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TO MEMBERS OF WORKING GROUP 2,
COORDINATORS OF WORKING GROUP 2

FROM CODESA ADMINISTRATION
QUERIES LOVEDALIA / LORAINÉ

RE DRAFT AGENDA - 28 APRIL 1992
DRAFT MINUTES - 21 APRIL 1992
ADOPTED MINUTES - 7 APRIL 1992

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OF THESE CHANGES.

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S OM Moji (01438) 31218
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Mahlangu c/o

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P M H Maduna (013140) 606

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B E Mabuza (01314) 72184

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I M Richards (021) 45-1953

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Prof Devenish

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P Gordhan (031) 309-2278

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F J van Heerden (021) 461-5329

J A Rabie (021) 45-3706

S Camerer (021) 461-5329 or (011) 838-6262

I M Rautenbach (011) 489-2049

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M M Mohanlall (021) 403-2971 (M)

S Ismail (011) 331-2970

B Singh (0331) 81-2015

H M Meerahoo (0331) 91-2015

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I Omar (0331) 42-7368 or 92-2171

D S Rajah (0331) 42-7368

K Reddy (011) 333-0981

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SA COMMUNIST PARTY
G Fraser-Moleketi
B Nzimande

J Slovo

N Hoosain

E Daniels

TRANSKEI GOVERNMENT
Z Titus

S P Holomisa

D S Koyana

P Z Ndamase

R Nogumla

UNITED PEOPLE'S FRONT
c/o Chief PR Min

M J Mahlangu

M C Ramusi

J S Maake

R J Dombo

VENDA GOVERNMENT
C Neluvhalani :
Chief Gov Liaison
Officer

M P Nthabalala

N A Budeli

M J Mushasha

XIMOKO PROGRESSIVE PARTY
J C Ackron

E E Ngobeni

K R Myakayaka

F Cloete

OTHER PARTIES TO RECEIVE

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DOCUMENTATION ;

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FAX MESSAGE

MEMBERS OF WORKING GROUP 2

CODESA ADMIN

22 APRIL 1992

DRAFT MINUTES - 21 APRIL 1992

DRAFT AGENDA - 28 APRIL 1992

ADOPTED MINUTES - 7 APRIL 1992

Attached please find the following :

â\200\230. Draft agenda for meeting on 28 April 1992.

Zi Draft minutes for meeting on 21 April 1992.

Di Adopted minutes for meeting on 7 April 1992.

Should you have any queries, please do not hesitate to contact us.

Regards.

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WORKING GROUP 2\AGENDA\28 APRIL

DRAFT AGENDA FOR THE TWELFTH MEETING OF
WORKING GROUP 2 (CONSTITUTIONAL PRINCIPLES) ON
28 APRIL 1992 AT THE WORLD TRADE CENTRE

Apologies
Ratification of Agenda
Ratification of Minutes

Discussion on Assignment 2
4.1 Presentation of Steering Committee Proposal on Constitution Making Body
4.2 Discussion of Steering Committee Proposal on Constitution Making Body

Key Issues to be Addressed:

5.1 Economic freedom, governmental intervention and economic systems
5.2 Accommodation of the diversity of languages, cultures and religions
5.3 Role of Traditional Leaders
5.4 The Bill/Charter of Fundamental Rights including:
5.4.1 Its nature and scope
5.4.2 Affirmative action
5.4.3 Second generation rights
Self-determination
Inclusion of new items, namely :
5.6.1 The role of standing committees in the formulation of legislation
5.6.2 Government will be open, accessible and accountable
5.6.3 Power Sharing

Codesa 2: Expectations and Progress Report

Progress with Public Submissions and Oral Evidence

Item 4.4 of the Minutes of the Meeting of 2 March 1992:

Further discussion of the common principle regarding the balance between central, regional and local government

