terms of Reference from, and report back to, the appropriate task group.
12. The following points from the minutes of Working Group 3 and its Steering Committee were noted:
  - Page 316 Item 7.3
  - Page 318 Item 5.4
  - Page 322 Item 3.7
  - Page 335 Item 6.4





WRKGROUP\IMPLTIME\SG2TG3.WI (2)

WORKING GROUP 5\SUB-GROUP 2\TASK GROUP 3\REPORT\2 MARCH

Addendum E

DRAFT REPORT FROM TASK GROUP 4 OF SUB-GROUP 2 OF WORKING GROUP 5

Rapporteur: Mr L Wessels

1. It was noted that no principled decisions had been taken by Working Group 4, although sub-groups of the Working Group were formed on the 11 February. It was agreed that the convener of Task Group 5 should consult with the chairpersons of the sub-groups of Working Group 4 to learn what progress has been made.
2. It was agreed that the submissions to Working Group 4 should be studied in order to establish what commonality exists.
3. It was agreed that, in order to be pro-active, legislation will be needed to deal with the following:
  - 3.1 Testing the will of the people.
  - 3.2 Citizenship.
  - 3.3 The transfer/disposal of assets of the TBVC states.
  - 3.4 The future of the civil service in the TBVC states.
  - 3.5 The political, legal and constitutional implications of the re-incorporation of the TBVC states into South Africa.
4. It was agreed that the position of experts should be discussed at the meeting of the full sub group.
5. It was agreed that submissions should reach Task Group 4 through the Steering Committee.

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

PO Box 507, Isando, 1600, South Africa.  
Telephone (011) 597-1198/99. Fax (011) 597-22

Addendum E

FROM:  
CHAIRPERSON WGSC5 (MR D CURRY)  
CHAIRPERSON SUB-GROUP 2 (LEGISLATION) WG5(MR R.BURROWS)

TO : CHAIRPERSON DAILY MANAGEMENT COMMITTEE

3 MARCH 1992

Dear Mr Gordhan

DECLARATION OF INTENT // TERMS OF REFERENCE WG5

Note has been taken that WG5 has constituted a sub-group to look at those particular areas of the Terms of Reference of WG5 which pertain to legislation.

In this connection clarity is requested on the following areas linked to a section of the Declaration of Intent which states:

"WE AGREE ..(2) that CODESA will establish a mechanism whose task it will be, in cooperation with administrations and the South African Government, to draft the texts of all legislation required to give effect to agreements reached in CODESA"

1. Does WG5 constitute the "mechanism" referred to above ? If not then how does this mesh with the aspect of the Terms of Reference of WG5 " to prepare in draft form the documentation which is required to give effect to such agreements" ?
2. Whether it was or is the intention to devise any other means of linking WG5 and "administrations and the South African Government" and whether "cooperation" may be fully concluded within WG5 in conjunction with the WG originating the principled decision giving rise to such legislation.
3. To what does the term "administrations" in the above quote refer ?
4. Whether there is any conflict between the Terms of Reference of WG5 and the wording of the Declaration of Intent.

It would be greatly appreciated if you, the DMC or, if necessary the MC, could respond to these questions as rapidly as possible as we appear to be fast approaching the stage where draft legislation will have to be considered by WG5.

Yours sincerely  
D. CURRY

R.M.BURROWS