



**TERMS OF REFERENCE OF  
WORKING GROUPS**

**STANDING RULES OF CODESA**

**DECLARATION OF INTENT**

**As determined by Codesa I**

**MINUTES OF MANAGEMENT  
COMMITTEE**

**MINUTES OF DAILY MANAGEMENT  
COMMITTEE**

**MINUTES OF SUBCOMMITTEE  
INVESTIGATING PARTICIPATION OF  
ZULU KING AND TRADITIONAL  
LEADERS**

**MINUTES OF SUBCOMMITTEE  
INVESTIGATING THE DECLARATION  
OF INTENT**

**JANUARY 1992 - MARCH 1992**

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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## TERMS OF REFERENCE FOR WORKING GROUPS FOR 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

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:

- 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, in all political activity and, in particular, in the processes leading up to the introduction of a new constitution.
- 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.
- 1.1.4 Specifically, but without vitiating the generality of the above, to consider whether and how the following issues should be addressed:

- (d) the finalisation of matters relating to the release of political prisoners and political trials;
- (e) the return of exiles and their families;
- (f) the amendment and/or repeal of any remaining laws militating against free political activity, including the elimination of all discriminatory legislation;
- (g) political intimidation;
- (h) 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;
- (i) political neutrality of, and fair access to, State-controlled/statutory instituted media (particularly the SABC and SATV), including those of the TBVC states;
- (j) the successful implementation of the National Peace Accord;
- (k) the prevention of violence-related crime and matters giving rise thereto;
- (l) the role of the security forces in South Africa and the TBVC states;
- (m) the funding of political parties;
- (n) the fair access to public facilities and meeting venues;
- (o) the advisability of statutory provisions guaranteeing equal opportunity for all parties to establish and maintain their own means of mass communication;
- (p) the need for an improvement in socio-economic conditions;
- (q) the fostering of a spirit of tolerance amongst political parties;
- (r) the role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy and the processes of Codesa;
- (s) the advisability of fair and reasonable access for political parties to all potential voters, wherever they may reside;
- (t) any other matters which the working group may consider relevant to its brief.

## 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:

- 2.1.1 To investigate, consider, report upon 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.
- 2.1.2 Identification of the key issues and problems that need to be addressed.
- 2.1.3 Identification of areas of commonality and aspects where agreement already exists between participating delegations.

## WORKING GROUP 2

### FIRST ASSIGNMENT

General Constitutional Principles.

#### 1.1 Terms of Reference

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

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

- 1.1.1 To investigate, report upon 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.
- 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.

specifically, but without violating the generality of the objective above, to consider the issues in Appendix A.

## APPENDIX A

- (a) The superiority of the constitution over ordinary law
- (b) The constitution will be rigid
- (c) Equality before the law
- (d) The ultimate power of interpretation of the constitution will repose in the judiciary
- (e) A clear division of the powers and functions of the Executive, Legislature and Judiciary
- (f) The principle of the vertical division of competencies: Genuine devolution of power
- (g) The electoral system will be based on the principle of equal franchise for adults and the principle of proportionality
- (h) The legislature will be divided bicamerally and each House of Parliament will be elected on a separate basis with each enjoying joint and several responsibilities
- (i) A justiciable bill of fundamental human rights will be enacted
- (j) The judiciary will be independent and enjoy security of tenure
- (k) The principle of checks and balances will be enshrined in the constitution
- (l) The definition of citizenship
- (m) The principle of accountability
- (n) A sovereign, democratic, non-racial and non-sexist state and society
- (o) Unitary state with three tier levels of government
- (p) Common voters' roll
- (q) Non-racial geographical federation or confederation
- (r) A cabinet representative of all the states
- (s) Judges appointed by an independent commission
- (t) A president as head of state
- (u) Official language(s)/predominant official language
- (v) Guaranteed regular elections and the electoral system
- (w) A parliamentary system in which the Executive is responsible to Parliament
- (x) Preservation of the Roman Dutch common law and judicial systems
- (y) Financial control
- (z) State security
- (aa) National symbols
- (bb) Economic principles



- (c) Diversity of interests
- (d) Constitutional continuity
- (ee) Any other matters which the working group may consider relevant to its brief.

## 2. SECOND ASSIGNMENT

(Constitution/making body/process)

### 2.1 Terms of Reference

WHEREAS the parties at Codesa have committed themselves to the terms and objectives set out in the Declaration of Intent to the establishment of 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:

- 2.1.1 To investigate, report upon 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 Identification of the key issues and problems that need to be addressed.

- 2.1.3 Identification of 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) to make recommendations to Codesa regarding the process through which a new constitution may be formulated;
- (b) how far the process can be taken by Codesa itself;
- (c) at what stage a special constitution-making body, if any, should be constituted;
- (d) the role of referenda, if any, in the constitution-making process;

- (e) legislative and administrative steps that may be required to reinforce the constitution-making process;
- (f) the method of transferring constitutional authority to the new constitution and its structures at national, regional and local level;
- (g) any other matters which the working group may consider relevant to its brief.

2.1.3. 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) its composition
- (b) its legal status
- (c) its authority including limitations eg principles, procedures, etc that may have been agreed previously
- (d) its method of functioning
- (e) the status of its decisions
- (f) should it be an elected body, the appropriate electoral process
- (g) any other matter which the working group may consider relevant to its brief.

### WORKING GROUP 3

3. ASSIGNMENT

Transitional arrangements/interim government/transitional authority.

3.1 Terms of Reference

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

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:

- 3.1.1. To investigate, canvass all possibilities, their application, report upon and make



3.1.2 Identification of the key issues, processes and problems that need to be addressed.

3.1.3 Identification of areas of commonality and aspects where agreement already exists between participating delegations.

## WORKING GROUP 4

### 1. ASSIGNMENT

Future of TBVC states.

#### 4.1 Terms of Reference

4.1.1 WHEREAS the parties at Codesa have committed themselves in the terms set out in the Declaration of Intent

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 Re-incorporation of the TBVC states are as follows:

4.1.1.1 To investigate, report upon and make recommendations with regard to the relationships between South Africa, the TBVC states and the people of those states under a new South African constitution.

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

4.1.1.3 Identification of areas of commonality and aspects where agreement already exists between participating delegations.

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

- (a) 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;
- (b) the desirability or otherwise of the re-incorporation of such states;
- (c) testing the will of the people concerned regarding re-incorporation or otherwise, of the TBVC states, by acceptable democratic means;
- (d) strategies to keep the people of the TBVC states fully informed, especially to avoid unfortunate misunderstandings;
- (e) the retention of business confidence, particularly in relation to existing investments in the TBVC states;
- (f) land transfers by South Africa to these states;
- (g) citizenship;
- (h) any other matters which the working group may consider relevant to its brief.

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

- (a) proposals for the re-incorporation into South Africa of a TBVC state;
- (b) consider the question of transitional arrangements in those states which want to be incorporated;
- (c) the time frames for such a re-incorporation and related processes;
- (d) disposal/transfer of assets of TBVC governments;
- (e) optimal use of existing infrastructure;
- (f) review of development project priorities;
- (g) good administration during transition;
- (h) 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;
- (i) consider future of civil service in such states;



- (j) the exact form of authority in the TBVC territories;
- (k) harmonisation of legislation and taxation;
- (l) orderly termination of bilateral and multilateral agreements and treaties;
- (m) servicing and repayment of TBVC state debts;
- (n) ensuring public accountability of actions taken for the purposes of re-incorporation;
- (o) the identification of specific constitutional, legal and political measures and steps which will have to be taken to effect re-incorporation.

## WORKING GROUP 5

### ASSIGNMENT

Time frames and implementation of Codesa's decisions.

#### Terms of Reference

5.1.1 WHEREAS the parties at Codesa have committed themselves in the terms set out in the Declaration of Intent

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:

- 5.1.1.1 To investigate, report upon 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.



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

5.1.1.3 Identification of areas of commonality and aspects where agreement already exists between participating delegations.

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

- (a) the need for a regularly updated comprehensive list of all the decisions, actions and processes involved;
- (b) 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;
- (c) the practicability of setting of target completion dates for all agreements/activities/decisions;
- (d) the monitoring of the process and the adjustment of targets whenever necessary;
- (e) the dissemination of up-to-date information in respect of progress made to all Codesa participants, interested parties and authorities;
- (f) to address the identification of legislation that needs to be enacted or amended;
- (g) to assist in formulating the terms of the legislation or amendments;
- (h) realistically attainable time frames;
- (i) practical effect of implementation of agreements;
- (j) the legality of the process in relation to time frames to be negotiated within the context of constitutional continuity;
- (k) any other matters which the working group may consider relevant to its brief.



Addendum D

## 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, the South African Government, organizations and 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

2. (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 Steering Committee shall rule on the matter.



## 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 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

5. (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 Steering 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.



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## The Chair

6. (1) Meetings shall be convened by the Steering Committee, but otherwise controlled, adjourned and prorogued by the Chair, who shall be appointed by the Steering Committee. The Steering Committee shall provide assistance to the Chair in the performance of the Chair's functions as and when necessary.
- (2) If a duly appointed Chairperson finds it necessary to be absent from a meeting or any part thereof, the Steering Committee may appoint a temporary replacement for the duration of such absence.
- (3) All motions ought to be seconded before they are approved of by the Plenary Session as a whole.

## Minutes and Documentation

7. (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 Steering 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 Steering 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 Steering Committee shall determine the extent to which the media shall have access to other meetings of the Convention.



## Additional Rules of Procedure

9. (1) 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.  
  
(2) All suggestions for the addition or excision of rules should first be submitted to the Steering Committee / Management Committee which will consider them and make recommendations to the Plenary Session.

## 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 Steering Committee shall supervise the work of the Secretariat and 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 Steering Committee shall ensure that reasonable notice is given for the convening of all meetings of the Convention and the provision of the appropriate documentation.

# DECLARATION OF INTENT

We, 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:

1. 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;
2. 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;



5. 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;
  - c. 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;
  - e. that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;
  - f. 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.
2. that CODESA will establish a mechanism whose task it will be, in co-operation with administrations and the South African Government, to draft the texts of all legislation required to give effect to the 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.

### **SIGNED BY:**

African National Congress  
Ciskei Government  
Democratic Party  
Dikwankwetla Party  
Inyandza National Movement  
Intando Yesizwe Party  
Labour Party of South Africa  
Natal/Transvaal Indian Congress

National Party  
National People's Party  
Solidarity  
South African Communist Party  
Transkei Government  
United People's Front  
Venda Government  
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.

Signed by Mr F W de Klerk for the South African Government.

*Nkosi sikelel' iAfrika. Ons vir jou Suid-Afrika.  
Morena boloka sechaba sa heso. May the Lord bless our country.  
Mudzimu Fhatutshedza Afrika. Hosi katekisa Afrika.*

MINUTES OF THE MANAGEMENT COMMITTEE MEETING HELD AT THE JAN SMUTS  
HOLIDAY INN ON MONDAY 13 JANUARY AT 10H00

ADOPTED AT THE MEETING OF THE MANAGEMENT COMMITTEE ON 10 FEBRUARY  
1992

PRESENT:

Party/Organisation/ Administration	Delegate	Adviser
ANC	J Zuma	M Maharaj
Bophuthatswana Government	R Cronje	SG Mothibe
		DW Schoeman
Ciskei Government	HJS Kayser	NR Makapela
Dikwankwetla Party	TJ Mohapi	SOM Moji
DP	CW Eglin	J Selfe
IFP	F Mdlalose	BS Ngubane
INM	SS Ripinga	PMH Maduna
IYP	NJ Mahlangu	
Labour Party	PAC Hendrickse	E Samuels
National Party	R Meyer	DJ de Villiers
NIC/TIC	PJ Gordhan	C Saloojee
NPP	A Rajbansi	E Joosab
SACP	J Slovo	Ms GF Moleketi
SA Government	G Viljoen	N Coetzee
Solidarity	JN Reddy	I Omar
		K Reddy
Transkei Government	Z Titus	TT Matanzima
UPF	MJ Mahlangu	
Venda Government	S Makhuvha	PN Ranwashe
XPP	EPP Mhinga	JC Ackron
Chair	Z de Beer	
Secretariat	M Maharaj	
	SS van der Merwe	
	E Cosser (recording)	
	T Eloff (Committee Secretary)	
	P Saxby (minutes)	

1. WELCOME

- 1.1 It was agreed that the presence of additional support staff from certain organisations would be condoned on the understanding that, in future, each organisation should be represented by one delegate and one adviser only.
- 1.2 It was noted that all Management Committee meetings are closed.
- 1.3 The meeting agreed to commence proceedings with Item 3 on the proposed agenda.



## 2. ESTABLISHMENT OF THE DAILY MANAGEMENT COMMITTEE/DAGBESTUUR (DMC)

2.1 Following discussions on the constitution of the DMC, it was agreed that this should comprise eight members.

2.2 The following eight members were proposed and accepted:

Z de Beer	R Meyer
PJ Ghordan	SS Ripinga
PAC Hendrickse	Z Titus
F Mdlalose	J Zuma

2.3 It was agreed that the Chairperson of the Management Committee (MC) will be chosen by the DMC from amongst its members on a rotating basis.

2.4 Noting that DMC members were selected as individuals and not according to political affiliation, it was further agreed that no alternates/substitutes to DMC members will be permitted.

## 3. APPOINTMENT OF CHAIRPERSON/S OF THE MANAGEMENT COMMITTEE

3.1 See Item 2.3 above.

3.2 It was agreed that, in order to allow for the political party/organisation or administration represented by the Chairperson of the MC to participate fully in the proceedings of the MC meeting concerned, that political party/organisation or administration should nominate an alternate to its representative acting as Chairperson. It was further agreed that this alternate need not be an official adviser.

3.3 It was decided that Dr Z de Beer should continue as Chairperson for the remainder of the meeting.

## 4. APPOINTMENT OF A SECRETARIAT

4.1 The meeting agreed that the existing two-person Secretariat should remain in place, subject to review by the DMC at its next meeting.

4.2 It was agreed that the Secretariat itself should be held responsible for CODESA's overall administration, including that of the five Working Groups, under the direction of the DMC.

4.3 An appeal for the timeous circulation of documentation to committee and Working Group members was noted.

4.4 The meeting agreed that, in the interests of continuity, it should proceed to Item 7 on the proposed agenda.

## 5. REPORT FROM THE EXISTING SECRETARIAT

5.1 The Secretariat was mandated to investigate the availability from the SABC (and terms thereof) of the video recording of CODESA 1.

- 5.2 The Secretariat Report (Addendum B) was approved, subject to the following amendments and provisos:

5.2.1 Transcriptions of CODESA 1

The distribution of CODESA 1 transcripts to all participants will be investigated, certain participants not having received their copies to date.

5.2.2 Progress Report on Working Groups

The deadline for the submission of the names of delegates to the five Working Groups will not be extended. The administrative office should approach the parties concerned for the names outstanding.

5.2.3 Guidelines for Chairpersons of Working Groups (Addendum F)

The guidelines were approved subject to the following amendments:

5.2.3.1 Leaders of delegations to the five Working Groups should be allowed to introduce substitutes for both delegates and advisers whilst the Working Groups are in session.

5.2.3.2 It will be the responsibility of the Working Group Chairperson to ensure that no political party/organisation or administration represented in the Working Groups exceeds the four representatives per Working Group previously agreed.

5.2.3.3 See Items 5.2.7 and 6.3.1 below.

5.2.4 Financial Assistance

The following recommendations, as contained in the Secretariat Report to the MC meeting of 13 January 1992 and approved at that meeting, were noted:

5.2.4.1 That CODESA should provide each participating organisation with office space at the WTC; that such premises should be equipped with two telephone terminals; that each participating organisation should have to shoulder its own telephone/fax bills and that staff, equipment and running expenses for such offices shall have to be provided for by each participating organisation at its own cost.

5.2.4.2 That travel, hotel accommodation and meals for delegates and advisers will be provided.

It was noted that the question of financial assistance in addition to that outlined above will be investigated by the DMC.



## 5.2.5 CODESA Media Requirements

- 5.2.5.1 The Secretariat will continue to deal with media matters. There is, therefore, no need for the appointment of a media liaison officer at this stage.
- 5.2.5.2 The names of delegates to the five Working Groups should be released to the media by the political parties/organisations and administrations themselves, although said parties may request the administrative office of CODESA to release the names of their delegates on their behalf. It was noted that no names of Working Group delegates should be released to the media by the CODESA administrative office until after the Working Groups meet on 20 January.
- 5.2.5.3 The names of MC members should be released to the media following the meeting.

## 5.2.6 Research Facilities

This matter should be referred to the DMC, which should investigate it in the light of previous discussions on the issue.

## 5.2.7 Standing Rules for Working Groups

The Standing Rules of Procedure for Plenary Sessions should also apply to the Working Groups mutatis mutandis. The five Working Groups should be advised accordingly.

# 6. WAYS AND MEANS TO BROADEN AND EXPAND PARTICIPATION IN THE CODESA PROCESS

## 6.1 The King of the Zulus and Other Traditional Leaders

- 6.1.1 A Subcommittee was appointed comprising:

TJ Mohapi (convenor)	MJ Mahlangu
F Mdlalose	NJ Mahlangu

Mr NJ Mahlangu registered his objection at the manner in which the Subcommittee was structured, after it had been made clear that only serving members of the MC could serve on it.

- 6.1.2 This Subcommittee was mandated to investigate and make recommendations to the MC on an appropriate role in the negotiations process for the King of the Zulus and other traditional leaders.
- 6.1.3 For this purpose, scholars and experts should be given the opportunity to present evidence, attention being given to pre-colonial states and governmental structures as well as to historical, cultural and ethnic considerations and comparable constitutional situations in Africa and elsewhere.



6.1.4 The Subcommittee report back to the MC should be made in advance of the next plenary meeting of CODESA.

6.1.5 All interested parties not represented on the Subcommittee will be welcome to make representations to it.

## 6.2 Other Political Parties and Organisations

6.2.1 It was agreed that this should be referred to the DMC whose task it will be to define qualifications for inclusion.

6.2.2 The MC should have the authority to act upon the recommendations of the abovementioned Subcommittee and the DMC with regard to the inclusion of other parties in the CODESA process. Such recommendations may be referred to the next plenary session if necessary.

## 6.3 Other Interest Groups

6.3.1 It was agreed that each Working Group shall determine ways and means by which women's and other interest groups which are not participants in CODESA may make submissions to that Working Group on matters relevant to its terms of reference. It was further agreed that a clause to this effect should be added to the Guidelines.

6.3.2 It was agreed that a public statement should be made to this effect.

## 6.4 Political Parties/Organisations Declining to Participate in CODESA

It was noted that ongoing attention is being given to the inclusion of non-participating political parties and organisations from both the extreme left and extreme right of the political spectrum, and especially to those parties concerned who declined previous invitations to participate or who withdrew.

# 7. APPROPRIATE MECHANISMS FOR THE ADEQUATE REPRESENTATION OF WOMEN IN CODESA STRUCTURES

7.1 It was agreed that provision should be made for women's groups as indicated in Item 6.3.1 above, but that women's participation in CODESA as a whole should not be separate.

7.2 It was agreed that MC members should draw to the attention of their respective organisations the importance of involving women representatives in the CODESA process, noting the suggestions made in this regard concerning:

- \* debating this matter at constituency level;
- \* applying for permission to appoint additional advisers to the MC and plenary sessions on the understanding that these should be women;
- \* debating this matter with women's organisations at constituency level;
- \* appealing for more women delegates to the plenary sessions.



## 8. OTHER URGENT BUSINESS

### 8.1 Distribution of Documentation

An appeal for the timeous distribution of agenda, minutes and other documentation was noted. It was agreed that, in order to facilitate adequate discussion of such documentation at constituency level, the tabling of documentation on the day of the meeting should be avoided.

### 8.2 Chairpersons of Working Groups

It was agreed that the DMC should make recommendations on this matter to the MC.

### 8.3 CODESA 2

The meeting agreed that CODESA 2 should focus on progress reports from the five Working Groups and matters arising from these.

### 8.4 Declaration of Intent

8.4.1 In response to an enquiry by Z Titus into the position of the IFP and the Bophuthatswana Government with regard to the signing of the Declaration of Intent, the following was noted:

8.4.1.1 That Dr F Mdlalose undertook to ensure that the IFP addresses issues pertaining to its decision not to endorse the Declaration of Intent.

8.4.1.2 That the Bophuthatswana Government will not sign the Declaration of Intent in its present form unless it is amended.

8.4.2 F Mdlalose appealed to MC members to read his statement as it is recorded on pages 158, 159 and 160 of the transcription of the proceedings of CODESA 1, and to do so in conjunction with the Declaration of Intent.

### 8.5 Media Statement

It was agreed that Dr Z de Beer, in his capacity as Chairperson, should make a statement to the media following the meeting summarising the decisions reached, and that this should contain sufficient detail to discourage undue media speculation.

### 8.6 Working Group Registration and Documentation

8.6.1 MC members were requested to advise their respective Working Group delegates that the registration time for Working Group meetings on Monday 20 January will be 10h00 and that the meetings will commence at 10h30.

8.6.2 It was agreed that MC members will be responsible for the distribution of Working Group documentation forwarded to them for their respective Working Group members.

9. **THE NEXT MEETING OF THE MANAGEMENT COMMITTEE**

The Management Committee will meet again at 09h00 on Monday 10 February at the World Trade Centre.

The meeting closed.



THESE ARE DRAFT MINUTES, AS APPROVED BY THE CHAIRPERSON OF THE MANAGEMENT COMMITTEE. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE MANAGEMENT COMMITTEE AND THE DAILY MANAGEMENT COMMITTEE.

(Adopted at the Management Committee meeting of 24 February, as amended)

**MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE HELD AT THE WORLD TRADE CENTRE ON MONDAY 10 FEBRUARY AT 09H00**

PRESENT: (Addendum A)

APOLOGIES: HJ Coetsee

**1. Chairperson's opening remarks**

- 1.1 A moment's silence was observed in sympathy with the victims of the recent outbreaks of violence in Natal and in the PWV.
- 1.2 An apology was tendered for the tabling of documentation without prior circulation to committee members. It was noted that the delay was caused by the fact that the DMC had last met on 6 February 1992.
- 1.3 Noting that the rule of "1+1" should continue to be observed, it was agreed that the IFP would be allowed two advisers for the meeting with Item 6 of the agenda in mind. The Government of Bophuthatswana's request for an extra delegate as an observer at the meeting was agreed to.

**2. Adoption of agenda**

2.1 It was noted that:

- 2.1.1 Strong objections were raised to the tabling of documentation without prior circulation to MC members.
- 2.1.2 Said tabling of documentation would be condoned, as an exception, for the purposes of continuing with the meeting and on the basis of the explanation detailed under Item 1.2 above.
- 2.1.3 More realistic management of the DMC/MC programme could help to ensure timeous distribution of documentation.
- 2.1.4 Bearing in mind the workload of the Secretariat, its composition should be revisited by the DMC.
- 2.1.5 DMC minutes should, in future, be circulated to MC members.

2.2 The agenda was adopted subject to the following amendments:

- 2.2.1 That Item 5.1.2 should be addressed immediately following the ratification of the minutes in order to accommodate the early



departure of Mr TJ Mohapi.

2.1.2 That Item 5.5 should read, "Financial assistance".

3. **Ratification of the minutes of the previous meeting of 13 January 1992**

The minutes were adopted subject to the following amendments:

- 3.1 Item 2.3 should read, "It was agreed that the chairperson of the Management Committee (MC) will be chosen by the DMC from amongst its members on a rotating basis."
- 3.2 Item 4.1 should read, "The meeting agreed that the existing two-person Secretariat should remain in place, subject to review by the DMC at its next meeting."
- 3.3 Item 5.2.4 should read as follows:

5.2.4 **Financial Assistance**

The following recommendations, as contained in the Secretariat Report to the MC meeting of 13 January 1992 and approved at that meeting, were noted:

5.2.4.1 That CODESA should provide each participating organisation with office space at the WTC; that such premises should be equipped with two telephone terminals; that each participating organisation should have to shoulder its own telephone/fax bills and that staff, equipment and running expenses for such offices shall have to be provided for by each participating organisation at its own cost.

5.2.4.2 That travel, hotel accommodation and meals for delegates and advisers will be provided.

It was noted that the question of financial assistance in addition to that outlined above will be investigated by the DMC.

- 3.4 The final sentence of Item 6.1.1 should read, "Mr NJ Mahlangu registered his objection to the manner in which the Subcommittee was structured, after it had been made clear that only serving members of the MC could serve on it."
- 3.5 Item 7.1 should read, "It was agreed that provision should be made for women's groups as indicated in Item 6.3.1 above, but that women's participation in CODESA as a whole should not be separate."
- 3.6 Item 8.4.1 should read as follows:



In response to an enquiry by Mr Z Titus into the position of the IFP and the Bophuthatswana Government with regard to the signing of the Declaration of Intent, the following was noted:

- 8.4.1.1 That Dr F Mdlalose undertook to ensure that the IFP addresses issues pertaining to its decision not to endorse the Declaration of Intent.
- 8.4.1.2 That the Bophuthatswana Government will not sign the Declaration of Intent in its present form.

4. **Subcommittee on the King of the Zulus and Other Traditional Leaders**

4.1 It was agreed that the report of the abovementioned Subcommittee should be examined in the light of:

- 4.1.1 The process followed.
- 4.1.2 Evidence presented (oral and written).
- 4.1.3 The time-frame allowed for submissions.
- 4.1.4 The execution of the Subcommittee's Terms of Reference and its injunctions.

4.2 On the basis of the above, and bearing in mind the need for a report containing informed, principled and representative recommendations, it was agreed that:

4.2.1 The Terms of Reference should be redrafted, noting that:

4.2.1.1 C O D E S A is a body of political organisations/parties/administrations.

4.2.1.2 There may be a need to address the rural/urban balance.

4.2.2 The existing Subcommittee should be extended and should be asked to continue with its work on the basis of the new Terms of Reference.

4.2.3 The report tabled should be regarded as an interim progress report.

4.2.4 Henceforth, the procedure of the original Subcommittee should take into consideration:

4.2.4.1 Item 4.1.3 above.

4.2.4.2 Opportunities for oral presentations.

4.2.4.3 Evidence, within the South African context, in support of recommendations made.

4.2.4.4 The experience of other countries.

4.2.5 The final report should:

4.2.5.1 Recommend specific options for the role of the King of the Zulus and other traditional leaders in the negotiations process.

4.2.5.2 Indicate the motivation behind recommendations made on these and other substantive issues.

4.2.6 A time-frame for the work of the Subcommittee should be determined.

4.3 It was agreed that:

4.3.1 The Subcommittee to redraft the Terms of Reference of the original Subcommittee should comprise:

C Eglin  
PJ Gordhan  
Z Titus  
G Viljoen

and that this Subcommittee should attend to its task during the lunch recess.

4.3.2 The original Subcommittee should be extended to include the following MC members, noting the need to broaden representation beyond the self-governing territories:

C Eglin  
TT Matanzima  
J Slovo  
J Zuma

4.3.3 Noting the reasons for Mr MJ Mahlangu's decision to appoint an alternate for the first meeting of the original Subcommittee, nevertheless no alternates to members serving on the Subcommittee referred to under Item 4.3.2 above will be permitted.

4.3.4 This Subcommittee will be convened by Mr TJ Mohapi, as previously.

4.4 It was noted that the kings and chiefs of the Transkei did not apply to participate in the CODESA process, but instead requested a meeting to address the issue of the role of traditional leaders in the negotiations process.

5. Report from the DMC

The report was approved, with the following provisos:

5.1 Regarding Item 1.3 of the report it was noted that, notwithstanding the role of the media conference in publicising the procedure for submissions to Working Groups,



the question of placing advertisements in the media is still being considered by the DMC.

- 5.2 The recommendations contained in the first two sentences of Item 2 of the report, and pertaining to the chairpersonship of the MC and DMC until CODESA 2, were approved. It was agreed that the last two sentences should be omitted.

- 5.3 Regarding Item 3 of the report:

5.3.1 It was agreed that the DMC should investigate the merits of a more uniform rotation mechanism for Working Group chairpersonship, noting the autonomous nature of the Working Groups.

5.3.2 Referring to Item 3.3, it was noted that:

5.3.2.1 The Working Groups should circulate their final reports to all CODESA delegates (and, possibly, to the media) well in advance of CODESA 2.

5.3.2.2 Arrangements for CODESA 2 should allow for WGSCs to be readily available to attend to questions concerning their reports.

5.3.2.3 Mechanisms for the formal presentation of reports at CODESA 2 will be revisited nearer the time.

- 5.4 Concerning Item 5 of the report:

5.4.1 It was agreed that the heading should read, "Financial assistance".

5.4.2 Delegates were referred to Item 9 of the DMC minutes of 6 February for more detail in this regard.

- 5.5 Regarding Item 7 of the report, the question of members of the Secretariat not serving on other CODESA structures as political representatives was referred to the DMC.

- 5.6 Regarding Item 8 of the report:

5.6.1 The question of an appropriate role for representatives made available to CODESA Security, bearing in mind their particular expertise, was referred to the Secretariat.

5.6.2 It was noted that, currently, only two representatives per party/organisation are being utilised by CODESA Security from the five per party/organisation originally invited to participate, and that this will be reviewed according to need.

6. **Report from the Subcommittee formed to redraft the Terms of Reference of the Subcommittee on the King of the Zulus and Other Traditional Leaders**

- 6.1 It was agreed that a distinction should be made between the King of the Zulus and other traditional leaders, wherever reference is made to traditional leaders per se.
- 6.2 The Terms of Reference as outlined in Addendum B were approved.
- 6.3 The Subcommittee on the King of the Zulus and Other Traditional Leaders was requested:
  - 6.3.1 To submit regular interim reports to the DMC and MC.
  - 6.3.2 To take into consideration possible implications regarding the present composition of CODESA when formulating its recommendations.

7. **Declaration of Intent**

- 7.1 It was agreed that:
  - 7.1.1 A Subcommittee should be established to investigate amendments proposed by the IFP to the Declaration of Intent.
  - 7.1.2 This Subcommittee should comprise the following MC members:
    - R Cronje
    - C Eglin (convenor)
    - F Mdlalose
    - J Slovo
    - G Viljoen
    - J Zuma
  - 7.1.3 Each member of the Subcommittee may appoint one adviser if necessary.
  - 7.1.4 The Terms of Reference of the Subcommittee should be as contained in Addendum C.
  - 7.1.5 The Subcommittee should address its task with a view to presenting a report to the MC at its next meeting.
- 7.2 Regarding the decision of the Bophuthatswana Government not to endorse the Declaration of Intent:
  - 7.2.1 It was noted that the constitution and parliament of Bophuthatswana, as a sovereign state, prohibit the endorsement of the existing Declaration of Intent by the Bophuthatswana Government, but that Bophuthatswana is willing to consider signing a separate commitment.
  - 7.2.2 Mr R Cronje was requested to prepare a written submission of proposals from the Bophuthatswana Government regarding the Declaration of Intent.



8. **Press conference**

It was agreed that:

- 8.1 Mr PJ Gordhan, as chairperson of the MC, should preside at the conference.
- 8.2 His introductory remarks and report on the MC meeting should be made with a view to presenting an overview of the CODESA process to date.
- 8.3 He should field all questions from the media, including those on the progress of the Working Groups, with Item 8.2 above in mind.
- 8.4 His comments on the Subcommittees formed at the MC meeting should be made with the need to avoid unnecessary media speculation in mind.
- 8.5 Emphasis should be given to issue of submissions to Working Groups.

9. **Date of the next meeting**

The next meeting of the Management Committee will take place at the World Trade Centre on Monday 24 February at 17h00.

Representatives of the Bophuthatswana Government were requested to make the necessary arrangements in order to be available on Tuesdays for future MC meetings.

10. **The meeting closed.**

## Addendum A

The following delegates and advisers signed the attendance register:

Party/Organisation/ Administration	Delegate	Adviser
ANC	J Zuma	M Maharaj
Bophuthatswana Government	R Cronje	SG Mothibe
		DW Schoeman
Ciskei Government	HJS Kayser	V Notshe
Dikwankwetla Party	TJ Mohapi	SOM Moji
DP	CW Eglin	J Selfe
IFP	F Mdlalose	BS Ngubane
INM	SS Ripinga	TJ Ndaba
IYP	NJ Mahlangu	Mrs B Ntuli
Labour Party	PAC Hendrickse	E Samuels
National Party	R Meyer	DJ de Villiers
NIC/TIC	Z Yacoob	S Patel
NPP	A Rajbansi	E Joosab
SACP	J Slovo	Ms GF Moleketi
SA Government	G Viljoen	SS van der Merwe
Solidarity	JN Reddy	I Omar
Transkei Government	Z Titus	TT Matanzima
UPF	MI Moroamoche	S Bambo
Venda Government	S Makhuvha	
XPP	EPP Mhinga	JC Ackron

Also present were:

Chair	PJ Gordhan
	T Eloff (Committee Secretary)
	P Saxby (minutes)



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE MC. THEY ARE STILL SUBJECT TO RATIFICATION BY THE MC AT ITS NEXT MEETING.

**MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE HELD AT THE WORLD TRADE CENTRE ON MONDAY 24 FEBRUARY AT 17H00.**

**PRESENT:** ADDENDUM A

**APOLOGIES:** G. Fraser-Moleketi

**1. Chairperson's opening remarks**

Delegates were welcomed and an apology extended for the late start due to other meetings. It was agreed that Dr De Beer, as a member of the DMC, will be allowed to observe part of the meeting.

**2. Apologies**

Apologies were noted for G. Fraser-Moleketi and, Prof SS Ripinga. Dr Viljoen, Mr Meyer and Mr Zuma indicated they would have to leave the meeting early to attend another meeting.

**3. Adoption of the agenda**

3.1 With regard to the timeous distribution of documentation for meetings, the following proposal from the Secretariat and the Chairperson was accepted:

3.1.1 The cut-off point for receiving documentation to be included in the MC agenda, will be 12H00 of the Monday one week before an MC meeting. It logically follows that the MC meeting will be 1 week later.

3.1.2 The agenda and/or other documents will then be couriered to MC members not later than Wednesday 12h00.

3.1.3 MC members were requested to stay in active contact with CODESA Administration and especially to communicate the fact that documents have not been received by Thursday morning.

3.1.4 MC members were also requested to inform CODESA Administration if they should leave their normal addresses on a Thursday or Friday.

3.1.5 A possibility that can be investigated, is to deliver 1 copy of the documentation in the offices of parties/administrations/organisations at the WTC.

3.2 With regard to the frequency of WG meetings, it was agreed that:

3.2.1 Some concern exists in the MC that the hectic schedule of meetings might impair the effectiveness of work.



3.2.2 There is a mechanism in place to communicate this concern, viz. the meeting of the WGSC's and the Secretariat (on behalf of the DMC), and this should be utilised in this regard.

3.2.3 WG's are free to exercise their right to arrange their meetings with even more flexibility, taking this concern into account.

The draft agenda was adopted with the amendment that items 5 and 9 would be dealt with simultaneously.

#### 4. Minutes of 10 February 1992

##### 4.1 Ratification

The minutes were ratified with the following amendments:

4.1.1 The last word of item 1.3 was changed to "agreed to".

4.1.2 Item 4.2.1.1 now reads as follows: "CODESA is a body of political organisations/ parties/ administrations".

##### 4.2 Matters arising

It was noted that these were included in the agenda.

#### 5. Broadening participation in the CODESA process

##### 5.1 General

It was noted that, as yet, few completed questionnaires had been received from applicants. Research in order to establish information about applicants is continuing. It was agreed that the DMC should start processing the applications as soon as possible.

##### 5.2 Women's participation in CODESA

Noting the amount of applications and petitions in this regard, it was agreed that the DMC should monitor this issue and raise it with the MC if and when necessary.