Next Meeting

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

MINUTES OF THE ELEVENTH MEETING OF WORKING GROUP 2 (CONSTITUTIONAL
PRINCIPLES) HELD AT THE WORLD TRADE CENTRE ON TUESDAY 21 APRIL 1992

PRESENT:

Delegates and advisors (See Addendum A)
M Richards (Chair)

M Phillips (Secretary)

R Hartley (Minutes)

DOCUMENTS DISTRIBUTED:

1. Draft agenda
 2. Ratified minutes of the ninth meeting of Working Group 2 held on 30.3.92 and 31.3.92
 3. Draft minutes of the tenth meeting of Working Group 2 held on 7.4.92
 4. 21.4.92 Working Group 2: Suggested discussion on constitution making body prepared by Working Group 2 Steering Committee
 5. 8.4.92 Memorandum from the Daily Management Committee: Decision on the Media Sub-Committee
 6. 8.4.92 Memorandum from the Daily Management Committee: Reportback to Codesa 2
- Te Inkatha Freedom Party Submission (Woodrow Wilson quote)
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Apologies 30.3.92
C Ramaphosa

Adv Holomisa
Prof Koyana
M Richards

R Cronje

SG Mothibe
I Findlay
VR Zietsman
B Singh

H Neerahoo
I Lephoko

N Haysom
Dr Venter

MIN2104.WP (7)

WORKING GROUP 2\MINUTES\21 APRIL

African National Congress

(Alternate: A Sachs)

Transkei Government

(Alternate: M Nonkonyana, X Mayisela)
Labour Party (in the chair)

(Prof Devenish, LT Landers)
Bophuthatswana Government

Ciskei Government

National People's Party

(Alternate: A Rajbansi)

Inyandza National Movement

Natal and Transvaal Indian Congress
South African Government

Ratification of Agenda

2.1 The agenda was ratified with the following changes:

2.1.1 Item 3B "Codesa 2: Expectations and Progress Report" was added.

2.1.2 Item 4.1 was amended to read "Further Questions to the IFP and Further Submissions".

2.1.3. Item 6.1 was amended to read "Progress with Public Submissions and Oral Evidence".

2.1.4 Item 5.6.3 "Power Sharing" was added.

Ratification of Minutes

3x1 The minutes of the meeting of 7.4.92 were ratified with the following changes:

3.1.1 R Nogumla was removed from the list of apologies.

Discussion on Assignment 2: Constitution Making Body and Process

4.1 Delegates completed questioning the IFP on their submission of 7.4.92.

4.2 General Discussion of Key Issues with Reference to the Constitution Making Body

4.2.1 It was agreed that the Steering Committee will meet on Monday 27 April to draw up a proposal for discussion to be presented at the next meeting.

WORKING GROUP 2\MINUTES\21 APRIL

Any Other Business

5.1 It was agreed that the secretariat would prepare a list for the Steering Committee of the common principles already agreed to and those yet to be discussed to facilitate the Steering Committee's work.

Next Meeting

5.1 The next meeting will take place on 28.4.92 from 10h00 to 16h00 at the World Trade Centre.

ADDENDUM A

The following delegates and advisors signed the Attendance Register of Working Group 2 meeting held

on 21 April 1992:
Organisation

African National Congress

Bophutatswana Government

Ciskei Government

Democratic Party

Dikwankwetla Party

Inkatha Freedom Party

Intando Yesizwe Party

Inyandza National Movement

Labour Party

Natal/Transvaal Indian Congresses

Delegate/Advisor

MV Moosa
F Ginwala
A Sachs

TE Scheepers

MC Kashe
IJ Smuts
J Labuschagne

CW Eglin
D Worrall
A Leon

D Welsh

SOM Moji

S Mopeli

M Mopeli
Prof Wessels

N Brits

SH Gumede
M Alachouzos
BS Ngubane

AP Laka

SJ Mgidi

MP Mahlangu

IT Mahlangu

EN Ginindza

BE Mabuza

C Albertyn

D Lockey

G Devenish

C Nasson

IM Richards

LT Landers

IC Meer

Y Mohomed

MIN2104.WP (7)

