

for the meeting of 25 May 1992  
**MANAGEMENT COMMITTEE PACK**



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**CONTENTS OF THE MANAGEMENT COMMITTEE PACK FOR 25 MAY 1992**

<b>Item</b>	<b>Page No.</b>
1. Draft Agenda for the MC meeting of 25 May 1992	1
2. Draft Minutes of the MC meeting of 14 May 1992	2
3. Draft Minutes of the MC meeting of 16 May 1992	9
4. MC report to CODESA 2 regarding guidelines on the way forward	12
5. Index - Working Group Agreements	14
6. Outstanding matters or matters not reached agreement upon	15
7. Report of the Gender Advisory Committee to CODESA 2	19
8. Draft minutes of the WGSC1 meeting - 8 May 1992	28
9. Resolution adopted by CODESA 2 Plenary - 16 May 1992	36
10. Letter from Ambassador of the USA	39
11. Letter from the Qwaqwa Interim Joint Working Committee	40
12. Letter from Sombalane Abraham Kekana	44
13. Letter from the Institute for Pastoral Education	47



MANAGEMENT COMMITTEE/AGENDA/25 MAY 1992

**DRAFT AGENDA FOR THE MANAGEMENT COMMITTEE MEETING TO BE HELD AT 10H00 ON  
25 MAY 1992 AT THE WORLD TRADE CENTRE**

1. Opening
2. Apologies
3. Adoption of agenda
4. Minutes of the last meetings of 14 and 16 May 1992
5. Overview of tasks arising from CODESA 2 and recommendations from the DMC
  - 5.1 Process envisaged (including time frames)
  - 5.2 Guidelines for this process
  - 5.3 Tasks
    - 5.3.1 Agreements classified
    - 5.3.2 Outstanding matters identified
    - 5.3.3 Problems relating to WG2
    - 5.3.4 Elaboration of agreements in WG3
    - 5.3.5 Matters related to WG1
  - 5.4 Structures necessary
6. GAC
7. MC matters
  - 7.1 MC composition
  - 7.2 Chairpersonship
  - 7.3 DMC composition
8. Any other business
9. Date and schedule of future meetings

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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**DRAFT MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE HELD AT 16H00 ON 14 MAY 1992 AT THE WORLD TRADE CENTRE**

**PRESENT:** See Addendum A

**1. Chairperson's opening remarks**

The members were welcomed.

**2. Apologies**

No formal apologies were noted.

**3. Agenda**

The agenda was adopted with no amendments or additions.

**4. Minutes of the last meeting of 11 May 1992**

The minutes of the meeting of 11 May 1992 were ratified with no amendments.

**5. CODESA 2**

**5.1 Administrative Matters:**

5.1.1 A report, from the Secretariat, entitled "Codesa 2, 15/16 May 1992, Logistical Report, 14 May 1992" was noted.

5.1.2 The handling of demonstrators and their submissions/memoranda. A recommendation from the DMC that the Secretariat, Security and the MC Chairperson handle this issue was agreed to. The Secretariat is to provide Security with guidelines.

**5.2 Reports from WG's, the composite report and the convention procedure document:**

5.2.1 WG 1, 3, 4 and 5 reports are ready for distribution to delegates.

5.2.2 WG 2's report had not been finalised. It was noted that WG 2 had reached a deadlock in their meeting of 14 May 1992. Before the closure of the WG 2 meeting



members of the DMC would attend the meeting in order to assess the status of the discussions.

- 5.2.3 Members of the WGSC were present when the format of the composite report was agreed upon. In consultation with members of the WGSC's the DMC drafted a composite report. This document was distributed to the MC. The MC adopted the composite report as submitted and recommended by the DMC. It was noted that this is a document to facilitate discussion and understanding of progress made and not to be adopted by the plenary.
- 5.2.4 It was agreed that no amendments to WG reports would be raised at the plenary.
- 5.2.5 The GAC report would be tabled at the plenary. It would form part of the composite report as the GAC is a sub-committee of the MC. The Chairpersons of Codesa 2 should note the report and make mention of the GAC and the work that has been completed, but that the report was submitted too late to be incorporated with the WG reports.
- 5.2.6 It was noted that only agreements as in Working Group reports would be adopted at the plenary.
- 5.2.7 A draft copy of the convention procedure document was distributed to the MC and adopted with the following amendments:
  - \* Item 5.2. It was agreed that there should be a limit on "borrowing of time" of 20 minutes and no individual input/presentation should continue after 10 minutes.
  - \* Item 5.5 would fall away as a result of the deletion of Item 6.5 on the agenda.
  - \* Item 8 was no longer applicable.
  - \* Item 3 should read "the IFP will then sign the Declaration of Intent".

### 5.3 Agenda:

- 5.3.1 The agenda (See Addendum B) was adopted by consensus with the following amendments: (See Addendum C for the amended agenda)
  - Item 6.5 be deleted.
- 5.3.1 It was agreed that the MC Chairperson Mr Pravin Gordhan would present the MC report on agreements reached.
- 5.3.2 The panel consisting of 3 representatives from each WGSC and the GAC SC would be on the platform for the first 15 minutes of the discussion on agreements section to answer, if any, questions of clarification.
- 5.3.3 The following time allocations were agreed:
  - \* 10 Minutes per delegation allocation for discussion of agreements.



- \* 3 Minutes per delegation allocation for adoption of agreements!
- \* 10 Minutes per delegation allocation for discussion and adoption of the way forward.
- \* Time keepers will be assisting the Chairpersons to keep time.

5.3.4 Outstanding matters would only be noted.

5.3.5 It was agreed that no delegation would raise queries under outstanding matters.

5.3.6 It was agreed that Mr Z Titus would present the MC report on the way forward.

5.3.7 It was agreed that the document entitled "Youth Declaration on Codesa 2" would be read out at the plenary, by the Chairpersons, after the signing of the Declaration of Intent by the IFP.

5.3.8 It was agreed that Professor SS Ripinga would present the vote of thanks.

#### 5.4 Draft programme:

5.4.1 The draft programme, in principle, was agreed to.

5.4.2 It was noted that Item 1 - 6 would be handled on day 1 and Item 7 onwards on day 2

#### 5.5 MC report including the way forward:

5.5.1 Items, handed to the MC by Codesa 1, covered in the report on the activities of the Management Committee:

- \* The Declaration of Intent
- \* The question of further participants at Codesa
- \* The possible participation of the Zulu King and other Traditional Leaders in the negotiation process
- \* The participation of women in Codesa and the work of the GAC

5.5.2 It was agreed to recommend to Codesa 2 that the MC as fully representative of the 19 participants should be charged with the responsibility to determine which are the most appropriate structures to take these tasks forward.

5.5.3 If Codesa 2 agrees with the MC recommendation, it was suggested that the MC could possibly be enlarged with the addition of other representatives. Flexibility should be allowed.

5.5.4 It was agreed that the way forward may have to be reshaped in more specific terms and should that be necessary the MC mandates the DMC to take new developments into account but the broad framework would remain as the key guideline in terms of the way forward

5.5.5 It was agreed in principle that a set of visual aids be developed in order to explain the essence of agreements arrived at and to reflect the MC report itself. The visual presentation would be on TV. It was further agreed to mandate the DMC to ensure that the presentation is politically accurate.

6. **Future meetings**

- 6.1 The DMC should meet in the first week after Codesa 2 to prepare for the MC meeting. The date and time is to be finalised.
- 6.2 The next MC meeting is scheduled for 10h00 on Monday 25 May 1992 at the World Trade Centre.



## Addendum A

The following members signed the attendance register:

Party/Organisation/ Administration	Delegate	Adviser
ANC	J Zuma	M Maharaj
Bophuthatswana Government	TE Scheepers	
Ciskei	BH Muller	
Democratic Party		
Dikwankwetla Party	SOM Moji	
IFP	FT Mdlalose	
IYP	NJ Mahlangu	MB Ntuli
INM	SS Ripinga	
Labour Party	P Hendrickse	E Samuels
NIC/TIC	C Salojee	
NP	D de Villiers	
NPP	A Rajbansi	E Joosab
Solidarity Party	JN Reddy	CK Reddy
SA Government	R Meyer	
SACP		
Transkei	Z Titus	TT Matanzima
UPF	MI Moroamoche	
Venda	S Makhvha	S Moeti
Ximoko Progressive Party	EPP Mhinga	
	PJ Gordhan (Chairperson)	
	T Eloff (Administration)	
	G Hutchings (Minutes)	

**DRAFT AGENDA**

1. Opening of Codesa 2
2. Prayers
3. Chairpersons' opening remarks
4. Signing of the Declaration by the IFP
5. Adoption of Conference Procedure
6. Codesa Working Group Reports:
  - 6.1 Management Committee report on agreements reached including tabling of reports
  - 6.2 Discussion on agreements in WG reports
  - 6.3 Adoption of the WG agreements
  - 6.4 Outstanding matters from WG reports
  - 6.5 Adoption of WG reports
7. Way forward
  - 7.1 Management Committee Report
    - 7.1.1 Activities of the Management Committee
    - 7.1.2 Guidelines on the way forward
  - 7.2 Discussion and adoption of guidelines on way forward
8. Chairpersons' closing remarks
9. Vote of thanks
10. Prayers
11. Closure



## AGENDA FOR CODESA 2

15 &amp; 16 MAY 1992

1. Opening of Codesa 2
2. Prayers
3. Chairpersons' opening remarks
4.
  - 4.1 Adoption of addendum to the Declaration of Intent and the Signing of the Declaration by the IFP
  - 4.2 Message from the Youth
5. Adoption of Conference Procedure
6. Codesa Working Group Reports and the tabling of the Gender Advisory Committee Report:
  - 6.1 Management Committee report on agreements reached including tabling of reports
  - 6.2 Discussion on agreements in WG reports
  - 6.3 Adoption of the WG agreements
  - 6.4 Outstanding matters from WG reports
7. Way Forward
  - 7.1 Management Committee Report
    - 7.1.1 Activities of the Management Committee
    - 7.1.2 Guidelines on the way forward
  - 7.2 Discussion and adoption of guidelines on way forward
8. Chairpersons' closing remarks
9. Vote of thanks
10. Prayers
11. Closure





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**DRAFT MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE HELD AT 10H30 ON 16 MAY 1992 AT THE WORLD TRADE CENTRE**

**PRESENT:** See Addendum A

**1. Chairperson's opening remarks**

- 1.1 The members were welcomed.
- 1.2 It was noted that this meeting was necessary for the MC to agree on the way forward taking account of the events on day 1 of Codesa 2.
- 1.3 It was noted that some of the regular MC members were not present at the meeting of 14 May 1992 when recommendations on the way forward were agreed to.

**2. Management Committee recommendations on the way forward to Codesa 2**

- 2.1 An amended document on "Management Committee recommendations on the way forward to Codesa 2 on 16 May 1992" was distributed to members.
- 2.2 It was noted that most of the contents of this document had the consensus of the DMC and had also been adopted by consensus at the MC meeting of 14 May 1992.
- 2.3 It was agreed in principle that a recommendation on the way forward should be submitted from the MC to the plenary.
- 2.4 It was agreed to discuss, amend (if necessary) and adopt the document clause by clause.
- 2.5 After the discussions, it was agreed by consensus to adopt the draft document with amendments. The document would now read:

**Management Committee Recommendations on the way forward  
to Codesa 2 on 16 May 1992**

- 2.5.1 The MC is extremely conscious of the fact that the participants in Codesa entered the negotiations process in the belief that it can take our country to a stable order. WE have a responsibility to approach our task in such a manner that the confidence of the participants, and our people, in the negotiations process is reinforced.
- 2.5.2 In order to promote better co-ordination and improve efficiency and effectiveness, Codesa 2 mandates the MC as follows:

- \* The MC shall suspend the work of the Working Groups with the mandate



to convene any Working Group if necessary.

- \* The MC shall be given responsibility for resolving all outstanding matters of Working Groups.
- \* The MC shall examine all Working Group agreements with a view to establishing what work can be done in order to facilitate implementation.
- \* The MC shall establish such structures (e.g. technical committees, sub-committees, Working Groups) as are necessary to assist the MC in accomplishing the tasks allotted to it.
- \* The MC shall call a Codesa plenary with suitable representation as a matter of urgency to adopt all agreements and to receive a report on all matters which have been assigned to it by Codesa 2.
- \* The MC be given the authority to constitute a mechanism which will draft all the legislation required as a result of agreements reached at Codesa.
- \* Subject to 2.5 above, the MC be authorised to exercise such authority, as is necessary, to ensure that the objectives of the Declaration of Intent are attained; including the power to implement any agreement reached by Working Group 1 and also any other agreement falling within its mandate without summoning a plenary session of Codesa. That it also be given the power to increase the representation of individual parties/administrations/organisations on the MC.

2.6 It was agreed that if the plenary agreed to the principle of increased representation on the MC, this issue would be dealt with at the first meeting of the MC post Codesa 2.

2.7 It was agreed that the GAC will continue to exist until the next plenary on whatever basis determined at the first MC meeting post Codesa 2.

### 3. Future meetings

The next meeting of the MC will be held at 10h00 on 25 May 1992 at the World Trade Centre.

## Addendum A

The following members signed the attendance register:

Party/Organisation/ Administration	Delegate	Adviser
ANC	J Zuma	M Maharaj
Bophuthatswana	R Cronje	SG Mothibe
Ciskei	H Kayser	MB Webb
Democratic Party	C Eglin	Z de Beer
Dikwankwetla Party	TJ Mohapi	SOM Moji
IFP	FT Mdlalose	BS Ngubane
IYP	NJ Mahlangu	MB Ntuli
INM	SS Ripinga	
Labour Party	P Hendrickse	E Samuels
NIC/TIC	I Pillay	
NP	D de Villiers	
NPP	M Mohanlall	E Joosab
Solidarity Party	I Omar	DS Rajah
SA Government	R Meyer	
SACP	J Slovo	
Transkei	Z Titus	TT Matanzima
UPF	MJ Mahlangu	MI Moroamoche
Venda Government	S Makhuvha	S Moeti
Ximoko Progressive Party	JC Ackron	

Also present were:

PJ Gordhan (Chairperson)

T Eloff (Administration)

G Hutchings (Minutes)



## MANAGEMENT COMMITTEE REPORT TO CODESA 2 REGARDING GUIDELINES ON THE WAY FORWARD

### 1. INTRODUCTORY REMARKS

- 1.1 Mr Chairman, flowing from the discussions we had yesterday and today regarding the manner in which the various Working Group reports would be handled, the Management Committee had to consider the way in which the Codesa negotiating process would be taken further, taking into account, in particular, the difficulty which Codesa plenary has had with the further consideration of the work of Working Group 2.
- 1.2 We have analysed carefully the different remarks made by the various leaders who addressed plenary yesterday and today. Without going into detail, it has been observed that, despite varying views on this matter, not a single leader has rejected negotiation as the best acceptable option for South Africa. A number of speakers have emphasised the urgency of the matter under discussion and expressed the view that unless an acceptable solution is found as soon as possible, difficulties may arise. We are conscious of the fact that the impasse which retarded progress yesterday may endanger the whole negotiation process and, consequently, as a Management Committee, we are committed to finding an acceptable way in which the views and aspirations of all can be accommodated.
- 1.3 The Management Committee has taken all the above considerations into account. After having had recourse to the Working Groups' views on the way forward we have now formulated a way forward which, we think, will meet the requirements of all concerned and the people of South Africa in particular. We are mindful of the fact that the outside world, too, is anxiously awaiting the final outcome of Codesa negotiations. But before I can deal with specifics I would like to make a few brief comments on the reports of the other Working Groups, for the recommendation to be made hereafter does not only relate to Working Group 2 but to all Codesa negotiation structures.
- 1.4 The Working Group reports which have been tabled indicate clearly that there is still a lot of ground which needs to be covered before it can be said that we have reached the goals we set for ourselves when we agreed, and appended our signatures, to the Declaration of Intent.
- 1.5 The question which now arises for consideration is : what kind of structures should be put in place to ensure that outstanding work is processed properly and on a coherent and urgent basis?
- 1.6 It is clear from the reports referred to, that a number of decisions and agreements need to be implemented. CODESA needs to devise a way which will ensure that the implementation process goes on smoothly and in a well-structured and well-coordinated manner, which will be worked out by the Management Committee at which all the CODESA participants are represented.
- 1.7 As has already been said the Management Committee has given careful consideration to the views expressed by leaders.
- 1.8 In the light of the above the Management Committee recommends that, for purposes of promoting co-ordination and improving efficiency and effectiveness, CODESA 2 of a complete review by the Management Committee of all the structures currently in place. The structures currently in place were created at a time when we were not aware of the problems which would be encountered during the course of the negotiation process. The Management



Committee is of the view that, with the experience that we now have, we are in a position to improve on the existing situation. As has already been indicated by the Chairperson of the Management Committee in the report presented yesterday, the present structures do not take into account the overlapping functions as between the various Working Groups. With the benefit of hindsight it is our view that we are now in a position to make structural adjustments which will ensure, at the end of the day, that we glean the desired results and that agreements will be implemented in well structured form and with the minimum of delay. As lawyers say, "Justice delayed, is justice denied".

