

**DRAFT AGENDA FOR THE MEETING OF WORKING GROUP  
TWO (CONSTITUTIONAL PRINCIPLES) ON 11 FEBRUARY  
1992 AT THE WORLD TRADE CENTRE AT 10h00**

1. Ratification of Agenda
2. Ratification of Minutes of Previous Meeting
3. Submissions by Delegates on Areas of Commonality and Difference and General Constitutional Principles
4. Adjournment
5. Key Issues to be Addressed : Steering Committee Proposal
6. AOB

**MINUTES OF THE SECOND MEETING OF WORKING GROUP 2 HELD AT THE WORLD  
TRADE CENTRE ON THURSDAY 6 FEBRUARY 1992 AT 10H00**

**ADOPTED AT THE WORKING GROUP 2 MEETING HELD ON 11 FEBRUARY 1992**

**PRESENT :**

Delegates and advisors (see Addendum A)  
M V Moosa (Chair)  
M Phillips (Secretary)  
R Hartley (Minutes)

**DOCUMENTS DISTRIBUTED :**

Draft Minutes of the First Meeting of Working Group 2 held at the World Trade Centre on Monday 20 January at 10h30

Draft Agenda

Communication to Working Group Steering Committees from the Daily Management Committee

Codesa Factsheet : Facilities for Parties, Organisations or Administrations at the World Trade Centre and Procedures for Claiming Expenses During the Period January to June 1992

Possible areas of commonality and aspects where possible agreement exists between the participating delegates

An IFP folder including a paper entitled Working Group 2 Position Paper of the Inkatha Freedom Party

General constitutional principles which should be enshrined in a new constitution for the Republic of South Africa (SA Government)

Codesa : Transkei's inputs to be presented to Codesa working groups on 06 February 1992

**APOLOGIES :**

Advocate Mushasha from Venda Government  
Labour Party  
Mr Mahlangu of UPF  
Mr Rabie of NP

**ADOPTION OF AGENDA :**

The meeting adopted the draft agenda distributed to all Working Group 2 members. Dikwankwetla's objection to the inclusion of items 3 and 4 on the agenda was noted.

## 1. ADOPTION OF MINUTES

- 1.1 The minutes were unanimously adopted with the following two amendments:
- 1.1.1 Re 4.1.2 : The chairperson of the Working Group shall be nominated by the Steering Committee on a rotational basis.
- 1.1.2 Re 4.2 : The LP's reservation should be withdrawn and the National People's Party Reservation should be recorded.
- 1.2 Mr Maharaj of the DMC explained that the minutes were confidential until ratified, after which point delegates could circulate them at their discretion within their parties.

## 2. REPORT OF THE STEERING COMMITTEE

- 2.1 **Agendas**  
It was agreed that the Steering Committee would devise the agendas of Working Group Meetings
- 2.2 **Media Strategy**  
It was agreed that the Steering Committee, in consultation with the Daily Management Committee, should devise a media strategy after each meeting of the Working Group. Delegates were urged to follow the recommendations made by the Steering Committee on dealing with the media.
- 2.3 **Sub Groups**  
The issue of the formation of Sub-Groups was referred to an unspecified later meeting of the Working Group.
- 2.4 **Rapporteur**  
The issue of a rapporteur was postponed until such time as a rapporteur may be necessary.
- 2.5 **Chairperson**  
The following three principles with regard to chairing were agreed on:
- 2.5.1 The chairperson shall be neutral.
- 2.5.2 The chairpersons of the working group shall be nominated by the Steering Committee on a rotational basis.
- 2.5.3 The delegation from which the chairperson is drawn shall be entitled to an alternate for that meeting.
- 2.6 **Submissions**  
The following points regarding submissions to the Working Group were agreed:
- 2.6.1 Submissions shall be accepted until 10.3.92.
- 2.6.2 There will be some flexibility regarding this deadline, although this will not be advertised.

2.6.3 No oral evidence will be heard by the Working Group unless the Working Group agrees to hear such evidence.

2.6.4 Working Group delegates should be supplied with all media releases to be issued by Codesa.

2.7 **Contact numbers**

It was agreed that delegates would not be obliged to supply the Working Group with their home phone numbers. Delegates will be provided with a full set of contact numbers of Working Group members at the next Working Group meeting.

2.8 **Format of minutes**

The format of minutes of Working Group meetings was approved.

2.9 **Steering Committee minutes**

It was agreed that Steering Committee minutes should be circulated to members of the Working Group.