#### 6. Progress in the Working Groups

6.1 A report from the Secretariat in this regard was noted.

6.2 Members of the MC in various WGs made contributions on the progress in those groups.

6.3 It was agreed that the date for CODESA II should appear on the agenda of the next MC meeting.

#### 7. Financial assistance



- 7.1 The proposed memorandum by the Secretariat (attached as addendum A) was accepted, with the following amendments:
- 7.1.1 Item 5.1 should include the following sentence after the words "from State sources":  
"This excludes State/ administration officials who have been granted leave without pay to attend CODESA meetings. Documentary proof of this will be required."
- 7.1.2 Items 5.2 and 5.3 are to be combined, to read as follows:  
"A maximum monthly subsidy of R2000-00 per party/ organisation will be paid in respect of CODESA expenses related to their offices at the World Trade Centre. These would include the following:  
\* Telephone calls  
\* Fax costs  
\* Photocopying costs  
\* Rental of equipment  
\* Secretarial services"
- 7.2 The subsidy will be payable on receipt of documented proof of actual expenses.
- 7.3 The subsidy will come into effect retrospectively from 13 January 1992."
- 7.4 It was reiterated that with regard to photocopying the following guidelines are in effect:
- 7.4.1 Submissions by individual participants will not be copied by the Administration but by participants themselves on the basis of provision in (7.1.2) above.
- 7.4.2 Submissions from groups outside CODESA, as well as official documents of CODESA structures will be photocopied.

## 8. Reports from Subcommittees

### 8.1 The King of the Zulus and Other Traditional Leaders

The report of the subcommittee (attached as addendum B) was noted.

### 8.2 Declaration of Intent

The report of the subcommittee was noted (attached as addendum C). A document tabled by the Bophuthatswana Government was also noted (attached as addendum D). It was agreed that this will be discussed at the next MC meeting.

## 9. Report on the Secretariat and administrative arrangements

### 9.1 The position of the Secretariat

The recommendations contained in items 6.1 and 6.2 of the minutes of the DMC meeting of 17 February 1992 were accepted by consensus. It was noted that there had been an earlier agreement in the DMC meeting that the decision should be suspended after discussion it was agreed that implementation of item 6.3 should be postponed until 18 March 1992.

9.2 **Administrative arrangements/facilities**

The report, as presented by the Secretariat and contained in the MC agenda, was accepted by consensus. Attention of MC members was drawn to the requests by the administration for minute-takers.

10. **Any other business**

10.1 A draft statement submitted by Mr MJ Mahlangu was accepted as amended (attached as addendum E). It was agreed that this should be issued in all languages. In this context the need to popularise CODESA was also raised.

10.2 Following a suggestion that all CODESA's activities should be opened by prayer, it was agreed that the suggestion that 2 minutes of silent prayer be adhered to at the beginning of all CODESA meetings, will be discussed at the next meeting of the MC.

11. **Date of next meeting**

The next meeting of the MC will take place on Monday 2 March at 17h00 at the WTC.

The meeting adjourned.



## MANAGEMENT COMMITTEE/MINUTES/24 FEBRUARY

Addendum A

The following delegates and advisers signed the attendance register:

Party/Organisation/ Administration	Delegate	Adviser
ANC	J Zuma	M Maharaj
Bophuthatswana Government	R Cronje	SG Mothibe
Ciskei Government	HJS Kayser	
Dikwankwetla Party	TJ Mohapi	SOM Moji
DP	CW Eglin	J Selfe
IFP	FT Mdlalose	BS Ngubane
INM	SS Ripinga	TJ Ndaba
IYP	NJ Mahlangu	MB Ntuli
Labour Party	P Hendrickse	E Samuels
National Party	R Meyer	D de Villiers
NIC/TIC	P Gordhan	C Salojee
NPP	A Rajbansi	E Joosab
SACP	J Slovo	G Fraser-Moleketi
SA Government	G van N Viljoen	
Solidarity	I Omar	CK Reddy
Transkei Government	Z Titus	TT Matanzima
UPF	MJ Mahlangu	MI Moroamoche
Venda Government	S Makhuva	PN Ranwashe
XPP	EPP Mhinga	JC Akron

Also present were:

Chair:

Dr Z de Beer

T Eloff (Committee Secretary)

## FINANCIAL ASSISTANCE TO PARTIES/ORGANISATIONS IN CODESA

1. The Secretariat has been asked to make recommendations to the DMC on financial assistance to parties participating in CODESA.
2. At the moment, participating parties/organisations/administrations are receiving the following assistance:
  - 2.1 Transport costs of delegates and advisers to and from CODESA meetings
  - 2.2 Accommodation and subsistence costs of delegates and advisers when attending meetings
  - 2.3 Each party is given a furnished office at the World Trade Centre.
3. What must now be considered is whether parties etc should be given additional financial assistance regarding their participation in CODESA. Two forms of assistance have been mentioned:
  - 3.1 First suggestion:
    - 3.1.1 Ad hoc assistance by way of a daily allowance to delegates and advisers not receiving remuneration from State sources
    - 3.1.2 The installation of one fax machine and telephone line in each party's office at the World Trade Centre and paying its operational costs up to R400 per month
    - 3.1.3 Providing copying facilities at a cost of up to R1 250 per party per month
  - 3.2 Second suggestion:
 

The payment of a fixed sum to parties etc to assist them with their overall expenses in participating in CODESA.
4. A question of principle to be considered is whether political parties should receive State funds to help them propagate their own particular ideals. This is a principle still to be discussed and agreed upon between the various South African parties. Although it may not at first glance appear to be so, the funding of CODESA participating parties on an overall scale, would bring this principle into question. The position of parties outside CODESA would also have to be considered. It is consequently suggested that Working Group 5 be asked to consider and make recommendations on this question, especially in so far as State assistance is advisable and justifiable in pursuance of the democratic ideal.
5. The following proposal was accepted at the meeting of the Management Committee held on 24 February 1992:
  - 5.1 A modest per diem allowance of say R200 per delegate or official adviser could be recommended for the days on which CODESA meetings are attended. This will only cover persons not receiving remuneration from State sources. This excludes State/administration officials who have been granted leave without pay to attend CODESA meetings. Documented proof of this will be required. This allowance can be claimed just as subsistence and transport costs are claimed now.



- 5.2 A maximum monthly subsidy of R2 000 per party/organisation/administration will be paid in respect of expenses for CODESA and offices at the World Trade Centre. These would include the following:

- + Telephone calls
- + Fax costs
- + Photocopying costs
- + Rental of equipment
- + Secretarial services

The subsidy will be payable on receipt of documented proof of actual expenses.

The subsidy will come into effect retrospectively from 13 January 1992.

ZKTLMIN2.MG (TE)

SUBCOMMITTEE ZULU KING, TRAD. LEADERS/MINUTES/24 FEBRUARY 1992

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE SUBCOMMITTEE AND THE MC. THEY ARE STILL SUBJECT TO RATIFICATION BY THE SUBCOMMITTEE AT ITS NEXT MEETING.  
THEY ARE ALSO STILL SUBJECT TO REVIEW BY THE CHAIRPERSON OF THE SUBCOMMITTEE.

MINUTES OF THE MEETING OF THE SUBCOMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND TRADITIONAL LEADERS IN CODESA HELD AT 15H00 ON MONDAY 24 FEBRUARY 1992 AT THE WTC

PRESENT: CW Eglin  
MJ Mahlangu  
NJ Mahlangu  
FT Mdlalose  
TJ Mohapi (Convenor)  
TT Matanzima  
J Slovo  
J Zuma  
  
T Eloff (secretary, minutes)

1. Chairperson's opening remarks

The Chairperson welcomed the delegates and underlined the importance and urgency of the issue.

2. Adoption of the agenda

It was agreed to bring the item "Future Strategies" forward to item 4 of the agenda. The agenda was thereafter adopted.

3. Terms of Reference

The meeting took note of its Terms of Reference, specifically item 2.2.1, addressing the issue of evidence.

4. Future Strategies

4.1 It was agreed that, notwithstanding the letter of invitation already sent to members of the MC inviting submissions, a new invitation should also be put to heads of delegations of CODESA participants. The secretary was charged with this task.

4.2 It was agreed that the letter to experts proposed by Dr Mdlalose should be sent in amended form to the following experts (attached as addendum A):

Prof NJJ Olivier (DP adviser)  
Prof D Welsh (UCT)  
Prof S Maphalala (Univ Zululand)



SUBCOMMITTEE ZULU KING, TRAD. LEADERS/MINUTES/24 FEBRUARY 1992

Prof H Vilakazi (Univ Zululand)  
Prof H Ngubane (UCT)  
Prof M Wiechers (UNISA)

It was also agreed that other committee members would submit further names of experts by the end of the week. The deadline for receiving of written submissions was put as 12 March 1992.

- 4.3 It was agreed that a third letter will be addressed to the heads of states/administrations of the TBVC countries and the self-governing territories, requesting them to facilitate the giving of evidence to the subcommittee by traditional leaders in their regions/countries. The Terms of Reference of the subcommittee should also be included in this letter.
- 4.4 It was agreed that whatever submissions are received as a result of the above mentioned process, will be considered with those already received.
- 4.5 It was agreed that the financial implications of submissions from experts should be investigated by the secretary, in consultation with the Financial Administration.

5. Submissions and applications received to date

It was agreed that committee members will be ready to comment on submissions/applications already received at the next meeting.

6. Progress report to the Management Committee

It was agreed that the secretary will draft a written report on basis of the decisions taken, for the chairperson to deliver at the Management Committee meeting.

7. Date of next meeting

It was agreed that the next meeting will take place on Tuesday 3 March at 10H00 and members were requested to make themselves available at until 16H00. It was also agreed to approach Dr Gerrit Viljoen (who had indicated willingness to do so) and Mr Nelson Mandela to give evidence to the subcommittee.

The meeting adjourned.



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE MANAGEMENT COMMITTEE. THEY ARE SUBJECT TO RATIFICATION BY THE SUB-COMMITTEE AT ITS NEXT MEETING.

MINUTES OF THE SUB-COMMITTEE ON THE DECLARATION OF INTENT AND PROPOSED AMENDMENTS HELD ON MONDAY 24 FEBRUARY 1992 AT 08H30 AT THE WTC

PRESENT : R Cronje (Bop Govt)  
C W Eglin (DP, Convener)  
F T Mdlalose (IFP)  
J Slovo (SACP)  
GvN Viljoen (SA Govt)  
J Zuma (ANC)  
  
T Eloff (Minutes)

1. Ratification of the Minutes of the Meeting of 17 February 1992

1.1 The first sentence under paragraph 2.1 was deleted and replaced with the following :

"The following proposal was made :"

1.2 The following sentence was added before paragraph 2.2 :

"Dr Mdlalose requested that this matter be taken back to the IFP for its consideration and to report back at a future meeting."

1.3 The first paragraph of Item 2.2.1 was deleted and replaced by an amended paragraph 2.2.2, reading as follows :

"It was agreed that the formulation listed below should be circulated to all sub-committee members as soon as possible, for their comments at the next meeting of the sub-committee."

1.4 The second paragraph of Item 2.2.1 was retained.

2. First and Second Proposed Amendments

It was reported that the IFP has not had the opportunity to consider the proposal. It is still under consideration.

3. Third Proposed Amendment

This matter was still in abeyance. An interim report will be given by the convenor at the Management Committee of 24 February 1992. No final report is available yet.

4. Next Meeting

It was agreed that the next meeting of the sub-committee will take place on Monday, 2 March 1992 at 08h30.

The meeting adjourned.



MINUTES OF THE SUB-COMMITTEE ON THE DECLARATION OF INTENT AND PROPOSED AMENDMENTS HELD ON MONDAY 17 FEBRUARY 1992 AT 15H00 AT THE WTC

ADOPTED AT THE MEETING HELD ON 24 FEBRUARY 1992

PRESENT :

C W Eglin (DP, Convener)  
F T Mdlalose (IFP, assisted by A Macaulay)  
J Slovo (SACP)  
GvN Viljoen (SA Govt)  
J Zuma (ANC)

T Eloff (Minutes)

Mr R Cronje (Bophuthatswana Govt) was not present

1. Terms of Reference

The Terms of Reference of the Sub-Committee was noted (Addendum A).

2. Discussion of the IFP's Proposed Amendments (Addendum B).

The proposed amendments by the IFP were discussed. To facilitate this, a document by Mr Eglin was tabled (Addendum C).

2.1 First and Second Proposed Amendments

The following proposal was made :

The Management Committee, and then CODESA II, issue a formal statement, which will become an annexure to the Declaration of Intent, making it clear that, irrespective of their individual views, the seventeen organisations/parties/administrations who signed the Declaration of Intent declare that :

- \* the Declaration is neutral on the issue of a unitary versus a federal state; and
- \* nothing in the declaration is construed as preventing any signatory from advocating a unitary, federal or other democratic form of state, or the separation of powers between the central government and the regions, during the proceedings of CODESA or any of its Committees or Working Groups.

Dr Mdlalose requested that this matter be taken back to the IFP for its consideration and to report back at a future meeting.

2.2 Third Proposed Amendment

2.2.1

It was agreed that the formulation set out below should be circulated to all sub-committee members as soon as possible, for their comments at the next meeting of the sub-committee.

"We the representative of the IFP/Bophuthatswana Government, further solemnly declare 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".

3. **Next Meeting**

It was agreed that the next meeting of the sub-committee will take place on Monday 24 February 1992 at 08h30.

The meeting adjourned.



RESERVATIONSRECORDED AND TABLED BY THE GOVERNMENT OF BOPHUTHATSWANA  
REGARDING ITS PARTICIPATION IN CODESA

1. Pursuant to its sovereignty and its refusal on or since 20 December 1991, to accede to the Declaration of Intent of CODESA, it is hereby expressly and categorically declared for the information of all signatories and others involved in CODESA, that the presence and participation of representatives of the Government of Bophuthatswana in the proceedings of any of the working groups of CODESA, or any plenary sessions thereof since 20 December 1991, or in the future does not imply any departure from the said refusal. Furthermore, that participation by the said Government in the operations and functioning of CODESA does not expressly, impliedly or tacitly mean or can be construed to mean that the said Government has consented to the said Declaration of Intent.
2. Concerning any ruling at any session or meeting of CODESA or its working groups, to the effect that "sufficient consensus" is the appropriate measure required for proper decision making in any particular case, the Bophuthatswana Government places on record that, it specifically reserves the right to disassociate itself from decisions of CODESA taken by "sufficient consensus", where such decisions affect Bophuthatswana.

CODESA PRESS STATEMENT 24 FEBRUARY 1992

We, the Government of Bophuthatswana declare ourselves, subject to the proviso and reservation stipulated herein, to be bound by agreements we conclude or 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: Provided that we shall not be bound by, nor shall we be obliged to implement any decision of CODESA, if such decision directly or indirectly conflicts with, affects or impinges on the sovereign independent status or autonomy of Bophuthatswana, or in any way pertains to the incorporation of its territory, or any part thereof, in South Africa or any other State whether federal, confederal, federation or confederation or of any other constitutional nature whatsoever, unless the Government of Bophuthatswana acting within its powers and capacity aforesaid has expressly consented to any such decision, or has signified its approval thereto.



## CODESA PRESS STATEMENT: 24 FEBRUARY 1992

### We dare not turn our back on history

We are gathered here at CODESA to find a way towards a new democratic South Africa. The door is open to all political groupings to join us in the knowledge that they are free to advance any view consistent with democracy in our effort to reach a just negotiated settlement.

It is only through the process of frank discussion and negotiation that a peaceful road can be found to build a future in which all our people can work together to create a life of peace, justice and security for all.

It is only through this process that we can begin to seek an answer to satisfy the just aspirations of our diverse peoples in their quest to assert and to protect their cultural, language and religious rights.

We declare that there is no unbridgeable gap between unity and diversity. All of us here are committed to seeking a route of individual freedom; a route without domination of one group over another within our common border.

There is no other way for South Africa to find its rightful place among the comity of nations in our interdependent world.

There is no other way to avoid a future of turmoil, unending strife and economic collapse for every inhabitant of our land.

All South Africans - black and white - stand at the crossroads. The negotiation process is not just an option; there is no alternative. The choice before us is either to participate in it or to move inexorably towards the nightmare of chaos and civil war.

We dare not turn our backs on history. We appeal to all in our land who value the future of themselves and their children to support the process of negotiation that has been started at CODESA.



## KODESA MEDIAVERKLARING: 24 FEBRUARIE 1992

Ons durf nie ons rug op hierdie geskiedkundige oomblik draai nie

Ons vergader in KODESA om die pad na 'n nuwe, demokratiese Suid-Afrika te verken. Die deur is oop vir alle politieke groeperinge om by ons aan te sluit, in die wete dat hulle enige voorstelle versoenbaar met die demokrasie kan maak in die soeke na 'n regverdige, onderhandelde skikking.

Dit is slegs deur 'n proses van reguit praat en onderhandel dat 'n vreedsame weg gevind sal word om 'n toekoms te bou waarin al ons mense kan saamwerk om vrede, geregtigheid en sekuriteit vir almal te verseker.

Dit is slegs deur hierdie proses dat ons kan begin om antwoorde te soek om die geregverdigde aansprake van ons verskeidenheid van volkere te bevredig in hulle strewe om hulle kulturele-, taal- en godsdienstrechte te vestig en te beskerm.

Ons verklaar dat daar nie 'n onoorbrugbare kloof tussen eenheid en verskeidenheid is nie. Almal van ons is verbind daartoe om die pad na die vryheid van die individu te vind; 'n pad sonder die oorheersing van een groep oor 'n ander binne ons gemeenskaplike grense.

Daar is vir Suid-Afrika geen ander manier om in die interafhanklike wêreld waarin ons leef, sy regmatige plek in die galery van nasies in te neem nie.

Daar is ook geen ander manier om 'n toekoms van wanorde, aanhoudende konflik en ekonomiese verval vir elke inwoner van ons land te voorkom nie.

Alle Suid-Afrikaners - swart en wit - staan by 'n kruispad. Die onderhandelingsproses is nie maar net 'n opsie nie; daar is geen alternatief nie. Die keuse wat ons konfronteer, is om of daaraan deel te neem of om onafwendbaar op 'n afgrond van chaos en burgeroorlog af te stuur.

Ons mag nie hierdie geskiedkundige oomblik die rug keer nie. Ons doen 'n beroep op almal in ons land wat hul eie toekoms en die van hulle kinders op die hart dra, om die proses van onderhandeling wat by KODESA begin is, te ondersteun.

Uitgereik deur die Voorsitter van die Bestuurskomitee van KODESA, mnr. Pravin Gordhan.

Goedgekeur deur die Bestuurskomitee van KODESA op 'n vergadering op 24 Februarie 1992.





MC/903/MM

MANAGEMENT COMMITTEE/MINUTES/9 MARCH 1992

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE MC. THEY ARE STILL SUBJECT TO RATIFICATION BY THE MC AT ITS NEXT MEETING.

**MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE HELD AT THE WORLD TRADE CENTRE ON MONDAY 9 MARCH AT 08H30 AND 15H15.**

PRESENT: ADDENDUM A

APOLOGIES: I Omar (Solidarity)  
R Cronje (Bop Govt)  
HJ Coetsee (SA Govt)

1. Chairperson's opening remarks

Delegates were welcomed and an appeal made that, due to time constraints, the delegates should try to be as brief and concise as possible.

2. Apologies

Apologies were noted for I Omar, R Cronje and HJ Coetsee.

3. Adoption of the agenda

The agenda was adopted with the following amendments:

- 3.1 A new item 4 was inserted, being a proposal by the Ciskei on the continuance of the activities of CODESA.
- 3.2 The following items were added to "Any other business" (new item 10):
  - 3.2.1 The marketing of CODESA
  - 3.2.2 Media comments and leaks about progress in the Working Groups
  - 3.2.3 The role of chairpersons in CODESA

4. Ciskei proposal

- 4.1 A Ciskei proposal, co-signed by the IFP, Dikwankwetla Party and Ximoko Progressive Party, was tabled (addendum B) and discussed.
- 4.2 After discussion, the following was agreed:

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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Telephone (011) 597-1198/99; Fax (011) 597-2211

- 4.2.1 All participants in CODESA should be mindful of their commitment to the Declaration of Intent. All participants understand that difficulties will inevitably arise, but the constructive way in which this matter was discussed, boded well for future meetings.
- 4.2.2 The MC supported and encouraged the tripartite meeting between the Ciskei Government, the ANC and the SA Government, to be held on Tuesday 10 February, and hoped that the parties will come to a constructive resolution of this problem.
- 4.2.3 CODESA's activities will, in the meantime, continue, but any participant is free to reopen this issue by calling for a special meeting of the MC, after the meeting of 10 February 1992.
- 4.2.4 The sentiments of the Ciskei, in terms of the alleged ANC actions, were noted by the meeting, but would be left to be resolved on a tripartite basis.
- 4.2.5 In the light of this meeting, all participants are urged to handle media statements in a manner which will not tarnish or hamper the CODESA process, but facilitate a constructive resolution of this problem.

The meeting adjourned for 15 minutes.

- 4.3 The issue of the media conference held by Ciskei and other parties during a short break was briefly discussed. It was noted that this has complicated the matter. The ANC indicated that they will have a media conference at 11H00. The Chair noted with regret the appeal before the break was ignored.

The meeting adjourned until 15H15.

- 4.4 An ANC statement was tabled and noted (addendum C). The ANC confirmed that, in the light of the tripartite meeting scheduled for 10 February, all activities in this regard were postponed.

## 5. Minutes of 24 February 1992

### 4.1 Ratification

The minutes were ratified with the following amendments:

- 4.1.1 The last words in item 2 "another meeting" were substituted for "to other matters".
- 4.1.2 In item 10 the initial should read "NJ" and not "MJ".
- 4.1.3 In item 11 the date was changed to 9 March.



It was noted that the addenda referred to in the minutes had not been faxed with the minutes. The secretary will attend to this issue.

6. **Reports from Subcommittees**

6.1 **The King of the Zulus and Other Traditional Leaders**

The report of the subcommittee (as per the minutes of the meeting of 3 March, addendum D) was noted.

6.2 **Declaration of Intent**

No progress report was available, due to the postponement of the meeting of this subcommittee to 17H00 on 9 March 1992.

7. **Progress in the Working Groups**

7.1 **Coordination**

It was noted that the DMC is still attending to this.

7.2 **Rapporteurs**

The recommendations of the DMC, as per the minutes of 2 March 1992, section 5, were accepted.

7.3 **Meeting with WGSC4**

The handling of the DMC and its recommendations as per the minutes of 2 March 1992, section 9, were accepted.

7.4 **Request from WG5**

With regard to the possible overlap in the Declaration of Intent clause about the establishment of a structure to look at legislation, and the Terms of Reference of WG5, the following was agreed:

7.4.1 WG5, together with other WG's look into the policy elements of what is required, i.e. what kinds of provision have to be contained in any amendments and any new legislation.

7.4.2 The structure that is established to do this drafting will be set up by the MC in consultation with WG5. This structure would have to have legal and other skills required and should be constituted in a way in which the participants would be comfortable with.

7.4.3 With these guidelines in mind, the matter was referred back to the DMC, with the

mandate to implement the decision and report back. Any participating organisation who so wished, was invited to make representations to the DMC in this regard.

## 8. Broadening participation in the CODESA process

- 8.1 A progress report by the Secretariat was noted. This highlighted that six responses had so far been received after the questionnaire had been sent to applicants. Information from media coverage of applicants' activities in 1991 was also tabled.

It was noted that the Secretariat is proceeding with processing the information to facilitate the development of guidelines for broadening participation.

### 8.2 Women's participation in CODESA

- 8.2.1 The proposal received by the DMC about a representative body of women from all 19 participants to form an advisory and scrutinising committee was discussed.

- 8.2.2 It was agreed that participants should consult with their principals on this issue, for a decision to be taken at the next meeting of the MC.

- 8.2.3 It was also agreed to request the DMC to draft guidelines on:

- \* The status of the proposed subcommittee
- \* The composition of this subcommittee
- \* The possible Terms of Reference for this subcommittee.

These should reach MC members in time to consult before the next MC meeting.

## 9. Date and venue for CODESA II

### 9.1 Date

Mindful of their responsibilities to co-participants and the country as a whole, the meeting agreed that:

- 9.1.1 CODESA II will not take place at the end of March.

- 9.1.2 The date of CODESA II is likely to be the end of April.

- 9.1.3 The decision on this issue will be taken at the next meeting of the MC.

- 9.1.4 The WG's will be advised accordingly and requested that, in a meeting the DMC and/or Secretariat and WGSC's, the question of what issues should be on CODESA's II agenda, be discussed.



## 9.2 Venue

It was agreed that the venue for CODESA II would be the World Trade Centre.

## 10. Any other business

### 10.1 Marketing CODESA

This issue was referred to the DMC.

### 10.2 Media comments and leaks on the working of CODESA

This issue was referred to the DMC.

### 10.3 The role of chairperson's WG's

Mr Rajbansi would write a letter to the DMC for their follow-up.

### 10.4 The media briefing

It was agreed that the following issues would be addressed by the chairperson at the media briefing:

#### 10.4.1 CODESA II

#### 10.4.2 The Ciskei issue

#### 10.4.3 The statement by WG3 (addendum E)

#### 10.4.4 Peace (WG1)

## 11. Date of next meeting

The next meeting of the MC will take place on Monday 30 March from 15H30 to 18H30 at the WTC.

The meeting adjourned.

Addendum A

The following delegates and advisers signed the attendance register:

Party/Organisation/ Administration	Delegate	Adviser
ANC	J Zuma	M Maharaj
Bophuthatswana Government	T Scheepers	SG Mothibe
Ciskei Government	H Kayser	SV Notshe
Dikwankwetla Party	TJ Mohapi	SOM Moji
DP	C Eglin	Z de Beer
IFP	FT Mdlalose	BS Ngubane
IYP	NJ Mahlangu	MIB Ntuli
INM	SS Ripinga	TJ Ndaba
Labour Party	P Hendrickse	E Samuels
National Party	R Meyer	D de Villiers
NIC/TIC	Z Yacoob	C Salojee
NPP	A Rajbansi	E Joosab
SACP	J Slovo	G Fraser-Moleketi
S A Government	GvN Viljoen	B Dookie
Solidarity	JN Reddy	TT Matanzima
Transkei Government	Z Titus	MI Moroamoche
UPF	MJ Mahlangu	AL Mphaphuli
Venda Governemnt	S Makhuva	JC Ackron
XPP	EPP Mhinga	

Also present were:

Chair

PJ Gordhan

T Eloff (Committee Secretary)

P Saxby (minutes)



WE BELIEVE THAT THE AFRICAN NATIONAL CONGRESS CAMPAIGN TO DESTABILISE Ciskei IS CLEARLY CONTRARY TO THE LETTER AND SPIRIT OF THE NATIONAL PEACE ACCORD AND SHOWS CONTEMPT FOR AND LACK OF FAITH IN THE DECLARATION OF INTENT OF CODESA.

WE BELIEVE THAT THE PARTIES CANNOT IN GOOD FAITH CONTINUE WITH THE NEGOTIATING PROCESS WHILE THIS THREAT REMAINS IN EXISTENCE AND THE AFRICAN NATIONAL CONGRESS ACTS UNILATERALLY IN CONTRAVENTION OF THE NATIONAL PEACE ACCORD AND THE DECLARATION OF INTENT.

WE, ACCORDINGLY, CALL UPON THE MANAGEMENT COMMITTEE TO SUSPEND THE PROCEEDINGS AT CODESA UNTIL SUCH TIME AS IT HAS OBTAINED AN UNCONDITIONAL UNDERTAKING FROM MR CYRIL RAMAPHOSA ON BEHALF OF THE AFRICAN NATIONAL CONGRESS THAT THE CAMPAIGN WILL BE WITHDRAWN.

F. T. MDLALOSE

*[Signature]* /FF

N. NOGCANTSI

*[Signature]* Ciskei GOVERNMENT.

*[Signature]*

E.P.P. MHINGA XIMOKO PROGRESSIVE PARTY

*[Signature]*

R.H. MORELI Dikwa nkweTla



# AFRICAN NATIONAL CONGRESS

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## AGENDA

REGIONAL GENERAL COUNCIL  
22 FEBRUARY 1992

1. WELCOME AND INTRODUCTION
2. REPORT ON CODESA AND THE PEACE INITIATIVE
3. THE CISCHEI CRISIS
4. ELECTION OF THE PUBLICITY SECRETARY
5. ANNOUNCEMENTS FROM THE SECRETERIAT
6. CLOSURE



## CAMPAIGN AROUND CISCHEI CRISIS

### 1. Objectives of the campaign:

- \* weaken Gqozo's position at Codesa
- \* isolate Gqozo politically
- \* expose SA's agenda in Ciskei, and in particular to expose the MI programme within Ciskei
- \* bring about an interim administration in Ciskei
- \* consequently to weaken SA's position at Codesa

### 2. Messages of the campaign:

- Gqozo does not represent Ciskei's people at Codesa
- there is an absence of a free political climate in Ciskei, and Gqozo is a stumbling block to peace in the region
- Gqozo is not fit to govern Ciskei even during the transition
- in the interests of South Africa Gqozo must resign and an interim administration be appointed
- reincorporation of Ciskei must take place through proper consultation with democratic structures and in line with the overall programme of Codesa
- an interim government at a national level is the only way to prevent further SA attempts to destabilise the transition process
- the people demand democratic elections for a constituent assembly to ensure a stable and prosperous future for all South Africans

These and other messages would need to be used tactically at different moments to ensure we develop popular understanding of the issues in a programmatic manner.

### 3. Elements of the campaign:

- # mass action, which builds up from local activities to a major event such as a "people's assembly"
- # defiance of all existing Ciskei regulations
- # establishment of a broad-based popular front for the removal of Gqozo
- # a symbolic "voting for removal of Gqozo" campaign in which booths are set up around region, and people vote for ANC or Gqozo
- # organisation within Ciskei administration, security forces and dismissed workers and public officials, as part of a broad front activity
- # appointment of an interim administration within Ciskei, which takes over the government in a variety of symbolic ways e.g. occupying government buildings
- # national and international campaign to pressurise SA government on Ciskei situation



#### 4. Campaign programme

- Sat 22.2.92 Regional general council finalises and adopts campaign on Ciskei crisis
- Branches form campaign committees and undertake the following actions;
- formation of local popular front committees that draw together all potential supporters of our demands
  - defiance of all Ciskei legislation
  - door to door visits to mobilise support for our demands and for the coming events
  - organisation of local Ciskei civil servants
- Sat 29.3.92 ANC regional campaigns committee meets to
- strategise for alliance and other meetings
  - prepare campaign media
  - prepare for regional events
  - draw up a roster for regional leadership to visit all branches and popularise the campaign
- Sun 1.3.92 Tripartite alliance meets to discuss campaign and launches a broad-based popular front for the removal of Gqozo
- Mon 2.3.92 Consultation with ANC womens' league
- Tue 3.3.92 Consultation with ANC's youth league
- Wed 4.3.92 Consultation with BOCCO
- Mon 9.3.92 Popular front organisations meet
- Tue 10.3.92 Press conference and public launch of campaign, with public signing of demands for removal of Gqozo. Support for Dispatch position on Ciskei.
- Wed 11.3.92 Pickets outlining our demands are held in all urban centres, to coincide with press release
- Door to door work and distribution of campaign media, together with local public meetings to mobilise support for campaign activities
- Sat 14.3.92 Setting up of voting booths in major urban centres, collecting votes for new administration in Ciskei
- Mobile voting booths travel around rural villages
- Sat 21.3.92 Sharpeville day: subregional rallies are held to popularise demands and mobilise support for peoples' assembly
- Fri 3.4.92 Cde. Mandela visits Border region, attends press conference to announce peoples' assembly



Mon 6.4.92 Solomon Mahlangu day: Peoples' Assembly held in King Williamstown, at which an interim administration for Ciskei is announced

Tue 7.4.92 Interim administration symbolically occupies Bisho. Presentation of signatures to Bisho. Further campaign activity based on assessment of campaign so far

Fri 1.5.92 May day rallies in all subregions to consolidate campaign work and report back to our constituents

### Budget for campaign activities:

#### 1. Travel

1.1 Car hire @ R95/day x 60 days	R 5 250
1.2 Petrol @ R45/day x 60 days	R 2 250
1.3 Transport costs for sub-regional rallies @ R 2000/rally x 6 rallies	R 12 000
1.4 Transport costs for people's assembly	R 30 000

#### 2. Venues and equipment

2.1 Hire of venues for sub-regional rallies @ R 500/rally x 6 rallies	R 3 000
2.2 Hire of stadium for people's assembly	R 1 200
2.3 Sound system x 6 rallies + people's assembly	R 6 000
2.4 Stage hire x 6 rallies + people's assembly	R 5 500
2.5 Construction of voting booths @ R65/booth x 30 booths	R 1 950

#### 3. Salaries

3.1 Temporary organisers @ R 1000/organiser x 20 organisers	R 20 000
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#### 4. Media and advertising

4.1 Newspaper advertisements	R 8 000
4.2 Sky advertisements	R 2 000
4.3 Banners @ R 300/banner x 20 banners	R 6 000
4.4 Printing of pamphlets, posters, etc.	R 25 000

#### 5. Catering

5.1 Catering for marshalls at rallies and people's assembly	R 3 500
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6. Sundries and contingency	R 10 000
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<u>TOTAL</u>	<u>R 142 550</u>
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African National Congress  
Press Statement - The Ciskei Crisis

The ANC regrets the move by the Ciskei Government to bring a regional dispute to CODESA by suggesting that the Management Committee should suspend the proceedings at CODESA until such time that there is an unconditional undertaking from the Secretary General on behalf of the ANC that the campaign be withdrawn. This move is unhelpful given that the Ciskei Govt. is party to a bi-lateral meeting facilitated by the SA govt. that is due to take place tomorrow at 11:30 a.m. Arrangements for this meeting were known to the Ciskei govt. before this morning's meeting.

We further express our disapproval that the Ciskei govt. raised the matter at CODESA this morning has chosen to go public whilst the Management Committee was in the midst of discussing the issue.

All the steps are clearly calculated to sensationalise the issue and is contrary to the spirit of resolving matters through negotiations and discussion.

From the moment this issue arose the ANC HQ has been involved in discussions with its region, the Ciskei administration and the South African government in order to find an effective solution. Our commitment to the negotiation process is unchallengeable. The issue is not what is alleged to be destabilisation of the Ciskei by the ANC. The fact of the matter is that there is no political freedom in the Ciskei. Efforts to even hold report-back meetings on progress at Codesa are frustrated by the continuous refusal to allow meetings to take place on the basis that such meetings constitute a threat to the security of Ciskei.

The ANC's attempts to meet the authorities in the Ciskei to address these serious problems have not been successful. Before the campaign as planned the ANC Border region requested a meeting with the Ciskei administration and this request was dismissed with contempt (copies of letters are available).

The campaign is aimed at ensuring a climate of free political activity in the area. We appeal to all those committed to the Codesa process not to allow this false hysteria to destabilise it.





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**AFRICAN  
NATIONAL CONGRESS**

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BORDER REGION  
TEGGIES CENTRE  
157 FLOOR  
1/3 NORTH STREET  
EAST LONDON  
5200  
PH. (0431) 439734/5  
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**The Chairman  
Ciskei Council of State  
Bisho**

13 February 1992

Dear sir

We would like to request a meeting with your cabinet on 19 February 1992. This meeting would be to discuss the crisis in the Ciskei.

The meeting would be between yourselves and the Regional Executive Committee of the ANC led by our national president Comrade Nelson Mandela.

We apologise for the extremely short notice but due to Cde Mandela's tight schedule we would appreciate a response before the end of today. Cde Mandela has already set aside this day for a meeting with your government.

We would further like to suggest that the meeting takes place in Bisho at a venue of your convenience, commencing at 12H00.

Yours sincerely

**LUCILLE MEYER**  
Secretary General

IRiphabliki YeCiskei  
I-Ofisi YeBhunga  
LoMbuso



Republic of Ciskei  
Office of the Council  
of State

O. Box 1, Bisho, Republic of Ciskei, Southern Africa. Telephone 0401-91415. Telex 25-0885CX Teletax No. (0401-91189)

17 February 1992

The Secretary-General  
African National Congress  
Border Region  
Teggies Centre  
1/3 North Street  
EAST LONDON

Dear Madam

Receipt of your communication dated 13 February 1992 is hereby confirmed.

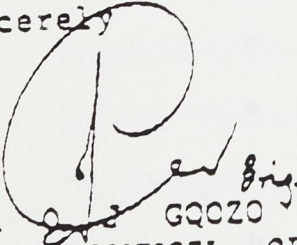
The reasons for the appointment which has been requested are irrelevant and far-fetched and do not warrant a meeting. We want to assure you that there is no crisis in Ciskei.

In fact if there was a crisis in Ciskei my government is quite competent to solve it without the assistance of the African National Congress.

