



TO : STEERING COMMITTEE MEMBERS OF WORKING GROUP 5
FROM : CODESA ADMINISTRATION
QUERIES : LOVEDALIA / LORRAINE

WGSC5 :

Z Skweyiya	ANC	011-333-4509
R Burrows	Democratic Party	021-461-0092
L P H M Mtshali	Inkatha Freedom Pty	0358-20-2943
		or c/o Sue
		Felgate 0358-
		20-2167
D Curry	Labour Party	021-45-3706
G Bartlett	National Party	021-461-0859
Y Molla	Solidarity Party	0324-24116
D Mvelase	SA Communist Party	011-836-8366
		or 838-2816
R Ramontja	United People's Fnt	011-930-1596
		or c/o Public
		Relations
		0156-35244
Also to :		
P G Gordhan	NIC/TIC	031-309-2278



F A X M E S S A G E

TO : WORKING GROUP 5 STEERING COMMITTEE
FROM : CODESA ADMIN
DATE : 30 APRIL 1992
RE : DRAFT REPORT - WG5

Attached please find the following :

1. Draft report of Working Group 5 to Codesa II.
2. Working Group 5 Terms of Reference.

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

Regards.



WRKGROUP 5\IMPLTIME\FAX29APR

WORKING GROUP 5\DRAFT REPORT TO CODESA 2\29 APRIL

DATE: 29 April 1992

MEMO TO: All members of the Steering Committee of Working Group 5

FROM: Isabel Thompson

RE - Draft report to CODESA 2

Attached please find the draft report of Working Group 5 for CODESA 2, as compiled by Mr Y Moolla. Should you have any suggestions and comments, please contact me at your earliest convenience. I will be available at the following number until Monday: (011) 648-3681.

I remind you that you may expect the minutes of the proceedings of Working Group 5, and the other Working Groups for this week (27 April) by courier tomorrow (30 April).

Thank you.

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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DRAFT PROGRESS REPORT OF WORKING GROUP 5 FOR CODESA 2

DISCUSSION DOCUMENT

1. This is a draft document intended for discussion by the Steering Committee of Working Group 5. The amendments recommended by members of the Steering Committee will be incorporated, and the document will be presented to the plenary meeting of Working Group 5 for discussion at its meeting on Monday 4 May.
2. The Terms of Reference of WG 5 as agreed on at CODESA 1 are attached for easy reference.
3. WG 5 had decided, after receiving various submissions, to divide into two sub-groups, in order to address the key issues, namely:
 - 3.1. Process/transition: a timetable for negotiations
 - 3.2. Date/climate: for negotiation/transition
4. **Sub-group 1**

The following issues were identified for closer attention:

 - 4.1. Date of CODESA 2
 - 4.2. Formation/duration of Interim Government
 - 4.3. Lifting of sanctions\economic climate
 - 4.4. Duration of transitional government
 - 4.5. Reincorporation of TBVC states
 - 4.6. Constituent assembly
 - 4.7. Date of general elections
5. **Sub-group 2**

The following issues were considered:

 - 5.1. The ending of violence
 - 5.2. Release of political prisoners
 - 5.3. Return of exiles
 - 5.4. Security forces (all inclusive)

- 5.5. Control of the media
- 5.6. Role of traditional leaders (including the king of the Zulus)
- 5.7. Private armies

6. Task groups

Each of the sub-groups established four task groups, each to monitor the progress of the remaining four working groups in order to establish areas of consensus and to isolate problem areas.

7. Summary of submissions

The submissions made by the various parties is summarised hereunder:-

- 7.1. CODESA 2 should meet by mid-April at the latest.
- 7.2. Before CODESA 2, the position of the Zulu King and the issues of the exiles and political prisoners should be resolved; progress should be made on ending the violence; a substantive report on constitutional principles should be produced (Working Group 2); and proposals for an interim government should be tabled (Working Group 3).
- 7.3. An interim government should be formed between May and October 1992.
- 7.4. An elected assembly should be formed between September 1992 and March 1993, to sit in conjunction with the tricameral parliament.
- 7.5. Before the assembly is elected, the position of the media and the control of the security forces should be resolved (Working Group 1).
- 7.6. Final elections under a new democratic constitution should be targeted between September 1993 and November 1994.

8. Stimulation of discussions/process

In an endeavour to stimulate the discussions and deliberations, participants were requested to respond to the undermentioned questions within the relevant Working Groups:

8.1. Interim/transitional authority

Acknowledging that the delegates have agreed upon the need for an interim/transitional government, the following questions arise from this:

- 8.1.1. Should the interim/transitional authority be elected or appointed?
- 8.1.2. If appointed, by whom should it be appointed?
- 8.1.3. If elected, by whom should it be elected?

