

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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FIRST PLENARY SESSION

VOLUME II : 21 DECEMBER 1991

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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FIRST PLENARY SESSION

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FIRST PLENARY SESSION

CONVENTION RESUMED:

JUSTICE MAHOMED: Ladies and Gentlemen, when we were debating and signing the Declaration of Intent yesterday, site was made manifest by the organisations which had not signed it yet, that they were not necessarily Alcea Stain teoeetL NO cir enon Melo emt yam craclnyy wanted more time to consider their positions. This was a perfectly legitimate perspective and a perfectly

correct choice of their rights.

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Having had the benefit of maturation and reflection overnight, the Ciskei Government will now give us the benefits of the night of reflection.

Thank you Messrs Chairpersons, Honourable Judges, Co-delegates, members of the international community and distinguished guests. I must express my appreciation for the opportunity given to me yesterday by CODESA to exercise our democratic right inasfar as the signing of the Declaration

was concerned.

As we said, we do respect the contents of the Declaration in full but we had a problem with a little clause in the Declaration which wanted

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Aner Oi eMei bene st @ lem OUamES cledaShecl Clon Â© lem ae en enne)
implications of having signed that without having

looked into the pros and cons.

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It must have been noticed that we simply delayed the signing without giving reasons therefor. We had reasons why we did not want to do that; we did not want to influence other parties who were willing and ready to sign, and we did not want to delay the proceedings unnecessarily. We are now in a position, if you allow us Messrs Chairmen, to give reasons.

Our main reservation in the Declaration of Intent, was the binding effect of the decisions of CODESA. We wanted some clarity on the procedure to be followed in reaching decisions by CODESA. Because we believe Ladies and Gentlemen, that any decision which should be binding on us, should be reflected upon very seriously and the method by which that decision is being reached, is of paramount importance to us. We do not want to land in a situation where we may find ourselves being bulldozed into a situation without proper consideration given to the implications that might harm our

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Team Owe GC Onn cts OMS cya, meee ee OlaHe a Cen) mn WiC mC CulemmteIn cite we have, after most intensive discussions and deliberations and consultations, found some comfort in what we got. We did not want to be bound by

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JUSTICE SCHABORT:

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decisions to which we were not party.

After much deliberation with my delegation and other members of the Steering Committee last night, we are satisfied with the decision-making procedure proposed by the Steering Committee and we feel that Hic ie 16) Qoceocecl ly wales PBlemeiry Session wae morning, as it stands, then we are comfortable

Walia alice, Jb loves) ELLE) Joyexeynl loncoybleinic ice) Olle mrejeleS that all the parties of the Steering Committee are

happy with the decision-making procedure.

In view of the above, we are now in a position to

sign the Declaration of Intent without reservation.

CONSIDERATION OF STANDING RULES:

Dames and Here, dit is vervolgens nodig om oor te gaan tot die oorweging van die voorgestelde OrdereÃ©ls

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In a sense this is really harnessing the cart before the horses; before the whole of yesterday it was already possible to conduct the first session without the Standing Rules being operative.

We have according to the agenda between now, which

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N J MAHLANGU:

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is already about half-an-hour late, and 10h30 when we will have the tea break, for the consideration of the Standing Rules, and also the introduction of the terms of reference and the formation of the working groups. The draft document will be introduced to this gathering, by Mr N J Mahlangu.

There will be a panel to assist with clarification and explanation of aspects of this document.

Would all these persons please come forward.

Mr Chairperson, members of various delegations, it is a pleasure for me to perform this duty entrusted to me by the Secretariat of CODESA,

or by the Steering Committee.

Mr Chairman, I now beg to present the Standing Rules of procedure for Plenary Sessions of this Convention. However Mr Chairman, in limine I would like to state that these Rules are the product of long discussions and debates at Sub-committee, Task Group and Steering Committee levels, at which all participants present here, were represented.

I may say that I have been the Chairman of the Sub-committee for the Standing Rules, which was DboKslene Weysy< Cncronwys), Clisenzeiiew, â\200\234Wore ieee On Glirelere sine; was led by the convenor, Mr Felgate, and at all these levels the Standing Rules were accepted

unanimously.

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This was brought then to the Steering Committee which was headed by Mr Zach de Beer, at which also there was complete consensus regarding the Standing Rules. Now at this point in time, may you give me the opportunity to give a short

purview of the Rules Mr Chairman.

The first part deals with participants. the Dera esinC Heo calS SmecI eno Â© mimtesnc clan uae Kcr mG TaChichn sla cles sOL sy, the South African Government, and administrations present here with an option of admitting additional

participants.

The second part deals with delegates. What is important there, twelve delegates and five advisers are allowed per delegation.

The third part deals with agreements. Agreements are to be reached by consensus, failing which sufficient consensus shall apply. Sufficient consensus is reached when consensus is of such a nature that the work of the Convention can be moved forward effectively.

Then the fourth part which I regarded as important, is the question of quorum. Two-thirds of participants will be able to carry on with a Convention meeting.

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Then five concerns speeches and interventions.
 What is important there as far as I am concerned,
 is that each party will be afforded a reasonable
 opportunity to speak.

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 is appointed by the Management Committee. The

Chairman, of course, controls the meeting.

And the seventh part of it concerns minutes and
 documentation. What is important there is that
 proceedings of the Plenary Session shall be
 recorded and transcribed.

Eight concerns access of media. An important part
 there is that proceedings of Plenary Sessions are
 open to the media.

Nine, Additional Rules of Procedure. Additional
 Rules of Procedure can always be added as time or
 circumstances demand it.
 Then we have amiscellaneous provision. The

Convention may establish working groups, committees,

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JUSTICE SCHABORT:

A RAJBANST:

M J MAHLANGU:

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Mr Chairman, may I now pray to CODESA to approve the comprehensive rules to be made later on. Mr Chairperson, as a jurist I am aware that there are no rules which will be static, which will not be amended at a later stage. So I hope CODESA will take into consideration that one does not need to make all the pros and cons of these rules to come to the imaginable situation, but as time goes on a need will arise and an amendment to these rules will be made.

Thank you, Mr Chairman.

Thank you Mr Mahlangu, for this short and sweet introduction.

Ladies and Gentlemen, I take it that you have all read this document, you have perused it, you are au fait with the contents and that you have made up your minds as to whether it should be approved or not. I am sure that you will be able to make a decision on whether it should be approved or not. I am sure that you will be able to make a decision on whether it should be approved or not. I am sure that you will be able to make a decision on whether it should be approved or not.

Mr Rajbansi?_

Mr Chairman, I propose that the Standing Rules of Procedure be adopted.

Mr Chairman, I wish to second Mr Rajbansi.

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JUSTICE SCHABORT:

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JUSTICE SCHABORT:

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Mr Chairman, before the adoption of the Rules of Procedure, I have a proposal to make on the Standing Rules of Procedure for Plenary Sessions, to add a

new clause.

"Clause 6: That only motions which are seconded will be considered by the Convention."

That every motion should be seconded before it is considered by the Convention. That is our additional amendment to the Rules of Procedure. Thank you.

To Ul eaten temo TUN Ge MNS IUTEIN Let fo)y yam Tome Zod cle Paragraph 6.3.

That is correct, Mr Chairman.

Do we perhaps have this proposal in writing? It is a POEM: REC aalsmtcrqmca SHC OUNCE INeaa, mmeiicic motions were to be seconded before they would be adopted by the Plenary Session as a whole. Is that the effect?

I have a proposal to make Mr Chairman. I would like to draw your attention to the provisions of Clause 9 of the Standing Rules which reads as

follows:

"9, The Convention shall adopt whatever additional Rules of Procedure or make such arrangements as are in the CGecis aiayaaeiene

H J S KAYSER:

JUSTICE SCHABORT:

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necessary for the better performance of its

business or the conduct of its meetings."

It envisages a situation where we might have to have additional rules, and also covers the situation where we might have to amend the existing rules

or the rules that are in front of us today.

My proposal is that whatever proposals are made and whatever suggestions are made, should be submitted to the Steering Committee, or the Management Committee, which will then consider the proposals and then make further suggestions and recommendations to CODESA itself. Thank you, Mr Chairman.

Mr Chairman, when this was discussed at a Task Group and at the Steering Committee, it was the consensus of opinion that nothing should be put in the way to make it possible for delegations

to be heard, to propose anything or table anything. It would restrict that sort of freedom, the consensus of opinion was that we were against that. I just want to remind the meeting of this. Thank you.

I trust that the delegates have heard the speaker.

It was not possible to hear him from where I stand.

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JUSTICE SCHABORT:

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observation that you have made?

Yes, we agree with the Transkei delegation that

this can be re-discussed, but we are against

the amendment.

I see. The last-mentioned one?

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Gentlemen, are there any other suggestions, proposals,
proposed amendments? Apparently not. Then as far as
the first one is concerned, let us first deal

with the first-mentioned motion, the precise wording
of which I do have available in writing, but the
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that there would be a Paragraph 6.3 added to the
draft which would then be to the effect that all
motions ought to be seconded before they are

approved of by the Plenary Session as a whole?

Any objection to this? Could this then be unanimously

recorded as being accepted? Thank you.

As regards the second proposed amendment, namely
that all suggestions for the addition or excision,
or whatever, of rules, should first be submitted

to the Steering Committee, there we have apparently
conflicting views between the Transkei and the
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Sorry Mr Chairman, they are not conflicting. We

support that.

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JUSTICE SCHABORT:

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Ladies and Gentlemen, I am told by the lady and gentleman sitting behind me, that they would be quite happy to accommodate in Rule 9, either as a SubSulenOmmctsmo as ao mm R Uhm mecmmeEC st Ommelle effect that suggestions would have to be submitted to the Steering Committee who would screen them, obviously, and would then take a decision on them, and then put them before the Convention as a

whole - a Plenary Session.

Would this amendment also carry your approval?

Mr Chairman, may I suggest that this particular clause must stand as it is, because your key word Ethene susmehaten eens mirhes Convent oneneselt senate emusic adopt. The mechanics of how this is going to be adopted, need not be written into your rules here. Even if it goes to the Steering Committee, it is still right and necessary at times - it may not be possible for the Steering Committee to meet, and then the session, the Convention itself, must

adopt any new procedures. So I don't see a problem.

Thank you, Reverend.

I believe the motive behind the proposal of the

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amendment, is that it would be facilitating if proposed amendments are submitted timeously to

the Steering Committee, so that there would be more opportunity to consider them and then to bring them before the Plenary Session. The principle that the Convention itself will have to approve, that remains

undisturbed. Are you happy with that?

Ladies and Gentlemen, no more speakers on this point? Then I take it that we may now treat as unanimously

accepted, this last-mentioned amendment to Rule 9.

Other than these two proposals, we have no others and may we then take it that the Standing Rules of Procedure for Plenary Sessions, have been accepted unanimously by the delegates? Thank you very much. Mr Chairman, before Mr Mahlangu leaves the rostrum I just want to make a proposal arising out of the AiG @ pie Ones mele aChac ame Omer men Wil exlae an lenigia SOC C lemmOus 1(1) and 1(2), there was a thought that in order

to effect the smooth functioning of CODESA relating to additional participants, or inviting observers to attend, the real authority now vests with the Convention. Now the idea of the Steering Committee - and Mr de Beer can confirm this - that once these Rules of Procedure are adopted, that in order to effect mediation and facilitation, the Convention

will delegate some of this responsibility to the

/Steering ...

JUSTICE SCHABORT:

N J MAHLANGU:

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Steering Committee which is likely to be called the Management Committee.

So Mr Mahlangu is aware of that. So what we need is a decision of the Convention that some of this responsibility be delegated to the Management Committee.

Yes, let me ask Mr Mahlangu about that.

Mr Mahlangu will address this.

Thank you Mr Chairman. Mr Chairman, the Steering Committee is the administrative arm of CODESA.

Now normally, as you know, those who have been in political circles, you have your administration

to make an infrastructure for the matters to be discussed at parliamentary level, which I will call CODESA in this case, not meaning that CODESA is Parliament but just saying that the preparation is at CODESA level. On a political level, the decision is at CODESA level.

decision is at CODESA level.

In this case CODESA is having enormous powers

regarding the procedure. CODESA can give a ruling in terms of Rule 9, it can make other arrangements, that in this matter we consider directly at CODESA, or it must go to the Steering Committee. In other

words, it is an open cheque regarding CODESA.

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JUSTICE SCHABORT:
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JUSTICE SCHABORT:

JUSTICE MAHOMED:

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CODESA is not restricted that it cannot consider
any matter - that any matter must be considered

by the Steering Committee. CODESA has the supreme
word in that regard. Thank you, Mr Chairman.

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It does satisfy me, Mr Chairman.

Very well, then we have now disposed of this item
on the agenda. We excuse Mr Mahlangu and his retinue.
I call on my esteemed colleague.

I think our thanks are really due to the panel
which put in so much effort to reach the stage
where we could get agreement so soon and so

efficiently.

The next item is the "Formation and Terms of
Reference of Working Groups." Even the most cursory
glance at this document manifests an enormous

amount of energy and thought which has gone into

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and the Working Group 1 introduction will be dealt
with by Mr Meyer, Working Group 2, Mr Cyril
Ramaphosa, and Working Groups 3, 4 and 5 by Dr

de Beer. If they will be kind enough to come
forward and the panelists who are going to assist

if we have any problems or explanations, are also
indicated. Would the panelists concerned also be

available.

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Teenie Cm LOG ncjienne culnvan@ site scuetea Gale mite wal ya Oils dealing with it would be section by section and I will, therefore, ask Mr Meyer to deal with the introduction to Working Group 1.

FORMATION AND TERMS OF REFERENCE OF WORKING GROUPS.
WORKING GROUP 1.

Thank you Mr Chairman. At the time of the preparatory meeting at the end of November, nine topics were identified for consideration by

CODESA. Subsequently, through the work of the Steering Committee and the particular Task Group

on this, eight items were identified and five Working Groups accordingly are going to be proposed

to you now, to attend to these eight items altogether.

The ninth item, the very last one that was identified by the preparatory meeting, namely other items identified by the Steering Committee and decided upon by CODESA, is at this moment not appropriate because we believe that in the way forward CODESA will be able to actually identify further items for consideration, if it so wishes, but we have no further proposals at this stage in

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So actually only eight items have been considered

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by the Steering Committee for reference to five Working Groups, and those you have in front of you,

which is a particular document in your folder.