The tone of your letter is arrogant, presumptuous and patronizing. We want to lodge a strong objection to Lucille Meyer communicating with my government in this manner.

In future such communication will not be answered.

Yours sincerely

BRIGADIER  GQOZO  
CHAIRMAN : COUNCIL OF STATE



MINUTES OF THE MEETING OF THE SUBCOMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA HELD AT 10H00 ON TUESDAY 3 MARCH 1992 AT THE WTC

PRESENT: TJ Mohapi (Convenor)  
TT Matanzima  
FT Mdlalose  
J Slovo  
J Zuma  
  
T Eloff (secretary, minutes)

1. The Chairperson's opening remarks

The chairperson welcomed the members and reiterated the importance of the work of the subcommittee.

2. Adoption of the agenda

The agenda was adopted after "Ratification of the minutes of the previous meeting and matters arising" was added as item 3.

3. Ratification of the minutes of the previous meeting and matters arising

3.1 Ratification

The minutes of the meeting of 24 February were ratified, with the amendment that Mr Slovo had apologised and had not been present at the meeting.

3.2 Matters arising

3.2.1 List of experts to give evidence

It was agreed to add the following names to the list of experts to be invited to submit evidence to the subcommittee:

- \* Prof RB Mqeke (Unitran)
- \* Prof CF Manona (Unitran)
- \* Mr VJ Matthews (Durban)

It was further agreed to invite Mr Matthews to give written or oral evidence to the next meeting of the subcommittee.

It was agreed that Mr Slovo will investigate whether the report of the Law Commission (of Justice Olivier) was in any way beneficial to the proceedings of the subcommittee that he will communicate with the secretary in this regard.

### 3.2.2 Expenses with regard to persons giving evidence

- \* It was agreed in principle that expenses should be met.
- \* With regard to the experts, further negotiations between the Administration and the experts was necessary.
- \* With regard to traditional leaders giving evidence, it was agreed that, if necessary, the travel and accommodation costs of a limited number of traditional leaders from each region will be carried.

### 3.2.3 The hearing of evidence by the subcommittee

It was agreed that a follow-up letter to the heads of delegations of all administrations should be written in which the following should be communicated:

- \* The subcommittee would like to meet with six traditional leaders from each region to hear evidence.
- \* The meetings for the hearings would take place at the World Trade Centre on the following dates and times:  
  
Wednesday 18 and Thursday 19 March, 10H00-17H00.
- \* Heads of Administrations should please indicate who would come and which date and time was appropriate.
- \* It was also agreed to invite a 6-person delegation of CONTRALESA to do the same.

## 4. Submissions and applications received to date

It was noted that, before the meeting, the following applications/submissions had been received:

- \* King G Zwelithini
- \* Transkei Kings and Chiefs
- \* King DM Mabhoko - Ndzundza Mabhoko Royal Kraal
- \* Batlokwa Tribe National Council
- \* The Lebowa College of Magoshi
- \* Paramount Chief EM Mabena II of Kwandebele



The following new applications/submissions were handed out:

- \* Mopeli Chiefs' Council - Qwaqwa
- \* Contralesa
- \* Batlokoa Chiefs' Council

5. Presentation by Dr Viljoen

Dr G van N Viljoen addressed the meeting on the issue of the participation of the Zulu King and the view of the SA Government in this regard (see addendum A - available later).

After the subcommittee had questioned Dr Viljoen, the chairperson thanked him for his presentation.

6. Progress report to the Management Committee

It was agreed that the secretary would prepare a draft for the chairperson, who will approve and amend it (if necessary) before it is circulated to members.

7. Date of the next meeting

It was agreed that, in the light of the deadline of 12 March 1992 for written submissions, as well as the hearings on 18 and 19 March 1992, the subcommittee should a planning meeting on 16 March. The time will be determined between the Chairperson and the secretary and communicated to members. This will be dependent on other meetings taking place on 16 March.

The meeting adjourned.

## PRESS STATEMENT - WORKING GROUP III

1. At its seventh meeting held on 9 March 1992, Working Group III of CODESA held constructive and productive discussion on Transitional\Interim Arrangements.
2. After consultation with respective principals, agreement has been reached on certain general elements regarding interim arrangements which would facilitate the transition towards a new democratic constitution to which CODESA is committed. The agreement is per Appendix A.
3. This agreement provides a useful basis for constructive and meaningful discussions on further aspects of Transitional\Interim Arrangements.
4. Press reports suggesting that a comprehensive agreement had been reached are incorrect and misleading. The only elements agreed upon are those in the attached document. The following details, among others, are still to be discussed
  - 4.1 The objective of Transitional\Interim Arrangements.
  - 4.2 The structure and functions of the transitional executive
  - 4.3 The structure and functions of the transitional legislative
  - 4.4 The position of the TBVC and self-governing states
  - 4.5 Time frames



## AGREEMENT ON ELEMENTS OF INTERIM ARRANGEMENTS

### Agreed:

1. There is need for interim/transitional arrangements in order to facilitate the transition towards a new democratic constitution to which CODESA is committed.
2. An important aspect of such arrangements will be the creation of a transitional executive structure.
3. The transitional executive structure shall initially be by appointment in accordance with procedures agreed upon by CODESA.
4. Agreements reached at CODESA in this regard will have to be given effect to by Parliament through amendments to the existing constitution and relevant legislation, in order to give them constitutional and legal form.
5. Other aspects of the interim/transitional arrangements still need to be discussed.



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

DRAFT MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE HELD AT THE WORLD TRADE CENTRE ON MONDAY 30 MARCH 1992 AT 16h00.

PRESENT: Addendum A

APOLOGIES: HJ Coetsee (SA Government)  
R Cronje (Bophuthatswana)  
H Kayser (Ciskei)  
SOM Moji (Dikwankwetla)  
I Omar (Solidarity)  
JN Reddy (Solidarity)  
E Samuels (Labour)

MJ Mahlangu (UFP - late arrival)

1. Chairperson's opening remarks

The delegates were welcomed and an apology made for the late start of the meeting. An appeal was made to delegates to be punctual.

2. Apologies

Apologies were noted.

3. Adoption of agenda

The agenda was adopted with no amendments.

4. Ratification of the minutes of the meeting held on 9 March 1992

The minutes were ratified with the following amendments:

- 4.1 The word "tri-partite" was substituted for the word "tri-lateral" in points 4.2.4 and 4.4.
- 4.2 The word "February" was substituted for the word "March" in points 4.2.2, 4.2.3 and 4.4.
- 4.3 In the attendance register SG Mothibe was the Delegate for the Bophuthatswana Government and T Scheepers the Adviser.
- 4.4 In the attendance register C Salojee was the Delegate for NIC/TIC and Z Yacoob the Adviser.



4.5 The initials of the Adviser from IYP should read MB Ntuli.

## 5. DMC report (Addendum B)

### 5.1 Women's participation in Codesa: (Addendum C)

The draft proposal, presented to the MC by the DMC, on the status, composition and terms of reference of the Gender Advisory Committee was accepted by consensus with no amendments.

### 5.2 Formation of a drafting sub-committee:

5.2.1 The historical background of this sub-committee was discussed and the following was noted:

- \* The delegates were referred to the Declaration of Intent, where reference is made to the setting up of a mechanism to draft legislation (but not agreements), as well as to the Terms of Reference of WG 5.
- \* There is an overlap in responsibility in the area of drafting between the MC and WG 5.
- \* WGSC 5 and the DMC have agreed on the need for a drafting sub-committee and the process and the parties to be involved.
- \* It was agreed that there will be further discussion between WGSC 5 and the DMC on the structure of the drafting sub-committee.
- \* It was noted that the MC and the DMC need to be more aware of their relationship with WG 5 so that a more positive climate could be created. It was also noted that the representatives of the MC should communicate more effectively with their respective participants at WG 5 to minimise misunderstandings.

5.2.2 A meeting was held on 30 March 1992 with members of the DMC, the Secretariat and WGSC 5 in this regard. The following report on the meeting was submitted to the MC:

Sub-group 2 of WG 5 has started mapping out a process for the drafting sub-committee. This process could be accepted by WG 5 and the MC. It was suggested at the meeting that the process to be adopted by the drafting sub-committee has three elements:

- \* Policy extraction
- \* Drafting
- \* Checking (to peruse documentation to see if they correctly reflect the agreements)

It was agreed by all that the process needs to be managed and that the parties that need to participate in this process are the following:

- \* The participants of WG 5
- \* The WG rapporteurs
- \* Experts who will assist in giving expression to agreements arrived at

5.2.3 It was suggested that a meeting take place with 2 or 3 representatives each from the DMC and the WGSC 5, to discuss the structure of the drafting sub-committee. Representatives from sub-group 2 of WG 5 must be part of this meeting.

5.2.4 It was noted that a meeting was held on 24 March 1992 at 16h00 with representatives of WGSC 1, 2, 3 and 4 and the DMC to discuss co-ordination and the drafting sub-committee. It was agreed that there is a need for a further meeting with all the WGSC's.

### 5.3 Co-ordination of Working Groups:

5.3.1 It was agreed that the meeting between the DMC Chairperson, the Secretariat and 2 representatives of WGSC 1, 2, 3 and 4 was very fruitful.

5.3.2 It was noted that WGSC 5 did not attend the meeting as WG 5 did not meet on that day and to inform them had been difficult.

5.3.3 Two issues arose from this meeting:

- \* Each WG would need to outline what it wanted to achieve by Codesa 2 so that Codesa 2 would be a meaningful exercise.
- \* The need for co-ordination between WG's was stressed. A range of suggestions in this regard was submitted to the MC under point 3.3 of the DMC report, and was accepted by the meeting.

### 5.4 Recess for Codesa:

5.4.1 It was agreed to discuss the dates for Codesa 2 in conjunction with the April recess as the two issues are linked.

5.4.2 It was agreed that Codesa would not meet in the week commencing 13 April. The next meetings of Codesa would be on 21 and 22 April 1992.

5.4.3 It was agreed that Codesa 2 would take place on 15 and 16 May 1992. It was further agreed that this should be a firm date.

### 5.5 British Elections

5.5.1 The British Government extended an invitation, addressed to the Chairperson of the DMC, to send a delegation of four or five people to observe the British elections. This matter was considered at the last DMC meeting and after further negotiations with the British government, the following was agreed:

- \* The invitation be accepted
- \* The delegation number be increased to 7
- \* The proposed delegation undertake the visit on behalf of Codesa



5.5.2 It was noted that although the delegation is a balanced one, efforts should be made to include another woman from the participants at Codesa, in the delegation. The DMC would look into this matter.

5.5.3 The delegation was approved by the MC.

5.5.4 It was suggested that this delegation should be given high profile publicity to show that Codesa has international recognition.

**5.6 Representations from Ciskei:**

The report was noted.

**5.7 Marketing of Codesa:**

5.7.1 It was noted that the Secretariat is preparing a proposal for the DMC and the MC on the content and the mechanism of the marketing program.

5.7.2 It was noted that disinformation in the form of pamphlets distorting the views of participants are circulating in schools.

**5.8 Media Leaks:**

The report was noted.

**5.9 Letter from the Rustenburg Church Leadership Committee:**

5.9.1 It was agreed that the MC supported the DMC recommendation in this regard.

5.9.2 A letter should be sent by Chairperson of DMC to L Alberts, F Chikane and M Cassidy to say that the MC has considered the matter and expressed full support. The letter should also note that the Chairperson is available for further discussion on how to carry the matter forward.

**6. Progress in the Working Groups**

6.1 It was agreed that the MC must communicate the date of Codesa 2 to the WGs and to urge the WGs to complete their work by the time Codesa 2 meets.

6.2 A joint meeting between the DMC and all WGSC's was suggested with the view to discuss overlapping issues in good time before Codesa 2.

6.3 It was suggested that the joint meeting between the WGSC's and the DMC could decide on further measures to facilitate the process.

**7. Sub-committees**

**7.1 Participation of the Zulu King and Traditional Leaders: (Addendum D)**

The interim report submitted by this sub-committee to the MC was noted.

## 7.2 Declaration of Intent:

- 7.2.1 The minutes of the meeting of 9 March 1992 were referred to, and paragraphs 3 and 4 were submitted by the sub-committee to the MC for its approval and comment.
- 7.2.2 It was agreed, by consensus, to accept paragraph 3 as a recommendation to Codesa 2, as an addendum to The Declaration of Intent.
- 7.2.3 It was agreed, that the issue of paragraph 4 be made a separate item on the agenda of the next MC meeting. This would also allow the parties/organisations to consult with their principals.
- 7.2.4 It was noted that this sub-committee had concluded its business.

## 8. Codesa 2

- 8.1 Codesa 2 will take place on 15 and 16 May 1992.
- 8.2 It was suggested that the DMC look into the practical and logistical arrangements for Codesa 2 and submit recommendations at the next meeting of the MC.

## 9. Other business

### 9.1 April Break

Codesa will take a break in the week commencing 13 April 1992.

- 9.2 It was noted that the MC Chairperson had taken part in the John Robbie talk show on radio 702 as part of the Codesa marketing exercise.
- 9.3 It was noted that a meeting between the MC Chairperson, J Zuma, Z Titus and 10 women from Orlando West in Soweto took place. It was reported that the matter was discussed with R Meyer with whom it was agreed that the necessary steps to assist the women with their concerns about the incidents of violence taking place where they live, will be taken.
- 9.4 It was agreed that the following points should form part of a media statement to be released at 08h00 on 31 March 1992:
  - \* The dates of Codesa 2
  - \* The April recess for Codesa
  - \* The Gender Advisory Committee
  - \* The Rustenburg Church Leadership Committee Proposal
  - \* The Codesa Delegation to attend the British Elections
  - \* The Addendum to the Declaration of Intent to be submitted to Codesa 2

## 10. Date of next meeting

The next meeting of the MC will take place on Monday 27 April 1992 at 15h30.



The meeting adjourned at 18h00.

Attachment A

The following delegates and advisers signed the attendance register:

Party/Organisation	Delegate	Adviser
Administration		
ANC	J Dlamini	M Mahony
English-Speaking Government	SD Mkhize	TE Schrepper
Chinese Government	SV Nkomo	
Democratic Party	TJ Mkhong	
DP	C Ngila	E de Beer
DPF	PT Mkhize	St Ngwenya
DPF	SD Mkhize	MB Ntuli
DPF	SD Mkhize	TJ Nkomo
Labour Party	P Hendrickson	J Durr
National Party	B Meyer	D de Villiers
NICOTIC	C Salje	I Pillay
NTP	A Richard	E Joseph
SACP	J Siso	
SA Government	G van N Vliet	
Solidarity	B Doolie	SD Ngila
Trade Union Congress	E Thab	TE Mkhize
UPF	SD Mkhize	
Verba Government	S Mkhize	S Mkhize
XFP	SP Mkhize	SC Abrahams

Also present were:

Chair	PT Gordon
	T Duff (Secretary)
	G Mkhize (Minutes)

## Addendum A

The following delegates and advisers signed the attendance register:

Party/Organisation Administration	Delegate	Adviser
ANC	J Zuma	M Maharaj
Bophuthatswana Government	SG Mothibe	TE Scheepers
Ciskei Government	SV Notshe	
Dikwankwetla Party	TJ Mohapi	
DP	C Eglin	Z de Beer
IFP	FT Mdlalose	BS Ngubane
IYP	NJ Mahlangu	MB Ntuli
INM	SS Ripinga	TJ Ndaba
Labour Party	P Hendrickse	J Douw
National Party	R Meyer	D de Villiers
NIC/TIC	C Salojee	I Pillay
NPP	A Rajbansi	E Joosab
SACP	J Slovo	
SA Government	G van N Viljoen	
Solidarity	B Dookie	DS Rajah
Transkei Government	Z Titus	TT Matanzima
UPF	MJ Mahlangu	
Venda Government	S Makhuvha	S Moeti
XPP	EPP Mhinga	JC Akron

Also present were:

Chair	PJ Gordhan
	T Eloff (Secretary)
	G Hutchings (Minutes)



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## DMC REPORT

The following are some of the matters addressed by the DMC since the last MC meeting.

### 1. Women's participation in CODESA

This matter was referred to the DMC by the MC meeting of 9 March 1992. The DMC presents a draft proposal on the status, composition and terms of reference of the Gender Advisory Committee (pg 26 of material provided) to the MC for its decision.

### 2. Formation of a drafting sub-committee

The DMC has decided the following:

"The drafting sub-committee would consist of two components:

- \*The rapporteurs from each Working Group.

- \*Experts skilled in drafting and with due regard to specialised fields.

"The Secretariat, with the help of Z Titus, is to identify experts and make recommendations to the DMC."

In addition the Chair of the DMC and the Secretariat will be meeting with the WGSC5 Chairperson on Monday 30 March 1992.

### 3. Coordination of Working Groups

The coordination of Working Groups and preparation for CODESA 2 was discussed at a preliminary meeting of representatives of WGSCs, the Chair of the DMC and the Secretariat on 24 March 1992. Representatives of WG5 could not be present as this Working Group was not meeting on 24 March 1992. The following recommendations to the DMC emerged from this meeting.

3.1 The need for coordination between the WGs and in particular with WG5 was noted.

3.2 WGSCs 3 and 4 reported that they had had a joint meeting which they found to be beneficial to the respective WGs.

3.3 After discussion, the following suggestions were made in respect of coordination between the WGs and will be submitted to the DMC as recommendations:

- \* Periodic meetings between the WGSCs as and when



necessary.

- \* A plenary session with the DMC and all the WGSC chairpersons.
- \* An information circular between WGs to keep each WG informed of progress in other WGs.
- \* The DMC to attend WGSC/WG meetings as observers.
- \* Noting that WG5 had structured itself into 4 Task Groups, each charged with looking into agreements, etc. within a given WG, it may be possible to enable each Task Group to attend the relevant WG sessions as observers.

#### 4. Recess for CODESA

The DMC has agreed in principle that no meetings of CODESA should take place during the week beginning 13 April 1992 in order to allow the administration a well-earned rest. CODESA meeting would then resume on 21 and 22 April 1992. This matter is to be finalised at the MC meeting on 30 March 1992.

#### 5. British Elections

The British Government has invited a CODESA delegation to observe the British elections (**attach letter of invitation**).

The DMC was of the view that this was a valuable opportunity to observe a fair and free electoral process with a view to extracting lessons for our own situation. Further discussions with the British Government resulted in the number of representatives being increased to 7. The following guideline was used to constitute the delegation: in the first instance persons from the DMC who are available, secondly members of the MC and if possible one representative of WG1.

The delegation is as follows:

- 5.1 Mr P.G. Gordhan Chairperson of CODESA Management Committee (MC) and the DMC, representative of the Natal Indian Congress/Transvaal Indian Congress at CODESA.
- 5.2 P. Hendrickse Member of the MC and DMC of CODESA. Representative of the Labour Party at CODESA.
- 5.3 Mr. N. J. Mahlangu Member of the MC of CODESA. Representative of the Intando We Sizwe Party at CODESA.
- 5.4 Dr. F. Mdlalose Member of the MC and DMC of CODESA. Representative of the Inkatha Freedom Party of CODESA.
- 5.5 Prof. S.S. Ripinga Member of the MC and DMC of CODESA. Representative of the



Inyandza National Movement at  
CODESA.

5.6 Mr. G. Bartlett Representative of the National Party at  
CODESA serving on Working Group 5 and  
of its Steering Committee.

5.7 Ms. J. Love Assistant to the Secretariat of CODESA.

6. Representations from Ciskei

Both Dr. Keyser from the Ciskei Government and Mr. Ramaphosa from the ANC were invited to be present at the DMC meeting of 23 March, 1992 following a request from Dr. Keyser. The Ciskei Government, ANC and SA Government were given an opportunity to address the DMC. After consultation among themselves, the above parties reported to the DMC that they intend to resolve any outstanding issues at a trilateral meeting to be held shortly.

7. Marketing of CODESA

It was agreed that there is a need to market Codesa so that the public can feel part of Codesa and get an insight into the negotiation process taking place in Codesa. The Secretariat is to look into this matter and submit recommendations as soon as possible. It was suggested that a full-time person to facilitate the process may be required.

8. Media leaks

It was agreed that Codesa should interact with the media more frequently and openly to project Codesa in a positive light.

## CODESA GENDER ADVISORY COMMITTEE (GAC)

1. **Composition:**
  - 1.1 GAC shall be composed preferably of women.
  - 1.2 Each participant in CODESA shall nominate one person to serve on GAC.
  - 1.3 Substitution shall be allowed.
  - 1.4 GAC shall be free to determine mechanisms by which the chairing of its meetings shall be effected.
2. **Terms of Reference:**
  - 2.1 CODESA is committed amongst other things towards the creation of a non-sexist democracy.
  - 2.2 GAC shall look into the Terms of Reference of each of the Working Groups and advise on the gender implications thereof.
  - 2.3 GAC shall look into agreements arrived at in Working Groups and decisions of the Management Committee and advise on their gender implications.
3. **Status of GAC:**
  - 3.1 The GAC shall be a Sub-Committee of the Management Committee (MC) whose primary function shall be to advise on the matters specified in items 2.2 and 2.3.
4. **Functioning of the GAC:**
  - 4.1 The exact manner in which the GAC shall perform its advisory function shall be worked out by discussion and agreement between the GAC and the DMC. Such modalities shall include consultation between the GAC and the Steering Committees of each of the Working Groups.
5. **Decision-making mechanism:**
  - 5.1 The Standing Rules adopted at CODESA 1 shall apply to the deliberation of GAC.
  - 5.2 Where no consensus or sufficient consensus is reached, minority reports may be filed.



ZKTL/MCRPRT/3003

ZULU KING/TRAD LEADERS/REPORT TO MC/30 MARCH 1992

**PROGRESS REPORT FROM THE SUB-COMMITTEE ON THE PARTICIPATION OF  
THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA  
TO THE MANAGEMENT COMMITTEE ON 30 MARCH 1992**

**1. Meetings**

The sub-committee met on 18 March 1992 and 30 March 1992.

**2. Hearings on 18 and 19 March 1992**

The sub-committee was presented with oral submissions on 18 and 19 March 1992 by the following groups/individuals:

- \* VJ Matthews - Expert
- \* Professor Maphalala - Expert
- \* Ciskei Delegation
- \* Ciskei Delegation from Paramount Chief Sandile
- \* Contralesa
- \* Kangwane Council of Chiefs
- \* Lebowa Delegation
- \* Qwa Qwa Delegation
- \* Transkei Delegation
- \* Venda Delegation
- \* Ximoko Progressive Party Delegation

The following written submissions have been presented to the sub-committee:

- \* Letter from MB Sandile
- \* Letter from Prince A Leloka II Tsotets
- \* Letter from Prince SJ Mahlangu
- \* Letter from Bophuthatswana Government
- \* Submission from Amandebele Ndzundza Sekhulumu
- \* Submission from Ndzundza Fene Tribal Authority
- \* Submission from Manala Ngibe Tribal Authority
- \* Submission from Manala Tribal Authority
- \* Submission from Ndzunza Somphalali Tribal Authority
- \* Submission from Chief Moses Sonkalane Makerame Mabhena
- \* Submission from Mabhoko Tribal Authority
- \* Submission from Mr MP Skosana
- \* Submission from Professor HW Vilikazi
- \* Submission from Prof H Ngubane
- \* Submission from Ximoko Progressive Party
- \* Submission from Contralesa
- \* Submission from Transkei
- \* Memorandum from Transkei
- \* Submission from Dr Mopeli
- \* Submission from Paramount Chief Mota
- \* Facsimile from Nathaniel Sekhumbuzo Bongani Mkhathshwa
- \* Submission from NJJ Olivier
- \* Submission from MN Ramodike, Leader of The United People's Front
- \* Submission from MS Mankuroane (Paramount Chief of Batlhaping-Tau)

- \* Transcription of presentation by Dr G Van N Viljoen to sub-committee
- \* Submission of answers to specific questions raised during a meeting of the sub-committee by G Van N Viljoen
- \* Submission from IFP
- \* Submission from IFP re the removal of some major obstacles to the achievement of a climate conducive to peaceful negotiation

A summary of the proceedings and the written submissions is being prepared for consideration by the sub-committee. A part of this summary was already discussed at the meeting of 30 March 1992.

### 3. **Issues Identified**

- 3.1 Consensus has been reached on the principle of participation.
- 3.2 The same principle should apply to the participation of the Zulu King and all other Traditional Leaders.
- 3.3 The nature and form of this are still being discussed.

### 4. **Next Meeting**

The next meeting of the sub-committee is scheduled for Monday 21 April 1992 at 07h30.



MINUTES OF THE MEETING OF THE DAILY MANAGEMENT COMMITTEE  
HELD AT THE WORLD TRADE CENTRE ON MONDAY 20 JANUARY 1992 AT 08H00

ADOPTED AT THE DMC MEETING OF 28 JANUARY 1992

PRESENT:

- Z de Beer (chair)
- P Gordhan
- P Hendrickse
- F Mdlalose
- R Meyer
- S Ripinga
- Z Titus
- J Zuma
  
- M Maharaj
- SS van der Merwe
  
- T Eloff
- P Saxby (minutes)

1. Documentation

The timeous circulation of documentation for all CODESA meetings was again emphasised.

2. Working Groups

2.1 'Memo from the Secretariat to the DMC Concerning Certain Aspects Aimed at Facilitating the Functioning of the Working Groups'

2.1.1 It was agreed that an amended version of this document and its addendum ('Notes on Opening Remarks of Convenors of the First Session of Working Groups') should be presented to each of the five Working Groups, and that the suggestions contained therein should be seen as flexible and open-ended.

2.1.2 It was agreed that, for the sake of clarity, the management committees of the Working Groups will be referred to as Working Group Steering Committees (WGSCs).

2.2 Convenors of the first session of the Working Groups

2.2.1 It was decided that the first session of the Working Groups should be convened as follows:

Working Group 1	J Zuma
Working Group 2	Z Titus
Working Group 3	P Gordhan
Working Group 4	F Mdlalose

Working Group 5 S Ripinga

2.2.2 It was agreed that Dr Z de Beer, Mr M Maharaj and Mr S van der Merwe should monitor the proceedings of each of the Working Groups with a view to identifying possible trouble-spots.

2.2.3 The option of the DMC meeting over lunch to attend to any such trouble-spots was noted.

2.3 Draft agenda

An amended version of this document was adopted.

2.4 Future meetings

It was agreed that Working Group convenors should recommend that the Working Groups next meet on Thursday 6 February. Thereafter, was recommended that meetings should take place on Mondays, with the proviso that business may be carried over to Tuesdays when necessary.

2.5 Inclusion of the Transkei proposal in Working Group 3's Terms of Reference

It was agreed that the proposal as outlined under Item 3.2 of the 'Secretarial Report to the Management Committee Meeting of 13 January 1992' should be raised by the Transkei delegation to Working Group 3.

2.6 Public information/media

2.6.1 Mr P Gordhan requested that the matter of information to the public on Working Group proceedings should be raised at the next DMC and MC meetings.

2.6.2 It was agreed that the DMC should issue a statement to the media on the day's proceedings.

Action

2.6.3 It was agreed that the DMC should liaise with WGSCs with a view to formulating specific guidelines on media policy for 6 February and thereafter. The need for caution concerning public statements on Working Group meetings was noted, bearing in mind the importance of keeping leaks and speculation to a minimum.

2.6.4 It was agreed that no WGSC should act independently in this regard.

Action

2.6.5 Media facilities for 6 February

It was agreed that the Secretariat, in consultation with Security, will prepare a proposal for the DMC on this issue.



2.6.6 Procedure for first Working Group sessions

2.6.6.1 It was agreed that Working Group proceedings should commence at 10h30 as planned but that, following the convenors' opening remarks, each Working Group should adjourn not later than 11h00 for individual party briefings on relevant documentation, resuming proceedings not later than 11h30.

2.6.6.2 It was decided that the introduction of delegations should be added to the agenda.

2.7 It was agreed that the following matters should be carried forward to the next meeting of the DMC:

- \* Financial assistance
- \* Research pool

3. Security

3.1 As agreed at the previous meeting of the DMC, Col J Venter and Mr M Shaik were invited to present a proposal on security.

3.2 They informed the DMC that they had drawn in the co-convenors of the Political Committee on Security established for CODESA 1 (Maj PJ Nembambula and Mr R Ntsubane) in order to develop this proposal.

3.3 The proposal was approved, and it was agreed that the security grouping referred to therein will be known as CODESA Security (CS).

3.4 The meeting accepted the proposal that a Security Task Group be established comprising the current co-commanders (Col J Venter and Mr R Mampane), the co-convenors of the Security Task Group, Mr M Shaik, Mr M Morobe (in his capacity as Head of Administration) and the Secretariat. It was agreed that this Committee should be constituted and function under the overall guidance of the DMC.

3.5 It was agreed that each participating party/organisation/administration in CODESA should be invited to provide a maximum of five persons to participate in the work of CODESA Security.

Action

3.6 It was agreed that the director of the World Trade Centre should be advised of the chain of command for CODESA Security and the underlying implications of this concerning security matters.

Action

3.7 It was noted that, in terms of the principle of equal participation,

each political party/organisation and administration is invited to send five representatives to CODESA Security on the understanding that such representatives should participate in the practical arrangements for the security of CODESA. The invitation should not be seen as an opportunity for the broadening of party/organisation/administration delegations. It was decided that an appropriate letter should be sent to the heads of delegations in this regard.

- 3.8 Noting sensitivities and possible misperceptions concerning the ANC's and Government's joint command of CODESA Security, and with the principle of inclusivity in mind, it was agreed that the Subcommittee on Security should continue to function as proposed.

#### 4. Chairmanship

- 4.1 Noting the merits of the principle of rotation whilst also bearing in mind the importance of continuity, efficiency and progress, it was agreed that P Gordhan should chair MC and DMC meetings up to and including the MC meeting scheduled for 10 February.

#### Action

- 4.2 It was agreed that the DMC should consider the following proposals in order to make specific recommendations to the MC when it next meets:

- \* Dr Z de Beer and Mr P Gordhan to alternate as chairpersons of both committees.
- \* Rotation on a broader basis.

- 4.3 The meeting agreed to examine the possibility of appointing a DMC member other than the current chairperson at the time of each MC and DMC meeting to interact with the media.

#### 5. Applications to participate in CODESA

#### Action

- 5.1 Political organisations and parties

It was agreed that the administration should proceed with the gathering of information in this regard.

#### Action

- 5.2 Interest groups

The proposed response to applications in this category was approved.

#### Action

- 5.3 Traditional leaders

The proposed response to applications in this category was approved, subject to the inclusion of details on how interested parties will be afforded the opportunity to submit representations to the appropriate subcommittee.



5.4 Observer status

It was decided that this matter should be carried forward to the next meeting of the DMC.

6. The next meeting of the DMC

**Action** 6.1 This will take place in Cape Town on Tuesday 28 January at 13h00. DMC members will be informed of the venue, which should be neutral, in due course.

**Action** 6.2 It was agreed that travel arrangements should be made individually, but that the administration should co-ordinate transport from the airport to the appointed venue.

7. Other urgent business

7.1 It was agreed that the names of delegates serving on the five WGSCs should be released to the media immediately following the meeting.

7.2 It was noted that the matter of advertisements for submissions to Working Groups should be included in the agenda for the DMC meeting on 28 January.

8. The meeting closed.

MINUTES OF THE MEETING OF THE DAILY MANAGEMENT COMMITTEE  
HELD AT DF MALAN AIRPORT ON TUESDAY 28 JANUARY 1992 AT 13H30

(ADOPTED AT THE DMC MEETING HELD ON THURSDAY 6 FEBRUARY 1992)

PRESENT: Z de Beer  
P Gordhan (Chair)  
P Hendrickse  
R P Meyer  
SS Ripinga  
Z Titus  
J Zuma  
  
M Maharaj (Secretariat)  
SS van der Merwe (Secretariat)  
  
T Eloff (Secretary, Minutes)

APOLOGIES: F Mdlalose

1. Chairperson's Opening Remarks

1.1 In Dr Mdlalose's absence due to illness, it was agreed that Dr B Ngubane (IFP) should be called into the meeting and the following was communicated to him:

1.1.1 In terms of a decision taken by the MC 13 January 1992 (Item 2.4 of the minutes), no substitutes are allowed for members of the DMC;

1.1.2 The DMC, being constrained by this decision, cannot create a precedent in this regard.

1.2 Dr Ngubane was afforded the opportunity to make a submission to the meeting before being excused.

1.3 Dr Ngubane then requested:

1.3.1 That the matter of the Declaration of Intent is placed on the agenda of the MC meeting of 10 February 1992;

1.3.2 That the IFP is allowed an extra adviser at the MC meeting for this specific issue.

1.4 It was agreed:

1.4.1 That the two issues detailed under Item 1.3.1 and 1.3.2 above would be included in the agenda.

1.4.2 That, in the event of the matter of the replacements of DMC members arising again, the DMC will require a clear ruling from the MC in order to respond appropriately. It was noted that any participating organisation may also ask the MC to revisit the matter if necessary.

1.5 The Chairperson appealed to members of the DMC not to place the meeting in this

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



difficult position again.

- 1.6 It was agreed that all the above should be communicated to Dr Mdlalose by the Chairperson.

## 2. Adoption of the Agenda

- 2.1 The agenda was adopted subject to the following amendments:

- 2.1.1 The issue of an extra IFP adviser for the meeting of the MC on 10 February (Item 7.1)
- 2.2.2 Correspondence (Item 7.2)
- 2.2.3 Chairpersonship of the DMC (Item 7.3)
- 2.2.4 Claims (Item 7.4)
- 2.2.5 The Zulu King and other traditional leaders Subcommittee (Item 4.5). It was agreed that this important issue should be a regular item on the agenda.

## 3. Ratification of Minutes of Previous Meeting

- 3.1 The minutes were adopted subject to the following amendments:

- 3.1.1 On the question of whether DMC members may be chairpersons of WGs or members of WGSCs, it was agreed that the secretary will consult the audio tapes before reporting back to the DMC on this matter.
- 3.1.2 Item 3.2: the co-conveners should be Maj Gen PJ Nembambula and Mr V Ntsubane.
- 3.1.3 Items 3.2 and 3.4: it was noted that the Political Committee applies to 3.2, and that the Security Task Group applies to 3.4.
- 3.1.4 Item 3.7: it was noted that "5 representatives" is the correct number which participating organisations may send for CODESA Security.
  - 3.1.4.1 The Secretariat was requested to establish whether the letter specifying the qualifications of these representatives has been sent.
- 3.1.5 Item 3.8: Mr Meyer stated that, from the SA Government's point of view, Col Venter will be held responsible for CODESA Security.

## 4. Secretariat Report

- 4.1 Functioning of Working Groups

- 4.1.1 Co-ordination and Communication between Daily Management Committee and Working Groups

It was agreed:

- 4.1.1.1 That minutes of WGSCs and WGs should be made available to the DMC and that a mechanism for numbering, dating and identifying the faxes entailed should be established.
  - 4.1.1.2 That it should be suggested to WGSCs that they submit regular progress reports to the DMC through the Secretariat.
  - 4.1.1.3 That, subject to Item 3.1.1 above, DMC members should not be members of WGSCs, but that they may attend WGSC meetings if and when necessary.
  - 4.1.1.4 That, for the time being, the main mechanism for co-ordinating the WGs will be the Secretariat or representatives nominated by it.
  - 4.1.1.5 That the possibility of establishing a structure, whereby the DMC and about two representatives of WGSCs meet, should be considered when necessary.
  - 4.1.1.6 That this matter should be kept under constant review.
- 4.1.2 **The Relationship between the DMC and WG5.**

It was agreed:

- 4.1.2.1 That a starting point for understanding this relationship is that the DMC is concerned primarily with procedure/process and WG5 with content, but that there is overlap on process issues.
- 4.1.2.2 That a meeting between the DMC and WGSC5 should take place soon and that this will be communicated to WGSC5.

A difficulty with the wording of the Terms of Reference of Working Group 5 (Item 1.1.4 (g)) was noted.

4.1.3 **Research Facilities for Working Groups**

It was agreed:

- 4.1.3.1 That each WG should identify the type of research it requires, formulate a recommendation on who should do it and according to what time-frame, and then request the Secretariat to process this recommendation to the DMC on its behalf.
  - 4.1.3.2 That the question of access to information from universities and other institutions will be deferred until it arises from the WGs.
- 4.1.4 **Voting in Working Groups**

It was agreed:



4.1.4.1 That Paragraph 3 of the Standing Rules should be applied in all structures of CODESA.

4.1.4.2 That the chairperson of the DMC should discuss this issue with the chairperson of WG4, in order to ensure the above.

