



WRKGROUP5\IMPLTIME\AGMAY4.WI(2)

WORKING GROUP 5\AGENDA\4MAY

**AGENDA FOR THE MEETING OF WORKING GROUP 5 HELD AT THE WORLD TRADE CENTRE
ON MONDAY 4 MAY AT 10H00**

1. Chairperson's opening remarks
2. Apologies
3. Adoption of agenda
4. Ratification of minutes of Working Group 5 (27 April 1992)
5. Matters arising from the minutes of Working Group 5 (27 April 1992)
6. Report from the Steering Committee
 - 6.1. Reportback to CODESA 2
 - 6.2. Meeting with Steering Committees and DMC\Secretariat
 - 6.2.1. Drafting Committee
 - 6.2.2. Attendance of other Working Group plenary sessions
7. New business
8. Date of next meeting
9. Closure

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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WORKING GROUP 5\MINUTES\4 MAY

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL, AND RESTRICTED TO THE MEMBERS OF WORKING GROUP 5, ITS STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY WORKING GROUP 5 AT ITS NEXT MEETING.

MINUTES OF THE MEETING OF WORKING GROUP 5 HELD AT THE WORLD TRADE CENTRE ON MONDAY 4 MAY 1992 AT 10H00

PRESENT: (Addendum A)

1. Chairperson's opening remarks

The meeting was chaired by Mr U Reid.

2. Apologies

Apologies were noted under Addendum A.

3. Adoption of agenda

The agenda was adopted without amendment.

4. Ratification of minutes

The minutes of the meeting of Working Group 5 (Monday 27 April 1992) were adopted with the following amendments:

4.1. The date of the meeting was corrected to read **27 April** (and not 4 April).

4.2. The attendance register (Addendum A) was amended as follows:

Mr DHM Gibson (Democratic Party) attended as a delegate, and not an advisor.

The full delegation of the Transkei Government was present.

5. Report from the Steering Committee

5.1. A discussion document for the reportback to CODESA 2 was discussed by the plenary, and a final report was agreed upon by the plenary. (Addendum B)

5.2. Meeting with Steering Committees and DMC/Secretariat

Mr Y Moolla reported on the meeting of the Steering Committees and the DMC/Secretariat held on Tuesday 28 April 1992.

5.2.1. Representatives of the Steering Committees of the other Working Groups would expect the attendance of Working Group 5 Task Group members at their plenary sessions.

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6. Date of next meeting

The next meeting would take place on Monday 11 May 1992 at 10H00.

7. The meeting closed.

ADDENDUM A

The following people signed the attendance register:

Organisation	Delegate	Adviser
ANC	Z Skweyiya	G Bizos
Bophuthatswana Govt	IJ Reid	AM Boikanyo LI Morule
Ciskei Government	BH Muller	
Democratic Party	JJ Walsh (subs. R Burrows) RR Hulley	
Dikwankwetla Party	ST Leokaoko DT Mokoena	P Thaele ARL Xaba
Inkatha Freedom Party	FX Gasu LPHM Mtshali	P Smith M Zondi
Intando Yesizwe Party	VS Mahlangu N Mbonani	S Mtsweni JS Mabona
Inyandza Nat Movement	DS Kunene	BD Madonsela GG Zama
Labour Party	Y Bassier K Lategan	M Hendrickse
NIC/TIC	H Ebrahim Y Vawda	N Balton E David (subs F Meer)
National Party	GS Bartlett C Fisser	P Matthee M Streicher
National People's Party	O Ganie DK Padiachey	As Pillay AL Singh
Solidarity Party	Y Moolla NM Raju	M Naranjee I Osman
SACP	D Mvelase C Dlamini	
SA Government	L Wessels	JM Spaarwater GC von Bratt
Transkei Government	N Mabude	PG Qokweni

ADDENDUM A

United People's Front

MJ Duba
R Ramontja

SN Bambo
IKE Moloko

Venda Government

E Lukhaimane
LS Ramavhoya

M Mphaphuli
E Randima

Ximoko Progressive Party

MH Matjokana
DZJ Mthebule

SE Mathumbu
ML Nkuna

Minutes

Isabel Thompson

Apologies:

