

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

DRAFT MINUTES OF THE FIRST JOINT MEETING OF SUB-GROUPS ONE AND TWO OF WORKING GROUP FOUR (FUTURE OF THE TBVC STATES) HELD AT THE WORLD TRADE CENTRE ON TUESDAY 23 MARCH 1992 AT 10h00.

PRESENT: Delegates (See Addendum A)

S Verveen and EK Moorcroft (chairs)

S Albertyn (secretary)

J Steinberg (minutes)

APOLOGIES: none

1. Chairperson's opening remarks

The chairperson (Mr Verveen) drew attention to the fact that he had been elected Acting Chairperson of sub-group 2, in the absence of Mr CTD Marivate. He appealed to all delegates to remember that the proceedings of Codesa are accountable to those who are not here, the people of South Africa.

2. Presentation of report of sub-group 2

The chair presented sub-group two's report. A copy is attached marked "addendum C"

3. Discussion of report of sub-group 2.

3.1.1 The Democratic Party submitted that paragraph 1.1 of sub-group two's report, which states that sub-group two has reached sufficient consensus that South African citizenship be restored, contradicts with paragraph 1.1(b) of the same document, which states that the restoration of South African citizenship be decided upon by a test of the will of the people.

3.1.2 It was clarified that sub-group 2 had agreed in principle that citizenship should be restored to the people of the TBVC states. On the question of how and when this restoration of citizenship should take place, there were two views:

(a) citizenship should be restored immediately

(b) citizenship should be restored subject to the will of the people being tested and supporting it.

3.2 The South African government recorded that it envisaged that the process of deciding the future of the TBVC states should occur in the following three phases:

3.2.1 The will of the people of the TBVC states vis a vis reincorporation be tested.

3.2.1 If the outcome of the testing of the will of the people reflects a desire for re-incorporation, then

both re-incorporation and citizenship restoration will follow in due course.

3.2.3 If the outcome of the testing of the will of the people reflects a lack of desire for re-incorporation, then there will be no restoration of South African citizenship. The South African government submitted, on the basis of the above, that the question of the restoration of South African citizenship is inextricably linked to the testing of the will of the people.

3.3 The ANC raised its concern that the South African Government's proposal represents a sudden change in position. The ANC noted that this position was not raised as a part of the deliberations which led to the drawing up of sub-group two's report.

3.4 The SACP submitted that the very term "restoration" was chosen because citizenship had been taken away illegitimately. It follows, therefore, that citizenship be restored immediately.

3.5 The meeting concluded its discussion without sufficient consensus on the relationship between the restoration of citizenship and the testing of the will of the people.

4. Change of chair

Following the conclusion of the tea break, at 11h30, the meeting agreed that the chair of sub-group one, Mr Moorcroft, assume the chair for the remainder of the meeting.

5. Presentation of the report of sub-group one.

The chair presented sub-group one's report. A copy is attached marked "addendum B"

6. Discussion of report of sub-group one.

6.1 With regard to the proposal of a national referendum to test the will of the people vis a vis re-incorporation, the SACP drew attention to the ANC's, the SACP's and TIC/NIC's objection to a separate counting of votes based on race and ethnicity, as recorded in the report of sub-group one. It continued that since the *raison d'etre* of the creation of the TBVC states is ethnic separation, that there should be no separate counting of votes at all, since any basis of separate counting would ultimately be ethnic in its reasoning.

6.2 The ANC endorsed the position that there should be no separate counting of referendum votes.

6.3 The chair noted that, while it is well within their rights to do so, the ANC and SACP have changed their positions entirely on the testing of the will of the people. If there can be no separate counting of votes in the TBVC states, there can no testing of the will of the people of the TBVC states. The upshot is that the very terms of reference of sub-group one are called into question. Moreover, the purpose of the current meeting, which is to ascertain the relationship between citizenship restoration and the testing of the will of the people, cannot be pursued any further.

6.3 It was agreed that the proceedings had deadlocked. The meeting adjourn, and a report of the meeting be submitted to the Steering Committee of Working Group4.

7. Documents circulated

The following document was circulated at the meeting:
Intando Yesizwe Party - "Restoration of Citizenship in TBVC States"

7. Closure

The chair closed the meeting at 13h05.

