



TO : HEADS OF DELEGATION OF CODESA WORKING GROUP 4,
CO-ORDINATORS OF WORKING GROUP 4,
MEMBERS OF WGSC4, MEMBERS OF WG 4 SUB-GROUPS

FROM : CODESA ADMINISTRATION

QUERIES : LOVEDALIA / GERDA

RE : DRAFT MINUTES - 21/22 APRIL 1992
DRAFT AGENDA - 27 APRIL 1992

PLEASE WOULD NOMINATED HEADS OF DELEGATION OR CO-ORDINATORS FOR THE WORKING GROUP, ENSURE THAT THIS DOCUMENT IS DISTRIBUTED CONFIDENTIALLY TO ALL MEMBERS OF THE WORKING GROUP REQUIRING IT, INCLUDING DELEGATES, ADVISERS AND MEMBERS OF THE WORKING GROUP STEERING COMMITTEE (WGSC) WHERE APPROPRIATE.

THANK YOU.

WORKING GROUP 4

ANC	Negotiations Comm	011-333-4509
Bophuthatswana Gvt	D Schoeman	0140-84-2943
Ciskei Gvt	L S Mqalo	0401-95-2148
Democratic Pty	Off : Z de Beer	021-461-0092
Dikwankwetla Pty	S P Matla	01438-31721
IFP	F T Mdlalose/ S Felgate	0358-20-2167
	B Anderson	011 886-5450
Intando Ysizwe	J L Mahlangu c/o J S Mabona	01215-2548
Inyandza Nat Mvmnt	P M H Maduna	013140-606
Labour Party	T Abrahams	021-403-3402
NIC/TIC	P David	0322-33-0654
	N G Patel	011-837-2106
	P G Gordhan	031-309-2278
National Pty	J Mentz	021-461-761
National People's Pty	M Mohanlall	021-403-2971
Solidarity Party	M F Cassim	021-403-2956
SACP	G Fraser-Moleketi	011-836-8366 or 838-2816
	R Mudge	012-343-8043
Transkei Gvt	Z Titus	0471-23876
United People's Frt	c/o PR Chief Min	0156-35244
Venda Gvt	C Neluvhalani: Chief Gvt Liaison Off	0159-23172
Ximoko Prog Pty	C D Marivate/Ackron	01526-23140 or Ria Meyer on 01526-24646 ask for fax
WG4 Secretary	S Albertyn	011-838-5088
Rapporteurs	G Budlender	011-836-8680
	G M Memela	0471-22138
	B Ngcuka	021-959-2411



F A X M E S S A G E

TO : MEMBERS OF WORKING GROUP 4
FROM : CODESA ADMIN
DATE : 23 APRIL 1992
RE : DRAFT MINUTES - 21/22 APRIL 1992
DRAFT AGENDA - 27 APRIL 1992

Attached please find the following :

1. Draft agenda for meeting on 27 April 1992.
2. Draft minutes for meeting on 21/22 April 1992.

Should you have any queries, please do not hesitate to contact us.

Regards.

DRAFT AGENDA FOR MEETING OF WORKING GROUP 4 TO BE HELD AT THE WORLD TRADE CENTRE ON MONDAY 27 APRIL 1992 AT 11H00

1. Opening by chairperson.
2. Adoption of Working Group 4 minutes of meeting of 21 and 22 April 1992.
3. Matters arising from the minutes of Working Group 4 meeting of 21 and 22 April 1992.
4. Presentation of rapporteurs report.
5. Discussion on rapporteurs report and the position statements of the states.
6. Discussing the future of sub groups 1 and 2.
7. Submissions received:
 - 7.1 ANC Women's League recommendation.
 - 7.2 Mafikeng Anti Repression Forum.
 - 7.3 Stinkwater Community Authority letter.
 - 7.4 Bafokeng Action Committee.
 - 7.5 Letter from Pule Peter Moate.
 - 7.6 Braklaagte Community
8. Closure

THE SUB GROUPS WILL MEET AFTER THE MEETING OF WORKING GROUP 4. IF THE PLENARY SESSION OF WORKING GROUP 4 LASTS FOR THE ENTIRE DAY ON MONDAY 27 APRIL 1992, THE SUB GROUPS WILL THEN MEET ON TUESDAY 28 APRIL 1992.

THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF WORKING GROUP 4, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE WORKING GROUP AT ITS NEXT MEETING.

MINUTES OF THE MEETING OF WORKING GROUP 4 (FUTURE OF THE TBVC STATES) HELD AT THE WORLD TRADE CENTRE ON TUESDAY 21 APRIL 1992 AT 10H00 AND ON WEDNESDAY 22 APRIL 1992 AT 09H30.

PRESENT ON 21 APRIL 1992: Delegates and advisors (See Addendum AA)

 SN Sigcau (Chair)

 S Albertyn (Secretary)
 M Durrheim (Minutes)

1 Opening by Chairperson

The delegates and advisors were welcomed by the chairperson.

2 Agenda

The agenda for the meeting, as drawn up by Working Group 4 Steering Committee (WGSC 4), mandated by Working Group 4 (WG 4), was adopted by WG 4.

3 Adoption of minutes

The minutes of the meeting of WG 4 of 30 March 1992 were adopted.

4 Matters arising

4.1 The SA Government objected to the content of point 5.1 viz. "WG 3 had pointed out in the joint meeting that if there is a delay in reaching consensus in WG 4, WG 3 would go ahead and make decisions regarding interim arrangements for the TBVC states" as this implied a possible interference by WG 3 with WG 4 and its Terms of Reference. The chairperson stated that the matter would be further discussed by WGSC 4.

4.2 It was agreed to delete the second sentence of point 5.2.2.

5 Position statements from each of the TBVC states and the SA government

5.1 The chairperson reported that the TBVC states apologised for the late submission of their revised position statements. This had prevented the circulation of the position statements to delegations prior the meeting.

5.2 Each TBVC state's position statement and that of the South African government was then read out to the meeting (Copies are attached marked Addenda B - F).

It was agreed to adjourn the meeting to give delegates time to consider the position statements. The rapporteurs were requested to use the time to compile a report on the position statements.

6 Presentation by rapporteurs on position statements and discussion thereof

- 6.1 The report by the rapporteurs was circulated and read out to the meeting. A copy of the report is attached marked Addendum G.
- 6.2 Transkei, Venda and Ciskei agreed that the rapporteurs report correctly reflected their positions.
- 6.3 Bophuthatswana recorded that its current position paper should be read together with its previous statements.
- 6.4 The South African government said that wanted the wording of question 1, the second last sentence in paragraph two, to reflect that it would abide by the terms of reference of working group 4. On question 2 of the report it suggested that the last question be deleted. On question 4, the first sentence be amended to read " Working Group 4 has up till now insisted that restoration of citizenship and reincorporation are inextricably linked"
- 6.5 Discussion ensued where delegations clarified the position statements.
- 6.6 The DP submitted a written proposal (a copy is attached marked Addendum H) which was read out to the meeting. The DP argued for the holding of a referendum which would test the support for the new constitutional proposals drawn up by Working Group 2. At the same time the people of the TBVC states would have the opportunity to express themselves regarding re-incorporation of the respective states into South Africa. This would resolve the difficulty of holding separate referenda in each of the TBVC states while ensuring the view of the people of the TBVC states are tested. The process would also given legitimacy to the Codesa proposals.

7 Adjournment

The chairperson proposed that the meeting be adjourned until 09h30 on Wednesday 22 April 1992 in order to give delegations time to further examine the various reports and proposals submitted to the meeting. The meeting was adjourned at 16h00.

Continuation of WG 4 meeting on Wednesday 22 April 1992

PRESENT ON 22 APRIL 1992: Delegates and Advisors (see Addendum AB)

SN Sigcau (chair)

S Albertyn (secretary)

M Durrheim (minutes)

8 Opening by Chairperson

Delegates and advisors were welcomed to the meeting. The chairperson reported that she had received notice from the ANC, Ciskei and the NPP that they would be tabling statements/proposals at the meeting.

