

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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FIRST PLENARY SESSION

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[AFRICAN NATIONAL CONGRESS]

VOLUME II : 21 DECEMBER 1991

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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FIRST PLENARY SESSION

DIRECT TRANSCRIPTION & RELEVANT DOCUMENTS

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2 5bDECEMBER 1991

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

FIRST PLENARY SESSION

CONVENTION RESUMED:

JUSTICE MAHOMED: Ladies and Gentlemen, when we were debating and signing the Declaration of Intent yesterday, it was made manifest by the organisations which had not signed it yet, that they were not necessarily opposed to it in principle but they merely wanted more time to consider their positions. This was a perfectly legitimate perspective and a perfectly

correct choice of their rights.

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O J GQOZO:

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

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

was concerned.

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

Clarification both for the benefit of our country,

and for the benefit of our satisfaction with the implications of having signed that without having

looked into the pros and cons.

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

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

I am now going to say, in principle we feel that we have, after most intensive discussions and deliberations and consultations, found some comfort in what we got. We did not want to be bound by

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JUSTICE SCHABORT:

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decisions to which we were not party.

After much deliberation with my delegation and other members of the Steering Committee last night, we are satisfied with the decision-making procedure proposed by the Steering Committee and we feel that LECLE Ws accepted by Â«this â\200\234Plenary -SÃ©ssien + thits morning, as it stands, then we are comfortable with it. It has also been brought to our notice that all the parties of the Steering Committee are

happy with the decision-making procedure.

In view of the above, we are now in a position to sign the Declaration of Intent without reservation.

CONSIDERATION OF STANDING RULES:

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

vir die volle sittings van KODESA.

imfa sense this*isÂ°really harnessingâ\200\231 the. cart*before the horses; before the whole of yesterday it was aleeadyÂ® possible to conduct the firstÂ«sessionewith-â\200\224 out the Standing Rules being operative.

We have according to the agenda between now, which

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N J MAHLANGU:

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

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

Would all these persons please come forward.

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

or by the Steering Committee.

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

I may say that I have been the Chairman of the Sub-committee for the Standing Rules, which was under Task Group, drafting. The task of drafting was led by the convenor, Mr Felgate, and at all these levels the Standing Rules were accepted

unanimously.

WMS: 6 6

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

purview of the Rules Mr Chairman.

The first part deals with participants. Â«The participants are political parties, organisations, the South African Government, and administrations present here with an option of admitting additional participants.

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

The third part deals with agreements. Agreements are to be reached by consensus, failing which sufficient*Â» consensus shall apply. â\200\234Sufficient consensus is reached when consensus is of such a nature that the work of the Convention can be moved forward effectively.

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

ATT

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

These is the 200\234 part of it concerns the Challenger the iChair
 is appointed by the Management Committee. The

Chairman, of course, controls the meeting.

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

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

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

Convention may establish working groups, committees,
 and so) IEEE,
 Mace Cliaeiaramany aspen

JUSTICE SCHABORT:

A RAJBANST:

M J MAHLANGU:

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

Thank you, Mr Chairman.

Thank you Mr Mahlangu,â\200\231 for* this short and â\200\230sweet

TAO G Cielo na

Ladies and Gentlemen, I take it that you have all read this document, you have perused it, you are au fait with the contents and that you have made up your minds as to whether it should be approved tmathiectiemy or not. Is there a proposal for the adoption of the Standing Rules of Procedure as presented?

Mr Rajbansi?

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

Mr Chairman, I wish to second Mr Rajbansi.

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JUSTICE SCHABORT:

M C ZITHA:

JUSTICE SCHABORT:

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

new clause.

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

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

Would dtiutitiedam akilogssvsuitabbly, cMeszitha? Paragraph 6.3.

MnaktemelSHtC OlsiseC ee aes Clacbistamctnits

Do we perhaps have this proposal in writing? It ts toatheaeffect, asifiartasciscouldidhear? that motions were to be seconded before they would be adopted by the Plenary Session as a whole. Is wlokeie lee\e) (cymanclyore ty

I have a proposal to make Mr Chairman. I would like to draw your attention to the provisions of @leuse: 9n0f! thetStanding Rulesewhth reads eas

follows:

"9. The Convention shall adopt whatever additional Rules of Procedure or make such arrangements as are /necessary ...

Hermon AGO EIRG:

JUSTICE SCHABORT:

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necessary for the better performance of its
business or the conduct of its meetings."

This particular clause Mr Chairman, clearly
envisages a situation where we might have Op ncane
additional rules, and also covers the situation
where we might have to amend the existing rules

or the rules that are in front of us today.

My proposal is that whatever proposals are made
and whatever suggestions are made, should be sub-
mitted to the Steering Committee, or the Manage-
ment Committee, which will then consider the pro-
posals and then make further suggestions and
recommendations to CODESA itself. Thank you, Mr
Chairman.

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

to be heard, to propose anything or table any-
thing and any article in the Standing Rules that
would restrict that sort of freedom, the consensus
of opinion was that we were against that... suet
want to remind the meeting of this. Thank you.