4.1.4.3 That the Standing Rules on this matter should be included in a circular to the chairpersons of WGs.

4.1.5 **Recordings of WG Meetings**

4.1.5.1 A decision of the MC meeting of 13 January 1992, whereby no audio recordings of WG meetings should be kept, was reiterated.

4.1.5.2 With regard to minute-taking it was noted that, even where sufficient consensus exists for a decision to be reached, parties have the right to record objections to that decision in the minutes. The Secretariat was requested to ensure that secretaries and minute takers are aware of the Standing Rules in this regard.

4.1.6 **Submission to WG's**

It was agreed:

4.1.6.1 That the mechanism for advertising the issue of submissions to WGs should be a media conference.

4.1.6.2 That letters are written to all editors urging maximum coverage of the above.

4.1.6.3 That this should happen after the MC meeting of 10 February 1992.

4.1.6.4 That there should be flexibility on who is allowed to make submissions, but that the general rule should be that they come from SA interest groups.

4.1.6.5 That emphasis should be given to the need for submissions relevant to the Terms of Reference of the WGs.

4.1.6.6 That a three week deadline from the time of the media conference for receiving submissions should be set.

4.1.6.7 That the Secretariat should:

- \* investigate ways and means of arranging the media conference;
- \* make the Terms of Reference of the WGs available to interest groups;
- \* investigate the issue of advertisements further.

4.1.6.8 That other matters relating to this issue should be left to the WGs

within these broad guidelines, on the understanding that they are requested to make recommendations in this regard to the MC meeting of 10 February 1992.

#### 4.2 Media

- 4.2.1 The Secretariat reported that an office for media, together with pay phones, will be provided from 6 February 1992.
- 4.2.2 It was agreed that media statements should not be made by WGs, but co-ordinated by the DMC through its chairperson in liaison with the WGSCs.
- 4.2.3 The Secretariat was requested to put proposals on the handling of the media to the next DMC meeting.

#### 4.3 Applications to Join Codesa

- 4.3.1 The following changes were made to the questionnaire submitted as Addendum A:

Question 1:	"organisation" was added
Question 2:	"political" was deleted
Question 3:	"or constitution" was added
Question 4:	"indicators of" was added in brackets
Questions 5 & 6:	"other" was added
Question 7:	"employed" personnel was added
Question 10:	"Rules for membership" was added

- 4.3.2 It was noted that covering letters should be sent with the questionnaire, indicating that only political parties/organisations and administrations are eligible to participate in CODESA.
- 4.3.3 It was also noted that the drawing up of criteria remains an outstanding issue.
- 4.3.4 The question of observer status will be revisited before CODESA 2.

#### 4.4 The Subcommittee on the Zulu King and Traditional Leaders

It was noted that a meeting is scheduled for 5 February 1992. The Secretariat was requested to emphasise the urgency of this matter in discussions with the chairperson of the Subcommittee.

#### 5. Financial Assistance to Participants

This was deferred until the next meeting.

#### 6. Tasks of Secretariat (Addendum B)



This was accepted.

7. Other Matters

7.1 Extra Adviser for the IFP to the MC Meeting of 10 February 1992

It was agreed that, in the light of the Standing Rules, this will not be permissible, but that the extra adviser may take the place of Dr Ngubane for the duration of discussion on that item of the agenda.

7.2 Amendments to the Declaration of Intent proposed by the IFP

The request by Dr F Mdlalose that this item should be placed on the agenda of the next MC meeting was granted.

7.3 Correspondence

It was agreed that the request to use Mr Akov for a workshop should be declined.

7.4 Mechanism of Rotating the Chairpersonship

It was agreed that this matter will be deferred until the next meeting of the DMC, at which Mr P Gordhan will chair.

7.5 The meetings of the MC and WGs on 10 February 1992

It was agreed that it should be suggested to the WGs that they should instead meet on 11 February 1992, to allow the MC to meet on 10 February 1992.

7.65 Report by Secretariat

It was agreed that the Secretariat should draw up a report based on DMC decisions and suggestions on matters relating to the functions of the WGs for distribution to the WGs via the WGSCs, and to the MC and DMC.

8. Next Meeting

The next meeting will take place on Thursday 6 February 1992 at the WTC. It will provisionally start at 16h00 and continue until all issues on the agenda have been dealt with. Supper will be served.

The meeting closed.

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE DAILY MANAGEMENT COMMITTEE.

(ADOPTED AT THE DMC MEETING OF 17 FEBRUARY 1992)

MINUTES OF THE DAILY MANAGEMENT COMMITTEE MEETING HELD ON THURSDAY  
6 FEBRUARY 1992 AT THE WORLD TRADE CENTRE

PRESENT:

- ZJ de Beer
- PJ Gordhan (chair)
- FT Mdlalose
- R Meyer
- SS Ripinga
- Z Titus
- J Zuma

M Maharaj (Secretariat)

SS van der Merwe (Secretariat)

T Eloff (Secretary)

P Saxby (minutes)

APOLOGIES P Hendrickse

1. **Chairperson's opening remarks**  
The Chairperson welcomed DMC members.

2. **Adoption of agenda**

The agenda was adopted, subject to the following amendments:

- 2.1 That a review of the proceedings of the meetings of the Working Groups should be included as Item 4 on the agenda.
  - 2.1.1 That procedure regarding presentations to Working Group meetings should be included under this item.
- 2.2 That matters pertaining to the Media Subcommittee should be addressed as a separate item on the agenda.

3. **Meeting with WGSC5**

It was agreed that:

- 3.1 The meeting should follow the format recommended in the document 'Issues for Discussion at the Meeting between the DMC and WGSC5 (Addendum A).
- 3.2 The MC, and the DMC as its executive body, have been charged to supervise and to co-ordinate Working Group activities by Codesa 1.



- 3.3 That the DMC suggestion that a distinction be made between process/procedure and content is useful in delineating the respective roles of the DMC and WGSC5.
- 3.4 With Items 3.2 and 3.3 above in mind, and regarding Item 1.1.4 b of the Terms of Reference of WG5, issues pertaining to **administrative** process and procedure should be addressed by the DMC and issues pertaining to **political process** and content should remain the responsibility of WG5.
- 3.5 WG5 should take an appropriate decision formalising Item 3.4 above, noting the opening sentence of Item 1.1.4 of its Terms of Reference.
- 3.6 The Secretariat should investigate appropriate communication mechanisms between the two bodies, and between WG5 and the other Working Groups, with regard to the circulation of minutes and the dissemination of information emerging from the Working Groups.
- 3.7 With this in mind, the Secretariat should meet with two members of each of the Working Groups, and it should report back to the DMC on this matter at the next DMC meeting.
- 3.8 Regarding Item 1.1.1 of the Terms of Reference of WG5, the mechanisms detailed above should be utilised to address any difficulties arising.
- 3.9 A sub-meeting between the Secretariat and members of WGSC5 should delineate specific responsibilities as contained in the Terms of Reference of WG5 on the basis of the mechanisms detailed above.
- 3.10 Regarding Item 1.1.4 of the Terms of Reference of WG5:
  - \* 1.1.4 'a' should be the responsibility of WG5.
  - \* 1.1.4 'b' should be the responsibility of the DMC, and WG5 should take an appropriate decision to formalise this.
  - \* 1.1.4 'c' should be the responsibility of WG5.
  - \* 1.1.4 'e' should be the responsibility of the Secretariat.

It was noted that these decisions are subject to review as and when appropriate.

- 3.11 Regarding the role of the Group Secretary, he/she should, if called upon to do so by the chairperson, provide information to the Working Group as requested. However, his/her function is essentially administrative. It was noted that the appearance of this item on the agenda was precipitated by poor communication mechanisms between the DMC and WGSC5 concerning adequate preparation of the chairperson of WGSC prior to its first meeting.
- 3.12 Regarding the role of the Secretariat, it was noted that this is the executive arm of the DMC and a mechanism for co-ordinating the activities of CODESA with this in mind.
- 3.13 All decisions detailed under Item 3 above should be communicated to the DMC and WGSC5.

3.14 Regarding the communication of decisions recorded in the minutes, as outlined in Item 3.6 above:

- 3.14.1 Minutes should be approved by the chairperson concerned before the decisions recorded therein are circulated.
- 3.14.2 Specific decisions of the DMC in respect of the WGSCs may be recorded in separate minutes and approved by the chairperson for immediate circulation, noting that such decisions should be ratified as part of the overall minutes of the meeting in question at its next session.
- 3.14.3 All DMC decisions concerning WG5 should be communicated in document form to WGSC5.

#### 4. Report-back on proceedings of Working Group sessions

4.1 It was agreed that:

- 4.1.1 The procedure for the presentation of submissions at Working Group meetings should be determined by the Working Group and its chairperson.
- 4.1.2 Regarding the media statement to be released following the DMC meeting:
  - 4.1.2.1 WG1 unanimously requested that an appropriate reference to the current wave of violence should be made, noting the role of the NPC in addressing this.
  - 4.1.2.2 Working Group 2 has decided that 'the principle of the issue of the self-determination of the people and its application and practical implementation in the South African situation' should be included as part of its Terms of Reference.
  - 4.1.2.3 The Secretariat in liaison with the chairpersons of the Working Groups should formulate the media statement accordingly.
- 4.1.3 Mechanisms for Working Group reports to the next full plenary of CODESA should be addressed by the MC, noting the need for balance among the rapporteurs.
- 4.1.4 Regarding rapporteurs:
  - 4.1.4.1 These should be appointed from amongst Working Group delegates or advisers. The participating organisations concerned may call in substitutes for the persons in question.
  - 4.1.4.2 The Secretariat should formulate and circulate guidelines on the tasks of the rapporteurs, recommending that the number of rapporteurs does not exceed two per Working



Group and noting the decision referred to in Item 4.1.4.1 above.

4.2 It was noted that:

4.2.1 There is a need to regulate the circulation of submissions to the Working Groups via WGSCs.

4.2.2 The interpretation of the Standing Rules may need to be addressed.

5. **Ratification of the minutes of the previous meeting**

5.1 Item 1.4.1 should refer to "Items 1.3.1 and 1.3.2 above".

5.2 Regarding Item 1.6, it was noted that the report was made as requested.

5.3 Regarding Item 3.1.1, and noting that the actual recordings of proceedings are inconclusive, it was agreed that the DMC should recommend that:

5.3.1 DMC members should be allowed to serve on WGSCs but should not act as WGSC chairpersons. Strong views to the contrary should be addressed to the DMC. It was noted that this recommendation should not necessarily affect the existing composition of WGSCs.

5.3.2 DMC members may attend WGSC meetings at the request either of the DMC or of the WGSC concerned.

5.4 Item 3.1.2 should read "V Ntsubane".

5.5 It was noted, as a point of clarity, that any number out of the five security representatives per participating organisation may be called upon during the course of the CODESA process, but that two representatives per organisation is the general rule at present.

5.6 Item 3.4.1 should read "3.1.4.1".

5.7 Regarding Item 4.2.1, it was noted that facilities have been provided, and that the Secretariat will investigate improvements to these as suggested by the media themselves.

The minutes were adopted as amended.

6. **Report from Subcommittee on the Zulu King and Other Traditional Leaders**

It was agreed that this issue should form the basis of a report by the convenor of the Subcommittee to the MC at its next meeting.

7. **Submissions by Interest Groups**

7.1 **Press conference on 10 February 1992**

It was agreed that:

- 7.1.1 This should take place at the World Trade Centre.
- 7.1.2 Mr PJ Gordhan should preside at the conference in his capacity as chairperson of the MC and DMC.
- 7.1.3 CODESA should be represented at the conference by a panel comprising MC members or appropriate alternates, noting the need for representatives with whom the general public can readily identify.
- 7.1.4 Notices, venue, facilities and other related matters should be the responsibility of the CODESA administration, assisted by the Media Subcommittee where necessary.

## 7.2 Letters to editors

The meeting was advised that these have been dispatched in accordance with the decision taken at the previous DMC meeting. A concern that the letter should have been embargoed until after the media conference was noted.

## 7.3 Advertisements for submissions to WGs

This matter was deferred until a later meeting.

## 7.4 Media statements on behalf of WGs

It was agreed that:

- 7.4.1 The mechanism currently employed should be continued.
- 7.4.2 In the event of the DMC not meeting after the WGs and therefore not being available to formulate a media statement, the Secretariat should meet with the chairpersons of each Working Group (either individually or collectively) to draft an appropriate statement.
- 7.4.3 The issue raised under Item 2.2 above should be deferred until the next meeting.

## 8. Applications for participation in CODESA

### 8.1 Questionnaire

It was noted that this has been dispatched.

### 8.2 Survey of press reports

It was noted that Stock Press has been commissioned to supply the necessary material, which will be analysed in due course.

### 8.3 Updated list of applicants

This was noted.



9. **Financial assistance for participants**

It was agreed that:

9.1 The Secretariat should investigate the proposals contained in the recommendations of Task Group 3 dated Monday 9 December 1991 and amended as follows (as recorded at the meeting of the Steering Committee held on Tuesday 10 December 1991):

9.1.1 "Each delegation should be entitled to an equal basis budget fixed by the Steering Committee to cover costs incurred in preparation for and attendance of Working Group meetings".

9.1.2 "Special requests by delegations for funding to cover particular research needs should be addressed by the Steering Committee, which should set limits to such payments".

9.2 Members of the DMC should make submissions to the Secretariat with this in mind.

9.3 The Secretariat should brief the MC on this issue at its next meeting.

9.4 Inordinate expenses should be avoided until a final decision has been reached.

10. **Future chairpersonship of DMC/MC meetings**

Noting the need for efficient and impartial chairpersonship of these meetings, it was agreed that:

10.1 Mr PJ Gordhan and Dr Z de Beer should be appointed as ongoing chairpersons on a rotating basis.

10.2 Mr PJ Gordhan should chair all MC and DMC meetings until CODESA 2.

10.3 Dr Z de Beer should chair MC and DMC meetings thereafter, for whatever period of time deemed appropriate.

10.4 The decisions detailed above should be publicised at the press conference on Monday 10 February 1992.

11. **Draft agenda for MC meeting of 10 February 1992**

11.1 This was approved, subject to the following provisos:

11.1.1 That the agenda should include a report on the meeting between the DMC and WGSC5.

11.1.2 That delegates are reminded of the '1+1' principle during the course of the chairperson's opening remarks.

11.1.3 That the DMC report should be formulated jointly by the Secretariat and Mr PJ Gordhan, and presented by Mr PJ Gordhan.

- 11.2 Noting the need for the timeous circulation of the agenda to MC members and difficulties experienced in this regard, it was agreed that the CODESA administration should ensure that the addresses and fax numbers for all heads of delegations are correct.

12. Correspondence and any other business

- 12.1 Regarding the letter from the Metropolitan Chamber, it was agreed that:

12.1.1 The Chamber should be referred to the Terms of Reference of the Working Groups and invited to make submissions accordingly.

12.1.2 The Chamber should be reminded that it is free to brief organisations participating in CODESA should it so wish. An appropriate list of heads of delegations should be made available to the Chamber with this in mind.

12.1.3 The Chamber should feel free to discuss this matter with the Secretariat.

13. Date of next meeting

The next meeting of the DMC will take place on Monday 17 February at 17h00 at the World Trade Centre.

14. The meeting closed.



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE DMC. THEY ARE STILL SUBJECT TO RATIFICATION BY THE DMC AT ITS NEXT MEETING.

## MINUTES OF THE DMC MEETING HELD ON MONDAY 17 FEBRUARY 1992 AT THE WORLD TRADE CENTRE

PRESENT: PJ Gordhan (Chairperson)  
Z J de Beer  
FT Mdlalose  
P Hendrickse  
R Meyer  
SS Ripinga  
Z Titus  
J Zuma

SS van der Merwe (Secretariat)  
J Love (Administration)  
T Eloff (Secretary, minutes)

### 1. Welcome and apologies

An apology for Mr M Maharaj (Secretariat) was noted.

### 2. Adoption of agenda

The Chairperson indicated that the agenda received at the meeting was different from the one that was faxed, because of developments since Thursday 13 February and the meeting between the secretariat and members of the WGSC's on Monday 17 February 1992. It was pointed out that additional items could be put on the agenda. The agenda was adopted.

### 3. Ratification of the minutes of the meeting of 6 February 1992

The minutes were ratified, subject to the following changes:

3.1 Item 3.4 on p2 reads as follows:  
"...issues pertaining to **administrative** process and procedure should be addressed by the DMC and issues pertaining to **political process** and content should remain the responsibility of WG5" (amendments in bold).

3.2 The word "Group" was added at the end of item 4.1.4.2.

3.3 The word "above" was deleted at the top of p4.

With regard to item 12.1 (the request of the Wits Metropolitan Chamber), it was reported that a meeting between members of the Chamber and the Secretariat was being arranged, but that Dr Van Zyl Slabbert was out of the country and that they can only meet the Secretariat at the beginning of March.

#### 4. Report on Working Groups

##### 4.1 **Summary of progress in Working Groups**

Mr Fanie van der Merwe gave a brief report back from a meeting held between the Secretariat and the five secretaries of the WG's. It was agreed that an abbreviated version should be distributed to DMC members. (See attached.)

##### 4.2 **Administrative arrangements/facilities**

4.2.1 After discussing the written report, appreciation was expressed by the meeting to the Secretariat and the Administration for the very capable and effective way in which the enormous work load was being handled.

4.2.2 The meeting took note of the fax sent out to heads of delegations requesting competent minute takers to be made available to the Administration. Parties/organisations/administrations were urged to respond urgently.

4.2.3 The report was accepted.

##### 4.3 **Request from WG4 on clarity regarding "consensus"**

4.3.1 Dr FT Mdlalose reported on discussions held in WG4 on this issue. The meeting noted that it was in the spirit of CODESA to arrive at agreements on various issues by consensus/sufficient consensus, thus ensuring that the CODESA process progresses. It was further noted that it is important for parties/organisations/administrations to facilitate the success of this process through the constructive and effective use of this mechanism.

4.3.2 It was agreed that:

- \* The DMC will meet the Chairperson of WG4 on Monday 24 February at 09h30 in connection with this matter.
- \* The Secretariat will attend the meeting of WG4 on 24 February



1992 on behalf of the DMC to ascertain how to deal effectively with the issue.

- \* If these two measures did not result in success, the issue should be raised at the MC meeting on 24 February 1992 at 17h00.

## 5. Report of meeting between the secretariat and WGSC's on 17 February 1992

### 5.1 Rapporteurs

It was reported that clarity was sought on whether rapporteurs could be persons other than delegates/advisers and whether substitutes were permitted if a delegate/adviser becomes a rapporteur. It was agreed that the decision of the DMC as reflected in item 4.1.4.1 of the minutes of 6 February 1992, should stand, i.e. to allow substitutes. This issue will be reviewed should this become an unmanageable practice.

### 5.2 Advertisements

It was noted that the WG's reported that there was no need for advertisements at the present time.

### 5.3 Communication mechanisms between DMC and WG's

#### 5.3.1 Media statements

It was agreed and/or reiterated that:

- \* No statements to the media should be made by WG's and all statements should be made and co-ordinated by the DMC
- \* Regular media briefings should be given/media statements be made on Tuesdays by the DMC after having received written information from each WG not later than 12h00 on Tuesdays.
- \* Statements would be prepared and issued by the Secretariat in consultation with the chairperson of the DMC.

#### 5.3.2 Request from WG5 to the DMC

It was agreed that:

- \* the DMC should respond to all requests of WG5 through the chairperson;

- \* the chairperson of the DMC will communicate with the chairperson of WGSC5 on the relationship between the DMC and the secretariat, providing WG5 with a copy of the organogram accepted by CODESA I;
- \* the meeting between the secretariat and WGSC5 on the delineation of tasks should be held back until this issue was cleared; and
- \* the possibility of a meeting between the DMC and all WGSCs should be kept in mind.

## 6. CODESA Secretariat

- 6.1 After careful consideration by the meeting of the excellent manner in which the Secretariat carried out its tasks, and noting that the problem was not the size of the Secretariat, but insufficient staff and technical resources, it was agreed that the Secretariat will remain the same.
- 6.2 It was also agreed that, in line with the Administrative Report, the Administration should be strengthened.
- 6.3 With regard to the participation of the Secretariat in the MC and WG's as advisers/delegates, and noting the need for the Secretariat to be perceived as neutral, it was agreed members of the Secretariat should not participate in the activities of CODESA as delegates/advisers. This issue will be revisited in order to allow members of the Secretariat to make their own views known on this matter.

## 7. Financial assistance

It was agreed that this matter should stand over.

## 8. Applications for participation in CODESA

These were noted.

## 9. Other business

- 9.1 Request from embassies for a briefing



It was agreed that such a briefing should be held by the DMC. The Secretariat was requested to prepare documentation and recommendations on how to proceed.

## 9.2 Correspondence

With regard to requests to DMC members (and notably the Chairperson) to address meetings, it was agreed to:

- \* express regret to the National Land Committee that their request could not be met;
- \* consider putting the issue of pensions on the agenda of the MC, while asking Government's advice on how to effectively deal with this issue; and
- \* encourage both organisations to make representations to the correct Working Group.

9.3 It was agreed to put the issue of **Women's participation** in CODESA on the agenda of the meeting of the MC, with the appropriate correspondence.

## 10. Date of next meeting

It was agreed that this should take place on Monday 24 February 1992 at 16h30, for half an hour before the meeting of the MC.

The meeting adjourned.

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE DMC AND THE MC. THEY ARE STILL SUBJECT TO RATIFICATION BY THE DMC AT ITS NEXT MEETING.

**MINUTES OF THE DMC MEETING HELD AT 16H30 ON MONDAY 24 FEBRUARY 1992 AT THE WORLD TRADE CENTRE**

PRESENT: PJ Gordhan (Chairperson)  
Z de Beer  
P Hendrickse  
RP Meyer  
Z Titus  
J Zuma  
  
M Maharaj (Secretariat)  
SS van der Merwe (Secretariat)  
  
T Eloff (minutes)

1. Chairperson's opening remarks

The delegates were welcomed.

2. Apologies

No apologies were noted.

3. Adoption of the agenda

The agenda was adopted after having added the item "Any other business".

4. Preparation for the MC meeting of 24 February, 17h00

4.1 Agenda for the meeting

The draft agenda was agreed upon.

4.2 Financial assistance

The report from the Secretariat was accepted as a proposal to the MC, with the following amendment:

Items 5.2 and 5.3 should be combined and would be applicable to expenses related to telephones, faxes, lease of equipment and photocopying. Documented proof of such expenses should be presented.

4.3 Report back regarding WG4

A report by Mr Z Titus, chairing of a meeting between DMC members and the Chairperson



of WG4 was noted. It was also noted that certain matters were communicated to WG4 in this regard (attached as addendum A).

#### 4.4 Report back regarding WG5

A report by the Chairperson, Mr Pravin Gordhan, was noted. A letter sent to the chair of WGSC5 Mr Mtshali was also noted (attached as addendum B).

### 5. Ratification of the minutes of the DMC meeting of 17 February 1992

It was agreed that, due to time constraints, this should stand over until a next meeting.

### 6. Report on the meeting between the Secretariat and representatives of the WGSc's

6.1 It was noted that, with regard to item 5.1 of this report, one of the rapporteurs from WG3 came from within the WG.

6.2 A few spelling errors were noted in the report and corrected.

### 7. Any other business

7.1 A request from Dr John Maree that the Old Mutual scenario be presented to CODESA participants, was noted. It was agreed to put the matter on the agenda of the next DMC meeting.

7.2 With regard to the mechanism for processing requests from WG's to the DMC, it was agreed that WGSC's should put such requests before the Secretariat, who will discuss it with the Chairperson of the WGSC and deal with the matter, if possible. If the matter requires further consultation, the Secretariat should do so by contacting DMC members.

7.3 With regard to the decision on the position of members of the Secretariat as advisers to their respective parties/organisations, it was agreed to suspend the implementation of the decision recorded in item 6.3 of the minutes of the meeting of 17 February 1992 until further notice.

### 8. Date of next meeting

This meeting will take place on Monday 2 March at 17h00.

Addendum A

## STATEMENT AFTER THE DMC MEETING WITH THE CHAIRPERSON OF WORKING GROUP 4 ON 24 FEBRUARY 1992 AT 09H30

At this meeting the DMC gave due consideration to the matters raised by Working Group 4. After examining various options and having considered the Standing Rules adopted by Codesa I, the DMC mandated the chairperson of Working Group 4 to report back to the Working Group as follows :

1. The DMC points out that the Standing Rules apply generally to all Working Group's.
2. Despite the fact that Working Group 4 itself is comprised of various parties, it would appear that there is a need for the DMC to meet with the Bophuthatswana Government and the South African Government individually in this regard. In view of the fact that the objections were raised within the Working Group itself, the DMC finds it difficult to direct that it meets with the two parties. However, it finds it necessary that its offer to meet with the two parties should be given serious thought.
3. Should the offer be accepted, the DMC has resolved that after the initial meetings with the two parties, it will look at other ways and means to facilitate this matter further.



TO: Chairperson WGSC5  
FROM: Chairperson DMC  
DATE: 21 February 1992

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Re: The document received by the DMC from WGSC5 on 17th February

Regarding Item 1: The minutes of the DMC meeting of 6th February 1992 have now been amended to incorporate the amendments suggested in the note from the WGSC5. This however, does not resolve the necessity to have a detailed delineation between the functions of WG5 and the Management Committee/Daily Management Committee.

Regarding Item 2: The Secretariat has been asked to attend to this matter and I understand that minutes have been circulated to members of the WGSC5 and will be available to Working Group members on Monday 24th February 1992.

Regarding Item 3:

- a) The Secretariat is a "normal CODESA structure" as is evident in the organogram appended to this letter which was approved at CODESA 1.
- b) At the beginning of the meeting the question of Chairpersonship of that meeting was tabled and the meeting unanimously nominated the Secretariat member present to Chair the meeting.
- c) Insofar as the circulation of the agenda is concerned: prior to the meeting on 17 February 1992 between the WGSCs and the Secretariat, all WGSCs had been sent extracts of the minutes and decisions of meetings of the MC, DMC, WGs and WGSCs. These extracts were sent with a covering note (which is attached to this letter) which tables the matters arising from these extracts for the purposes of the meeting's agenda. As there were no additional items raised by the WGSCs, Mr Van Der Merwe proceeded with the items as they appeared in the covering note. As this was the first meeting, the Secretariat - as the note indicates - preferred not to prescribe what should be discussed and simply drew upon what was evident from minutes and looked forward to the input of WGSCs for their views.



B1

TO: REPRESENTATIVES OF WGSC'S ATTENDING THE JOINT MEETING WITH  
THE SECRETARIAT ON MONDAY 17 FEBRUARY 1992 AT 08H00 AT THE  
WORLD TRADE CENTRE

FROM: CODESA SECRETARIAT

Enclosed herewith are extracts of minutes and decisions of meetings of the MC, DMC, WG's and WGSC's. These cover the following issues:

1. Interaction between WG's and the relationship between WG's/WGSC's and the DMC/MC.
2. Working Groups and the media
3. Chairpersonship of Working Groups
4. Rapporteurs in the Working Groups
5. The mechanisms for handling, tabling and copying of submissions by parties/organisations/administrations to WG's

We are sending these to you as background information and on the assumption that issues to be dealt with at the joint meeting will flow from these extracts.

The meeting may, of course, add any other issues on to the agenda.

Regards

M Maharaj and SS van der Merwe  
CODESA SECRETARIAT



ISSUES TO BE ADDRESSED AT THE MEETING BETWEEN THE SECRETARIAT AND REPRESENTATIVES OF WORKING GROUP STEERING COMMITTEES, TO TAKE PLACE AT THE WORLD TRADE CENTRE ON MONDAY 17 FEBRUARY AT 08H00

Extracts from MC, DMC, Working Group and WGSC minutes

DMC Minutes 6 February:

- Item 3.2 The MC, and the DMC as its executive body, have been charged to supervise and to co-ordinate Working Group activities by CODESA 1.
- Item 3.3 That the DMC suggestion that a distinction be made between process/procedure and content is useful in delineating the respective roles of the DMC and WGSC5.
- Item 3.6 The Secretariat should investigate appropriate communication mechanisms between the two bodies, and between WG5 and other Working Groups, with regard to the circulation of minutes and the dissemination of information emerging from the Working Groups.
- Item 3.7 With this in mind, the Secretariat should meet with two members of each of the WGs, and it should report back to the DMC on this matter at the next DMC meeting.
- Item 3.9 A sub-meeting between the Secretariat and members of WGSC5 should delineate specific responsibilities as contained in the Terms of Reference of WG5 on the basis of the mechanisms detailed above.
- Item 3.11 Regarding the role of the Group Secretary, he/she should, if called upon to do so by the chairperson, provide information to the Working Group as requested. However, his/her function is essentially administrative.
- Item 3.12 Regarding the role of the Secretariat, it was noted that this is the executive arm of the DMC and a mechanism for co-ordinating the activities of CODESA with this in mind.
- Item 3.14 Regarding the communication of decisions recorded in the minutes, as outlined under Item 3.6 above:
  - 3.14.1 Minutes should be approved before the decisions recorded therein are circulated.
  - 3.14.2 Specific decisions of the DMC in respect of the WGSCs may be recorded in separate minutes and approved by the chairperson for immediate circulation, noting that such decisions should be ratified as a part of the overall minutes of the meeting in question at its next session.
  - 3.14.3 All DMC decisions concerning WG5 should be communicated in document form to WGSC5.

WORKING GROUP STEERING COMMITTEES\MEETING WITH SECRETARIAT\17 FEBRUARY

- Item 4.1.1 The procedure for the presentation of submissions at Working Group meetings should be determined by the Working Group and its chairperson.
- Item 4.1.3 Mechanisms for Working Group reports to the next full plenary of CODESA should be addressed by the MC, noting the need for balance amongst the rapporteurs.
- Item 4.1.4 Regarding rapporteurs:
  - 4.1.4.1 These should be appointed from amongst Working Group delegates or advisers. The participating organisations concerned may call in substitutes for the persons in question.
  - 4.1.4.2 The Secretariat should formulate and circulate guidelines for the tasks of the rapporteurs, recommending that the number of rapporteurs does not exceed two per Working Group.
- Item 7.4 Media statements on behalf of Working Groups:
  - It was agreed that:
    - 7.4.1 The mechanism currently employed should be continued.
    - 7.4.2 In the event of the DMC not meeting after the WGs and therefore not being available to formulate a media statement, the Secretariat should meet with the chairpersons of each Working Group (either individually or collectively) to draft an appropriate statement.

MC minutes 10 February

- Item 5.3.1 It was agreed that the DMC should investigate the merits of a more uniform rotation mechanism for the Working Group chairpersonship, noting the autonomous nature of the WGs.

Working Group 1 & WGSC1

WGSC1 3 February

- 2.1.4 That, noting that a media conference is planned to be held after the MC meeting on 10 February in order to invite submissions to each WG, it was proposed that the Chair should establish what latitude WGSC1, on behalf of WG1, has in planning its own advertisement and;
- 2.1.5 that, bearing in mind the area of work of WG1, the chair make a recommendation to the MC that, while WGSC1 recognises the need for a press conference it sees, in addition, a need for its own advertisement, to be inclusive of the Terms of Reference of all Working Groups.

WG1 6 February



WORKING GROUP STEERING COMMITTEES/MEETING WITH SECRETARIAT/17 FEBRUARY

- 4.3.2 That the Chair undertake to raise with the MC the possibility of all documentation being sent to all delegates and advisers instead of just the heads of delegations.

Working Group 2 & WGSC2

Nothing relevant.

Working Group 3 & WGSC3

Most recent minutes of WGSC3 not available.

WG3 6 February

- Item 4.3.1 It was decided to request the MC to draw up guidelines for the uniform appointment of chairpersons for the WGs. Uniformity in terms of the time the chair presides, as well as the principle of impartiality and others enunciated in the first WG3 meeting, should be kept in mind.

Working Group 4 & WGSC4

Nothing relevant.

Working Group 5 & WGSC5

WGSC5 10 February (not yet approved by the chairperson)

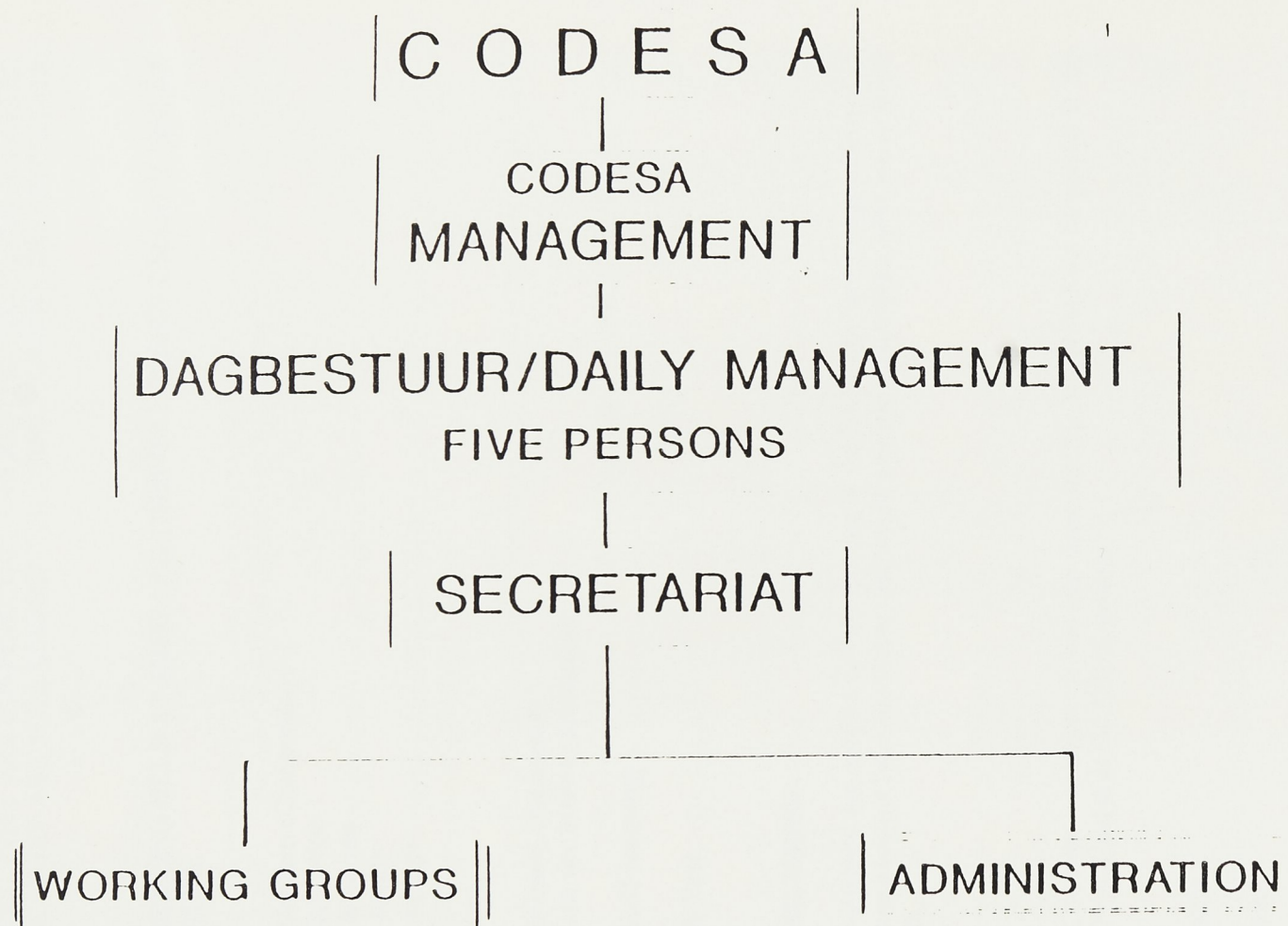
- Item 2 Under a point of order, the issue of substitutes for members of WGSC5 was raised. It was agreed that.....the chairperson should also raise the issue with the DMC.

- Item 6.1.1 It was also agreed to recommend to the DMC, through the Secretariat, that Item 3.3 of the minutes of the DMC (6 February) should read "administrative process/procedure and political process and content".