9 Agenda

The agenda for the meeting, as drawn up by the Working Group 4 Steering Committee (WGSC 4), mandated by Working Group 4 (WG 4), was adopted by WG 4.

10 Discussion of Proposals

10.1 Democratic Party Proposal

The DP motivated their proposal contained in the document they had presented to the meeting on 21 April 1992 (marked Addendum H).

The Ciskei Government tabled a statement aligning itself with the DP proposal (see Addendum I).

The NPP also tabled a statement associating itself with and supports the DP proposal (see Addendum J)

There was discussion over whether or not the DP proposal that the referendum be based on the constitutional principles to be presented by WG 2 amounted to an extension of the mandate given to WG 4.

10.2 ANC Proposal

A statement by the ANC was presented to the meeting (see Addendum K).

Delegations questioned the ANC on their statement and the proposal was debated at length.

10.3 The following states expanded upon their position statements:

10.3.1 The Bophuthatswana Government made the following points:

10.3.1.1 The ANC's proposals on dual citizenship should be seriously considered

10.3.1.2 The issue of re-incorporation raises two questions:

- the principle of whether or not to re-incorporate:
each of the TBVC states has already stated their position on re-incorporation and testing the will of the people
- at what stage to re-incorporate:
all states have set conditions for re-incorporation, although the conditions differ. Therefore the issue is meeting the conditions laid out by the states for re-incorporation.

10.3.1.3 Once these principled issues on re-incorporation have been decided upon, WG 4 can address the question of whether there is sufficient consensus on when and how to test the will of the people. This is where the DP proposal becomes useful.

10.3.2 The Venda Government reiterated that the desire for re-incorporation had begun before Codesa and that it wants to be part of the entire Codesa process.

10.3.3 The SA Government made the following points:

- 10.3.3.1 the SA Government is opposed to passing a unilateral act in order to re-incorporate any of the TBVC states as the taking of independence by each of the TBVC states was not done unilaterally.
- 10.3.3.2 in order to address the uncertainty regarding whether or not WG 4 would be exceeding its mandate if it accepted the DP proposal, there should be consultation between the working groups.
- 10.3.3.3 the SA Government is unable to endorse the view contained in point 2.3 of the DP proposal viz. that all delegations have no objections in principle with the desirability of re-incorporation.
- 10.3.3.4 the SA Government position statement dated 7 April 1992:
- point 1 states that it is up to each individual TBVC state to opt for re-incorporation or otherwise
- point 2 makes it clear that the will of the people in each TBVC state should be tested (the preamble to Terms of Reference of WG 4 was referred to).
- 10.3.3.5 the definition of what was meant by 'South Africa' was clarified.
- 10.3.3.6 the SA Government would not accept participation of another government in an interim government.

10.4 It was agreed that the meeting should adjourn to allow the delegations the opportunity to consult their principles on the proposals submitted.

10.5 It was further agreed that the rapporteurs be requested to draw up a document in which the ('bottom line') positions of the respective TBVC states regarding the issues pertaining to re-incorporation be clearly set out. The report should synthesize both the position statements, the DP and ANC proposals, and the views expressed in the meeting by delegations. This document will be made available to delegations prior to the next meeting of WG 4. The rapporteurs noted that their brief required them to move beyond their normal function.

11 **Future of sub-groups**

It was agreed that the work of sub-groups 3 and 4 will continue and that the future of sub-groups 1 and 2 will be decided at the next meeting of WG 4.

12 **Date and time of next meeting of WG 4**

It was agreed that the next meeting of WG 4 will take place on Monday 27 April. The meeting will commence at 11h00 in order to give delegations time to study the report by the rapporteurs.

13 **Closure**

The meeting was closed at 13h00.