WORKING GROUP 2\MINUTES\21 APRIL

F Cachalia

National Party F van Heerden

J Rabie

S Camerer

I Rautenbach

National People's Party M Mohanlal

S Ismail

A Rajbansi

H Neerahoo

Solidarity Party K Moodley

I Omar

DS Rajah

R Arenstein

SA Communist Party J Slovo

B Nzimande

N Hoosain

E Daniels

SA Government G Viljoen

JT Delport

JHE Basson

Transkei Government R Nogumla

XN Mayisela

M Nonkonyana

United People's Front MC Ramusi

RJ Dombo

MJ Mahlangu

Adv Malatji

Venda Government GM Ligege

MP Nthabalala

A Budeli

Adv Mushasha

Ximoko Progressive Party EE Ngobeni

KR Myakayaka

EPP Mhinga

J Ackron

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MINUTES OF THE TENTH MEETING OF WORKING GROUP 2 (CONSTITUTIONAL PRINCIPLES) HELD AT THE WORLD TRADE CENTRE ON TUESDAY 7 APRIL 1992

(Adopted at the Working Group 2 Meeting Held on 21 April 1992)

PRESENT:

Delegates and advisors (See Addendum A)

CW Eglin (Chair)

M Phillips (Secretary)

R Hartley (Minutes)

DOCUMENTS DISTRIBUTED:

1. Draft agenda

2. Ratified minutes of the eighth meeting of Working Group 2 held on 23.3.92 and 24.3.92

Draft minutes of the ninth meeting of Working Group 2 held on 30.3.92 and 31.3.92

7.4.92 Working Group 2: Suggested discussion on constitution making body prepared by Working Group 2 Steering Committee

Labour Party of SA: The constitution making body

6.4.92 Codesa Working Group 3: SA Government: Submission on transitional arrangements

Working Group 3: ANC proposals for the first stage of interim government

Inkatha Freedom Party: Working Group 2: Proposals of the Inkatha Freedom Party on the body and procedures for drafting a new constitution

Inkatha Freedom Party: Why the Inkatha Freedom Party objects to the idea of the new constitution being written by a popularly elected assembly

Codesa Working Group 2: Government of the Republic of Bophuthatswana: Constitution making and the constitution making process

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Apologies 30.3.92

C Ramaphosa African National Congress
(Alternate: A Sachs)

J Rabie National Party
(Alternate: S Camerer)

Z Yacoob NIC/TIC
(Alternate: T Pillay)

PZ Ndamase Transkei Government

(Alternate: M Nonkonyana, Prof Koyana)

B Ndzimande SA Communist Party
(Alternate: E Daniels)

DS Rajah Solidarity Party

I Omar (Alternate: N Singh, K Moodley, R Arenstein)

M Richards Labour Party
(Prof Devenish)

A Leon Democratic Party

D Worrall (Alternate: D Welsh)

CW Eglin (in the chair)

R Cronje Bophuthatswana Government

SG Mothibe

I Findlay

VR Zietsman Ciskei Government

Adv Malatji United People's Front

BS Ngubane Inkatha Freedom Party

B Singh National People's Party
(Alternate: J Bachu)

MM Makhalemele Dikwankwetla Party
(Alternate: Prof Wessels)

S Cloete Ximoko Progressive Party
(Alternate: EPP Mhinga)

SG Mgidi Intando Yesizwe Party

Ratification of Agenda

2.1 The agenda was ratified with the following changes:

2.1.1 Item 5.6 which reads as follows was added: "The role of standing committees in the formulation of legislation."

2.1.2 Item 6.2 was amended to read: "Item 4.4 of the Minutes of the Meeting of 2 March 1992: Further discussion of the common principle regarding the balance between

central, regional and local government".