- 8.2. Should the interim/transitional authority act as a constitution-making body?
- 8.3. Purposes and objectives of the interim/transitional authority:
 - 8.3.1. What should the purpose(s) of the interim/transitional authority be?
 - 8.3.2. What should the objectives of the interim/transitional authority be?
- 8.4. Legislature
 - 8.4.1. What should be the fate of legislative powers of the present legislative structures?
 - 8.4.2. Should the interim/transitional authority have legislative powers?
 - 8.4.2.1. If yes, what should these powers be?
 - 8.4.2.2. If no, who is to perform the legislative function during the transitional period?
 - 8.4.3. In what form should the legislature be structured?
 - 8.4.4. By whom is the legislature to be structured?
- 8.5. Executive body
 - 8.5.1. What should be the fate of the present executive structures?
 - 8.5.2. Should the interim/transitional authority have executive powers?
 - 8.5.2.1. If yes, what should those powers be?
 - 8.5.2.2. If no, who is to perform executive functions during the transitional period?
 - 8.5.3. In what form should the executive be structured?
 - 8.5.4. By whom should the executive be structured?
- 8.6. The present RSA constitution
 - What should happen to this constitution during the transitional period?
- 8.7. TBVC and self-governing states
 - 8.7.1. With respect to the TBVC states:
 - 8.7.1.1. What should their position be during the transition period?
Should they participate in the interim/transition authority?

- 8.7.1.2. What should happen to their constitutions?
- 8.7.1.3. What should happen to the administrative structures of the TBVC countries during the transitional period?
- 8.7.2. With respect to self-governing states
 - 8.7.2.1. What should their position be during the transition period? Should they participate in the interim/transition authority?
 - 8.7.2.2. What should happen to their administrative structures during the transition?
- 8.8. The role of the international community
 - 8.8.1. Should the international community play any role during the transition period?
 - 8.8.2. What should the role of the international community be?
 - 8.8.3. Which international organisations should be involved?

9. Time frames

With respect to each of the above (where applicable), what should be the time frame for each item be?

Working Group 5, in dealing with the questionnaires, arrived at the following tentative time frames by which the Working Group should respond to the questions noted above:

All by mid April 1992.

The Sub-group on time frames proposed that the implementation of an interim government should be by 30 June 1992 or before the end of this parliamentary session.

10. Progress in other Working Groups

It was negotiated through the DMC that members of the various task groups (referred to in Item 5) would be permitted to attend the plenary sessions of the various groups to observe the proceedings of the respective groups.

11. Conclusion

- 11.1. WG 5 holds the view that the question of the drafting of legislation was a task assigned to it by virtue of the terms of reference agreed on at CODESA 1. However, the viewpoint of the DMC on this matter is a contrary one.
- 11.2. Sub-group 2 of WG 5 has already commenced with examining, reviewing and re-drafting the Electoral Act.

- 11.3. In evaluating the minutes and records of the other Working Groups, Working Group 5 is concerned about the lack of progress in these groups. Consequently, WG 5 is frustrated in its endeavours to play a meaningful role, to give effect to the functions and duties assigned to it at CODESA 1.
- 11.3. Working Group 5 can only function effectively if the other Working Groups arrive at decisions.



TERMS OF REFERENCE FOR WORKING GROUPS FOR CODESA

WORKING GROUP 5

ASSIGNMENT

Time frames and implementation of Codesa's decisions.

1. Terms of Reference

- 1.1 WHEREAS the parties at Codesa have committed themselves in the terms set out in the Declaration of Intent as amended from time to time

AND WHEREAS it is necessary to record agreements which are reached at Codesa and to implement such agreements and, accordingly, to prepare in draft form the documentation which is required for effect to be given to such agreements

AND WHEREAS it has been agreed that a Working Group on the Implementation of Agreements/Decisions shall be appointed by Codesa to identify the steps which need to be taken by the parties to Codesa

AND WHEREAS it is desirable to advise on the possible time frames and target dates

IT IS RECORDED that the terms of reference of the Working Group on time frames and the implementation of Codesa's agreements/decisions are as follows:

- 1.1.1 To investigate and report upon all proposals 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.
- 1.1.2 To identify the key issues and problems that need to be addressed.
- 1.1.3 To identify areas of commonality and aspects where agreement already exists between participating delegations.
- 1.1.4 Specifically, but without vitiating the generality of the above, consider whether and how to address:
- (a) the need for a regularly updated comprehensive list of all the decisions, actions and processes involved;
 - (b) the co-ordination of the activities of Codesa and its subsidiary bodies to ensure the greatest possible efficiency of the process towards a democratic South Africa;
 - (c) the practicability of setting of target completion dates for all agreements/activities/decisions;
 - (d) the monitoring of the process and the adjustment of targets whenever necessary;
 - (e) the dissemination of up-to-date information in respect of progress made to all Codesa participants, interested parties and authorities;
 - (f) to address the identification of legislation that needs to be enacted or

amended:

- (g) to assist in formulating the terms of the legislation or amendments;
- (h) realistically attainable time frames;
- (i) practical effect of implementation of agreements;
- (j) the legality of the process in relation to time frames to be negotiated within the context of constitutional continuity;
- (k) any other matters which the working group may consider relevant to its brief.