ADDENDUM A

Organisation	Delegates
ANC	D Omar M Phosa
Bophuthatswana Government	K Keikelame (sub: D Marute) SS Seane
Ciskei Government	N Nogcantsi
Democratic Party	JA Jordaan EK Moorcroft
Dikwankwetla Party	SP Matla (sub: C Harrison)
Inkatha Freedom Party	FT Mdlalose B Anderson
Intando Yesizwe Party	M Mahlangu WMB Mohapi
Inyandza National Movement	D Makhubela J Matsana
Labour Party	W Whyte S Verveen
National Party	JHL Mentz PJ Farrell
NPP	S Naidoo
NIC/TIC	NG Patel J Yawich (sub: P Daphne)
SACP	S Ngonyama T Mtintso
SA Government	RS Schoeman AT Meyer
Solidarity Party	Y Seedat MF Cassim
Transkei Government	SHL Matebese LM Benga
UPF	LM Mokoena NM Malekane

Venda Government

Ximoko Progressive Party

RAPPORTEUR

RR Sumbana
SR Makhuva

C Khosa

G Budlender

ADDENDUM B

PRELIMINARY SUMMARY OF PROCEEDINGS OF SUB GROUP 1 (TESTING THE WILL OF THE PEOPLE) OF WORKING GROUP 4 (THE FUTURE OF THE TBVC STATES)

1. Sub group 1 approached its brief in the following way:
 first it dealt in broad general terms with points 1.1 to 1.3 of its terms of reference, which include the investigation of the relationships between the TBVC states and South Africa under a new South African constitution. In particular it sought to identify key issues and problems, as well as areas of commonality between participating delegates. Two key issues were identified. These are:
 - 1.1 Is it desirable to support the re-incorporation of the TBVC states into a new South Africa? and
 - 1.2 Is it desirable to test the will of the people regarding re-incorporation?
2. The question of testing the will of the people forms part of the specific brief of sub group 1.
 - 2.1 As a consequence of debate, together with perusal of written submissions, the following areas of commonality have been identified:
 - 2.1.1 All delegates, with the exception of Bophuthatswana, have no objection to re-incorporation. Bophuthatswana is still considering constitutional options.
 - 2.1.2 All delegates, with the exception of Bophuthatswana, agree that the people themselves should have a deciding vote in this matter, i.e. the will of the people must be tested. Bophuthatswana has expressed the view that such a decision should be the responsibility of the Bophuthatswana government.
3. There was broad agreement between those delegates who supported the concept of "testing the will of the people" that the best way of testing this will would be by means of a referendum. The SACP stated that whereas its attitude was that restoration of citizenship by the SA government was desirable, it was nonetheless not averse to a referendum.
4. All delegates agreed that the referendum should not be held on the basis of race or ethnicity.
5. There was also general agreement (with the exception of Inkatha) that the referendum should be held on a nation-wide basis i.e. that separate referenda should not be held in each TBVC state independent from the rest of the RSA.
6. Two key issues were identified. These were:
 - 6.1 The question to be asked in the referendum, and
 - 6.2 The timing of the referendum.
7. Central to these two issues will be the recommendations made by sub group 2 regarding the constitutional

future of the RSA. It was agreed that when these recommendations are put to the people of South Africa for their approval, then they should be put to the people of the TBVC states also.

- 7.1 The Bophuthatswana government recorded its position i.e. that if the Bophuthatswana government decides that it is necessary to test the will of the people, the ensuing referendum would be conducted by the Bophuthatswana government.
8. It would then follow that rejection of the recommendations by the people of any one or more of the TBVC states would also indicate rejection of the idea of re-incorporation by that state or states.
9. It was agreed that if the will of the people in the TBVC states is to be tested, then it will be necessary to count the votes of the people in those states separately from those of people in the rest of the RSA.
 - 9.1 The ANC, SACP, and NIC/TIC placed on record that they would not accept a referendum in which separate counting was done on the basis of race or ethnicity.
10. With regard to the timing of the referendum, it was agreed that the will of the people in the TBVC states should be tested as soon as possible.
 - 10.1 It was felt strongly by the ANC, SACP and NIC/TIC that all the people of the TBVC states should be given the opportunity to participate in the transitional arrangements and in the drawing up of the new constitution.
11. It became clear that a difficulty existed between those who believe that re-incorporation should take place sooner in order that the people of the TBVC states should be able to participate more fully and those who believe that re-incorporation should take place later so that the people will not be called upon to "take a step in the dark" i.e. they should first know what it is that Codesa has decided.
12. It was pointed out that the difficulty was rooted in the problem of co-ordinating the proceedings of working groups 2, 3 and 4.
13. The NIC/TIC, ANC and SACP placed on record their position that re-incorporation of the TBVC states should be by means of a unilateral act by the South African government.
14. The eligibility of voters was discussed i.e. who would be eligible to vote in the TBVC states. Would it be citizens only, or would residents also be included?
 - 14.1 Bophuthatswana made it clear that only those in possession of Bophuthatswana citizenship would be allowed to vote, although it was stressed that this citizenship was open to all who resided within the boundaries of that state.
 - 14.2 It was agreed that with regard to eligibility of voters sub group 1 is unable to make a recommendation until it has heard the recommendations of sub group 2 of working group 4 and working groups 2 and 3.
15. There was strong agreement that the referendum should be Codesa-driven.
 - 15.1 With regard to the TBVC states, it was agreed that the referendum should be supervised by Codesa provided that this was done in co-operation with the administrations of the respective states.