- Item 6.1.2 It was agreed to recommend to WG5 that Item 1.1.4 'b' and 'e' of the Terms of Reference should be managed by the DMC and the Secretariat respectively. This was done on the understanding that the two items ultimately stay the responsibility of WG5.

Guidelines for Chairpersons of Working Groups of CODESA

- Item 3.3 Typing and photocopying facilities will be available before, during and after meetings for Working Group and sub-committee documents. This will, however, not apply to documents submitted to Working Groups or sub-committees by individual parties.
- Item 3.4 Any minute or document finally adopted by a Working Group should be signed by the Chairperson/s, so as to indicate that it is the authorised version.







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**MINUTES OF THE DMC MEETING HELD AT 12H45 AND 17H00 ON MONDAY 2 MARCH 1992 AT THE WORLD TRADE CENTRE**

PRESENT: PJ Gordhan (Chairperson)  
P Hendrickse  
FT Mdlalose  
RP Meyer  
SS Ripinga  
Z Titus  
J Zuma  
  
M Maharaj (Secretariat)  
SS van der Merwe (Secretariat)  
  
T Eloff (minutes)

APOLOGIES: Z de Beer

1. Chairperson's opening remarks

The delegates were welcomed and notified that the meeting of the DMC had been brought forward to 12H45 in response from a request from Mr Meyer, and would continue until 14H00, after which it will be resumed at 17H00.

2. Apologies

An apology for Dr Z de Beer was noted. It was also noted that Mr Meyer will not be present at the 17H00 session, and Prof Ripinga at the 12H45 session.

3. Adoption of the agenda

The agenda was adopted.

4. Ratification of the minutes

4.1 Minutes of the meeting of 17 February 1992

The minutes were ratified.

4.2 Minutes of 24 February 1992

The minutes were ratified. Explanations and apologies for the absence of Dr Mdlalose and Prof Ripinga were noted.

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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5. Response to Working Group 3 memo to the DMC (24 February 1992)

5.1 On rapporteurs

It was agreed to revisit this issue and the following emerged:

- 5.1.1 Two rapporteurs per Working Group would be allowed, and 1 per Subgroup (inclusive of the two of the Working Group).
- 5.1.2 The Administration would carry the travel and accommodation costs of these rapporteurs, and they would be eligible for the per diem allowance as well, if applicable.
- 5.1.3 With regard to substitution, it was agreed that:
  - \* Where the rule of no substitution has already been overlooked (as in WG3), the status quo should remain;
  - \* Where new decisions in this regard are made, the no substitution rule should be implemented;
  - \* Where WG's have a special case to make, this should be brought to the attention of the DMC.

5.2 On Subgroups and Subcommittees

It was agreed that no specific guidelines should be drawn up, save to encourage WG's to be consistent and call substructures "Subgroups" and not "Subcommittees". WG's will also be requested not to create structures that have the ability to slow down the process, rather than facilitate it.

5.3 On co-ordination

- 5.3.1 It was agreed that, with regard to the issue of co-ordination between WG2, WG3 and WG4, the Chairperson of the DMC and the Secretariat, in consultation with the relevant Chairpersons of WGSC's, will make proposals to the next DMC meeting.
- 5.3.2 It was further agreed that, with regard to the issue of co-ordination between WG3 and WG4, a meeting between the Steering Committees of the WG's should be held to discuss this issue further.

6. Applications for participation in CODESA

6.1 Application from BNP

It was agreed that this should be turned down, but that the response should take into account the relevant sensitivities.

7. Progress reports

7.1 Subcommittee on the King of the Zulus and Other Traditional Leaders

Progress by this subcommittee was noted.

7.2 Subcommittee on the Declaration of Intent



Progress was also noted in this regard.

### 7.3 Matters arising from WG/WGSC/WGSUB minutes

It was noted that a meeting between the DMC and WGSC4 will take place at 17H00 to discuss the problems around the concept of consensus.

## 8. Date and venue of CODESA II

### 8.1 Date

The possibility that CODESA II should take place later than the end of March was raised. It was agreed to send a circular to all MC members and Chairpersons of WG's, stating this issue and asking recommendations to be presented at the next MC meeting (addendum A). It was also agreed to consider a formal break for all CODESA activities (including the administrative staff) for 1 week in April.

### 8.2 Venue

The secretariat was requested to investigate the logistics and costs of having CODESA II at another centre in South Africa and to report to the next DMC meeting.

## 9. Meeting of the DMC with WGSC4

After extensive discussion of the problems around consensus in WG4, the following was agreed upon:

- 9.1 CODESA is an important and historic process which requires flexibility, generosity and imagination.
- 9.2 In order to facilitate this process, certain standing rules were approved. An appeal is made to all participants to, to comply in all fairness and good faith with these rules. All parties, including the SA Government, should interpret these rules to create an atmosphere in which progress is possible.
- 9.3 No participant in this process has any special status in terms of the written word. Special circumstances may, nevertheless, be taken into account where applicable.
- 9.4 With regard to the SA Government's interpretation of its commitment in the Declaration of Intent, it was noted that if there existed a difference of interpretation in this regard, it should be raised with the DMC. It was also pointed out that the problems that the Bophuthatswana Government had with signing the Declaration of Intent were already being discussed in the Management Committee.
- 9.5 All participants were encouraged to return to the task in hand in this spirit and not to create variations of interpretation that will create, rather than solve problems. The point of departure should be to seek consensus rather than pointing out differences.
- 9.6 The DMC expressed the view that it would also be available to discuss this, and other, issues further. The WGSC4 expressed its gratitude to the DMC for the constructive and positive manner in which the problems were approached.

## 10. Any other business

- 10.1 Request from the national land Committee to extend the deadline for submissions to WG's

It was agreed that no formal extension will be granted but that flexibility would be exercised in this regard. The NLC should be notified of this.

**10.2 Nedcor presentation**

It was agreed to communicate to the organisers that if they laid on a presentation near the WTC for an appropriate time (e.g. a Sunday or Monday night), the Administration will pass on invitations to all participants of CODESA.

**10.3 Invitation from Radio 702 for a CODESA spokesperson to go on the air**

It was agreed that this invitation should be accepted and that the Chairperson of the DMC should carry out this task.

**10.4 Co-ordination of WG activities**

It was agreed that, in addition to requesting the secretaries and minute takers of the different CODESA structures to accentuate decisions in the minutes, WGSC's will be asked in a circular to summarize their agreements up to date.

**10.5 Problems experienced by participants with regard to the receiving of minutes late**

It was noted that, in a report from Administration, it became clear that problems in this regard are caused by two factors:

- \* Delegates/advisers not switching their fax machines on.
- \* Chairpersons of the different structures not being available to minute takers to ratify draft minutes.

These matters would also be raised in the circular from the DMC.

**11. Date of next meeting**

This meeting will take place on Monday 9 March at 07h30, after which the MC meeting will start at 08h30 and carry on until 10H00. This change was necessary to accommodate the NP and SA Government delegates who were not available at 17H00. The secretary was mandated to inform the MC about this change in plans and also liaise with the Chairperson of the Subcommittee on the Declaration of Intent to move their meeting from 08H30 to 17h00.

The meeting adjourned.



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DRAFT MINUTES OF THE DMC MEETING HELD AT 17H00 ON MONDAY 23 MARCH 1992 AT THE WORLD TRADE CENTRE

PRESENT:

ZJ de Beer  
PJ Gordhan (Chairperson)  
P Hendrickse  
FT Mdlalose  
R Meyer  
SS Ripinga  
Z Titus  
J Zuma  
  
M Maharaj (Secretariat)  
SS van der Merwe (Secretariat)  
  
Dr Kayser (Ciskei Government)  
C Ramaphosa (ANC)  
  
T Eloff (Secretary)  
G Hutchings (Minutes)

1. Chairperson's opening remarks

The delegates were welcomed. Dr Kayser from the Ciskei was also welcomed. He would attend the meeting to put forward the case of the Ciskei to the DMC.

2. Apologies

No apologies were noted.

3. Adoption of Agenda

The agenda was adopted with the following change:

"Representation from Ciskei" was added to the agenda as item no. 4.

Mr Zuma requested that Mr Ramaphosa should be invited to participate in the discussion on this item. This was agreed.

4. Ratification of the minutes of 9 March 1992

RESERVING RECORDS

FROM.....~~04~~03/08.....TO.....06/03/08.....

NAMES.....Annie Leatt.....

SIGNATURE.....All Leatt.....

TEL NO.....0836633502.....



The minutes were ratified.

## 5. Correspondence

### 5.1 Dr Louw Alberts:

It was agreed to support this proposal and send it to the MC meeting of 30 March 1992 for final approval. Working Group 1, via the Steering Committee would also be asked to comment. If approval is given to this proposal by the MC, it could be added to the media briefing after 30 March 1992.

### 5.2 Dr AT Van Wyk:

5.2.1 It was agreed in principle that Codesa material be made available to historians and other interested researchers.

5.2.2 In the short term a system of accreditation for historians, the nature of their access to material and the conditions to be attached to their access must be investigated (for example no access to meetings, restriction on publication dates, etc.) by the Secretariat.

5.2.3 It was agreed that in the long term, Codesa 1 proceedings and all subsequent Codesa material should be organised in archives where interested parties will have access once Codesa has concluded its business. The employment of a documentation officer should be investigated to organise and archive the material.

5.2.4 Only written material will be available, not tape recordings.

5.2.5 The Secretariat is to investigate both the short and long term possibilities and make suggestions to the MC meeting of 30 March 1992.

### 5.3 British Election : Observers

5.3.1 It was agreed by sufficient consensus that the DMC should accept the invitation to send a Codesa delegation.

5.3.2 It was agreed to explore the logistics with the British embassy to allow members of the DMC, MC and the relevant Working Groups to take up the invitation to represent Codesa.

5.3.3 After liaison with the British Embassy it was reported back to the meeting that the delegation could be increased to 7 members.

5.3.4 It was agreed that the DMC should take the decision about who would be in the delegation and a report would be made to the MC. In this respect the following was agreed upon:

- \* The delegation should consist of MC, DMC members and possibly one delegate from Working Group 1.
- \* Where DMC members could not attend, their places should be taken by

members of the MC.

- \* Consideration should be given to ensure that the delegation includes women and black delegates.
- \* A list of the names would be compiled by mid-day on 24 March 1992. A mandate to finalise this was given to the Chairperson.

#### 5.4 Nedcor/Old Mutual Scenario Exercise:

- 5.4.1 It was noted that Nedcor and Old Mutual would be meeting on the evening of 23 March 1992 to finalise their presentation. The Secretariat would report the findings of this meeting to the DMC.

### 6. Representation from the Ciskei

- 6.1 Mr Ramaphosa joined the meeting. He was welcomed and thanked for his attendance.
- 6.2 The two principal parties, Dr Kayser from the Ciskei and Mr Ramaphosa from the ANC, were given speaking rights and addressed the meeting. Mr Meyer of the SA Government also addressed the meeting.
- 6.3 The chairperson requested that the Ciskei Government and the ANC meet during the day to discuss the matter and report back to the DMC at 17h00.
- 6.4 It was reported to the reconvened meeting that the Ciskei Government, ANC and SA Government had agreed to have another tri-lateral meeting.
- 6.5 The three parties concerned, the ANC, the Ciskei Government and the SA Government, may raise the matter with the DMC and the MC if necessary.

#### Adjournment

The meeting adjourned at 10h30 and reconvened at 17h00.

SS Ripinga apologised that he would not be able to attend the meeting at 17h00.

### 7. Working Groups

- 7.1 Coordination of Working Group progress and Preparation for Codesa 2:

It was agreed to arrange a meeting between two members of the Steering Committees of Working Groups, the Secretariat and the Chairperson of the DMC for 24 March 1992 at 16h00 to 17h00.

- 7.2 Drafting Sub-Committee:

The following was agreed to:

The drafting sub-committee would consist of two components:



- \* The rapporteurs from each Working Group.
- \* Experts skilled in drafting and with due regard to specialised fields.

The Secretariat, with the help of Z Titus, is to identify experts and make recommendations to the DMC.

#### 7.3 Response to Working Group 5 : Letter from WGSC 5:

The DMC chairperson still has to meet with the 2 persons who signed the letter.

### 8. Chairperson's report

The Chairperson's report was noted.

### 9. Women's Sub-Committee proposal (Addendum A)

The document submitted by the Secretariat was approved with the following changes to point 5.:

#### "5. Decision-making mechanism:

- 5.1 The Standing Rules adopted at CODESA 1 shall apply to the deliberation of GAC (Codesa Gender Advisory Committee).
- 5.2 Where no consensus or sufficient consensus is reached, minority reports may be filed."

### 10. Media

#### 10.1 Marketing

It was agreed that there is a need to market Codesa so that the public can feel part of Codesa and get an insight into the negotiation process taking place in Codesa. The Secretariat is to look into this matter and submit recommendations as soon as possible. It was suggested that a full-time person to facilitate the process may be required.

#### 10.2 Media Leaks

It was agreed that Codesa should interact with the media more frequently and openly to project Codesa in a positive light.

### 11. Reports of MC Sub-Committees

#### 11.1 Sub-Committee on the Participation of the Zulu King and other Traditional Leaders at Codesa

- 11.1.1 It was agreed to employ a person to summarise the submissions of this sub-committee.

11.1.2 It was agreed that the fee for experts should be negotiated between the expert and the Codesa Administration.

11.1.3 It was agreed that travel and accommodation expenses of Traditional Leaders making submissions would be met. They would receive no fee for their presentation.

11.2 Sub-Committee on the Declaration of Intent:

A report made by Dr Mdlalose was noted.

## 12. Other Business

### April Break:

It was agreed in principle to have no meetings of Codesa for the week beginning 13 April. Codesa meetings would then resume on 21 and 22 April. This issue is to be finalised on Monday 30 March 1992 at the meeting of the MC.

## 13. Agenda of Management Committee

The draft agenda of the meeting of the MC was approved with the following addition:

"April Break" was inserted as point 9.1.

## 14. Next Meeting

The next meeting of the DMC will be held after the MC on 30 March 1992. It was agreed that no agenda would be drafted for the DMC meeting.



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE MC, THE DMC, THE SECRETARIAT AND THE WGSC'S.

DRAFT MINUTES OF THE MEETING BETWEEN MEMBERS OF THE DMC, THE SECRETARIAT AND THE STEERING COMMITTEE OF WORKING GROUP 5 HELD AT 13H00 ON 30 MARCH 1992 AT THE WORLD TRADE CENTRE.

PRESENT:

- GS Bartlett (WGSC 5)
- R Burrows (WGSC 5)
- Y Moolla (WGSC 5)
- L Mshali (WGSC 5)
- D Mvelase (WGSC 5)
- R Ramontja (WGSC 5)
- Z Skweyiya (WGSC 5)
  
- PJ Gordhan (DMC Chairperson)
  
- FT Mdlalose (DMC)
- Z Titus (DMC)
  
- M Maharaj (Secretariat)
  
- G Hutchings (Minutes)

1. Chairpersons opening remarks

- 1.1 The members were welcomed.
- 1.2 The chair formally apologised to the members of WGSC 5 in respect of the meeting convened on Tuesday 24 March 1992 with all the other WGSC's, at which they were not present. The Secretariat explained that WG5 could not be contacted because they were not meeting on the 24th. It was noted that a circular apologising to WG 5 in this regard had been circulated.
- 1.3 It was noted that the meeting of 24 March 1992 was only a preliminary one which discussed the issue of co-ordination between WGs and that the minutes of the meeting serve as a record of the meeting. No decisions or agreements had been reached but recommendations had been formulated. This was also noted at the meeting of 24 March 1992.
- 1.4 It was noted that it was necessary to meet with WGSC 5 and continue the discussions. A further meeting between all WGSC's will be arranged.
- 1.5 Two issues would be discussed at this meeting:
  - \* Co-ordination
  - \* Question of drafting - Letter from Mr Burrows and Mr Curry was referred to. It was noted that a circular from the Secretariat had gone out in reply to this letter but that this matter needed to be explored further in order to create a better understanding.

- 1.6 Z Titus was introduced to meeting. He was appointed by the DMC to assist in constituting the Drafting Sub-Committee.

## 2. Co-ordination of WG's

- 2.1 It was noted that WG 5 has two sub-groups:

- \* Sub-group 1 - Time frames and the implementation procedures
- \* Sub-group 2 - Legislation, each of which has four task groups

- 2.2 All WGs need to be aware of an earlier MC decision in respect of the date of Codesa 2. It was noted that this is under review at the MC meeting of 30 March 1992 at 15h30

- 2.3 Point 3.3 of the minutes of 24 March 1992 was referred to. Before these recommendations are submitted to the DMC, a discussion on these recommendations with WGSC 5 was held.

- 2.4 The following recommendations were accepted by WGSC 5 to facilitate co-ordination between WG 5 and all other WGs:

- \* WG 5 is to receive all minutes of all other WGs.
- \* The DMC to attend WGSC/WG meetings as observers
- \* Communication to other WGs, preferably via the Secretariat.
- \* The task of WG 5 to attend the corresponding WG meetings as observers. The logistics of this need to be finalised and WG 5 is to brief the Secretariat in this regard so the appropriate arrangements can be made.
- \* Periodic meetings between the WGSC's as and when necessary.
- \* Periodic meetings between the DMC and the WGSC chairpersons.
- \* A plenary session with the DMC and all the WGSC's.
- \* An information circular between WG 5 to keep each WG informed of progress in other WGs.

- 2.5 DMC and Secretariat to establish some form of acknowledgement that communication received from WG 5 has been acted upon.

- 2.6 The chairpersons of the relevant WGs will be requested to note correspondence received from WG 5 as part of the proceedings.



2.7 WG 5's extreme frustration in respect of their work was noted.

### 3. Drafting Sub-committee

3.1 DMC and WGSC 5 agree on the need for a drafting sub-committee.

3.2 There is an overlap in responsibility in the area of drafting between the MC and WG 5.

3.3 It was noted that sub-group 2 of WG 5 has started mapping out a process for the drafting sub-committee. The process has three elements:

- \* Policy Extraction
- \* Drafting
- \* Checking (to peruse documentation to see if they correctly reflect the agreements)

3.4 It was agreed by all that the process needs to be managed and that the parties that need to participate in this process are:

- \* The participants of WG 5
- \* The WG rapporteurs
- \* Experts who will assist in giving expression to agreements arrived at

3.5 It was suggested that a meeting take place of 2 or 3 persons each from the DMC and WGSC 5, in order to recommend the structure which would be charged with the responsibility of drafting, ensuring that representatives from sub-group 2 of WG 5 are present. This was suggested as a practical way forward to give some expression to substantial common ground. It was requested that WGSC 5 communicate the names to the Secretariat to take the matter further as soon as possible.

### 4. Media leak

4.1 A document with an extract from the minutes of the meeting of 23 March 1992 of the plenary of WG 5 was leaked to the press.

4.2 It was noted that this document was from a set of minutes still to be ratified by WG 5. Therefore the press had obtained information that was an incorrect version of an uncorrected set of minutes.

4.3 WG 5 suggested that the DMC should obtain the corrected and ratified set of minutes and issue a corrective press statement, if necessary.

4.4 It was agreed that this issue should be discussed at DMC level.

### 5. General

5.1 Payment of experts:

WGSC 5 felt that this issue needed to be addressed and could form part of the mechanics of the drafting sub-committee. The DMC requested that WGSC 5 give guidance in this regard.

5.2 Marketing Codesa:

It was noted that WGSC 5 felt that this issue was of great importance. It was further noted that this is being discussed at the DMC level.

The meeting was closed at 14h40



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE SUBCOMMITTEE AND THE MC. THEY ARE STILL SUBJECT TO RATIFICATION BY THE SUBCOMMITTEE AT ITS NEXT MEETING. THEY ARE ALSO STILL SUBJECT TO REVIEW BY THE CHAIRPERSON OF THE SUBCOMMITTEE.

**MINUTES OF THE MEETING OF THE SUBCOMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND TRADITIONAL LEADERS IN CODESA HELD AT 15H00 ON MONDAY 24 FEBRUARY 1992 AT THE WTC**

PRESENT: CW Eglin  
MJ Mahlangu  
NJ Mahlangu  
FT Mdlalose  
TJ Mohapi (Convenor)  
TT Matanzima  
J Slovo  
J Zuma  
  
T Eloff (secretary, minutes)

1. Chairperson's opening remarks

The Chairperson welcomed the delegates and underlined the importance and urgency of the issue.

Adoption of the agenda

It was agreed to bring the item "Future Strategies" forward to item 4 of the agenda. The agenda was thereafter adopted.

3. Terms of Reference

The meeting took note of its Terms of Reference, specifically item 2.2.1, addressing the issue of evidence.

4. Future Strategies

4.1 It was agreed that, notwithstanding the letter of invitation already sent to members of the MC inviting submissions, a new invitation should also be put to heads of delegations of CODESA participants. The secretary was charged with this task.

4.2 It was agreed that the letter to experts proposed by Dr Mdlalose should be sent in amended form to the following experts (attached as addendum A):

Prof NJJ Olivier (DP adviser)  
Prof D Welsh (UCT)

## SUBCOMMITTEE ZULU KING, TRAD. LEADERS/MINUTES/24 FEBRUARY 1992

Prof S Maphalala (Univ Zululand)  
Prof H Vilakazi (Univ Zululand)  
Prof H Ngubane (UCT)  
Prof M. Wiechers (UNISA)

It was also agreed that other committee members would submit further names of experts by the end of the week. The deadline for receiving of written submissions was put as 12 March 1992.

- 4.3 It was agreed that a third letter will be addressed to the heads of states/administrations of the TBVC countries and the self-governing territories, requesting them to facilitate the giving of evidence to the subcommittee by traditional leaders in their regions/countries. The Terms of Reference of the subcommittee should also be included in this letter.
- 4.4 It was agreed that whatever submissions are received as a result of the above mentioned process, will be considered with those already received.
- 4.5 It was agreed that the financial implications of submissions from experts should be investigated by the secretary, in consultation with the Financial Administration.

5. Submissions and applications received to date

It was agreed that committee members will be ready to comment on submissions/applications already received at the next meeting.

6. Progress report to the Management Committee

It was agreed that the secretary will draft a written report on basis of the decisions taken, for the chairperson to deliver at the Management Committee meeting.

Date of next meeting

It was agreed that the next meeting will take place on Tuesday 3 March at 10H00 and members were requested to make themselves available at until 16H00. It was also agreed to approach Dr Gerrit Viljoen (who had indicated willingness to do so) and Mr Nelson Mandela to give evidence to the subcommittee.

The meeting adjourned.





ZULU KING SUBCOMMITTEE/FIRST REPORT/24 FEBRUARY

## INTERIM REPORT OF THE SUB-COMMITTEE ON THE PARTICIPATION IN CODESA OF THE ZULU KING AND TRADITIONAL LEADERS

The Sub-committee met for the first time on 24 February 1992. It agreed to report to the Management Committee the following agreements:

1. In addition to a letter written to all members of the Management Committee, it was agreed to write to all delegations, inviting the participants to submit views on these issues.
2. It was agreed to write letters to an agreed panel of experts, inviting them to give their views on a consultancy basis.
3. It was further agreed that with regard to submissions by Traditional Leaders, a letter will be written to the heads of administration of the TBVC states and the self-governing territories, requesting them to facilitate the giving of evidence by traditional leaders.
4. It was agreed that the cut-off date for all submissions will be 12 March 1992.
5. It was finally agreed that submissions/applications already received will be considered with whatever others may emerge for the above-mentioned process.
6. The Sub-committee will need professional assistance plus financial aid in this matter later on.

TJ MOHAPI

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

PO Box 307, Isando, 1600, South Africa.  
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MINUTES OF THE MEETING OF THE SUBCOMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA HELD AT 10H00 ON TUESDAY 3 MARCH 1992 AT THE WTC

ADOPTED AT THE MEETING OF THE SUB-COMMITTEE ON 18 MARCH 1992

PRESENT: TJ Mohapi (Convenor)  
 TT Matanzima  
 FT Mdlalose  
 J Slovo  
 J Zuma  
 T Eloff (secretary, minutes)

APOLOGIES: MJ Mahlangu

1. The Chairperson's opening remarks

The chairperson welcomed the members and reiterated the importance of the work of the subcommittee.

2. Adoption of the agenda

The agenda was adopted after "Ratification of the minutes of the previous meeting and matters arising" was added as item 3.

3. Ratification of the minutes of the previous meeting and matters arising

3.1 Ratification

The minutes of the meeting of 24 February were ratified, with the amendment that Mr Slovo had apologised and had not been present at the meeting.

3.2 Matters arising

3.2.1 List of experts to give evidence

It was agreed to add the following names to the list of experts to be invited to submit evidence to the subcommittee:

\* Prof RB Mqoke (Unitran)



\* Prof CF Manona (Unitran)

\* Mr VJ Matthews (Durban)

It was further agreed to invite Mr Matthews to give written or oral evidence to the next meeting of the subcommittee.

It was agreed that Mr Slovo will investigate whether the report of the Law Commission (of Justice Olivier) was in any way beneficial to the proceedings of the subcommittee that he will communicate with the secretary in this regard.

### 3.2.2 Expenses with regard to persons giving evidence

\* It was agreed in principle that expenses should be met.

\* With regard to the experts, further negotiations between the Administration and the experts was necessary.

\* With regard to traditional leaders giving evidence, it was agreed that, if necessary, the travel and accommodation costs of a limited number of traditional leaders from each region will be carried.

### 3.2.3 The hearing of evidence by the subcommittee

It was agreed that a follow-up letter to the heads of delegations of all administrations should be written in which the following should be communicated:

\* The subcommittee would like to meet with six traditional leaders from each region to hear evidence.

\* The meetings for the hearings would take place at the World Trade Centre on the following dates and times:

Wednesday 18 and Thursday 19 March, 10H00-17H00.

\* Heads of Administrations should please indicate who would come and which date and time was appropriate.

\* It was also agreed to invite a 6-person delegation of CONTRALESA to do the same.

## 4. Submissions and applications received to date

It was noted that, before the meeting, the following applications/submissions had been received:

\* King G Zwelithini

\* Transkei Kings and Chiefs

\* King DM Mabhoko - Ndzundza Mabhoko Royal Kraal

- \* Batlokwa Tribe National Council
- \* The Lebowa College of Magoshi
- \* Paramount Chief EM Mabena II of Kwandebele

The following new applications/submissions were handed out:

- \* Mopeli Chiefs' Council - Qwaqwa
- \* Contralesa
- \* Batlokoa Chiefs' Council

5. Presentation by Dr Viljoen

Dr G van N Viljoen addressed the meeting on the issue of the participation of the Zulu King and the view of the SA Government in this regard (see addendum A - available later).

After the subcommittee had questioned Dr Viljoen, the chairperson thanked him for his presentation.

6. Progress report to the Management Committee

It was agreed that the secretary would prepare a draft for the chairperson, who will approve and amend it (if necessary) before it is circulated to members.

7. Date of the next meeting

It was agreed that, in the light of the deadline of 12 March 1992 for written submissions, as well as the hearings on 18 and 19 March 1992, the subcommittee should a planning meeting on 16 March. The time will be determined between the Chairperson and the secretary and communicated to members. This will be dependent on other meetings taking place on 16 March.

The meeting adjourned.



TRANSCRIPTION OF PRESENTATION BY DR G VAN N VILJOEN AT A MEETING OF THE SUB-COMMITTEE ON THE ZULU KING AND TRADITIONAL LEADERS ON 3 MARCH 1992 AT WTC

1. INTRODUCTION

Thank you very much, mr chairman, gentlemen, for doing me the honour to invite me to state our views to this very important sub-committee dealing with an extremely difficult question and I hope that what I say will not lead to more confusion, but will rather help you to sort the matter out and to achieve progress towards some kind of solution.

2. GOVERNMENT'S VIEW ON THE KING OF THE ZULUS

2.1 If you would allow me I would first like to make some remarks which would reflect the view of the SA Government with regard to the King of the Zulus. You will recall that when this matter was debated in the Management Committee, I did mention that the question of the King of the Zulus to the Government is not really an insurmountable problem, because we feel that he has a unique and a very special position. I would just briefly like to emphasise the main points why we consider that the King of the Zulus has a unique and a special position and what the circumstances are which put him in a position rather different from all other traditional leaders, including what I think the first sub-committee-called Senior Traditional Leaders.

2.2 In the first place, mr chairman, obviously the *size of the Zulu people* is very considerable and since there are no other senior traditional leaders of the same status and on the same level as the King of the Zulus, it means that he as King of the Zulus has the largest single group of adherents or of subjects, whichever way you would like to call it. In this respect he is completely different from any of the other traditional leaders, including senior traditional leaders. So the question of size and the question of his having the largest single group of adherents puts him in a special position.



- 2.3 Secondly, mr chairman, his adherents are not confined to a particular part or region of the country, but are also numbers-wise spread fairly generally over most of the country, so that in terms of *geographic distribution of his adherents* and his followers one could say that he effectively holds an national rather than just a local or a regional position.
- 2.4 Thirdly, sir, I think the Inkatha Freedom Party emphasised in its presentations - and we associate ourselves with that point - that there is a *historical continuity* of very considerable importance in the position of the King of the Zulus and the Royal House of the Zulu people. The recorded history and the traditional or oral history of the Royal Family stretches over a very long period, it is well known and it is also characterised by a proud record of resistance against what one could call colonialism or imperialism and in more recent years, of apartheid. In other words, it is historical continuity with a certain measure of distinction and of achievement and of pride, because of the independent record of resistance against oppression that this House has achieved for itself.
- 2.5 In the case of other senior traditional leaders, they seem to share leadership over parts of a nation rather than over a nation as a whole while here we have the only traditional leader who is as a single person the head, not only over a large nation, but over a nation as a whole. He doesn't share it with other traditional leaders, in other words, there is no need in this case for a special meeting or a special arrangement to be made as was suggested in the proposal of the first sub-committee in order to determine who shall represent this particular people or this particular nation.
- 2.6 He - the King of the Zulus - is clearly the only and the single head of the whole nation and there is no other person of comparable status besides him. This is important, because in some of the other cases of peoples or ethnic groups there are several other senior leaders, or even no leaders that are known as senior leaders, or there are only traditional leaders with their area of authority confined to a specific local, or at the most regional area. The case therefore with the King of the Zulus is that he is not confined to a local or a regional status, but I think in truth it could be said that he has a *national status*.



2.7 And having said all this, mr chairman, also the *legal reality* which was presented by the IFP to the Management Committee on more than one occasion, the legal reality with regards to the constitutional documents regarding the KwaZulu Government, clearly gives the Monarch a position of distinction, not as a party political figure, but as what one could call a form of *constitutional monarch* who is recognised, who has a recognised position vis-à-vis the government and vis-à-vis the Legislative Assembly of KwaZulu.

2.8 So these points, mr chairman, I thought I would like to make, to underline, and to motivate the viewpoint that I take and which is also the viewpoint of the South African Government, that in the case of the King of the Zulu he holds such a unique and special position, different from all the other traditional leaders that we believe that an arrangement to accommodate him in CODESA would be justified.

### 3. GOVERNMENT'S VIEW ON TRADITIONAL LEADERS IN GENERAL

Mr chairman, as far as the traditional leaders in general are concerned - what I have to say I think is nothing new, but is a sort of a digest or a compendium of arguments that have been put forward in the course of the debate and which appear to be relevant in my view and in the view of my fellow representatives on the Management Committee.

3.1 First, sir, if we were to make some arrangement for admitting on whatever basis traditional leaders to CODESA, it would reopen the whole debate about CODESA being confined to political organisations or political parties or movements and administrations. In the Terms of Reference also it is clearly emphasised, as well as in the where-ases, that CODESA is composed of political organisations, parties and administrations and virtually any arrangement that is conceivable toward admitting traditional leaders as participants at CODESA, would have a very *far-reaching effect* on this whole basis of the *composition of CODESA* and would in a sense produce a fundamentally changed CODESA if they were to be admitted.



- 3.2 Secondly, the proposal that was made and which would add ten or eleven extra delegations would therefore have a considerable effect on the *size, on the managability, on the practicability of CODESA* as an organisation and on each of its sub-committees which already are large committees, and we shall find it difficult to conduct ongoing dialogue or an ongoing argumentation as distinct from a more formally structured debate. I therefore think that the Management Committee rightly mandated this sub-committee to pay particular attention to the character and the composition of CODESA, as it is likely to be changed as a result of any proposals that it would make. I think this has to be considered very carefully and has to be sorted out and I would recall that particularly Mr Colin Eglin made the very valuable and comprehensive analysis of what the effects of the admission of traditional leaders would be on the character and composition of CODESA.
- 3.3 I would also - and I hope this wouldn't sound a facetious argument - like to point out that if ethnic or cultural groups as such were to be accommodated, there could of course outside the black community, if I may use this racial term, be *other ethnic or cultural groups* and communities which could *also claim to be representative*, such as for instance within the white community there are different ethnic and cultural groups, even national groups, and it would appear that something similar, more on religious and linguistic lines, can be distinguished in the case of the Indian people. So, the admission of traditional leaders in the light of their strong social and cultural basis - of course they are not exclusively social and cultural, they also have certain political or governmental or administrative capacities, but nevertheless, it is true that the cultural and the ethnic aspects are strong and could lead to Afrikaners and English, Jews and Portuguese and Greeks, all forming relatively large cultural groups in South Africa, also claiming a form of representation.
- 3.4 Then, sir, I think one must also in considering the point of the character and composition of CODESA as affected by any changes, view such changes against the background of our goal to achieve as much as possible democracy. And I think the point has been made by several representatives that the balance between the *representativity* and on the other hand what one could call the *hereditary principle based on birth and descent*, might very widely affect the composition and the democratic character of CODESA.



- 3.5 It was also pointed out that a largescale introduction of traditional leaders would affect the composition of CODESA in terms of its being representative of both the *urban and rural components of South Africa*. But, mr chairman, another point which I think hasn't been sufficiently underlined is that in practice it would appear that elsewhere traditional leaders play a role mainly on the *local government level* or at the most on a *regional government level*. In the report of the Law Commission on different constitutional models, they also argue that traditional leaders should be accommodated in the new South African constitution, but on a local government level and at the most, perhaps, it could be considered, they argue, also on a regional government level. Now, in view of the fact that, clearly, traditional leaders have a strong local government and perhaps regional government effect, it is therefore quite likely that other local government organisations - and there are a number of experienced national or regional organisations binding together or acting as a common forum for the local governments within the context of the present consitutional sturctures - such existing local government organisations could also claim that they should then be represented in CODESA and I think that they would have a very strong case to make in the light of the predominantly local governmental character of traditional leaders.
- 3.6 And maybe, mr chairman, this is a line that one could possibly explore in order to find a solution for the problem you have to face, namely that *traditional leaders should be brought into the deliberations of CODESA when it deals with local government specifically and perhaps also when it deals with regional government more specifically*. I think it could be well considered to recommend that the constitutional-making body would then at that stage set up sub-groups in which interest groups such as traditional leaders and co-ordinating local government forums can become involved.
- 3.7 I would also like to underline sir, that I think that an important point was made in the Management Committee discussions that the sub-committee should give more visable, more tangible attention to *alternative forms of involvement* and that the way of involvement presently provided by the standing rules - of participators in CODESA being identified and then having twelve delegates each in the plenary sessions and being represented in all the sub-committees - need not be the most appropriate way for dealing with the traditional leaders. Therefore the consideration of



alternative forms of involvement which would accommodate particularly their interests, I think deserves very careful consideration. The concept that traditional leaders should particularly be afforded an opportunity for making their contribution in forums dealing with local government and forums dealing with regional government, I think is relevant in this context.

- 3.8 Mr chairman, it has also struck me that if one tries to find a solution for this problem of traditional leaders as was clearly explained by the members of the first sub-committee, then you are immediately up against the variety, the diversity, all the *differences in the status of traditional leaders*, differing from area to area and also differing in respect of the degree to which they really represent a large population or a large area. And it is therefore obviously very difficult to *deal with all traditional leaders on a diversified basis*, and I think the approach which the sub-committee initially took, namely to try and find a sort of umbrella solution, a sort of a general principle to deal with traditional leaders has a lot of merit.
- 3.9 But whatever solution one finds we must consider it is necessary to accommodate the traditional leaders at the central CODESA-level. I think this is not advisable, I think it is better to do it at the level of *special working groups dealing with local government matters or dealing with regional government levels*. Whatever way one looks at this, I think one would also have to be very careful that any change to the composition of CODESA does not lead to *unwarrantable duplication or overlapping of representation*. And I say this because, according to the information available, there seems to be just short of 800 different traditional authorities in South Africa and in the TBVC-states, which makes a large number and amongst themselves there is of course a tremendous diversity. It is also a problem that there is no single representative body generally recognised to represent all, or even most, of the traditional authorities, Contralesa is one body, but even in the Transkei, Contralesa seems to be apposed by the Transkei Traditional Leaders' Association (TTLA). And I tried to gain some impression of the general representativity of these bodies, but it would appear that at least 50% of traditional leaders could claim that they are not represented through the existing umbrella bodies. And this is probably also the reason why the first sub-committee thought it necessary that there should be a special meeting held or a special



structure put up which could select representatives for traditional leaders on a regional basis.