I am going to deal now with the first Working Group's assignments. Referring particularly to the first Working Group, the proposal is that this Working

Group will deal with:

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participation: and

Secondly, the role of the international community.

As far as the first assignment is concerned Mr Chairman, we believe that it -is absolutely necessary with a view to ensuring a free political process

in South Africa, both on the way towards a new Constitution as well as in a new democratic South Africa, that we have a free political climate for

participaction.

Secondly, we believe that democracy requires that all participants in the political process should be free to participate in that process without

fear, and on an equal footing and on the basis of equality with the other participants.

It is therefore recorded Mr Chairman, that the

terms of reference of the Working Group on the

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pation, shall be as follows:

1.1.1 To investigate, report upon and make recommendations with regard to the actions needed to be taken to foster and establish in South Africa a climate in which all individuals and organisations can participate freely, without interference or intimidation, iia dll joollalieieal acredlwaltey evocl, ale, joeuccdeullene , in the processes leading up to the introduction of a new constitution.

Secondly:

1.1.2 Identification of the key issues and problems
that need to be addressed.

Mr Chairman, maybe I should in this regard bring the point forward that was referred to us after diratiang thats SiteaGm@ ial ycnlisecme Use Cmm tell cme @ tain talechi= hom as it is there, we should rather for grammatical

purposes formulate it as follows:

1.1.2 To identify the key issues and problems that need to be addressed.
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and aspects where agreement already exists
between participating delegations.

So with those two amendments in 1.1.2 and 1.1.3
of the document before you, those two proposals also
then stand, Mr Chairman.

And then further, in 1.1.4 a number of items have

been listed with the proposal that these should be
SontilderSdewheenee and how the following should be
then addressed in the process of creating a climate
oie Tee joOMiieleall joswiederljoencsto@m loyy elil josucieuSjoeynesc
I am not going to read them out, you have it in

front of you. Seventeen issues identified, we propose
all to be considered by the Working Group.

Then the second assignment for Working Group 1, Mr
Chairman, deals with the role of the international
community, and we say there that whereas it is
absolutely important in the whole process of
transition, the way in which we are going to conduct
our affairs should receive the necessary credibility
and that the outcome thereof, both internally and
AIG) sliheeneneeromalis7, waLllil clejocacI Gig Oi UlMe Cjoein
EUAGl sEliiq joel joreonaolimye; toe se eULIL eloyel Ehercerere we
participation by all South Africans, that that
should also be considered, and in this regard we
then state in 2.1.1 that the Working Group also

should:

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JUSTICE MAHOMED:

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2.1.1 Investigate, consider, report upon and make recommendations with regard to the role that the international community and/or (other) organisations could be asked to play in the formal or informal processes involved in the period leading up to the introduction of a

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So that is to be investigated and considered by the Working Group with a possible proposal to the next

SeISSHOnMOHE CODES Aye

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same way as I indicated earlier in terms of 1.1.2
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I think we should also at the same time state the same position as far as all the other references with the same content in terms of the other Working Groups, namely just to rephrase it in every case

where that particular point is stated.

So Mr Chairman, then these two assignments we propose to be considered by CODESA now as terms of reference
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You have had the benefit of Mr Meyer's very clear introduction. The only amendments he proposes are

to save the English language from violence to its

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JUSTICE MAHOMED:

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grammar. Is there any objection to such a rescue operation? Very well, then I regard those amendments as having been formally made.

Is there any other discussion on the merits of the paper referring to Working Group 1?

Mr Chairman, we have a proposed amendment to Clause 1.1.4(1). The proposal is that before the word "role" the words "composition and" are added in.

So the full clause would then read:

1.1.4(i) The composition and role of the security forces in South Africa and the TBVC states. You have heard Mr Albertyn's suggestion. The present reading is:

1.1.4(i) The composition and role of the security forces in South Africa and the TBVC states.

and He substitutes:

1.1.4(i) The composition and role of the security forces in South Africa and the TBVC states.

Just keep remembering that this is what they are merely investigating. They are not deciding anything. My bosses at the back say they have no objection. So the experts are in accord with your

judgment, Mr Albertyn. They all concur.

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JUSTICE MAHOMED:

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Any objection to that amendment? Then I regard it as being formally made. Are there any other contributions of substance to this? Minister Kobus Coetsee would like to say something.

Mr Chairman, the panel assisting the Task Group is in agreement that it will improve the terms of reference if, in Paragraph 1.1.1 we insert after the words "report upon" the words "all proposals".
LToOmimye cient cee y mee DO laemnl oO Mmcelaltn > tao OS cess maneles

And this would be the case in all other assignments,

Hinks seejowe vison Bill jrmeposails Â«soo

So I propose it in respect of Working Group 1 and to follow in respect of all other assignments.

Mr Coetsee's proposal has the unanimous support of co-panelists. There appear to be no real issues of principle. Just remember, this is what they are going to investigate. So can I regard that as being adopted?

(Delegates indicate consensus).

Are there any other observations, reflections or relevant contributions pertaining to this sector of the paper? Then I regard the first section,

Working Group 1, as having been adopted.

Working Group 2 will be introduced by the

effervescent Cyril Ramaphosa.

/ Morac Onanerene

C RAMAPHOSA:

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FORMATION AND TERMS OF REFERENCE OF WORKING GROUPS

WORKING GROUP 2.

Thank you Mr Chairman. I would like to present to

the Convention the proposals for terms of reference
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1. FIRST ASSIGNMENT

General ConstitutionalÂ» Principles.

Mr Chairman, these terms of reference have been
amended with the approval and agreement of the Task
Group that was assigned the task of drafting the
terms of reference. I have been requested to read
out the terms of reference in the amended form,
and I will read them out fairly slowly so that we can
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being proposed are the following:

1.1.1 To investigate, report upon all proposals
and make recommendations with regard to
general constitutional principles which
should be enshrined in and not contradicted
by any other provisions of a new constitution,
provided that the present and future
participants to CODESA shall be entitled

to put forward freely to this Working Group,

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any proposal or matter consistent with
democracy, for discussion, consideration

and recommendation.

I will repeat. (Amendment repeated). Mr Chairman,
that would be Paragraph 1.1.1.

Paragraph 1.1.2 would remain as is:

1.1.2 Identification of the key issues and problems
that need to be addressed.

1.1.3 Identification of areas of commonality and
aspects where agreement already exists

between participating delegations.

Paragraph 1.1.4 comes out and the Appendix attached
also comes out. This is the recommendation from the
Task Group that was given the task of drafting the
terms of reference. We are informed Mr Chairman,
that this represents broad agreement in the Task
Group. We, therefore, present these terms of
reference as amended and read out to the Convention,

hOmadOpiEnon.

Mr Chairman, if I may move to the second assignment
of Working Group 2. Working Group 2 will have in
addition to the first assignment, which is to

consider general constitutional principles, it will

Tele m erate

have to consider:

2. SECOND ASSIGNMENT

Constitution-making body/process.

And the terms of reference Mr Chairman, are linked to the Declaration of Intent wherein we committed ourselves to establish a democratic South Africa, enjoying internal legitimacy and international

acceptance.

The task of the second Working Group with regard to constitution-making body and process, are the

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2.1.1 To investigate, report upon and make recommendations with regard to an appropriate constitution-making process;

and its second task will be:

To report and make recommendations with regard to an appropriate constitution-making

body.

In respect of a constitution-making process, on:

Aoiot Syxeerlealerbily, leyole Wyaliclovonbhe, wyileakene thietey elas)

Genleralvey Or theobyective,, co colsiacm:

[Ga) oan

- (a)
- (b)
- (c)
- (d)
- (e)
- (ets)
- (g)

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To make recommendations to CODESA regarding the process through which a new constitution may be formulated;

How far the process can be taken by CODESA itself;

At what stage a special constitution-making body should be established, (Slovak Republic) Croyoysealrebhiere,ly,

The role of referenda, if any, in the constitution-making process;

Legislative and administrative steps that may be required to reinforce the constitution-making process;

The method of transferring constitutional authority to the new constitution and its structures at national, regional and local level;

Any other matters which the working group may consider relevant to its brief.

Sir, with regard to the constitution-making body

mS Cu etens

2.1.5 In the event of it being recommended that there be a special constitution-making body, then specifically but without vitiating the generality

Â©@ Paragraphe2. |. djpaus, tomoemconcmdencde

{Cas ee

JUSTICE MAHOMED:

F T MDLALOSE:

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(a) kesticonposi tion;

(b) its legal status;

Co eae cmicutehorsiiinyae ne UGG a elelmunte c= sOns)acriG i
principles, procedures, etce., that may have
been agreed previously;

(d)ehesmme EhodmoneunciErontach,

(eis sthe seatusmot sits) edeceisions.,

(fÂf) should it be an elected body, the appropriate
electoral process;

(g) any other matter which the working group may
consider relevant to its brief.

Mr Chairman, those are the terms of reference for the
two assignments that Working Group 2 has, which we
present for approval and adoption. Thank you, Mr
Chairman.

Thank you, Mr Ramaphosa.

What Mr Ramaphosa's proposal amounts to is this, as
far as the second assignment of Working Group 2

is concerned, there is no amendment. As far as

the first assignment is concerned, there was an
amendment proposed to 1.1.1.

MienChadssman, chenemiscea Smalls polmeswhikchmes. tl bmie

is nevertheless significant. Everything is acceptable
(SO) IS, Ell te Wei helene, leone Chal iell(A ISSUE Ok ieeraS

of reference:

Je Va oe

JUSTICE MAHOMED:

A RAJBANST:

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2.1 Whereas the parties at CODESA have committed themselves to the terms and objectives set out in the Declaration of Intent...

and so on.

We thought here that it might be a wise thing to add:

" ... as amended from time to time".

Can there be any objection to that? The only objection can be on the basis that once we make up our mind, we never change it, and that seems to be an untenable proposition.

I think Dr Mdlalose, you have made a very valuable Contr buEtonee ladonut. Ehank that there as any objection to it. = take this as having been done.

Now as far as the first assignment is concerned,

Mr Ramaphosa has dictated an amendment in 1.1.1, the effect of which appears simply to enlarge the capacity of people to make proposals consistent with

democracy. Can there be any real objection to that? Not an objection, Mr Chairman. If Mr Ramaphosa

just could clarify one point for me. He has

proposed that Appendix "A" be deleted, that is Paragraph 1.1.4. There is a relevant section under

(ee), page 5:

(ACCC) eee

JUSTICE MAHOMED:

2 J DE BEER:

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(ee) Any other matters which the working group

key (ekeyaverslclene ieSilervehc ie) abies} levealene

So detalke) Gemthatmna cmamendmenit: Om lal mmo vertas
telaelie jeteuered helene joxolions

Ve0) Mincn WOU lin) LicmwOUlcedisira Malti cio mel ciWi euine
effect of deleting 1.1.4 and the Appendix thereto,
is not that the matters enumerated in Appendix "A"
cannot be investigated. It simply means that the
generality is left undefined. So they have a wider
voyage into uncharted seas. So we have lost
nothing by this amendment. We have simply enlarged
the expansive capacity of the people working.
There seems to be no objection and I, therefore,
have pleasure in ruling that the proposals of
Werlichins; Exouo 2, loon tin Te@lleslein tee) tINe wsliewsic
assignment, as amended, and the second assignment,

are approved.

The contents of Working Groups 3, 4 and 5 proposals,
will now be dealt with by the indefatigable and

erudite Dr Zach de Beer.

FORMATION AND TERMS OF REFERENCE OF WORKING GROUPS

WORKING GROUPS 3, 4 & 5

Mr Chairman, thank you very much. Working Group 3

HENNE 6 0 6

appears on the document which is before delegates,
 aici cnet chisel yaoi temo Onmancmataicatemom oe eas er dat
 Lams Les@lie co Rasseilsy locies clescicidjeclom, We Coes,
 of course, represent one of the really major issues
 which is before us all during the months and perhaps
 the year or two, to come; the whole question of how
 the country is to be run during that time that we
 are preparing and framing the new Constitution.

This is politically extremely important, for many
 people very sensitive. It is legally very complex;
 there is a veritable minefield of issues surrounding
 legal continuity here, and it is something which
 does deserve the close attention of an expert
 Working Group at a good many sessions, Over some

time.

The terms of reference, as I have already mentioned,
 have been fairly briefly stated. There is the intro-
 duction, the two "Whereas" paragraphs, and the "It
 is Recorded" paragraph, which are in general in line
 with the documents for Working Groups 1 and 2, which
 the Convention has already approved.

We record the terms of reference of the Working
 Group, again quite brlen iy; under se |. ls, wile
 covers the canvassing of all possibilities.

It is thus as wide as it can be in its generality
 and excludes nothing relevant from the considerations
 of the Working Group.

/AUlae een

oe)

Then a standard clause, 3.1.2, the identification of the key issues, processes and problems, and 3.1.3, identification of areas of commonality and aspects where agreement already exists. And that is the

sum total Sir, of what is set down here under

Working Group 3.

I wonder whether I may ask you Mr Chairman, whether it would be your preference now to ask the Convention to adopt Working Group 3, or do you wish

me to deal with 4 and 5?

In terms of the ruling the Chairman has just given me, Ladies and Gentlemen, I shall continue to deal with Working Groups 4 and 5, and the Chairman will

then address you on all three of these together.

Working Group 4 deals with the future of the TBVC States. I doubt whether there can be a delegate in the room who does not fully know and understand the nature and importance of the question here. Millions of people live in the TBVC States and it is their constitutional future which is at stake

here.

The "Whereas" paragraphs set forth in greater detail what I have just said. These States exist at present,

they have administrative and other machinery,

eIDESY ooo

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they have a great many inhabitants and none of us
rowel yaleia alia iosâ\200\235 WES? GO ACE SO GS CO ChiSrmwhore Ce

render painful the lives of all those people.

We then record the terms of reference of the Working
Geosjo, Hoos 1 Gi Gererceul joeucerepceyole Suysronvereiioore,
the Working Group to make general investigations

over a wide area.

Aololo2 18 Sreaickaiccl, idn@ ACeimeshietcaeilem OI We
issues and problems.

4.1.1.3 is standard, the identification of the areas

of commonality and agreement.