## 2. RECOMMENDATIONS

We therefore recommend that, in order to promote better co-ordination and improve efficiency and effectiveness, Codesa 2 mandates the MC as follows:

- 2.1 The MC shall suspend the work of the Working Groups with the mandate to convene any Working Group if necessary.
- 2.2 The MC shall be given responsibility for resolving all outstanding matters of Working Groups.
- 2.3 The MC shall examine all Working Group agreements with a view to establishing what work can be done in order to facilitate implementation.
- 2.4 The MC shall establish such structures (e.g. technical committees, sub-committees, Working Groups) as are necessary to assist the MC in accomplishing the tasks allotted to it.
- 2.5 The MC shall call a CODESA plenary with suitable representation as a matter of urgency to adopt all agreements and to receive a report on all matters which have been assigned to it by CODESA 2.
- 2.6 The MC be given the authority to constitute a mechanism which will draft all the legislation required as a result of agreements reached at CODESA.
- 2.7 Subject to 2.5 above, the MC be authorised to exercise such authority, as is necessary, to ensure that the objectives of the Declaration of Intent are attained; including the power to implement any agreement reached by Working Group 1 and also any other agreement falling within its mandate.

## 3. CLOSING REMARKS

- 3.1 The Management Committee is extremely conscious of the fact that the participants in CODESA entered the negotiation process in the belief that it can take our country to a stable order. We have a responsibility to approach our task in such a manner that the confidence of the participants, and our people, in the negotiation process is reinforced. The Management Committee's commitment in this regard has been made public on a number of occasions.
- 3.2 I accordingly move the adoption of these recommendations. The recommendations, it will be observed, are inclined more towards flexibility. They also take into account the dynamics of the negotiation process. I also attach hereto a summary of the substantive agreements reached so far (Addendum A) as well as a list of outstanding matters (Addendum B).





ADDENDUM A

INDEX - WORKING GROUP AGREEMENTS

**WORKING GROUP 1:**

1. Definition of "political intimidation - paras. 7.1 - 7.3.
2. Independent body to regulate tele communications sector - paras. 9.1 - 9.2.
3. Successful implementation of National Peace Accord - paras. 10.1 - 10.18.
4. Composition and role of the security forces in South Africa and the TBVC States - para. 12.4.
5. Funding of political parties - para. 13.

**WORKING GROUP 2:**

No agreements yet.

**WORKING GROUP 3:**

1. Transitional executive structure - paras. 9 - 29.
2. Independent Election Commission - para. 30.1.
3. Sub-councils and their areas of responsibility - paras. 32.1, 2, 3, 4, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43.

**WORKING GROUP 4:**

1. Reincorporation - para. 3.1.1..
2. Transitional arrangements - para. 3.1.2.
3. Testing of the will of the people - para. 3.1.3.
4. Restoration of citizenship - para. 3.1.4.
5. Land transfers - para. 3.2.3.

**WORKING GROUP 5:**

1. Sessions of Working Group 4 - para. 5 (second sentence).



ADDENDUM B

OUTSTANDING MATTERS OR MATTERS NOT REACHED AGREEMENT UPON

1. WORKING GROUP 1

1.1 The amendment and/or repeal of any remaining laws militating against free political activity, including the elimination of all discriminatory legislation

1.1.1 The definition of general principles underpinning free political activity (WG1 report 6.1.3.3. See also paragraph 6.1.2.3. of the said report.)

1.1.2 Specific measures (WG1 report 6.1.4):

Regarding 6.1.1.3 various oral and written submissions were received about legislative measure which may offend against free political activity. The submissions dealt with the following broad categories of legislation:

- 6.1.4.1 Emergency measures;
- 6.1.4.2 Security measures;
- 6.1.4.3 Measures affecting the funding of political Parties and organisations;
- 6.1.4.4 Measures affecting the freedom of assembly and association;
- 6.1.4.5 Measures affecting the free flow of information and access to the media.

1.1.3 The recommendation that the timing of the implementation of the various agreed proposals be negotiated as a matter of urgency amongst the parties (WG1 report 6.1.6.2).

1.1.4 Security legislation (WG1 report 6.1.7):

It was agreed that:

- 6.1.7.1 Special measures are necessary to deal with the threat to the public peace and order during the transitional period.
- 6.1.7.2 In the light of 6.1.7.1, the Internal Security Act 1982, and other relevant legislation be scrutinised with a view to the substitution of the said provisions so as to bring legislation in line with the criteria mentioned in 6.1.7.1, and to remove the emphasis from national security;
- 6.1.7.3 A task group be appointed to undertake the task referred to in 6.1.7.2, taking cognisance of relevant discussions by and submissions to SG1.

1.1.5 Discriminatory Legislation (WG1 report 6.2):

6.2.1 It was agreed that the following categories of discriminatory legislation can be identified and that individual legislative measures within each category should be dealt with in the manner outlined as being appropriate for that category:

6.2.1.1 Discriminatory legislation which impedes the creation of a climate for free political activity. Such legislation must be identified by WG1 and amended/repealed as soon as possible.

6.2.1.2 Discriminatory legislation which emanates from the nature of the

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tricameral constitution. This should be dealt with at the time and in the manner decided on by negotiation on the phasing out of the tricameral constitution and the own affairs dispensation.

- 6.2.1.3 Discriminatory legislation which need to be amended/repealed to support and enhance the process of democratisation. These should be identified as soon as possible and suitably amended/repealed.
- 6.2.1.4 Discriminatory legislation which needs to be removed in the interests of society. These should be dealt with at the relevant stage of the democratisation process.
- 6.2.1.5 Discriminatory legislation which would infringe upon an agreed Bill of Rights. These should be dealt with through the procedures that stand to be created in a new constitution which will include a justiciable Bill of Rights.

- 6.2.2 The WG received proposals on discriminatory legislation which falls in the above categories and which should be amended and/or repealed. The discussions on these proposals are incomplete and it was agreed that the task group constituted in terms of para 6.1.7.3 above, or any other mechanism set up by Codesa, discuss the proposals regarding discriminatory legislation which falls within categories 6.2.1.1 and 6.2.1.3 above with a view to making appropriate recommendations. Such task group or appointed body should report to Codesa or any other appropriate executive body that may be set up by Codesa.

**1.2 The termination of the use of military and/or violent means or the threat thereof to promoted the objectives/views of a political party or organisation**

This matter was not discussed separately, but dealt with within the broader context of the subject matter discussed in SG 2 (WG1 report 8).

**1.3 Independent Body to Regulate Telecommunications Sector**

- 1.2.1 The name of the Independent Body (either "SA Independent Telecommunications Authority" or "SA Independent Telecommunications Commission")(WG1 report 9.1.4.).

- 1.2.2 The immediate reconstitution of the Board of the SABC (WG1 report 9.1.9).

- 1.2.3 Affirmative action and cross-ownership restrictions (WG1 report 9.1.12).

**1.4 The following matters relating to the implementation of the NPA should still be discussed (WG1 report 10.18):**

- 10.18.1 Co-ordination between 3 levels of NPA.
- 10.18.2 Education Programmes/Publicity.
- 10.18.3 Liaison between NPC and organisations and NPC and Codesa.

**1.5 Consensus could not be reached on the following (WG1 report 11.2):**

- 11.2.1 The use of the death penalty as a deterrent to criminal activity.
- 11.2.2 A call by Codesa for the lifting of sanctions as a means of improving socio-economic conditions.

**1.6 The composition and role of the security forces in South Africa and the TBVC states**

- 1.3.1 The composition of the security forces (WG1 report 12.8.1).

- 1.3.2 Operations of the security forces that may limit free political activity (WG1 report



12.8.2).

- 1.7     **The advisability of statutory provisions guaranteeing equal opportunity for all parties to establish and maintain their own means of mass communication.**

1.4.1     **Not discussed due to a lack of time (WG1 report 15).**

- 1.8     **The need for an improvement in socio-economic conditions**

1.5.1     **Details were not discussed (WG1 report 16).**

- 1.9     **The fostering of a spirit of tolerance among political parties**

1.6.1     **No consensus on further recommendations (WG1 report 17).**

- 1.10     **The role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy, and the processes of Codesa (WG1 report 18):**

Various submissions dealing with the above matter were received, however, due to lack of time, the SG was unable to discuss the matter.

- 1.11     **Other matters which the WG may consider relevant to its brief (WG1 report 20):**

The WG agreed to discuss the issue of Mozambican refugees in the South Africa. It was agreed that a joint task force of the SA Government, and other involved parties and governments be formed to address the problem of Mozambican refugees, internal refugees and other displaced persons.

- 1.12     **The role of the International community**

1.7.1     **Certain proposals were not discussed (WG1 report 21.4).**

- 1.13     **The way forward**

The WG had insufficient time to discuss and agree on the future handling of matters falling within the ambit of its assignments and terms of reference. However, proposals are put forward for consideration by Codesa (WG1 report 22).

## **2.     WORKING GROUP 2**

Report outstanding.

## **3.     WORKING GROUP 3**

- 3.1     **Composition of the TEC (WG3 report 46.1)**

- 3.2     **Composition of the sub-councils (WG3 report 46.2)**

- 3.3     **Composition, powers and functions of the Independent Election Commission (WG3 report 46.3)**

- 3.4     **Sub-council on foreign affairs (WG3 report 46.4)**

- 3.5     **Legislation to give effect to agreements (WG3 report 47).**



4. WORKING GROUP 4

- 4.1 Strategies to keep the people of the TBVC states fully informed, especially to avoid unfortunate misunderstandings (WG4 report 4.1).
- 4.2 The time frames for such re-incorporation and related processes (WG4 report 4.2).
- 4.3 The exact form of authority in the TBVC territories (WG4 report 4.3)
- 4.4 Harmonisation of legislation and taxation (WG4 report 4.4).
- 4.5 Orderly termination of bilateral and multilateral agreements and treaties (WG4 report 4.5).
- 4.6 Ensuring public accountability of actions taken for the purposes of reincorporation (WG4 report 4.6).
- 4.7 The identification of specific constitutional, legal and political measures and steps which will have to be taken to effect reincorporation (WG4 report 4.7).

5. WORKING GROUP 5

- 5.1 The formulation of a structure of a Drafting committee (WG5 report 4.2.1).
- 5.2 The constitution of a drafting committee through the selection of experts (WG5 report 4.2.2).
- 5.3 The procedural rules relating to interaction between the Drafting Committee, existing CODESA structures and respective governments/ administrations regarding draft legislation (WG5 report 4.2.3).
- 5.4 Consideration of agreements arrived at in Working Groups and formulation of mechanisms for the implementation thereof.



## REPORT OF THE GENDER ADVISORY COMMITTEE TO CODESA 2

Due to enormous public pressure about the lack of representation at CODESA of women, who form 53 % of the population, and subsequent suggestions and submissions by women's organisations, political parties and other organisations, the Management Committee of CODESA decided to form the Gender Advisory Committee. The GAC is a subcommittee of the Management Committee charged with the special task of looking into the Terms of Reference, minutes and decisions of each of the Working Groups, and those of the Management Committee, and advising on their gender implications. All CODESA participants have so far sent representatives to the GAC with the exception of the Bophuthatswana and Venda Governments.

The GAC met for the first time on 6 April and has diligently studied the Terms of Reference, minutes and most of the decisions already taken by the Working Groups as well as internal and external submissions from women's organisations and political parties, with an unusual spirit of unity. The GAC has reached consensus on many issues, but consensus was not reached on others.



20

1. **RECOMMENDATIONS AND ADVICE ON THE GENDER IMPLICATIONS OF ISSUES  
RAISED IN WORKING GROUP 01**

1.1 **The Free Political Participation of Women**

Noting the Terms of Reference of Working Group 01, Items 1.1.4 (k), (p) and (o), the GAC recommends the following:

- 1.1.1 The rights of access of women to public facilities and meeting venues should be ensured, as should their right to meet with political organisations. This recommendation is necessary so that women can participate without fear and on an equal footing in the political process.
- 1.1.2 The right of access of political organisations to public facilities, and their right to meet with potential voters, is meaningless unless women may participate in the democratic process on an equal footing without fear of public or private harassment and intimidation.
- 1.1.3 That the roles mentioned here (Item 1.1.4 (o) of the Terms of Reference of Working Group 1) concerning educative and informative campaigns should be broadened to include specific educational campaigns informing women of, inter alia, their right to vote, particularly in areas where women are unlikely to be reached by usual media.

1.2 **Agreements on Political Intimidation and Women**

With regard to the agreement reached by sub group 2 of Working Group 1 on the Definition of Political Intimidation, the GAC recommends that the following additions be made to the activities which would, as per the aforesaid agreement, be considered, in particular, as forms of political intimidation (refer to Item 4.2 of the Minutes of the meeting of Sub-Group 2 of Working Group 1, 2 March):

- 1.2.1 To compel women, both within and outside the home, by virtue of the "power" vested in men with whom they may associate, to adopt a particular political position; or to similarly prevent women from engaging in free political activity.
- 1.2.2 To use political patronage in any form that threatens or denies an individuals political, social and economic rights, especially noting that women are frequently the victims of such practices.
- 1.2.3 To sexually harass any individual and thereby prevent him/her from the freedom of the right of expression/opinion, association and movement.

With regards to item 1.3.3 above the GAC defines sexual harassment, in general terms, as sexual advances without express consent, including innuendos or language of a defamatory or offensive nature, in all spheres, including political, social and economic life and in the media.

1.3 **Agreements of the Interpretation of the National Peace Accord**

With regards to agreements reached by Sub-Group 2 of Working Group 1 re the implementation and interpretation of the National Peace Accord, the GAC recommends that the following additions be made (refer to Item 6.1.6 and Item 6.4.1, respectively, of the minutes of Sub-Group 2 of Working Group 1, on 7 April):



- 1.3.1 That the reference to "Business representatives" in clause 7.4.4.3 of the NPA be interpreted to include representatives from professional and women's organisations.
- 1.3.2 The NPA make special efforts to include representatives of relevant local and tribal authorities as well as local women's structures into all RDRC and LDRC structures.
- 1.3.3 With regards to item 1.4.2 above (and with specific reference to items 6.1.6, 6.3.2, 6.4.2, 6.5.2, 6.6.2, 6.6.3 and 6.8 of the minutes of the meeting of WG1 SG2, 7 April) the GAC recommends that as part of its input on the interpretation and implementation of the NPA Working Group 1 recommend that women be included in all structures created by the NPA, RDRC's and LDRC's to ensure that gender implications of all decisions and functions of these structures, are considered.

#### 1.4 On the Security Forces, Free Political Activity and Women

Noting that the many acts of violence committed against women allegedly by the security forces are a source of grave concern, the GAC recommends that:

- 1.4.1 any such crime be immediately investigated;
- 1.4.2 violent crime against women be treated with stricter and more stringent disciplinary action;
- 1.4.3 when searches of homes are conducted, women police must accompany male police;
- 1.4.4 the position of high ranking officers who are unable or unwilling to maintain adequate control over their forces be urgently reviewed;
- 1.4.5 any peace keeping force should include women within their structures at all levels;
- 1.4.6 the gender sensitivity of these forces (refer to item 1.5.5) be monitored;
- 1.4.7 all individuals be informed of their rights with regard to the role and functions of these forces (refer to item 1.5.5);
- 1.4.8 these forces (refer to item 1.5.5) be trained to be gender sensitive and to ensure that they do not violate the rights of women.

Noting the lack of agreement in Working Group 1 over the definition of political prisoners, no recommendations with regards to the gender implications of this issue could be agreed upon.

The GAC also recommends that any Security Force established in the country, including the TBVC states, must begin to immediately redress race and gender imbalances both in their composition and functioning at all levels and introduce a Code of Conduct and norms which will create confidence among all the people of South Africa.

#### 1.5 Working Group 01 Terms of Reference

The GAC proposes that Item 1.1.4 (c) of the Terms of Reference of Working Group 01 should be amended to read as follows:

"The amendment and/or repeal of any remaining laws militating against free political



22

activity including the elimination of racial and gender discriminatory laws."

**1.6 The Media in the Transition (Recommendation to Working Groups 01 & 03)**

The GAC recommends that Working Group 1 and Working Group 3 agree upon a politically neutral Independent Communications Authority which shall:

- \* include gender conscious persons;
- \* facilitate media access for women;
- \* monitor and discourage sexist programmes, articles and advertising;
- \* encourage non-sexist, non-discriminatory publications;
- \* ensure the participation of women on all media bodies, at all levels;
- \* organise that radio and television programmes which educate women about the democratic process and their right to participate therein without fear of intimidation, are prepared as a matter of urgency

## 2. Recommendations and Advice on the Gender Implications of the Issues Raised in Working Group 02

### 2.1 Constitutional Principles

The GAC advises that:

- 2.1.1 It fully supports a Justiciable Bill of Fundamental Human Rights to be attached to the constitution.
- 2.1.2 It fully supports the concept of a qualified Equality Clause in the Bill of Rights and the Constitution.
- 2.1.3 It recommends that Working Group 2 address the problem of redressing and eliminating gender inequalities.
- 2.1.4 It recommends to WG 2 that they take note of the desirability of a document containing a set of ideals regarding gender issues, which should be accepted by a future Constitution Making Body as a document to be used by the courts to assist women in claiming and exercising their rights under the constitution and Bill of Rights to ensure gender equality.
- 2.1.5 The GAC further recommends to Working Group 02 that the Bill of Rights include some form of rights and protection for children.

### 2.2 Constitutional Language

The GAC recommends that the terms "men and women" and "men, women and children" be used wherever respectively appropriate, in the drafting of the Constitution, in place of the terms "people" or "persons".

