



**MINUTES OF THE THIRD MEETING OF WORKING GROUP 2 HELD AT
THE WORLD TRADE CENTRE ON TUESDAY, 11 FEBRUARY 1992 AT 10H00**

ADOPTED AT THE WORKING GROUP 2 MEETING HELD ON 17 FEBRUARY 1992

PRESENT :

Delegates and Advisors (See Addendum A)

T Delpont (Chair)

M Phillips (Secretary)

R Hartley (Minutes)

DOCUMENTS DISTRIBUTED :

1. Ratified minutes of the first meeting of Working Group 2 held on 20 January 1992.
2. Draft minutes of the second meeting of Working Group 2 held on 6 February 1992.
3. Draft agenda.
4. Solidarity's Draft Constitutional Principles for a New South Africa.
5. Working Group 2 : General Constitutional Principles (Venda Government)
6. Inyandza National Movement Fundamental Constitutional Principles.
7. National People's Party of South Africa Constitutional Principles which will be Embodied in a New Constitution for the Republic of South Africa.
8. Ximoko Progressive Party Statement of Constitutional Principles and Tenets.
9. Intando Yesizwe Party's Constitutional Principles of the Envisaged New Democratic South Africa.
10. Working Group 2 : First Assignment - General Constitutional Principles (DP).
11. General Constitutional Principles to be Enshrined in a New Constitution (Dikwankwetla).
12. Constitutional Rule in a Participatory Democracy (NP).
13. Constitutional Principles : Draft Proposal by NIC/TIC.
14. Position Paper of the South African Communist Party on the first assignment of the Terms of Reference of Working Group 2.
15. Working Group 2 : Provisional Areas of Commonality that Already Exist (Steering Committee Document).
16. Working Group 2 : Key Issues to be Addressed (Steering Committee Document).
17. Ciskei Government Constitutional Principles.

APOLOGIES :

M M Makhalemele	Dikwankwetla
S G Mothibe	Bophuthatswana Government (Alternate : I Findlay)
R Cronje	Bophuthatswana Government (Alternate : T Scheepers)
S Cloete	Ximoko Progressive Party
Adv Holomisa	Transkei Government (Alternate : Prof Koyana)
F Cachalia	NIC/TIC (Alternate : N Haysom)

NEW ADVISOR :

Prof Devenish replaces M Hendrickse as L P adviser.

1. Ratification of Agenda

1.1 The agenda as suggested by the Steering Committee was ratified.

2. Ratification of Minutes

2.1 The minutes were ratified with the following amendments :

2.1.1 Page 1

2.1.1.1 The document "General Constitutional Principles which should be Enshrined in a New Constitution for the Republic of South Africa" was submitted by the SA Government and not the NP as stated.

2.1.1.2 Advocate Mushasha's name was incorrectly spelled under APOLOGIES.

2.1.1.3 Advocate J S Maake was present.

2.1.2 Page 3

2.1.2.1 Item 2.6.3 was amended to read "No oral evidence will be heard by the Working Group unless the Working Group agrees to hear such evidence".

2.1.2.2 Item 2.6.4 was amended to read "Working Group delegates should be supplied with all media releases by Codesa".

- 2.1.2.3 The second sentence of Item 4.2 was amended to read : "The following agenda item was proposed by the South African Government, seconded by the ANC..."

3. **Submissions by Delegates**

- 3.1 The following parties read from written submissions to the Working Group :
- 3.1.1 The Venda Government
 - 3.1.2 The Ciskei Government
 - 3.1.3 Natal and Transvaal Indian Congress
 - 3.1.4 Inyandza National Movement
 - 3.1.5 Democratic Party
 - 3.1.6 Ximoko Progressive Party
 - 3.1.7 Dikwankwetla Party
 - 3.1.8 Solidarity
 - 3.1.9 National People's Party
 - 3.1.10 Intando Yesizwe
 - 3.1.11 South African Communist Party
- 3.2 The Labour Party will make a written submission to the next Working Group meeting.

4. **Adjournment**

- 4.1 The Working Group adjourned while the Steering Committee drew up two documents :
- 4.1.1 Provisional Areas of Commonality that Already Exist
 - 4.1.2 Key Issues to be Addressed

5. **Steering Committee Proposals**

- 5.1 The Working Group agreed that both Steering Committee documents were interim proposals which will be subject to amendment and additions in the course of the Working Group's work.
- 5.2 The Working Group agreed that the document "Provisional Areas of Commonality that Already Exist" will be tabled for comment at the next Working Group meeting.
- 5.3 The Working Group agreed that the issues outlined by the Steering Committee in the document "Key Issues to be Addressed" will begin to be discussed at the next meeting.