3. **IDENTIFICATION OF AREAS OF COMMONALITY REGARDING CONSTITUTIONAL PRINCIPLES**

AND

4. **IDENTIFICATION OF THE KEY ISSUES AND PROBLEMS THAT NEED TO BE ADDRESSED.**

4.1 **Initial presentation**

Mr Eglin of the DP presented a paper outlining possible areas of commonality in the working group.

4.1.1 It was agreed to remove the word "strong" from Point C.2 in the document.

4.1.2 It was agreed to amend the title of the document so as to make it clear that the proposed areas of commonality were not yet final decisions of the Working Group. This was done by inserting the word "possible".

4.1.3 The document, as amended by 4.1.1 and 4.1.2 above, was supported by the ANC, NP, IFP, Solidarity, TIC/NIC, Transkei Government, UPF and Ximoko.

4.2 **Self determination**

It was agreed that the question of self-determination be placed on the agenda of the Working Group. The following agenda item was proposed by the SA Government, seconded by the ANC and agreed on by the Working Group: "the principle of self-determination of peoples and its application and practical implementation in the South African situation" shall be placed on the agenda of the Working Group.

4.3 **Procedure for documentation and submissions**

It was agreed that the following procedure will be followed before preparing a final document from the Working Group:

4.3.1 Delegates will present and distribute typed copies of proposals to Working Group meetings.

4.3.2 The Steering Committee will consolidate these proposals into a discussion

document which will be discussed in the Working Group.

- 4.3.3 This document will be amended in successive meetings, until a final document on which there is agreement is produced.

#### 4.4 General principles

The following general principles and issues were placed on the agenda by delegations:

- 4.4.1 The Transkei Government delegation drew attention to paragraphs (h) and (f) of its submission, and proposed that these be added to the document on possible areas of commonality.

4.4.1.1 Paragraph (h) reads: "A democratic South Africa shall respect the rights, sovereignty and territorial integrity of all countries and pursue a policy of peace, friendship and mutually beneficial co-operation with all people."

4.4.1.2 Paragraph (f) reads: "The recognition and acceptance of a role for traditional leaders at national, regional and local levels of administration."

- 4.4.2 The IFP proposed the principle that the constitution accord with the wishes of the majority of South Africans.

- 4.4.3 Solidarity and the NPP proposed the principle of minority inclusion, which extended beyond minority rights to the formal inclusion of minorities in government.

- 4.4.4 The SA Government proposed eight general constitutional principles:

4.4.4.1 The supremacy and rigidity of the constitution.

4.4.4.2 A constitutional state.

4.4.4.3 A charter of fundamental rights.

4.4.4.4 Separation of powers.

4.4.4.5 The meaningful participation of political minorities.

4.4.4.6 Regional and local autonomy.

4.4.4.7 Autonomy of civil society and community self-determination

4.4.4.8 A balance between socio-economic freedom and state responsibility.

- 4.4.5 The SACP raised the following issues:

4.4.5.1 Codesa should not prescribe economic constitutional provisions.

4.4.5.2 Codesa should not prescribe the entrenchment of power sharing.

4.4.5.3 The constitution should not prevent a future parliament from implementing affirmative action.

4.4.5.4 There should be no rights of secession or separation in a model which devolved power.

4.4.6 The ANC proposed the following eight principles:

- 4.4.6.1 A united, democratic, non-racial, non-sexist state with sovereignty over the whole of South Africa.
- 4.4.6.2 An impartial judiciary.
- 4.4.6.3 A multi-party democracy with regular elections, and a common voters role with each vote having equal value.
- 4.4.6.4 Separation of powers.
- 4.4.6.5 Diversity of languages, cultures and religions should be acknowledged.
- 4.4.6.6 A universally accepted Bill of Rights and equality before the law.
- 4.4.6.7 Government should function at national, regional and local level.
- 4.4.6.8 Affirmative action should be enshrined in the constitution.

4.4.7 The DP suggested three areas required further examination:

- 4.4.7.1 Devolution of power and de-centralisation.
- 4.4.7.2 The balance between defensive and assertive rights in a Bill of Rights.
- 4.4.7.3 Checks and balances to ensure government accountability and to prevent abuses of power.

4.5 It was agreed that parties would bring written submissions for distribution at the next meeting.

## 5. ANY OTHER BUSINESS

- 5.1 It was agreed that meetings would take place on Mondays but that delegates should keep Tuesdays free since two meetings a week might be necessary in future.
- 5.2 It was agreed that the DMC would be informed of the inclusion of the issue of self-determination on the agenda of the Working Group, for the purpose of issuing a press statement.

## 6. NEXT MEETING

The next meeting will be held at 10h00 on Tuesday 11 February at the World Trade Centre.