

SUBMISSIONS TO WORKING GROUP V
MADE BY THE
TRANSVAAL AND NATAL
INDIAN CONGRESSES

THE TASKS OF WORKING GROUP FIVE

1 INTRODUCTION.

- 1.1 The task, and indeed the purpose, of Codesa is to expedite and secure the transition to a non-racial and democratic South Africa.
- 1.2 The mandate which we have is to ensure that all the processes of Codesa are as effective and expeditious as possible so as to realise our goals.
- 1.3 It is hoped that in the process of our deliberations in this and other working groups that we place the realisation of our goals above that of our political and ideological differences.

2 THE MANDATE.

- 2.1 To recommend target completion dates for all processes and assignments being undertaken by Codesa. These recommendations are to be informed by the decisions taken in all the other Working Groups from time to time.
- 2.2 To identify and formulate legislation that are to be enacted or amended so as to give legal force and effect to the decisions taken at Codesa.
- 2.3 to consider and report on the implications and proactical effects of decisions and agreements reached as Codesa.
- 2.4 Central to the realisation of the above-mentioned tasks is the ability of this working group to relate in a dynamic and efficient way with all the other structures of Codesa, particularly with regard to the flow of information and decisions taken.

3 RELATIONSHIP BETWEEN WORKING GROUP V AND OTHER STRUCTURES OF CODESA.

- 3.1 The efficient functioning of this working group is dependent upon the efficient flow of information from and to the other working groups.

- 3.2 Whilst on the one hand our work is largely dependent on the flow of information and decisions from other working groups, it is submitted that a mechanism be created whereby this working group is able to suggest to other working groups items (that are relevant to the execution of our assignments, and) which they need to place on their agendas.
- 3.3 In this regard, it is recommended that the chairperson of each working group and/ or sub-committee meeting be instructed to formulate, in conjunction with the secretary, a memorandum containing a comprehensive list of all decisions taken at each meeting for immediate dispatch to all delegations present in this working group.
- 3.4 In addition, copies of all minutes of all other working groups and their sub-committees be immediately, and without any undue delay, be made to each delegation present at this working group. To this extent it must also be noted that the delays occasioned thus far in making available minutes of meeting have been unacceptable. This would have to be corrected.
- 3.5 It is only on the basis of the above that the relevant sub-committees of this working group could effectively carry out its mandate.

4 PROPOSED SUB COMMITTEES.

It is proposed that there be two sub-committees established. The first should deal with the development of time frames and the implementation of Codesa's decisions. The second sub-committee should deal with the identification of legislation that may have to be repealed and or amended and the drafting of such legislation that would enable the implementation of the decisions of Codesa.

It is recommended that no further sub-committees be established unless and until this is deemed necessary for the effective functioning of the working group.

It is further recommended that submissions to be made by any interested groups and formations outside of Codesa be made first in writing. Consideration as to the necessity of oral submissions are to be made only after such written submissions have been fully debated and are considered necessary.

All assignments given by the working group to the sub-committees should be made after stipulating the target dates for the completion of such assignments. Written reports of each assignment are to be submitted to each delegation prior to the plenary session of this working group. It would then be the task of the plenary to consider such reports and submit them to the MC and the DMC for subsequent dispatch to the various working groups.

The nature and form of the proposed sub-committees are as follows:-

4.1 Monitoring, Time Frames and Implementation Sub Committee.

4.1.1 Assignment: To monitor processes, recommend implementation mechanisms and set time frames. To consider and report on the implications and practical effects of decisions and agreements reached at Codesa.

4.1.2 Terms of Reference:

4.1.2.1 To monitor the processes within Codesa by regularly receiving and processing the decisions of all Working Groups and sub-committees.

4.1.2.2 Having informed itself of the decisions of the other Working Groups and sub-committees, the committee shall make recommendations with regard to the processes, mechanisms and structures necessary to implement the decisions of Codesa.

4.1.2.3 To set time frames and target completion dates for the implementation of all decisions of Codesa.

4.1.2.4 To regularly submit reports to the Working Group which should also be copied to the Management Committee.

4.1.3 **Nature of Structure:** The sub-committee shall be made up of one representative and one advisor of each organisation, party and administration present at Codesa. The Chairperson of this group shall be appointed by the Working Group.

4.2 **Drafting Sub-Committee.**

4.2.1 **Assignment:** To identify offending pieces of legislation and the drafting of the necessary legislation which would give legal effect and force to the decisions of Codesa.

4.2.2 **Terms of Reference:**

4.2.2.1 To identify and appropriately amend those pieces of legislation which may offend the spirit of the processes identified within Codesa.

4.2.2.2 To draft legislation which would give legal effect to the spirit of the decisions taken in Codesa.

4.2.3 **Nature of Structure:** The sub-committee shall be made up of one representative and one advisor of each organisation, party and administration present at Codesa. The Chairperson of this group shall be appointed by the Working Group.