I trust that the delegates have heard the speaker.

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

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JUSTICE SCHABORT:
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JUSTICE SCHABORT:

H J S KAYSER:

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ts it a proposal for any amendment or just an
observation that you have made?

Yes, we agree with the Transkei delegation that
this can be re-discussed, but we are against
the amendment.

I see. The last-mentioned one?

MeIS

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

with the first-mentioned motion, the precise wording
of which I do have available in writing, but the
GErect or which = have told wou. ys ioragmeCd

that there would be a Paragraph 6.3 added to the
draft which would then be to the effect that all
motions ought to be seconded before they are

approved of by the Plenary Session as a whole?

Amy sobjiectttion to this? Could this: then be anianimousty
recorded as being accepted? Thank you.

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

to the Steering Committee, there we have apparently
conflicting views between the Transkei and the
Gidket onâ\200\231 this particular point.

Sorry Mr Chairman, they are not COMtalenciaeGieeNS

Support that.

/Fustuce Schabort, ...

JUSTICE SCHABORT:

A HENDRICKSE:

JUSTICE SCHABORT:

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Ladies and Gentlemen, I am told by the lady and gentleman sitting behind me, that they would be quite happy to accommodate in Rule 9, either as

a sub-rule or as part of Rule 9, a term to the effect that suggestions would have to be submitted to the Steering Committee who would screen them, obviously, and would then take a decision on them, and then put them before the Convention as a

whole - a Plenary Session.

Would this amendment also carry your approval?

Mr Chairman, may I suggest that this particular clause must stand as it is, because your key word there is that it is the Convention itself: that must adopt. The mechanics of how this is going to be adopted, need not be written into your rules here. Even if it goes to the Steering Committee, it is still right and necessary at times - it may not be possible for the Steering Committee to meet, and then the session, the Convention itself, must adopt any new procedures. So I don't see a problem.

Thank you, Reverend.

I believe the motive behind the proposal of the

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A RAJBANST:

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

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

undisturbed. Are you happy with that?

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

accepted, this last-mentioned amendment to Rule 9.

Other than these two proposals, we have no others and may we then take it that the Standing Rules of Procedure for Plenary Sessions, have been accepted unanimously by the delegates? Thank you very much. Mr Chairman, before Mr Mahlangu leaves the rostrum I just want to make a proposal arising out of the adoption... & refer to Ruliel where imi nespect.of Na(cl)@ianwd â\200\234a(20%, â\200\234chee: wased thought that in order

to effect the smooth functioning of CODESA relating to adda titenal partd dipants prorin vitangcob servers to attend, the real authority now vests with the Convention. Now the idea of the Steering Committee - and Mr de Beer can confirm this - that once these Rules of Procedure are adopted, that in order to effect mediation and facilitation, the Convention

will delegate some of this responsibility to the

PStesrung 2 .Â«

JUSTICE SCHABORT:

N J MAHLANGU:

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

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

Yes, let me ask Mr Mahlangu about that.

Mr Mahlangu will address this.

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

Now normally, as you know, those who have been in
the political circles, you have seen the

to make an infrastructure for the matters to be
discussed at parliamentary level, which I will call
CODESA in this case, not meaning that CODESA is
Parliament but I am just saying that the prepa-
ration is at administrative level and then the

decision is at CODESA level.

In this case CODESA is having enormous powers

regarding the (procedure. CODESA can give a ruling
in terms of Rule 9, it can make other arrangements,
it can also make the ES Committee directly. Bie COINS,
Orientation Geto: the: Steering Committee. Since

words, it is an open cheque regarding CODESA.

(CODESA 2...

JUSTICE SCHABORT:

A RAJBANST:

JUSTICE SCHABORT:

JUSTICE MAHOMED:

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

by the Steering Committee. CODESA has the supreme word-an that regard:Â°â\200\234Thank you, Mr Chairman.

Does this..satisfy you,.Mr Rajybansi?

It does satisfy me, Mr Chairman.

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

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

efficiently.

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

amount of energy and thought which has gone into

tt, Tt â\200\234as, â\200\230asâ\200\230you all â\200\234know, brokenâ\204¢-up Smtre se er ons

and the Working Group 1 introduction will be dealt with by Mr Meyer, Working Group 2, Mr Cyril Ramaphosa, and Working Groupsâ\200\231 3, 4 and 5 by Dr

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

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

available.

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I think the logistically most efficient way of dealing with it would be section by section and I will, therefore, ask Mr Meyer to deal with the introduction to Working Group 1.

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

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

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

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

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

The ninth item, the very last one that was identified by the preparatory meeting, namely other items identified by the Steering Committee and decided upon by CODESA, is at this moment not appropriate because we believe that in the way forward CODESA will be able to actually identify Fpaclene aicSwis} TOE CoylssiClengeerom, wie wie So) WalSles, but we have no further proposals at this stage in

this connection.

So actually only eight items have been considered

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

which is 4 particular document in your folder,

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

Group will deal with:

Firstly, the creation of a free political participation: and

Secondly, the role of the international community.

