

**F A X M E S S A G E**

TO : MARK PHILLIPS  
SECRETARY OF WORKING GROUP 2

FAX NO : 403-1764

FROM : DIANNE - CODESA ADMIN

DATE : 7 FEBRUARY 1992

RE : WORKING GROUP 2 MINUTES - 6 FEBRUARY 1992

Enclosed please find a draft of the minutes for the Working Group 2 Meeting which was held on 6 February 1992.

Please inform me of any changes as soon as possible so that these can be made and the minutes faxed to the members.

Thank you.

DIANNE CAMPHER



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, 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 SECOND MEETING OF WORKING GROUP 2 HELD AT THE WORLD TRADE CENTRE ON THURSDAY 6 FEBRUARY 1992 AT 10H00

PRESENT: Delegates and advisors (see Addendum A)  
M V Moosa (Chair)  
M Phillips (Secretary)  
R Hartley (Minutes)

DOCUMENTS DISTRIBUTED: An IFP folder including a paper called Working Group 2 Position Paper fo the IFP

Minutes of the first meeting of Working Group held at the World Trade Centre on Monday 20 January at 10h30

Communication to Working Group Steering Committees from the Daily Management Committee

Possible areas of commonality and aspects where possible agreement exists between the participating delegates

Codesa Factsheet

General constitutional principles which should be enshrined in a new constitution for the Republic of South Africa (NP)

Codesa: Transkei's inputs to be presented to Codesa working groups on 06 February 1992

APOLOGIES: Advocate Mashasha from Venda  
Labour Party  
Mr Mahlangu of UPF  
Advocate JS Maake  
Mr Rabie of NP

ADOPTION OF AGENDA: Dikwankwetla's objection to the inclusion of items 3 and 4 on the agenda was noted.

**1. ADOPTION OF MINUTES**

1.1 The minutes were unanimously adopted with the following two amendments:

1.1.1 The chairperson of the Working Group shall be nominated by the Steering Committee on a rotational basis.

1.1.2 The NPP's reservation should be recorded under item 4.2 while the LP's reservation under the same item should be withdrawn.

1.2 Mr Maharaj of the DMC explained that the minutes were confidential until ratified, after which point delegates could circulate them at their discretion within their parties.

**2. REPORT OF THE STEERING COMMITTEE**

**2.1 Agendas**

It was agreed that the Steering Committee would devise the agendas of Working Group Meetings

**2.2 Media Strategy**

It was agreed that the Steering Committee, in consultation with the Daily Management Committee, should devise a media strategy after each meeting of the Working Group. Delegates were urged to follow the recommendations made by the Steering Committee on dealing with the media.

**2.3 Sub Groups**

The issue of the formation of Sub-Groups was referred to an unspecified later meeting of the Working Group.

**2.4 Rapporteur**

The issue of a rapporteur was postponed until such time as a rapporteur may be necessary.

**2.5 Chairperson**

The following three principles with regard to chairing were agreed on:

2.5.1 The chairperson shall be neutral.

2.5.2 The chairpersons of the working group shall be nominated by the Steering Committee on a rotational basis.

2.5.3 The delegation from which the chairperson is drawn shall be entitled to an alternate for that meeting.



**2.6 Submissions**

The following points regarding submissions to the Working Group were agreed:

- 2.6.1 Submissions shall be accepted until 10.3.92.
- 2.6.2 There will be some flexibility regarding this deadline, although this will not be advertised.
- 2.6.3 No oral evidence will be heard by the Working Group unless delegates agreed.
- 2.6.4 Working Group delegates should be supplied with the press kit to be issued on 10.2.92.

**2.7 Contact numbers**

It was agreed that delegates would not be obliged to supply the Working Group with their home phone numbers. Delegates will be provided with a full set of contact numbers of Working Group members at the next Working Group meeting.

**2.8 Format of minutes**

The format of minutes of Working Group meetings was approved.

**2.9 Steering Committee minutes**

It was agreed that Steering Committee minutes should be circulated to all advisors and delegates in the Working Group.

**3. IDENTIFICATION OF AREAS OF COMMONALITY REGARDING CONSTITUTIONAL PRINCIPLES**

**AND**

**4. IDENTIFICATION OF THE KEY ISSUES AND PROBLEMS THAT NEED TO BE ADDRESSED.**

**4.1 Initial presentation**

Mr Eglin of the DP presented a paper outlining possible areas of commonality in the working group.

