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SUBMISSION BY NATIONAL PARTY

WORKING GROUP 5

General approach to the management of Working Group 5 and suggestions for the handling of particular items in the terms of reference of the Working Group.

1. GUIDING PRINCIPLES

- 1.1 Working Group 5 should monitor progress in the other working groups and will therefore be in a favourable position to identify problems and stumbling blocks which may hamper progress. These problems will then have to be brought to the attention of the other working groups and/or be reported to Codesa.
- 1.2 Working Group 5 is dependent for its work on progress, agreements and final proposals reached in the other working groups and/or in Codesa itself.
- 1.3 The terms of reference for Working Group 5 can only be interpreted correctly after having taken into account the terms of reference of the other working groups.
- 1.4 The task of this Working Group is not to pre-empt the deliberations of the other working groups, but rather to concretize the decisions reached by way of consensus in the other working groups.

2. CLAUSE 1.1.1

"To investigate, report upon and make recommendations with regard to appropriate time frames and target completion dates for all of the processes and assignments being undertaken by Codesa, its working groups and other bodies created as a result of agreements/decisions of Codesa".

2.1 "To investigate and report upon all proposals..."

2.1.1 This part of *clause 1.1.1* refers to the main task of Working Group 5 and it must be emphasized that such an *investigation* can only take place after proposals have been received from the other working groups.

(Note: Up till now Working Group 5 has not received any proposals from any of the other working groups or from any of the other bodies (Management Committee, Secretariat) created by Codesa).

2.1.2 Working Group 5 should obviously report to Codesa 2 or any subsequent Codesa meetings. This does not mean that Working Group 5 may not confer with other Working Groups or any of the other bodies about the proposals and even to try and persuade them to reconsider or change any of their proposals. This will especially be necessary when Working Group 5 will try to co-ordinate and/or synchronise developments which may result from their proposals. In this regard a mechanism should be established for the other working groups to report to Working Group 5 on their progress on decisions reached.

2.2 "...make recommendations with regard to appropriate time frames and target completion dates..."

2.2.1 The time schedules will have to be clarified in consultation with all the other working groups in order to synchronise the negotiation process and implementation dates of the working groups. The

key factor is that this Working Group is not to create new working groups. The nexus is the words as a result of agreements/decisions of Codesa.

3. CLAUSE 1.1.2

3.1 "Identification of the key issues and problems that need to be addressed"

3.1.1 This is a further elaboration of the arguments mentioned on clause 1.1.1 and should not be interpreted in isolation or regarded as a *carte blanche* to introduce new issues.

4. CLAUSE 1.1.3

4.1 "Identification of areas of commonality and aspects where agreement already exists between participating delegations"

4.1.1 The very same arguments apply to this item. But again, clause 1.1.3 stresses the fact that the issues to be addressed by Working Group 5 should be a result of the deliberations and proposals of the other working groups.

5. CLAUSE 1.1.4

5.1 "Specifically, but without vitiating the generality of the above, consider whether and how to address":

5.1.1 In terms of the interpretation of *whether* and *how* in 1.1.4 items (a), (b) and (e) are functions which need to be implemented. It implies (and necessitates) that other working groups should

forward their decisions reached to Working Group 5 on an on-going basis.

- 5.1.2 If it is deemed necessary to address items (c),(d), (f),(g), (h), (i) and (j), they can only be addressed once the other working groups make available their *decisions, actions and processes* reached within those groups.
- 5.1.3 It is essential to limit item (k) by interpreting it within the parameters of Working Group 5's assignment. If not, it can be easily misused as a clean slate.
- 5.1.4 If the possible relevance of clause 1.1.4 (a-k) on the jurisdiction of other working groups are evaluated, it follows that every aspect related to items (a-k) is of relevance to the terms of reference of the other working groups. Therefore, it is not necessary to evaluate the applicability of each item in clause 1.1.4 seperately.
- 5.1.5 Concretization of the principle
- 5.1.5.1 It can be argued that substantive issues can only be dealt with by Working Group 5 once clarity and consensus have been reached in other Working Groups (often more than one) on such an issue. If an issue is pushed by Working Group 5, it could actually undermine the possibility of the relevant Working Group(s) reaching consensus.
- 5.1.5.2 It can, for example, also be argued that the future system of franchise goes hand in hand with progress made on the future of TBVC-states in Working Group 4. Only after these dynamics have

been agreed upon by cross-reference between Working Groups 2 and 4, can the matter be referred to Working Group 5 to adjust the decisions of the different working groups to the relevant time frames. Matters being dealt with by the different working groups are too complicated and often inter-related to be imposed by a single working group, i. e. Working Group 5.