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

in South Africa, both on the way towards a new Constitution as well as in a new democratic South Africa. We have a free political climate and

participation.

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

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

It is therefore recorded Mr Chairman, the following terms of reference of the Working Group on the

High Commission:

ao 7

creation of a climate: for a 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 the processes leading up to the introduction of a new constitution.

Secondly:

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

Ma, Chairman, maybe. I should in this regard bring the point forward that was referred to, us after drafting, that instead of 1.1). 2: using the formulation as it is there, we should rather for grammatical

purposes formulate it as follows:

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

And in, 1.1.3—Similarly, also redraft, do I say:

1.1.3. To identify areas of commonality respectively

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and aspects where agreement already exists
between participating delegations.

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of the document before you, those two proposals also
then stand, Mr Chairman.

And then further, in 1.1.4 a number of items have

been listed with the proposal that these should be
considered whether and how the following should be
then addressed in the process of creating a climate
for free political participation by all participance.
l-am hot gomgâ\200\231 to*reaa tiem OUL, you fiave ae wm

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

Then the second assignment for Working Group 1, Mr
Chairman, deals with the role of the international
community, and we say there that whereas it is
absolutely important in the whole process of
transition, the way in which we are going to conduct
our affairs should receive the necessary credibility
and that the outcome thereof, both internally and
also internationally, will depend also on the open
and tay @rocece providing for Tullâ\200\235 and effective
Participation by all south Ntaree Cccp mete ll cuementeh cite
should also be considered, and in this regard we
then state in 2.1.1 that the Working Group also

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JUSTICE MAHOMED:

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2.1.1 Investigate, consider, report upon and make recommendations with regard to the role that the international community and/or (other) organisations could be asked to play in the formal or informal processes involved in the period leading up to the introduction of 4

Mey GomEreieunreslom, wor Sourela /MeiciCel.

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

SOSSiom out Cops.

The 2.1.2 and 2.1.3 should also be redrafted in the same way as I indicated earlier in terms of ilrenleerz amd 1.1.3. And Mr Chairman, while I am at thia,

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

where that particular point is stated.

So Mr Chairman, then these two assignments we propose to be considered by CODESA now as terms of reference for Working Group 1, for its work to be done.

You have had the benefit of Mr Meyer's very clear introduction. The only amendments he proposes are

to save the English language from violence to its

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C ALBERTYN:

JUSTICE MAHOMED:

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grammar. Is there any objection to such a rescue
Operation? Very well, then I regard those amendments

as having been formally made.

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

Mr Chairman, we have a proposed amendment to Clause
lets 4a). The proposal is, that before the word
"role" the words "composition and" are added in.

So the full clause would then read:

1.1.4(1) The composition and role of the security
forces! Henk COUP hee Atal Causancuschen EB VGeisisasesr
You have heard Mr Albertyn's suggestion... The present

Taal caaniGuelssts

inl is role, of the security. forces, in South
African and the TBVC states

and he substitutes:

4) ie. 4a)) the composition and role of the security

forces in South Africa and the TBVC states.

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

judgment, Mr Albertyn. They all concur.

HBOS <

K COETSEE:

JUSTICE MAHOMED:

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

Mr Chairman, the panel assisting the Task Group is in agreement that it will improve the terms of reference if, in Paragraph 1.1.1 we insert after

the words "report upon" the words "all proposals".

"To investigate, report upon all proposals ..."
And this would be the case in all other assignments,

"To report upon all proposals ..."

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

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

(Delegates indicate consensus).

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

Working Group 1, as having been adopted.

Working Group 2 will be introduced by the

effervescent Cyril Ramaphosa.

/ Pot ee eo nals

C RAMAPHOSA:

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FORMATION AND TERMS OF REFERENCE OF WORKING GROUPS

WORKING GROUP 2.

Thank you Mr Chairman. I would like to present to
the Convention the proposals for terms of reference
for, Working. Group.2....The first assignment of
WO yall ral facia Ol Oey laste

1. FIRST ASSIGNMENT

General .~Constitutional.Principles.

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

being proposed are the following:

(Puen OME Clsleniciciser maiac Olam Onc nlm IsO DOs cells
and make recommendations with regard to
general constitutional principles which
should be enshrined in and not contradicted
by any other provisions of a new constitution,
provided that the present and future
participants to CODESA shall be entitled

to put forward freely to this Working Group,

PO ae ss

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

and recommendation.

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

Raisa1Giac1 heen tel1ep2e WO asemabin: alsmelsh

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

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

between participating delegations.

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

for adoption.

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

consider general constitutional principles, Wie yyaldlil

iiasic wm rerene

have to consider:

2. SECOND ASSIGNMENT

Constitution-making body/process.

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

acceptance.

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

following, the first task is

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

and its second task will be:

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

body.