- 3.10 Finally, mr chairman, I would like to emphasise the fact that, although it differs from case to case in both the Self-governing Territories and in the governments - insofar as they exist constitutionally - of the TBVC-states, traditional leaders are strongly represented both in regional governments, cabinets, and also in regional legislative assemblies. And it is clear that in some cases they are there in their own right as traditional leaders, because of the principle of heredity, but in other cases they have been elected, competed in elections and they have been elected by the people on a democratic basis. And therefore, mr chairman, it may also perhaps be a matter to consider - this is just an idea that I put forward - that since *traditional leaders are represented in regional governments, that maybe representation for regional governments may be a channel through which also the traditional leader-element in that region could be accommodated.* The claim, the argument, that there is a difference in treating the TBVC-states on the one hand as governments and the Self-governing Territories on the other hand not as governments but only as political parties, could then perhaps also be addressed in this regard.

#### 4. SUGGESTIONS TO THE SUB-COMMITTEE : DR G VAN N VILJOEN

- 4.1 So perhaps two suggestions then, to be more concrete, which I would like to put forward:
- The one that the participation of the traditional leaders be channelled through **special working groups** or other sub-group organisations dealing with specifically **local government** on the one hand and **regional government** on the other hand.
  - And then secondly, the possibility of considering that traditional leaders could be accommodated through **structures of governments being introduced into CODESA** in the case of the Self-governing Territories. In the case of the TBVC-states, they are already introduced as governments, and therefore traditional leaders could perhaps also through that channel, be accommodated.

- 4.2 But, mr chairman, I think the main gist of what I have to say is that one sees very serious problems in accommodating the traditional leaders as additional participants, which would imply ten to eleven additional delegations to be accommodated in CODESA. This would have a very far-reaching effect on CODESA and would in a sense affect also the agreement of the present participants to CODESA with regard to the functioning of CODESA. It would become a different CODESA from that CODESA with regard to which participants have committed themselves in the Declaration of Intent. So perhaps with this last part I have not done more than emphasise the difficulty of your assignment and suggest two possible ways that you may use to find a way out towards a solution.





SUBCOMMITTEE ZULU KING, TRAD. LEADERS/18 MARCH 1992

THESE ARE DRAFT MINUTES, AS APPROVED BY J ZUMA, AS MANDATED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL. THEY ARE RESTRICTED TO MEMBERS OF THE SUB-COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE SUB-COMMITTEE AT ITS NEXT MEETING.

DRAFT MINUTES OF THE MEETING OF THE SUB-COMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA HELD AT 08H00 ON WEDNESDAY 18 MARCH 1992 AT THE WORLD TRADE CENTRE

PRESENT: TJ Mohapi (Chairperson)  
FT Mdlalose  
MJ Mahlangu  
NJ Mahlangu  
J Zuma  
J Slovo  
TT Matanzima

G. Hutchings (minutes)

1. The Chairperson's opening remarks

The chairperson welcomed the members and thanked them for attending the meeting. The members were reminded of the amount of work that still had to be done.

2. Apologies

- 2.1 NJ Mahlangu, J. Slovo, J Zuma, apologised for their late arrival.
- 2.2 CW Eglin sent apologies.

3. Agenda

The agenda was adopted with no additions.

4. Ratification of minutes of the previous meeting

The minutes of 3 March 1992 were ratified with the amendment that MJ Mahlangu had apologised and had not been present at the meeting.

5. Matters arising

- 5.1 Expenses with regard to persons giving evidence:

- 5.1.1 A fact sheet on "Financial Assistance to Participants in the Subcommittee on

## SUBCOMMITTEE ZULU KING, TRAD. LEADERS/18 MARCH 1992

Participation of Zulu King and Traditional Leaders" was distributed to members.

- 5.1.2 It was noted that the Administration will carry transport and accommodation expenses (copy attached).
- 5.1.3 With regard to experts, a decision is still awaited from the Administration.
- 5.1.4 It was confirmed that the expenses of a maximum of six delegates would be covered.
- 5.2 Addendum A as referred to in the minutes of 3 March 1992 was distributed to members.
- 5.3 Timetable of oral submissions on 18 and 19 March 1992:
  - 5.3.1 The chairperson requested members to read through the schedule on the time of submissions and the schedule of each delegation.
  - 5.3.2 Dr FT Mdlalose made a plea to the members of the subcommittee to allow the IFP to present their submission, if such a submission was deemed necessary, after the other submissions had been presented. It was agreed to ask the Inyandza National Movement to present their submission when the IFP was to have presented its submission, to accommodate the IFP request.
  - 5.3.3 It was agreed that where delegations had more than six members, the advisers could be allowed to attend the presentations, under special circumstances but would not be given speaking rights.
  - 5.3.4 In respect of the Transkei delegation, it was agreed to allow their seventh delegate, Mr CS Manona, who is an expert, to present in their submission. It was agreed that an extra fifteen minutes would be added to the allocated hour for the Transkei, which would save the subcommittee allocating a separate hour to Mr CS Manona as an expert.

## 6. Procedure for oral submissions on 18 and 19 March 1992

- 6.1 It was agreed to first welcome the delegations and then inform them of the mandate of the subcommittee. The Terms of Reference of the sub-committee would also be read out.
- 6.2 Each delegation would have an hour with which to make their submissions. The sub-committee would then put questions to the delegation. If there was still time remaining in the allocated hour, the sub-committee would try to summarise the submissions presented.
- 6.2 It was noted that no decisions regarding the submissions would be made as the submissions were to be presented to facilitate the gathering of evidence.
- 6.3 It was agreed to remain flexible on the point of procedure.

## 7. Paramount Chief Sandile

- 7.1 The letter from Paramount Chief Sandile of the Ciskei to the Codesa Management Committee (on page 8 of pack distributed to members) was referred to.



7.2 In terms of the above letter the following was agreed to:

- 7.2.2 that this sub-committee is not mandated to facilitate in the solving of problems in different regions;
- 7.2.3 to be flexible as far as this delegation from Paramount Chief Sandile from the Ciskei, was concerned and give them a hearing, if time allowed, as this sub-committee had been mandated to gather as much evidence as possible;
- 7.2.4 that the delegation sent officially by the Ciskei would still be given a hearing;
- 7.2.5 no preferential treatment would be given to either delegation as this sub-committee did not want to get caught up in the problems of the region;
- 7.2.6 to make an exception and cover the expenses of Paramount Chief Sandile's delegation
- 7.2.7 to encourage both delegations from the Ciskei to sort out their differences and try and come back as one representative delegation

## 8. Submissions

- 8.1 It was noted that both verbal and written submissions had been requested by the sub-committee.
- 8.2 If the sub-committee required delegates, who had presented written submissions to come in and give oral representation, they could request it.
- 8.3 It agreed to meet on 19 March at 08h00 to read through all the written submissions and make decisions regarding the evidence in the submissions.
- 8.4 It was noted that traditional leaders not included in delegations were not bound to make submissions in any form.
- 8.5 The following submissions were made:
  - \* Document from Samuel Morwagaabusi II Mankuroane (Paramount Chief of Balthaping-Taun)
  - \* Document from NJJ Oliver on Representation of the Zulu King and (other) Paramount Chiefs/Traditional Leaders at Codesa
  - \* Document from MN Ramodike on Presentation of Evidence and Statement by the Leader of The United People's Front

## 9. Next Meeting

The next meeting of this sub-committee will be held on 24 March 1992 at 17h30 to 19h30.

The meeting adjourned at 10h00

## SUBCOMMITTEE ZULU KING, TRAD. LEADERS, WORKING SESSION/19 MARCH 1992

THESE ARE DRAFT MINUTES OF THE WORKING SESSION, AS APPROVED BY J ZUMA, AS MANDATED BY THE CHAIRPERSON. THEY ARE RESTRICTED TO MEMBERS OF THE SUB-COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO APPROVAL BY THE CHAIRPERSON AND RATIFICATION BY THE SUB-COMMITTEE AT ITS NEXT MEETING.

DRAFT MINUTES OF THE WORKING SESSION OF THE SUB-COMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA HELD AT 08H00 ON THURSDAY 19 MARCH 1992 AT THE WORLD TRADE CENTRE

PRESENT: TJ Mohapi (Chairperson)  
 FT Mdlalose  
 MJ Mahlangu  
 NJ Mahlangu  
 J Zuma  
 J Slovo  
 C Eglin  
 TT Matanzima  
  
 G Hutchings (minutes)

1. Chairperson's opening remarks

The chairperson welcomed all the members to this working session of the sub-committee.

2. Apologies

2.1 J Slovo and CW Eglin apologised for their late arrival.

2.2 Owing to illness the chairperson had to step down and the chair was taken over by J Zuma.

3. Submissions

3.1 Letter from MB Sandile:

3.1.1 It was agreed that this submission has been handled in the meeting of the sub-committee on 18 March 1992.

3.1.2 It was agreed that if the two delegations from the Ciskei could not sort out their differences that they would be allowed to attend the sub-committee as two separate delegations, to allow the sub-committee to gather as much evidence as possible.

3.1.3 It was agreed that it was not within the Terms of Reference of the sub-committee to settle the dispute between the two delegations.

3.1.4 It was agreed to accept this submission as it, in a sense, explains why there are two



SUBCOMMITTEE ZULU KING, TRAD. LEADERS, WORKING SESSION/19 MARCH 1992

3.2 Letter from Prince A Leloka II Tsotets:

- 3.2.1 It was noted that Prince A Leloka II Tsotets requests inclusion in some form or another at Codesa.
- 3.2.2 It was agreed to consult with TJ Mohapi about this submission. However, the sub-committee recommended that the sub-committee acknowledge the submission and suggest that Prince A Leloka II Tsotets consult the Traditional Leaders from the Qwa Qwa region, to see whether he could not join their delegation.
- 3.2.2 It was agreed that when submissions of this nature were presented, it should be suggested to the Traditional Leader concerned, that he contact the group of Traditional Leaders in the area closest to him.

3.3 Letter from Prince SJ Mahlangu:

This submission was noted with no comments.

3.4 Letter from the Bophuthatswana Government:

It was agreed to accept the letter as a reply from a Traditional Leader as President LM Mangope is himself a Traditional Leader.

4. Expenses with regard to experts

It was agreed to submit the following proposal to the DMC for their consideration:

Two suggestions have been put forward with regard to expenses of experts:

- \* The expenses and accommodation of the experts should be paid. Experts should also receive the same per diem rate as delegates of Codesa. With regard to Traditional Leaders invited to make presentations, they should receive at least half of the per diem rate that delegates of Codesa receive.
- \* The expenses and accommodation of the experts should be paid. The daily rate paid to experts should be a point of negotiation with the Administration. With regard to Traditional Leaders invited to make presentations, they should not receive any payment.

5. Closure

The working session was adjourned at 09h00.

DRAFT AGENDA OF THE MEETING OF THE SUB-COMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA TO BE HELD AT 17H30 ON TUESDAY 24 MARCH 1992 AT THE WORLD TRADE CENTRE

1. Chairperson's opening remarks
2. Apologies
3. Adoption of the agenda
4. Ratification of the minutes of 18 March 1992 and matters arising
5. Submissions
  - 5.1 Reading of written submissions
  - 5.2 New Submissions
6. Next meeting



## SUBCOMMITTEE ZULU KING, TRAD. LEADERS/18 MARCH 1992

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DRAFT MINUTES OF THE MEETING OF THE SUB-COMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA HELD AT 08H00 ON WEDNESDAY 18 MARCH 1992 AT THE WORLD TRADE CENTRE

PRESENT: TJ Mohapi (Chairperson)  
 FT Mdlalose  
 MJ Mahlangu  
 NJ Mahlangu  
 J Zuma  
 J Slovo  
 TT Matanzima

G. Hutchings (minutes)

1. The Chairperson's opening remarks

The chairperson welcomed the members and thanked them for attending the meeting. The members were reminded of the amount of work that still had to be done.

2. Apologies

2.1 NJ Mahlangu, J. Slovo, J Zuma, apologised for their late arrival.

2.2 CW Eglin sent apologies.

3. Agenda

The agenda was adopted with no additions.

4. Ratification of minutes of the previous meeting

The minutes of 3 March 1992 were ratified with the amendment that MJ Mahlangu had apologised and had not been present at the meeting.

5. Matters arising

5.1 Expenses with regard to persons giving evidence:

5.1.1 A fact sheet on "Financial Assistance to Participants in the Subcommittee on

## SUBCOMMITTEE ZULU KING, TRAD. LEADERS/18 MARCH 1992

- 5.1.2 It was noted that the Administration will carry transport and accommodation expenses (copy attached).
- 5.1.3 With regard to experts, a decision is still awaited from the Administration.
- 5.1.4 It was confirmed that the expenses of a maximum of six delegates would be covered.
- 5.2 Addendum A as referred to in the minutes of 3 March 1992 was distributed to members.
- 5.3 Timetable of oral submissions on 18 and 19 March 1992:
  - 5.3.1 The chairperson requested members to read through the schedule on the time of submissions and the schedule of each delegation.
  - 5.3.2 Dr FT Mdlalose made a plea to the members of the subcommittee to allow the IFP to present their submission, if such a submission was deemed necessary, after the other submissions had been presented. It was agreed to ask the Inyandza National Movement to present their submission when the IFP was to have presented its submission, to accommodate the IFP request.
  - 5.3.3 It was agreed that where delegations had more than six members, the advisers could be allowed to attend the presentations, under special circumstances but would not be given speaking rights.
  - 5.3.4 In respect of the Transkei delegation, it was agreed to allow their seventh delegate, Mr CS Manona, who is an expert, to present in their submission. It was agreed that an extra fifteen minutes would be added to the allocated hour for the Transkei, which would save the subcommittee allocating a separate hour to Mr CS Manona as an expert.

## 6. Procedure for oral submissions on 18 and 19 March 1992

- 6.1 It was agreed to first welcome the delegations and then inform them of the mandate of the subcommittee. The Terms of Reference of the sub-committee would also be read out.
- 6.2 Each delegation would have an hour with which to make their submissions. The sub-committee would then put questions to the delegation. If there was still time remaining in the allocated hour, the sub-committee would try to summarise the submissions presented.
- 6.2 It was noted that no decisions regarding the submissions would be made as the submissions were to be presented to facilitate the gathering of evidence.
- 6.3 It was agreed to remain flexible on the point of procedure.

## 7. Paramount Chief Sandile

- 7.1 The letter from Paramount Chief Sandile of the Ciskei to the Codesa Management Committee (on page 8 of pack distributed to members) was referred to.
- 7.2 In terms of the above letter the following was agreed to:



## SUBCOMMITTEE ZULU KING, TRAD. LEADERS/18 MARCH 1992

- 7.2.2 that this sub-committee is not mandated to facilitate in the solving of problems in different regions;
- 7.2.3 to be flexible as far as this delegation from Paramount Chief Sandile from the Ciskei, was concerned and give them a hearing, if time allowed, as this sub-committee had been mandated to gather as much evidence as possible;
- 7.2.4 that the delegation sent officially by the Ciskei would still be given a hearing;
- 7.2.5 no preferential treatment would be given to either delegation as this sub-committee did not want to get caught up in the problems of the region;
- 7.2.6 to make an exception and cover the expenses of Paramount Chief Sandile's delegation
- 7.2.7 to encourage both delegations from the Ciskei to sort out their differences and try and come back as one representative delegation

## 8. Submissions

- 8.1 It was noted that both verbal and written submissions had been requested by the sub-committee.
- 8.2 If the sub-committee required delegates, who had presented written submissions to come in and give oral representation, they could request it.
- 8.3 It agreed to meet on 19 March at 08h00 to read through all the written submissions and make decisions regarding the evidence in the submissions.
- 8.4 It was noted that traditional leaders not included in delegations were not bound to make submissions in any form.
- 8.5 The following submissions were made:
  - \* Document from Samuel Morwagaabusi II Mankuroane (Paramount Chief of Balthaping-Taun)
  - \* Document from NJJ Oliver on Representation of the Zulu King and (other) Paramount Chiefs/Traditional Leaders at Codesa
  - \* Document from MN Ramodike on Presentation of Evidence and Statement by the Leader of The United People's Front

## 9. Next Meeting

The next meeting of this sub-committee will be held on 24 March 1992 at 17h30 to 19h30.

The meeting adjourned at 10h00

SCHEDULE FOR THE MEETING OF THE SUB-COMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA

18 MARCH 1992

10H00 - 11H00: LEBOWA DELEGATION

11H00 - 12H00: PROFESSOR MAPHALALA

12H00 - 13H00: LUNCH

13H00 - 14H00: XIMOKO PROGRESSIVE PARTY

14H00 - 15H00: QWA QWA DELEGATION

15H00 - 16H00: CISKEI

16H00 - 17H00: DELEGATION FROM THE CISKEI LED BY PARAMOUNT CHIEF SANDILE

19 MARCH 1992

09H00 - 10H15: TRANSKEI

10H15 - 11H15: MR MATTHEWS

11H15 - 12H15: KANGWANE COUNCIL OF CHIEFS

12H30 - 13H30: LUNCH

13H30 - 14H30: CONTRALESA

14H30 - 15H30: VENDA

15H30 - 16H30: IFP



LIST OF DELEGATES:

EXPERTS

MR VJ MATTHEWS  
PROFESSOR MAPHALALA

CISKEI DELEGATION

CHIEF LW MAQOMA  
CHIEF WP ZIBI  
CHIEF Z TOYISE  
CHIEF P BUSOSHE  
CHIEF ZULU  
CHIEF ED NJOKWENI

CISKEI DELEGATION FROM PARAMOUNT CHIEF SANDILE

HIS MAJESTY MAXHOBAYAKLAVULEZA BONGIHZWE SANDILE  
SIPHO MANGINDI BURNS-NCAMASHE  
DOYLE MPUHLE JONGILANGA  
JUSTICE THANDATHU MABANDLA  
SIMON HEBE  
HAMILTON MXOLISI MAKINANA

CONTRALESA

CHIEF SP HOLOMISA  
CHIEF VT SIFORA  
PRINCE RS NDOU  
PRINCESS S SIGCAU  
CHIEF G RATHOGWA  
CHIEF F BAISITSE

IFP

DR FT MDLALOSE

KANGWANE COUNCIL OF CHIEFS

CHIEF MM KHUMALO  
CHIEF NE NGOMANE  
CHIEF ZT MBUYANE  
CHIEF MG MKHATSHWA  
CHIEF MS NGOMANE  
DR MADUNA

LEBOWA DELEGATION

KGOSHI LC MOTHIBA  
KGOSHI MM MATLALA  
KGOSHI SS MAHLO  
KGOSHI LEHWELERE MATLALA  
KGOSHI MOGASHOA  
MR P SEKHUKHUNE

QWA QWA DELEGATION

PARAMOUNT CHIEF LC MOTA  
MR MA MOLEFE  
MR BM MOTA  
PARAMOUNT CHIEF MJ MOPELI  
MR MG MOHALE  
MR HE MOKINGOANE

TRANSKEI DELEGATION

CHIEF GSK NOTA  
CHIEF GD GWADISO  
CHIEF JFM MATUTU  
CHIEF NM MATANZIMA  
CHIEF M NONKONYANA  
CHIEFTAINNESS MN MOSHOESHOE  
MR CS MANONA (EXPERT)

VENDA DELEGATION

MA NETSHIMBUPFE  
PF KUTAMA  
L MULIMA  
M MPHAPHULI  
U LALUMBE  
TL MASHAMBA



SUBCOMMITTEE ZULU KING, TRAD. LEADERS/18 MARCH 1992

XIMOKO PROGRESSIVE PARTY

CHIEF SDW NXUMALO  
 CHIEF MS MUHLAVA  
 CHIEF CJ HLANEKI  
 CHIEF NM MATHEBULA  
 CHIEF CHABALALA  
 SUB-CHIEF DW MABUNDA

This is to confirm that CODESA will accept responsibility for expenses in respect of travel and accommodation for your delegation of a maximum of 6 persons attending the meeting. In order to make the necessary arrangements, please phone Mr Tanya Sweet (011) 397-2452.

In pursuance of decisions by the Management Committee of CODESA on 13 January 1992 and on 14 February 1992, the following is brought to your attention:

CLAIMS FOR TRANSPORT AND SUBSISTENCE

- 1.1 Claims for transport and subsistence must please be completed and submitted individually for each separate meeting. Only claim forms bearing the printed date for the specific meeting can be accepted.
- 1.2 Exact copies of claims, flight tickets and hotel bills are unfortunately indispensable. All claims must please be original and accompanied by original proof of expenditure.
- 1.3 CODESA does not refund telephone calls, valet services, bar charges, cigarettes or any claims for meals taken at hotels in stead of those offered at the World Trade Centre on the days of meetings.
- 1.4 When claiming for cost of traveling by car, please note that the car registration number must please be supplied and that the kilometers travelled should reflect the shorter route. The engine capacity of your vehicle must also be stated in cubic centimeters.
- 1.5 CODESA only refunds air fares in the economic class. Bookings made through one of our accredited travel agencies may also only be made in the economic class. To facilitate problems experienced with travel, accommodation and transport problems, CODESA now has a special CODESA TRAVEL OFFICE in the World Trade Centre co-ordinating with the various agencies and you should not hesitate to call them at (011) 397 2452.
- 1.6 Hotel accommodation booked through any of our accredited agencies must please be made at least 48 hours prior to day of arrival. Should you not take-up the accommodation booked for you, you will be personally held responsible for the "no show"-fee charged to CODESA. This also applies in respect of accommodation not used for the full period booked.
- 1.7 CODESA only accepts responsibility for hotel accommodation (when necessary) on the night before and/or after meetings.



# FINANCIAL ASSISTANCE TO PARTICIPANTS IN THE SUBCOMMITTEE ON PARTICIPATION OF ZULU KING AND TRADITIONAL LEADERS

HEARING OF EVIDENCE BY TRADITIONAL LEADERS AT THE  
WORLD TRADE CENTRE ON 18 AND 19 MARCH 1992

This is to confirm that CODESA will accept responsibility for expenses in respect of travel and accommodation for your delegation of a maximum of 6 persons attending the hearing. In order to make the necessary arrangements, please phone Ms Tanya Swart (011) 397-2452.

In pursuance of decisions by the Management Committee of *CODESA* on 13 January 1992 and on 24 February 1992, the following is brought to your attention:

## ***CLAIMS FOR TRANSPORT AND SUBSISTENCE***

- 1.1 Claims for transport and subsistence must please be completed and submitted individually for each separate meeting. Only claim forms bearing the printed date for the specific meeting can be accepted.
- 1.2 Faxed copies of claims, flight tickets and hotel bills are unfortunately unacceptable. All claims must please be original and accompanied by original proof of expenditure.
- 1.3 *CODESA* does not refund telephone calls, valet services, bar charges, cigarettes or any claims for meals taken at hotels in stead of those offered at the *World Trade Centre* on the days of meetings.
- 1.4 When claiming for cost of travelling by car, please note that the car registration number must please be supplied and that the kilometers travelled should reflect the shortest route. The engine capacity of your vehicle must also be stated in cubic centimeters.
- 1.5 *CODESA* only refunds air fares in the economic class. Bookings made through one of our accredited travel agencies may also only be made in the economic class. To facilitate problems experienced with travel, accommodation and transport problems, *CODESA* now has a special *CODESA TRAVEL OFFICE* in the *World Trade Centre* co-ordinating with the various agencies and you should not hesitate to call them at (011) 397 2452.
- 1.6 Hotel accommodation booked through any of our accredited agencies must please be made at least 48 hours prior to day of arrival. Should you not take up the accommodation booked for you, you will be personally held responsible for the "no show"-fee charged to *CODESA*. This also applies in respect of accommodation not used for the full period booked.
- 1.7 *CODESA* only accepts responsibility for hotel accommodation (when necessary) on the night before and/or after meetings.



- 1.8 **CODESA** can unfortunately not accept claims for 5-star hotels and/or suites. Should delegates or advisers make their own arrangements for accommodation in such hotels, **CODESA** can only refund an amount equivalent to the tariff negotiated by **CODESA** with either the Jan Smuts Holiday Inn or the Airport Sun.Æ
- 1.9 When transport is required from airports in Johannesburg, requests should be made at least 24 hours prior to your arrival. Once again, if you have requested transport and do not make use of it on arrival, you will be personally held responsible for the costs incurred.
- 1.10 **CODESA** does not accept claims for car hire.
- 1.11 Please note that **CODESA** only accepts responsibility for transport arrangements between hotels, the airports and the *World Trade Centre* for official meetings of **CODESA**. We do not provide transport for representatives, their advisers or support staff to attend meetings other than those of **CODESA** in the *World Trade Centre*, elsewhere in Johannesburg or its surroundings.

REPRESENTATION OF THE ZULU KING  
AND (OTHER) PARAMOUNT CHIEFS/TRADITIONAL LEADERS  
AT CODESA

NJJ OLIVIER

[This memo is in response to a request, dated February 26th, 1992, from the convenor of the sub-committee dealing with this issue.]

A. Par. 2.2.3 of the terms of reference of the sub-committee:  
"The practical situation presently found in South-Africa with regard to traditional leadership, as well as the position in other African countries."

1. THE POSITION IN SOUTH AFRICA.

1.1 As is generally known, the imposition of White control over Black communities - in South Africa and elsewhere - led to the loss of independence of these communities and the annexation of their land. It also meant the destruction of the traditional political and administrative structures and the introduction of a system of government more in line with the concepts of the new administration. Generally, attempts were made to use the traditional leaders as agents in administrative structures - largely based on Western models - aimed at exercising proper control over the indigenous populations and thereby inter alia to promote the maintenance of political stability and "Western" values and principles. In course of time the policy of direct administration by the "colonial" officials was replaced by a system of so-called indirect rule.

1.2 In South Africa the first attempts to introduce a system of local government in accordance with the practice existing in the White community was the introduction of the "council" system in the District of Glen Grey in 1894. In course of time this was extended to areas in the Transkei but the major legislative push occurred in 1920 with the passing of the Black Affairs Act which provided, inter alia, for the institution of "local" and "general" councils in the Black areas. This led to the creation of a large number of "councils" in these areas; and to the creation eventually of the United Transkeian Territories General Council (the "Bunga") and the Ciskeian General Council.

1.3 The Black ("Bantu") Authorities Act of 1951 (Act 68 of 1951) made provision for the creation of a series of "authorities": tribal authorities, community authorities, regional authorities, and territorial authorities. This was followed by the Promotion of



Black Self-Government Act of 1959 (Act 46 of 1959), embodying the Government's policy of "separate development" ("apartheid"), whereby the people in the Black tribal areas were to be given increasing powers of self-government, as a counter to the demand for political participation in the so-called "White" area. The Black Administration Act of 1927 provided for the appointment of chiefs and "headmen", and these were then involved in the administrative structures based on the Black Authority system. The Buthelezi Commission reported, for example, that there were 202 tribal authorities in KwaZulu, 7 community authorities and 25 regional authorities. The KwaZulu Territorial Authority developed, in 1972, into the KwaZulu Legislative Assembly in terms of the National States Constitution Act, 1971 (Act 21 of 1971); and in 1977 KwaZulu became a "self-governing territory", with a relatively large degree of legislative autonomy. The same developments took place in the other tribal areas, eventually resulting in the creation of the four independent TBVC states and of six Self-governing Territories (of which KwaZulu is one).

1.4 As far as the TBVC states are concerned, the following is the relevant information:

#### 1.4.1 BOPHUTHATSWANA:

The Constitution of Bophuthatswana, 1978 (Act 1 of 1978 as amended) provides that the "legislative power of Bophuthatswana shall vest in Parliament consisting of the President and the National Assembly." In terms of s. 39, the National Assembly shall consist of the President (ex officio), 12 members designated by the President, 72 elected members and:

"twenty-four members designated by the regional authorities in Bophuthatswana....."(two members for each of the regional authorities).

Chapter 6 deals with "CHIEFS, HEADMEN AND REGIONAL BOUNDARIES":

"56.(1) The chiefs in Bophuthatswana shall retain their status.

(2) Chiefs and headmen shall exercise their authority in terms of an Act of Parliament.

57. (1) The designation of chiefs, acting chiefs, headmen, acting headmen and independent headmen shall, subject to the provisions of sub-section (2) vest in the President.

(2) The creation of any new chieftainship, or sub-chieftainship shall not be confirmed by the President except after consideration of a recommendation of the Executive Council.



58. Parliament shall not alter the boundaries of any regional authority area for any purpose, other than the inclusion therein, of land added to Bophuthatswana, except after consultation with every regional authority affected thereby."

In terms of Schedule 3 of the Constitution, Bophuthatswana is divided into 12 Magisterial districts "with corresponding 12 Regional Authorities each with a resident "District" Governorship and or Assistant Governorship who are responsible to the Central Government."

As regards "local government":

"Tribal Authorities under Dikgosi.... responsible to the Ministry of the President."

"Main Towns under Town Council or Municipalities....."

"Community Authorities some responsible to the Department of the President and others to that of Local Government and Housing."

"The Role, Powers and Functions of Traditional leaders at all levels of Government" are set out in the enabling Acts of Parliament."

(Information supplied by the Bophuthatswana Government to subgroup 4 of Working Group 4.)

#### 1.4.2 CISKEI:

##### "Regional Government:

###### "(i)(a) Tribal Authorities

"In terms of Chapter 3 of the Administrative Authorities Act No. 37 of 1984 Section 3, there shall for every tribe or community be a tribal authority or a community authority which shall bear the name and exercise control over the tribal area or community area. Every such authority shall consist of a chairman and as many other councillors as are prescribed and ex officio the chief, chiefs deputy and headmen residing within the area of the authority.

Each tribal authority (of which there are 36) shall:

- (a) generally administer the affairs of the tribe in respect of which it has been established
- (b) assist, support and guide its chairman
- (c) promote the interests of the tribe in all respects and participate actively in schemes or projects for rural devel-



opment and the improvement of the quality of life of the residents of the area.

(d) in consultation with the police authorities, take such steps as may be necessary for the safeguarding of schools and other Government buildings, property and essential services.

(e) consider and make recommendations to the appropriate authority regarding accommodation and other facilities at schools, application and administration of social benefit schemes, allocation of trading and residential site and arable allotments and licensing of businesses.

(f) keep the magistrate informed of matters of concern arising within its area

(g) exercise or perform the powers, authorities and functions assigned to it on land usage and settlement, health and social welfare, conservation, registrations and control of dogs, improvement in livestock husbandry, agricultural marketing, home industries, sports and recreation, public works, markets, births and deaths, employment, road safety and civil defence.

Tribal authorities shall meet not less than once every three months.

The Magistrate shall open a trust account for every tribal authority in his district (region) into which shall be paid all fees and charges arising from customary dues, property owned, fines, appropriation from Ciskei Government, tribal taxes, donations, contraventions of by-laws, etc. Tribal authorities fall under the control and administration of the Department of the Council of State in liaison with the Magistrates of the Districts."

#### "(i)(b) REGIONAL AUTHORITY

(A)

In terms of the Administrative Authorities Act no. 37 of 1984, "the land comprising the tribal and tribal authority areas in a district shall be deemed to be a region and for every region there is hereby established a regional authority. (Chapter 4, section 8). There are seven regional authorities in Ciskei, namely Hewu, Keiskam-mahoek, Mdantsane, Middledrift, Peddie, Victoria East and Zwelitsha.

(B) The regional authority consists of the paramount chief and the chiefs of all the tribes in the region with their deputies as their alternates, the chairman of every tribal authority who is not a paramount chief or chief, one other councillor from each tribal authority in the region elected by a majority vote by the councillors of that tribal authority.



The seat of a regional authority shall be at the office of the magistrate of the district (Chapter 4, section 8).

(C) The powers, functions and duties of regional authorities are defined under Chapter 4, Section 10 of the Administrative Authorities Act No 37 of 1984 as:

(i) to promote the interests of the region and whenever necessary, act in an advisory capacity in any matter affecting the administration of the affairs of the tribes of the region.

(ii) advise the Government in relation to employment, establishment of industries, protection of national monuments and the promotion of tourism, rural development projects, health and social welfare of the people of the region, conservation of farming land and natural resources, establishment of markets and pounds, controlling and licensing of businesses, education, sport and recreation, public roads and transport services and the settlement and administration of the land in the region;

(iii) exercise the powers and perform the functions and duties conferred or imposed upon a regional authority by or under any other law;

(iv) generally exercise such other powers or perform such other functions and duties as, in the opinion of the Minister, fall within the sphere of regional administration and as he may assign to the regional authority;

(D) Regional authorities shall hold meetings not less than once every three months.

(Information supplied by the Ciskei Government to sub-group 4 of Working Group 4.)

#### 1.4.3 TRANSKEI:

##### "REGIONAL GOVERNMENT:

"There is no regional government in Transkei. However, at the rural level, regional authorities hold sway in respect of Regional Authority areas. Transkei is divided into nine regions.....Each regional authority is headed either by a paramount chief or a senior chief. Regional authority areas exclude all areas which are administered by municipal authorities....."



"LOCAL GOVERNMENT:

"Urban areas in Transkei are administered by municipalities or municipal councils.....Rural areas are divided into various administrative areas. Tribal authorities have been established. These tribal authorities are responsible for the administration of an amalgamated group of administrative areas. All the tribal authorities in a particular regional authority area fall under the jurisdiction of a regional authority. Tribal and regional authorities derive their existence from the provisions of the Transkei Authorities Act, 1965 (Act 4 of 1965). Municipalities discharge the same functions as the other bodies enjoying municipal status in South Africa.

"Regional authorities and tribal authorities discharge functions relative to matters of local concern. Their powers are, however, not as wide as those of municipalities. They are accountable to the central government."

"THE ROLE, POWERS AND FUNCTIONS OF TRADITIONAL LEADERS AT ALL LEVELS OF GOVERNMENT:

"At the executive level chiefs are not appointed ex officio to any position. At the local level chiefs are involved in the general administration of tribal authority and regional authority areas. Chiefs also preside over regional authority courts and chief's courts. With regard to the law-making function chiefs do not play any role. Only those chiefs serving on the Military Council have any influence on the legislative process."

[The nine regions mentioned above are: Eastern Pondoland; Embololand; Fingoland; Gcalekaland; Maluti; Tembuland; Umzimkulu; Western Pondoland; Western Tembuland. In general these different areas are inhabited by distinct tribal entities.]

(Information supplied by the Transkei Government to sub-group 4 of Working Group 4.)

1.4.4 VENDA:

## REGIONAL GOVERNMENT.

"In Venda Regional Government is not in existence. Instead we have District Councils which are established in each of the five districts as follows:  
Thohoyandou District Council, Dzanani District Council, Vuwani District Council, Mutale District Council and Tshitale District Council."



## LOCAL GOVERNMENT

"In Venda the Local Governments are known as Territorial Councils established in each Tribal area. There are 28 Territorial Councils in Venda....." (5 in Thohoyandou District, 3 in Dzanani District, 9 in Vuwani District, 5 in Tshitale District, 6(?) in Mutale District.

"In Venda the role, powers and functions of traditional leaders at all levels of Government is that each Chief (Khosi) is always chairman of his territorial Council and all Chiefs (Mahosi) are ex officio members of the District Council where one of the Chiefs presides as a Chairman of the District Council's meetings."

".....matters emanating from territorial councils are referred to a District Council for a decision."

(Information supplied by the Venda Government to sub-group 4 of Working Group 4.)