Theresa: leak. 4:

NSpeciLucalily, but wiEhoutmveleiating sehe: genera Urey.
of the above";

so again, without any circumscription of the powers
and functions of the Working Group, it is asked to

consider:

(a) whether and how recommendations can be made
to CODESA regarding the manner in which the
CONsti tutlional status on sene gIBVG Scabes
may be affected by the outcome of negotiations;
(b) to comment upon the desirability or otherwise

of the re-incorporation of the States;

V(Cyaae.

ale

(c) Once again I call the attention of delegates to the method of testing the will of the people concerned. There is no intention to ride roughshod over people's wishes; and

(d) strategies to keep the people of the TBVC States fully informed, and then especially to avoid unfortunate misunderstandings;

and then Clause:

(e) an item which is I think unique among the papers that are before our Convention, the retention of business confidence in relation to any change in status that may take place; the questions of land transfers; and citizenship;

and again ini:

(h) any other matters which the Working Group may consider relevant.

4.1.1.5 deals with further matters which will come under consideration if re-incorporation is decided upon, and listed under (a) to (0) are a large number of matters of practical importance which will require to be carefully planned and handled in the event that re-incorporation into South Africa is recommended. I shall not weary the Convention Sir, by going through every item from (a) to (0) =

believe they speak for themselves in their importance.

Cee

And those Sir, are the comments which it seems to me necessary to make in regard to Working Group 4, nICEiet ean niayemny OU GEsOc Tames SHhOnetone mel awe lam Ise CeCed

COMmWoo rk ince GEOUlpmor

Working Group 5 I would summarise by saying, is a matter of ensuring good housekeeping in CODESA and

in the negotiation process more generally. Nobody wants the process of obtaining a new Constitution

for South Africa to take one day longer than ie

need do. We are all aware of the reasons, the urgencies which are involved and Working Group 5 is charged with the function of doing what can be done to ensures tEhesecttacent and rapid function Of (CODESA,

and the assignment is so stated:

5. ASSIGNMENT

Time frames and implementation of CODESA's decisions.

We go under 5.1 to the terms of reference, and we have our usual "Whereas" clauses, and our â\200\234It Is

Recorded" clause. And now the terms of reference:

5.1.1.1 deals with appropriate time frames and

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target completion dates for all of the processes and assignments being undertaken by CODESA, its working groups and other bodies created as a result of agreements/decisions of CODESA. This, as delegates will be aware, is common management practice where there are programmes of work to be done, where there are critical paths to be followed; how long is necessary for the reasonable completion of various tasks, to what extent does one task have to wait upon the completion of another, and so forth. identification of key issues and problems, is standard.

is again standard, identification of areas of commonality.

specifically but again without vitiating the generality of the above; so there is no circumscription of the capacities of this Working Group. We have to consider whether and how to address, and then from (a) to (k) are listed a number of matters of importance which have to be properly attended to in order to complete any

project effectively.

I don't believe it necessary that I should dwell on each one of these in turn and take the time of the Convention so to do, unless there are indications of special questions.

/SOge.

JUSTICE MAHOMED:

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So Sir, unless that event should arise, those are the remarks I find it necessary to make in regard

to Working Groups 3, 4 and 5.

You have heard Dr de Beer in support of this very formidable document, unanimously supported by his panel. | =Betore fb invite Giscussion, lf sany,. On panes of the working paper, Dr Mdlaiose has indicated

that although he limited his proposal for an amendment to Paragraph 2.1 only, insofar as it referred to the Declaration of Intent, so as to include the words "as amended from time to time", the rationale behind that amendment would with equal force apply mutatis mutandis to other references

in the document, where there is a reference to the Declaration of Intent, and he intended, in fact,

Om SoVeS Or So that the effect of his amendment, if it is acceptable, would be to insert the same phrase "as may be amended from time to time" wherever there is reference to the Declaration of ibokteerte, cual yreulel, WaesEceice, ErusteCie moe enuly

Weugeeseayon Andp Inte Tol, Solp Bolloto

I may have not used the words he would have preferred PMeMotivatinc lls Mealtelonal eal GratlicitemlESmanic substance and effect of his very consistent

CON Sigh oOUiaLOlMs

Yes, Dr Mdlaiose?

/F T Mdlaiose ...

F T MDLALOSE:

JUSTICE MAHOMED:

A RAJBANSI:

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Mr Chairman, with due respect, again in addition
cO jelrate waka youl Ine SO Evolly Ciehelslioversl Oi iby
Dehalen actin noTEe mn cm clas Omcumlemet Lome iayancl Ollie the
numbering. You have Working Group 1 giving you
1.1.1 and then when you come to Group 2 you start
a\Lil Gyifeve Elefetiie, Wvalielel to iG i] chovcl Exe) Chel) chevsl \ifeibl inloyid>
on to Group 3 and 4 with now 3, 4 and so on, as if
LE MbiMlaeeiine Ci Ceovjxs 2, 3, 4, SB ss reuldbabove wa

a different category to the numbering of Working
Group sil.

Yes, there is a numerical inconsistency in the
style. Can we leave it to the working groups to
make suitable numerical adjustments to accord with

your sense of symmetry?

Dr De Beer has also pointed out that in paragraph

5 pertaining to Working Group 5, where it says:
"Time frames and implementation of CODESA's
decisions",

it should really say, .agueementce

Now, I presume there is no objection to either the
suggestion of De De Beer, Or tne consistency of

Dr Mdlalosi.

We want to express our support for those amendments
and Dr De Beer's amendments in respect of Working

Group 5. They are inconsistent with the Rules of

/Procedure...

JUSTICE MAHOMED:

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JUSTICE MAHOMED:

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JUSTICE MAHOMED:

H J K KAYSER:

JUSTICE MAHOMED:

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particular state of mind, otherwise I'd have twenty

people supporting it, to Say so.

Is there anybody who has got qualifications or
amendments or reflections other than encoring?

Mr Chairman, may I have your permission to make a
Comment On Working Group 47Â° Om page 7) ater thie
"Whereas'" at the bottom it says:

Te CunIa COG Â© Omni chemnte) CMm eC ialS iO ametae aeiges Ce
of the Working Group on the Re-incorporation

Oe ee MAW Ereevess) eee GS wollllewess â\200\235

That should be really the Working Group on the
future Re-incorporation of the TBVC states - future
- as it says under the assignment.

Teen eee Ora Clemo \aumteie mele Mains te Sunt lacey Cgc Ia Cua Colas
E@CKESY TeslGJe o

Thank you Mr Chairman.

Shall we put it on the possible Re-incorporation?

Future Re-incorporation. The panelists agree that
you are perfectly correct. We concede that you are
TepinGh Il itees

Thank you Mr Chairman.

Are there any other qualifications, amendments,
variations, alterations, If there are mone, then

I think we all support what Mr Rajbansi has said,

We ARERS Te f

B HOLOMISA:

JUSTICE MAHOMED:

B HOLOMISA:

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thatethas document 2s supported.

There's a hand there. Is that Major Holomisa?

WEE, telocialic Yor Wine) (Cloysabrenieva, Whole (Cretoyuie) 2) Ke

would like to add the following in paragraph 5.1.1.4.

A new (1) I take it?

As paragraph (k).

Paragraph (k).

Yes. Tiel GMeC Matec iMG OIC! GlelmmnÂ© tema ra@uachecin)

policy by the administrations and the South African

Government in respect of matters pertaining to

CODESA's work programme...

You have to go slowly because people will have to

Waite mitedown. wel sCanleewriterasefast asmyoulme

Shoreriicaling 5 Sle) I tere) ble Glow alfs} fshbloyjeyehetvepeteieyo ((ai)) Â«

IN@ (38) o

No, (k) is already there.

Aulaaichit ya ENS rics)es

ulerasitcilaveeeleCiaa Sala Canaanite.

Jive (yonakoloKolic, Ope aeicpet@Alefi joyoyll sokâ\200\235 Joy ieloKe) Exchuijoalâ\200
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strations and the South African Government

in respect of matters pertaining to CODESA's

work programme and the position of national

states in respect of such matters;

thesestablishment of furtheretonreign missions

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session of CODESA."

Are there any

Thank you Major-General Holomisa.

responses? Dr De Beer will give his response to the

/suggestion...

Z DE BEER:

JUSTICE MAHOMED:

B HOLOMISA:

JUSTICE MAHOMED:

F T MDLALOSE:

JUSTICE MAHOMED:

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suggestion.

Mr Chairman, those of Us Sitting at the table here listened as best we could to the General's pro-JQQSELL Euavsl iovsyel ci lovaciesy Chicreiusisalo oy aie, ie Gle@ereily raises a number of issues, some of them of a diplomatic and international, and therefore a Nerang

Seis ier oms ich tlic lemma Om ClO men tem e Cul crite te liclemwW emai come to a conclusion for or against this suggestion in a matter of a few seconds here on the platform, and we would ask if this could be referred to the incoming Management Committee which is to be the successor body of the Steering Committee of CODESA. Phe Se SCens i Om Secon Vel stem EO pOsalaat mem cits possible chance of acceptance.

The wpaneisusts appear co be) Unanimous that this is

a matter requiring very careful consideration, and it should be entrusted to the Management Committee. Would you be happy to have it considered that way, Major-General? Your proposal is not excluded; it will have to be investigated.

There is no problem. Otherwise the motivation of this proposal is contained in my speech I delivered yesterday. Thank you.

Thank you very much for your contribution.

De Mdlalosi, did you indicate any wish to comment on this suggestion?

INÂ© Balie.

Thank you. In that event there seems to be no

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JUSTICE SCHABORT:

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other qualification of the remainder of the Working Group, but the Management Committee will take into account Major-General Holomisa's concerns which he ag Glislatrec jpaeneociy GO UWE, I Cleelare wae Woolle

of the Working Group paper to be adopted as amended.

CONVENTION ADJOURNED FOR TEA:

CONVENTION RESUMED:

The last item on the agenda, happily, of particular significance is The Way Forward, I call on Dr P Maduna to introduce this item.

Daar is n paneel van Mnr S S van der Merwe, Mnr

M Maharaj. Sal hulle ook vorentoe kom asseblief.

Pisce CIAEULIEMEIM 6 o c

P M H MADUNA:

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Me Chairman, thank you very much for giving one this opportunity to introduce Item No 10 Ga Owe agenda. The item deals with the way forward, and it includes the question of the administration of CODESA; it touches on certain aspects which have not been finalised regarding the Working Groups; it addresses the question of the next plenary session of CODESA; and it also touches upon the question of

further participants at CODESA.

Regarding this item, every delegate has Chiao irae marine two organograms which were circulated. One is showing the existing structure and the other

depicting a proposed structure.

Unlike other items on the agenda, however, the proposals that I am about to present to you are derived from the decisions of the Preparatory Committee meeting, the subsequent Steering Committee meetings, as well as recommendations from GhnErs eset working groups which were called Task Groups. Therefore we do not have a composite paper to equip delegates, save for what I'm about to say in

the context of the two organograms before you.

I think it is with a sense of pride that we as South Africans, find ourselves having achieved this long cherished wish of meeting as common

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Chie Zens NO mente SEC OLE Isa me Maun sCm che aS reclo Eel @imnues
even more so when we meet to pave the way towards

A CESMOSEAEISG COMSELEWEIOR wore OQulie CowmMEay, Mae
experience of working together from the Preparatory
Committee meeting to now has been a unique one;
unique in the sense that this process we all went
through was one of three weeks of sleepless

nights, of very hard work, but I think most
importantly, three weeks of learning aime ~#eCOR=

GL LsLatesLoOm .

The end of CODESA 1 marks the beginning of a long
way forward. The question of the way forward when
one places it before you for consideration, takes
into account what the Steering Committee has
regarded as a great need, and that is the need for

COMET INLINE 6

The current administration of CODESA was the result
of a mandate of the Preparatory Committee meeting
which took place during the course of last month.
And this mandate covered the periods until the end
of today. And the recommendations with regard to
the administration and structuring of CODESA are on

the basis of these two considerations:

The first one is the managing of the process of
CODESA, as defined by the decisions of CODESA 1.

PIVREIM 6 6 6

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Then the second one is the experience of the structures that we created to organise CODESA 1.

If we look at the organogram that reflects the structure and organisation of CODESA, Wwiaalele, als before you, we'll find that the SISTA pI Gtee le eam htesta Ut Cate Ula consisted of firstly, the Steering Committee, which was composed of one person nominated by each

participating organisation.

Secondly there's a Secretariat which was made up of the following five people who were elected in their personal capacity by the Steering Committee. The five people were:

D teperrelC le D Ceei cca,

P MH Maduna;

M J Mahlangu;

Roelf Meyer (whose proxy was Mr S S van der Merwe) ;

Mr C Ramaphosa (whose proxy was Mr M Maharaj).

The Secretariat appointed a Managing Secretariat which consisted of the two proxies, namely Messrs van der Merwe and Maharaj. The Secretariat and the Managing Secretariat attend to the day-to-day Sais amet clase ome Inc clad MNO) the necessary

administrative capacity to organise CODESA ls

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The Steering Committee appointed Mr Murphy Morobe to head the Administration of CODESA.

Looking at proposals for the future - that's now the other organogram before you - these proposals take into account that CODESA requires a more

permanent and stable administration whose task or tasks will flow from the decisions of COIDBSA Io

Secondly that the work of CODESA needs to be supervised and co-ordinated. The organogram depicts the necessary structure and adheres to what has been developed thus far, allowing for the creation of any other sub-structures that may be required as the process develops.

The Steering Committee is to be replaced by a Management Committee, which will be composed of each participant nominating one person rO Serve Or See ne Tee t@ teens Â«wo rac operat we Specie) Me oienko Torte terminology. What we have been regarding all along as a Steering Committee, we propose should become known as Management Committee.

Its mandate is to supervise the administration of CODESA; to implement the decisions of CODESA or agreements rather of CODESA; and Eo Csueate. â\200\224Eae necessary sub-structures and supervise the work ioe seiner.

nS

of the Working Groups.

The Management Committee will IM@ LG aes sw aleSsie meeting on 13 January 1992. It will decide how it will appoint its Chairperson, when it meets for the first time, and will establish a daily Management Committee, DMC in Sioa ey eC Ole mets

people prefer to call Dagbestuur.

The DMC replaces the outgoing Secretariat and we propose that it remains a five person sub-Committee and that these people who will serve on it be appointed on an individual basis by the Management

Committee when it meets on 13 January 1992.

We further propose that the DMC should appoint two officials who will serve as the Secretariat, the term Secretariat applying to what we presently Geld

the Management Secretariat.