In respect of a constitution-making process, on:

2.1.4 Specifically, but without vitiating the generality of the objective, the Commission

i (a) to

(a)

(b)

Ce)

(d)

(e)

ir)

(g)

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

How far the process can be taken by CODESA bites en letaey

At what stage a special constitution-making body, if any, should be constituted:

The? rolÃ© of referendum if any, in the constitution-making process;

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

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

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

Sir, with regard to the constitution-making body

ines Gunter

2.1.5 In the event of it being recommended that there be a special constitution-making body, then specifically but without vitiating the generality of Paragraph 2.1.1, is to be considered:

HACE re

JUSTICE MAHOMED:

F T MDLALOSE:

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(a) its composition;

(b) its legal status;

OG)! elbtarauthority including limitations, e.g. 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.

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

Thank you, Mr Ramaphosa.

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

is concerned, there is no amendment. As far as

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

Mr Chairman, there is a small point which I think

is nevertheless significant. Everything is acceptable to us, all is in order, but on the issue of terms

of reference:

i eee

JUSTICE MAHOMED:

A RAJBANST:

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2.1 Whereas the parties at CODESA have committed themselves to the terms and objectives set

out in the Declaration of Intent...

Gincl SOQ Oi,

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

Veiea> asâ\200\231 amended.from: time toritimetl,

Can,there; be any- objection Â«:to- that?) , The,.only objection can be on the basis that once we make up our mind, we never change it, and that seems

to be an untenable proposition.

I think Dr Mdlaalose, you have made a very valuable Contr lbutton.. I..don!â\200\231 tythimk schat.-chere- js- amy,

objection to it. I take this as having been done.

Now as far as the first assignment is concerned,

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

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

gust Could clarity ome point for me. We tas

proposed that Appendix "A" be deleted, that is Pandorapi tits 4.. Phere is a relevant section under

(ee), page 5:

(Cee) was

JUSTICE MAHOMED:

Z J DE BEER:

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(ee) Any other matters which the working group

May consider relevant to its brief.

So I take it that his amendment to 1.11.1 covers that particular point!

Yes, it would do, but it would do nothing to the effect of deleting 1.4 and the tip of the matter, is not that the matters enumerated in Appendix "A" cannot be investigated. It simply means that the generality is left undefined. So they have a wider voyage into uncharted seas. So we have lost nothing by this amendment. We have simply enlarged the expansive capacity of the people working. There seems to be no objection and I, therefore, have pleasure in ruling that the proposals of \WO seal in; Cio Qcj 2, loon ain ieallcisiem to wae wiles assignment, as amended, and the second assignment,

are approved.

WA COME EGINS Cie Vi@reliiine) Erxetoojos Sp, 4! suacl 5 joscojrosais , will now be dealt with by the indefatigable and

ernlcite: Dig Zach de Beers

FORMATION AND TERMS OF REFERENCE OF WORKING GROUPS

WORKING GROUPS 3, 4 & 5

Mr Ghairmanpsthank you very meh. Working <Croupy3

Jappears ...:

appears on the document which is before delegates, as a fairly brief section and that is because it lends itself to a fairly brief description. It does, of course, represent one of the really major issues which is before us all during the months and perhaps the year or two, to come; the whole question of how the country is to be run during that time that we are preparing and framing the new Constitution.

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

time.

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

We record the terms of reference of the Working Group, again quite briefly, under 3.1.1, which covers the canvassing of all possibilities.

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

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oat)

Then a standard clause, {akhe2;ethe ilidentification
efuthewkey issues, processes andaproblems,.ando3.1.3,
identification of areas of commonality and aspects
where agreement already exists. And that is the

sum total Sir, of what is set down here under

Working Group 3.

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

me to deal with 4 and 5?

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

then address you on all three of these together.

Working Group 4 deals with the future of the TBVC
States. I doubt whether there can be a delegate
in the room who does not fully know and understand
the nature and importance of the question here.
Millions of: people: divecin tthe: TBVC: States. andjat
is theiroconstitutionals futuneswhichi a svatcsetake

here.

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

they have administrative and other machinery,

TREY 5 cy

ot

they have a great many inhabitants and none of us would wish in any way to act so as to disrupt or

Dendermrpaimmm theekives of alll those people.

We then record the terms of reference of the Working Group. 4.1.1.1 is a general paragraph empowering the Working Group to make general investigations

over a wide area.

4.1.2.2 is standard, the identification of the issues and problems.

4.1.1.3 is standard, the identification of the areas of commonality and agreement.

FIVE is TOG Av ealiren1 | ois

"Specifically, but without vitiating the generality of the above";

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

consider:

- (a) whether and how recommendations can be made to CODESA regarding the manner in which the constitutional status of the TBVC States may be affected by the outcome of negotiations;
- (b) to comment upon the desirability or otherwise

of the re-incorporation of the States;

(e). 3.

we

(c) Once again I call the attention of delegates to the method of testing the will of the people
Concerned there ss noOmincentOnmtO race
roughshod over people's wishes; and

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

and then Clause:

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

and again in:

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

Aetil.5Â° deals with further matters which will come
under consideration if re-incorporation is decided
upon, and listed under (a) to (o) are a large number
of matters of practical importance which will
require to be carefully planned and handled in the
event that re-incorporation into South Africa is
recommended. I shall not weary the Convention Sir,
by going through every item from (a) to (0). I

believe they speak for themselves in their importance.

