



TO : MEMBERS OF WORKING GROUP 2,
COORDINATORS OF WORKING GROUP 2

FROM : CODESA ADMINISTRATION

QUERIES : LOVEDALIA / LORAINÉ

RE : DRAFT MINUTES - 7 APRIL 1992 1992
DRAFT AGENDA - 21 APRIL 1992

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A Sachs (021) 22-2626

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S G Mothibe (0140) 84-2406
R Cronje (0140) 84-2733
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CISKEI GOVERNMENT

L S Mqalo (0401) 95-2148
M C Kashe (0401) 95-1161
I J Smuts (0461) 29664
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DEMOCRATIC PARTY

C W Eglin (021) 461-0092
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A J Leon (021) 461-0092
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S O M Moji (01438) 31218
M M Makhalemele
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S Felgate (0358) 20-2167
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M J Mahlangu c/o
 J S Mabona (01215) 2548
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T J Ndaba (013140) 879
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 I B Lephoko (01314) 72184
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LABOUR PARTY OF SA

I M Richards (021) 45-1953
 D Lockey (021) 45-1953
 Prof Devenish
 C I Nasson (021) 45-1953

NIC/TIC

P Gordhan (031) 309-2278
 Z Yacoob (011) 403-2341
 N Haysom (011) 403-1764
 F Cachalia (011) 403-2341
 I Meer (011) 403-2341

NATIONAL PARTY

F J van Heerden (021) 461-5329
 J A Rabie (021) 45-3706
 S Camerer (021) 461-5329 or (011) 838-6262
 I M Rautenbach (011) 489-2049

NATIONAL PEOPLE'S PARTY

M M Mohanlall (021) 403-2971 (M)
 S Ismail (011) 331-2970
 B Singh (0331) 91-2015
 H M Meerahoo (0331) 91-2015

SOLIDARITY PARTY

I Omar (0331) 42-7368 or 92-2171
 D S Rajah (0331) 42-7368
 K Reddy (011) 333-0981
 R Arenstein (031) 304-7009

SA COMMUNIST PARTY

G Fraser-Moleketi	(011) 836-8366
B Nzimande	(0331) 95-5741
J Slovo	(011) 836-8366
N Hoosain	(041) 54-4233
E Daniels	(021) 761-8515

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Z Titus	(0471) 23876
S P Holomisa	(0471) 31-0437 or 23876
D S Koyana	(0471) 26820
P Z Ndamase	(0471) 70-9704
R Nogumla	

UNITED PEOPLE'S FRONT

c/o Chief PR Min	(0156) 35244
M J Mahlangu	(0156) 37149
M C Ramusi	(01521) 91-2528
J S Maake	
R J Dombo	(01521) 67-0152

VENDA GOVERNMENT

C Neluvhalani : Chief Gov Liaison Officer	(0159) 23172
M P Nthabalala	(0159) 31195
N A Budeli	(01521) 67-1049
M J Mushasha	(0159) 22971

XIMOKO PROGRESSIVE PARTY

J C Ackron	(01526) 23140
E E Ngobeni	See Above
K R Myakayaka	See Above
F Cloete	See Above

OTHER PARTIES TO RECEIVE DOCUMENTATION :

WG2 SECRETARY Mark Phillips	(011) 403-1764
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WGAG2104.LP

WORKING GROUP 2\AGENDA\21 APRIL

DRAFT AGENDA FOR THE ELEVENTH MEETING OF WORKING GROUP 2 (CONSTITUTIONAL PRINCIPLES) ON 21 APRIL 1992 AT THE WORLD TRADE CENTRE

1. **Apologies**
2. **Ratification of Agenda**
3. **Ratification of Minutes**
4. **Discussion on Assignment 2**
 - 4.1 Further Questions to ANC and Further Submissions
 - 4.2 General Discussion of Key Issues with Reference to the Constitution Making Body (Steering Committee suggestions)
5. **Key Issues to be Addressed:**
 - 5.1 Economic freedom, governmental intervention and economic systems
 - 5.2 Accommodation of the diversity of languages, cultures and religions
 - 5.3 Role of Traditional Leaders
 - 5.4 The Bill/Charter of Fundamental Rights including:
 - 5.4.1 Its nature and scope
 - 5.4.2 Affirmative action
 - 5.4.3 Second generation rights
 - 5.5 Self-determination
 - 5.6 Inclusion of new items, namely :
 - 5.6.1 The role of standing committees in the formulation of legislation
 - 5.6.2 Government will be open, accessible and accountable
6. **AOB**
 - 6.1 Progress with Public Submissions
 - 6.2 Item 4.4 of the Minutes of the Meeting of 2 March 1992:
Further discussion of the common principle regarding the balance between central, regional and local government
7. **Next Meeting**

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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MINUTES OF THE TENTH MEETING OF WORKING GROUP 2 (CONSTITUTIONAL PRINCIPLES) HELD AT THE WORLD TRADE CENTRE ON TUESDAY 7 APRIL 1992

PRESENT:

Delegates and advisors (See Addendum A)
CW Eglin (Chair)
M Phillips (Secretary)
R Hartley (Minutes)

DOCUMENTS DISTRIBUTED:

1. Draft agenda
2. Ratified minutes of the eighth meeting of Working Group 2 held on 23.3.92 and 24.3.92
3. Draft minutes of the ninth meeting of Working Group 2 held on 30.3.92 and 31.3.92
4. 7.4.92 Working Group 2: Suggested discussion on constitution making body prepared by Working Group 2 Steering Committee
5. Labour Party of SA: The constitution making body
6. 6.4.92 Codesa Working Group 3: SA Government: Submission on transitional arrangements
7. Working Group 3: ANC proposals for the first stage of interim government
8. Inkatha Freedom Party: Working Group 2: Proposals of the Inkatha Freedom Party on the body and procedures for drafting a new constitution
9. Inkatha Freedom Party: Why the Inkatha Freedom Party objects to the idea of the new constitution being written by a popularly elected assembly
10. Codesa Working Group 2: Government of the Republic of Bophuthatswana: Constitution making and the constitution making process