ADDENDUM AA

PRESENT ON TUESDAY 21 APRIL 1992:

Party/Organisation	Delegates	Advisors
ANC	A Nzo M Phosa	B Mabandla D Omar
Bophuthatswana	BE Keikelame DW Schoeman	JJ Tlholoe
Ciskei	N Nogcantsi BR Tokota	GF Godden BC Silivama
Democratic Party	JA Jordaan EK Moorcroft	N Olivier C Simkins
Dikwankwetla Party	SP Matla S Manyane	MJ Molapo DA Thejane
IFP	FT Mdlalose VT Zulu	B Anderson NJ Ngubane
IYP	JL Mahlangu JS Mabena	MS Mahlangu PZ Mashiane
INM	DZ Makhubela JM Matsana	HA Motaung ND Mokoena
Labour Party	T Abrahams J Douw	S Verveen W Whyte
NIC/TIC	P David NG Patel	G Singh
National Party	JHW Mentz P Farrell	R Radue PC McKenzie
NPP	M Govender S Naidoo	A Ramalu BP Jaglal
Solidarity Party	MF Cassim N Singh	AS Akoob K Chetty
SACP	T Mtintso S Mufamadi	L Nyembe S Ngonyama
SA Government	RF Botha AT Meyer	D Auret G Croeser
Transkei	M Titus LM Bengu	WG Makanda

UPF

LM Mokoena
NM MalekaneJM Nonyane
ER Maponya

Venda

S Makhuvha
SE MoetiRR Sumbana
N Nefale

XPP

C Khosa
ML NkunaTB Shibambu
TW Tshabalala

Rapporteurs

G Budlender
B Ngcuka
GM Memela

ADDENDUM AB

PRESENT ON WEDNESDAY 22 APRIL 1992:

Party/Organisation	Delegates	Advisors
ANC	A Nzo M Phosa	B Mabandla D Omar
Bophuthatswana	JJ Tlholoe DW Schoeman	
Ciskei	N Nogcantsi BR Tokota	
Democratic Party	EK Moorcroft N Olivier	C Simkins
Dikwankwetla Party	SP Matla S Manyane	DA Thejane
IFP	VT Zulu NJ Ngubane	B Anderson
IYP	JL Mahlangu MS Mahlangu	PZ Mashiane
INM	DZ Makhubela JM Matsana	HA Motaung ND Mokoena
Labour Party		
NIC/TIC	P David NG Patel	G Singh
National Party	JHW Mentz P Farrell	GC Oosthuizen PC McKenzie
NPP	M Govender S Naidoo	A Ramalu BP Jaglal J Bachu
Solidarity Party	MF Cassim N Singh	AS Akoob TS Barnabas
SACP	T Mtintso L Nyembi	S Ngonyama
SA Government	At Meyer CJ Streeter	CF Wheeler G Croeser
Transkei	M Titus LM Bengu	WG Makanda

UPF	LM Mokoena NM Malekane	JM Nonyane ER Maponya
Venda	S Makhuvha SE Moeti	RR Sumbana N Nefale
XPP	C Khosa TB Shibambu	TW Tshabalala
Rapporteurs	G Budlender B Ngcuka GM Memela	

ADDENDUM G

WORKING GROUP 4

REPORT BY RAPPORTEURS - 21 APRIL 1992

1 The starting-point must be the terms of reference, which include the Declaration of Intent. Paragraphs 1 and 5a of the Declaration of Intent are of particular relevance to this Working Group. The Preamble to the Terms of Reference of WG4 provides a further set of agreed principles. Paragraph 1.1.4 sets out the questions of principle which have to be decided upon, and 1.1.5 sets out practical matters which have to be addressed if re-incorporation is decided upon in respect of any TBVC state.

2 From the presentations made by the various parties, various critical questions have emerged. These questions, and the positions of the TBVC and SA governments on them, are as follows.

3 Question 1: The principle of re-incorporation

What is the attitude in principle to re-incorporation?
If re-incorporation is to take place, at what stage should this be?

Ciskei, Venda and Transkei support the principle. Bophuthatswana has reserved its position until basic principles and values in a future constitution have been agreed to. The South African government attitude is that the decision is that of the Government and people of each of the TBVC states.