ENClaeenere

eid

And those Sir, are the comments which it seems to me necessary to make in regard to Working Group 4, and if I have your permission Sir, I will proceed to Working: Group? Ga

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

in the negotiation process more generally. Nobody wants the process of obtaining a new Constitution for South Africa to take one day longer than it

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

and the assignment is so stated:

5. ASSIGNMENT

Time frames and implementation of CODESA's

decisions.

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

Recorded" clause. And now the terms of reference:

5.1.1.1 deals with appropriate time frames and

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

is again standard, identification of areas
of commonality.

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

project effectively.

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

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JUSTICE MAHOMED:

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

to Working Groups 3, 4 and 5.

You have heard Dr de Beer in support of this very formidable document, unanimously supported by his panel. Before I invite discussion, if any, on parts of the working paper, Dr Mdlaose has indicated

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

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

CO SEY SOc So that the effect of his amendment, if it is acceptable, would be to insert the same phrase "as may be amended from time to time" wherever there is reference to the Declaration of Intent, and would, therefore, affect not only

Meicagirajala Qoily lowe Wolly Bolly #ollale

I may have not used the words he would have preferred in motivating his rationale, but that is the substance and effect of his very consistent

COMteL LoWtlonl.

Yes, Dr Mdlaose?

jo Vee eee vas

E FT MDLALOSE:

JUSTICE MAHOMED:

A RAJBANSI:

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Mr Chairman, with due LOROSCE, AGElilio iin Acl6iliejdoin
to that which you have so ably outlined on my
behalf sir, there is also alittle query about the
numbering. You have Working Group 1 giving you
1.1.1 and then when you come to Group 2 you start
all .over again, with 1.1. 1, and..5o, Om,.and jou. move
Qi EO Eicoujyy 3 eiacl 4 Warela mow 3, 4 amÃ©l SÂ© OH, AS WE
En@Ganumbering, of Guoups 2,..3,. 4,5. 16, faliame am

a different. category to. the numbering of Working
Gago UONal es

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

your sense of symmetry?

Dr De Beer has also pointed out that in paragraph

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

te asnould seally say. agureenen ts...

NOWÂ»... presume <ehere 15. no objection to either the
suggestion of Dr De Beer, or the consistency of

Dae MiclILEILOSat <

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

Group 5. They are inconsistent with the Rules of

EOC ecuises.

JUSTICE MAHOMED:

EGO es Kom AWY4. SIE ie

JUSTICE MAHOMED:

EGO KG RCA YAS ERs

JUSTICE MAHOMED:

EO ee Gee C ANAS NENTS

JUSTICE MAHOMED:

ANC

Procedure.

Very well. I would appreciate it if you are
Supporting it, not to have to ritualise that
particular state of mind, otherwise I'd have twenty

People supporting, iit, to Sayasonr

Is there anybody who has got qualifications or
amendments or reflections other than encoring?
Mr Chairman, may I have your permission to make a
comment on Working Group 4? On page 7, after the
wineneas'! at thie boktom it eaves

"It is recorded that the terms of reference
of the Working Group on the Re-incorporation
of the TBVC states are as follows:"

That should be really the Working Group on the
future Re-incorporation of the TBVC states â\200\224- future
ec SMe chy 7S aU Oramme CMCC SHECh Clits

ie cu ueeoea Oa Clee lo\ gute Ome Olen er anol tS mate cihteamn Â© Ulmmclta MnO Cutaes
lS oll ay aetanech olters

Thank you Mr Chairman.

Satan lay Oe ema Ona CM DOS spleo Kua Ricl nen Cloyla 1) Oia citesKO aay

Future Re-incorporation. The panelists agree that
You are perfectly conrect,. NWS concedes that you are
HamieGhllau tere

Thank you Mr Chairman.

Are there any other qualifications, amendments,

R7CUIaeICI ee MSY utc lite itech tek @ la S ipa ete te Ta OM cna IG) Cy /memte an Cun)

I think we all support what Mr Rajbansi has said,

/ nates Bi

that this document is supported.

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

B HOLOMISA: Yes, thank you Mr Chairman. Under Group 5 we

would like to add the following in atiaclChisclolnl solen linen lees

JUSTICE MAHOMED: A new (1) I take it?

B HOLOMISA: As paragraph (k).

JUSTICE MAHOMED: Paragraph (k).

B HOLOMISA: Yes. Thatonclisis the Â¢-conducin, of. fomeion
policy by the administrations and the South African
Government in respect of matters pertaining to
CODESA's work programme...

JUSTICE MAHOMED: You have to go slowly because people will have to
Wine aithedown. usl+can|bewrhte.oe.faet ag.youlre
speaking. So I take it this is sub-paragraph (1).

B HOLOMISA: INO) ((hs)) <

JUSTICE MAHOMED: No, (k) is already there.