For the period from now until the new Management Committee and its sub-structures are created, it is Guia pEOposal that tie presente Managing Secretariat composed of the two gentlemen, Mr Maharaj and Mr van der Merwe, together with the existing administration headed by Mr Murphy Morobe, continue to

function. Again the emphasis is on SO Ini eae Ia elyare

ENN Cremer

At the administrative level there existed a sub-
StLuctume under the Teadership of Mr Deon Duy Plooy
waLeh was Contsholling the finances) Of CODESAS Ee

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vrata cls

So Sune ee eh oud SCC tendo sOCe ma Glace ss Cm Oeste
Management Committee, that this should continue to
operate, and that the incoming Management Committee
Wile eq uuncedmtO hOOhmnil GE NGm Mec ices lias
detent GoeleIn Cyn Â© Pelee nate din Cjemtet In Clie tGletet to) lita re nC) ee mlainch
Uy Cycles

MaveecasuOrae Â© ODES Ate

AS saaecds Wom nCmGLOupo md semCcONCe ene cr. sia
Chairman, the terms of reference and the manner
in which the Working Groups will be constituted,
we were hoping would have been decided upon
already by this meeting. But we do@kealise, sir,
leeuE CIN Clemijsyonveke Cpe wales Iie INO 7 Cia COybhe
agenda was not addressed, and that is the one of
the proposal as to how the Working Groups should

actually be formed.

Our recommendation in this regard, or proposal, is
that the Working Groups be formed on the basis of
each participating organisation nominating two
people to serve on each Working Committee.

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Working Groups, organisations will be expected to

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nominate two representatives each. And then together with that, two back-up advisers we propose should come with those two representatives. We aremtabicunGy, aii Chammany, Oe ato alla Ol nEWwemityy,

people from each participating organisation.

int Wille ber them tascwmore einem Managenemiamconnmccee: and ats sub-structures to supervise and co-ordinate the

work of the Working Groups, and it is recommended that the Working Groups meet for the first time on

20 January 1992 in order to determine how they will approach their work, and also determine a programme

according to which they will function.

We propose that the first working session of Working Groups be scheduled for 6 February er. JMILIL josueeteajoeimes Elite requested to nominate their representatives to serve on Working Groups by

(Om Januacsyar10 92a es SOawes pmODOCe:

The next component of the way forward deals with the next plenary meeting of CODESA - if I Goulds ge on to that, Mr Chairman, with your permission. Ie is suggested that CODESA 2 be held not ech ammelachIa the end of March 1992, and that this perspective should influence the functioning of the Working

Groups.

PULSE ooo

_ JUSTICE SCHABORT:

A RAJBANSI:

JUSDICE SCHABORANS

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The mest aspectuoL they ute cee ne questi Tom lor
AUWUMEN@TE JOSINEILC YOUNES 3 CODINEA. Several organi-
sations have applied to join CODESA and Management
jne@ereareilly, loves} Gl Movoto Ibeie (one eleva) Ine Lis) be
proposal that these, as well as other ways and
Means EO,.expand Pacedcipatton ins CODESA joe vattended
to by the incoming Management Committee.

Thank you very much, Mr Chairman.

Thank you Dr Maduna.

Ladies and gentlemen, a lot of thought and con-
sideraevon andetalk ObyLOUsi yeti ce cOneme lit Omscine
preparation of this proposal and it would appear

to be intended to be a comprehensive and definitive
road plan for the way ahead. JI must confess that
the word "â\200\234organogram" is a new word - a concept that
WH clichnlie Veaveny, evowel If initisie weSelilyy lo MeheuTblil inore eo)

mis-pronounce it either.

Are there any contributions, any remarks, anything
â\200\230cO) ING Gelael she qelak~e Cweimnecreaoms

Mr Chairman, I want Dr Maduna to consider one thing,
if I hear him correctly, that his proposal was that
fein Se ese te aliarieare yt Â© iy ial lene Ole iceman MNO. lat @)inlon
be appointed by the DMC. I want to know whether
Tem nen cl a main Cows Ge Cas livay ical eno oe msS Ome ganyiclaic
120) Giiefefsre ie) Inalinn we) Clopaysalclene iuishe el eslloke/love amend-
ment in respect of procedures.

The panel is just deliberating and you should have

your answer soon.

A RAJBANSI:

VUS MECH S CHABORAY:

A RAJBANSTI:

JUSTICE SCHABORT:

H SUZMAN:

Les)

I'm told that there are no problems with that proposal.

GO Mile, jomecywose ll sisi iene ioe) Skeeseterceheslec lore appointed by the Daily Management Committee. Now Rewanewcolssugcgesit-s ce) DissMaduUncemciatmwem si lG ite ly, amendmthnatmpcedunre;; Grid selel Seeretamidtmoc appointed by the Management Committee on the recommendation of the Daily Management Committee. Mr Rajbansi, there is agreement with what you are saying. The intention is that the appointment would be by the Management Committee of CODESA. Thank you very much.

Any other speakers, ladies and gentlemen?

Mr Chairperson, Âf would Hike to broaden the debate a little and suggest that the way forward for CODESA include a greater role for women. Before going on Wateloee deinen Scot een WOE cll com-O sSciyaecilcieaee personally am experiencing enormous satisfaction at being present on this momentous occasion. Indeed im glade tos be aliivesitoesbence: tral lgwachmyoureand I wish it could have taken place many years ago. But here we are, and I have to say I can hardly believe my eyes or my ears as I see and I hear

the general consensus on the establishment of a non-racial democracy in South Africa in this huge and varied assembly over the past two days, with possibly one regrettable exception, at the end of yesterday's session.

VSS

eal

Sir, we've witnessed many important changes over
the past two years with the scrapping of the
FOUMCAEILOM SeOMES OIF ejoeucdae@icl, Alwaoucia Oelaeic,
of course, aspects of apartheid like Own Affairs
etc, semain. But the Legacy anyway, Of apamtneid
Ee cet al set TG ea aot mS CU ef pp al clint Gl mn Wclny aurea covet Clam @ tec tee lem
me) Ia
us, and racism itself does not disappear with the
Soa Ost. Gluiisiereshmalovenconey Iker sshenestopong isiene skies as
certainly reduced considerably, for the law is
eclu@arelwea, mMacl sie wae llaw Sens alice lS WaeOacg co
Celoe eects om Ommac One moc Seis CES COO peCmay iin @maceae
largely law abiding - although by no means every-

DOC Aare ma Wrielele Ol ON ae

But it doesn't disappear entirely, as we have seen
Seng ecient NCTM UTIRIneS Clam OreO SpaWiln=in@ lneeli cl cumnc Clam Gsinveins

Rights legislation since 1964.

Wow sili, AS Wihela wacisem, SO waltda sexalsin, eae
Bettrsom BeuUal OppomintnehndeOcm ACE aco OCC hmO lms Emc
Statute book for Many veano Duele Nas MOE soeem
CES ce) shijollemeione, IVA IMEI inere Wee Joecin joeissxocl ain
Ke WISNG 9 Wome! S Checieiaaiicereloas: abn locals Coulee LeS
Wilco Vou there us) a. Gisecaes Gece Ore cClenceiscHEos
ATG pIATT bia TaNclutessIE Â© Tames NST ag LO Toy Â© Ultetio me Wienrapsl Eola (= ota m
S ea)
Genera law to â\200\224Ery EO enoure senemequalreylOr

Ke Fo oera oe esters) Ta OTIS Tl eyes le TONG) teen me pe cist I at

P{EE<CLBLOAo oc

edi

excision of sub-section (n) of Appendix A in
NONelsaline; EChgowjo Ap, ielolence Wels ili Cimllyy Sjyocealssdle sicletotification of women's rights in the document pre-

sented to us at CODESA today.

me 16 seule Sis, ielaene nS Clresliqoeiesoin ines Selalcl idae
the generalities will still allow discussion and,

Or: Coucse, iclencihedeaewilom Oi iclalSs ajfmoorccame SWE.

Shara ClSmectiontaS! OO Ue neeAuarsh Ca eSm CONC ened) mele
situation is unchanged regarding the position of
women in managerial and executive positions over
the past fifteen years, according to a recent survey
that was done. And in politics, although there is
NOLHINGEEO PLEVeENeRWOMen arom Standings fOr OLmlece,

few in fact are elected to Parliament.

There are today five women in the House of
Assembly, two I believe in the House of Represen-
oteenVece ctnCe One sla nem iOS cmsÂ© mg) CHkO Cicer cir maanuliciite
Seth OU Oe) Obes Â© tercMieCem Wn G tae Cesc Cemenn Ci liters
NaCl Gis COMESE, Salie, AS Wlack joejotllercion is

excluded entirely.

Wow Silie, Look eus@tinc! vou am cals coOm, kiow meamy
women are here as delegates? Maybe, maybe there
are ten out of two hundred and twenty-eight

delegates. How many are here as advisers? Now sir,

#PAL l\stfoyorevol co c

BT lei fos fo) ea t= Od) nde sn ys ToL er Le La ct on Latin yf ectntak Gl eS utenale Gl
app) Le

ACA, MOTE wce@llsicalom eincl inowe Cceincleaie, iste Swuee@lly
there must be many women who, on merit, should have
been here yesterday and today participating in this
enormously important convention which will so
Vintec Nyasa Chem CMa Une Una Cu Oden GS CHa commctn Clam ehars

children.

I WALI OQ Swomie, Muse Clyesiicioaicsem, ieloerte CODISVAY Ss
democratic way forward must include more capable
women in its working groups and in its future
plenary sessions.
HULatelt aay ,@Ult ae Selatan

SUSI T SICNIOULS. Ma syal youl Whaley Sbyaniehels dh iaxekesl In\ehaishligy ssneane tel
e) Elon
gentlemen. I suppose there is, as has already
been indicated by the ovation, general universal
acceptance of the sentiments expressed by

Mrs Suzman.

/My name....

ee

G SHOPE

AFRICAN NATIONAL CONGRESS

My name is Gertrude Shope representing the delegation of the ANC

Women's League.

Co-Chairpersons, the ANC Women's League Delegation represented
these has) mMomninen would avlde on sbhailiie of alle thes womens ot sorts
COMUNE IO weeiseesr Wes OwpsGimwercie@m jeo@ wine eel Oi clove
presence of women in this very important forum. We feel that we
would like to comment on the organisations who have taken the
trouble of including women in their delegations, but we would
also Chairpersons, want to say that the fact that women have been
participating in the various working groups of this important
MOMuUm., se ane aetasmmtatloOn steliarte wOMens navies au aVelmy, esl Plotatamits Â© On t
as
bution to make towards a truly non-racial, non-sexist and demo-

Crate Some Astielea.

We would iIdike #niretiner, Ohasiepersoms, eo add, all orgamisa-
filon syiande=po leita cal Epamtsestiao make taNiconcemued (ei omt. eros melmade
women in all their deliberations and the decision-making forums.

In conclusion, the women is a step in the right direction towards
Ene lpwsdilalamnge O1 A MONâ\200\224-GOXISE SOCTSEY. Wnerekore tie 1S Wery, Vers
LMpPOrecame ElMeie Gill Cine GelegaedloOme elMAiIcE COMMS LieOM ENG WawresreSs Ox
from the organisations should take heed of the fact that women

have aaareryennpomvamt. cole ttoepilay., and= tinererone: chouldsmever. pe
left behind.

Thank you Chairpersons.

file Xo G AAG noe

INKATHA FREEDOM PARTY

Myeniame sis faith Gases trom them Whi: [ieeee G ini reas [eee tit ateen | Cte Sees ora
 DAS e MObe wehae mt Memnrlc Ee hitch Wielsclioe) Tel SOMiceiiimGeGnmOre tO mepedt
 ourselves shows that we have not yet made our mark. However, also in the

interest of time, I am not going to belabour what has been said, but I wish

to say that the IFP does have a wonderful illustration of twenty-eight women
 in its central committee. Having said so, in our delegation we have got
 four women. Mr Chairman, I wish to EMA why SilSEEGrs,

Helen Suzman and Gertrude Shope, for the comments that they have
 made here. Now the issue is not that we are asking women to come
 for the sake of just coming. We have got a legacy of women who
 have takem Elm@ire rigincxrwl place im Community, im Sso@iCty. Ama Wx
 you sit down here as leaders of delegations, as national
 SEACOSMOM, Elim O21 GN waves PSEirSoOm emai SVE CAwiginck you, ama
 you will never think of anybody but a female teacher. So we have
 always made our mark in life and we are asking that the mistakes
 Ehat have been Occurning In the past ashowld notecomeinuc | COVES A
 ig â\2027 process amd ae Snell Maye made quite a lot Of mistakes, Lt

aie tle ema Ox tine Sout Artietean Comstitucion, and ate the ema @i
 this active debate, it has excluded women. We have got that
 LAEOME, IMME EAleEME EO DQ SOMSETIELyYe OM ISSUES Ear pass you I
 un OE wialkeatiiy jelwS Gleyegl wel Sicko alin yobs WENO WY) Ojo jer, My
 brothers, but I am saying, the emotional aspects which are needed
 to support your debates in Parliament and everywhere, we are always
 Enere with that lazemt Sixtin Semse, And we are NOL COMing Mere
 inke silly little girls who wame co play tricks, We are CoOming EO
 eiye CULES A LOL MOCAWEe WiieceS BeS CiaieS cl low Ose Women Oe alin=

tegrity im South Atriica, And When I talk so, 1 am remimde@ Ox wae

/women

Women for South Africa, and many other women's groups. You will find

EMAae We Are Nera HECCAUSE Ot Womem SÂ© we mustmâ\200\231t be LEE owt.

Then) aeteisniaylelevers vedbeduaereabasie) mtshiasS mwilemmawienmhicade ss teinlcham C
Omsaciaenlcena som!

Violence and Intimidation, and when we had the CBM consultation,
All Ping COMeullitatciome yinwein aire malkiing Inisie@ry am Soutien Aiciesea ,
weucet slenrt soft aeaVie Â«dont iewantasto: Show sollte spowe la sdanwesmonse Dlays.
DUR Wie cine) RUSian eS auyelan care mCiO.iuia te COG mats Ol mts lel mea lytic lalate
yam edets DOI eum) sila

Glse SomtIn Atireica InaS MÂ© ww EMEEEe,

Thank you.

