

**PROPOSED AGENDA FOR THE NINTH MEETING OF CODESA
WORKING GROUP 3 (INTERIM ARRANGEMENTS) TO
BE HELD ON MONDAY 06 APRIL 1992, 10H00 - 16H45 AND
TUESDAY 07 APRIL 1992, 09H00 - 16H45
AT THE WORLD TRADE CENTRE, JOHANNESBURG**

PLEASE NOTE:

The WG3SC is requesting delegations to be prepared to present their proposals on the agenda items (including responses to questions as per Appendix C) and to answer/raise questions on these items and that of the opening statements of delegations on Interim Arrangements

1. Opening of the meeting and welcome
2. Apologies
3. Ratification of the Minutes of the Eight Meeting of Working Group Three (Appendix A)
4. Tabling of the Minutes of WG3SC with WG4SC and matters arising (Appendix B)
5. Tabling of Submissions
6. Adoption of Agenda (to be read in conjunction with Appendix C)
7. Continuation of Exploratory discussion covering:
 - 7.1 Method of bringing into being of Interim Arrangements - Elected or Appointed
 - 7.2 Purposes, Objectives and Time Frames of Interim Arrangements with respect to the period leading up to an election
 - 7.3 The Executive with respect to the period leading up to an election
 - 7.3.1 Structure
 - 7.3.2 Functions
 - 7.4 The Legislature with respect to the period leading up to an election
 - 7.4.1 Structure
 - 7.4.2 Functions
 - 7.5 Position of present RSA constitution with respect to the period leading up to an election
 - 7.6 Position of TBVC and self governing states with respect to the period leading up to an election
 - 7.7 Role of International Community with respect to the period leading up to an election
8. Confirmation of dates for next meetings
9. Media Statements for MC to consider from WG 3
10. Other urgent business
11. Closure

APPENDIX C**ADDENDUM TO AGENDA****Introduction:**

The following questions are not meant to be prescriptive in any manner. They are intended to stimulate discussion and to provide guidance to the Working Group. Delegations are encouraged to peruse and, if they so desire, add or amend the questions. They are encouraged to be prepared to respond to these questions at the next meeting of the Working Group.

Proposed Questions:

1. Interim/Transitional Authority:

Acknowledging that the Delegates have agreed upon the need for an Interim/Transitional Government, the following questions arise from this:

- 1.1 Should the Interim/Transitional Authority be elected or appointed?
- 1.2 If appointed, by whom should it be appointed?
- 1.3 If elected, by whom should it be elected?

2. Should the Interim/Transitional Authority act as a constitution making body?

3. Purposes and objectives of Interim/Transitional Authority:

- 3.1 What should the purpose(s) of the Interim/Transitional Authority be?
- 3.2 What should the objectives of the Interim/Transitional Authority be?

4. Legislature:

- 4.1 What should be the fate of the Legislative Powers of the present legislative structures?
- 4.2 Should the Interim/Transitional Authority have legislative powers?
 - 4.2.1 If yes, what should those powers be?
 - 4.2.2 If no, who is to perform the legislative function during the transitional period?
- 4.3 In what form should the legislature be structured?
- 4.4 By whom is the legislature to be structured?

5. Executive Body:
 - 5.1 What should be the rate of the present Executive Structures?
 - 5.2 Should the Interim/Transitional Authority have executive powers?
 - 5.2.1 If yes, what should those powers be?
 - 5.2.2 If no, who is to perform executive functions during the transitional period?
 - 5.3 In what form should the Executive be structured?
 - 5.4 By whom is the Executive to be structured?

6. The present RSA constitution:

What should happen to this constitution during the transitional period?

7. TBVC and Self-Governing States:
 - 7.1 In respect of the TBVC States:
 - 7.1.1 What should their position be during the transitional period? Should they participate in the Interim/Transitional Authority?
 - 7.1.2 What should happen to their constitutions?
 - 7.1.3 What should happen to the administrative structures of the TBVC countries during the transitional period?
 - 7.2 In respect of self-governing states:
 - 7.2.1 What should their position be during the transitional period? Should they participated in the Interim/Transitional Authority?
 - 7.2.2 What should happen to their administrative structures during the transitional period?

8. The role of the International Community:
 - 8.1 Should the International Community play any role during the transitional period?
 - 8.2 What should the role of the International Community be?
 - 8.3 Which International Organisations should be involved?