Ratification of Minutes

3.1 The minutes of the meeting of 9.3.92 were ratified with the following changes:

3.1.1 D Worrall was added to the list of apologies for 31.3.92 and A Leon was listed as his alternate.

WORKING GROUP 2\MINUTES\07 APRIL

3.1.2 Item 3.1.3 was amended to read: "Mr Mabuza pointed out that he and Mr Lephoko had attended the meeting of 23.3.92."

Discussion on Assignment 2: Constitution Making Body and Process

4.1 Delegates continued questioning the ANC on their submission of 31.3.92.

4.2 The following parties made submissions on the issue:

4.2.1 Bophuthatswana Government

4.2.2 Inkatha Freedom Party

4.2.3. The meeting ended before questions to the Inkatha Freedom Party could be completed. It was agreed that questions would be continued at the next meeting.

The chair posed the following questions as a useful means to take the discussion forward:

4.3.1 Based on the following assumptions regarding a Constitution Making Body:

4.3.1.1 It is not a "sovereign" body, but a body established through legislation by the South African parliament;

4.3.1.2 It is bound by the parameters of principles agreed to in Codesa including inter alia regionalism entrenched in the constitution and a Bill of Rights;

4.3.1.3 It is bound to take decisions in terms of procedures agreed to in Codesa;

4.3.1.4 Its decisions are subject to scrutiny by a panel of judges or neutral, independent persons to determine that these have been in accordance with the above;

4.3.1.5 It would not necessarily be involved in legislative functions or procedures;

4.3.1.6 The constitution it drafted would be subject to endorsement by popular referendum.

In these circumstances, in order to raise the level of legitimacy of a Constitution Making Body, would it be appropriate for the electoral principle to be applied in practice on the basis of regions? In view of the fact that regionality is a constitutional principle already agreed on, could a case be made for this regionality to be reflected in the composition of the constitution making body?"

Next Meeting

5.1 The next meeting will take place on 21.4.92 from 10h00 to 16h00 at the World Trade Centre.

3.2 It was agreed that Working Group 2 would also meet on 27.4.92 from 10h00 to 16h00 and on 28.4.92 from 9h00 to 15h00.

MINO704.WP (7)

WORKING GROUP 2\MINUTES\07 APRIL

ADDENDUM A

The following delegates and advisors signed the Attendance Register of Working Group 2 meeting held

on 7 April 1992:

Organisation

African National Congress

Bophutatswana Government

Ciskei Government

Democratic Party

Dikwankwetla Party

Inkatha Freedom Party

' Intando Yesizwe Party

Inyandza National Movement

Natal/Transvaal Indian Congresses

National Party

Delegate/Advisor

MV Moosa

F Ginwala

A Sachs

TE Scheepers

MC Kashe

J Smuts

J Laubuschagne

CW Eglin

D Welsh

SOM Moji

S Mopeli

M Mopeli

Prof Wessels

N Brits

SH Gumede

M Alachouzos

AP Laka

MP Mahlangu

IT Mahlangu

EN Ginindza

I Lephoko

BE Mabuza

C Albertyn

D Lockey
G Devenish
C Nason

T Pillay
IC Meer
F Haysom
F Cachalia

F van Heerden
S Camerer
I Rautenbach

MINO704.WP (7)

WORKING GROUP 2\MINUTES\07 APRIL

National People's Party M Mohanlal
S Ismail
J Bachu
H Neerahoo

Solidarity Party K Moodley
N Singh
R Arenstein

SA Communist Party J Slovo
N Hoosain
E Daniels

SA Government G Viljoen
JT Delport
F Venter
JHE Basson

Transkei Government SP Holomisa
R Nogumla
DS Koyana
M Nonkonyana

United People's Front MC Ramusi
RJ Dombo

Venda Government GM Ligege
MP Nthabalala
A Budeli
Adv Mushasha

Ximoko Progressive Party EE Ngobeni
KR Myakayaka
EPP Mhinga
J Ackron