MR JUSTICE SCHABORT

Thank you. Listening to these ladies, ladies and gentlemen,
I am reminded of what Cato said - the old Roman who lived more
than 2 000 years ago. He said:

HALL men Â© EME world cule ali womem of the world.
We Romans rule all men of the world and we are

ruled by our wives.â\200\235

â\200\230wna hang that rocks tne cradle ig still the hand that

rules the world,â\200\235

/N MADLALA

N_ MADLALA

SOUTH AFRICAN COMMUNIST PARTY

I Wame Â© SEARE Orr by Saying that several participamts to nis Convention have, wWarough sigmiing tele Weclaratiom Os Ineteme, placed themselves to set in motion the process of drawing up and establi-Shima a ComStiEentiom thac will ensure ene Ushering im Or @

UT Tn t= Hota TTT CO Teel ta Th ae) Â© DT tga Cec #1 ANN OTM cee Tes OLE PI NC) aye We ain the

SOWEN Aticiicam COMMUMLSE Parey WAME EO rELECrAESO Ot COMEerM wWagie WOMEM, WhO LOrM More Emam 5OKA Â© OWI SOCIOCEYVY, De PAPE OX tele process of drawing up the new Constitution. We are concerned that SO ta ENO MAIWENEILDAELOMN OF Womem im ENS WARLOUS SrrwCccwiPeS OE CODESA, as well as im this peieilectlar Comvyemeionm 19 mimiimal, Ibilkee tne ANG Womenâ\200\231s League; we would like to poime ome Chat te 1S a known fact that Black working-class women in particular, suffer ENG WORSic LOrMS Or GdeprivyaciLon and exploiltatiom, AS a party eliaic has tasked itself with the responsibility of ensuring that the rights and needs of the most oppressed and exploited sections of our society are safeguarded, we want to strongly recommend to this Convention that serious thought be given to establishing, as quickly as possible, a mechanism for ensuring that the needs and demands of women are incorporated into the new Constitution and

EMAE Eln@ire yYouce 18 moeard at every level ot tne CODESA Sstrmecrures.

We also want to make a special appeal to the organisations and Paueues puesenta Nene. that they should take this Matuer semi oOucuy and they should discuss it and send recommendations to the CODESA

working groups and structures.

OX Â© AO Ww ICR

A _C ROUTIER

NATIONAL PARTY

Good morning ladies and gentlemen. I am Ann Routier from the

TN eee il rate Ecler eye cere coe Te etc 0) | any ito teal Ome ete 2 eae TCI within

my own party there is a philosophy of utilising women with a particular expertise or capacity or qualification, and that they have, over the past few years, been promoting EMIS waltinim Ene National Party. We are no longer just lickens of envelopes and pakera of cakes, Corcataly ene Nettonall Party nag @ mummy Ort extremely capable and qualified women. I tinimk mae telnet,

TIONS sti ae Lae a TIO} eee Oviatt eae Delany about any women's lobby. A
 â\200\234oman Slhomla moe WO winere as A woken, HL do moe believe, we i
 Couil@ (ute alte telnaie Wey, alin ING Weel lacilalwys eve oSCis Operate IRONS S Iie TU
 Tete

I do believe that every women who has a contribution to make, both
 im ~NO PEACE DrOCOSS, in Ele POLUENCE PiroEOSS, Ain the democratic

process, should be given the opportunity to DACELELDAES o

There are a number of delegations here today who have mentioned a non-sexist, a non-racist democracy. Some of those democrats do

not in their own delegations have a woman. How non-sexist are
 Daeov2 I leno Cmaie, woe inewemeS, ele Women's Lobby which was recently formed did send a telegram to the head of every delegation here present some 10 days ago, including our two Justices. From very few of them have they had any response whatsoever. I do know that the State President did respond and he responded by positively Pilmmnen a Woman im scale Or tine National Party and the Government

delegations.

Bieler oeu dmlutcele teomtcone aa tl late am pam tlc lane ye On meres Men nbisci= er

PBwURMELEZIL ooo

Buthelezi because I see that in the IFP delegation there

APG NOP WoOmem clam Win Amy Owner Lim ENG rOOM,

Andatastiy, Jet canst aceud: this mesica ge, = sVomensc omen: swelmt Â«iho

be there because they are women. Women want to be there, they are
More elam 504 Ot Hails populatioOm, OwWr wigine 1S MOL AS WOReEM, Olir

right is as people who are qualified, who are intelligent and

naive! al Com tay Dilsteeomn teOnemalleer

Wneinlk Oil.

PPOULMES ooo

JUSTICE SiCHAB ORI:

MRS SUZMAN:

JUS IITG I, SCRUMOI IES

or

Points well made and well taken. Thank you.
Mrs Suzman.

I am not going to make a speech Mr Chairman.

I just want to ask that you move as a formal proposal, the suggestion really which was made by Miss Mtintso, and that is that the new Management Committee investigate appropriate mechanisms for adequate representation of women in the various structures created by CODESA. It might mean enlarging the working committees from

two to three delegates.

Whilst the panel is considering that proposal, ladies and gentlemen, I have been asked to ask you to make a correction to the first of your organograms. STp Fe weetn Tn yam pte nro cabins aN 040 aaa is the bottom division there, the second block from the right. te ig J ih Mahnlanen amal more

N J Mahlangu.

I am told that the panel has no objection to this being incorporated in the proposal. Ladies and

gentlemen, it reads as follows:

"The new Management Committee will investigate appropriate mechanisms IE Â© adequate representation of women in the

various structures created by CODESA."

PNOW o0c

G SALOOJEE:

P M H MADUNA:

Z, WIS 8

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Now reverting to the proposal as tabled, I do believe that there is a speaker from the TIC. Mr Chairman, on the Steering Committee the organisations were allowed back-up personnel. And on that committee there was also the accep-

THANG nO) ante CMMriadle Alm OMamE DMO NXeIRCISr.

What I want to know is, would a similar situation prevail with the Management Committee?

Mr Chairman, i think olm response -o iehiat sie tia on the CODESA Management, which was the previous Steering Committee, we are proposing that we work on the basis of one plus one. In other words, one representative with one back-up adviser for

each participating organisation.

Thank you Mr Chairman. I would like to deal with the report by Dr Maduna. I ywowdel Isiike tO Se%s/ that lL endorses! temeonm een mec unelye oie IC wowal

like to go one step further and say that we'll have to be given some direction here as to who will chair the working groups. Or, ae MO iaimad decision is going to be taken today as to who is going to chair the working groups some direction should be given to us as to how such persons

shall be appointed.

NCL: Gaetan.

JUSTICE SCHABORT:

Z NIUUUS g

JUSTICE SCHABORT:

WS) HELGATE:

JUSTICE SCHABORT:

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Very well.

Secondly) Lawouldm bukemto. deal) wiilh tive question of further participation - the admission O@ile ir wigielne@re participants to CODESA. I would ldke oO say IL agree Withawhat Duehadundmhad etOmcea yc. sllicie inca ican matter. be left to the Management Committee. But all would like to add a further rider and request CODESA itself torsformulabe buoaduscuidelinessouetnis saa pocamces wealaye had a lot of discussion on this and we would like to moveltonandstroswithoutaneachaincea tinal sdcceilslongon thisee ewes would theretone: like to propose. tiliaty a iset of principles or broad guidelines be given to the Management Committee, and that the Management Gommittee be then mandated to take whatever decisions Â«che yee ave. cor. Co teal cC RO) AGMELSSLOMm Om pPAweLOS, to take them, having TAGES jee wie jmaloiatos ene ene DraencHaDEae |= which shall have been adumbrated by CODESA and agreed to by CODESA.

Thank you Mr Chairman.

Thank you. In the meantime let us hear another speaker please.

Could we have a one plus two back-up in Management Committee and a one plus one back-up in work groups? That iseea proposals Me Chairman.

Winate about wnat?

/The

W S PWLEAWE g

K RAIJIOOs

P GORDHAN:

JUSTICE SCHABORT:

P GORDHAN:

JUSTICE SCHABORT:

Tue MEDIO DIOS aulaneta OMe mEpan(cH asncmt ici ta WweniNawem ice Ones pais
one back-up in the Management Committee. We are
proposing that we have a one plus two and in the work
groups we have a one plus one.

STi atria Bical} 1 @) aeteerel Onn anST OMI Nate (eietanin ten yome Erelitaate sya me S
emin Gielen koe

Cllarciey Om Gillosteniewies eincl jew, Were orsiS Wier) Geile
satessands back-up people, Ehene wails a provision iF Â© ie
substitute. Now I want to know whether proxies are also
ulsto nie Cie cic Mamen DIO Font mn OSE Mm Cel ecto cI Cay tue aletitet i kameny Orie

Gordhan from the Natal and Transvaal Indian Congress.
Mr Ghaieyman we tay leres pectrully: sierecty a melormcens [10
facilitate the proceedings that we take each proposal
Dil tee Ons Wate Cie FO) sate es) aimCrs sO) = ait Cummsit cy ce gama deaee Ue

Le CO tae iInouse, Ome at a fteime., Rea
view that this would facilitate our discussions and
NERS DMRUtSHe

Wem ell clon seat hecnion a: Caswelsmamirceap a bicds thicitarieremwotlnd
be as many of these proposals as have been forthcoming.
But at this stage we will afford the panel an oppor-
tunity of dealing with those that have been made so
far. = thank it's a good recommendation.

Mr Chairman, my point is that the proposals emerging
Frome them pane: atselt) bes put to mehce bouscmone sated time
and if there are counter-proposals, they can be made

ine an pan ccwlaw: Ondem-s = Wheites Wem anes hay ams LS} UMNO Wabi, ljo
and down the list at the moment.

Yoo, Wate me jmate ase, IMO@us maimy OulNeic SpealkSres chee

there still? There are only three more speakers so

ewe vieieeleele

K M ANDREW:

JUSTICE SCHABORT:

G VILJOEN:

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we will comtime this adiscussiom to tmesse tnree ad@dim=
tiomal speakers, Amd Om nat basis, HL would aititoird
these speakers to make their points if they are per-
tinent to what we are presently discussing. And the
Dama wwaldlil mOce Wate Amal COMmMeEMer OM Einaie tm due COWUrSe@>,
Thank you Mr Chairman. Ken Andrew, Democratic Party.
In response to the suggestion of Mr Felgate, we would
like to disagree and recommend that in fact, in respect
of the Management Committee that one has one delegate
ama tineic person 19 allowed tcewo back-up advisers Or
SEALE POrsSomMSs Wiliam Ele wOOM, Im PESDECE Ox worlkime
groups, that each delegation be allowed two delegates
on a working group as well as two back-up persons,
AGyASerS Or Seats PEeOpla, Wasrdily, wm respect Ox
proxies and alternates, we would suggest that delegates
be allowed to have alternates representing them at any
meeting but one would not have proxies in the sense
that you would send a message with some other delega-
ElOm CO ACE Om Your Delnadiz, S@Â@ you could Imave aim
Als@ieneneÂ@ Inthe ser CoOullain vic nave A wieopay IDiy Wes Ol A
written message or something similar. Thank you.
Professor Viljoen?

Mz Chairman, Âf would dike to associate myself, wath the
two points made by Mr Andrew. I think these working
groups are going to have very important assignments and
DPLeSMcOuncE tom bee reallya dit Âficill barom ha Vem Onno lcm DEaris
one on a working group. i would also support Inig idea

of a second back-up on the Management Committee. As

Jar AS soc

far as the suggestion is concerned that we should lay down guidelines and principles for the Management Committee to decide with regard to further participants, I think that would be difficult because we have no prepared recommendations with regard to guidelines and principles. But they are needed and I would therefore suggest that we refer the question of laying down guidelines and principles to the Management Committee to decide in the interim and have those guidelines and principles afterwards submitted to CODESA 2 for con-

Hael eran aateelee Oye

I would also Mr Chairman, like to associate myself with the Secretariat's recommendation that the whole question of further participants be referred to the Management Committee. It is true that some of these matters of LuGehew pamtac panto Nave = Dees metered =0 â\200\224said gato.

cA tmGre MAS mor alwesss Deen am Abaility GO gee a

Timea POSOLMEIOM Om tinem, Brite L would plead Enact we should avoid arriving at a negative decision, especially on such a real and a sensitive question as the need

of the Kine of the Aulus nepmesentang. has) natuom to) be involved in constitutional negotiations with CODESA.

LL Wwowid nerarora WUES TO SwjppoOwe ele Gemeicall Cie@meal ainal Ne Overall GkLSEee OF Line SOGrewariac S wecoOnmendeied om to have further participants referred to the Management

Committee, Bute L would like CO Ssmggestt mat Emere aire

/ (eee laNS heme

JUSTICE SCHABORT:

A RAJBANSI:

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at least three categories which require consideration.

THOT Ces mat bien eed met ram tale aK@inme Olga ane ZoOLUS crepre-
senting his nation to be involved in constitutional

negotiations with CODESA, which I have already mentioned.

The second is the proposal with e@EeeG (eo ieieaelil eaL@ma st
leaders which is a matter of grave importance too,
which - think should be specifically considered. And
then other requests for participation, provided they
come from potential participants in terms Ox Rule ol,
namely political parties, political organisations and
administrations, such requests that have not yet been

finally dealt with.

Tey OniulediectelneHae a Tae mag nuts taelelakcema Â© Speciiy that wise nel i cine
general ambit of the Secretariat's recommendation,
these three categories , amongst others, receive specific
attention.

Whe Req paingal., Glo syon crea ial wish to speak?

Yes, most of my points have been covered by Mr Ken
Andrew and I don't intend repeating them Mr Chairman,
except to state that the working groups will be ele
engine room of CODESA. And we are very strongly
opposed to any alteration to the suggestion made by the
Cen ee ananickn. a Wels tip pO tsea st nial tne acing el omawieacia ieee
allowed at the Management Committee be increased from

ONG EO EWOs Thank you.

HAsuintaken een yz Ol een

JUSTICE SCHABORT:

Be HO OMERS AN:

JUSTICE SCHABORT:

B HOLOMISA:

JUSTICE SCHABORT:

B HOLOMISA:

JUSTICE SCHABORT:

CONVENTION:

JUSTICE SCHABORT:

B HOLOMISA:

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Tihamk you, Ladies amd gemileomem, iinet would then
conclude the contributions from the floor according
Lou themdecit stone taken, = l= call online Madina

(0) nnn OITA Tea nO) nan HN CSoptogeme (oto cA Teeter etl

Yes General?

Thank you Mr Chairman.

Hise a momane Ceomeical, US elas Mey ComeGinmniiny relays
Dactinilar proposed / Because it was accepted and decided
that there would only be three more speakers on this topic.
Unfortunately, the Honourable Minister for Constitu-
Tonle erate iasscalsed= a pomlt whitch as. Ol ambemes t
ne tao. endl dh eG We MAW a wilwie LO wOSiv@MGho lineal
you.