### 2.3 On Agreements Reached Regarding Constitutional Principles

Regarding the "Provisional Areas of Commonality that Already Exist" in Working Group 02 as adopted by the Steering Committee of WG 02 on 27 April, the GAC recommends the following (refer to Document prepared by the Steering Committee of Working Group 2 on 27 April):

- 2.3.1 Item 1.1.3 should be amended to read "The diversity of languages, cultures and religions will be acknowledged, within the non-racial and non-sexist principles of the Constitution."
- 2.3.2 Item 1.1.7.1 should be amended to read "A judiciary that will be independent, non-racial, impartial, gender sensitive and inclusive of women."
- 2.3.3 Item 1.1.7.2 should be amended to read "An entrenched and justiciable Bill/Charter of Fundamental Rights, which will protect the rights of women and children."
- 2.3.4 Item 1.2.2 should read "At each level there shall be democratic representation, consistent with non-racial and gender sensitive principles."
- 2.3.5 Item 1.3.1 should read "A new constitution shall provide for effective



24

participation of minority political parties consistent with democracy, non-racialism and non-sexism"

#### 2.4 Constitution Making Body/Process

- 2.4.1 The GAC recommends that when drawing up the electoral procedures, methods should be sought to encourage full participation of women. This should apply to both encouraging women to exercise their political rights to campaign and stand for election as well as to vote. These provisions would include, among others, education programmes, elimination of sexual harassment (refer to item 1.3), drawing up of electoral lists and giving women reasonable exposure in the media.
- 2.4.2 The GAC strongly recommends that all parties include a fair proportion of women in their electoral lists. It is essential that women are evenly distributed within the lists, to ensure their inclusion in the elected body.
- 2.4.3 The GAC recommends that any committees set up by the Constitution Making Body must contain an adequate number of women.
- 2.4.4 The GAC recommends that the Constitution Making Body should consider a sub-committee to monitor and raise gender issues in the drafting of the Constitution and the Bill of Rights.
- 2.4.5 The above 4 proposals should apply to future elections at a local, regional and national government level.

### 3. Recommendations and Advice on the Gender Implications of the Issues Raised in Working Group 03

#### 3.1 The Funding of Programmes for Women

The GAC advises that Working Group 3 reach an agreement on the principle of funding and programmes to ensure the meaningful participation in, and education about the democratic electoral process.

In order that women be timeously informed about the franchise, and thus enabled to participate in interim elections without fear of pressure or intimidation, it is suggested that such agreement be expeditiously concluded.

#### 3.2 The Technical Report to the Steering Committee of Working Group 3

The GAC advises the Technical Committee, Working Group 3 and its Steering Committee on the following points concerning the Technical Committee's recommendations made on 27 April:

##### 3.2.1 In addition to Item 7.1 of the report:

"\* Shall include women in its composition."

##### 3.2.2 Item 10 of the report should state:

"The transitional executive structure will be constituted by legislation agreed to by Codesa, will have a multi-party character, including women and be . . ."

##### 3.2.3 The reference to "persons" in line 14 of Item 10 of the report should be replaced by a reference to "men and women".

##### 3.2.4 Line 5 of Item 14 of the report should read:

"Save for agreement that the TEC must have multi-party character, including women, the precise criteria . . ."

##### 3.2.5 It is also recommended that the proposed TEC should include a Gender Structure, the exact nature of which is still to be determined.

#### 3.3 Women and Local Government

The GAC advises that special mechanisms be created to promote the participation and representation of women in local government structures, so that these structures more closely reflect the gender composition of the populace.

Any projects undertaken during the life of CODESA and the Interim or Future Governments should be aimed at the interests of all groups in local communities including women.

#### 3.4 The Media in the Transition (Recommendation to Working Groups 01 & 03)

The GAC recommends that Working Group 1 and Working Group 3 agree upon a politically neutral Independent Communications Authority which shall:

- \* include gender conscious persons;
- \* facilitate media access for women;
- \* monitor and discourage sexist programmes, articles and advertising;



- 26
- \* encourage non-sexist, non-discriminatory publications;
  - \* ensure the participation of women on all media bodies, at all levels;
  - \* organise that radio and television programmes which educate women about the democratic process and their right to participate therein without fear of intimidation, are prepared as a matter of urgency

### 3.5 Women and the Foreign Service

Noting that South Africa's foreign relations have mainly been conducted by men, as from the interim government women should be trained, employed, promoted and recognised on an equal basis with men within the diplomatic service. Any existing discriminatory regulations and practices with respect to gender and race in South Africa's foreign service need to be removed.

### 3.6 Land and Women

The GAC wishes to place on record that no consensus could be reached on the following proposals concerning land and women:

**Proposal 1:** That Working Group 3 suggest an urgent Commission of Enquiry into legislation which prevents women's access to land ownership in South Africa and the TBVC states, and that the results of such an enquiry be immediately embodied in legislation.

**Proposal 2:** That Working Group 3: (1) look into those laws which prevent/inhibit women's ownership of or access to land in South Africa and the TBVC states, with the intention of amending or repealing those laws and (2) that there should be an immediate moratorium on the sale and transferral of all state property to private or corporate individuals and organisations.

21

4. **General Recommendations to Codesa (to all Working Groups)**

4.1 **Non-Sexist Language in CODESA documentation**

The GAC recommends that CODESA documents should explicitly define the word "person" as referring to both men and women.

4.2 **Gender Discriminatory Legislation**

The GAC recommends the repeal of all legislation in South Africa and the TBVC states which discriminates on the basis of race, creed or gender which circumscribe and impede free political, economic or social activity. We suggest that this be attended to by a general law asserting certain basic civil and political rights, combined with an omnibus law repealing all legislation in accordance with a schedule of Acts to be provided by the GAC.

We advise Working Groups 1, 2, 3, 4 and 5 to assist in the identification of such legislation.

5. **Conclusion and The Way Forward**

In conclusion, and in view of the short period of time which the GAC had had at its disposal, the GAC wishes to point out that, as of 7 May, proposals and recommendations on the proceedings of Working Group 4 and 5 have not yet been formulated, and that there are certain areas in other Working Groups on which consensus has not yet been reached. The GAC would also wish to look at present discriminatory legislation which needs to be repealed or amended. The GAC therefore recommends that it continues with its work after CODESA II both in terms of uncompleted work, feed-back on its submissions from the relevant Working Groups and forthcoming agreements emanating from the various Working Groups and committees.



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE WGSC1 AT ITS NEXT MEETING

DRAFT MINUTES OF THE WGSC1 MEETING HELD IN CAPE TOWN ON 8 MAY AT 11H00

PRESENT: (see ADDENDUM A)

Chair: Mr Webb

Secretary: A Feinstein

Minutes: M du Plessis

1. Chairperson's opening

Mr Webb welcomed members to the meeting and made his apologies for the late start of the meeting owing to travel problems.

2. Attendance and Apologies

The Steering Committee was fully represented.

3. Adoption of the Agenda

The agenda was adopted with the following amendments:

- 3.1 That Item 8 a) which reads: "Implementation of the decisions of CODESA", should be added.

4. Adoption of the Minutes

The minutes were adopted with the following amendment:

- 4.1 That Item 8.1.2 should be removed.

5. Matters arising

- 5.1 SABC Meeting with Mr Harmse and Dr Viljoen

- 5.1.1 Mr Coetsee would make inquiries on when the meeting would take place. (Refer item 8(a)2.)

- 5.2 The submission from the Film and Broadcasting Forum (FBF) was distributed to the members.



## 6. The role of the International Community

### 6.1 Consensus was reached on the following statement in this regard:

The Working Group welcomes the initiative of the international community concerning the developments in South Africa. In this regard the Working Group considers it helpful that members of the international community acquaint themselves with the circumstances surrounding the violence in our country through fact-finding missions with a view to making an independent, objective assessment of the facts and realities surrounding the violence.

In addition to any other such missions, the Working Group recommends that CODESA invite an independent international mission.

## 7. Emergency Legislation

### 7.1 It was agreed:

#### 7.1.1 That the timing of the implementation of the various agreed proposals to amend the Emergency legislation be negotiated as a matter of urgency among the parties.

#### 7.1.2 That the established task force for emergency and security legislation now consist of Prof Asmal and messrs Bester (Convenor), Coetsee, Esterhuizen, Ntsubane, Samuels and Webb.

#### 7.1.3 The meeting agreed on the following statement:

That a task force referred to above Scrutinised Security legislation as soon as possible. The task group may continue or be substituted by any other mechanism after CODESA II.

## 8. Specific Items of Discriminatory Legislation to be addressed as a matter of priority

The meeting agreed on the following statement, which will be included in the Report:

### 8.1 The Working Group received proposals on discriminatory legislation which impede free political activity and which should be amended and or repealed. The discussions on these proposals are incomplete and it was agreed that the task group as mentioned above or any other mechanism set up by CODESA II, should convene to consider discriminatory legislation which impedes the climate for free political activity or which needs to be amended or referred to support and emphasise the process of democratisation.

### 8a) Implementation of the decisions of CODESA

It was agreed:

#### 8(a) 1. That the Independent Body to regulate Telecommunications Sector shall be established as soon as possible.



8(a) 2. That the WGSC1 and the SABC will meet on 14 May 1992 from 13:30 to 15:30 at the HF Verwoerd Building, Cape Town.

8(a) 3. That in view of particular circumstances of the subject matter WGSC1 will be the mechanism for the drafting of legislation of an Independent Body in co-operation with the SA Government and other administrations.

9. Discussion on Report to CODESA II

It was agreed:

9.1 That any amendments to the Working Group Report by members of the Working Group should reach Mr Bester not later than Tuesday 12 May 1992 at 11 pm. The report will then be finalised by Mr Bester.

10. Presentation to CODESA II

10.1 That Messrs Webb and Samuels and Prof Asmal with the support of the rapporteurs, would handle the presentation of the report representing the WG1, not their political parties. Delegates however have the right to differ from the presentation made.

11. Close

11.1 The chairperson thanked members for the work done. Mr Coetsee was thanked for making the venue available and for the lunch provided.

The meeting adjourned.

WGSC1/MB05/5

WGSC1/MINUTES/8MAY

ADDENDUM A

PRESENT: E Samuels  
K Asmal  
HJ Coetsee  
PG Soal  
DRB Madide  
E Pahad  
MB Webb  
TJ Mohapi  
LV Nisubane  
  
Mr GB Myburg  
Mr M Shaikh  
Mr H Bester



9 : (f) Political neutrality of, and fair access to the State-controlled/statutorily instituted media (particularly the SABC and SATV) including those of the TBVC states

## 9.1 Independent Body To Regulate Telecommunications Sector:

### 9.1.1 Establishment

It was agreed that an independent, neutral body be established to regulate the telecommunications sector, such body to be created in terms of an Act of Parliament.

### 9.1.2 Functions

It was agreed that such an Independent Body would have as its principal functions:

9.1.2.1 The regulation of the utilisation of the electromagnetic spectrum, including the allocation of licences and the determination of licence conditions according to an agreed set of standards.

9.1.2.2 The appointment of a suitable structure to monitor the proper exercise of licence conditions.

### 9.1.3 Powers

9.1.3.1 It was agreed that the powers of the Post Master General in relation to telecommunications shall be transferred to the Independent Body.

9.1.3.2 It was further agreed that the Independent Body would have the following powers:

9.1.3.2.1 To ensure that a wide range of telecommunication services, including regional and community broadcasting program services, is available throughout South Africa.

9.1.3.2.2 To ensure fair and effective competition in the provision of such and related services.

9.1.3.2.3 To ensure fair and equitable opportunity to opinion formers to express their views freely.

9.1.3.2.4 To ensure optimum affordable research and development with a view to improving the utilisation of the available electromagnetic spectrum and to introduce technologies to improve signal quality.

9.1.3.2.5 To ensure impartial control of all broadcasting by laying down norms and standards for more equitable and fair access for all political parties to air time on broadcasting services.

9.1.3.2.6 To work out guidelines for the impartiality of news and current affairs programmes on all broadcasting services.

9.1.3.2.7 To take punitive measures against broadcasters who violate



provisions of the code of conduct, or to suspend or withdraw licences if licence conditions are not complied with.

9.1.3.2.8 To deal with complaints by the public and political parties.

9.1.3.2.9 Such other powers as may be expedient.

9.1.4 Name of Independent Body

It was agreed that such Independent Body should be called either SAITA (South African Independent Telecommunications Authority) or SAITCOM (South African Independent Telecommunications Commission) but there was no consensus on which of the two names is the most desirable.

9.1.5 Constitution of Independent Body

It was agreed that:

9.1.5.1 Members of the Independent Body shall be South African Citizens of merit who act in the public interest.

9.1.5.2 No board member shall be an office bearer of any political organisation or have a vested interest in the film and broadcasting industries, or any other conflicting interest.

9.1.6 Appointment Procedures

It was agreed that organs of civil society shall be invited, inter alia, by advertisement in the press, to nominate names to either CODESA or the interim structure, whichever is appropriate at the time, bearing in mind the urgency of the matter, for purposes of preparing a short list of names from which the board of the Independent Body can be appointed.

9.1.7 Accountability and Finance

9.1.7.1 It was agreed that the Independent Body shall be accountable to the executive of the interim constitutional authority, provided that once a representative Parliament comes into being such a body shall be accountable to Parliament or one of its standing committees; further provided that the independence of such a body shall not be impinged upon in any way whatsoever.

9.1.7.2 The extent of the Independent Body's accountability shall be dependent upon the method of financing such a body. In this regard various methods are possible and should be considered.

9.1.8 Licensing procedures, conditions and standards

It was agreed that the above matters should devolve upon the Independent Body.

9.1.9 SABC

There was no consensus on a proposal regarding the immediate reconstitution of the Board of the SABC.



It was however agreed that, since WG1 had reached consensus that an Independent Body to regulate the telecommunications sector be created at the earliest opportunity:

9.1.9.1 The Steering Committee of WG1 will initiate discussions with the chairperson of the Board of the SABC, and such representatives as he may determine, on the possible early reconstitution of the Board of the SABC, the appropriate ministry to be included in such discussions;

9.1.9.2 The first such meeting to take place before Codesa II;

9.1.9.3 The mechanism for monitoring the performance of the SABC be considered to at the same discussions.

9.1.10 Complaints/Disputes and Monitoring

It was agreed that the Independent Body shall, with Parliamentary sanction by way of legislation, set up structures as may be necessary, inter-alia for:

9.1.10.1 adjudicating disputes;

9.1.10.2 monitoring the efficiency of the licensee and to ascertain whether licensees comply with their licensee conditions;

9.1.10.3 investigating complaints and for giving effect to remedial actions

9.1.11 Code of Conduct

9.1.11.1 It was agreed that the Independent Body shall lay down the standards to be complied with by licensed broadcasters (such standards could be included in a Code).

9.1.11.2 Individual Broadcasters shall compile a Code of Conduct to which they will have to comply and which could be made a condition of their licenses.

9.1.12 The following issues were raised but discussions have not been completed:

9.1.12.1 affirmative action

9.1.12.2 cross-ownership restrictions

9.2 Printed Media

The SA Government agreed to repeal Section 4 (a) and (b) of the Registration of Newspapers Amendment Act of 1982 which relate to Ministerial powers to cancel the registration of a newspaper. The repeal of these sections will be dealt with in a General Law Amendment Bill.

WG 1 STEERING COMMITTEE 14 MAY 1991

The Steering Committee held a meeting with the Chairman of the SABC Board and his delegation and also the Minister of Home Affairs and his delegation.

Views were expressed by all delegations on the possible early reconstruction of the SABC Board and an understanding of each other's view was reached.

It was agreed that a future meeting should be held as soon as possible between such structural as CODESA 11 might determine and the SABC delegation (through the Minister of Home Affairs), to pursue the matter.



**RESOLUTION ADOPTED BY CODESA 2 PLENARY (16 MAY 1992)  
ON THE WAY FORWARD**

1. The MC is extremely conscious of the fact that the participants in CODESA entered the negotiations process in the belief that it can take our country to a stable order. We have a responsibility to approach our task in such a manner that the confidence of the participants, and our people, in the negotiations process is reinforced.
2. In order to promote better co-ordination and improve efficiency and effectiveness, CODESA 2 mandates the MC as follows:
  - 2.1 The MC shall suspend the work of the Working Groups with the mandate to convene any Working Group if necessary.
  - 2.2 The MC shall be given responsibility for resolving all outstanding matters of Working Groups.
  - 2.3 The MC shall examine all Working Group agreements with a view to establishing what work can be done in order to facilitate their speedy implementation as soon as all agreements have been adopted.
  - 2.4 The MC shall establish such structures (e.g. technical committees, sub-committees, Working Groups) as are necessary to assist the MC in accomplishing the tasks allotted to it.
  - 2.5 The MC shall call a CODESA plenary with suitable representation as a matter of urgency to adopt all agreements and to receive a report on all matters which have been assigned to it by CODESA 2, having regard to the scheduled adjournment of the current session of Parliament.

2.6 The MC be given the authority to constitute a mechanism which will draft all the legislation required as a result of agreements reached at CODESA.

2.7 Subject to 2.5 above, the MC be authorised to exercise such authority, as is necessary, to ensure that the objectives of the Declaration of Intent are attained; including the power to implement any agreement reached by Working Group 1 and also any other agreement falling within its mandate without summoning a plenary session of CODESA and that it also be given the power to increase the representation of individual parties/administrations/organisations represented in the MC.