B HOLOMISA: PAG earaelechyinlh apa t ene San (108) I

JUSTICE MAHOMED: Alright let's hear it.

B HOLOMISA: "The conduct of foreign policy by the admini-
strations and the South African Government

TPHeGeS pe Cee Ola wise rcmD cigtcp enna cto m CODE SAGs
work programme and the position of national

states in respect of such matters;

the establishment of further foreign missions

CClslelrapel en Cyjetenta Se To ian) ClamcUiants Crate nee nai emo Re ciitany
session of CODESA."

JUSTICE MAHOMED: Thank you Major-General Holomisa. Are there any
responses? Dr De Beer will give his response to the

MOSS CLOM ssÂ»

ZOE BEER:

JUSTICE MAHOMED:

B HOLOMISA:

JUSTICE MAHOMED:

F T MDLALOSE:

JUSTICE MAHOMED:

eke

Suggestion.

Mr Chairman, those of us Sitting at the tabille here listened as best we could to the Generals proposal and had a hasty discussion on it. It clearly raises a number of issues, some of them of a diplomatic and international, and therefore a Very sensitive nature. We do not feel, jae, eloyelic yw) (elsuial come to a conclusion for or against this suggestion in a matter of a few seconds here on the platform, and we would ask if this could be referred to the incoming Management Committee which is to be the successor body of the Steering Committee of CODESA. This seems to us to give the proposal the best possible chance of acceptance.

The panelists appear to be unanimous that this is

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

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

Thank you very much for your contribution.

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

INO Selatan

Thank you. in that event there seems to be no

Ote Ne ia ere

JUSTICE SCHABORT:

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other qualification of the remainder of the Working Group, but the Management Committee will take into account Major-General Holomisa's concerns which he has dictated patiently to us. I declare the whole

of the Working Group paper to be adopted as amended.

CONVENTION ADJOURNED FOR TEA:

CONVENTION RESUMED:

The last item on the agenda, happily, of particular significance as Wane Wey Wexyeiecl, â\2027 Galil Om Die Malena OmelbntatsOctuC Cus ielomellee lm.

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

M Maharaj. Sal hulle ook vorentoe kom asseblief.

/Mr Chairman...

P M H MADUNA:

eel

Mr Chairman, thank YON V 2 Tey eC Late Oita Cyn Wa Tea Cae Ome this opportunity to introduce Item No 8 on our agenda. The item deals with the way forward, and it includes the question of the administration of CODESA; it touches on certain aspects which have not been finalised regarding the Working Groups; it addresses the question of the next plenary session Oxe COOMA Euael ie AleEO eOQucines upon the question of

further participants at CODESA.

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

ClEyOalCje save; Gl jonatoyoyoysyeyel (Serqbyoiebuaey,

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

the context of the two organograms before you.

See tel aver on eS myelin ECS ua S CoC Hen ianInGl Mma cihtemnWiommcis South Africans, find ourselves having achieved this long cherished wish of meeting as common

eee nciane

Zee

Citizens of this country. This satisfaction is even more so when we meet to pave the way towards

a democratic constitution for our eowlmicay, Mae experience of working together from the PAsoctigatsOray, Committee meeting to now has been a unique one; unique in the sense that this process we all went through was one of three weeks of sleepless

nights, of very hard work, but I think most importantly, three weeks of learning and recon-

Coe eIechtesIRO TaN

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

COMME eMune tives

The current administration of CODESA was the result of a mandate of the Preparatory Committee meeting WALCIA (COOK jIACS Clouealing ice CObESse Oc lasic monica. And this mandate covered the periods until the end of today. And the recommendations with regard to Elion clGInbeMbES traci tel MucinCleaSheta UIC te ian Ons CODES Ave ana! sor

themmDactisH Oi thescm two Cons lGenscelonc:

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

Ne TANen eye

aoe

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

If we look at the organogram that reflects the SCYUCTure and organisation of CODESA, which is before you, we'll find that the initial structure consisted of firstly, the Steering Committee, which was composed of one person nominated by each

participating organisation.

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

Dr Zach De Beer;

P M H Maduna;

M J Mahlangu;

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

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

The Secretariat appointed a Managing Secretariat which consisted of the two proxies, namely Messrs van der Merwe and Maharaj. The Secretariat and the Managing Secretariat attend to the day-to-day supervision and the creation of the necessary

administrative capacity to organise CODESA 1.

JERS oe:

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

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

permanent and stable administration whose task or

CASIKS Walilil slew screom cle Cleeilsioas oe CODA 1.

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

required as the process develops.

The Steering Committee is to be replaced by a
Management Committee, which will be composed of
each participant nominating one person to serve
Ol einen fim other Words, 16 1S a quection of
terminology. What we have been regarding aul
along as a Steering Committee, we propose should

become known as Management Committee.

Its mandate is to supervise the admina stration OF
CODESA; to implement the decisions Oi CODES Awol
agreements rather of CODESA; and to create the
necessary sub-structures and supervise the work

ovsntelnees

ara

of the Working Groups.

