

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.