P Jordan
TM Setiloane
MN Poni
P P Jacobs
R Burrows
SS Ripinga
A Essop
A Masondo
B Fanaroff
A Williams
N Bebeza
GE Zilwa

African National Congress
Bophuthatswana Government
Ciskei Government
Ciskei Government
Democratic Party
Inyandza National Movement
Labour Party
SA Communist Party
SA Communist Party
SA Government
Transkei Government
Transkei Government

National Party

ADDENDUM B

REPORT OF WORKING GROUP 5 TO CODESA 2

1. Introduction

The Terms of Reference given to WG5 by CODESA 1 involved inter alia:

- 1.1. The monitoring of progress made in Working Groups 1-4
- 1.2. The establishment of time frames within which Codesa process should operate and
- 1.3. The identification of legislation emanating from the Codesa process and the drafting thereof.

In order to conduct its work more effectively, it was necessary to clarify how certain issues emanating from the other Working Groups should be dealt with, and after consultation with the DMC it was agreed that issues pertaining to the administrative process and procedure should be addressed by the DMC, and issues pertaining to political process and content should remain the responsibility of WG5.

Unfortunately, little progress has been made by WG5 the main reason being that by the very nature of its Terms of Reference its work is reactive rather than proactive. This has led to a certain degree of frustration on the part of the delegates serving on WG5.

2. Progress Made:

2.1. Structure of WG5

It was decided at an early stage that WG5 should be divided into two Sub-groups; Sub-group 1 dealing with time frames, and Sub-group 2 dealing with legislation. Each Sub-group divided into 4 Task Groups, viz 1-4, which dealt with progress being made in Working Groups 1-4 respectively.

2.2. Identification of key issues

After studying the minutes of the other Working Groups, WG5 identified and recorded those key issues which it felt should be addressed by Codesa.

2.3. Modus Operandi of Working Group

In order to effectively carry out its duties, WG5 established the following:

- 2.3.1. A process of studying the minutes of the other WGs so as to identify tasks for WG5 such as establishing time frames and the need for legislation.
- 2.3.2. A mechanism for dealing with decisions which require draft legislation so that the final documents correctly fulfil the requirements arrived at by the Codesa process.
- 2.3.3. A proposal for a committee of suitably qualified experts to assist with the drafting

ADDENDUM B

of legislation.

2.4. Proactive identification of required legislation

In the absence of firm proposals for new legislation, WG5 decided to be proactive and identified the following:

2.4.1. Discriminatory legislation

Using a Law Commission draft report, a list of 68 acts was examined to determine which contain racial and gender discriminatory provisions which may require attention.

2.4.2. Electoral Bill

Deciding that if truly democratic elections are to be held in the near future, a suitable electoral act will be required. WG5 began an examination of existing electoral acts in preparation for the drafting of a new act for South Africa.

3. Monitoring Role of Working Group 5

Problems were experienced by WG5 in endeavouring to monitor the Codesa process. This resulted in WG5 Steering Committee meeting with the DMC to discuss the problem which led to the following decision being taken:

"Copies of the minutes of all other Working Group plenary sessions, together with summaries of recommendations and agreements emerging from these plenaries, should be made available to WG5 at the earliest possible opportunity."

The lack of real progress in achieving the goals inherent in WG5's Terms of Reference is largely due to the lack of progress in the other Working Groups with regard to clear recommendations concerning time frames and the need for draft legislation.

4. Recommendation

The dearth of work for WG5 emanating from other Working Groups has led to much frustration within WG5 and its members. This has led to the suggestion that another mechanism be devised to deal with its duties as stated in its Terms of Reference. However, it must be accepted that in due course certain very important duties will have to be performed, especially with regard to drafting of legislation.

It is recommended, therefore, that WG5 should only be brought into session when clear agreements and decisions concerning its Terms of Reference are forthcoming from Working Groups 1-4.

DATE: 6 May 1992

FAX MESSAGE TO: Mr LJ Reid

FROM: Isabel Thompson

RE: Draft minutes of the meeting of Working Group 5

Please find attached the draft minutes of the meeting of Working Group 5 held on Monday 4 May 1992, as chaired by yourself. Should you have any amendments or recommendations regarding these minutes, kindly contact me at your earliest convenience.

Thank you.