

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

MINUTES OF THE WGSC1 MEETING (No 7) HELD AT THE WORLD TRADE CENTRE ON MONDAY 30 MARCH AT 16H00.

PRESENT: (see ADDENDUM A)

APOLOGIES: Rev Mohapi

CHAIR: Mr Webb

Secretary: A Feinstein

Minutes: K Morgan

1. Chairperson's Opening

Mr Webb welcomed Mr Dalling's replacement for the meeting, Mr Peter Soal and the two rapporteurs, Mr Myburgh and Mr Shaik.

2. Approval of Agenda

It was agreed:

- 2.1 That the Chairpersonship of SubGroup 3 be re-examined
- 2.2 That the issue of funding of political Parties be placed on the agenda
- 2.3 That the matter of access of Parties to their membership be discussed

It was noted that Dr Madide requested that the issue of the Zulu King be placed on the agenda of the next SG2 meeting.

3. Ratification of Minutes

It was agreed:

- 3.1 That the point 5 : Critical evaluation of the WGSC1: It was recorded: should be amended to read : It was observed:

4. Matters arising from Minutes

- 4.1 Dr Madide notified members that he had conveyed his apologies, via one of his delegates, to the previous WGSC1 meeting. This apology had not been relayed to the meeting and was thus not recorded in the minutes.

5. Chairpersonship of WSG3

It was noted:

- 5.1.1 That due to his illness and his involvement in a number of other structures, the Working Group has lost the benefit of Rev Mohapi's chairpersonship.

5.2 It was resolved:

- 5.2.1 That Mr Samuels, Mr Ntsubane and Dr Madide should approach Rev Mohapi with the purpose of ascertaining whether he will be able to continue to fulfil his duties as Chairperson of SG3
- 5.2.2 That Mr Webb continue Chairing SG3 meetings until the issue is resolved

6. Briefing of Rapporteurs

The rapporteurs were requested to note:

- 6.1 That they were required to attend all WGSC1 meetings
- 6.2 That they shall have access to all WG1SG meetings
- 6.3 That they should begin to operate as a reporting committee to facilitate the co-ordination of reports
- 6.4 That they should present a draft preliminary progress report of the SubGroups at the next sitting of the WGSC1
- 6.5 That they may only participate in discussions of a SubGroup if they are delegates to that SubGroup
- 6.6 That they are accountable to the WGSC1
- 6.7 That the WGSC1 will present the report, emanating from the rapporteurs, to WG1
- 6.8 That a flexible approach should be adopted on the question of reports being disseminated and considered by SubGroups

7. Report on meeting with Management Committee

Mr Samuels and Mr Samuels reported:

- 7.1 That they had represented the WGSC1 at a meeting with the Management Committee
- 7.2 That they were requested to identify the goals and objectives of WG1 and the time it would take for WG1 to make a meaningful input to CODESA II
- 7.3 That the MC felt that a lack of progress in WG1 was contributing to the lack of progress in other Working Groups since Wg1 was charged with the responsibility of providing the first phase for the Interim Arrangements
- 7.4 That the DMC recommends:
 - 7.4.1 That co-ordination between the different Working Groups be established as soon as possible

- 7.4.2 That there should be periodic meetings between the Working Groups
- 7.4.3 That a plenary should be held with the DMC
- 7.4.4 That there should be periodic meetings between the Chairperson of the Working Groups and the DMC
- 7.4.5 That each Working Group should have its own information bulletin to be circulated to all delegates
- 7.4.6 That the DMC should be able to attend all Working Group and Steering Committee meetings
- 7.4.7 That WG5 delegates be integrated into other Working Groups as observers to facilitate the work of WG5

It should be noted that Minister Coetsee requested that his objections raised at SG3's meeting on the Management Committee's conclusions, be recorded in the minutes of the WGSC1 minutes (see ADDENDUM B)

8. Role of WGSC1 - Areas of emphasis in SubGroups

8.1.1 SubGroup 1: Mr Samuels

- 8.1.2 Mr Samuels requested that the WGSC1 restate the Terms of Reference of Subgroup 1 to assist him in facilitating SubGroup 1 meetings
- 8.1.3 The Terms of Reference of SubGroup 1 were reiterated
- 8.2.1 **The WGSC1 recommended :**
- 8.2.2 That Mr Samuels, as Chair of SG1, should allow discussion on the Bilateral talks, regarding the release of political prisoners, if the SubGroup so desired
- 8.2.3 That an attempt be made to reach finality on the issue of Emergency Legislation at the next SubGroup meeting