- 15.2 The Bophuthatswana government recorded its objections to any role being played by Codesa in Bophuthatswana.
 - 15.3 Concern was expressed that unless Codesa's financial capacity was increased, it would not be able to play the kind of role envisioned for it.
 - 15.4 It was agreed that the possibility of Codesa recruiting international funding be pursued.
16. It was agreed that if the people of the TBVC states were to be kept fully informed of the proceedings of Codesa, then full use should be made of all electronic media, (TV, radio etc). It was suggested that a "Voice of Codesa" be created which would broadcast directly from Codesa after the usual weekly press conference. The spokesperson would be the chair of the management committee. The reports would then be seen to fair, free and objective.

**FINAL SUMMARY OF PROCEEDINGS OF SUB GROUP 1 (TESTING THE WILL OF THE PEOPLE) OF
WORKING GROUP 4 (THE FUTURE OF THE TBVC STATES)**

With the exception of Bophuthatswana, which expressed certain reservations, sufficient consensus has been reached on the following points related to our terms of reference:

- a) That the will of the people in the TBVC states be tested.
- b) That such a test be done concurrently with the rest of South Africa and that race or ethnicity should play no role in the process.
- c) That testing be done by way of a referendum.
- d) That the question asked be related to the constitutional recommendations/proposals made by Codesa.
- e) With regard to the eligibility of voters this sub group is unable to make recommendations until it has heard the recommendations of sub group 2 of working group 4 and working groups 2 and 3.
- f) That the referendum should be driven by Codesa in co-operation with the administrations of the respective states.
- g) That a 'Voice of Codesa' be established.

The following additional points are for noting:

- i) That the referendum take place as soon as is practically possible (pending 'd' above).
- ii) That a liaison committee be established in order to co-ordinate the further proceedings of Working Groups 2, 3 and 4.

ADDENDUM C

SBG2RPT0309.WS (3)
WG4 SG2/REPORT/9 MARCH

REPORT OF SUB-GROUP 2 (CITIZENSHIP) WORKING GROUP 4 (THE FUTURE OF THE TBVC STATES)

1. CITIZENSHIP

1.1 SG 2 of WG 4 has reached sufficient consensus that South African citizenship be restored. In this regard there are two views:

a) Citizenship should be restored immediately

b) Citizenship should be restored after the testing of the will of the people and if such expression of the will is in favour thereof.

1.2 Reservation

The Bophuthatswana Government records its position that:

a) Citizenship should not be imposed on people

b) The will of the people at all times be tested in terms of the procedures that might be agreed upon.

2. The Mechanics of the restoration of Citizenship

2.1 It was agreed that the question of subjecting the restoration of citizenship to the will of the people be referred to sub-group 1 of WG 4.

2.2 It was further agreed that the question of the mechanics, time span and implementation of the restoration of citizenship be referred to WG 5.

3. Press Release

The "sufficient consensus" statement on citizenship in paragraph 1 above should be used as a press release after it has been approved by WG 4.

4. Rapporteur

Sub-group 2 has adopted Mr Geoff Budlender as its rapporteur

CTD Marivate
Chairperson: Sub-Group 2 of Working Group 4
9 March 1992

SCHEDULE OF MEETINGS FOR WORKING GROUP 4

Monday 30 March 1992 - Working Group 4 meeting : 10:00 to 16:00

Monday 30 March 1992 - Working Group 4 Steering Committee to take place after the conclusion of the working group 4 meeting

Tuesday 31 March 1992 - Working Group 4 Sub Group 1 : 10:00 to 16:00

Tuesday 31 March 1992 - Working Group 4 Sub Group 2 : 10:00 to 16:00

Tuesday 31 March 1992 - Working Group 4 Sub Group 3 : 10:00 to 16:00

Tuesday 31 March 1992 - Working Group 4 Sub Group 4 : 10:00 to 16:00