

THESE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE.

MINUTES OF THE FOURTH MEETING OF WORKING GROUP 4 (THE FUTURE OF THE TBVC STATES) HELD AT THE WORLD TRADE CENTRE ON MONDAY 17 FEBRUARY 1992

ADOPTED BY WORKING GROUP 4 MEETING ON MONDAY 24 FEBRUARY 1992

PRESENT: Delegates and advisers (See Addendum A)

S Sigcau (chair)

S Albertyn (Secretary)

G Hutchings (minutes)

1. Chairperson's opening remarks

Delegates and advisers were welcomed by the Chairperson.

2. Agenda

The agenda for the day was adopted with the following additions/alterations:

- 2.1 Point 2 became - "adoption of the minutes of WG 4 meeting of 10 February 1992";
- 2.2 Point 3 became "report back to meeting by Chairperson on WGSC 4 meeting of 11 February 1992";
- 2.3 Point 4 became "report back from WGSC 4 representatives who met with the Codesa Secretariat on 17 February 1992";
- 2.4 Point 5 became "sub-committees";
- 2.5 Point 6 became "rapporteurs"

3. Minutes of WG 4 of 10 February 1992

- 3.1 SA Government questioned the way the minutes in paragraph 4 and 5 were worded. It argued that there had not been sufficient consensus on these issues. The SA Government argued that Working Group 4 (WG 4) is unique with reference to the issue of "consensus". It proposed that if either the SA Government or any of the TBVC Governments disagreed on any point, then sufficient consensus or consensus would not exist in respect of a decision of the relevant government. The Bophuthatswana Government endorsed this view that in the case of WG 4 consensus between the SA Government and the TBVC Governments was needed. The SA Government based its view on the fact that these TBVC states are independent and they cannot be forced to change their status unless they do so voluntarily, in a democratic manner, through constitutional change.

- 3.2 Some delegations disagreed with the SA Government and Bophuthatswana Governments view on consensus arguing that the Standing Rules of Codesa on consensus and sufficient consensus should be applied.
- 3.3 The Democratic Party pointed out to the SA Government that point 4 of the minutes is a restatement of the Standing Rules of Codesa, which the SA Government had already agreed to. The principle of consensus should be kept separate from point 5, the reincorporation debate.
- 3.4 It was also noted that the SA Government believes that reincorporation is dependent on the will of the people being democratically tested. SA Government stated that this view is supported in one way or another by the majority of the parties. It was the opinion of the SA Government that point 5.1 of the minutes should be deleted or amended.
- 3.5 The ANC stated that the principle of reincorporation had been accepted by WG 4 and that the subcommittees had been formed specifically to look at the modalities of how this should happen. WG 4 should wait for the results of the subcommittees before any other decisions are reached.
- 3.6 It was noted that several parties/organisations objected to the wording of point 5 of the minutes. This was debated and the meeting adjourned. A compromise in the form of a proposal put forward by the Labour Party was decided upon (by sufficient consensus). The minutes for point 5 of the minutes of WG 4 of 10 February 1992 would now read as follows:

Reincorporation/Opening Statements : Debate

- 5.1 Various political formations stated their positions on this matter. Several of the groupings expressed themselves favourably disposed in principle to reincorporation.
- 5.2 The implications of reincorporation and non-reincorporation were referred to the subcommittee's to investigate.
- 3.7 The SACP noted its objection to amend paragraph 5 of the minutes as the amendment did not cover the debate which occurred during the meeting of 10 February 1992. The SACP argued that sufficient consensus was reached at the meeting of 10 February 1992 and it was unprocedural to amend the minutes in the way agreed to by WG 4.
- 3.8 Point 11 in the minutes was amended to read as follows:

Chairperson

Ms Sigcau was congratulated on the way she had chaired the meetings of WG 4. The SA Government proposed that Ms Sigcau act as chairperson of WG 4 until Codesa 2. WG 4 referred this proposal to the Working Group 4 Steering Committee (WGSC 4).

4. **Report back to WG 4 by the Chairperson on WGSC 4 meeting of 11 February 1992**
- 4.1 It was noted that the minutes of WGSC 4 are provided for the information for WG 4.
- 4.2 WGSC 4 supported the proposal that Ms Sigcau act as chairperson for all WG 4 and WGSC 4 meetings until Codesa 2.

- 4.3 WGSC 4, as mandated by WG 4, read out the Terms of Reference it had formulated for each of the sub-committees. The chairperson explained that the Terms of Reference for each sub-committee were taken from the Terms of Reference for WG 4 as well as from proposals submitted by the parties. It was agreed that the various sub-committees could make any additions or amendments to their Terms of Reference if need be.
- 4.4 It was agreed that each sub-committee would elect their own chairperson. It was suggested that the chairperson for each of the sub-committees be from parties/organisations that are not represented on the WGSC 4.

5. Adjournment

The meeting adjourned for lunch at 13h10 to reconvene at 14h00.