*Embassy of the United States of America*F A X   T R A N S M I S S I O N

Date: 12 May

From: American Embassy, Cape Town

Office/Name: Ambassador William Lacy Swing

Fax No.: (021) 25-2981

To: CODESA - Management Committee

Attn: Mr. Pravin Gordhan

Fax No.: 011/397-2211

Message/Subject Document and No. of Pages: two

*Ambassador of the United States of America*

Cape Town, May 12, 1992

Mr. Pravin Gordhan  
Chairman, Management Committee  
Convention for a Democratic  
South Africa  
P. O. Box 307  
Isando 1600

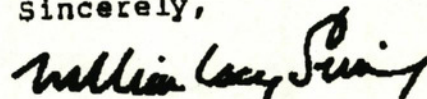
Dear Mr. Gordhan:

As we follow with great interest the proceedings of the Convention for a Democratic South Africa (CODESA), it is clear that one of the overriding considerations is preparations related to a general election. In this connection, I am pleased to inform you that, if the CODESA Management Committee would find it useful, the United States Information Service is prepared to send persons to the United States in July to observe our political process in this presidential election year. We are mindful in this regard of the visit of a CODESA team to the UK in March to observe the British election.

The centerpiece of the proposed visit would be attendance at the Democratic National Convention in New York City, July 15-18. The convention will, inter alia, select the Democratic Party's presidential candidate. Visits to other parts of the country would cover many of the various aspects of elections in the U.S. The planned duration of the program is three weeks. Details of the proposed itinerary will follow. We hope to be able to offer one or more further such observation missions as the U.S. election process heads toward its November denouement.

If you agree that this project is worthwhile, we would envision sending a representative team of 10-12 persons chosen by your committee in consultation with us. As many logistical arrangements are necessary on our part in arranging such a visit, I would appreciate your early reaction to this proposal. I will then have a member of my staff follow up with you or your designee. Kind regards.

Sincerely,



William Lacy Swing



P O BOX 13300  
WITSIESHOEK  
9870

PHONE : 01438 - 30083  
FAX : 01438 - 33776

ATTENTION : MR PREVIN GORDAN

Chairperson  
Management Committee  
CODESA

THE QWAQWA INTERIM JOINT WORKING COMMITTEE.

## GRAVE CONCERN ON T.K. MOPELI & HIS CLIQUE

### PARTICIPATING IN CODESA

JWC structured by the following broadly representative organisations :-

Phuthaditjhaba Civic Association (Qwaqwa); Qwaqwa Allied Taxi Association; NAFU (Qwaqwa); NUWCC (Qwaqwa); M.R.T.A.W.U (Qwaqwa); NAWUSA (Qwaqwa); COSATU (Qwaqwa); SADTU (Qwaqwa); Students Patriotic Front (Qwaqwa); COSAS (Qwaqwa); NAMDA (Qwaqwa); AZAPO (Qwaqwa); ANC (Qwaqwa); ANCWL (Qwaqwa) and ANCYL (Qwaqwa), has been activated with a mandate to look into the Qwaqwa Government constitutional crisis created by the resignations of both the Paramount Chiefs of the proclaimed and government constitutionalised traditional class, the Bakwena and Batlokwa tribes, in addition to our opposition to this homeland formation.

These mentioned traditional leaders went further by withdrawing their nominated members of the tribal councils from participating in the Qwaqwa governing body as part of government. Again the Paramount Chiefs re-iterating the decision that their withdrawal from Qwaqwa government means their people will not be represented in that government.

These traditional leaders without doubt represent the majority of our rural people in Qwaqwa and elsewhere in the R.S.A.



For the life-span in government, T.K. Mopeli and his ruling Dikwankwetla party have been kept on to power at the sole expense of the dignity and galvanisation of these traditional leaders of the people as he made them patrons of his party, whilst covertly manoeuvred and limitlessly amended the governing constitution so as to use Chieftainship to prop himself in power and to continue perpetuating Apartheid.

Now that these two pillars of the people have withdrawn from this apartheid structure, T.K. Mopeli's credibility must be scrutinised and questioned for a further reason which follows :

- Politically, during the last elections held in Qwaqwa, in September 1990, those elections were successfully boycotted by the masses. Mopeli's Dikwankwetla Party only counted 500 votes out of manipulated 52,000 registered voters as the rest of the majority numbering in excess of 400,000 refrained in disgust to even register as voters.

- The truth of the matter is evidenced by T.K. Mopeli in person as he conceded when interviewed by Dr. Yvonne Muthien of the Centre for Social and Development Studies, University of Natal, which interview has been published for public consumption as we refer to INDICATOR S.A. vol.8; Regional Profile No.3, on page 5.1 (see extract as annexed)


Given these undisputable facts there is no doubt that T.K. Mopeli's government is illegitimate, to total non-representative, neither his Dikwankwetla party. Further again, the truth of the matter is that he has nominated employed public servants whom the majority are his closed family (some his incompetent children) as members of his negotiating team in CODESA, which further proves his nepotistic and dictatorial behaviour and norm which we still live with although we abhor.

In this final analysis we wish to know as to who is Mopeli and his team in CODESA actually representing ?

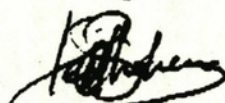
Is he representing his insignificant Dikwankwetla Party or the self-imposed illegitimate Qwaqwa government ?

For Democracy's sake, as CODESA is meant for that we strongly challenge T.K. Mopeli and his team to review their position in their representation in CODESA and humbly request the constitutional management committee in CODESA to see to it that CODESA is clean in its democratic engagement and its formation justified in transforming S.A. for all its people.

SECRETARY

:  L.V. Mkhize

CHAIRPERSON

:  P.S. Protekela



unitary or federal - the administrative structures of the homelands will have to be scaled down. These posts have been duplicated in the 14 governments created in South Africa. Once we have drawn up an acceptable constitution, a number of homeland departments as presently constituted shall have to go or be scaled down. Many homeland cabinet ministers are going to lose their jobs. It's as simple as all that.

We are already preparing our people. We said to our civil servants, 'You must upgrade your qualifications, there is no guarantee that you are going to be taken into a new South African government'. The point is that appointments might be determined by qualifications, experience and even party affiliation. I have said, 'This was probably our last election in QwaQwa (September 1990); we must start looking for jobs now, we mustn't be caught napping'.

*YM: Does QwaQwa have any formal relations with the other homelands?*

*Mopeli:* We have informal connections with the Inyandza National Movement (KaNgwane). We meet from time to time. Homeland leaders also get together at meetings arranged by the ANC or a meeting arranged by President De Klerk, but not as regularly as we used to. We have informal meetings with Gazankulu and Lebowa, where we discuss matters of common concern and we strategise together, and so on.

*PZ: Have the meetings with homeland leaders arranged by the ANC been fruitful?*

*Mopeli:* Yes, in a sense, but the impression I have formed is that the support of homeland leaders is taken for granted. Our attendance is taken to mean tacit support for the ANC, whereas we are there to exchange views. We want to retain our identity. We have made it very clear to them, and besides, we differ very strongly with the ANC - they are for a unitary form of government, they are not for the retention of regional governments. They would rather develop a local government with wider powers.

The QwaQwa government stands for a non-racial regional government within a greater federal South Africa. They fear that with federal structures there will be some bloc forming; they think that they shall have accommodated divisive forces. These are understandable fears. We already exist as a government, however low in status we may be, and we will still have the South-Sothos to support our regional government. We might pose a threat to the unitary government, because we will agitate for the recognition of certain regional interests and regional aspirations, and so on.

*YM: What is the position of the ANC and PAC in QwaQwa?*

*Mopeli:* There is only one ANC branch and one PAC branch in Phuthaditjhaba. There are another three

political parties that have been operating within the system. The Dikwankwetla Party won all the seats in the legislative assembly in the September elections.

*YM: Is there any contact between your government and the ANC branch here?*

*Mopeli:* Well, we are not opposed to their recruitment of members. We believe in the principle of a multi-party democracy and our people must have a choice. If they want to join the ANC or the PAC, they are free to do so. We believe in the principle of free political activity. They sometimes come and we exchange views on amicable terms, although they feel that we must go and join the ANC. They believe that the QwaQwa government must be done away with and an administrator appointed to run things. Our idea is that we should wait for the negotiation to take place. We say, 'It is the people of South Africa alone who should determine the constitutional future of this country and nobody else'.

*YM: I understand that the ANC formally opposed the September 1990 election in QwaQwa?*

*Mopeli:* That's right, very vigorously.

*YM: Were there any incidents during the election?*

*Mopeli:* Yes, of course. There was a lot of intimidation and many people did not vote, but they did not commit any acts of violence. The people were threatened. *If you vote, you are perpetuating apartheid.* So many people stayed away from the polls. The voting percentage was about two to three per cent. Of the 52 000 people in QwaQwa, about 500 voted.

*YM: There was some reported unrest in this area during 1990. What happened?*

*Mopeli:* It was mainly the civil servants who complained that the principle of salary parity was not being observed. Secondly, they were opposed to seconded white officials, alleging they were being favoured over the blacks. The general assistants in QwaQwa's civil service demanded not less than R600 a month. On the question of parity, we appointed a committee of enquiry. I'm very happy to say that they found our salaries to be basically the same. Where they were saying that white officials had taken their places here, only three posts were identified. We'll keep on reviewing public sector salaries on an ongoing basis, with a view to increasing the minimum wage to R600.

*YM: What will you do in the new South Africa, Dr Mopeli?*

*Mopeli:* I think I'm old enough now. I won't look for a job. I'm alright now. I must leave politics now to the younger generation of leaders. At the age of 60, I feel very strongly that I don't wish to play a part in the new South Africa. **END**



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FAX TRANSMISSION SHEET

TO... CHIEF MINISTER J. MAHLANGU

FROM... SOMBALANE ABRAHAM KEKANA

DATE... 14 MAY 1993

NO. OF PAGES INCL. THIS ONE... 3

MESSAGE... FIND DOCUMENTS ON

MAROKOLONG CONSTITUENCY

AS REQUESTED

If you have any queries please do not hesitate to contact us at the above telephone number.

## KEKANA ROYAL EXECUTIVE COUNCIL

12/05/1992

THE PARAMOUNT CHIEF ABRAHAM SOMBALANE KEKANA TOGETHER WITH THE ROYAL COUNCIL ARE AGAINST THE BOPHUTHATSWANA GOVERNMENT TO GOVERN OUR LAND FROM 1976 UNTIL NOW. THIS IS OUR DEMOCRATICAL RIGHT FOR CHIEF AND THE ROYAL COUNCIL TO DECIDE FOR OUR LAND, BECAUSE LEEUKRAAL NUMBER 396,275 DEED OF TRANSFER NO. 777/16 IN THE NAME OF JOHANNES MOKONYAMA KEKANA. BUT THE BOP. GOVERNMENT AND THE SOUTH AFRICAN GOVERNMENT SIGNED THIS LAND TO BOPHUTHATSWANA WITHOUT THE ROYAL COUNCIL CONSULTATION.

WE ARE AGAINST THE BOP. GOVERNMENT'S DECISION IN CODESA OF REFUSING TO BE PART OF A NEW SOUTH AFRICA HENCE THE LAND IS OURS. THE KEKANA ROYAL EXECUTIVE COUNCIL MAKE AN APPEAL TO CODESA THAT PRESIDENT LUKAS MANGOPE HAVE NO RIGHT TO TAKE DECISION CONCERNING THE PURCHASE TRIBAL LAND BASED ON THE DEED IN THE NAME OF OUR CHIEF AND TRANSFORM IT INTO POLITICAL AGENDA IN ORDER TO SERVE HIS OWN INTEREST.

WE APPEAL TO CODESA THAT WE THE KEKANA OF LEEUKRAAL AND MORETELE WANT TO BE PART AND PARCEL OF A UNITED NON RACIAL DEMOCRATIC SOVEREIGN STATE WITH OUR LAND.

SIGNED:

1. DIRECTOR

21 CHAIRMAN

3. SECRETARY

PARAMOUNT CHIEF  
SOMBALANE ABRAHAM KEKANA  
AMANDEBELE-A-MOLETLANE  
TRIBAL AUTHORITY  
P.O. BOX 38, MAROKOLONG  
HAMMANSKRAAL



12/05/1992

RESOLUTION

WE THE LEEUKRAAL CIVIC ASSOCIATION TOGETHER WITH THE NEIGHBOURING REGIONS OF MORETELE CIVICS ASSOCIATION IN THE GENERAL MEETING HELD ON THE 5th APRIL '92 ENDORSED A RESOLUTION FOR OUR PARAMOUNT CHIEF TO GO FORWARD TO A UNITED NON RACIAL DEMOCRATIC SOVEREIGN STATE FUTURE SOUTH AFRICA ALONG THE LINE WITH THE PURCHASE TRIBAL LAND.

WE THE TRIBE OF LEEUKRAAL AND MORETELE REGIONS REJECT THE REMARKS MADE BY MR. LUKAS MANGOPE IN CODESA. WE MAKE AN APPEAL TO CODESA THAT OUR POSITION IS IN THE HANDS OF LAND OWNERS. WE DO NOT AGREE THAT OUR PRIVATE LAND BE LEFT OUT IN THE BOPHUTHATSWANA GOVERNMENT REINS. AS A TRIBE WE WILL NOT ALLOW MR. MANGOPE TO TAKE A DECISION CONCERNING OUR LAND.

WE FULLY SUPPORT OUR PARAMOUNT CHIEF TOWARDS TAKING THE PEOPLE OF LEEUKRAAL AND MORETELE AS A WHOLE TO A UNITED NON RACIAL DEMOCRATIC SOVEREIGN STATE FUTURE SOUTH AFRICA.

SIGNED:

LEEUKRAAL CIVIC ASSOCIATION

1. D. Makhubedya
2. J. MONGOPE
3. J. PHANUYANE

SIGNED: Morete Regions

1. P. Mmutle
2. S. Nyembe
3. G. Madi



# Institute for Pastoral Education

P.O. Box 6263  
Grahamstown 6141  
South Africa

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Tel(wh)  
Fax

(0461) 24115  
(0461) 29673  
(0461) 29673

21 hours, 1992 May 14.

The Chairperson  
Management Committee  
CODESA  
Kempton Park

Dear Chairperson,

## CONDUCT OF PUBLIC OFFICIAL: FOREIGN MINISTER R.F. BOTHA.

I write to draw your urgent attention to what I consider to be improper use of a state office and occasion for party political interests. I refer to Foreign Minister Pik Botha's briefing featured in tonight's eight o'clock T.V. news, of foreign representatives.

I write in two capacities:

- \* As director of a pastoral institute which is concerned with the pastoral implications of social developments.
- \* As a responsible citizen of this country.

I consider the last-mentioned capacity as the fundamental and most important one.

A briefing of foreign representatives by a Minister of State for Foreign Affairs is a solemn event which should represent South Africa, not a party position. In his briefing Mr Botha presented the National Party proposals presented to Working Group Two of CODESA. He went on to motivate them, and used the opportunity to interpret the ANC's proposals of decision making by the standard two-thirds majority as characteristic of their commitment to central power because of their marxist inclinations.

I consider it objectionable and irresponsible of such a senior member of the government to do this at the very moment and time when the Working Group is locked in discussions over the very issues. It is reprehensible that he should do this on the particular evening when all South Africans who are committed to the success of negotiations for justice and peace, are earnestly praying for a just resolution of the deadlock.

---

BOARD OF TRUSTEES: SILAS M. NKAMUKU, TONY GOODYER, FUNDWE NENONI, MTHUTHUZELI KOLTI, MATT ESANU, BUKELWA MANYANDELA,  
(Ex Officio) M. MALUM MPHELEMANA (Director), Bp. Sigqibo Dweane, Bp. David Russell



2.

We know that Mr Botha has recently been elected Transvaal leader of the National Party, and that he may have electioneering reasons for being aggressively partisan. However, as a Minister of State, speaking strictly in that capacity at a briefing of foreign representatives, he has no justification to speak in the language of a "Transvaal Nasionale Party Leier" - admittedly, a very important and powerful position in the South African politics of the not too distant past.

Looking at the dignified and balanced manner in which the chairperson of the CODESA Management Committee presented himself as a state official between the two well-mannered belligerents in agenda, I thought Mr Botha has an example to learn from.

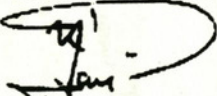
I request that the Management Committee takes this matter up in the code of discipline of public officials. If this is not addressed, we shall have it happen again, as it always has, that government officials, including departmental functionaries, the army and the police, fail to distinguish between their roles as officials of the public and those of the parties they privately belong to; between their personal and sometimes household interests and those of the state.

If these practices are not rooted out at the highest level, then we can expect serious problems with the levelling of the political field in the interim period. In fact we shall have a situation where the South African public can helplessly witness every right wing soldier, police officer, or departmental official, for instance, presuming justification in abusing their office to promote their political designs, to varying degrees of violence and public harm.

If CODESA cannot stop this, Morena boloka sechaba sa hesu!

Thank you for your time.