1. Apologies 30.3.92

C Ramaphosa	African National Congress (Alternate: A Sachs)
J Rabie	National Party (Alternate: S Camerer)
Z Yacoob	NIC/TIC (Alternate: T Pillay)
PZ Ndamase	Transkei Government
R Nogumla	(Alternate: M Nonkonyana, Prof Koyana)
B Ndzimande	SA Communist Party (Alternate: E Daniels)
DS Rajah	Solidarity Party
I Omar	(Alternate: N Singh, K Moodley, R Arenstein)
M Richards	Labour Party (Prof Devenish)
A Leon	Democratic Party
D Worrall	(Alternate: D Welsh)
CW Eglin (in the chair)	
R Cronje	Bophuthatswana Government
SG Mothibe	
I Findlay	
VR Zietsman	Ciskei Government
Adv Malatji	United People's Front
BS Ngubane	Inkatha Freedom Party
B Singh	National People's Party (Alternate: J Bachu)
MM Makhalemele	Dikwankwetla Party (Alternate: Prof Wessels)
S Cloete	Ximoko Progressive Party (Alternate: EPP Mhinga)
SG Mgidi	Intando Yesizwe Party

2. Ratification of Agenda

2.1 The agenda was ratified with the following changes:

2.1.1 Item 5.6 which reads as follows was added: "The role of standing committees in the formulation of legislation."

2.1.2 Item 6.2 was amended to read: "Item 4.4 of the Minutes of the Meeting of 2 March 1992: Further discussion of the common principle regarding the balance between central, regional and local government".

3. Ratification of Minutes

- 3.1 The minutes of the meeting of 9.3.92 were ratified with the following changes:
 - 3.1.1 D Worrall was added to the list of apologies for 31.3.92 and A Leon was listed as his alternate.
 - 3.1.2 Item 3.1.3 was amended to read: "Mr Mabuza pointed out that he and Mr Lephoko had attended the meeting of 23.3.92."

4. Discussion on Assignment 2: Constitution Making Body and Process

- 4.1 Delegates continued questioning the ANC on their submission of 31.3.92.
- 4.2 The following parties made submissions on the issue:
 - 4.2.1 Bophuthatswana Government
 - 4.2.2 Inkatha Freedom Party
 - 4.2.3 The meeting ended before questions to the Inkatha Freedom Party could be completed. It was agreed that questions would be continued at the next meeting.
- 4.3 The chair posed the following questions as a useful means to take the discussion forward:
 - 4.3.1 "Based on the following assumptions regarding a Constitution Making Body:
 - 4.3.1.1 It is not a "sovereign" body, but a body established through legislation by the South African parliament;
 - 4.3.1.2 It is bound by the parameters of principles agreed to in Codesa including inter alia regionalism entrenched in the constitution and a Bill of Rights;
 - 4.3.1.3 It is bound to take decisions in terms of procedures agreed to in Codesa;
 - 4.3.1.4 Its decisions are subject to scrutiny by a panel of judges or neutral, independent persons to determine that these have been in accordance with the above;
 - 4.3.1.5 It would not necessarily be involved in legislative functions or procedures;
 - 4.3.1.6 The constitution it drafted would be subject to endorsement by popular referendum.

In these circumstances, in order to raise the level of legitimacy of a Constitution Making Body, would it be appropriate for the electoral principle to be applied in practice on the basis of regions? In view of the fact that regionality is a constitutional principle already agreed on, could a case be made for this regionality to be reflected in the composition of the constitution making body?"

5. Next Meeting

- 5.1 The next meeting will take place on 21.4.92 from 10h00 to 16h00 at the World Trade Centre.
- 5.2 It was agreed that Working Group 2 would also meet on 27.4.92 from 10h00 to 16h00 and on 28.4.92 from 9h00 to 15h00.

ADDENDUM A

The following delegates and advisors signed the Attendance Register of Working Group 2 meeting held on 7 April 1992:

Organisation	Delegate/Advisor
African National Congress	MV Moosa F Ginwala A Sachs
Bophutatswana Government	TE Scheepers
Ciskei Government	MC Kashe IJ Smuts J Laubuschagne
Democratic Party	CW Eglin D Welsh
Dikwankwetla Party	SOM Moji S Mopeli M Mopeli Prof Wessels
Inkatha Freedom Party	N Brits SH Gumede M Alachouzozos
Intando Yesizwe Party	AP Laka MP Mahlangu IT Mahlangu
Inyandza National Movement	EN Ginindza I Lephoko BE Mabuza C Albertyn
Labour Party	D Lockey G Devenish C Nasson
Natal/Transvaal Indian Congresses	T Pillay IC Meer F Haysom F Cachalia
National Party	F van Heerden S Camerer I Rautenbach

National People's Party	M Mohanlall S Ismail J Bachu H Neerahoo
Solidarity Party	K Moodley N Singh R Arenstein
SA Communist Party	J Slovo N Hoosain E Daniels
SA Government	G Viljoen JT Delpont F Venter JHE Basson
Transkei Government	SP Holomisa R Nogumla DS Koyana M Nonkonyana
United People's Front	MC Ramusi RJ Dombo
Venda Government	GM Ligege MP Nthabalala A Budeli Adv Mushasha
Ximoko Progressive Party	EE Ngobeni KR Myakayaka EPP Mhinga J Ackron