8.3 SubGroup 2: Mr Ntsubane

- 8.3.1 Mr Ntsubane reported :
- 8.3.2 That an oral submission had been made by the National Peace Secretariat
- 8.3.3 That SG2 had identified weaknesses within the National Peace Accord
- 8.3.4 That it was agreed that SG2 reserved the right to make recommendations on addressing the weaknesses within the Accord
- 8.3.4 That the SG2 meeting on 31 March will determine what assistance he will need from the WGSC1

8.4.1 The WGSC1 made the following recommendations:

- 8.4.2 That SG2 consider merging Items e and i of its Terms of Reference to facilitate discussion

- 8.4.3 That depending on the outcome of the discussion on these Items it might be possible to avoid duplicating discussion on these Items in other SubGroups
- 8.4.4 That the report of the International Commission of Jurists be made available to SG2 to assist them in their deliberations
- 8.4.5 That Mr Coetsee make this report available to SG2

8.5.1 SubGroup 3: Mr Webb

- 8.5.2 Mr Webb reported that SG3 saw as its immediate priority, the need to resolve the issue of the neutrality of telecommunications and the electronic media
- 8.5.3 Mr Coetsee reported that the submission made by the ANC on the educative process (Item o) had some merit and that it could be used as a basis to reach consensus on this Item

8.6.1 The WGSC1 made the following recommendations:

- 8.6.2 That SG3 should see as its short term priority, the reaching of consensus on the neutrality of telecommunications and the electronic media
- 8.6.3 That Item o be discussed for an hour at the next SG3 meeting with the intention of reaching finality on this issue
- 8.6.4 That Item o be removed from the Terms of Reference of SG2

9. The Gender Advisory Committee

It was agreed that WG1 will wait for a directive from the Management Committee on the issue of gender discrimination with specific regard to Item c of its Terms of Reference

10. Consideration of requests for Oral submissions

Resolved:

- 10.1 That a flexible approach on the matter be adopted by the WGSC1
- 10.2 That due to time constraints it would be impossible to hear all requests for oral submissions
- 10.3 That WGSG's should proceed with their work and then review what areas of their work requires further information to reach finality, and on this basis consider the applications made for oral submissions
- 10.5 That oral submissions should not impede the progress of Working Group 1
- 10.6 That a letter of acknowledgement be written to all applicants requesting to submit oral evidence, informing them that their request will be considered in the event of Working Group 1 requiring further information to facilitate its work.

11. **Assignment 2: The role of the international community**

Resolved:

- 11.1 That the WGSC1 consider establishing a fourth Subgroup to deal with Assignment 2
- 11.2 That Prof Asmal's submission on the role of the International community (see ADDENDUM C) be studied by the WGSC1 to assist them in deciding on the procedure to be adopted in the establishment of a structure to deal with this item
- 11.3 That the WGSC1 at its next meeting will deliberate on how to proceed with the Terms of Reference of Assignment 2.

12. **Review of meeting's schedule**

12.1 **It was reported:**

- 12.1.2 That the Management Committee has recommended that there be no Working Group meetings from 13 to 21 March and that the World Trade Centre be closed during this period
- 12.2 Mr Pahad lodged strong objections to this recommendation and requested that his objection be recorded
- 12.3 Since no consensus could be reached by the WGSC1 on compromise dates, it was agreed that Mr Webb together with the administrators attempt to draft a schedule suitable to all members of the WGSC1

ADDENDUM A

Present:

K Asmal	ANC
MB Webb	Ciskei Government
E Samuels	Labour Party
E Pahad	SACP
LV Ntsubane	Transkei Government
HJ Coetsee	SA Government
P Soal	Democratic Party
Dr Madide	Inkatha Freedom Party
Mr Shaik	Rapporteur
Mr Myburgh	Rapporteur

ADDENDUM B**9 Summary of Discussion.**

- 9.1 The South African government said they were disappointed at the conclusion that WG1 was not making much progress on levelling the political playing field and on free political participation. The govt further asked who was to assess or judge whether the WG was not making progress.
- 9.2 On the electronic media, the SA Govt said consensus had been reached on an independent commission or authority. This is clear in the paper tabled by the govt on what this should be like.
- 9.3 There are presently three rapporteurs in WG1, and it can only be after they have tabled their reports that a proper assessment of progress can be made.