The Management Committee will hold its first meeting on 13 January 1992. It will decide how it will elect its Chairperson, when it meets for the first time, and will establish a daily Management Committee, DMC in short, which other

people prefer to call Dagbestuur.

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

Committee when it meets on 13 January 1992.

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

the Management Secretariat.

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

function. Again the emphasis is on continuity.

Ve es 6

At the administrative level there existed a sub-Structure under the leadership of Mr Deon Du Plooy which was controlling the finances of CODESA. It is proposed that for the transitional period, that is until this aspect has been addressed by the Management Committee, that this should continue to Operate, and that the incoming Management Committee will be required to look into the mechanisms of financing, controlling. and disbursing financial

matters of CODESA.

As far as Working Groups are concerned, Mr Chairman, the terms of reference and the manner in which the Working Groups will be constituted, we were hoping would have been decided upon already by this meeting. But we do realise, sir, eliclio OMe Mio Onc te Glee talc elms clcouTlmN G7 amie Gye agenda was not addressed, and that is the one of the proposal as to how the Working Groups should

actually be formed.

Our recommendation in this regard, or proposal, is that the Working Groups be formed on the basis of each participating organisation nominating two people to serve on each Working Committee.
erie nya vy. iia cle eee tom Or eieliatie hcl Tee ete ales) ele vie

Working Groups, organisations will be expected to

/nominate...

one

nominate two representatives each. And then together with that, two back-up advisers we propose should come with those two representatives. We

are â\200\230talking, Mr Chairman, of a total of twenty people from each participating organisation.

It will be the task of the Management Committee and its sub-structures to supervise and co-ordinate the

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

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approach their work, and also determine a programme

BySCKoneClilinc; iO wWamuClo weloveyy yyalILIl seivayeLe iol

We propose that the first working session of Working Groups be scheduled for 6 February 1992. All participants are requested to nominate their representatives to serve on Working Groups by

(0 gamvery |1992 = SO We jDRCIOSE\.

The next component of the way forward deals with the next plenary meeting of CODESA - if I could go Snetor: that, Mr: Chairman,)iwith,your permiesions. it is suggested that CODESA 2 be held not later than the end of March 1992, and that this perspective

should influence the functioning of the Working Groups.

PINS 5 6 6

JUSTICE SCHABORT:

A RAJBANSI:

JUSTICE SCHABORT:

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The next aspect of the item is the question or further participants in CODESA. Several organizations have applied to join CODESA and Management presently has a long list of these. It is our proposal that these, as well as other ways and means to expand participation in CODESA, be attended to by the incoming Management Committee.

Thank you very much, Mr Chairman.

Thank you Dr Maduna.

Ladies and gentlemen, a lot of thought and consideration and talk obviously has gone into the preparation of this proposal and it would appear

to be intended to be a comprehensive and definitive road plan for the way ahead. I must confess that the word "organogram" is a new word - a concept that I didn't know, and I must really be careful not to

mis-pronounce it either.

Are there any contributions, any remarks, anything
Ooo ee oie clamor ter Me yO) Cited eoyinug

Mr Chairman, I want Dr Maduna to consider one thing, if I hear him correctly, that his proposal was that the Secretariat which will consist of two persons, be appointed by the DMC. I want to know whether I have heard him correctly, and if that is so I want to suggest to him to consider just a slight amendment in respect of procedures.

The panel is just deliberating and you should have

your answer soon.

alae ee

A RAJBANSI:

VU SERCH TS CHAS ORAus

A RAJBANSI:
JUSTICE SCHABORT:

H SUZMAN:

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Gum ,cokd eshat â\200\230there are no problems with that proposal.

Sounis proposal -is thatÂ«the Secretariat be appointed by the Daily Management Committee. Now I want to suggest to Dr Maduna that we slightly amend that procedure, that the Secretariat be appointed by the Management Committee on the recommendation of the Daily Management Committee. Mr Rajbansi, there is agreement with what you are saying. The intention is that the appointment would be by the Management Committee of CODESA. Thank you very much.

Any other speakers, ladies and gentlemen?

Mina (Clalcllistesta te) Citar Â© 10, amen yi) Ue Clam lesin eM OMM AO ICOMOS ctae a little and suggest that the way forward for CODESA include a greater role for women. Before going on Cleats lel tele kta tern Se esr een A @) USL ol mee ete am OS chyaumte loci ommel personally am experiencing enormous satisfaction at being present on this momentous occasion. Indeed Eâ\200\230migiad@tosbe abive: toâ\200\231 share it jalliwetheyou,cand I wish it could have taken place many years ago. But where we ane; and E have to saytiican hardiy believe myveyes oromysecarscasnI seeband ichear

the general consensus on the establishment of a neon=racial-democracyâ\200\231in SouthsAfricacinrthis huge and varied assembly over the past two days, with possibly one regrettable exception, at the

end of yesterday's session.