- 4.1.1 It was agreed to remove the word strong from C.2 in the document.
- 4.1.2 The document was supported by the ANC, NP, IFP, Solidarity, TIC/NIC, Transkei Government, UPF and Ximoko.

4.1.3 The Transkei Government proposed the addition of clauses (f) and (h) from its submission to the document.

**4.2 Self determination**

It was agreed that the question of self-determination be placed on the agenda of the Working Group. The following agenda item was proposed by the NP, seconded by the ANC and agreed on by the Working Group: "the principle of self-determination of peoples and its application and practical implementation in the South African situation".

**4.3 Procedure for documentation and submissions**

It was agreed that the following procedure will be followed before preparing a final document from the Working Group:

4.3.1 Delegates will present and distribute typed copies of proposals to Working Group meetings.

4.3.2 The Steering Committee will consolidate these proposals into a discussion document which will be discussed in the Working Group.

4.3.3 This document will be amended in successive meetings, until a final document on which there is agreement is produced.

**4.4 General principles**

The following general principles and issues were placed on the agenda by delegations:

4.4.1 The Transkei Government delegation drew attention to paragraphs (h) and (f) of its submission.

4.4.1.1 Paragraph (h) reads: "A democratic South Africa shall respect the rights, sovereignty and territorial integrity of all countries and pursue a policy of peace, friendship and mutually beneficial co-operation with all people."

4.4.1.2 Paragraph (f) reads: "The recognition and acceptance of a role for traditional leaders at national, regional and local levels of administration."



- 4.4.2 The IFP proposed the principle that the constitution accord with the wishes of the majority of South Africans.
- 4.4.3 Solidarity and the NPP proposed the principle of minority inclusion, which extended beyond minority rights to the formal inclusion of minorities in government.
- 4.4.4 The SA Government proposed eight general constitutional principles:
  - 4.4.4.1 The supremacy and rigidity of the constitution.
  - 4.4.4.2 A constitutional state.
  - 4.4.4.3 A charter of fundamental rights.
  - 4.4.4.4 Separation of powers.
  - 4.4.4.5 The meaningful participation of political minorities.
  - 4.4.4.6 Regional and local autonomy.
  - 4.4.4.7 Autonomy of civil society and community self-determination
  - 4.4.4.8 A balance between socio-economic freedom and state responsibility.
- 4.4.5 The SACP raised the following issues:
  - 4.4.5.1 Codesa should not prescribe economic constitutional provisions.
  - 4.4.5.2 Codesa should not prescribe the entrenchment of power sharing.
  - 4.4.5.3 The constitution should not prevent a future parliament from implementing affirmative action.
  - 4.4.5.4 There should be no rights of succession or separation in a model which devolved power.
- 4.4.6 The ANC raised the following eight points:
  - 4.4.6.1 There should be a united, democratic, non-racial, non-sexist state with sovereignty over the whole of South Africa.
  - 4.4.6.2 An impartial judiciary.
  - 4.4.6.3 A multi-party democracy with regular elections, a common voters role and each vote should have equal value.
  - 4.4.6.4 Separation of powers.
  - 4.4.6.5 Diversity of languages, cultures and religions should be acknowledged.

- 4.4.6.6 A universally accepted Bill of Rights and equality before the law.
  - 4.4.6.7 Government should function at national, regional and local level.
  - 4.4.6.8 Affirmative action should be enshrined in the constitution.
- 4.4.7 The DP said three areas required further examination:
- 4.4.7.1 Devolution of power and de-centralisation.
  - 4.4.7.2 The balance between defensive and assertive rights in a Bill of Rights.
  - 4.4.7.3 Checks and balances to ensure government accountability and to prevent abuses of power.
- 4.5 It was agreed that parties would bring submissions for distribution at the next meeting.

## 5. ANY OTHER BUSINESS

- 5.1 It was agreed that meetings would take place on Mondays but that delegates should keep Tuesdays free since two meetings a week might be necessary in future.
- 5.2 It was agreed that the DMC would be informed of the inclusion of the issue of self-determination on the agenda of the Working Group, for the purpose of issuing a press statement.

## 6. NEXT MEETING

The next meeting will be held at 10h00 on Tuesday 11 February at the World Trade Centre.