9. Time Frames:

In respect of each of the above (where applicable), what should be the time frame attaching thereto?

APPENDIX D

DRAFT SECOND AGREEMENT ON ELEMENTS OF INTERIM ARRANGEMENTS AS SUBMITTED BY THE DEMOCRATIC PARTY

AGREED:

1. The transitional executive structure at central government level should include a transitional executive council and a number of multi-party committees or councils.
2. The transitional executive council and the multi-party committees/councils will have effective powers and not simply be advisory bodies.
3. The transitional executive council will co-ordinate and oversee the transitional executive structures.
4. The transitional executive council and the multi-party committees/councils will operate on the basis of consensus as defined.
5. The transitional executive council and the multi-party committees/councils will be appointed and will operate in accordance with procedures agreed upon by CODESA.
6. The number, functions and responsibilities of the transitional executive council and the multi-party committees/councils and their relationships with existing governing authorities will need to be agreed by CODESA.
7. Other aspects of the interim/transitional arrangements still need to be discussed.

APPENDIX A

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF WORKING GROUP 3, THE MANAGEMENT COMMITTEE AND THE DAILY MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO THE APPROVAL OF THE CHAIRPERSON AND TO RATIFICATION BY THE WORKING GROUP AT ITS NEXT MEETING.

DRAFT MINUTES OF THE NINTH MEETING OF CODESA WORKING GROUP 3 (INTERIM ARRANGEMENTS) HELD AT THE WORLD TRADE CENTRE ON MONDAY 6 APRIL 1992, 10H00 AND TUESDAY 7 APRIL 1992, 09H00.

PRESENT:

Delegates and Advisers (see Addendum A)

PMH Maduna (chair)

C Coleman (secretary)

K Kweyama-Makgabo (minutes)

P Kleynhans (rapporteur)

A Gqokoma (rapporteur)

1. OPENING OF THE MEETING AND WELCOME

P Maduna opened the meeting from the chair at 10H20.

2. APOLOGIES

- 2.1 P Hendrickse, J Mahlangu and P Gordhan were not present as they are part of the CODESA delegation witnessing the British Parliamentary elections.
- 2.2 All delegations were present

3. RATIFICATION OF THE MINUTES OF THE EIGHT MEETING OF CODESA WORKING GROUP 3

- 3.1 Some amendment were made to the minutes. Accordingly, the amended sections should read as follows:
 - 7.8 "It was felt that Transitional Structures should have powers to carry out executive functions. An understanding of how the transitional structures related to present government structures would need to be debated"
 - 9.2 "There will be no meetings of CODESA Working Groups on 13 and 14 April 1992."
- 3.2 Ratification of the minutes was proposed by BS Rajuili seconded by A Macaulay and duly accepted by Working Group 3.

4. **TABLING OF THE MINUTES OF THE MEETING BETWEEN WG3SC AND WG4SC AND MATTERS ARISING**

- 4.1 WG3SC proposed the following changes:
- 2.4 "The delegates from Working Group 3 suggested that if the TBVC states still existed as sovereign entities by the time an interim government was created, the TBVC states might not be included in an Interim South African government."
- 2.5 "It was mentioned by a delegate from WG4SC that the following suggestions had been made..."
- 4.2 Concern was raised that the Steering Committees had overstepped their mandate by representing the views of WG 3 on a matter it had not yet had the opportunity to discuss. The linkage between an Interim Government and TBVC states was still to be discussed.

5. **TABLING OF SUBMISSIONS**

A submission from "Manufacturing and Producers - Mutual Trading Network" was tabled and noted.

6. **ADOPTION OF AGENDA**

The Working Group adopted the agenda as tabled.