5.4 The Working Group noted and accepted the Steering Committee's recommendation that the debate on the question of what criteria should be used to determine what constitutes a "constitutional principle", should be postponed until such time as the Working Group starts formulating principles.

5.5 Additional Items for Discussion in Future

5.5.1 The SA Government suggested the following item be added to the Key Issues to be Addressed document :

5.5.1.1 The nature and scope of a charter of fundamental rights.

5.5.2 The Labour Party suggested that the following items be added to the Key Issues to be Addressed document :

5.5.2.1 Second generation rights.

5.5.2.2 The role of referenda in the constitution making process.

5.5.3 It was agreed that the Steering Committee would consider placing Assignment 2 on the agenda after consultation with the Steering Committee of Working Group 3.

5.5.4 It was agreed that the Steering Committee would consider suggestions made to it by delegates regarding additional to the Key Issues to be Addressed document.

6. **Any Other Business**

6.1 It was agreed that all Working Group documents shall be dated in future.

6.2 It was agreed that a process for dealing with submissions from the public will be discussed at the next Working Group meeting.

6.3 It was agreed that the Steering Committee will consider making the Key Issues to be Addressed document public once additional have been made to it for the purpose of assisting members of the public in making submissions.

6.4 The chair was thanked for his skilful handling of the meeting.

7. **Next Meeting**

The next meeting will be held from 10h00 to 15h00 on Monday, 17 February 1992 at the World Trade Centre.

8. **Adjournment**

The meeting adjourned at 14h30.

ADDENDUM A

The following delegates and advisers signed the Attendance Register of Working Group 2 meeting held on 11 February 1992:

Delegate/Adviser	Organisation
C Ramaphosa	ANC
M V Moosa	ANC
F Ginwala	ANC
A Sachs	ANC
T E Scheepers	Bophuthatswana Govt
I Findlay	Bophuthatswana Govt
M C Kashe	Ciskei Govt
I J Smuts	Ciskei Govt
J Labuschagne	Ciskei Govt
V R Zietsmann	Ciskei Govt
C W Eglin	Democratic Party
D Worrall	Democratic Party
A J Leon	Democratic Party
D Welsh	Democratic Party
S O M Moji	Dikwankwetla Party
S Mopeli	Dikwankwetla Party
M Mopeli	Dikwankwetla Party
Prof Blaustein	IFP
S H Gumede	IFP
M Alachouzios	IFP
B S Ngubane	IFP
S J Mgidi	Intando Yesizwe
A P Laka	Intando Yesizwe
I T Mahlangu	Intando Yesizwe
E N Ginindza	Inyandze National Movement
C Albertyn	Inyandze National Movement
I Lephoko	Inyandze National Movement
B E Mabuza	Inyandze National Movement
I M Richards	Labour Party
D Lockey	Labour Party
G Devenish	Labour Party
C Nasson	Labour Party
Z M Yacoob	NIC/TIC
I C Meer	NIC/TIC
F Haysom	NIC/TIC
F van Heerden	National Party
J A Rabie	National Party
S Camerer	National Party
I Rautenbach	National Party
M Mohanlall	National People's Party
S Ismail	National People's Party
B Singh	National People's Party
H Neerahoo	National People's Party

I Omar	Solidarity Party
D S Rajah	Solidarity Party
K Reddy	Solidarity Party
R Arenstein	Solidarity Party
J Slovo	SA Communist Party
B Nzimande	SA Communist Party
N Hoosain	SA Communist Party
E Daniels	SA Communist Party
G van N Viljoen	SA Government
F Venter	SA Government
M Nonkonyama	Transkei Govt
P Z Ndamase	Transkei Govt
D S Koyana	Transkei Govt
R Nogumla	Transkei Govt
S J Maake	United People's Front
R J Dombo	United People's Front
G M Ligege	Venda Govt
M P Nthabalala	Venda Govt
Adv Mushasha	Venda Govt
E E Ngobeni	Ximoko Prog Party
K R Myakayaka	Ximoko Prog Party
J Ackron	Ximoko Prog Party
S Cloete	Ximoko Prog Party