Ladies and gentlemen, will we afford the Transkei

delegation an opportunity to address Pats paweleular

issue?

Niels

Yes, thank you. Then you may proceed.

Thank you Mr Chairman. We have before us an agenda which
deals with the admissions Oi CUPRA PaweELeIpaMieS Ere
CODESA. You will remember sir, that we spent a lot of
time at the preparatory meeting discussing the atten-
dance or eines Zamlue heme are CODES ne. ae ereremmc acer number
of other traditional leaders who have a aL@imicse mi, ClLa.aiiw
Ho adniesion ae CODESAE So as to ensuse har CODBoa
does not become an unwieldy body in view of the
number of traditional leaders that we have, Transkei

has the honour to move that a task group be formed by

/CODESA

JUSTICE SCHABORT:

G VILJOEN:

JUSTICE SCHABORT:

B HOLOMISA:

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CODESA to travel around the country, meeting with traditional leaders, looking to their interests and endeavour to forge unity among them so that they ventilate their aspirations in fruitful unison rather than as disparate groups. The task group will have to report to CODESA on its findings. Thank you sir.

Wonk Ow >

Professor Viljoen, would you be able to accommodate this within the structure of your proposal?

Mr Chairman, I have avoided being instructive. My contribution was to suggest three areas which should, amongst others, receive attention where the recommendation of the Secretariat that the Management Committee further deal with additional requests for participation. We Congigeracd, I womllal greene, Balie, ielMene iO (yw lon instructions about the detail of the methodology to be followed to consult with the traditional leaders, which I think is a very good idea in so far as it isn't really a matter of which we are here prepared. And I would therefore also suggest that the proposal

of General Holomisa be referred to the Management Committee as a method which could be followed in dealing with the consideration of further participants, particularly in the general category of traditional leaders.

Yes, Thank you Wee Wally oem.

General, would that be Caimryaing wore approval?

Mr Chairman, I fully agree with the Honourable Minister. Thank you.

MIU aur eee yO een

JUSTICE SCHABORT:

P MADUNA:

248

Tank you very mucin.

Ladies and gentlemen, I now ask Dr Maduna to comment on these aspects.

Thank you co-Chairpersons. I think some aspects have been addressed already by the meeting. There are just one or two aspects which were raised which we would like to respond to, Pilsely, Ene QuesStiom ox Chairmanship for working groups. Our feeling is that we shouldn't be prescriptive when working groups meet for Ene rivet eaime, Rach working giroup will deerde wae will chair its meetings on the basis of ability. And Theme SIO tells ieNpICHas to Mum DC mad otach Willer iarts OTM plcitatestucwia D citesi arl

OPGAMUGAELOM iG BMA PUIPMOSS, EMAL Orgamieeiciom watt be entitled to bring in another person to actually be

Om Ene COMmMELEEEOCS, GO will EChat Vvacamey.

Secondinyg. the dies talon son balck p ad diaasie as ehtaism been

handled but we feel we should mention to this meeting that our argument for a one-to-one arrangement at the level of management, and one is POMeTS when we come to Bie WorkimNs FerOUps, LS ene HACE EMate at Working E<oOnp

level that's where work actually takes place.

PWae WoTKLMAB ooc

The working groups need more back-up staff or back-up advisers
 SOM hic een Ciyame cum te lire) ee) U SOS amicl I Cla@ Oil Cum Omavelaiaaiimeta cle Oi
 mendations to the management which is a body that will basically
 deal with recommendations that shall have gone through a whole

process of machinery.

As far as proxies, ace concerned), we ane aware that we have made
 an allowance for proxies up to now when we address the question
 Opes et racy ein Gy Secretalatarc) solute OUI spEODOSall OrCounSsemadoe!s
 away with that, and we are saying where a representative of any
 organisation cannot attend a meeting for whatever reason,
 Management has to be informed by that organisation well in
 advance, say 48 hours before, as to who will come in the place
 of the delegate. That arrangement we feel will do away with

HOS pO bIgia Gmb cbraninchIne |S

I think those are the two items that we felt we should just
 highlight Mr Chairman, as a way of summarising our input in this

mecascd. Thank yOu wey, much.

M J MAHLANGU: Mr Chairman, we just want to correct something
 from the remark raised by Dr Maduna. I think
 firstly he referred to the working group as
 2 is *O Ap Ginel aS Mamagewmenme 1 18 O Vc

TUS uC SCHARORT Wiha yOu iciseu Salmo) ICO ine Cie.

M J MAHLANGU: Thank you.

eACeeOS ee

Za)

MR JUSTICE SCHABORT

Ladies and gentlemen, we've got the scheme of composition of the working groups; the Management Committee as proposed. Is there unanimity as regards the composition as proposed and contained in the documents before you?

Agreed generally, apart from the voices that were raised.

Well then there was sufficient consensus on this score.

As regards the question of issues that would preferably be left to the Management Committee as proposed by Professor Viljoen, being guidelines and principles, further ctigennC Hsp clei ammate TS question Of traditional leaders, and I take it the King of the Zulus and other participants, that those questions be left to the Management Committee.

Ladies and gentlemen, is there general agreement sib Ta telincludete connection?

Thank you very much.

Accordingly is this document accepted, subject to what I have now mentioned?

(Agreed)

Thank you.

| CLOSING Â« o 6

aoe

CLOSING REMARKS

MR JUSTICE SCHABORT

Dames en Here, as dit gister in baie lang dag was, ek wil nie
sÃ© die langste dag in die geskiedenis van ons RaNOCe Eee mere meClea(
vandag n kort dag gewees. Ons gaan hierdie verrigtinge nou
afsluit met enkele opmerkings. Ons het baie gepraat. Hopelik

is daar ook veel gesÃ©.

Our mission and contribution here as co-chairman has been purely
a facilitatory one, one we have assumed with considerable
trepidation lest our participation should be perceived as
affecting our independence and impartiality as judges, which we
treasure above all. The processes initiated under the banner

of CODESA have been conceived by you, ladies and gentlemen, as
POL tect anceam Ube shaver ocen pursued by you to this point and

it is over to you to determine the fate of CODESA. What is at
stake is the future of us all, and more importantly of our
children and theirs. May the good Lord guide all the DOL siealsS alan

of South Africa, those gathered here and those who are not here.

MR. JUSTICE MAHOMED

At 10h00 yesterday we began an uncertain but OMe tee enna,

exciting leap into the future by consciously agreeing to explore,
to identify, to debate and to articulate our dreams if Oem)

and free South Africa, liberated from the shame and the pain Omens

racial past. Twenty-seven hours later we have reached the end of

/the

ATC

Fes al) pete ta Tl Typ eg tes nga Tye i set acs Re CG) ULC hy ct

Biel esl ey alee eS PTO Tete TT te amet Ta lato tte 10 @) Tn Ten] oem yen Cl Â©) ete ce
sT Cas

Oi WiriCla inisicoiasy ws mech aim Celesiciall lojra For nearly two
full days, some of the most troubled and some of the most
traumatized of our sons and daughters have given public expression
in varying degrees to their deepest feelings. Sometimes to the
nobility of their aspirations, sometimes to the sweetness Oi
their dreams, sometimes to the horror of their fears, sometimes
to the depths of their anxieties, sometimes still to the
intensity Of their anger, sometimes to the pathos of their

Sete papel Ch pommel cle em Cet 10 een Â© Lent n> rau Come 1S Ce Â© Maca Cacho) STA Let
o 10 Cl eile tel ete OUTS

fautebIgere

The experience has matured us all. An emotional and intellectual
catharsis which has sometimes opened painful wounds and sometimes
lifted us to states bordering on spiritual intoxication. And
even the pain acquires a strange kind of sweetness under ihre
balming influence of a renewed faith and determination never
again to repeat the tragedy of our past. We have argued, we

have confronted, and we have loved, all at the same time. And

we have emerged stronger because some experiences have to be
lived intensely both in the dimensions of pain and pleasure to

mutate a new catharsis and to regenerate our souls.

This first meeting of CODESA has yielded mighty results in at

WeAGgKE teee ercueilal eres, Win tee oes jollecee, We lnewe

jinctellectually -..

Zoe

IMEGIIACGEMEILIS7, Ge wile Wee joreeCleseril ly, iewls eG Cokes IWeeis) sereyeuael
from the immoral premises of apartheid and racism towardsâ\200\231 the
spiritualising and liberating dimensions of structures based on
love and sharing between all the citizens of our beloved land.
This is written in the bold and vigorous strokes of those parts

of the Declaration of Intent to which every party at this
Convention, including those who have not yet signed, have expressed
their unanimous commitment.

In the second place, we have after our years of isolation,
experienced the enthusiastic support of the international community
of observers who have given momentum to our commitment by an
unprecedented and public declaration of empathy and solidarity.

iNael iloalacliiyy, We Mee Giived icO Whee would otherwise

be in danger of becoming an aborted romance without any internal
stability, the potential teeth, the discipline, the support
structures, the nuts and bolts, to sustain it into an achievable

and imminent future in the form of mechanisms and working groups

and commissions with detailed programmes. Make no mistake about
it, these are mighty achievements. Perhaps we are much too close
to it to appreciate its enormity. If we place what we have

resolved and if we pursue what we have resolved with the urgency,
the speed and the integrity which our country is entitled to
demand of us, subsequent generations might well identify this

day and this moment as the day when South Africa was Treborn, mot

OMe Ame OMN IO Hap ieralcmnCple@ iayamie Â© Meri ION Ini=elnZ(cn\o emo lems) rekindle h
ope

/and

and regeneration for the Africa of which it is a part and for
a world in search of a new idealism to regenerate many of

SIS IGe rahtet nya Tq tee lute Â© GlnmNCl Ta ctill ree nemteovciral uy g@)l Re
Ladies and gentlemen, I have a request from Dr Mandela and

Professor Viljoen to make certain formal and courteous remarks.

I will call on Dr Nelson Mandela to please come to the podium.

/DR MANDELA ...

LOO

DR N MANDELA

AFRICAN NATIONAL CONGRESS

EDs cytes lay Â© Into) latch een @) ete a oul a cacliclh enna Or tae ANC, HE Wisin co
thank the Chairpersons for the excellent manner in which they
have Chaired this Convention. They have done so in an even-
handed manner; brought to bear on our discussions the wisdom,
the experience which they have acquired in the course eee Oblata
profession. I am Ce te ean nya OlemC Â© dnnCiane Â© Mrelo wane ram lemme lati ieea ond
of a troika consisting of the Chief Justice and the two Chair-
persons here. But what they have SaadÃ©l iia wa@Q COULSS Ox â\200\230elails)
convention; what the Chief Justice said;. the contribution by
Judge Schabert, and especially the address which Judge Mahomed
nals cg avien) ew ilelaeclllchyams CO ilom emma cmsccltae and balance some of
the criticisms which we justifiably make against the country's
judiciary. Their performance here is evidence that some of the
traditions of the great judges in this country have not AicO=

gether been lost.

What I want to refer now to something that happened yesterday
which may have been a cause of concern to all the delegates
here. The participants in CODESA are brought together by a
common commitment to find a speedy solution to the problems of
our country. Our very presence in CODESA presumes that there's
agreement amongst ourselves to act in a constructive manner to
arrive at this result, and therefore none of us should act pero)
manner designed to weaken any of the participants alia, CODES
because each one of us has an obligation to bring our respective

constituencies into the peace process. The growth of the Teaches

PRGLINCG oo 0

wing in the country which is committed to the maintenance of apartheid and is ready to resort to violence to achieve this end must be a matter of great concern to all of us. The enemies of CODESA must be gloating over what happened towards the close of the session yesterday. What was said yesterday had

to be said, but I want to disabuse the right wing Of whatever illusion they might entertain that we can in any way approve of their efforts to undermine the African National Congress, the National Party, the Government or any other party committed to

the peaceful resolution of our common problems facing all of us.

I am certain that participants will realise from what happened yesterday that settling the problems of our country is not going to be a simple task. I am certain that the Government and the other parties to the CODESA process will commit my organisation to do all in its power to ensure a smooth co-operation between all CODESA participants.

in particular, and appeal to all the other participants in CODESA

to adopt the same attitude. Thank you.

MR JUSTICE MAHOMED

There will be a response from Mr Pik Botha.

OG

MR R F BOTHA

SOUTH AFRICAN GOVERNMENT

Mr Chairman, leaders of delegations, fellow PACcleIpAiNeES , ES
setts esas LON 2) Veet nN eersle LDC] CuiGlisaW isn C) COC Oc Chm Lm lcm mele
for me to pronounce any judgment. Mage ag wow owe leacexrs.
But on behalf of the South African Government, it is my duty
BIC it a Sicull SO MNaunN ee lm @ emi an lnle cia ean ONG oan Om Om ecicrcclotaun@ lame
ale

ANC and to the ANG, and I hope I will be true to myself, ,if I
do so straightforwardly, that we were badly hurt yesterday,
very, very badly - there is no other way I can describe it â\200\224
by the remarks of Mr Mandela. Because sir, I can also go back
in history. I do not know where we must end in going back.

I can go back into history and point out to 30 000 women and
children who died in concentration camps which would have meant
that we, the Boere, the Atrikaners, would have been a few

million more today if that didn't happen.

i can also go back into aig Ust Ces sOL Ow mineral rights were
taken away from my grandfathers farms Amic WOWee Me verciuese sec
ernie ye clam .One tas eC OMNI Cum ch mebnec me mec cynical way and
in a revengeful way. The fact of the matter is tela oamcial el mm@ si uantliSs
as we sit here, coming from so many countries of the world and
from Africa, we all have had a history CC O The eC O ee ava let One
It was after all my people who fought the fiercest aie sLâ\200\224-CO Loma dL

war on this Continent. We kept at bay half-a-million Bnapik reac

Yn

troops which even by today's standards is an achievement. We

Arenal c an Wen Wall INeicemeni nea tn Caie se At Cemywinc tom Oise all

Jover

Zee

Over Aciedl@a waere I visit ame woaere I travel, I am acceoced as
LTA GfehrapIEC cll Tape OP Stormy a 10mm SIO Cell quan Â© May gue UiepTanIne cl Iago it
al Â©) tel NC Tat Ma To\ Â© stag ello @)pie
the Limpopo River, they understand the need, the absolute
necessity that we should join forces because Europe, America -
and their ambassadors are here, they can hear me and report it
to their Governments - they are embarked on a new world order.
Ask them. Central Europe is going to require funds and focus
Gincl ercceimeion, Wee eyemcs im eae Soviece Uatloa is gOiling co
Fequime artention and then fOcus) Of thie Magjom powers. | Where does
that leave us? We cannot afford here in CODESA, we cannot

Fe tek fe Â© sty Cl Gln Ula tell nN staptal ete Tansl ACC my Mano TA) TA @ tegen Â©) Te
Gl re Tel tera R Ol ek I ae

these important developments pass us by.