SCHEDULE OF MEETINGS

UPDATE : 29 APRIL, 1992

MEETING SCHEDULE FOR MAY 1992

DATE	GROUP	NO	START/END	MEALS	ROOM
SAT 2	WG 3 TECH COMMITT	15	09:00-17:00	13:00	Suite 1 -

*Please
more xpp
chair*

DATE	GROUP	NO	START/END	MEALS	ROOM
MON 4	WG 1	80	08:30-18:00	13:00	Room 1
MON 4	WGSC 3	12	09:00-10:00	-	Room 2(A)
MON 4	GAC	40	09:30-16:30	13:00	Room 2
MON 4	WGSC 5	8	09:30-10:00	-	Glass 2
MON 4	WGSC 2	10	09:30-14:00	13:00	Glass 3
MON 4	MEDIA COMM	22	09:30-14:00	13:00	Suite 1
MON 4	WG 3	80	10:00-16:45	13:00	Room 3
MON 4	WG 4	80	10:00-16:00	13:00	Room 5
MON 4	WG 5	80	10:00-13:00	13:00	Suite 9
AND/OR	WG 5 SG 1	40	12:00-13:00		Suite 9
	WG 5 SG 2	40	12:00-13:00		To be notified
	WG 5 SG1 TG1	10	12:00-15:00		Glass 2
	WG 5 SG1 TG2	10	12:00-15:00		Suite 2
	WG 5 SG1 TG3	10	12:00-15:00		Suite 3
	WG 5 SG1 TG4	10	12:00-15:00		Suite 4
	WG 5 SG2 TG1	10	12:00-15:00		Suite 5
	WG 5 SG2 TG2	10	12:00-15:00		Suite 6
	WG 5 SG2 TG3	10	12:00-15:00		Suite 7
	WG 5 SG2 TG4	10	12:00-15:00		Suite 8
MON 4	DMC	12	13:00-14:00	SERVE LUNCH	Room 2A
MON 4	WG 2	80	14:00-17:00	13:00	Room 4
MON 4	DMC	12	16:00-18:00	-	Room 2(A)
MON 4	MAN COMM	45	18:00-19:30	-	Room 4

Microphone

MIC

MIC

MIC

MIC

MIC

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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

DATE	GROUP	NO	START/END	MEALS	ROOM
TUES 5	GAC	40	08:30-16:00	13:00	Room 2
TUES 5	WGSC 1	11	08:30-18:00	13:00	Glass 3
TUES 5	WG 2	80	09:00-16:00	13:00	Room 1
TUES 5	WG 3	80	09:00-16:45	13:00	Room 3
TUES 5	WG 4	80	10:00- ?	13:00	Room 4
AND/OR	WG4 SG1	22	?		Suite 1
	WG4 SG2	22	?		Suite 2
	WG4 SG3	22	?		Suite 3
	WG4 SG4	22	?		Suite 4
TUES 5	DMC & WGSC'S (2 EACH) & GAC SC	25	13:00-14:00	SERVE LUNCH	Room 2(A)
TUES 5	CONV. MANG.	12	8:00-10:00	-	Glass 2

DATE	GROUP	NO	START/END	MEALS	ROOM
WED 6	GAC	40	08:30-16:00	13:00	Room 2
WED 6	WG 3	80	09:00-16:45	13:00	Room 3
WED 6	CONV. MANG	12	8:00-10:00		Glass 2

PROVISIONAL ADVANCE SCHEDULE FOR MAY

DATE	GROUP	NO	START/END	MEALS	ROOM
THURS 7	MAN COMM	45	17:00-20:00	18:00	CAPE TOWN
MON 11	MAN COMM	45	14:00-17:30	-	
MON 11	DMC	12	09:00-12:30	-	
WED 13	DMC	12	?		
THUR 14	MAN COMM	45	14:00-17:30	-	
THUR 14	DMC	12	?		

Glassroom 2 to be reserved daily + set for 12 people from 8:00 - 10:00.