Yours for a democratic future,



Revd M. Malusi Mpumliwana.

c.c. Media.



for the meeting of 25 May 1992  
**MANAGEMENT COMMITTEE PACK**





789

for the meeting of 25 May 1992  
**MANAGEMENT COMMITTEE PACK**





## CONTENTS OF THE MANAGEMENT COMMITTEE PACK FOR 25 MAY 1992

Item	Page No.
1. Draft Agenda for the MC meeting of 25 May 1992	1
2. Draft Minutes of the MC meeting of 14 May 1992	2
3. Draft Minutes of the MC meeting of 16 May 1992	9
4. MC report to CODESA 2 regarding guidelines on the way forward	12
5. Index - Working Group Agreements	14
6. Outstanding matters or matters not reached agreement upon	15
7. Report of the Gender Advisory Committee to CODESA 2	19
8. Draft minutes of the WGSC1 meeting - 8 May 1992	28
9. Resolution adopted by CODESA 2 Plenary - 16 May 1992	36
10. Letter from Ambassador of the USA	39
11. Letter from the Qwaqwa Interim Joint Working Committee	40
12. Letter from Sombalane Abraham Kekana	44
13. Letter from the Institute for Pastoral Education	47



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~~Mass~~    ~~Moham~~    ~~F. 100~~  
~~Kell~~    ~~Zuma~~  
~~Alison~~    ~~Gregg~~

Ashley: ① New MC list (2+1)    ②. STP Ashdr: Sam Sh. Town  
 Dean: New MC list (2+1)    Bay Adviser: T. Schepers  
 Glenda(?): Biggs volume needed; max 60+5. 57+5=62

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Bar



John Zach ... Colin overseas.



MANAGEMENT COMMITTEE/AGENDA/25 MAY 1992

DRAFT AGENDA FOR THE MANAGEMENT COMMITTEE MEETING TO BE HELD AT 10H00 ON  
25 MAY 1992 AT THE WORLD TRADE CENTRE

1. Opening
2. Apologies
3. Adoption of agenda
4. Minutes of the last meetings of 14 and 16 May 1992  
*4a Phone tapping*
6. Overview of tasks arising from CODESA 2 and recommendations from the DMC
  - 6.1 Process envisaged (including time frames)
  - 6.2 Guidelines for this process
  - 6.3 Tasks
    - 6.3.1 Agreements classified
    - 6.3.2 Outstanding matters identified
    - 6.3.3 Problems relating to WG2
    - 6.3.4 Elaboration of agreements in WG3
    - 6.3.5 Matters related to WG1
  - 6.4 Structures necessary
7. GAC
5. MC matters
  - 5.1 MC composition
  - 5.2 Chairpersonship
  - 5.3 DMC composition
8. Any other business
  - 8.1 Constitutional Federalism
  - 8.2 Speeches outside CODESA affecting the process
  - 8.3 Action: Names of newly composed MC - Wednesday morning.
9. Date and schedule of future meetings

8 MCP: Sam Shikwana  
Rep: Theo Sheepers.

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

PO Box 507, Isando, 1600, South Africa.  
Telephone (011) 397-1198/99. Fax (011) 397-2211





MANAGEMENT COMMITTEE/MINUTES/14 MAY 1992

THESE ARE DRAFT MINUTES AS APPROVED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE MANAGEMENT COMMITTEE AT ITS NEXT MEETING.

**DRAFT MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE HELD AT 16H00 ON 14 MAY 1992 AT THE WORLD TRADE CENTRE**

PRESENT: See Addendum A

**1. Chairperson's opening remarks**

The members were welcomed.

**2. Apologies**

No formal apologies were noted.

**3. Agenda**

The agenda was adopted with no amendments or additions.

**4. Minutes of the last meeting of 11 May 1992**

The minutes of the meeting of 11 May 1992 were ratified with no amendments.

**5. CODESA 2**

**5.1 Administrative Matters:**

5.1.1 A report, from the Secretariat, entitled "Codesa 2, 15/16 May 1992, Logistical Report, 14 May 1992" was noted.

5.1.2 The handling of demonstrators and their submissions/memoranda. A recommendation from the DMC that the Secretariat, Security and the MC Chairperson handle this issue was agreed to. The Secretariat is to provide Security with guidelines.

**5.2 Reports from WG's, the composite report and the convention procedure document:**

5.2.1 WG 1, 3, 4 and 5 reports are ready for distribution to delegates.

5.2.2 WG 2's report had not been finalised. It was noted that WG 2 had reached a deadlock in their meeting of 14 May 1992. Before the closure of the WG 2 meeting



members of the DMC would attend the meeting in order to assess the status of the discussions.

- 5.2.3 Members of the WGSC were present when the format of the composite report was agreed upon. In consultation with members of the WGSC's the DMC drafted a composite report. This document was distributed to the MC. The MC adopted the composite report as submitted and recommended by the DMC. It was noted that this is a document to facilitate discussion and understanding of progress made and not to be adopted by the plenary.
- 5.2.4 It was agreed that no amendments to WG reports would be raised at the plenary.
- 5.2.5 The GAC report would be tabled at the plenary. It would form part of the composite report as the GAC is a sub-committee of the MC. The Chairpersons of Codesa 2 should note the report and make mention of the GAC and the work that has been completed, but that the report was submitted too late to be incorporated with the WG reports.
- 5.2.6 It was noted that only agreements as in Working Group reports would be adopted at the plenary.
- 5.2.7 A draft copy of the convention procedure document was distributed to the MC and adopted with the following amendments:
  - \* Item 5.2. It was agreed that there should be a limit on "borrowing of time" of 20 minutes and no individual input/presentation should continue after 10 minutes.
  - \* Item 5.5 would fall away as a result of the deletion of Item 6.5 on the agenda.
  - \* Item 8 was no longer applicable.
  - \* Item 3 should read "the IFP will then sign the Declaration of Intent".

### 5.3 Agenda:

- 5.3.1 The agenda (See Addendum B) was adopted by consensus with the following amendments: (See Addendum C for the amended agenda)
  - Item 6.5 be deleted.
- 5.3.1 It was agreed that the MC Chairperson Mr Pravin Gordhan would present the MC report on agreements reached.
- 5.3.2 The panel consisting of 3 representatives from each WGSC and the GAC SC would be on the platform for the first 15 minutes of the discussion on agreements section to answer, if any, questions of clarification.
- 5.3.3 The following time allocations were agreed:
  - \* 10 Minutes per delegation allocation for discussion of agreements.



- \* 3 Minutes per delegation allocation for adoption of agreements.
- \* 10 Minutes per delegation allocation for discussion and adoption of the way forward.
- \* Time keepers will be assisting the Chairpersons to keep time.

5.3.4 Outstanding matters would only be noted.

5.3.5 It was agreed that no delegation would raise queries under outstanding matters.

5.3.6 It was agreed that Mr Z Titus would present the MC report on the way forward.

5.3.7 It was agreed that the document entitled "Youth Declaration on Codesa 2" would be read out at the plenary, by the Chairpersons, after the signing of the Declaration of Intent by the IFP.

5.3.8 It was agreed that Professor SS Ripinga would present the vote of thanks.

5.4 Draft programme:

5.4.1 The draft programme, in principle, was agreed to.

5.4.2 It was noted that Item 1 - 6 would be handled on day 1 and Item 7 onwards on day 2

5.5 MC report including the way forward:

5.5.1 Items, handed to the MC by Codesa 1, covered in the report on the activities of the Management Committee:

- \* The Declaration of Intent
- \* The question of further participants at Codesa
- \* The possible participation of the Zulu King and other Traditional Leaders in the negotiation process
- \* The participation of women in Codesa and the work of the GAC

5.5.2 It was agreed to recommend to Codesa 2 that the MC as fully representative of the 19 participants should be charged with the responsibility to determine which are the most appropriate structures to take these tasks forward.

5.5.3 If Codesa 2 agrees with the MC recommendation, it was suggested that the MC could possibly be enlarged with the addition of other representatives. Flexibility should be allowed.

5.5.4 It was agreed that the way forward may have to be reshaped in more specific terms and should that be necessary the MC mandates the DMC to take new developments into account but the broad framework would remain as the key guideline in terms of the way forward

5.5.5 It was agreed in principle that a set of visual aids be developed in order to explain the essence of agreements arrived at and to reflect the MC report itself. The visual presentation would be on TV. It was further agreed to mandate the DMC to ensure that the presentation is politically accurate.



6. **Future meetings**

- 6.1 The DMC should meet in the first week after Codesa 2 to prepare for the MC meeting. The date and time is to be finalised.
- 6.2 The next MC meeting is scheduled for 10h00 on Monday 25 May 1992 at the World Trade Centre.



MC/MIN/1405

MANAGEMENT COMMITTEE/MINUTES/14 MAY 1992

## Addendum A

The following members signed the attendance register:

Party/Organisation/ Administration	Delegate	Adviser
ANC	J Zuma	M Maharaj
Bophuthatswana Government	TE Scheepers	
Ciskei	BH Muller	
Democratic Party		
Dikwankwetla Party	SOM Moji	
IFP	FT Mdlalose	
IYP	NJ Mahlangu	MB Ntuli
INM	SS Ripinga	
Labour Party	P Hendrickse	E Samuels
NIC/TIC	C Salojee	
NP	D de Villiers	
NPP	A Rajbansi	E Joosab
Solidarity Party	JN Reddy	CK Reddy
SA Government	R Meyer	
SACP		
Transkei	Z Titus	TT Matanzima
UPF	MI Moroamoche	
Venda	S Makhvha	S Moeti
Ximoko Progressive Party	EPP Mhinga	
	PJ Gordhan (Chairperson)	
	T Eloff (Administration)	
	G Hutchings (Minutes)	



DRAFT AGENDA

1. Opening of Codesa 2
2. Prayers
3. Chairpersons' opening remarks
4. Signing of the Declaration by the IFP
5. Adoption of Conference Procedure
6. Codesa Working Group Reports:
  - 6.1 Management Committee report on agreements reached including tabling of reports
  - 6.2 Discussion on agreements in WG reports
  - 6.3 Adoption of the WG agreements
  - 6.4 Outstanding matters from WG reports
  - 6.5 Adoption of WG reports
7. Way forward
  - 7.1 Management Committee Report
    - 7.1.1 Activities of the Management Committee
    - 7.1.2 Guidelines on the way forward
  - 7.2 Discussion and adoption of guidelines on way forward
8. Chairpersons' closing remarks
9. Vote of thanks
10. Prayers
11. Closure



**AGENDA FOR CODESA 2**

**15 & 16 MAY 1992**

1. Opening of Codesa 2
2. Prayers
3. Chairpersons' opening remarks
4. 4.1 Adoption of addendum to the Declaration of Intent and the Signing of the Declaration by the IFP
- 4.2 Message from the Youth
5. Adoption of Conference Procedure
6. Codesa Working Group Reports and the tabling of the Gender Advisory Committee Report:
  - 6.1 Management Committee report on agreements reached including tabling of reports
  - 6.2 Discussion on agreements in WG reports
  - 6.3 Adoption of the WG agreements
  - 6.4 Outstanding matters from WG reports
7. Way Forward
  - 7.1 Management Committee Report
    - 7.1.1 Activities of the Management Committee
    - 7.1.2 Guidelines on the way forward
  - 7.2 Discussion and adoption of guidelines on way forward
8. Chairpersons' closing remarks
9. Vote of thanks
10. Prayers
11. Closure





MANAGEMENT COMMITTEE/MINUTES/16 MAY 1992

THESE ARE DRAFT MINUTES AS APPROVED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE MANAGEMENT COMMITTEE AT ITS NEXT MEETING.

**DRAFT MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE HELD AT 10H30 ON 16 MAY 1992 AT THE WORLD TRADE CENTRE**

PRESENT: See Addendum A

**1. Chairperson's opening remarks**

- 1.1 The members were welcomed.
- 1.2 It was noted that this meeting was necessary for the MC to agree on the way forward taking account of the events on day 1 of Codesa 2.
- 1.3 It was noted that some of the regular MC members were not present at the meeting of 14 May 1992 when recommendations on the way forward were agreed to.

**2. Management Committee recommendations on the way forward to Codesa 2**

- 2.1 An amended document on "Management Committee recommendations on the way forward to Codesa 2 on 16 May 1992" was distributed to members.
- 2.2 It was noted that most of the contents of this document had the consensus of the DMC and had also been adopted by consensus at the MC meeting of 14 May 1992.
- 2.3 It was agreed in principle that a recommendation on the way forward should be submitted from the MC to the plenary.
- 2.4 It was agreed to discuss, amend (if necessary) and adopt the document clause by clause.
- 2.5 After the discussions, it was agreed by consensus to adopt the draft document with amendments. The document would now read:

**Management Committee Recommendations on the way forward  
to Codesa 2 on 16 May 1992**

- 2.5.1 The MC is extremely conscious of the fact that the participants in Codesa entered the negotiations process in the belief that it can take our country to a stable order. WE have a responsibility to approach our task in such a manner that the confidence of the participants, and our people, in the negotiations process is reinforced.
- 2.5.2 In order to promote better co-ordination and improve efficiency and effectiveness, Codesa 2 mandates the MC as follows:

\* The MC shall suspend the work of the Working Groups with the mandate



to convene any Working Group if necessary.

- \* The MC shall be given responsibility for resolving all outstanding matters of Working Groups.
- \* The MC shall examine all Working Group agreements with a view to establishing what work can be done in order to facilitate implementation.
- \* The MC shall establish such structures (e.g. technical committees, sub-committees, Working Groups) as are necessary to assist the MC in accomplishing the tasks allotted to it.
- \* The MC shall call a Codesa plenary with suitable representation as a matter of urgency to adopt all agreements and to receive a report on all matters which have been assigned to it by Codesa 2.
- \* The MC be given the authority to constitute a mechanism which will draft all the legislation required as a result of agreements reached at Codesa.
- \* Subject to 2.5 above, the MC be authorised to exercise such authority, as is necessary, to ensure that the objectives of the Declaration of Intent are attained; including the power to implement any agreement reached by Working Group 1 and also any other agreement falling within its mandate without summoning a plenary session of Codesa. That it also be given the power to increase the representation of individual parties/administrations/organisations on the MC.

2.6 It was agreed that if the plenary agreed to the principle of increased representation on the MC, this issue would be dealt with at the first meeting of the MC post Codesa 2.

2.7 It was agreed that the GAC will continue to exist until the next plenary on whatever basis determined at the first MC meeting post Codesa 2.

### 3. Future meetings

The next meeting of the MC will be held at 10h00 on 25 May 1992 at the World Trade Centre.



## Addendum A

The following members signed the attendance register:

Party/Organisation/ Administration	Delegate	Adviser
ANC	J Zuma	M Maharaj
Bophuthatswana	R Cronje	SG Mothibe
Ciskei	H Kayser	MB Webb
Democratic Party	C Eglin	Z de Beer
Dikwankwetla Party	TJ Mohapi	SOM Moji
IFP	FT Mdlalose	BS Ngubane
IYP	NJ Mahlangu	MB Ntuli
INM	SS Ripinga	
Labour Party	P Hendrickse	E Samuels
NIC/TIC	I Pillay	
NP	D de Villiers	
NPP	M Mohanlall	E Joosab
Solidarity Party	I Omar	DS Rajah
SA Government	R Meyer	
SACP	J Slovo	
Transkei	Z Titus	TT Matanzima
UPF	MJ Mahlangu	MI Moroamoche
Venda Government	S Makhuvha	S Moeti
Ximoko Progressive Party	JC Ackron	

Also present were:

PJ Gordhan (Chairperson)

T Eloff (Administration)

G Hutchings (Minutes)



## MANAGEMENT COMMITTEE REPORT TO CODESA 2 REGARDING GUIDELINES ON THE WAY FORWARD

### 1. INTRODUCTORY REMARKS

- 1.1 Mr Chairman, flowing from the discussions we had yesterday and today regarding the manner in which the various Working Group reports would be handled, the Management Committee had to consider the way in which the Codesa negotiating process would be taken further, taking into account, in particular, the difficulty which Codesa plenary has had with the further consideration of the work of Working Group 2.
- 1.2 We have analysed carefully the different remarks made by the various leaders who addressed plenary yesterday and today. Without going into detail, it has been observed that, despite varying views on this matter, not a single leader has rejected negotiation as the best acceptable option for South Africa. A number of speakers have emphasised the urgency of the matter under discussion and expressed the view that unless an acceptable solution is found as soon as possible, difficulties may arise. We are conscious of the fact that the impasse which retarded progress yesterday may endanger the whole negotiation process and, consequently, as a Management Committee, we are committed to finding an acceptable way in which the views and aspirations of all can be accommodated.
- 1.3 The Management Committee has taken all the above considerations into account. After having had recourse to the Working Groups' views on the way forward we have now formulated a way forward which, we think, will meet the requirements of all concerned and the people of South Africa in particular. We are mindful of the fact that the outside world, too, is anxiously awaiting the final outcome of Codesa negotiations. But before I can deal with specifics I would like to make a few brief comments on the reports of the other Working Groups, for the recommendation to be made hereafter does not only relate to Working Group 2 but to all Codesa negotiation structures.
- 1.4 The Working Group reports which have been tabled indicate clearly that there is still a lot of ground which needs to be covered before it can be said that we have reached the goals we set for ourselves when we agreed, and appended our signatures, to the Declaration of Intent.
- 1.5 The question which now arises for consideration is : what kind of structures should be put in place to ensure that outstanding work is processed properly and on a coherent and urgent basis?
- 1.6 It is clear from the reports referred to, that a number of decisions and agreements need to be implemented. CODESA needs to devise a way which will ensure that the implementation process goes on smoothly and in a well-structured and well-coordinated manner, which will be worked out by the Management Committee at which all the CODESA participants are represented.
- 1.7 As has already been said the Management Committee has given careful consideration to the views expressed by leaders.
- 1.8 In the light of the above the Management Committee recommends that, for purposes of promoting co-ordination and improving efficiency and effectiveness, CODESA 2 of a complete review by the Management Committee of all the structures currently in place. The structures currently in place were created at a time when we were not aware of the problems which would be encountered during the course of the negotiation process. The Management



Committee is of the view that, with the experience that we now have, we are in a position to improve on the existing situation. As has already been indicated by the Chairperson of the Management Committee in the report presented yesterday, the present structures do not take into account the overlapping functions as between the various Working Groups. With the benefit of hindsight it is our view that we are now in a position to make structural adjustments which will ensure, at the end of the day, that we glean the desired results and that agreements will be implemented in well structured form and with the minimum of delay. As lawyers say, "Justice delayed, is justice denied".