I say to you here they talk in the chambers in Europe - where they
meet secretly and openly - of Africa being marginalised. They
refer to us as the Continent which might be marginalised. That
means the Continent which will wink out of existence. They are
Geomg tO) Say GJOod>D Ve COS me IMeie lnc Iamswicmrcuac male) Â© kam Â© tama lipitor
Coloured or Asian, they are going to say goodbye to us. There
is therefore an urgent need, apart from our internal â\200\224- the
internal necessity to stand together, to act in friendliness to
one another, to act in considerateness to one another - there
is an urgent necessity to show a united plan or programme towards
the industrialized world. If we do not do that - ask them - they
Willi =say, Goodbye! EO Ws. And! ae as) against thaw backggnound thaw. a

would hope - and I think my friend the leader of the ANC would

jagTee. %*

Cane

agree with me - after all we had this brief conversation
yesterday evyeiatag = ancl Ine Wali wee@alil idiere LF Saulel ico inulin

SOUNS O)fee te STS MIT chet mma erste Eo) Col Ne RO To Snel Te Colo TT estan lee) Calton
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JE Glo) intone eloslini< Ves \yalilil ElelalstenyS inblela Joie sewhaieloShe Eleealsiop
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exchanges.) | N mebely wanted POM cidee mere ss ScCauseuencir is snot
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mCII Gl]

ee Cnt soo) re teas Sly = COD oT IN ACO) CaS) ctl a TGV >
tS els aes 1 ULI aI eto leo cary >) se Cy Â©) WIE cl mio oo) lel ar Etat

we refrained. We refrained, we refrained for the sake of a better
atmosphere here, and for the sake of wseconciliation aliso
displayed by the attitude of the ANC leadership this morning

Sie OMHIe Chute ONC ig Sees cS Mearianlanleosa Clean lo tg Olea uae we

iNaGl Cha WOAic iMmGeS, L Wee CO COMeIUGE oy seEMMLaAciing yOu OI Wiser'e

al Shiela jalhslloscoinere Once cole me, Wmaere ace Cw & cO~ISs I Weloe
OQ) Ieee Walieln yrou eracl islacin 2 Walllll Gomeiluce, AS ihy Mucesicemae wyoullle
also like to express a few words. This Swazi philosopher when
Heer Slee cl feinin se Wintaite sens iin Â© tems Se ae eaten clita, Â© Wm Cinta@ amnÂ©
Clune lan= lees Oa)
serenity, calmly, happiness on your face? And you know how the
Sivewis Cem loa watiel waaise lowely Gieey Inaaic, Sarcesag welMere
philosophising.. And he just said to me: Just one reason. The
Hae Cl @ Hiss leslie OTe WyictU le Clee SIUC Inurl W chy ume nicl an Pah me TOUCH arIg@
Â© Men Ora
Phat GOdG sei OtMelc COM DalSiSm Me Diva iweleMOUute sus OUI â\200\234aI Cuaeen Ome ire
amorner, Anc cle Otlaeice Ome, Wased Â© Gnee Sale ais eae Umiltcoc

Nations, came from an African Bishop who is not with us anymore

POO eS

but he said to me: We are like the Zebra. It doesn't matter whether you pur the buller through the white stripe or the black Siete oy ee eee eet eel Mec ee the whole animal will die.

Thank you for this opportunity.

MR JUSTICE MAHOMED

Dr Mdlalose would like to say a few words.

/DR MDLALOSE ...

DR F T MDLALOSE

INKATHA FREEDOM PARTY

The Honourable Judges, Chairpersons of CODESA, the respected

delegates of this Convention for Democracy in South SfarasIn CaN,
ladies and gentlemen, I thank you sir, for the privilege you
have granted me to say a word or two. My word or two consists

Ele Se laheeleci ala gO Hamma enc gers

ETI Aes tee tic Sytem (DO ell ate ey, IN epee) put across, by way of emphasis,
is the fact that Inkatha Freedom Party ECM OG CMC NCO MCN ZAerS
committed to CODESA, to the spirit of CODESA, and to the forward
journey that has been started over this weekend. We have been
on this road to democracy for some decades, for many years in
fact. We have been im our own way fighting apartheid and with
so many people that there are in South Africa, there have been
many ways of fighting apartheid, some acceptable to some people,
others not acceptable to other people, but we have been fighting
against apartheid and we are still fighting. Ways may have
Giffered according to different nGClintatons , acc Omealng =cÂ©
different philosophies, but the aim has been the same, the end
Cee ee ulster nena lc eer meeeciinia oo equality and humanism for
every human being in South Africa. OmlaLe| Ig'ers} jee) Joe) sicactey}sVereie lye

of sex, irrespective of colour, irrespective of ethnicity.

We would like to appeal to ourselves as Gomta jvecdlceing, ellil Gye
us, appeal for tolerance, appeal for acceptance, appeal for
realisation that the 35-odd million people that we are in

South Africa cannot all think alike, and they ea) temncty melee cone

/the

the cat the same way. Differences have been, and differences there will always be. Tolerance, acceptance, one sit Â© amet OM @ytelin evra Two ull eel lemlatennt heascmes Cath geunE@ aeinclnamenie Tayo Clive aici mals participated on behalf of Inkatha, everybody that has OictigiteelC ribo ake e cl in this CODESA because we have learned one from the other. I

TT TINGE ac eun Ot lala eet MSH ON oo Caneel Crea C Ua oma lcm ch emcee morn because they have maintained us and they have helped us to move ahead. I would also like to thank the whole of the Republic of South Africa because the good wishes for success in this CODESA has come from the whole of South Africa, Black, White, Yellow, Green, everybody has said: Let there be success. There will

Io SUCCESS tin Sowida Arewaleel.

I also want to thank the whole world for here we have the

Organisation of African Unity. Here among us we have United Nations representatives. Here among us we have Non-Allied Movement representatives. Here among us we have ambassadors

and consulate generals for many, many countries throughout the world. But the last and most important thanks that I would like â\200\230to Giya Gee â\200\230eMeMks co VOU Sis. Wnheiaks GO WOU xO iMewaing See WISH RE ea@ ec) nun Â© Wietag einai tetee elm Siecl C/o ms Osama mona Piel lacy eCiany committee meeting. Thanks for having seen us through these two days here. iElalauale seats |@ Tau yZÂ© 1 Ig Â© Â© Glan WEIE Cl chING coum UnGl Me ctyya161ol Cram s) = laces A ciClan|2 Ohy ame eto maitiyz eta sm rage clgy ZS pa eT Le ate oe se rl cc @) tes eT HG tas Â© eS OL)

fel et oT fe LT oyster ap CF mT) Gl re Lo) Loy tant elem ee Cty Co ELC

the little calf out there may be gambolling around perhaps not

ESOP eae

OME SIO UIC ENC OTe iersinGl ats (Ie oem n/n amen iclh tome inclyro) Oc Inl orumea Clmc
ea

imagery is: Long before the calf wishes to suck, does the cow

Viclaiatimts OMsUCke scroll have been like that cow to us, you, as

our Chairmen. JI would like to thank everybody.

MR JUSTICE MAHOMED

I was under the impression that Mr Pik Botha had been nominated

to respond to Mr Mandela's remarks on benalioL tine Governments,

but I have a note here fram Professor Viljoen that says: the President
asks permission for a few words please. Regard being had to
his status, and in the hope that it helps the process of healing,

eee a@ tele anya eee elon Â© OS Â@lataulielnenye.

/President de Klerk

PRESIDENT F W_ DE KLERK

SOUTH AFRICAN GOVERNMENT

GTA encanta sepa Utae yh loca @e Fat crip estar Tal em A rege 3 Â©) lame TON CLIN clue
Cle meen Â© Rel meine acy
as the leader of the Government delegation, to thank you, the two
Chairmen, and all those who worked in the supporting structures,
most heartily for the very wise and the very efficient way in

which this Convention has been managed.

Thamia n7,C Ulver jsaMUChictic on Has@ IMO tam CHIGle) si mING Olean ca tyme GueetcOm
Aethios emul OMONcias moO encmcHs Omen mE a ersclCie Olimamn ene ancl omnes Â©
speak on their behalf - worked towards this Convention.

Mr Chairman, this Convention is an historic one. The work now
has to start. We have attained wonders in these few days. We
have reached consensus on the agenda. We have reached consensus
on the structures which need to be put into place to effectively
Cea Walia elie aceinca, WAS mere See 1S Woes WE MUI MEIN close
Sicieblere eos Walieliie @ Simoes tee SO ienere Seuetllyy ise ters meny jyeele

they can start working.

The goal which we have set ourselves, and on which there is
consensus between us, is a noble goal. fis eS Mel CMG Oe ae Ops
bringing about a new dispensation which is fair and equitable
auncel Westie. Ol yeu Gull Sow AMeciceias Gein Ios joreoulel, GimGl ali Wioaleln
BLL Souda Meetceins Cel jocwectesoeee. Ik Weide ic OEcle myeelie
Iaere taste 1 willl moe allow aimyeailme wie Ouie Galcle 16 Sieaiac1 Alia
the way Of reaching that goal. Therefore, we have decided co
work together. We have pledged ourselves to do that in the

1D = Oe etotarc a eeiNo 1a seem Inte nee sie ee onesie Ta Chem @) Teg cha eta Â© Me! ct
eco

/that

MR JUSTICE MAHOMED

I'm happy to say that we have reached the end of this momentous
SESGuOM, Swe Or a Heyy logistical aimnouncsneines by Mr Murphy

Morobe. I wish you all a very happy Christmas.

CONCLUSION OF THE CONVENTION

57 UZ

CoMoMolmoso a
PPS /\

20 AND 21 DECEMBER 1991

AGENDA

Day One

IL, OPENING: CHIEF JUSTICE CORBETT

2. PRAYERS

BF CHIEF JUSTICE HANDS OVER TO CO-CHAIRPERSONS:
JUSTICE SCHABORT AND JUSTICE MAHOMED

4, OPENING REMARKS BY LEADERS OF DELEGATIONS [15 MIN EACH]

Ss ADOPTION AND SIGNING OF A DECLARATION OF INTENT

Day Two

6. CONSIDERATION OF STANDING RULES

ie FORMATION AND TERMS OF REFERENCE OF WORKING GROUPS

8. THE WAY FORWARD: INCLUDING

- Administration
- Starting date for working groups
- Next plenary meeting of CODESA
- Further participants at CODESA

Friday 20 December Saturday 21 December
09:30 Participants seated 09:00 Meeting starts

Photo-session in hall

10:30 - 11:00 Tea

12:30 - 14:00 _ Lunch

15:45 - 16:15 Tea 13:00 Conclusion
and lunch

18:30 Cocktail

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8

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

9

PO Box 307, Isando. 1600. South Africa.
Telephone (011) 597-1198/99. Fax (011) 597-2211

DECLARATION OF INTENT

\ \ e, the duly authorised representatives of political parties, political organisations, administrations and the South African Government, coming together at this first meeting of the Convention for a Democratic South Africa, mindful of the awesome responsibility that rests on us at this moment in the history of our country,

declare our solemn commitment:

ip to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a

country free from apartheid or any other form of discrimination or domination;

De to work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;

3. to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans;

4. to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate;

Ss to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:

a. that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;

b. that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;

Cs that there will be a multi-party democracy with the right to form and join political parties and with regular

elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;

d. that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances;

Ã©. that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;

fe that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of

religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.

We agree:

1, that the present and future participants shall be entitled to put forward freely to the Convention any proposal

consistent with democracy.

ae that CODESA will establish a mechanism whose task it will be, in co-operation with a
dministrations and the South

African Government, to draft the texts of all legislation required to give effect to th
e agreements reached in
CODESA. .

We, the representatives of political parties, political organisations and administrations, further solemnly commit ourselves to be bound by the agreements of CODESA and in good faith to take all such steps as are within our power and authority to realise their implementation.

SIGNATURE(S) REPRESENTING

AU A | curoleAn, African National Congress

Bophuthatswana Government

pa) We Gus. Sp Ciskei Government
 + ws >] is Democratic Party
 K ae! Uses : Dikwankwetla Party

Se Inkatha Freedom Party
 aE Inyandza National Movement
 CAA
 au ang | Coe Intando Yesizwe Party
 \
 Labour Party of South Africa
 & a ee, Natal/Transvaal Indian Congress
 of y <a
 ; / 4 National Party
 hall Âç) Wf National Peopleâ\200\231s P
 [Va LL, VA Ley leer | a eopleâ\200\231s Party
 meee Solidarity
 ae
 GCG A South African Communist Party
 Se Transkei Government
 Ce eceeeb) Sat United Peopleâ\200\231s Front
 2 Lb aie

oe ATE} ee Vee Venda Government
VAC : a
eo yn Ximoko Progressive Party

We, the South African Government, declare ourselves to be bound by agreements we reach together with other participants in CODESA in accordance with the standing rules and hereby commit ourselves to the implementation thereof within our

capacity, powers and authority.

SIGNATURE
<p)

os < le EG South African Government

Nkosi sikelelâ\200\231 iAfrika. Ons vir jou Suid Afrika.
Morena boloka sechaba sa heso. May the Lord bless our country.
Mudzimu Fhatutshedza Afrika. Hosi katekisa Afrika.

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

Standing Rules of Procedure for Plenary Sessions

Participants

1. (1) Participants in the Convention shall be the political parties and organizations, the South African Government, and those administrations listed in the Annexure hereto.
- (2) The Convention may resolve to admit additional participants.
- (3) The Convention may admit observers to its meetings, and such observers may be granted the opportunity by the Convention to address its meetings.

Delegates

Zs (1) Each participant shall be entitled to be represented by 12 (twelve) delegates who shall constitute its delegation. In addition, each delegation shall be entitled to name up to 5 (five) advisers.

(2) A participant shall be entitled to substitute a member of its delegation with an alternate member.

(3) Each participant shall submit and register the names of its delegates, alternates and advisers with the Secretariat at least 48 (forty-eight) hours before a plenary session of the Convention and shall likewise register the name of the leader of its delegation.