6. Chairperson

- 6.1 The Dikwankwetla Party said that they needed clarification on the decision taken by the WGSC 4 on the issue of the chairperson. It was argued by Dikwankwetla that this proposal should have been brought back to WG 4 for a final decision.
- 6.2 Ms Sigcau recused herself from the meeting while WG 4 debated the issue of whether there should be a permanent chairperson until Codesa 2 or a rotating chair. Mr Nogcantsi assumed the position of chairperson.
- 6.3. After an adjournment it was agreed to ask Ms Sigcau to continue as chairperson for all WG 4 and WGSC 4 meetings until Codesa 2.
- 6.4 Ms Sigcau was called back to the meeting and notified of WG 4's decision.

7. Sub-committees

- 7.1 WG 4 then broke up into sub-committees.
- 7.2 The sub-committees elected their chairperson as follows:
- 7.2.1. testing the will - EK Moorcroft (Democratic Party):
 - 7.2.2. citizenship - C Marivate (Ximoko Progressive Party):
 - 7.2.3. administrative, financial and practical effects of reincorporation - JL Mahlangu (Intando Yesizwe Party) and C Simkins (Democratic Party):
 - 7.2.4. political, legal and constitutional effects of reincorporation - D Govender (National Peoples Party):
- 7.3 After the elections of the chairpersons, the sub-committees adjourned and arranged to meet on 18 February 1992 at 09h00 at the World Trade Centre.

8. Documents Submitted

- 8.1 Resolution on restoration of nationality and citizenship - Addendum B. Submitted by the ANC
 - 8.2 Status of independence acts between TBVC states and the South African Government - Addendum C. Submitted by the ANC.
 - 8.3 Testing the will of the people - Addendum D. Submitted by the ANC.
 - 8.4 Citizenship - Addendum E. Submitted by the ANC.
 - 8.5 The administrative, financial and practical effects of reincorporation of the TBVC states - Addendum F. Submitted by the ANC.
 - 8.6 Political, legal and constitutional implications of the reincorporation of the TBVC states into South Africa - Addendum G. Submitted by the ANC.
 - 8.7 Political, legal and administrative implications of incorporation of the TBVC states. - Addendum H. Submitted by the National Peoples Party.
 - 8.8 The future of the TBVC states - Addendum I. Submitted by Inyandza National Movement.
 - 8.9 Comments on the reincorporation of Bophuthatswana - Addendum J. Submitted by Ximoko Progressive Party.
 - 8.10 Delegate fact sheet - No. 1 - Addendum K.
 - 8.11 Bilateral and multilateral agreements between the Republic of South Africa and the TBVC states - Addendum L. Submitted by the South African Government. (Copies of this document were circulated at the meeting and have not been reproduced given the size of the document.)
 - 8.12 Areas of research required if reincorporation of the TBVC states into South Africa is agreed upon - Addendum M. Submitted by the South African Government. (Copies of this document have been handed out and have not been reproduced given the size of the document.)
9. **Report Back of meeting between representatives of the WGSC 4 and the Codesa Secretariat**
- This was referred to the next WG 4 meeting on 24 February 1992.
10. **Rapporteurs**
- This was referred to the next WG 4 meeting on 24 February 1992.
11. **Closure**
- The meeting closed at 16h00.

SN Sigam
25/2/92

Addendum A

Organisation	Delegate	Adviser
ANC	Alfred Nzo Matthew Phosa	Brigitte Mabandla Dullah Omar
Bophuthatswana	BE Keikelame SS Seane	JJ Tlholoe DW Schoeman
Ciskei Government	N Nogcantsi BR Tokota	GF Godden MJ Sondiyazi
Democratic Party	JA Jordaan EK Moorcroft	N Olivier C Simkins
Dikwankwetla Party	SP Matla S Manyane	MJ Molapo DA Thejane
Inkatha Freedom Party	FT Mdlalose VT Zulu	B Anderson NJ Ngubane
Intando Yesizwe Party	JL Mahlangu JS Mabena	MS Mahlangu WM Mohapi
Inyandza National Movement	DZ Makhubela JM Matsana	HA Motaung ND Mokoena
Labour Party	T Abrahams J Douw	W Whyte S Verveen
NIC/TIC	PB Soobrayam NG Patel	Y Carrim J Yawitch
National Party	J Mentz P Farrell	R Radue A Julius
National People's Party	D Govender L Dwarkapersad	S Naidoo RC Panday
Solidarity Party	MF Cassim GN Naidoo	D Bagwandeem Y Seedat
SACP	S Mufamadi T Mtintso	L Nyembe S Ngonyama
SA Government	RF Botha AT Meyer	NP Van Heerden R Prins
Transkei Government	SN Sigcau M Titus	LM Bengu WG Makanda
United People's Front	LM Mokoena	JM Nonyane

	NM Malekane	ER Maponya
Venda Government	S Makhuvha SE Moeti	MJ Mushasha RR Sumbana
Ximoko Progressive Party	CD Marivate C Khosa	TB Shibambu TW Tshabala