## 2. RECOMMENDATIONS

We therefore recommend that, in order to promote better co-ordination and improve efficiency and effectiveness, Codesa 2 mandates the MC as follows:

- 2.1 The MC shall suspend the work of the Working Groups with the mandate to convene any Working Group if necessary.
- 2.2 The MC shall be given responsibility for resolving all outstanding matters of Working Groups.
- 2.3 The MC shall examine all Working Group agreements with a view to establishing what work can be done in order to facilitate implementation.
- 2.4 The MC shall establish such structures (e.g. technical committees, sub-committees, Working Groups) as are necessary to assist the MC in accomplishing the tasks allotted to it.
- 2.5 The MC shall call a CODESA plenary with suitable representation as a matter of urgency to adopt all agreements and to receive a report on all matters which have been assigned to it by CODESA 2.
- 2.6 The MC be given the authority to constitute a mechanism which will draft all the legislation required as a result of agreements reached at CODESA.
- 2.7 Subject to 2.5 above, the MC be authorised to exercise such authority, as is necessary, to ensure that the objectives of the Declaration of Intent are attained; including the power to implement any agreement reached by Working Group 1 and also any other agreement falling within its mandate.

## 3. CLOSING REMARKS

- 3.1 The Management Committee is extremely conscious of the fact that the participants in CODESA entered the negotiation process in the belief that it can take our country to a stable order. We have a responsibility to approach our task in such a manner that the confidence of the participants, and our people, in the negotiation process is reinforced. The Management Committee's commitment in this regard has been made public on a number of occasions.
- 3.2 I accordingly move the adoption of these recommendations. The recommendations, it will be observed, are inclined more towards flexibility. They also take into account the dynamics of the negotiation process. I also attach hereto a summary of the substantive agreements reached so far (Addendum A) as well as a list of outstanding matters (Addendum B).





ADDENDUM A

INDEX - WORKING GROUP AGREEMENTS

WORKING GROUP 1:

1. Definition of "political intimidation" - paras. 7.1 - 7.3.
2. Independent body to regulate tele communications sector - paras. 9.1 - 9.2.
3. Successful implementation of National Peace Accord - paras. 10.1 - 10.18.
4. Composition and role of the security forces in South Africa and the TBVC States - para. 12.4.
5. Funding of political parties - para. 13.

WORKING GROUP 2:

No agreements yet.

WORKING GROUP 3:

1. Transitional executive structure - paras. 9 - 29.
2. Independent Election Commission - para. 30.1.
3. Sub-councils and their areas of responsibility - paras. 32.1, 2, 3, 4, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43.

WORKING GROUP 4:

1. Reincorporation - para. 3.1.1..
2. Transitional arrangements - para. 3.1.2.
3. Testing of the will of the people - para. 3.1.3.
4. Restoration of citizenship - para. 3.1.4.
5. Land transfers - para. 3.2.3.

WORKING GROUP 5:

1. Sessions of Working Group 4 - para. 5 (second sentence).





## ADDENDUM B

### OUTSTANDING MATTERS OR MATTERS NOT REACHED AGREEMENT UPON

#### 1. WORKING GROUP 1

##### 1.1 The amendment and/or repeal of any remaining laws militating against free political activity, including the elimination of all discriminatory legislation

###### 1.1.1 The definition of general principles underpinning free political activity (WG1 report 6.1.3.3. See also paragraph 6.1.2.3. of the said report.)

###### 1.1.2 Specific measures (WG1 report 6.1.4):

Regarding 6.1.1.3 various oral and written submissions were received about legislative measure which may offend against free political activity. The submissions dealt with the following broad categories of legislation:

- 6.1.4.1 Emergency measures;
- 6.1.4.2 Security measures;
- 6.1.4.3 Measures affecting the funding of political Parties and organisations;
- 6.1.4.4 Measures affecting the freedom of assembly and association;
- 6.1.4.5 Measures affecting the free flow of information and access to the media.

###### 1.1.3 The recommendation that the timing of the implementation of the various agreed proposals be negotiated as a matter of urgency amongst the parties (WG1 report 6.1.6.2).

###### 1.1.4 Security legislation (WG1 report 6.1.7):

It was agreed that:

- 6.1.7.1 Special measures are necessary to deal with the threat to the public peace and order during the transitional period.
- 6.1.7.2 In the light of 6.1.7.1, the Internal Security Act 1982, and other relevant legislation be scrutinised with a view to the substitution of the said provisions so as to bring legislation in line with the criteria mentioned in 6.1.7.1, and to remove the emphasis from national security;
- 6.1.7.3 A task group be appointed to undertake the task referred to in 6.1.7.2, taking cognisance of relevant discussions by and submissions to SG1.

###### 1.1.5 Discriminatory Legislation (WG1 report 6.2):

###### 6.2.1 It was agreed that the following categories of discriminatory legislation can be identified and that individual legislative measures within each category should be dealt with in the manner outlined as being appropriate for that category:

- 6.2.1.1 Discriminatory legislation which impedes the creation of a climate for free political activity. Such legislation must be identified by WG1 and amended/repealed as soon as possible.
- 6.2.1.2 Discriminatory legislation which emanates from the nature of the

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



tricameral constitution. This should be dealt with at the time and in the manner decided on by negotiation on the phasing out of the tricameral constitution and the own affairs dispensation.

- 6.2.1.3 Discriminatory legislation which need to be amended/repealed to support and enhance the process of democratisation. These should be identified as soon as possible and suitably amended/repealed.
- 6.2.1.4 Discriminatory legislation which needs to be removed in the interests of society. These should be dealt with at the relevant stage of the democratisation process.
- 6.2.1.5 Discriminatory legislation which would infringe upon an agreed Bill of Rights. These should be dealt with through the procedures that stand to be created in a new constitution which will include a justiciable Bill of Rights.

6.2.2 The WG received proposals on discriminatory legislation which falls in the above categories and which should be amended and/or repealed. The discussions on these proposals are incomplete and it was agreed that the task group constituted in terms of para 6.1.7.3 above, or any other mechanism set up by Codesa, discuss the proposals regarding discriminatory legislation which falls within categories 6.2.1.1 and 6.2.1.3 above with a view to making appropriate recommendations. Such task group or appointed body should report to Codesa or any other appropriate executive body that may be set up by Codesa.

**1.2 The termination of the use of military and/or violent means or the threat thereof to promoted the objectives/views of a political party or organisation**

This matter was not discussed separately, but dealt with within the broader context of the subject matter discussed in SG 2 (WG1 report 8).

**1.3 Independent Body to Regulate Telecommunications Sector**

1.2.1 The name of the Independent Body (either "SA Independent Telecommunications Authority" or "SA Independent Telecommunications Commission")(WG1 report 9.1.4.).

1.2.2 The immediate reconstitution of the Board of the SABC (WG1 report 9.1.9).

1.2.3 Affirmative action and cross-ownership restrictions (WG1 report 9.1.12).

**1.4 The following matters relating to the implementation of the NPA should still be discussed (WG1 report 10.18):**

10.18.1 Co-ordination between 3 levels of NPA.

10.18.2 Education Programmes/Publicity.

10.18.3 Liaison between NPC and organisations and NPC and Codesa.

**1.5 Consensus could not be reached on the following (WG1 report 11.2):**

11.2.1 The use of the death penalty as a deterrent to criminal activity.

11.2.2 A call by Codesa for the lifting of sanctions as a means of improving socio-economic conditions.

**1.6 The composition and role of the security forces in South Africa and the TBVC states**

1.3.1 The composition of the security forces (WG1 report 12.8.1).

1.3.2 Operations of the security forces that may limit free political activity (WG1 report



12.8.2).

- 1.7 **The advisability of statutory provisions guaranteeing equal opportunity for all parties to establish and maintain their own means of mass communication.**

1.4.1 Not discussed due to a lack of time (WG1 report 15).

- 1.8 **The need for an improvement in socio-economic conditions**

1.5.1 Details were not discussed (WG1 report 16).

- 1.9 **The fostering of a spirit of tolerance among political parties**

1.6.1 No consensus on further recommendations (WG1 report 17).

- 1.10 **The role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy, and the processes of Codesa (WG1 report 18):**

Various submissions dealing with the above matter were received, however, due to lack of time, the SG was unable to discuss the matter.

- 1.11 **Other matters which the WG may consider relevant to its brief (WG1 report 20):**

The WG agreed to discuss the issue of Mozambican refugees in the South Africa. It was agreed that a joint task force of the SA Government, and other involved parties and governments be formed to address the problem of Mozambican refugees, internal refugees and other displaced persons.

- 1.12 **The role of the International community**

1.7.1 Certain proposals were not discussed (WG1 report 21.4).

- 1.13 **The way forward**

The WG had insufficient time to discuss and agree on the future handling of matters falling within the ambit of its assignments and terms of reference. However, proposals are put forward for consideration by Codesa (WG1 report 22).

## 2. WORKING GROUP 2

Report outstanding.

## 3. WORKING GROUP 3

- 3.1 Composition of the TEC (WG3 report 46.1)

- 3.2 Composition of the sub-councils (WG3 report 46.2)

- 3.3 Composition, powers and functions of the Independent Election Commission (WG3 report 46.3)

- 3.4 Sub-council on foreign affairs (WG3 report 46.4)

- 3.5 Legislation to give effect to agreements (WG3 report 47).



4. WORKING GROUP 4

- 4.1 Strategies to keep the people of the TBVC states fully informed, especially to avoid unfortunate misunderstandings (WG4 report 4.1).
- 4.2 The time frames for such re-incorporation and related processes (WG4 report 4.2).
- 4.3 The exact form of authority in the TBVC territories (WG4 report 4.3)
- 4.4 Harmonisation of legislation and taxation (WG4 report 4.4).
- 4.5 Orderly termination of bilateral and multilateral agreements and treaties (WG4 report 4.5).
- 4.6 Ensuring public accountability of actions taken for the purposes of reincorporation (WG4 report 4.6).
- 4.7 The identification of specific constitutional, legal and political measures and steps which will have to be taken to effect reincorporation (WG4 report 4.7).

5. WORKING GROUP 5

- 5.1 The formulation of a structure of a Drafting committee (WG5 report 4.2.1).
- 5.2 The constitution of a drafting committee through the selection of experts (WG5 report 4.2.2).
- 5.3 The procedural rules relating to interaction between the Drafting Committee, existing CODESA structures and respective governments/ administrations regarding draft legislation (WG5 report 4.2.3).
- 5.4 Consideration of agreements arrived at in Working Groups and formulation of mechanisms for the implementation thereof.





## REPORT OF THE GENDER ADVISORY COMMITTEE TO CODESA 2

Due to enormous public pressure about the lack of representation at CODESA of women, who form 53 % of the population, and subsequent suggestions and submissions by women's organisations, political parties and other organisations, the Management Committee of CODESA decided to form the Gender Advisory Committee. The GAC is a subcommittee of the Management Committee charged with the special task of looking into the Terms of Reference, minutes and decisions of each of the Working Groups, and those of the Management Committee, and advising on their gender implications. All CODESA participants have so far sent representatives to the GAC with the exception of the Bophuthatswana and Venda Governments.

The GAC met for the first time on 6 April and has diligently studied the Terms of Reference, minutes and most of the decisions already taken by the Working Groups as well as internal and external submissions from women's organisations and political parties, with an unusual spirit of unity. The GAC has reached consensus on many issues, but consensus was not reached on others.



# 1. RECOMMENDATIONS AND ADVICE ON THE GENDER IMPLICATIONS OF ISSUES RAISED IN WORKING GROUP 01

## 1.1 The Free Political Participation of Women

Noting the Terms of Reference of Working Group 01, Items 1.1.4 (k), (p) and (o), the GAC recommends the following:

- 1.1.1 The rights of access of women to public facilities and meeting venues should be ensured, as should their right to meet with political organisations. This recommendation is necessary so that women can participate without fear and on an equal footing in the political process.
- 1.1.2 The right of access of political organisations to public facilities, and their right to meet with potential voters, is meaningless unless women may participate in the democratic process on an equal footing without fear of public or private harassment and intimidation.
- 1.1.3 That the roles mentioned here (Item 1.1.4 (o) of the Terms of Reference of Working Group 1) concerning educative and informative campaigns should be broadened to include specific educational campaigns informing women of, inter alia, their right to vote, particularly in areas where women are unlikely to be reached by usual media.

## 1.2 Agreements on Political Intimidation and Women

With regard to the agreement reached by sub group 2 of Working Group 1 on the Definition of Political Intimidation, the GAC recommends that the following additions be made to the activities which would, as per the aforesaid agreement, be considered, in particular, as forms of political intimidation (refer to Item 4.2 of the Minutes of the meeting of Sub-Group 2 of Working Group 1, 2 March):

- 1.2.1 To compel women, both within and outside the home, by virtue of the "power" vested in men with whom they may associate, to adopt a particular political position; or to similarly prevent women from engaging in free political activity.
- 1.2.2 To use political patronage in any form that threatens or denies an individuals political, social and economic rights, especially noting that women are frequently the victims of such practices.
- 1.2.3 To sexually harass any individual and thereby prevent him/her from the freedom of the right of expression/opinion, association and movement.

With regards to item 1.3.3 above the GAC defines sexual harassment, in general terms, as sexual advances without express consent, including innuendos or language of a defamatory or offensive nature, in all spheres, including political, social and economic life and in the media.

## 1.3 Agreements of the Interpretation of the National Peace Accord

With regards to agreements reached by Sub-Group 2 of Working Group 1 re the implementation and interpretation of the National Peace Accord, the GAC recommends that the following additions be made (refer to Item 6.1.6 and Item 6.4.1, respectively, of the minutes of Sub-Group 2 of Working Group 1, on 7 April):



- 1.3.1 That the reference to "Business representatives" in clause 7.4.4.3 of the NPA be interpreted to include representatives from professional and women's organisations.
- 1.3.2 The NPA make special efforts to include representatives of relevant local and tribal authorities as well as local women's structures into all RDRC and LDRC structures.
- 1.3.3 With regards to item 1.4.2 above (and with specific reference to items 6.1.6, 6.3.2, 6.4.2, 6.5.2, 6.6.2, 6.6.3 and 6.8 of the minutes of the meeting of WG1 SG2, 7 April) the GAC recommends that as part of its input on the interpretation and implementation of the NPA Working Group 1 recommend that women be included in all structures created by the NPA, RDRC's and LDRC's to ensure that gender implications of all decisions and functions of these structures, are considered.

#### 1.4 On the Security Forces, Free Political Activity and Women

Noting that the many acts of violence committed against women allegedly by the security forces are a source of grave concern, the GAC recommends that:

- 1.4.1 any such crime be immediately investigated;
- 1.4.2 violent crime against women be treated with stricter and more stringent disciplinary action;
- 1.4.3 when searches of homes are conducted, women police must accompany male police;
- 1.4.4 the position of high ranking officers who are unable or unwilling to maintain adequate control over their forces be urgently reviewed;
- 1.4.5 any peace keeping force should include women within their structures at all levels;
- 1.4.6 the gender sensitivity of these forces (refer to item 1.5.5) be monitored;
- 1.4.7 all individuals be informed of their rights with regard to the role and functions of these forces (refer to item 1.5.5);
- 1.4.8 these forces (refer to item 1.5.5) be trained to be gender sensitive and to ensure that they do not violate the rights of women.

Noting the lack of agreement in Working Group 1 over the definition of political prisoners, no recommendations with regards to the gender implications of this issue could be agreed upon.

The GAC also recommends that any Security Force established in the country, including the TBVC states, must begin to immediately redress race and gender imbalances both in their composition and functioning at all levels and introduce a Code of Conduct and norms which will create confidence among all the people of South Africa.

#### 1.5 Working Group 01 Terms of Reference

The GAC proposes that Item 1.1.4 (c) of the Terms of Reference of Working Group 01 should be amended to read as follows:

"The amendment and/or repeal of any remaining laws militating against free political



activity including the elimination of racial and gender discriminatory laws."

**1.6 The Media in the Transition (Recommendation to Working Groups 01 & 03)**

The GAC recommends that Working Group 1 and Working Group 3 agree upon a politically neutral Independent Communications Authority which shall:

- \* include gender conscious persons;
- \* facilitate media access for women;
- \* monitor and discourage sexist programmes, articles and advertising;
- \* encourage non-sexist, non-discriminatory publications;
- \* ensure the participation of women on all media bodies, at all levels;
- \* organise that radio and television programmes which educate women about the democratic process and their right to participate therein without fear of intimidation, are prepared as a matter of urgency



## 2. Recommendations and Advice on the Gender Implications of the Issues Raised in Working Group 02

### 2.1 Constitutional Principles

The GAC advises that:

- 2.1.1 It fully supports a Justiciable Bill of Fundamental Human Rights to be attached to the constitution.
- 2.1.2 It fully supports the concept of a qualified Equality Clause in the Bill of Rights and the Constitution.
- 2.1.3 It recommends that Working Group 2 address the problem of redressing and eliminating gender inequalities.
- 2.1.4 It recommends to WG 2 that they take note of the desirability of a document containing a set of ideals regarding gender issues, which should be accepted by a future Constitution Making Body as a document to be used by the courts to assist women in claiming and exercising their rights under the constitution and Bill of Rights to ensure gender equality.
- 2.1.5 The GAC further recommends to Working Group 02 that the Bill of Rights include some form of rights and protection for children.