Draft Terms of Reference of the Working Group on the Role of the International Community

1. The Context: International

Both the Harare and the United Nations Declarations on South Africa anticipate a continuing role for the international community in the transition process towards a non-racial and democratic society in South Africa. The UN Declaration, adopted on 14 December 1989, requests the parties concerned in negotiations to conclude an "agreement on the role to be played by the international community in ensuring a successful transition to a democratic order".

2. The Context: National

The validity and acceptability of the process of transition and its recognition nationally and internationally will depend on the extent to which it is open and fair and provides for the full and effective participation of all sections of our society.

The Working Group will therefore need to analyse the extent to which it is possible to create the conditions for confidence building and consensus by relying solely on structures established by the parties in the All Party Congress.

In particular, the Working Party will need to refer to the process by which decision-making on a whole range of issues will take place, how deadlock will be broken and the extent to which it is possible to identify "watch dogs", relying solely on South Africa resources, who will ensure the compliance by the parties with agreements reached.

As far as mediation is concerned, the Working Party will need to discuss the extent to which there are parties inside our country which have the moral authority and the political power to act as an effective mediator and to ensure that binding decisions are arrived at and to enforce these decisions.

Finally, the Working Group will have to determine the extent to which effective supervision, monitoring or control can be exercised over the sensitive issues of security and law enforcement, the conduct of the whole electoral process, access to the publicly-owned media and decisions taken in relation to controversial matters.

3. Participation by the International Community

The Working Group must identify the most appropriate body or body of persons or organ of an international organisation which is best qualified or most appropriate to assist in the period of transition. The Working Group should recognise that different ad hoc arrangements could be made for different purposes, depending on the specific objective or task to be dealt with.

The Working Group should therefore investigate the possibility of the involvement of the United Nations, the Organisation of African Unity, the Commonwealth and the Non-Aligned Movement and the extent to which any distinction ought to be made in the role of the international community in the period before elections for the constituent assembly and during the election period itself.

4. Modes of Participation by the International Community

The Working Group shall therefore investigate the extent to which the international community can assist in the transition period. The options available are not exclusively limited to the following:

- (i) An investigation of the possibility of an international guarantee concerning the process of transition and, in particular, a guarantee of recognition of a definitive election for the transfer of authority, providing that it is certified as fair and free;
- (ii) The necessity or otherwise of a peace-keeping force in order to provide security, to ensure the maintenance of order and compliance with agreements reached by the parties;
- (iii) The necessity or otherwise of the appointment of a Special Representative in South Africa by the Secretary General of the United Nations or by any other acceptable body who could participate in the capacity of an observer in the talks and in the negotiations and the extent to which such a Special Representative could convene negotiations and submit mediating proposals to overcome deadlocks;
- (iv) Whether a limited international presence could monitor and verify the compliance by the mandated authorities of the tasks and obligations assigned to them under the agreements and use its good offices in the case of disagreement on the interpretation and application of the agreements;

(x) The usefulness of observers from international and regional bodies to ensure that agreed procedures are followed and who could report back to their own constituencies.

(v) Whether international participation could be used to secure the impartiality of the transitional government either by monitoring the operations of such a government or by being included in the transitional or interim government as a "deadlock breaker";

(vi) If the option of a peace-keeping force is rejected, the extent to which international participation could supervise and secure the impartiality of the transitional security mechanism. In particular, international participation could be utilised to expand national commissions of inquiry or for the deployment of a UN or other international mission of experts for effective investigation and decision-making;

(vii) The extent to which UN or other international participants could, if necessary, supervise and control vital areas of national administration;

(viii) The extent to which the international community could provide machinery for the independent investigation of complaints against the security forces and sensitive areas of administration;

(ix) The extent to which international participation could assist a national electoral body composed of representatives of all political parties - with the implementation of elections. Such a role could involve the monitoring and surveillance of the all aspects of importance for the holding of free and free elections and the securing of a climate free of intimidation and fraud by a limited presence on the ground. Finally, such a body could assist by providing technical assistance and provide a conclusive judgement on the character of the elections.

5. Reporting Back

The Working Group shall report as expeditiously as possible to the plenary. The report shall, if necessary, include majority and minority opinions of the parties.