## 1.5 SUMMARY:

From the particulars above it seems clear - leaving the Zulu king aside for the moment - that in South Africa traditional chiefs (including "paramount chiefs") are mostly involved in regional and other territorial structures, such structures being subject to the central governmental authority (the Legislative Assemblies in the self-governing territories and the various legislative institutions in the TBVC states). In many of the central constitutional structures the regional bodies are directly represented. For example, the KwaZulu Legislative Assembly has, amongst others, three chiefs selected from its members by each regional authority and the chief or the chairman, as the case may be, of each tribal or community authority deemed to be a regional authority.

## 2. THE POSITION IN OTHER AFRICAN COUNTRIES

2.1 The position occupied by traditional leaders in the constitutional structures in African countries outside South Africa seems in general to resemble that in South Africa, with the exceptions indicated below. The Western penetration of Africa, the subsequent overthrow of colonial rule, the emergence of new governing elites and the process of "modernization" have had immense implications also for the powers and functions of traditional leaders. In the former British colonial administration in sub-Saharan Africa the policy of "indirect rule" - initiated by Lord Lugard and Sir Donald Cameron - made use of the traditional authorities as subordinate agencies of rule and led to their integration in the machinery of government. After the colonies gained their indepen-



dence and as democratic, elected constitutional structures or autocratic/military governments developed or came into being, the importance of traditional chiefs, at least in central government, became less important or non-existent, although they are still widely used in regional and local structures. The more "traditional" or "tribal" the nature of the political institutions in a country, the greater seems to be their influence and involvement. And although in many cases the traditional chieftains have been stripped of their leadership and judicial powers, the "deference to chiefly authority in matters of public concern often remains the practice of large numbers of people."

2.2 In former times there were a number of "kingdoms" in Africa south of the Sahara, headed by kings and royal dynasties.

The Ashanti kingdom was defeated by the British in 1874 and the country annexed to Ghana by order-in-council dated Sept. 26, 1901.

The Kingdom of Buganda, under His Royal Highness the Kabaka ("King") was recognized by the British in 1900; Kabaka Mutesa II was deported to London in 1953 for refusing to cooperate with the British Protectorate Government; on his return in 1955 he was stripped of all his powers (the Buganda Agreement Order-in-Council 1955). He became a constitutional monarch within a ministerial government. In 1963 he was elected President of the country (Uganda) by the National Assembly. The subsequent political developments in Uganda brought an end to the monarchy.

In Burundi the monarchy ceased to exist in 1966.

[Further north there was e.g. the "Emperor" in Ethiopia; the King in Egypt; and in Morocco King Hassan is the reigning monarch.]

Historically in Southern Africa there were three recognized "Kings" and royal Houses: in Lesotho, in Swaziland; and in Zululand.

In Lesotho King Moshoeshoe II was in frequent conflict with the government of Mr. Lebua Jonathan, who stripped him of all his power and deported him. After his return he was only allowed to play a figurehead role.

In Swaziland, on the other hand, the King is both head of state and head of government. He, with the royal family, exercises practically total domination in the political structure.

The position of the Zulu king is discussed below.



## B. ZULULAND AND THE ZULU KING

1.1 The Zulu "dynasty" was established by Shaka (who was in fact a military dictator) who expanded the Zulu military power over large parts of Zululand and Natal. The defeat of Dingane, his successor, in 1838, led to the annexation of what was then known as Natal to the British Crown. Dingane was succeeded by Mpande, who in turn was followed by his son, Cetshwayo, in 1872. In 1879 the Zulu "war of independence" broke out (the defeat of the British at Isandhlwana was a major event), as a result of which Cetshwayo, captured on Aug. 28th, was exiled for some years. The end of the war also spelled the end of the Zulu monarchy; Zululand was divided into 13 "kinglets" and a state of rivalry and ferment ensued. After his death in 1884 the situation further deteriorated, and in 1887 Zululand was declared to be British territory and Cetshwayo's son, Dinizulu, was appointed "paramount chief" of the Zulus. In 1889 Dinizulu and his people rose in rebellion against British authority. The rebellion was unsuccessful, and Dinizulu's uncle (who played an important role in the rebellion) and one of the foremost Zulu generals, Tshingwayo (hero of Isandhlwana), were banished to St Helena. In their absence Zululand was finally annexed to Natal in December 1897; a period of virtual civil war in Zululand ensued..

In 1906 the "Bambata rebellion" broke out, mainly as a result of the Poll Tax Act of 1905. Armed resistance collapsed with the capture and imprisonment of many of the leaders and the unconditional surrender of one of the most influential Zulu chiefs, Sigananda Shezi. Dinizulu himself was arrested in December 1907 and brought to trial and convicted on a charge of high treason; he was subsequently banished to the Transvaal.

1.2 The fact is that a "royal dynasty" was established by Tshaka some 170 years ago, and probably would have been in existence today in much of its past glory if Zululand had remained an independent state. The annexation of Zululand, its incorporation in Natal, the inclusion of Zululand in the political and administrative structure imposed by subsequent "White" governments, and the non-recognition of the royal nature and status of the Zulu King, effectively, in a constitutional sense, affected and minimized the royal dominance in the political field. In terms of that political and administrative structure, the Zulu King was simply seen and treated as, and given the status of, an ordinary "paramount chief" on a par with "paramount chiefs" of other African societies in this part of the world. The evidence, of course, is clear: the Kingship and the Royal House was something far more "majestic" than was the case with "paramount chiefs" of other communities (This does not derogate from the status and important role which these hereditary chiefs played in the political, judicial, religious and social-ceremonial life of their communities - as is evident from any study of the many ethnological works dealing with African life and society).



1.3 To equate the powers, functions and status of the former Zulu king with those of a "paramount chief" of other communities would simply not be correct. I need not elaborate on this point: the many publications dealing with this aspect leave no room for argument.

1.4 The Royal residence, representing the King's political, military, judicial and religious power and pre-eminence, was an impressive collection of huts and other constructions, with a very large population. For example, the Ondini Royal Residence, built immediately after Cetshwayo's coronation (and burned down by the British Forces on 4 July 1879) "consisted of approximately 1700 beehive huts in circular formation and one rectangular building, surrounded by a pallisade." (It was declared a National Monument under KwaZulu Government Notice No. 42 of 1983.)

1.5 Although, therefore, the Zulu monarchy has been sidelined as a result of historical events and governmental action - and even to some extent because of conflicts with the leaders involved in the more modernized political system - his status as the Zulu king has persisted, not only constitutionally (as is indicated below) but more especially in the minds of the people. His presence at any function bears evidence of this; no other person would be greeted with the royal "bayete!", for example, or be treated with the respect and adulation as befalls him..

2.1 Even in the present constitutional set-up in KwaZulu he occupies a special position. Attention could in this regard be drawn to the following:

2.2 In an attempt to overcome the problem that, in terms of existing legislation, recognition is only given to the institution of "paramount chief" the KwaZulu Legislative Assembly constitution defines "Paramount Chief" as follows:

"Paramount Chief" means the Paramount Chief of the tribes comprising the Zulu nation appointed as such by the State President....."

2.3 And the KwaZulu Chiefs' and Headmen's Act, 1974 (Act 8 of 1974) as amended provides:

"The Chief of the Usutu tribe is the paramount Chief of the Zulus, also known as the King of the Zulus or the Ingonyama."

2.4 In the KwaZulu General Law Amendment Act, 1987 (Act 3 of 1987) ("to provide for a change of the official titles of holders of certain offices referred to in all laws applicable in KwaZulu") the following is laid down:



"A reference to the words, "Paramount Chief", "chief", or "deputy chief" in English and "hoofkaptein", "Kaptein" or "adjunk kaptein" in Afrikaans, or words having similar connotations, in any document of law which relates to any matter in respect of which the KwaZulu Legislative Assembly is empowered to make laws, shall be construed as a reference to "His Majesty the King", or "Inkosi Yamabandla Onke", or "Ingonyama", or "Inkosi Yohlanga". or "Isilo" in respect of the Zulu monarch and "Inkosi" or "Amakhosi" in respect of appointed or traditional rulers, excluding the monarch."

2.5 The King, through his personal representative, is legally a member of the KwaZulu Legislative Assembly. Section 2 (1) (a) (as substituted by Act 10 of 1989) of the KwaZulu Constitution Proclamation, 1972 determines:

"The Legislative Assembly shall consist of the Paramount Chief of the Zulus personifying the unity of the Zulu nation, aloof from party politics and sectionalism, and members who shall be:

(a) The personal representative of the King of the Zulus who shall be a member of his family and who shall be appointed by His Majesty the King in consultation with the Cabinet for a period of five years: Provided that the person so appointed shall remain in office at the pleasure of the King; Provided further that during such office, such person shall not be a member of the Cabinet."

2.6 In the oath taken by members of the Legislative Assembly (the King or his personal representative is exonerated from the taking thereof) he swears that he shall

"....honour and respect the State President of the Republic of South Africa and the Paramount Chief....."

2.7 Consultation with the King about legislation to be introduced is obligatory:

"The Chief Minister and each Minister shall prior to the commencement of each session of the Legislative assembly furnish the Paramount Chief with full details and, if available, copies of all legislation he proposes to introduce at that session of the Legislative assembly and, should the Paramount Chief so desire, discuss the provisions of such proposed legislation."

2.8 In Part VI of the Constitution Proclamation the powers, functions and status of the Paramount Chief are described in the following terms:

"25. The Paramount Chief -

"(a) by virtue of the fact that he personifies the unity of the Zulu nation, shall hold himself aloof from party politics and sectionalism and shall not be any person what-



soever be involved in politics or sectionalism and any person who so involves or attempts so to involve the Paramount Chief in politics or sectionalism shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rand or to imprisonment not exceeding two years or to both such fine and imprisonment.

"(b) shall retain his traditional powers and functions and shall continue to enjoy the personal status he has hitherto enjoyed and shall, with regard to ceremonial and tribal matters within the area of the legislative Assembly, take precedence over the Chief Minister and Ministers, except in respect of matters or occasions directly connected with the business of the Legislative Assembly.

"(c) shall be furnished with a copy of the agenda of each meeting of the Cabinet and may request the Cabinet to meet him for the purpose of discussing matters falling within the purview of the Legislative assembly and of explaining his views in regards to such matters and may also, through the Chief Minister, request any individual Minister to discuss with him any matter falling within the purview of such Councillors' department."

2.9 Whenever the King wishes to enter the Legislative Chamber he "shall be escorted by the Chief Minister and other Ministers after all the members have taken their seats."

2.10 See also the KwaZulu Members of the Legislative Assembly and Office Bearers Pension Scheme Act, 1988 (Act 15 of 1988) as amended.

### 3. CONCLUSIONS:

The short review above leads to the following definitive conclusions:

1. The Zulu King, historically and traditionally, occupied a very special and unique position in Zulu society.

2. Despite the fact that the Zulu power was broken and that the ensuing political and administrative structure in no way took cognisance, or gave adequate recognition to, this position of the King in Zulu society, his status, the veneration in which he is held and the loyalty of the people to him, as symbol of the power and unity of the Zulu people, remained and remains unabated.

3. The present constitutional structure in KwaZulu in many ways reflect this unique position he occupies in Zulu society.



4. To compare his position to that of a "paramount chief" in most other African communities in South Africa amounts to a denial of the factual situation, both historically and contemporarily.

### C. ARGUMENTS USED AGAINST THE INVOLVEMENT OF THE ZULU KING IN CODESA

The following are some of the arguments used in favour of denying the King representation at Codesa:

- 1.1 With regard to participants, in terms of Standing Rule 1(1), "Participants in the Convention shall be the political parties, the South African Government, organizations and administrations listed in the Annexure hereto."

However, in Standing Rule 1(2) provision is made for the possible admissions of "additional participants". No criteria are laid down in the Standing Rules as to such admissions; it is generally known (or rumoured) that a large number of bodies have applied for admission and that the Management Committee has responded negatively to some of the applications. I do not know whether hard and fast principles have been laid down regarding such applications, and, if so, what they are.

1.2 In terms of the application of Standing Rule 1(2) to the issue of the possible inclusion of the Zulu King, I would venture to suggest that inasmuch as the Zulu King represents a powerful political force amongst the Zulu people (or at least the majority) Codesa could ill afford to exclude him. It is true that he does not represent a political "party" or "organization", but he does represent, perhaps to a greater extent than most of these other "parties" or "organizations" do, a large number of people in KwaZulu. In this respect, it is to be noted that the Governments of the Republic and the various TBVC states are officially represented: but that the Self-Governing Territories are represented only in the form of political parties operating within those Territories. In other words, there are already represented in Codesa other bodies or institutions than political parties or organizations. One may perhaps deduce that the reason for this exclusion of the governments of the Self-governing Territories is the assumption that in the "new South Africa" it is unlikely that these Self-governing Territories will continue to exist in their present form, whereas it is more likely that the various political parties and organizations will continue to exist within the party-political structure of the future. Even if this argument is conceded, the simple fact remains that whatever may happen constitutionally to the Self-governing Territories and to KwaZulu specifically, the power and influence of the Zulu King will continue to be an extremely important factor and influence amongst the Zulu.



1.3 If decisions taken by Codesa were to be opposed by the Zulu King, or were not to have his active support and commitment, it seems doubtful whether a large percentage of the Zulu people would support such decisions. And even if one were to argue that it would be sufficient if Inkatha were to support the decisions, it would seem to me to be unlikely that there would be majority support in Inkatha itself if it were to become known that the King is unhappy with the decisions taken.

1.4 In this regard the question could legitimately be raised whether the admission of the King's representation would not open the door to pressures from a large number of other organizations for admission to Codesa. In general one would be inclined to say that if any organization has the capacity, or is powerful enough, to render nugatory any decisions taken by Codesa with which they may disagree, it would be advisable to have them represented at Codesa (this, it seems to me, is the primary consideration why steps have been taken to get the CP and the PAC involved in Codesa.) In other words, purely in terms of his potential political "clout", serious consideration should be given to allowing the King to be represented at Codesa.

2.1 In the discussion of this issue the question has been raised: If the Zulu King were to be allowed representation, what about all the other "Paramount Chiefs" in South Africa? Under par. 1.4 of the terms of reference of the sub-committee who is considering this issue the question of the representation of the Zulu King is coupled with the possible representation of "other traditional leaders". I have no objection in principle to the inclusion of "other traditional leaders", although I would prefer that this issue should be judged in terms of the criterion I have stated above, viz. whether such a traditional leaders (or leaders) would be able to exercise sufficient power to render decisions taken by Codesa ineffective or at least make their implementation very difficult. There may indeed be such a traditional leader or leaders: but I am not aware of any at this stage. I trust that the brief exposition which I have given in this memo is sufficient to indicate that the position of the Zulu King is indeed special and unique and is not to be compared with the position of other Paramount Chiefs; the fact that he has been referred to in this way in the relevant South African legislation and administration is simply because in the conceptual framework of thinking in those quarters a "Paramount" or "Supreme" chief was at the top of the hierarchy. This is evident also from the fact that the State President (formerly Governor-General) was proclaimed to be the "Supreme Chief" of all Blacks in South Africa in terms of the Black Administration Act of 1927.

2.2 If, however, it is felt that the Paramount Chiefs of South Africa should be represented, a possible basis for such representation could be: one representative from Contralesa and one from other paramount chiefs who are not members of that body.



3.1 The argument has also been raised that it is illogical to provide for the King's representation at Codesa in view of the fact that the King as such was not represented in the Buthelezi Commission and did not participate in the KwaZulu/Natal Indaba.

3.2 The Buthelezi Commission was a Commission of Enquiry consisting of people who were regarded as having the necessary professional expertise, appointed by the Chief Minister. There would have been no sense, to my mind, to have given the King representation on the Commission. I do not know whether the Chief Minister consulted with the King on the appointment of the Commission; I presume he did.

3.3 On the issue of the non-representation of the King in the KwaZulu/Natal Indaba: this is a more relevant question, and with hindsight it could perhaps be maintained that the Zulu King should have been represented. However, there is no comparison between the negotiations that took place at the KwaZulu/Natal Indaba and those taking place at Codesa. The Declaration of Intent contains the following agreement:

"We, the representatives of political parties, political organizations 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."

Also the South African Government committed itself:

"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."

3.4 The participants in the KwaZulu/Natal Indaba had no constitutional capacity or leverage to implement any decisions arrived at; that was the prerogative of the South African Government. As it happened, the South African Government rejected the recommendations of the Indaba. Quite obviously, the deliberations, negotiations and decisions of CODESA are totally different and more far-reaching than those of the Indaba.

4. Another argument which has been used is that the Codes of Zulu law (the KwaZulu Code of Zulu Law, 1985, and the Natal Code of Zulu Law, 1987, makes no reference to the King and does not provide for any particular position for him. This argument is a non sequitur, since the Codes are Codes of Civil Law and have nothing to do with the constitutional position, functions or powers of the King or any other Chiefs in KwaZulu-Natal.



D. GENERAL OBSERVATION:

If it should be decided that the Zulu king should be allowed representation at CODESA, the obvious procedure - so it appears to me - would be to deliberate with, presumably, the Chief Minister as to what form that representation should take, on what Working Groups and Sub-groups such representatives should/would serve, and how to regulate the procedure and arrangements if the Zulu King himself were to attend CODESA (which I presume would only be on the occasion of plenary meetings like CODESA II).

E. LITERATURE:

A vast amount of literature has been published on Zulu society, its history, social and political structure etc. and on the Zulu King. The following are only a few of these (only authors and titles given; further particulars could be supplied):

Bryant: Olden Times in Zululand  
 Dixie: A Defence of Zululand and its King  
 Farrer: Zululand and the Zulus  
 Gibson: The History of the Zulus  
 Morris: The Washing of the Spears  
 Krige: Social Systems of the Zulus  
 Roberts: The Zulu Kings  
 Roberts: The Story of the Zulus  
 Selby: Shaka's Heirs  
 Webb & Wright: A Zulu King Speaks  
 Webb & Wright (eds): The James Stuart Archive (4 volumes)

Report of the Buthelezi Commission  
 Report of the KwaZulu/Natal Indaba.

Blaustein & Flanz (eds): Constitutions of the Countries of the World



PARTICIPATION BY THE ZULU KING AND ZULU CHIEFS IN  
CODESA.

PRESENTATION OF EVIDENCE AND STATEMENT BY THE  
LEADER OF THE UNITED PEOPLE'S FRONT: M.N. RAMODIKE  
AT CODESA ON WEDNESDAY 18 MARCH 1992.

The participation or non-participation by the "Kings", "Paramount Chiefs" "Chiefs" or Traditional or Hereditary Rulers should be judged against the domain and hegemony and the events of history and the traumatic experience they had in the rise and destruction of their powers as rulers and landlords. It is against the account of this background that Codesa should decide the role that can be played by our Traditional Rulers "Kings" or Paramount Chiefs or Chiefs.

The history of the Pedi, the Zulu, the Swazi, the Tswana and the Sotho Kingdoms by contrast gives a view of the Pedi Kingdom in Sekhukhuneland, the Zulu Kingdom in Natal, and the Swazi Kingdom in Swaziland. it is also against this background that Codesa shall have to address the question of whether special attention should be given to the "Zulu King" only over and above other kings or paramountcies in his participation at Codesa weighed against "a fame, the dignity and the importance of all the traditional leaders and to examine or determine whether there are inferior or superior "Kings", Paramount Chiefs, Chiefs or Traditional and Hereditary Rulers. Mr. Peter Delius the author of the book "The land belongs to us" illustrates and addresses this question and I quote, "The Pedi Paramount Sekhukhune enjoyed a fame as a Chief of dignity and importance hardly inferior to the fame of Cetewayo among Zulus" and this focuses on the history of the Pedi Polity which dates way back to the 1820's and 1870's.



The fact of the matter is that the Western Culture starting with the Colonial Government up and until the present minority White Government stripped and diluted not only the culture of our black society including the structure of relationships through which our Kings, Paramount Chiefs or Chiefs administered the affairs of their tribes. The dynamic role and involvement of our Magoshi (be it Kings, Paramount Chiefs or Chiefs) in the wars they fought to defend their rights over land and their subjects should in any way never be under-estimated by Codesa. The illuminating analysis of the Kings, Paramount Chiefs or Chiefs then as natural political Leaders who performed in the past, during difficult times and their present role of continuity in performing symbolic functions should also seriously be considered by Codesa.

Throughout, the South African history over the last decades centres around the African political systems with Kings, Paramount Chiefs and Chiefs as hereditary political figure heads of our society.

The books "The land belongs to us" and "By the rivers of Letaba" examine the challenges and the changing nature, devolution and distribution of power within the Pedi, the Roka, the Koni, the Kopa, the Ndebele, the Kutswe, the Pulana, the Makgoba, Maleboho's Paramountcies, inter alia and explores further the internal, economic, political and ideological struggles.

The beginnings if not the revival of Black protest politics as outlined in the book "Vukani Bantu" against the white rule in South Africa to 1912 and the role and the involvement of Paramount Chiefs and chiefs in the struggle for freedom of black people in South Africa relates their involvement and the role they played in assisting the black political organisations in their efforts to galvanise the people into becoming politically aware and active - a role that is still played by Contralesa today.



Having given this brief historical background, in particular that the status of the "Zulu King" can be equated to that of King Sekhukhune, King Moshesh of Lesotho, King Seretse Khama of Botswana and King Mswati of Swaziland etc. and that there are also some other Paramount Chiefs and Chiefs besides those in Kwazulu; U.P.F. wishes to submit as follows:-

01. In terms of our tradition, culture and custom our Kings and Paramount Chiefs in particular are above politics and they are symbols of Honour who cannot easily rub political shoulders or cross political swords with their subjects or commoners e.g. The Queen of England, The King of Swaziland, The Rain Queen Modjadji. It is common course that Kings, or Paramount Chiefs in particular appear on a public scene during ceremonial functions, giving a direction of a national policy etc.
02. U.P.F. would naturally therefore support a proposal that Magoshi should not be involved in acrimonious political debates which shall obviously temper with their symbolic status and that they could be given an observer status at Codesa.
03. As a result of the demand and insistence by IFP to have the Zulu King and his chiefs participating in Codesa, U.P.F. wishes inspite of our reservations to propose and support our magoshi in their submission to take part in Codesa. U.P.F. is diametrical opposed to an arrangement whereby a preferential treatment could be accorded to one King or one Paramount Chief or Kwazulu Traditional Leaders only. We reject any arrangement which will place our magoshi below the status of any King Paramount Chief or chiefs anywhere in the country.



04. Two basic factors should however be borne in mind, to wit: The Zulus have their King in Natal or Zululand, the Tswanas in the Transvaal have their King in their place of origin i.e. Botswana, the Swazis in South Africa have their King in Swaziland, and the South Sothos in Lesotho. It will be infra-dict therefore to expect that all these groups should demand to be represented by their Kings at Codesa. Equally so, there are English people who have taken South African Citizenship but who still pay allegiance to their queen of England. The second factor is that many chiefs are not traditional or hereditary rulers per se but were appointed by the Government to neutralize the powers of the real Kings, Paramount Chiefs and Chiefs in order to implement the separate development policy. Paramount Chiefs like the late Kgoshi Makgoba was sentenced to death and his domain crushed for resisting against the deprivation of his land. King Sekhukhune's domain was also distabilised because of his rejection of separate development policy. Some blue eyed boys of the Government were appointed chiefs even though they have no tinge of blue or royal blood. Their hands had to be greased for having been instrumental in expediting the implementation of Separate Development Policy, e.g. some Chief Ministers or Chief Councillors during the period of territorial authorities.
05. The point at issue is specifically however whether the Zulu King and his Chiefs should be allowed to take part in Codesa or not.

U.P.F. proposes consequently that all the Kings, Paramount Chiefs or Chiefs in whatever form of their own arrangement e.g. Lebowa College of Magoshi should be allowed to take part at Codesa

or alternatively that they be accorded an observer status.

06. It should of course further be borne in mind that establishment of Bantu Authorities and Bantustans was made after consultation with the traditional leaders and that they are in fact the ones who were involved in the establishment of the homeland structures and further that the present Bantu Homeland constitutions were amended by the chiefs to make provision for inclusion of commoners in the Homeland Legislative Assemblies, and that the magoshi/Chiefs are still in majority in some Homeland Legislative Assemblies and have still consequently a majority vote in the respective Homeland Legislative Systems. This arrangement dragged our traditional leaders deeper into Politics contrary to the generally accepted principle that a King is above politics.

Their involvement may consequently be useful in undoing what they brought about through the tactics of the Architects of Apartheid, Dr. Hendrick Verwoerd, Dr. W.W.M. Eislen etc.

U.P.F. submits consequently that the traditional leaders should directly be involved in dismantling or phasing-out the Bantustan structures.

07. Large tracts of land over which the Homelands governments have jurisdiction are allocated to the Chiefs (Magoshi) and held on their behalf in terms of ownership by the State President. The Kings, Paramount Chiefs or Chiefs should consequently be involved in the re-allocation and distribution of land.



Some Chiefs and their tribes have freehold title over large tracts of land. No decision can be taken i.r.o. this land without the consent of the magoshi or chiefs.

08. In addressing the land question the chiefs or magoshi should be consulted or directly be involved because of overcrowding and congestion of the people in their respective areas. U.P.F. submits that this matter should be addressed by Codesa in conjunction with the Traditional and Hereditary Rulers who are still regarded as Landlords.
09. The majority of people in rural areas on the periphery are subjects of the Traditional Rulers. These people recognise and accept magoshi or chiefs as their mouth pieces on matters affecting their day to day lives. The involvement of chiefs or magoshi at Codesa and their representations will consequently adequately articulate the demands of the above-mentioned categories of people who are inspite of their silence a strong force to reckon in casting a vote. It should also be borne in mind that most of these people in rural areas have not as yet joined any political party or organisations as a result of lack of political education or understanding. Membership of all the political organisations and parties in South Africa will clearly indicate that thousands of people are not members of any political party or any organisation. The tendency by the vast majority of blacks unlike Whites support an individual Leader and not a party or organisation per se. U.P.F. support consequently request by the 135 Traditional Leaders in Lebowa to be represented in Codesa. In the context the kinship is the determining social system and the individual is transfixed at the centre of a kinship network.

In conclusion, U.P.F. submits that there should be the open-door policy in particular at the Provincial or Regional level and the local level for the traditional leaders. Political organisations should throw the prejudices against the traditional leaders and hereditary rulers, aside. Blacks recognition of the superiority of their chiefs cannot be wished away. Lebowa magoshi ask for equal opportunity and open door at Codesa. They will be instrumental to a "fresh start" which will politicise South African blacks now living on the peri-phery.

*Ramodihe*

SIGNED: RAMODIKE M.N.

"UNITED PEOPLE'S FRONT".



All Traditional Leaders are equal with separate territories and jurisdictions which do not overlap. Each Traditional Leader therefore enjoyed his independent authority and sovereignty over his own territory and tribe. It did occur, however, that a number of Traditional Leaders in a given area might per agreement and consensus elevate or recognize one leader amongst themselves to the status of paramountcy. Historically the status of a King existed only in as far as the word could be equated to a "Kgoshi" in North Sotho or "Inkosi" in Zulu. The status of paramountcy therefore developed only where traditional leaders agreed to accept one leader amongst themselves as paramount chief and the jurisdiction of such a paramount chief will be limited to only those areas under the jurisdiction of traditional chiefs recognizing him.

Given the history of this country as well as the ethnic diversity which we recognize one will therefore expect more than just one paramount chief in the country and indeed if it is the spirit of Codesa that traditional leaders be represented by paramount chiefs, quite a number of them will emerge from the various regions in the country. It is along these lines that we call for an equitable and even representation of traditional leaders at Codesa.



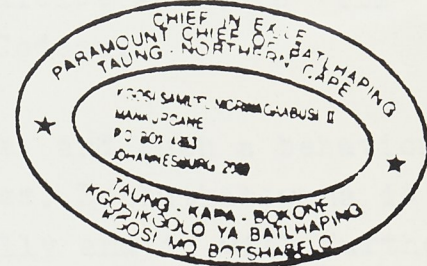
MEETING 12/03

Attention: Mr SS van der Merwe  
Mr Mac Maharaj

P.O. BOX 4853  
JOHANNESBURG  
2000  
23<sup>rd</sup> February 1992

The Secretariat  
C.O.D.E.S.A.  
P.O. Box 307  
ISANDU  
1600

Date Rec'd : 16/3/92.....  
Date Ackn : 16/3/92.....  
Docs Sent : 019.....  
Handed for Processing to :  
.....Z.K.T.H.....



Sir

re: SUBMISSIONS TO C.O.D.E.S.A.

It has been noted with appreciation that the preparatory meeting which launched Codesa decided that only bona fide political parties, organisations and administrations should be accorded full participant status nevertheless at the same time the organisers of Codesa wish to encourage the greatest possible participation by all interest groups from all walks of life.

Sir, the recent political dispensation which is unfolding in our country is viewed with keen interest by almost all the inhabitants. The majority of the people expect that the old prophecy of the uniting of non-racial and democratic South Africa should be realised. Codesa is one process which is expected to crown and qualify the wishes of many peace loving South Africans. It is a fact that this process of a negotiated peaceful settlement is long over-due.

As part of my submissions, I want to place on record that I happen to be the PARAMOUNT CHIEF OF BATLHAPING TRIBE IN TAUNG (Northern Cape) my territory happen to fall under the so called the "Republic of Bophuthatswana" which has made history by failing to sign the Declaration of Intent. I was deposed in the form of a "coup" on the 14<sup>th</sup> September 1988 by Lucas Mangope and the Bophuthatswana regime and since then I am living in semi-exile here in Johannesburg. The following are my submissions to Codesa:

2/.....



# I. FAILURE TO SIGN DECLARATION OF INTENT BY BOPHUTHATSWANA.

It is submitted that Lucas Mangope and his ruling party are not the representative of Batswana in Codesa. Whatever the rigid decisions his illegitimate government is taking by refusing to sign the Declaration of Intent will result into political suicide and this will hamper the progress which is far advanced in Codesa.

Their constant refusal is utterly unacceptable, and such a behaviour will totally jeopardise the negotiation process. Bophuthatswana is presently dependent on South Africa economically and it will further benefit from the proceeds which would have been achieved tirelessly through Codesa. I want to place on record that their failure to sign will be an obstacle to the negotiation process, and I foresee the economic sanctions and other measures being applied in order to bring Mangope and his government in line with the political realities of South Africa.

Bophuthatswana is not internationally recognised and other bantustans and they are financially dependent on the South African budget. It is therefore my submission that whatever the new government which might come into power through the negotiation process, that government will be under severe criticism if it can continue to finance the party or the bantustan structure which failed to be part of the process of forming the new government.

I might not be acquainted with the criteria which has been used to invite the participation of all the relevant liberation movements and political parties in Codesa, however many people who live in Bophuthatswana were shocked to learn that the opposition parties which command a massive support like People's Progressive Party (PPP) and the National Seobosengwe Party (NSP) were not invited to sign the Declaration of Intent. In contrast, the South African government and the National Party are there in Codesa and they encourage their opposition parties like the CP, HNP and others to take part in Codesa.

However we welcome the recent decision of Codesa that other parties and organisations may apply and this will help that majority of people will be represented.



## 2. REPRESENTATION OF TRADITIONAL LEADERS (CHIEFS)

I will <sup>be</sup> doing injustice to myself and the BATLHAPING TRIBE if I do not submit any views about the participation of Chiefs, Paramount Chiefs and Kings in Codesa. It seems there is a lot of controversy about the roles which have to be played by the traditional leaders in Codesa and probably in the future South Africa. It is my humble submission that these respectable leaders of the majority of blacks in South Africa are not necessarily on the race-track with politicians to claim some seats in negotiating table as it is the case in Codesa. A point in issue here is that for a long time especially during the apartheid era, the traditional leaders have been manipulated by the politicians, thus being indirectly forced to pursue or perpetuate a particular political ideology.

Further it is my submission that it is not wise for the traditional leaders to affiliate to any political party. Each and every chief is a symbol of unity and should be above party politics. For any one who affiliates to any party will be biased in trying to resolve any dispute among his subjects. More important, however, one of the options before Codesa is whether and if so, how traditional leaders should be accommodated in the new South Africa. Codesa should not be seen as just a mere convention of political parties, rather it should be seen as a convention of all traditional leaders in South Africa representing their people irrespective of political affiliation.

Codesa's first plenary session (20 - 21 December 1991) concentrated on bringing as many parties to the negotiating table as possible, but it is rather strange to realise that it was silent about the participation of traditional leaders in this process. It is quite obvious that these people will be taking decisions, whether good or bad about such traditional leaders and their territories without any meaningful discussions with them and furthermore without the backing of the mandate of their subjects. If the decision of Codesa is to exclude their participation, then they must come with a meaningfully convincing provision of which role are they going to play in the near foreseeable future. To cite the case of Botswana and Namibia, their constitutions provides some seats for House of Chiefs. Even Zimbabwe has a provision for traditional leaders.



South Africa has adopted the Constitutional model of Westminster system which is applicable in Britain. It is a fact that this system of government caters with respect the existence of Kings and Queens as part of protecting the traditional heritage of English people. Sir, with respect, it is placed on record that failure to invite the traditional leaders to participate in Codesa might jeopardise the negotiation process which so many people are willing to see continuing peacefully and successfully.


Finally, it is submitted that although Mangope and the Bophuthatswana regime have deposed me as the Chief of Batlhaping, I command the mass support from my subjects. Since they are disillusioned about the Bophuthatswana regime and the bantustan politics, they demand that they rather be represented by their Chief in any negotiation process. The Batlhaping tribe demand Mangope and his government not to pretend as they are the only representative of Batswana whereas they know very well that the majority of people have lost confidence in their government.

Finally, it was my wish to have made an intensive contribution to the Working Groups, unfortunately it seems there is no light at the end of the tunnel for the participation of traditional leaders. Nevertheless on behalf of Batlhaping tribe, we support the negotiation process which is taking place to shape the New South Africa, although it was not our wish to be the mere spectators for reforms which are going to govern our lives as a continuation of our history.

As mandated by Batlhaping tribe, I hereby apply for their participation in Codesa or my participation as their traditional leader on condition that this would not spoil the talks.

Hoping my application and submissions will be considered.

Yours faithfully.

  
 .....  
 SAMUEL MORWAGAABUSII II MANKUROANE (PARAMOUNT CHIEF OF BATLHAPING-TRIBE)  
 M. S. Mankuroane

DEPOSED CHIEF  
 KGOSI E E MENOTSWENG  
 APCSITTENDE LEIER





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

DRAFT MINUTES OF THE MEETING OF THE SUB-COMMITTEE ON THE PARTICIPATION OF THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA HELD AT 07H30 ON MONDAY 30 MARCH 1992 AT THE WORLD TRADE CENTRE.

PRESENT: TJ Mohapi (Chairperson)  
FT Mdlalose  
MJ Mahlangu  
NJ Mahlangu  
J Zuma  
J Slovo  
CW Eglin  
TT Matanzima  
  
T Eloff (Secretary)  
  
G Hutchings (Minutes)

1. Chairperson's opening remarks

The members were welcomed. The chairperson thanked J Zuma for assuming the chair in his absence.

2. Apologies

No apologies were noted.

3. Adoption of the agenda

The agenda was adopted with the following additions:

"Recommendations/Progress Report to the Management Committee" was inserted as point no. 6.

4. Ratification of the minutes of the meeting of 18 March 1992

The minutes of 18 March 1992 were ratified with no amendments.

5. Matters arising

5.1 Expenses with regard to persons giving evidence:

It was noted that the DMC had reached the following agreement in this regard:



- \* The fee for experts should be negotiated between the expert and the Codesa administration.
- \* The travel and accommodation expenses of Traditional Leaders making submissions would be met. They would receive no fee for their presentations.

## 5.2 Ciskei delegations:

- 5.2.1 It was noted that the sub-committee would wait to hear from the two delegations from the Ciskei about the outcome of their proposed meeting of 28 March 1992.
- 5.2.2 It was agreed that if no joint submission was submitted by the two delegations concerned, the sub-committee would take the two individual submissions already submitted as final submissions.

## 6. Submissions

- 6.1 An initial summary of oral and written submissions was submitted to the members. It was noted that there was still work to be completed on the remaining submissions and that this was not a final summary. A final summary should be available for the members of the sub-committee in the week commencing 6 April 1992.
- 6.2 The summary was read to the members and relevant corrections made.
- 6.3 It was noted that this document is for use by the sub-committee only.
- 6.4 It was agreed that even though the final summary was not yet available to members, the discussions necessary to formulate recommendations to the DMC should proceed.