(4) An alternate may not be substituted for a delegate without prior notification to the Secretariat.

(5) Only duly accredited delegates may participate in the work of the Convention.

(6) In the event of a dispute concerning the credentials of a delegate, the Management Committee shall rule on the matter.

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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Agreement

3. (1) Every delegation shall, when called by the Chair to express its position on a proposal or matter before the meeting, have such position stated by the leader of the delegation or a spokesperson appointed by the leader of the delegation.

(2) Agreement will be arrived at by general consensus or, failing that, by sufficient consensus.

(3) Agreement by sufficient consensus will have been reached when consensus is of such a nature that the work of the Convention can move forward effectively.

(4) Disagreeing participants shall have the right to record their objections or dissent .

(5) When disagreement exists, the Chair will allow parties adequate time to consult amongst each other and with their principals before recording any position.

Quorum

4. The Chair may declare a meeting open and permit the debate to proceed when delegates of at least two-thirds of the participants are present.

Speeches and Interventions

Se (1) Every delegate shall be entitled to speak in the debate.

(2) At the opening of a session, the Chair shall call the speakers in the order previously arranged by the Management Committee.

(3) In general, the Chair shall call up speakers in the order in which they signify their desire to speak. The Chair, however, shall ensure that each delegation is afforded a reasonable opportunity to speak.

(4) The Chair shall apply the standard rules applicable to meetings, except as otherwise stipulated herein or in terms of any resolution adopted under rule 9.

The Chair

6. (1) Meetings shall be convened by the Management Committee, but otherwise controlled, adjourned and prorogued by the Chair, who shall be appointed by the Management Committee. The Management Committee shall provide assistance to the Chair in the performance of the Chair's functions as and when necessary.

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(2) If a duly appointed Chairperson finds it necessary to be absent from a meeting or any part thereof, the Management Committee may appoint a temporary replacement for the duration of such absence.

Minutes and Documentation

Te (1) The proceedings of plenary sessions of the Convention shall be recorded and transcribed as expeditiously as possible and the Secretariat shall make the transcript available to all delegates.

(2) All other official meetings of the Convention, including meetings of Working Groups and the Management Committee shall be recorded in full, but only the decisions, recommendations and conclusions shall be minuted and sufficient copies made available to all participants by the Secretariat.

(3) The Management Committee may, in its discretion, make available the full or partial text of any proceedings of the Convention.

(4) A participant may request the Secretariat to circulate relevant documents to other participants.

Access of Media

8. (1) All plenary sessions of the Convention shall be open to the media.

(2) The Management Committee shall determine the extent to which the media shall have access to other meetings of the Convention.

Additional Rules of Procedure

9. The Convention shall adopt whatever additional rules of procedure or make such arrangements as are necessary for the better performance of its business or the conduct of its meetings.

Miscellaneous

10. (1) The Convention may set up committees, working groups or any such subsidiary organs as are necessary for the conduct of its business.

(2) The Management Committee shall supervise the work of the Secretariat and

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provide for the technical services of and assistance to the Convention, including the arrangements concerning the venue, security and expenses of the delegates.

(3) The Management Committee shall ensure that reasonable notice is given for the convening of all meetings of the Convention and the provision of the appropriate documentation.

AGREED TERMS OF REFERENCE FOR WORKING GROUPS FOR

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CODESA

WORKING GROUP 1

FIRST ASSIGNMENT

Creation of a climate for free political participation.

Terms of Reference

WHEREAS the parties at Codesa have committed themselves to the terms and objectives

set out in the Declaration of Intent as amended from time to time

AND WHEREAS it has been nationally and internationally recognised that a climate for free political participation is an essential element of the transitional phase towards and in

a democratic South Africa

AND WHEREAS democracy requires that all the participants in the political process should be free to participate in that process without fear and on an equal footing and on

a basis of equality with the other participants

IT IS RECORDED that the terms of reference of the Working Group on the Creation of

a Climate for Free Political Participation shall be as follows:

To investigate and report upon all proposals and make recommendations with regard to the actions needed to be taken to foster and establish in South Africa a climate in which

all individuals and organisations can participate freely, without interference or intimidation, in all political activity and, in particular, in the processes leading up to the

introduction of a new constitution

To identify the key issues and problems that need to be addressed.

To identify areas of commonality and aspects where agreement already exists between

participating delegations.

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1.1.4 Specifically, but without vitiating the generality of the above, to consider whether and

how the following issues should be addressed:

(a)

(b)

(c)

(e)

(f)

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(n)

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(p)

the finalisation of matters relating to the release of political prisoners and political trials;

the return of exiles and their families;

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

political intimidation;

the termination of the use of military and/or violent means or the threat thereof of promoting the objectives/views of a political party or organisation;

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

the successful implementation of the National Peace Accord;

the prevention of violence-related crime and matters giving rise thereto; the composition and role of the security forces in South Africa and the TBVC states;

the funding of political parties;

the fair access to public facilities and meeting venues;

the advisability of statutory provisions guaranteeing equal opportunity for all parties to establish and maintain their own means of mass communication;

the need for an improvement in socio-economic conditions;

the fostering of a spirit of tolerance amongst political parties;

the role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy and the processes of Codesa;

the advisability of fair and reasonable access for political parties to all potential voters, wherever they may reside;

any other matters which the working group may consider relevant to its brief.

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SECOND ASSIGNMENT

Role of international community.

Terms of Reference

WHEREAS the parties at Codesa have committed themselves to the terms and objectives

set out in the Declaration of Intent

AND WHEREAS the validity and acceptability of the process of transition and the outcome thereof internally and internationally, will depend on an open and fair process

providing for full and effective participation of all South Africans

IT IS RECORDED that the Working Group on the Role of the International Community

shall have the following terms of reference:

To investigate, consider and report upon all proposals and make recommendations with regard to the role that the international community and/or organisations could be asked to play in the formal or informal processes involved in the period leading up to the

introduction of a new constitution for South Africa.

To identify the key issues and problems that need to be addressed.

To identify areas of commonality and aspects where agreement already exists between

participating delegations.

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WORKING GROUP 2
FIRST ASSIGNMENT

General Constitutional Principles.

Terms of Reference

WHEREAS the parties at Codesa have committed themselves to the terms and objectives set out in the Declaration of Intent as amended from time to time

IT IS RECORDED that the Working Group on General Constitutional Principles shall have the following terms of reference:

To investigate and report upon all proposals and make recommendations with regard to general constitutional principles which should be enshrined in and not contradicted by any other provisions of a new constitution, provided that the present and future participants of CODESA shall be entitled to put forward freely to this Working Group any proposal or matter consistent with democracy for discussion, consideration and recommendation. To identify the key issues and problems that need to be addressed.

To identify areas of commonality and aspects where agreement already exists between participating delegations.

SECOND ASSIGNMENT

Constitution-making body/process

Terms of Reference

WHEREAS the parties at Codesa have committed themselves to the terms and objectives

as set out in the Declaration of Intent as amended from time to time to the effect that the Commission shall be empowered to recommend to the Government of South Africa

and

to

the Declaration of Intent as amended from time to time to the effect that the Commission shall be empowered to recommend to the Government of South Africa

and

to

a democratic South Africa, enjoying internal legitimacy and international acceptance

AND WHEREAS it has been agreed that a Working Group on the constitution-making body/process shall be appointed by Codesa in order to formulate proposals and make recommendations on the appropriate body/process to draft a new constitution for South Africa

IT IS RECORDED that the Working Group on a constitution-making body/process shall

have the following terms of reference:

As

2.1.1 To investigate and report upon all proposals and make recommendations with regard to

an appropriate constitution-making body/process.

In respect of both the constitution-making process and body:

2.1.2 To identify the key issues and problems that need to be addressed.

2.1.3 To identify areas of commonality and aspects where agreement already exists between

participating delegations.

2.1.4 In respect of a constitution-making process:

Specifically, but without vitiating the generality of the objective, to consider:

(a)

(b)

(c)

(d)

(e)

(f)

(g)

to make recommendations to Codesa regarding the process through which a new constitution may be formulated;

how far the process can be taken by Codesa itself;

at what stage a special constitution-making body, if any, should be constituted;

the role of referenda, if any, in the constitution-making process; legislative and administrative steps that may be required to reinforce the constitution-making process;

the method of transferring constitutional authority to the new constitution and its structures at national, regional and local level;

any other matters which the working group may consider relevant to its

brief.

2.1.5. In respect of a constitution-making body:

In the event of it being recommended that there be a special constitution-making

body, then specifically, but without vitiating the generality of paragraph 2.1.1, is

to be considered:

(a)

(b)

(c)

(d)

(e)

(f)

(g)

its Composition

its legal status

its authority including limitations eg principles, procedures, etc that may have been agreed previously

its method of functioning

the status of its decisions

should it be an elected body, the appropriate electoral process

any other matter which the working group may consider relevant to its

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brief.

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WORKING GROUP 3
ASSIGNMENT

Transitional arrangements/interim government/transitional authority.

Terms of Reference

WHEREAS the parties at Codesa have committed themselves in the terms set out in the

Declaration of Intent as amended from time to time

AND WHEREAS it has been agreed that a Working Group of Codesa should be appointed to consider the issue of interim government/transitional arrangements/transitional authority

IT IS RECORDED that the Working Group on transitional arrangements/interim government/transitional authority shall have the following terms of reference:

To investigate, canvass all possibilities and their application and report upon all proposals and make recommendations with regard to the manner in which the country may be governed and managed until the introduction of a new constitution.

To identify the key issues, processes and problems that need to be addressed.

To identify areas of commonality and aspects where agreement already exists between participating delegations.

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WORKING GROUP 4

ASSIGNMENT

Future of TBVC states.

Terms of Reference

WHEREAS the parties at Codesa have committed themselves in the terms set out in the Declaration of Intent as amended from time to time

AND WHEREAS the parties recognise the need to provide for the meaningful and democratic participation, of all the people living in the TBVC states in the process of drawing up and adopting a new constitution for South Africa as well as in all possible transitional arrangements

AND WHEREAS the reality of the current existence of a number of separate but parallel institutions such as different administrations, civil services, armed forces, police forces and judiciaries as well as differing laws in certain instances which presently exist in South

Africa, and the TBVC states; calls for a re-evaluation of this situation

AND WHEREAS in the event of re-incorporation the need to ensure that the lives and livelihood of people in the affected territories shall not be subjected to any unnecessary

disruption

IT IS RECORDED that the terms of reference of the Working Group on the future Re-incorporation of the TBVC states are as follows:

1.1.1 To investigate and report upon all proposals and make recommendations with regard to the relationships between

and

between South Africa, the TBVC states and the people

of those states under a new South African constitution.

1.1.2 To identify the key issues and problems that need to be addressed.

1.1.3 To identify areas of commonality and aspects where agreement already exists between participating delegations.

1.1.4 Specifically, but without vitiating the generality of the above to consider whether

and how:

- (a)
- (e)
- (f)
- (g)
- (h)

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to make recommendations to Codesa regarding the manner in which the constitutional status of the TBVC states may be affected by the outcome of negotiations within the framework of Codesa;

the desirability or otherwise of the re-incorporation of such states;
testing the will of the people concerned regarding re-incorporation or otherwise, of the TBVC states, by acceptable democratic means;
strategies to keep the people of the TBVC states fully informed, especially to avoid unfortunate misunderstandings;

the retention of business confidence, particularly in relation to existing investments in the TBVC states;

land transfers by South Africa to these states;

citizenship;

any other matters which the working group may consider relevant to its

brief.

If re-incorporation is decided upon in respect of any TBVC state, matters that will need to be addressed include:

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)

proposals for the re-incorporation into South Africa of a TBVC state;
consider the question of transitional arrangements in those states which want to be incorporated;

the time frames for such a re-incorporation and related processes;
disposal/transfer of assets of TBVC governments;

optimal use of existing infrastructure;

review of development project priorities;

good administration during transition;

the formulation of appropriate measures and steps to be taken to ensure that in the process of re-incorporation of a TBVC state, interruption or disruption in administration and the rendering of services and in the daily lives of people in the affected areas are reduced to an absolute minimum;
consider future of civil service in such states;

the exact form of authority in the TBVC territories;

harmonisation of legislation and taxation;

orderly termination of bilateral and multilateral agreements and treaties;
servicing and repayment of TBVC state debts;

ensuring public accountability of actions taken for the purposes of re-incorporation;

the identification of specific constitutional, legal and political measures
and steps which will have to be taken to effect re-incorporation.

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WORKING GROUP 5

Time frames and implementation of Codesa's agreements.
Terms of Reference

WHEREAS the parties at Codesa have committed themselves in the terms set out in the

Declaration of Intent as amended from time to time.

AND WHEREAS it is necessary to record agreements which are reached at Codesa and to implement such agreements and, accordingly, to prepare in draft form the documentation

which is required for effect to be given to such agreements

AND WHEREAS it has been agreed that a Working Group on the Implementation of

Agreements/Decisions shall be appointed by Codesa to identify the steps which need to

be taken by the parties to Codesa

AND WHEREAS it is desirable to advise on the possible time frames and target dates

IT IS RECORDED that the terms of reference of the Working Group on time frames and

the implementation of Codesa's agreements/decisions are as follows:

1.1.1 To investigate and report upon all proposals and make recommendations with regard to appropriate time frames and target completion dates for all of the processes and assignments being undertaken by Codesa, its working groups and

other bodies created as a result of agreements/decisions of Codesa.

1.1.2 To identify the key issues and problems that need to be addressed.

1.1.3 To identify areas of commonality and aspects where agreement already exists

between participating delegations.

1.1.4 Specifically, but without vitiating the generality of the above, consider whether and how to address:

- (a)
- (b)
- (d)
- (e)
- (g)
- (h)
- (i)
- (j)

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the need for a regularly updated comprehensive list of all the decisions, actions and processes involved;

the co-ordination of the activities of Codesa and its subsidiary bodies to ensure the greatest possible efficiency of the process towards a democratic South Africa;

the practicability of setting of target completion dates for all agreements/activities/decisions;

the monitoring of the process and the adjustment of targets whenever necessary;

the dissemination of up-to-date information in respect of progress made to all Codesa participants, interested parties and authorities;

to address the identification of legislation that needs to be enacted or amended;

to assist in formulating the terms of the legislation or amendments; realistically attainable time frames;

practical effect of implementation of agreements;

the legality of the process in relation to time frames to be negotiated within the context of constitutional continuity;

any other matters which the working group may consider relevant to its brief.