7. **CONTINUATION OF EXPLORATORY DISCUSSION**

- 7.1 The South African Government made a further submission on Transitional Arrangements for Phase I. A document - "Framework for Legislation" was tabled.
- 7.2 The Labour Party made its submission on Transitional Arrangements.
- 7.3 The ANC made a further submission on Interim Government.
- 7.4 The Solidarity Party submitted further proposals.
- 7.5 The Inkatha Freedom Party issued a statement on developments in CODESA and WG 3.
- 7.6 The question of the Transitional Executive Authority and its relationship to the present Government Structure was discussed.
- 7.7 The Ciskei Government submitted its proposals for a Transitional Executive.
- 7.8 The Ximoko People's Party submitted a document on the Transitional Executive. They suggested that WG 3 consider the Draft Second Resolution submitted by the Democratic Party.
- 7.9 K Andrew proposed the appointment of a "Technical Group" of 10 people to look at developments thus far. This proposal was supported by J Cronin.
- 7.10 J Cronin suggested areas of emerging consensus on which basis the technical committee should meet and explore ideas.
- 7.11 In summarising the discussions on the Transitional Executive Authority, the chairman indicated that there appears to be general consensus among delegations interalia on points raised by J Cronin that there shall be:
- * An Interim Joint Council (variously called an Interim Government Council, a Joint Preparatory Council, etc.) which
 - * Shall have executive powers, and be part of one executive structure;
 - * Shall have a multi-party character;
 - * Shall have as its prime purpose the levelling of the political playing field;
 - * Shall have committees (or preparatory councils); and
 - * Shall have various functions and powers which are subject to further negotiation.
- 7.12 The question of the Transitional Committees/Preparatory Councils, their functions, composition and relationship to present Government structures was discussed. This will be discussed further.

- 7.13 WG 3 agreed that a Technical Working Group be appointed (as per 7.9) to take forward the exploratory discussion, addressing both details of consensus areas emerging (as per 7.10, 7.11 and 7.12) and other areas needing to be discussed to prepare the ground for future meeting of the Working Group. The WG3SC was asked to form this committee. WG3SC has the mandate to coopt any experts and/or individuals as they wish, including those from a suggested list of members submitted by the Democratic Party.
- 7.14 Concern was raised at the manner in which some delegates had compiled the above mentioned suggested list of members for the Technical Group.

8. CONFIRMATION OF DATES OF THE NEXT MEETING

- 8.1 L Landers proposed, D de Villiers seconded that the next meeting of the Working Group be held on Tuesday 21 April, 10H00 - 16H45.
- 8.2 The next meetings thereafter will be held on Monday 27 April and Tuesday 28 April 1992.
- 8.3 The WG3SC was given the flexibility to postpone the next meeting if they felt they were not ready to table a report from the Technical Committee.

9 MEDIA STATEMENTS FROM WORKING GROUP 3

The chairman will issue a brief media statement in consultation with WG3SC.

10. OTHER URGENT BUSINESS

- 10.1 A meeting between WG2SC and WG3SC which was proposed by A Rajbansi and seconded by L Landers and duly accepted by WG 3, will be held Tuesday 21 April, 13H00 - 14H00. P Maduna would discuss this with the chairperson of WG 2.

11. CLOSURE

The meeting closed at 16H10. The Chairman congratulated members of WG 3 for the good spirit and productive discussions of the past two days.

ADDENDUM A**LIST OF DELEGATES AND ADVISERS PRESENT AT THE NINTH MEETING OF WORKING GROUP 3**

Organisation	Delegate	Adviser
ANC	T Mbeki J Nhlanhla	J Netshitenzhe A Chaskalson
Bophutatswana Government	GS Nkau	
Ciskei Government	MI Menong HJS Kayser SV Notshe	M Gaca AC Cilliers H Zille
Democratic Party	KM Andrew RV Carlisle	
Dikwankwetla Party	RH Mopeli BS Rajuili	M Moroke LJ Moshuhli M Myeni
Inkatha Freedom Party	VB Ndlovu A Macaulay	S Vos JB Sibanyoni
Intando Yesizwe Party	MP Mahlangu NT Mtsweni	
Inyandza National Movement	EJ Mabuza NV Nelani	JH Mlambo
Labour Party	L Landers CJG Leander	PJI Klink
NIC\TIC	C Salojee I Pillay	S Chetty S Patel
National Party	D de Villiers R Meyer	N Koornhof A Routier
National People's Party	A Rajbansi PB Garrib	E Joosab\M Mohanlall M Govender
Solidarity Party	A Arbee K Rajoo	B Dookie S Razack S Shilowa
South African Communist Party	J Cronin N Madlala	H Cheadle JJ Noeth
South African Government	BJ du Plessis J Scheepers	SS van der Merwe M Njisane
Transkei Government	LL Mtshizana JT Madiba	D Ndawonde MM Makgaleng
United People's Front	E Mapheto KA Mariri	M Bopape Mr. Muthige
Venda Government	KB Magwaba S Mahada	
Ximoko Progressive Party	SLE Mgimeti Adv. Junod	AE Nkondo Adv EPS Mahlahle