Transkei wants re-incorporation once there is an elected interim government/constituent assembly. Venda supports re-incorporation at some stage of the interim government. Ciskei wants re-incorporation once a new constitution, that is acceptable to the Ciskei, is in place. The Bophuthatswana position is as above. The South African government says that it is dependent on testing of the will of the citizens of a particular state and negotiations between itself and the respective government. This raises the question of the relationship between the negotiations at Codesa and bilateral negotiations.

4 Question 2: Re-incorporation and interim government

What is the role of interim government? [This is a matter being debated by WG3, on which all parties are represented.]

Should the TBVC states participate in the interim government?

If a TBVC state is to participate in interim government, what implications does this have for sovereignty? Is participation consistent with continued constitutional independence?

Is the restoration of citizenship an alternative means of providing participation in interim government without immediate loss of sovereignty?

Venda and Transkei want to participate in the interim government. Ciskei does not want to participate in interim government because it wishes to retain its sovereignty, and it sees participation and sovereignty as incompatible. Bophuthatswana does not want to be part of transitional arrangements/interim government, but wants to be part of (separate) negotiations for a new dispensation, at Codesa, until basic principles and values have been agreed upon. The South African government's view is as reflected in paragraph 3 (in relation to Question 2).

5 Question 3: The restoration of citizenship

Abandonment of sovereignty and 'de-scaling' carries with it the necessary consequence of restoration of citizenship. But is the restoration of citizenship dependent on prior re-incorporation (or on a decision to re-incorporate)?

Sub-group 2 agreed to the principle of restoration of citizenship. There are two views on the timing, as reported by sub-group 2. The only government which deals with this issue in its new presentation is Transkei, which states that citizenship should be restored immediately. This would mean dual citizenship while the questions of the timing and method of re-incorporation are debated.

6

Question 4: The testing of the will

Is the testing of the will necessary?

If so

- is a separate testing of the will necessary?
- what would constitute a testing of the will?
- what is the issue on which the will is to be tested - reincorporation, restoration of citizenship, or the acceptability of a new constitution?

If a TBVC government declares that it has tested the will in a manner which it deems adequate, will the SA government accept this, or does it reserve the right to prescribe the manner in which the will is to be tested?

The South African government has up till now insisted that restoration of citizenship and re-incorporation are inextricably linked, and that testing of the will on re-incorporation is also a testing of the will on restoration. In their current position statements, none of the TBVC states has linked testing of the will to the question of citizenship.

The Ciskei government attitude is that it is not necessary to hold a referendum on re-incorporation. The citizens of the Ciskei must make an informed decision at free and fair elections, which will only be held when a new constitution for South Africa has been clearly formulated.

The Venda government attitude (as set out in the report of sub-group 4) is that testing of the will on re-incorporation, and by necessary implication on restoration of citizenship, is superfluous.

The Transkei government attitude is that it has adequately tested the will on re-incorporation by a means of extensive consultations, and that no further testing is necessary. (As set out above, Transkei government supports immediate restoration of citizenship.)

The Bophuthatswana government wants a testing of the will of the citizens of Bophuthatswana on re-incorporation once there is sufficient information about a new constitution. It has not expressed itself on whether this can or should be separated from restoration of citizenship.

[It should be noted that the question of a separate testing of the will is one on which sub-group 1 deadlocked.]

7

In our opinion, the questions being dealt with by the sub-groups should be reconsidered in the light of the new positions and the developing debate. Sub-groups 1 and 2 have reported that they have gone as far as they can. We suggest that in the light of these developments, WG4 should consider whether sub-groups 3 and 4 should continue with their current terms of reference and structure. The options include the following:

- 7.1 The sub-groups should continue with their current terms of reference and structure.
- 7.2 The sub-groups should terminate their work at this stage, and be re-constituted to deal with some of the questions which have now emerged.
- 7.3 The sub-groups should be re-constituted as smaller expert committees, to make recommendations on these technical matters to the Working Group.