### 2.2 Constitutional Language

The GAC recommends that the terms "men and women" and "men, women and children" be used wherever respectively appropriate, in the drafting of the Constitution, in place of the terms "people" or "persons".

### 2.3 On Agreements Reached Regarding Constitutional Principles

Regarding the "Provisional Areas of Commonality that Already Exist" in Working Group 02 as adopted by the Steering Committee of WG 02 on 27 April, the GAC recommends the following (refer to Document prepared by the Steering Committee of Working Group 2 on 27 April):

- 2.3.1 Item 1.1.3 should be amended to read "The diversity of languages, cultures and religions will be acknowledged, within the non-racial and non-sexist principles of the Constitution."
- 2.3.2 Item 1.1.7.1 should be amended to read "A judiciary that will be independent, non-racial, impartial, gender sensitive and inclusive of women."
- 2.3.3 Item 1.1.7.2 should be amended to read "An entrenched and justiciable Bill/Charter of Fundamental Rights, which will protect the rights of women and children."
- 2.3.4 Item 1.2.2 should read "At each level there shall be democratic representation, consistent with non-racial and gender sensitive principles."
- 2.3.5 Item 1.3.1 should read "A new constitution shall provide for effective



participation of minority political parties consistent with democracy, non-racialism and non-sexism"

## 2.4 Constitution Making Body/Process

- 2.4.1 The GAC recommends that when drawing up the electoral procedures, methods should be sought to encourage full participation of women. This should apply to both encouraging women to exercise their political rights to campaign and stand for election as well as to vote. These provisions would include, among others, education programmes, elimination of sexual harassment (refer to item 1.3), drawing up of electoral lists and giving women reasonable exposure in the media.
- 2.4.2 The GAC strongly recommends that all parties include a fair proportion of women in their electoral lists. It is essential that women are evenly distributed within the lists, to ensure their inclusion in the elected body.
- 2.4.3 The GAC recommends that any committees set up by the Constitution Making Body must contain an adequate number of women.
- 2.4.4 The GAC recommends that the Constitution Making Body should consider a sub-committee to monitor and raise gender issues in the drafting of the Constitution and the Bill of Rights.
- 2.4.5 The above 4 proposals should apply to future elections at a local, regional and national government level.



### 3. Recommendations and Advice on the Gender Implications of the Issues Raised in Working Group 03

#### 3.1 The Funding of Programmes for Women

The GAC advises that Working Group 3 reach an agreement on the principle of funding and programmes to ensure the meaningful participation in, and education about the democratic electoral process.

In order that women be timeously informed about the franchise, and thus enabled to participate in interim elections without fear of pressure or intimidation, it is suggested that such agreement be expeditiously concluded.

#### 3.2 The Technical Report to the Steering Committee of Working Group 3

The GAC advises the Technical Committee, Working Group 3 and its Steering Committee on the following points concerning the Technical Committee's recommendations made on 27 April:

##### 3.2.1 In addition to Item 7.1 of the report:

"\* Shall include women in its composition."

##### 3.2.2 Item 10 of the report should state:

"The transitional executive structure will be constituted by legislation agreed to by Codesa, will have a multi-party character, including women and be . . ."

##### 3.2.3 The reference to "persons" in line 14 of Item 10 of the report should be replaced by a reference to "men and women".

##### 3.2.4 Line 5 of Item 14 of the report should read:

"Save for agreement that the TEC must have multi-party character, including women, the precise criteria . . ."

##### 3.2.5 It is also recommended that the proposed TEC should include a Gender Structure, the exact nature of which is still to be determined.

#### 3.3 Women and Local Government

The GAC advises that special mechanisms be created to promote the participation and representation of women in local government structures, so that these structures more closely reflect the gender composition of the populace.

Any projects undertaken during the life of CODESA and the Interim or Future Governments should be aimed at the interests of all groups in local communities including women.

#### 3.4 The Media in the Transition (Recommendation to Working Groups 01 & 03)

The GAC recommends that Working Group 1 and Working Group 3 agree upon a politically neutral Independent Communications Authority which shall:

- \* include gender conscious persons;
- \* facilitate media access for women;
- \* monitor and discourage sexist programmes, articles and advertising;



- \* encourage non-sexist, non-discriminatory publications;
- \* ensure the participation of women on all media bodies, at all levels;
- \* organise that radio and television programmes which educate women about the democratic process and their right to participate therein without fear of intimidation, are prepared as a matter of urgency

### 3.5 Women and the Foreign Service

Noting that South Africa's foreign relations have mainly been conducted by men, as from the interim government women should be trained, employed, promoted and recognised on an equal basis with men within the diplomatic service. Any existing discriminatory regulations and practices with respect to gender and race in South Africa's foreign service need to be removed.

### 3.6 Land and Women

The GAC wishes to place on record that no consensus could be reached on the following proposals concerning land and women:

**Proposal 1:** That Working Group 3 suggest an urgent Commission of Enquiry into legislation which prevents women's access to land ownership in South Africa and the TBVC states, and that the results of such an enquiry be immediately embodied in legislation.

**Proposal 2:** That Working Group 3: (1) look into those laws which prevent/inhibit women's ownership of or access to land in South Africa and the TBVC states, with the intention of amending or repealing those laws and (2) that there should be an immediate moratorium on the sale and transferral of all state property to private or corporate individuals and organisations.



#### 4. General Recommendations to Codesa (to all Working Groups)

##### 4.1 Non-Sexist Language in CODESA documentation

The GAC recommends that CODESA documents should explicitly define the word "person" as referring to both men and women.

##### 4.2 Gender Discriminatory Legislation

The GAC recommends the repeal of all legislation in South Africa and the TBVC states which discriminates on the basis of race, creed or gender which circumscribe and impede free political, economic or social activity. We suggest that this be attended to by a general law asserting certain basic civil and political rights, combined with an omnibus law repealing all legislation in accordance with a schedule of Acts to be provided by the GAC.

We advise Working Groups 1, 2, 3, 4 and 5 to assist in the identification of such legislation.

#### 5. Conclusion and The Way Forward

In conclusion, and in view of the short period of time which the GAC had had at its disposal, the GAC wishes to point out that, as of 7 May, proposals and recommendations on the proceedings of Working Group 4 and 5 have not yet been formulated, and that there are certain areas in other Working Groups on which consensus has not yet been reached. The GAC would also wish to look at present discriminatory legislation which needs to be repealed or amended. The GAC therefore recommends that it continues with its work after CODESA II both in terms of uncompleted work, feed-back on its submissions from the relevant Working Groups and forthcoming agreements emanating from the various Working Groups and committees.



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE WGSC1 AT ITS NEXT MEETING

DRAFT MINUTES OF THE WGSC1 MEETING HELD IN CAPE TOWN ON 8 MAY AT 11H00

PRESENT: (see ADDENDUM A)

Chair: Mr Webb

Secretary: A Feinstein

Minutes: M du Plessis

1. Chairperson's opening

Mr Webb welcomed members to the meeting and made his apologies for the late start of the meeting owing to travel problems.

2. Attendance and Apologies

The Steering Committee was fully represented.

3. Adoption of the Agenda

The agenda was adopted with the following amendments:

- 3.1 That Item 8 a) which reads: "Implementation of the decisions of CODESA", should be added.

4. Adoption of the Minutes

The minutes were adopted with the following amendment:

- 4.1 That Item 8.1.2 should be removed.

5. Matters arising

- 5.1 SABC Meeting with Mr Harmse and Dr Viljoen

- 5.1.1 Mr Coetsee would make inquiries on when the meeting would take place. (Refer item 8(a)2.)

- 5.2 The submission from the Film and Broadcasting Forum (FBF) was distributed to the members.



6. The role of the International Community

6.1 Consensus was reached on the following statement in this regard:

The Working Group welcomes the initiative of the international community concerning the developments in South Africa. In this regard the Working Group considers it helpful that members of the international community acquaint themselves with the circumstances surrounding the violence in our country through fact-finding missions with a view to making an independent, objective assessment of the facts and realities surrounding the violence.

In addition to any other such missions, the Working Group recommends that CODESA invite an independent international mission.

7. Emergency Legislation

7.1 It was agreed:

7.1.1 That the timing of the implementation of the various agreed proposals to amend the Emergency legislation be negotiated as a matter of urgency among the parties.

7.1.2 That the established task force for emergency and security legislation now consist of Prof Asmal and messrs Bester (Convenor), Coetsee, Esterhuizen, Ntsubane, Samuels and Webb.

7.1.3 The meeting agreed on the following statement:

That a task force referred to above Scrutinised Security legislation as soon as possible. The task group may continue or be substituted by any other mechanism after CODESA II.

8. Specific Items of Discriminatory Legislation to be addressed as a matter of priority

The meeting agreed on the following statement, which will be included in the Report:

8.1 The Working Group received proposals on discriminatory legislation which impede free political activity and which should be amended and or repealed. The discussions on these proposals are incomplete and it was agreed that the task group as mentioned above or any other mechanism set up by CODESA II, should convene to consider discriminatory legislation which impedes the climate for free political activity or which needs to be amended or referred to support and emphasise the process of democratisation.

8a) Implementation of the decisions of CODESA

It was agreed:

8(a) 1. That the Independent Body to regulate Telecommunications Sector shall be established as soon as possible.



8(a) 2. That the WGSC1 and the SABC will meet on 14 May 1992 from 13:30 to 15:30 at the HF Verwoerd Building, Cape Town.

8(a) 3. That in view of particular circumstances of the subject matter WGSC1 will be the mechanism for the drafting of legislation of an Independent Body in co-operation with the SA Government and other administrations.

9. Discussion on Report to CODESA II

It was agreed:

9.1 That any amendments to the Working Group Report by members of the Working Group should reach Mr Bester not later than Tuesday 12 May 1992 at 11 pm. The report will then be finalised by Mr Bester.

10. Presentation to CODESA II

10.1 That Messrs Webb and Samuels and Prof Asmal with the support of the rapporteurs, would handle the presentation of the report representing the WG1, not their political parties. Delegates however have the right to differ from the presentation made.

11. Close

11.1 The chairperson thanked members for the work done. Mr Coetsee was thanked for making the venue available and for the lunch provided.

The meeting adjourned.



WGSC1/MB05/5

WGSC1/MINUTES/8MAY

ADDENDUM A

PRESENT: E Samuels  
K Asmal  
HJ Coetsee  
PG Soal  
DRB Madide  
E Pahad  
MB Webb  
TJ Mohapi  
LV Ntsubane  
  
Mr GB Myburg  
Mr M Shaikh  
Mr H Bester



9

(f) Political neutrality of, and fair access to the State-controlled/statutorily instituted media (particularly the SABC and SATV) including those of the TBVC states

9.1 Independent Body To Regulate Telecommunications Sector:

9.1.1 Establishment

It was agreed that an independent, neutral body be established to regulate the telecommunications sector, such body to be created in terms of an Act of Parliament.

9.1.2 Functions

It was agreed that such an Independent Body would have as its principal functions:

- 9.1.2.1 The regulation of the utilisation of the electromagnetic spectrum, including the allocation of licences and the determination of licence conditions according to an agreed set of standards.
- 9.1.2.2 The appointment of a suitable structure to monitor the proper exercise of licence conditions.

9.1.3 Powers

9.1.3.1 It was agreed that the powers of the Post Master General in relation to telecommunications shall be transferred to the Independent Body.

9.1.3.2 It was further agreed that the Independent Body would have the following powers:

- 9.1.3.2.1 To ensure that a wide range of telecommunication services, including regional and community broadcasting program services, is available throughout South Africa.
- 9.1.3.2.2 To ensure fair and effective competition in the provision of such and related services.
- 9.1.3.2.3 To ensure fair and equitable opportunity to opinion formers to express their views freely.
- 9.1.3.2.4 To ensure optimum affordable research and development with a view to improving the utilisation of the available electromagnetic spectrum and to introduce technologies to improve signal quality.
- 9.1.3.2.5 To ensure impartial control of all broadcasting by laying down norms and standards for more equitable and fair access for all political parties to air time on broadcasting services.
- 9.1.3.2.6 To work out guidelines for the impartiality of news and current affairs programmes on all broadcasting services.
- 9.1.3.2.7 To take punitive measures against broadcasters who violate



provisions of the code of conduct, or to suspend or withdraw licences if licence conditions are not complied with.

9.1.3.2.8 To deal with complaints by the public and political parties.

9.1.3.2.9 Such other powers as may be expedient.

#### 9.1.4 Name of Independent Body

It was agreed that such Independent Body should be called either SAITA (South African Independent Telecommunications Authority) or SAITCOM (South African Independent Telecommunications Commission) but there was no consensus on which of the two names is the most desirable.

#### 9.1.5 Constitution of Independent Body

It was agreed that:

9.1.5.1 Members of the Independent Body shall be South African Citizens of merit who act in the public interest.

9.1.5.2 No board member shall be an office bearer of any political organisation or have a vested interest in the film and broadcasting industries, or any other conflicting interest.

#### 9.1.6 Appointment Procedures

It was agreed that organs of civil society shall be invited, inter alia, by advertisement in the press, to nominate names to either CODESA or the interim structure, whichever is appropriate at the time, bearing in mind the urgency of the matter, for purposes of preparing a short list of names from which the board of the Independent Body can be appointed.

#### 9.1.7 Accountability and Finance

9.1.7.1 It was agreed that the Independent Body shall be accountable to the executive of the interim constitutional authority, provided that once a representative Parliament comes into being such a body shall be accountable to Parliament or one of its standing committees; further provided that the independence of such a body shall not be impinged upon in any way whatsoever.

9.1.7.2 The extent of the Independent Body's accountability shall be dependent upon the method of financing such a body. In this regard various methods are possible and should be considered.

#### 9.1.8 Licensing procedures, conditions and standards

It was agreed that the above matters should devolve upon the Independent Body.

#### 9.1.9 SABC

There was no consensus on a proposal regarding the immediate reconstitution of the Board of the SABC.



It was however agreed that, since WG1 had reached consensus that an Independent Body to regulate the telecommunications sector be created at the earliest opportunity:

9.1.9.1 The Steering Committee of WG1 will initiate discussions with the chairperson of the Board of the SABC, and such representatives as he may determine, on the possible early reconstitution of the Board of the SABC, the appropriate ministry to be included in such discussions;

9.1.9.2 The first such meeting to take place before Codesa II;

9.1.9.3 The mechanism for monitoring the performance of the SABC be considered to at the same discussions.

#### 9.1.10 Complaints/Disputes and Monitoring

It was agreed that the Independent Body shall, with Parliamentary sanction by way of legislation, set up structures as may be necessary, inter-alia for:

9.1.10.1 adjudicating disputes;

9.1.10.2 monitoring the efficiency of the licensee and to ascertain whether licensees comply with their licensee conditions;

9.1.10.3 investigating complaints and for giving effect to remedial actions

#### 9.1.11 Code of Conduct

9.1.11.1 It was agreed that the Independent Body shall lay down the standards to be complied with by licensed broadcasters (such standards could be included in a Code).

9.1.11.2 Individual Broadcasters shall compile a Code of Conduct to which they will have to comply and which could be made a condition of their licenses.

9.1.12 The following issues were raised but discussions have not been completed:

9.1.12.1 affirmative action

9.1.12.2 cross-ownership restrictions

#### 9.2 Printed Media

The SA Government agreed to repeal Section 4 (a) and (b) of the Registration of Newspapers Amendment Act of 1982 which relate to Ministerial powers to cancel the registration of a newspaper. The repeal of these sections will be dealt with in a General Law Amendment Bill.



WG 1 STEERING COMMITTEE 14 MAY 1991

The Steering Committee held a meeting with the Chairman of the SABC Board and his delegation and also the Minister of Home Affairs and his delegation.

Views were expressed by all delegations on the possible early reconstruction of the SABC Board and an understanding of each other's view was reached.

It was agreed that a future meeting should be held as soon as possible between such structural as CODESA 11 might determine and the SABC delegation (through the Minister of Home Affairs), to pursue the matter.



**RESOLUTION ADOPTED BY CODESA 2 PLENARY (16 MAY 1992)  
ON THE WAY FORWARD**

1. The MC is extremely conscious of the fact that the participants in CODESA entered the negotiations process in the belief that it can take our country to a stable order. We have a responsibility to approach our task in such a manner that the confidence of the participants, and our people, in the negotiations process is reinforced.
2. In order to promote better co-ordination and improve efficiency and effectiveness, CODESA 2 mandates the MC as follows:
  - 2.1 The MC shall suspend the work of the Working Groups with the mandate to convene any Working Group if necessary.
  - 2.2 The MC shall be given responsibility for resolving all outstanding matters of Working Groups.
  - 2.3 The MC shall examine all Working Group agreements with a view to establishing what work can be done in order to facilitate their speedy implementation as soon as all agreements have been adopted.
  - 2.4 The MC shall establish such structures (e.g. technical committees, sub-committees, Working Groups) as are necessary to assist the MC in accomplishing the tasks allotted to it.
  - 2.5 The MC shall call a CODESA plenary with suitable representation as a matter of urgency to adopt all agreements and to receive a report on all matters which have been assigned to it by CODESA 2, having regard to the scheduled adjournment of the current session of Parliament.