## 7. New Submissions

The following submissions were noted:

- 7.1 Submission by G van N Viljoen of the SA Government - "Answers to specific questions raised during a meeting of a sub-committee of the management committee of Codesa regarding the accommodation of the Zulu King and Traditional Leaders". (Addendum A)
- 7.2 Submission by IFP - "The removal of some major obstacles to the achievement of a climate conducive to peaceful negotiation". (Addendum B)
- 7.3 Submission by IFP - "Addendum regarding participation of his majesty the King of the Zulus and the Kwazulu Government at Codesa". (Addendum C)

## 8. Recommendations/Progress Report to MC

- 8.1 After discussions the following was noted:
  - 8.1.1 Codesa should be as inclusive as possible.

ZULU KING/TRAD LEADER SUB COMM/MINUTES/30 MARCH 1992

- 8.1.2 The principle of participation has widespread support.
- 8.1.3 The same principle should apply to the Zulu King and all other Traditional Leaders.
- 8.1.4 The nature and form of this principle of participation are still being discussed.
- 8.1.5 It was further agreed that a progress report and no recommendations, would be submitted to the MC meeting of 30 April 1992. (Addendum D).

#### 8. Next meeting

The next meeting of this sub-committee will be held on 21 April 1992 at 07h30.

The meeting adjourned at 10h00.

During a meeting of the Sub-committee regarding the accommodation of the Zulu King and other traditional leaders on 3 March 1992, specific questions were raised to which I undertook to respond in writing.

I herewith enclose the questions and answers for submission to the Sub-committee, please.

Yours faithfully



G. YAN N. VILJOEN  
MINISTER OF CONSTITUTIONAL DEVELOPMENT



Republiek van Suid-Afrika



Republic of South Africa

Ministerie van Staatkundige Ontwikkeling  
Ministry of Constitutional Development

Verwysing  
Reference

3-A5/6/11

Privaatsak X9123  
Private Bag  
Kaapstad  
Cape Town  
8000

Dr T Eloff  
CODESA  
P O Box 307  
ISANDO  
1600

1992-03-25

Dear Dr Eloff

During a meeting of the Sub-committee regarding the accommodation of the Zulu King and other traditional leaders on 3 March 1992, specific questions were raised to which I undertook to respond in writing.

I herewith enclose the questions and answers for submission to the Sub-committee, please.

Yours faithfully

G VAN N VILJOEN  
MINISTER OF CONSTITUTIONAL DEVELOPMENT

ANSWERS TO SPECIFIC QUESTIONS RAISED DURING A MEETING OF A  
SUB-COMMITTEE OF THE MANAGEMENT COMMITTEE OF CODESA  
REGARDING THE ACCOMMODATION OF THE ZULU MONARCH AND  
TRADITIONAL LEADERS

1 QUESTION

Detail regarding (existing) constitutional arrangements for the accommodation of the Zulu monarch in the legislative and executive structures of KwaZulu is requested. (Mr Jacob Zuma)

ANSWER:

Section 2 of Part II of Schedule II of the KwaZulu Constitution (R70 of 1972) makes provision for the Zulu monarch to be part of the Legislative Assembly, and that he,

... shall retain his traditional powers and functions and shall continue to enjoy the personal status he has hitherto enjoyed and shall, with regard to ceremonial and tribal matters within his tribal area and at ceremonial occasions within the area of the Legislative Assembly, take precedence over the Chief Minister and Ministers, except in respect of matters or occasions directly connected with the business of the legislative assembly.

Regarding the Zulu monarch's participation in the Executive structures of the KwaZulu government, section 20(4) of Part II of Schedule II of the KwaZulu Constitution Act (Proclamation R70) requires the Cabinet to inform the monarch of impending legislation and to discuss it with him. Section 25(c) provides that the monarch shall be informed of the agenda of each Cabinet meeting and that he may request the Cabinet or members thereof to meet with him so that he can convey his opinion to them. He thereby obtains the opportunity to exert a direct, although not statutorily enforceable, influence on the governing of his nation.



## 2 QUESTION

Regarding the payment of a salary to traditional leaders, the question is whether there is any difference between the position when the Central Government was responsible and the position after the devolution of the function to Self-Governing Territories in terms of the National States Constitution Act (21 of 1971). Furthermore, was there at any stage a difference between the salaries of the Zulu monarch and the salaries of other Paramount Chiefs or Chiefs? (Mr Jacob Zuma)

## ANSWER:

No distinction was drawn by the South African Government regarding the payment of salaries to paramount chiefs, chiefs and headmen prior to the devolution of the function to Self-Governing Territories. Since the promulgation of the National States Constitution Act, 21 of 1971, Self-Governing Territories have separately determined their own criteria in this regard. Naturally, this differs from the position before the promulgation of the Act.

## 3 QUESTION

Did the Law Commission recommend that traditional leaders be represented at local and possibly at regional (and therefore by necessary implication not at central government) level? (Mr J Slovo)

## ANSWER:

On page 723 of Volume 2 of the Law Commission's Report on Constitutional Models (1991), with regard to the question of the representation of traditional leaders at central government level, the Commission states:

The problems attached to this option are legion. It is not known at present how many chiefs would qualify for a seat in such a house or chamber. And what of the other population groups who have no tribal ties - whites, Indians and coloured people? How would they be given representation in the same house or Chamber? In what proportion would such representation be given?

The position of those black voters who are detribalised is also a problem. How and in what proportion, would they be represented? ...

This option creates more problems than it can solve and is not supported.

Regarding representation at the level of constituent states or regions the Commission argues as follows:

The same problems as those discussed above would arise in these cases.

Regarding representation at the municipal level the Commission argues:

It is at this level that the chiefs could probably play the most useful role and also be accommodated with relative ease. In addition to elected members, municipal councils could also accommodate those chiefs who have a seat in their region as ordinary members with full voting rights.

#### 4 QUESTION

During the period in which the Government was (directly) responsible for the subsidy payable to Chiefs and Paramount Chiefs, was there a so-called stipendium based on the amount of tax which was paid, or collected in a given tribal area? (Mr J Mahlangu)



**ANSWER:**

Yes. The stipendium was an amount, based on the number of registered rate-payers within the area of a traditional leader, payable to a traditional leader for services rendered to the government.

**5 QUESTION**

In the clause in Act 38 of 1927 which authorised the Governor-General to appoint and to expel any traditional leader, was any distinction drawn regarding the Chiefs or Paramount Chiefs who could thus be affected? (Mr J Mahlangu)

**ANSWER:**

It appears that no distinction was drawn in the original act. This function at present vests in the Self-Governing Territories themselves in terms of section 27 of the Schedule to Act 21 of 1971. The position therein is also that no provision is made for a distinction between the various tribes.

**6 QUESTION**

Did any legal prescription in existence before the enactment of Act 21 of 1971 provide for different categories of traditional leaders, especially insofar as the Zulu monarch is concerned? (Mr J Mahlangu)

**ANSWER:**

As far as could be ascertained, no such prescription existed. Under British rule in the 19th century the Native policy in the Cape Colony was based on assimilation and westernisation. The Native policy in Natal, however, was

the more traditional British approach of "indirect rule". Thus while there were separate administrations in the two colonies, the approach in Natal tended to encourage the strengthening of cultural and traditional feelings and the aspirations of the Zulu nation.

## 7 QUESTION

Does any South African legislation whatsoever exist which provides for the differentiation in status between the Zulu monarch and other traditional leaders? (Mr J Slovo)

## ANSWER:

The KwaZulu Constitution proclamation differs in certain respects from that of other self-governing territories. A principal area of difference relates to the position and status of the Zulu monarch, as explained above.

In terms of Proclamation R70 of 1972 the Paramount Chief, as he was then known, was in terms of Section 2(1) of Part II of Schedule II made a member of the Legislative Assembly. In terms of Act 3 of 1987 (KwaZulu) the expression "Paramount Chief" was replaced by the expression "His Majesty the King". (The reason for this being that KwaZulu had only one Paramount Chief, so called by the South African Government, but who was in effect King of the Zulus.)

To the best of our knowledge none of the constitution proclamations of the other Self-Governing Territories contain such provisions.

As far as can be ascertained, however, no legislation exists which has been passed by the South African Legislature wherein a distinction is drawn between the status of the Zulu monarch and that of other traditional leaders.





# INKATHA

Inkatha Freedom Party

IQembu leNkatha yeNkululeko

CODESA  
WORKING GROUP 1  
ALSO FOR SUBMISSION TO ZKTL SUB-COMMITTEE

SUBMISSION OF THE IFP REGARDING THE REMOVAL OF SOME MAJOR OBSTACLES TO THE ACHIEVEMENT OF A CLIMATE CONDUCTIVE TO PEACEFUL NEGOTIATION.

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## INTRODUCTION:

It is the duty of CODESA to inspire confidence in the populace at large that it will display fair play and leave no-one feeling that they were ignored, sidelined, tricked or snubbed.

To this end Working Group 1 was charged with the task of investigating ways and means to:

- (a) Level the playing field and to;
- (b) Ensure the achievement of a climate conducive to
  - (i) Free political participation and
  - (ii) Peaceful negotiations.

As a consequence of the fact that the various sectors of the South African population approach the negotiating table from differing backgrounds, experiences and apprehensions, many "obstacles" have been identified and deo volente are in the process of being addressed and eliminated.

In this short submission the IFP representatives in Working Group 1 wish to focus on one issue that has remained a serious obstacle and is in the process of moving from being a thorn in the flesh to being a festering sore, namely, the growing feeling among the Zulus that they are not only being marginalised but totally rejected.

This feeling arises from the refusal to give His Majesty the King of the Zulus, and his Government a seat at CODESA.



## RESTLESSNESS AMONG THE ZULU

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1. Let us at the outset emphasise that the IFP is a national multi-ethnic and multi-racial party and thus cannot arrogate unto itself the duty or the right to act as spokespersons for the Zulu since its membership is not a primarily or purely Zulu one.
2. The IFP is nevertheless concerned about all people and all minorities.
3. Our party in this Working Group therefore raises this issue only in so far as failure to resolve it means failure to achieve:
  - (a) The levelling of the playing field and
  - (b) The peaceful climate required for meaningful negotiations.
4. We are aware that the matter has previously been raised in other CODESA forums. Group 1 Sub-group 2 in particular nevertheless has a duty to alert the Management Committee that failure to resolve this matter timeously has the potential to delay progress in the CODESA process and, worse, to lead to a deterioration of confidence in CODESA and to destabilise a section of the population of our country who are otherwise very keen and supportive of the very foundations of CODESA, namely, peace and reconciliation.

### WHY:

1. His Majesty has at all times shown a keen interest in CODESA and its aims and objectives. He has been a keen participant in the peace process leading to the National Peace Accord and shows the same interest in CODESA.
2. The KwaZulu Government has time and time again adopted resolutions calling on the previous and present Governments to abandon apartheid, release political prisoners, allow the return of exiles and enter into negotiations.
3. All the TBVC States and self-governing States (albeit sometimes de facto though perhaps not de jure) participate in CODESA except the KwaZulu Government.



4. CODESA was always meant to be an inclusive and not an exclusive forum. As such CODESA is actively trying to broaden participation in it by inviting groups from the far left and from the far right, justifiably so. Remember the old saying "the more the merrier."

5. So the question is asked "Why exclude the Zulus qua Zulus"?

6. Some people woefully ask "is this the way to reward the Zulu for all they have done, at great cost to themselves, to resist imperial, colonial and racist suppression not only for themselves but also on behalf of other blacks"?

#### APPEAL

The IFP therefore appeals in the name of reason and justice that the contributions and the bona fides of the Zulu be recognised by:

(a) Letting His Majesty the King of the Zulus and the KwaZulu Government take their seats at CODESA without any further ado.

The thought of having millions of Zulus excluded from CODESA in this way and with the possibility of them feeling outsiders with all the dark unfathomable repercussions is not only abhorrent but even frightening.

#### CONCLUSION

We have looked at this issue from all angles and are absolutely certain that the participation on behalf of the Zulus that we call for poses no threat to any other participant.

We only plead for some understanding and generosity from other participants as a down-payment for the political tolerance that is to be a corner-stone of the New South Africa we are in the process of building. We do not want to see this precious promise scuppered by malevolent forces who would use the legitimate grievances of the Zulus to lead us from one long nightmare of racist domination and counter-action to another nightmare of sectarian conflict.

DENNIS MADIDE. March 30, 1992





# INKATHA

Inkatha Freedom Party

Iqembu leNkatha yeNkululeko

CODESA WORKING GROUP 1

ALSO FOR SUBMISSION TO ZKTL SUB-COMMITTEE

ADDENDUM TO IFP'S SUBMISSION REGARDING PARTICIPATION OF HIS MAJESTY THE KING OF THE ZULUS AND THE KWAZULU GOVERNMENT AT CODESA.

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## INTRODUCTION:

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This addendum is merely supplementary to our Main Submission and elucidates some misunderstandings surrounding this issue. Certain arguments have been raised to justify the exclusion of His Majesty. Here we wish to address just a few lest such a major decision be based on faulty misconceptions.

## ARGUMENT 1

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The King is above politics and therefore it is an inconsistency on the part of the IFP to now want to involve him in politics when the KwaZulu Government's Constitution puts him out of the political arena.

## RESPONSE:

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With respect, this is a factually incorrect argument. The truth is that the King is above party politics. The relevant legislation make this abundantly clear. As a constitutional monarch who actually has a seat in the KwaZulu Legislative Assembly and a Personal Representative in this Chamber, it is understood that he does not eschew politics in general but only party politics. Consequently a particular political party cannot act as his sole spokespeople since his subjects belong to a variety of political homes.

President: The Hon. Prince Dr. Mangosuthu G. Buthelezi

National Chairman: Dr. F.T. Mdlalose

Deputy Secretary General: Inkosi S.H. Gumede

Sub Committee Chairmen:

Political Constitutional, and Legal: Dr. D.R.B. Madide

Economic and Finance: Mr. M.A. Nzuza; Social and Cultural: Dr. F.T. Mdlalose; Elections Publicity and Strategy: The Rev. C.J. Mtetwa  
Appointment and Disciplinary: Mr. E.S.C. Sithabe; Community Development: Mr. M.V. Ngema



# ARGUMENT 11

Why should CODESA give a special privileged position only to the Zulu King and not to other "traditional" leaders?

## RESPONSE:

It would be presumptuous for the IFP to pontificate about other areas without consultation. It must be remembered, however, that when a proposal was made that not only the Zulu King but also Contralesa be represented, the IFP accepted that. Had this proposal been acted on, much of the bitterness might have been dissipated.

Clearly traditional leaders are an important ingredient of certain sections of our population's lives whilst others are not concerned with it. It is therefore severely counter-productive that when we are trying to fashion a home grown brand of democracy ab initio we should not only ignore but reject those things that are so near and dear to some of our fellow countrymen.

# ARGUMENT 111

Admission of the Zulu King will lead to an untenable situation of multiple loyalties. The King himself will run the risk of not representing anybody.

## RESPONSE:

The monarchy is an institution which should be taken into account when designing a future society. For some people it is their cultural umbilical cord. CODESA is a negotiating forum, a market place of ideas and not an arena for power-play. Multiple loyalties already exist at CODESA and, however inconvenient, have nevertheless not been questioned by the IFP. What is sauce for the goose is also sauce for the gander. Acceptance of this principle would go a long way towards "levelling the playing playing field".

DENNIS MADIDE. March 30, 1992

PROGRESS REPORT FROM THE SUB-COMMITTEE ON THE PARTICIPATION OF  
THE ZULU KING AND OTHER TRADITIONAL LEADERS IN CODESA  
TO THE MANAGEMENT COMMITTEE ON 30 MARCH 1992

1. Meetings

The sub-committee met on 18 March 1992 and 30 March 1992.

2. Hearings on 18 and 19 March 1992

The sub-committee was presented with oral submissions on 18 and 19 March 1992 by the following groups/individuals:

- \* VJ Matthews - Expert
- \* Professor Maphalala - Expert
- \* Ciskei Delegation
- \* Ciskei Delegation from Paramount Chief Sandile
- \* Contralesa
- \* Kangwane Council of Chiefs
- \* Lebowa Delegation
- \* Qwa Qwa Delegation
- \* Transkei Delegation
- \* Venda Delegation
- \* Ximoko Progressive Party Delegation

The following written submissions have been presented to the sub-committee:

- \* Letter from MB Sandile
- \* Letter from Prince A Leloka II Tsotets
- \* Letter from Prince SJ Mahlangu
- \* Letter from Bophuthatswana Government
- \* Submission from Amandebele Ndzundza Sekhulumi
- \* Submission from Ndzundza Fene Tribal Authority
- \* Submission from Manala Ngibe Tribal Authority
- \* Submission from Manala Tribal Authority
- \* Submission from Ndzundza Somphalali Tribal Authority
- \* Submission from Chief Moses Sonkalane Makerame Mabhena
- \* Submission from Mabhoko Tribal Authority
- \* Submission from Mr MP Skosana
- \* Submission from Professor HW Vilikazi
- \* Submission from Prof H Ngubane
- \* Submission from Ximoko Progressive Party
- \* Submission from Contralesa
- \* Submission from Transkei
- \* Memorandum from Transkei
- \* Submission from Dr Mopeli
- \* Submission from Paramount Chief Mota
- \* Facsimile from Nathaniel Sekhumbuzo Bongani Mkhathshwa
- \* Submission from NJJ Olivier
- \* Submission from MN Ramodike, Leader of The United People's Front
- \* Submission from MS Mankuroane (Paramount Chief of Batlhaping-Tau)



- \* Transcription of presentation by Dr G Van N Viljoen to sub-committee
- \* Submission of answers to specific questions raised during a meeting of the sub-committee by G Van N Viljoen
- \* Submission from IFP
- \* Submission from IFP re the removal of some major obstacles to the achievement of a climate conducive to peaceful negotiation

A summary of the proceedings and the written submissions is being prepared for consideration by the sub-committee. A part of this summary was already discussed at the meeting of 30 March 1992.

### 3. Issues Identified

- 3.1 Consensus has been reached on the principle of participation.
- 3.2 The same principle should apply to the participation of the Zulu King and all other Traditional Leaders.
- 3.3 The nature and form of this are still being discussed.

### 4. Next Meeting

The next meeting of the sub-committee is scheduled for Monday 21 April 1992 at 07h30.

MINUTES OF THE SUB-COMMITTEE ON THE DECLARATION OF INTENT AND PROPOSED AMENDMENTS HELD ON MONDAY 17 FEBRUARY 1992 AT 15H00 AT THE WTC

ADOPTED AT THE MEETING HELD ON 24 FEBRUARY 1992

PRESENT : C W Eglin (DP, Convener)  
F T Mdlalose (IFP, assisted by A Macaulay)  
J Slovo (SACP)  
GvN Viljoen (SA Govt)  
J Zuma (ANC)

T Eloff (Minutes)

Mr R Cronje (Bophuthatswana Govt) was not present

1. Terms of Reference

The Terms of Reference of the Sub-Committee was noted (Addendum A).

2. Discussion of the IFP's Proposed Amendments (Addendum B).

The proposed amendments by the IFP were discussed. To facilitate this, a document by Mr Eglin was tabled (Addendum C).

2.1 First and Second Proposed Amendments

The following proposal was made :

The Management Committee, and then CODESA II, issue a formal statement, which will become an annexure to the Declaration of Intent, making it clear that, irrespective of their individual views, the seventeen organisations/parties/administrations who signed the Declaration of Intent declare that :

- \* the Declaration is neutral on the issue of a unitary versus a federal state; and
- \* nothing in the declaration is construed as preventing any signatory from advocating a unitary, federal or other democratic form of state, or the separation of powers between the central government and the regions, during the proceedings of CODESA or any of its Committees or Working Groups.

Dr Mdlalose requested that this matter be taken back to the IFP for its consideration and to report back at a future meeting.

2.2 Third Proposed Amendment

- 2.2.1 It was agreed that the formulation set out below should be circulated to all sub-committee members as soon as possible, for their comments at the next meeting of the sub-committee.



"We the representative of the IFP/Bophuthatswana Government, further solemnly declare 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".

3. Next Meeting

It was agreed that the next meeting of the sub-committee will take place on Monday 24 February 1992 at 08h30.

The meeting adjourned.

Addendum *A*

**RESOLUTION BY THE CODESA MANAGEMENT COMMITTEE REGARDING THE  
SUBCOMMITTEE APPOINTED TO EXAMINE PROPOSED AMENDMENTS TO THE  
DECLARATION OF INTENT**

At the meeting of the CODESA Management Committee on Monday 10 February 1992, it was resolved:

That a subcommittee be appointed to examine the amendments of the Inkatha Freedom Party to the Declaration of Intent with a view to making recommendations to the Management Committee concerning interpretations of the Declaration of Intent which would, if necessary, provide a greater degree of neutrality of wording and assurance that the wording of the Declaration of Intent is not prescriptive, and thereby create confidence and trust by all parties in the CODESA process.





# INKATHA

Inkatha Freedom Party

I Qembu leNkatha yeNkululeko

PRIVATE BAG 9  
JUNCTION  
PO BOX 1439  
PORT KINLUAN

## DECLARATION OF INTENT

### AMENDMENTS PROPOSED BY INKATHA FREEDOM PARTY

#### (1) Paragraph 1:

That the words "an undivided South Africa with one nation" be omitted and substituted by the following:

"A new South African nation."

REASON FOR AMENDMENT: WE OF THE IFP ARE MOVING THIS AMENDMENT BECAUSE IT MIGHT GIVE THE FALSE IMPRESSION THAT WE ARE NECESSARILY COMMITTED TO A UNITARY STATE AND WILL DENY US THE OPPORTUNITY TO ADVANCE THE ADVANTAGES OF FEDERALISM. NEVERTHELESS THE SUBSTITUTED WORDING WOULD EMPHASISE THE DESIRE TO CREATE A NEW SOUTH AFRICAN NATION.

#### (2) Paragraph 5:

Sub paragraph a: That the words "in which sovereign authority is exercised over the whole of its territory" be omitted.

REASON FOR AMENDMENT: WE MOVE FOR THE ELIMINATION OF THE WORDS CONCERNED FOR THE SAME REASONS REFERRED TO IN (1) ABOVE.

#### Sub paragraph d:

(i) That the word "horizontal" be inserted before the word "separation".

(ii) That the words "and a vertical separation of powers between the central government and the regions and" be inserted after the word "judiciary".

REASON FOR THE AMENDMENT: THE INTENTION OF THIS AMENDMENT IS AGAIN TO MAKE ROOM NOT ONLY FOR SEPARATION OF POWERS BETWEEN THE LEGISLATURE, EXECUTIVE AND JUDICIARY BUT FOR DEVOLUTION OF POWER FROM THE CENTRAL GOVERNMENT TO THE REGIONS.

(3) Under the heading "We agree" to delete the paragraph numbered 2 and to substitute the following:

"That CODESA and all of the parties, signatories hereto, will make every effort to facilitate the process leading to a democratic constitution to be submitted to a referendum of all the people of South Africa."

REASON FOR THE AMENDMENT: THE IFP MOVES FOR THIS AMENDMENT BECAUSE WE CANNOT PERMIT THE RECOMMENDATIONS HERE TO BE RECOGNISED AS HAVING THE EFFECT OF FORMAL BINDING LEGISLATION. RESULTING FROM THIS CHANGE, THE DETERMINATIONS MADE HERE MUST BE SUBJECT TO REFERENDA BEFORE THEY ARE LEGALLY EFFECTIVE.

(4) That the final paragraph of the declaration be omitted.

REASON FOR THE AMENDMENT: THE IFP MOVES FOR THIS DELETION BECAUSE THE WORDS MIGHT BE INTERPRETED AS CONFERRING PARLIAMENTARY POWER TO THE RESULTS OF THE NEGOTIATIONS REACHED AT THIS CONFERENCE.

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## NOTES BY C W EGLIN - 17 FEBRUARY 1992

The amendments proposed by the IFP fall into three distinct parts :

Part 1

The amendments proposed to paragraph 1 and to sub-paragraph (a) of paragraph 5 are, according to the IFP, because the Declaration of Intent as it currently stands

"might give the false impression that we are committed to a unitary state and will deny us the opportunity to advance the advantages of federalism"

It was the intention both of the Drafting Task Group (Task Group 2) and of the Steering Committee and the participants who endorsed the declaration that the Declaration of Intent should be neutral on the issue of a unitary as opposed to a federal constitution.

The amendments proposed by the IFP, therefore, do not raise a matter of principle, but of wording.

If deemed necessary the issue raised by the IFP amendment could be dealt with by altering the wording of the Declaration of Intent.

Part 2

The amendments proposed to sub-paragraph 5 according to the IFP is

"to make room only for separation of powers between the legislation, executive and judiciary (which is contained in the Declaration of Intent) but for devolution of power from the central government to the regions"

This amendment clearly moves the Declaration away from neutrality to a commitment to some form of federal state.

As a consequence the amendment would destroy the consensus on which the Declaration was based and could only be adopted if a new consensus was found in support of federalism.

Those who favour a unitary state did not press for this concept to be included in the Declaration. I urge those who favour federalism not to press for this concept to be included the Declaration.

The issue of a Unitary versus a Federal State may be resolved during the negotiations of Codesa but there is not sufficient consensus for one or other of these concepts to be included in the initial Declaration.

Part 3

The amendments proposed by the IFP to paragraph 2 of the Agreement and to delete the final paragraph and the proposal negate the essence of the agreement arrived at by the signatories of the Declaration.

The first amendment would delete the agreement :

"that Codesa will establish a mechanism whose task it will be, in co-operation with administrations and the South African Government, to draft the texts of all legislation required to give effect to the agreements reached in Codesa."

The second amendment would delete the further agreement that :

"We, the representative 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."

In the place of these two agreements the IFP proposes :

"That Codesa and all of the parties, signatories hereto, will make every effort to facilitate the process leading to a democratic constitution to be submitted to a referendum of all the people of South Africa."

It is scarcely conceivable that the organisations that negotiated and agreed and signed the Declaration would renounce their commitment they gave to one another at the signing of the Declaration.

A far reaching decision of this nature could only be taken by a fully representative Management Committee and by Codesa 2.





THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE MANAGEMENT COMMITTEE. THEY ARE SUBJECT TO RATIFICATION BY THE SUB-COMMITTEE AT ITS NEXT MEETING.

MINUTES OF THE SUB-COMMITTEE ON THE DECLARATION OF INTENT AND PROPOSED AMENDMENTS HELD ON MONDAY 24 FEBRUARY 1992 AT 08H30 AT THE WTC

PRESENT : R Cronje (Bop Govt)  
C W Eglin (DP, Convener)  
F T Mdlalose (IFP)  
J Slovo (SACP)  
GvN Viljoen (SA Govt)  
J Zuma (ANC)  
  
T Eloff (Minutes)

1. Ratification of the Minutes of the Meeting of 17 February 1992

- 1.1 The first sentence under paragraph 2.1 was deleted and replaced with the following :  
"The following proposal was made :"
- 1.2 The following sentence was added before paragraph 2.2 :  
"Dr Mdlalose requested that this matter be taken back to the IFP for its consideration and to report back at a future meeting."
- 1.3 The first paragraph of Item 2.2.1 was deleted and replaced by an amended paragraph 2.2.2, reading as follows :  
"It was agreed that the formulation listed below should be circulated to all sub-committee members as soon as possible, for their comments at the next meeting of the sub-committee."
- 1.4 The second paragraph of Item 2.2.1 was retained.

2. First and Second Proposed Amendments

It was reported that the IFP has not had the opportunity to consider the proposal. It is still under consideration.

3. Third Proposed Amendment

This matter was still in abeyance. An interim report will be given by the convenor at the Management Committee of 24 February 1992. No final report is available yet.

4. Next Meeting

It was agreed that the next meeting of the sub-committee will take place on Monday, 2 March 1992 at 08h30.

The meeting adjourned.

meeting.

- 2.4 The IFP was requested to reconsider the issue of the seventeen parties all having to sign the abovementioned annexure, as opposed to a resolution by the Management Committee and eventually by CODESA II.
- 2.5 The issue of the signing of a commitment was considered and discussed. It was noted and agreed to that the IFP will make its own statement to the Management Committee in this regard, clarifying its position in terms of the Standing Rules adopted by CODESA I.

With regard to the issue of signing any commitment, it was stated that the IFP could only commit itself to those things that it has agreed to.

3. Date of next meeting

It was agreed that this will take place on Monday 9 March 1992 at 08H30.

The meeting adjourned.



THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE SUBCOMMITTEE AND THE MC. THEY ARE STILL SUBJECT TO RATIFICATION BY THE SUBCOMMITTEE AT ITS NEXT MEETING.

**MINUTES OF THE MEETING OF THE SUBCOMMITTEE ON THE DECLARATION OF INTENT  
HELD ON MONDAY 9 MARCH 1992 AT 17H00 AT THE WTC**

PRESENT: CW Eglin  
FT Mdlalose  
GvN Viljoen

T Eloff (secretary, minutes)

apology: R Cronje

**1. Chairperson's opening remarks**

The Chairperson welcomed the delegates present.

**2. Report from the IFP (see previous minutes, item 2)**

2.1 Dr Mdlalose presented a memorandum from the IFP (Annexure A)

**3. On the interpretation of the Declaration of Intent**

The subcommittee taking note of both the draft statement previously prepared and the draft contained in the report by Dr Mdlalose, agreed to recommend to the MC:

that the MC and CODESA II endorse the following statement:

"For the avoidance of doubt as to the interpretation of the Declaration of Intent, it is declared by its signatories that irrespective of their individual interpretive views thereof, no provision of the Declaration, interpreted alone or in conjunction with any other provision thereof shall be construed as -

1. favouring or inhibiting or precluding the adoption of any particular constitutional model, whether unitary, federal, confederal, or otherwise, consistent with democracy;
2. preventing any participant from advocating the same or the separation, in terms of any constitutional model, of powers between a central government and the regions; during the proceedings of CODESA or any of its Committees or Working Groups;
3. and that its Addendum shall be added to and form part of the Declaration."

#### 4. On the IFP's commitment to the CODESA process

The subcommittee took note of the IFP's statement of commitment to CODESA as set out below and agreed to report this to the MC:

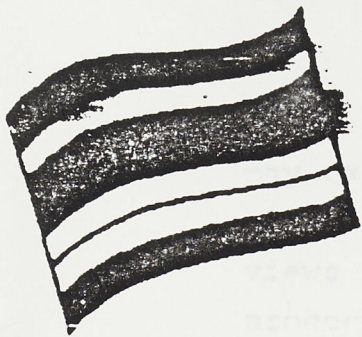
"We the representatives of the IFP, solemnly declare:

- (a) the IFP to be bound by agreements we conclude or reach together with other participants in CODESA on our behalf in accordance with the Standing Rules and to which we have expressly assented if such agreements affect our vital interest, and hereby commit ourselves to the implementation thereof within our capacity, powers and authority;
- (b) that our participation in CODESA or any of its Committees or Working Groups since 20 December 1991 and in the future shall not be construed to mean or expressly, impliedly or tacitly mean that we have consented to the Declaration of Intent in its original form but only as construed in accordance with the intent of the Addendum."

It was noted that the subcommittee has now concluded its business.

The meeting adjourned.





# INKATHA

Inkatha Freedom Party

IQembu leNkatha yeNkululeko

4 March 1992

## RESPONSE TO SUB-COMMITTEE ON THE DECLARATION OF INTENT AND PROPOSED AMENDMENTS

### Introduction

1. The IFP expresses its appreciation for the constructive spirit in which its Terms of Reference have been deliberated upon by the Sub-Committee's participants with a view to addressing the serious concerns of the IFP, as expressed by its tabled amendments to the Declaration of Intent.
2. With continued goodwill, the IFP considers that there is no good reason why consensus cannot be reached in the Sub-Committee's deliberations.

### IFP's First and Second Proposed Amendments (Paragraphs 1 and 5 a and d of the Declaration of Intent)

3. The Sub-Committee's approach, to acknowledge the principle that there are sincerely held differing interpretive views of the intentions expressed by the language of the Declaration, is a sound starting point.
4. Likewise, the IFP sees the difficulties inherent in reverting to the signatories of the Declaration and asking them to approve formal amendments thereto. The IFP approves therefore in principle the proposed method of going forward, namely, providing a means whereby all signatories will declare that irrespective of differing interpretations which

2/.

President: The Hon. Prince Dr. Mangosuthu G. Buthelesi  
National Chairman: Dr. F.T. Mchale

Deputy Secretary General: Inkosi S.H. Gumede  
Sub Committee Chairmen:

Political Constitutional and Legal: Dr. D.R.B. Madhe

Economic and Finance: Mr. M.A. Ntsele; Social and Cultural: Dr. F.T. Mchale; Elections Publicity and Strategy: The Rev. C.J. Mtshwa  
Appointment and Disciplinary: Mr. E.S.C. Sithole; Community Development: Mr. M.V. Ngema.

may exist between them in regard to the Declaration, there will be total freedom by any participant to advocate its views on forms of government of a democratic nature during proceedings of CODESA and its Working Groups.

5. It can only be described as unfortunate and regrettable, in the IFP's view, that the wording of the Declaration had the effect of immediately excluding altogether from CODESA at least one important political player. The IFP would like to think that in the current process of re-examining the Declaration from its stand point, which is that CODESA is not sufficiently inclusive as presently constituted while political players such as Azapo, PAC and the CP are not participants, the effort should be made to arrive at a formulation to encourage such wider participation. The IFP believes that CODESA is only laying up future problems for itself and the country while it reflects its current seriously flawed inclusivity.
6. In the IFP's view the first proposal with regard to the IFP's proposed amendments, reflected in 2.1 of the Minutes of the Sub-Committee held on 17 February 1992 does not meet the IFP's position sufficiently, for the following reasons -
  - 6.1 the formal statement proposed to be issued by the Management Committee and by CODESA must be prepared and agreed to now as part of the current deliberations and not merely left to the Management Committee later to decide upon;
  - 6.2 signatories cannot declare the Declaration of Intent "is neutral" on the issue of a unitary versus a federal state when that issue is precisely a source of serious contention;



- 6.3 the formal statement referred to in 6.1 should take the form of an Addendum to the Declaration of Intent to be adopted by signatories to the Declaration of Intent at CODESA II as a mark of their solemn, clear and unambiguous commitment to its terms, thus specifically incorporating it into the main document by reference as an annexure thereto;
- 6.4 it should be more general in its conceptualisation of constitutional models which can be freely debated in CODESA, the only rider being that they should be consistent with democracy. It should not simply or necessarily be a matter of negotiation between a straight unitary versus a federal constitutional model. This would completely accord with and add force to the paragraph of the Declaration of Intent numbered 1 under "We agree" reading "that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy".

The IFP therefore tables before the Sub-Committee the following proposed Addendum for consideration

RESOLVED :

For the avoidance of doubt as to the interpretation of the Declaration of Intent, it is declared by its signatories that irrespective of their individual interpretive views thereon, no provision of the Declaration, interpreted alone or in conjunction with any other provision thereof shall be construed as -

1. favouring or inhibiting or precluding the adoption of any particular constitutional model, whether unitary, federal, confederal, or otherwise, consistent with democracy;
2. preventing any participant from advocating the same or the separation, in terms of any constitutional model, of powers between a central government and the regions; during the proceedings of CODESA or any of its Committees or Working Groups; and that this Addendum shall be added to and form part of the Declaration.

IFP's Third Proposed Amendment

(Final Paragraph of the Declaration of Intent)

7. The second proposal to the IFP's proposed amendments, reflected in 2.2 of the Minutes of the Sub-Committee dated 17 February 1991, in the IFP's view might be interpreted as meaning that if an agreement is arrived at by "sufficient consensus" in accordance with the standing rules, then the IFP would be bound thereby, even though it had not expressly assented thereto or may even have dissented therefrom. The following amending proposal is therefore tabled by the IFP for consideration -

"We the representatives of the IFP, solemnly declare :-

*the IFP*

- (a) ~~is~~ to be bound by agreements we conclude or reach together with other participants in CODESA on ~~the~~ *our* behalf in accordance with the Standing Rules and to which we have expressly assented if such agreements affect ~~its~~ *our* vital interest, and hereby commit ourselves to the implementation thereof within our capacity, powers and authority;



- (b) that our participation in CODESA or any of its Committees or Working Groups since 20 December 1991 and in the future shall not be construed to mean or expressly, impliedly or tacitly mean that we have consented to the Declaration of Intent in its original form but only as construed in accordance with the intent of the Addendum".







