

THESE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE.

DRAFT MINUTES OF THE FIRST MEETING OF WORKING GROUP 4 (THE FUTURE OF THE TBVC STATES) SUB-COMMITTEE 4 (THE POLITICAL, LEGAL AND CONSTITUTIONAL EFFECTS OF REINCORPORATION OF THE TBVC STATES) HELD AT THE WORLD TRADE CENTRE ON TUESDAY 18 FEBRUARY 1992

(ADOPTED AT THE MEETING OF THE WORKING GROUP ON TUESDAY 03 MARCH 1992)

PRESENT: Delegates (See Addendum A)

D Govender (chair)

L Klein (minutes)

*Adopted.
8/3/92*

1. Election of Chairperson

The Chairperson assumed the chair on the basis of the election held on 17 February 1992, at 16h00, at the World Trade Centre.

2. Chairperson's opening remarks

Delegates were welcomed by the chairperson.

3. Agenda

The agenda was adopted.

4. Rapporteurs

4.1 The need to appoint a rapporteur for the sub-committee was raised.

4.2 It was agreed that the question be referred to the Working Group 4 (WG 4).

4.3 It was agreed that in the interim, the chairperson would report back on the sub-committees activities and liaise with the necessary parties.

5. The functioning of the sub-committee and discussion thereof

5.1 It was agreed that the question of re-incorporation or non-reincorporation would not be debated in the sub-committee.

- 5.1.1 It was agreed that all proposals concerning the relationship between South Africa and the TBVC states would be investigated.
 - 5.2 The 2 documents made available by the South African government with the relevant legislation would be discussed.
 - 5.3 It was agreed that the sub-committee 4 should acquire all the relevant and factual information relating to the TBVC states and their relationship to South Africa.
- 6. Submissions of TBVC states**
- 6.1 It was agreed that the TBVC states would each present an information paper explaining their structure of government, relevant legislation and bilateral agreements.
 - 6.1.2 Debate arose concerning the form and the timing of the information papers.
 - 6.1.3 It was agreed that the information papers would be comprehensive and would be delivered at the subsequent sub-committee meeting.
 - 6.2 Guidelines on the structure of the submissions of the TBVC states were outlined to the sub-committee and accepted. (see Addendum B)
- 7. Harmonisation of legislation and taxation : Debate**
- 7.1 This area may overlap with the terms of reference of sub-committee 3.
 - 7.2 The meaning of the term "Harmonisation of legislation and taxation" and whether it implied reincorporation or not was debated.
 - 7.3 It was agreed that the question of the harmonisation of legislation would be influenced by the form of government devised under a new constitution.
 - 7.4 This issue will be investigated in subsequent sub- committee 4 meetings.
- 8. The land question : Debate**
- Debate was curtailed on this issue because it was agreed that it was not part of the Terms of Reference.
- 9. Future meetings**
- 9.1 Debate arose concerning the date of the next subcommittee meeting.
 - 9.2 It was agreed that it was preferable to hold weekly sub-committee meetings.
 - 9.3 The next sub-committee meeting will be held on Tuesday 3rd March 1992, to allow the TBVC states time to gather together the relevant information, together with the relevant information for presentation of profile papers with supporting documentation or reference to such documents.

Addendum A

ANC
Bophuthatswana Gvt
Ciskei Gvt
Democratic Pty
Dikwankwetla Pty
Inkatha Freedom Pty
Intando Yesizwe Pty
Inyandza National Movement
Labour Party
National Party
NPP
NIC/TIC
SACP
SA Government
Solidarity Pty
Transkei Gvt
United People's Ft
Venda Gvt
Ximoko Progressive Party

B Mabandla
JJ Tlholoe
GF Godden
NJ Olivier
S Manyane
VT Zulu
JS Mabena
H Motaung
T Abrahams
A Julies
D Govender
PB Soobrayan
S Mufamadi
DW Auret
GN Naidoo
Mr Makhanda
JM Nonyane
MP Nthabalala
T Shimbambu

10. **Closure**

The Chairperson closed the meeting at 13h10.

GUIDELINES ON STRUCTURE OF SUBMISSIONS OF TBVC STATES TO
SUB-COMMITTEE 4 ("THE POLITICAL, LEGAL AND CONSTITUTIONAL
EFFECTS OF RE-INCORPORATION OF THE TBVC STATES") OF WORKING
GROUP 4

1. This submission is intended to provide a profile of the governing authority of each of the TBVC states.
2. The following are suggested topics that may be included in the input:

A. BRANCHES OF GOVERNMENT

A.1 THE EXECUTIVE

This section should include information on the composition of the executive including the powers and functions of the Head of Government, his/her accountability and relationships to other organs of Government.

A.2 THE JUDICIARY

A.3 THE LEGISLATURE

A.4 THE RELATIONSHIP OF EACH OF THE ABOVE TO EACH OTHER

B. LEVELS OF GOVERNMENT

This section should include a profile of the regional and local levels of government. This should include structure, powers and functions.

B.1 REGIONAL GOVERNMENT

B.2 LOCAL GOVERNMENT

B.3 THE ROLE, POWERS AND FUNCTIONS OF TRADITIONAL LEADERS AT ALL LEVELS OF GOVERNMENT

B.4 RELATION OF EACH LEVEL OF GOVERNMENT TO EACH OTHER

3. ROLE OF POLITICAL ORGANISATIONS

The role of political parties within each state and relationships to the legislature and executive.

4. STRUCTURE AND BRANCHES OF ADMINISTRATION

This section should provide a profile of the Administrative branches of state. (These would include branches such as education, health, defence, etc). The profile should ideally cover the structure and devaluation of authority of each of these administrative branches.

5. SUPPORTING DOCUMENTS

It is strongly recommended that clear reference be made in the text of each submission to relevant acts, laws and policy documents relevant to each aspect of government under discussion.

6. CONSTITUTION

A guiding discussion on the constitution of the respective states. A outline should be provided of the rights enshrined in the constitution and whether or not the constitution includes a Bill of Rights.

6. RELEVANT LEGISLATION

A. Constitutional and Administrative Legislation

Constitutional Acts
Administrative Legislation
Interpretive Legislation
Electoral Legislation
Acts concerning the Judiciary and Commissions
Local Government Legislation

B. Property Legislation

Administration of Estates Legislation
Deeds Registry Acts
Immovable Property Legislation
Land Acts
Company Law Legislation
Taxation Legislation

C. Economic Legislation

Customs and Excise Legislation
Investment Legislation
Taxation Legislation

D. Other Relevant Legislation

Labour Legislation
Health Acts
Education Acts
Marriage Legislation (including Customary Law)