2.6 The MC be given the authority to constitute a mechanism which will draft all the legislation required as a result of agreements reached at CODESA.

2.7 Subject to 2.5 above, the MC be authorised to exercise such authority, as is necessary, to ensure that the objectives of the Declaration of Intent are attained; including the power to implement any agreement reached by Working Group 1 and also any other agreement falling within its mandate without summoning a plenary session of CODESA and that it also be given the power to increase the representation of individual parties/administrations/organisations represented in the MC.



*Embassy of the United States of America*F A X   T R A N S M I S S I O N

Date: 12 May

From: American Embassy, Cape Town

Office/Name: Ambassador William Lacy Swing

Fax No.: (021) 25-2981

To: CODESA - Management Committee

Attn: Mr. Pravin Gordhan

Fax No.: 011/397-2211

Message/Subject Document and No. of Pages: two



*Ambassador of the United States of America*

Cape Town, May 12, 1992

Mr. Pravin Gordhan  
Chairman, Management Committee  
Convention for a Democratic  
South Africa  
P. O. Box 307  
Isando 1600

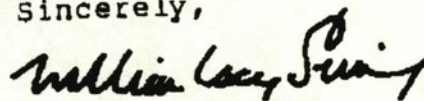
Dear Mr. Gordhan:

As we follow with great interest the proceedings of the Convention for a Democratic South Africa (CODESA), it is clear that one of the overriding considerations is preparations related to a general election. In this connection, I am pleased to inform you that, if the CODESA Management Committee would find it useful, the United States Information Service is prepared to send persons to the United States in July to observe our political process in this presidential election year. We are mindful in this regard of the visit of a CODESA team to the UK in March to observe the British election.

The centerpiece of the proposed visit would be attendance at the Democratic National Convention in New York City, July 15-18. The convention will, inter alia, select the Democratic Party's presidential candidate. Visits to other parts of the country would cover many of the various aspects of elections in the U.S. The planned duration of the program is three weeks. Details of the proposed itinerary will follow. We hope to be able to offer one or more further such observation missions as the U.S. election process heads toward its November denouement.

If you agree that this project is worthwhile, we would envision sending a representative team of 10-12 persons chosen by your committee in consultation with us. As many logistical arrangements are necessary on our part in arranging such a visit, I would appreciate your early reaction to this proposal. I will then have a member of my staff follow up with you or your designee. Kind regards.

Sincerely,



William Lacy Swing

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012 - 285/00 x 2  
Obse



P O BOX 13300  
WITSIESHOEK  
9870

PHONE : 01438 - 30083  
FAX : 01438 - 33776

ATTENTION : MR PREVIN GORDAN

Chairperson  
Management Committee  
CODESA

THE QWAQWA INTERIM JOINT WORKING COMMITTEE.

## GRAVE CONCERN ON T.K. MOPELI & HIS CLIQUE

### PARTICIPATING IN CODESA

JWC structured by the following broadly representative organisations :-

Phuthaditjhaba Civic Association (Qwaqwa); Qwaqwa Allied Taxi Association; NAFU (Qwaqwa); NUWCC (Qwaqwa); M.R.T.A.W.U (Qwaqwa); NAWUSA (Qwaqwa); COSATU (Qwaqwa); SADTU (Qwaqwa); Students Patriotic Front (Qwaqwa); COSAS (Qwaqwa); NAMDA (Qwaqwa); AZAPO (Qwaqwa); ANC (Qwaqwa); ANCWL (Qwaqwa) and ANCYL (Qwaqwa), has been activated with a mandate to look into the Qwaqwa Government constitutional crisis created by the resignations of both the Paramount Chiefs of the proclaimed and government constitutionalised traditional <sup>the</sup> ~~clans~~ <sup>clans</sup>, the Bakwena and Batlokwa tribes, in addition to our opposition to this homeland formation.

These mentioned traditional leaders went further by withdrawing their nominated members of the tribal councils from participating in the Qwaqwa governing body as part of government. Again the Paramount Chiefs re-iterating the decision that their withdrawal from Qwaqwa government means their people will not be represented in that government.

These traditional leaders without doubt represent the majority of our rural people in Qwaqwa and elsewhere in the R.S.A.



For the life-span in government, T.K. Mopeli and his ruling Dikwankwetla party have been kept on to power at the sole expense of the dignity and galvanisation of these traditional leaders of the people as he made them patrons of his party, whilst covertly manoeuvred and limitlessly amended the governing constitution so as to use Chieftainship to prop himself in power and to continue perpetuating Apartheid.

Now that these two pillars of the people have withdrawn from this apartheid structure, T.K. Mopeli's credibility must be scrutinised and questioned for a further reason which follows :

- Politically, during the last elections held in Qwaqwa, in September 1990, those elections were successfully boycotted by the masses. Mopeli's Dikwankwetla Party only counted 500 votes out of manipulated 52,000 registered voters as the rest of the majority numbering in excess of 400,000 refrained in disgust to even register as voters.

- The truth of the matter is evidenced by T.K. Mopeli in person as he conceded when interviewed by Dr. Yvonne Muthlen of the Centre for Social and Development Studies, University of Natal, which interview has been published for public consumption as we refer to INDICATOR S.A. vol.8; Regional Profile No.3, on page 5.1 (see extract as annexed)


Given these undisputable facts there is no doubt that T.K. Mopeli's government is illegitimate, to total non-representative, neither his Dikwankwetla party. Further again, the truth of the matter is that he has nominated employed public servants whom the majority are his closed family (some his incompetent children ) as members of his negotiating team in CODESA, which further proves his nepotic and dictatorial behaviour and norm which we still live with although we abhor.

In this final analysis we wish to know as to who is Mopeli and his team in CODESA actually representing ?


Is he representing his insignificant Dikwankwetla Party or the self-imposed illegitimate Qwaqwa government ?

For Democracy's sake, as CODESA is meant for that we strongly challenge T.K. Mopeli and his team to review their position in their representation in CODESA and humbly request the constitutional management committee in CODESA to see to it that CODESA is clean in its democratic engagement and its formation justified in transforming S.A. for all its people.

SECRETARY

:  L.V. Mthembu

CHAIRPERSON

:  P.S. Pholeka



unitary or federal - the administrative structures of the homelands will have to be scaled down. These posts have been duplicated in the 14 governments created in South Africa. Once we have drawn up an acceptable constitution, a number of homeland departments as presently constituted shall have to go or be scaled down. Many homeland cabinet ministers are going to lose their jobs. It's as simple as all that.

We are already preparing our people. We said to our civil servants, 'You must upgrade your qualifications, there is no guarantee that you are going to be taken into a new South African government'. The point is that appointments might be determined by qualifications, experience and even party affiliation. I have said, 'This was probably our last election in QwaQwa (September 1990); we must start looking for jobs now, we mustn't be caught napping'.

*YM: Does QwaQwa have any formal relations with the other homelands?*

*Mopeli:* We have informal connections with the Inyandza National Movement (KaNgwane). We meet from time to time. Homeland leaders also get together at meetings arranged by the ANC or a meeting arranged by President De Klerk, but not as regularly as we used to. We have informal meetings with Gazankulu and Lebowa, where we discuss matters of common concern and we strategise together, and so on.

*PZ: Have the meetings with homeland leaders arranged by the ANC been fruitful?*

*Mopeli:* Yes, in a sense, but the impression I have formed is that the support of homeland leaders is taken for granted. Our attendance is taken to mean tacit support for the ANC, whereas we are there to exchange views. We want to retain our identity. We have made it very clear to them, and besides, we differ very strongly with the ANC - they are for a unitary form of government, they are not for the retention of regional governments. They would rather develop a local government with wider powers.

The QwaQwa government stands for a non-racial regional government within a greater federal South Africa. They fear that with federal structures there will be some bloc forming; they think that they shall have accommodated divisive forces. These are understandable fears. We already exist as a government, however low in status we may be, and we will still have the South-Sothos to support our regional government. We might pose a threat to the unitary government, because we will agitate for the recognition of certain regional interests and regional aspirations, and so on.

*YM: What is the position of the ANC and PAC in QwaQwa?*

*Mopeli:* There is only one ANC branch and one PAC branch in Phuthaditjhaba. There are another three

political parties that have been operating within the system. The Dikwankwetla Party won all the seats in the legislative assembly in the September elections.

*YM: Is there any contact between your government and the ANC branch here?*

*Mopeli:* Well, we are not opposed to their recruitment of members. We believe in the principle of a multi-party democracy and our people must have a choice. If they want to join the ANC or the PAC, they are free to do so. We believe in the principle of free political activity. They sometimes come and we exchange views on amicable terms, although they feel that we must go and join the ANC. They believe that the QwaQwa government must be done away with and an administrator appointed to run things. Our idea is that we should wait for the negotiation to take place. We say, 'It is the people of South Africa alone who should determine the constitutional future of this country and nobody else'.

*YM: I understand that the ANC formally opposed the September 1990 election in QwaQwa?*

*Mopeli:* That's right, very vigorously.

*YM: Were there any incidents during the election?*

*Mopeli:* Yes, of course. There was a lot of intimidation and many people did not vote, but they did not commit any acts of violence. The people were threatened, *If you vote, you are perpetuating apartheid*. So many people stayed away from the polls. The voting percentage was about two to three per cent. Of the 52 000 people in QwaQwa, about 500 voted.

*YM: There was some reported unrest in this area during 1990. What happened?*

*Mopeli:* It was mainly the civil servants who complained that the principle of salary parity was not being observed. Secondly, they were opposed to seconded white officials, alleging they were being favoured over the blacks. The general assistants in QwaQwa's civil service demanded not less than R600 a month. On the question of parity, we appointed a committee of enquiry. I'm very happy to say that they found our salaries to be basically the same. Where they were saying that white officials had taken their places here, only three posts were identified. We'll keep on reviewing public sector salaries on an ongoing basis, with a view to increasing the minimum wage to R600.

*YM: What will you do in the new South Africa, Dr Mopeli?*

*Mopeli:* I think I'm old enough now. I won't look for a job. I'm alright now. I must leave politics now to the younger generation of leaders. At the age of 60, I feel very strongly that I don't wish to play a part in the new South Africa. **MDA**



unitary or federal - the administrative structures of the homelands will have to be scaled down. These posts have been duplicated in the 14 governments created in South Africa. Once we have drawn up an acceptable constitution, a number of homeland departments as presently constituted shall have to go or be scaled down. Many homeland cabinet ministers are going to lose their jobs. It's as simple as all that.

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*Mopeli:* Yes, of course. There was a lot of intimidation and many people did not vote, but they did not commit any acts of violence. The people were threatened, 'If you vote, you are perpetuating apartheid'. So many people stayed away from the polls. The voting percentage was about two to three per cent. Of the 52 000 people in QwaQwa, about 500 voted.

*YM: There was some reported unrest in this area during 1990. What happened?*

*Mopeli:* It was mainly the civil servants who complained that the principle of salary parity was not being observed. Secondly, they were opposed to seconded white officials, alleging they were being favoured over the blacks. The general assistants in QwaQwa's civil service demanded not less than R600 a month. On the question of parity, we appointed a committee of enquiry. I'm very happy to say that they found our salaries to be basically the same. Where they were saying that white officials had taken their places here, only three posts were identified. We'll keep on reviewing public sector salaries on an ongoing basis, with a view to increasing the minimum wage to R600.

*YM: What will you do in the new South Africa, Dr Mopeli?*

*Mopeli:* I think I'm old enough now. I won't look for a job. I'm alright now. I must leave politics now to the younger generation of leaders. At the age of 60, I feel very strongly that I don't wish to play a part in the new South Africa. **UPA**



## FAX TRANSMISSION SHEET

TO... CHIEF MINISTER J. MAHLANGU

FROM... SOMBALANE ABRAHAM KEKANA

DATE... 14 MAY 1992

NO. OF PAGES INCL. THIS ONE... 3

MESSAGE... FIND DOCUMENTS ON  
MARDOLONG CONSTITUENCY

AS REQUESTED

If you have any queries please do not hesitate to contact us  
at the above telephone number.



KEKANA ROYAL EXECUTIVE COUNCIL

12/05/1992

THE PARAMOUNT CHIEF ABRAHAM SOMBALANE KEKANA TOGETHER WITH THE ROYAL COUNCIL ARE AGAINST THE BOPHUTHATSWANA GOVERNMENT TO GOVERN OUR LAND FROM 1976 UNTIL NOW. THIS IS OUR DEMOCRATICAL RIGHT FOR CHIEF AND THE ROYAL COUNCIL TO DECIDE FOR OUR LAND, BECAUSE LEEUKRAAL NUMBER 396,273 DEED OF TRANSFER NO. 777/16 IN THE NAME OF JOHANNES MOKONYAMA KEKANA. BUT THE BOP. GOVERNMENT AND THE SOUTH AFRICAN GOVERNMENT SIGNED THIS LAND TO BOPHUTHATSWANA WITHOUT THE ROYAL COUNCIL CONSULTATION.

WE ARE AGAINST THE BOP. GOVERNMENT'S DECISION IN CODESA OF REFUSING TO BE PART OF A NEW SOUTH AFRICA HENCE THE LAND IS OURS. THE KEKANA ROYAL EXECUTIVE COUNCIL MAKE AN APPEAL TO CODESA THAT PRESIDENT LUKAS MANGOPE HAVE NO RIGHT TO TAKE DECISION CONCERNING THE PURCHASE TRIBAL LAND BASED ON THE DEED IN THE NAME OF OUR CHIEF AND TRANSFORM IT INTO POLITICAL AGENDA IN ORDER TO SERVE HIS OWN INTEREST.

WE APPEAL TO CODESA THAT WE THE KEKANA OF LEEUKRAAL AND MORETELE WANT TO BE PART AND PARCEL OF A UNITED NON RACIAL DEMOCRATIC SOVEREIGN STATE WITH OUR LAND.

SIGNED:

1. DIRECTOR

2. CHAIRMAN

3. SECRETARY

PARAMOUNT CHIEF  
SOMBALANE ABRAHAM KEKANA  
AMANDEBELE-A-MOLETLANE  
TRIBAL AUTHORITY  
P.O. BOX 38, MAROKO LONG  
HAMMANSKRAAL



12/05/1992

46

RESOLUTION

WE THE LEEUKRAAL CIVIC ASSOCIATION TOGETHER WITH THE NEIGHBOURING REGIONS OF MORETELE CIVICS ASSOCIATION IN THE GENERAL MEETING HELD ON THE 5th APRIL '92 ENDORSED A RESOLUTION FOR OUR PARAMOUNT CHIEF TO GO FORWARD TO A UNITED NON RACIAL DEMOCRATIC SOVEREIGN STATE FUTURE SOUTH AFRICA ALONG THE LINE WITH THE PURCHASE TRIBAL LAND.

WE THE TRIBE OF LEEUKRAAL AND MORETELE REGIONS REJECT THE REMARKS MADE BY MR. LUKAS MANGOPE IN CODESA. WE MAKE AN APPEAL TO CODESA THAT OUR POSITION IS IN THE HANDS OF LAND OWNERS. WE DO NOT AGREE THAT OUR PRIVATE LAND BE LEFT OUT IN THE BOPHUTHATSWANA GOVERNMENT REINS. AS A TRIBE WE WILL NOT ALLOW MR. MANGOPE TO TAKE A DECISION CONCERNING OUR LAND.

WE FULLY SUPPORT OUR PARAMOUNT CHIEF TOWARDS TAKING THE PEOPLE OF LEEUKRAAL AND MORETELE AS A WHOLE TO A UNITED NON RACIAL DEMOCRATIC SOVEREIGN STATE FUTURE SOUTH AFRICA.

SIGNED:

LEEUKRAAL CIVIC ASSOCIATION

1. D. Makhubedu
2. J. MONGOATE
3. A. PHANIPANE

SIGNED: Morete Regions

1. P. Mmutle.
2. S. Nyemba.
3. G. Madi



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21 hours, 1992 May 14.

The Chairperson  
Management Committee  
CODESA  
Kempton Park

Dear Chairperson.

## CONDUCT OF PUBLIC OFFICIAL: FOREIGN MINISTER R.F. BOTHA.

I write to draw your urgent attention to what I consider to be improper use of a state office and occasion for party political interests. I refer to Foreign Minister Pik Botha's briefing featured in tonight's eight o'clock T.V. news, of foreign representatives.

I write in two capacities:

- \* As director of a pastoral institute which is concerned with the pastoral implications of social developments.
  - \* As a responsible citizen of this country.
- I consider the last-mentioned capacity as the fundamental and most important one.

A briefing of foreign representatives by a Minister of State for Foreign Affairs is a solemn event which should represent South Africa, not a party position. In his briefing Mr Botha presented the National Party proposals presented to Working Group Two of CODESA. He went on to motivate them, and used the opportunity to interpret the ANC's proposals of decision making by the standard two-thirds majority as characteristic of their commitment to central power because of their marxist inclinations.

I consider it objectionable and irresponsible of such a senior member of the government to do this at the very moment and time when the Working Group is locked in discussions over the very issues. It is reprehensible that he should do this on the particular evening when all South Africans who are committed to the success of negotiations for justice and peace, are earnestly praying for a just resolution of the deadlock.

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