[Sane

Sir, we've witnessed many important changes over the past two years with the scrapping of the foundation stones of apartheid like Own Affairs etc, remain. But the legacy anyway of apartheid remains and there's along, hard way ahead of all of us, and racism itself does not disappear with the Bepeal Of discriminatory legislation. But it is certainly reduced considerably, for the law is educative.- And it the law says it is wrong to discriminate on racial basis, then people who are largely law abiding - although by no means every-

body is - will obey.

But it doesn't disappear entirely, as we have seen Sis, slim WA Uiatleel Siceaces wWasleln Ioasy Inacl CayaLil

Ruicimes leesigileresom Satine 1964).

NeW Sale, AS Wiheln waCcism, SO Wada SGxalsm, eae British Equal Opportunities Act has been on the statute book for many years but it has not been easy to implement. ERA has not yet been passed in Ene USA Women's OMCainiSEeLOms ii JOE SOUINCiciEs Will: tell you there"â\200\231s a great deal of genden dis CAepINTTEeTA ce teseO Nene Nia ien ester S Oi InterAvisslanie@ clumatel sta maslnS Ia Â ©)

General law &O try to Emsure the equality or

@pporeunity for women. i notice six, that in the

HELCUSBIUCM 5 6c

excision of sub-section (n) of Appendix A in Working Group 2, that was the only Specification of women's rights in the document presented to us at CODESA today.

PeEths (true sir, +thatuthesChaitypersonwhas. said .that thegeneralities will still allow discussion and,

of course, identification of this important subject.

Simypcastfiarwas South-Africa is-concerned, the situation is unchanged regarding the position of women in managerial and executive positions over the past fifteen years, according to a recent survey elnvie, Wess Cloyne, Navel alin joyolliiciles, Elllilncibyeln ielavence we nothing to prevent women from standing for office,

few in fact are elected to Parliament.

MW Nera Macetg OMe OC clyauniein Claw ONL On malonate merc Cm@He Assembly, two I believe in the House of Representatives and one in the House of Delegates. That

ae @lgnht oUt Of a total Of three hundred ana Gigi, iMoGl Cie COwWeEEe, Sie, ela@ wilack joO@obllaciom is

excluded entirely.

Wow Salie, lool aieouiacl VOU! aia ics OOM, ILOW/ Meloy women are here as delegates? Maybe, maybe there Gen eee Olt One te WOmInUaGliac Cercth Cle tewemicyvescuechints

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

ieeee euerete

JUSTICE SCHABORT:

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I happen to believe in merit as the yardstick, not race, not religion and not gender. But surely there must be many women who, on merit, should have been here yesterday and today participating in this enormously important convention which will so vitally affect the future of themselves and their

Children.

Tewish â\200\234to Submit ; Mr Chairperson, that CODESA's democratic way forward must include more capable women in its working groups and in its future plenary sessions.

Bulacan Seyi eS istane

Thank you Mrs Suzman. I need hardly refer to the gentlemen. I suppose there is, as has already been indicated by the ovation, general universal acceptance of the sentiments expressed by

Moases Siiizimeanre

jMy mame... Â«

G SHOPE

AFRICAN NATIONAL CONGRESS

My name is Gertrude Shope representing the delegation of the ANC

Women's League.

Co-Chairpersons, the ANC Women's League Delegation represented here this morning, would: kikeson behalf. of all the women of our COWMEPY COQ wOEAScO@Qiwe aes Oljereweied@m wo che Ieelk Ow eine presence of women in this very important forum. We feel that we would like to comment on the organisations who have taken the trouble of including women in their delegations, but we would also Chairpersons, want to say that the fact that women have been DEE EAS WHEE aye, ain Tene AyEliPal Owls \yojigleaiinlier Ferre Owls} CB qwnah{} aljnl yOhreyecaliolie POM oman wa fiir Matwon thats WwOMnenm haves aaveny lmpomtanites cont isn â\200\224 DiisHtOn=cOunaketovandswa thud nona=nacial., nNon-siexis he and demo

Caachi tesia n0 teen A fenastnc alee

We woulda Iie iwietmMer, Oneidieperergois, co Aaa, Billi Ore eEliaoaleâ\200\224 ELOMG ama POilieicAl Meicelas iO WEVKE A COMCEImiESG iio ie) aime Iwale

women in all their deliberations and the decision-making forums.

int conclusion; sthe -women>is: a step in the right direction, towards Mies nee off as non~sexiet.ceocletyau; Therefore it is very, very Pportant that alin ther delegations that: come, from the parties, or Prom ithe organisations should take heed of the fact that, women have a very important role to play, and therefore should never be

left behind.

Thank you Chairpersons.

JOE ORB 4 ss

INKATHA FREEDOM PARTY

Myanane ois >Paith)Gasa Â« from theÂ» JFP; T wthink Ts musStiad 1 Sito dl n

passing note that the fact that we are also reminded NOs Om Ge peat ourselves shows that we have not yet made our mark. However, also in the interest of time, I am not going to belabour what has been said, but I wish to say that the IFP does have a wonderful illustration of twenty-eight women in its central committee. Having said so, in our delegation we have got

four women. Mr Chairman, I wish to IAs why Si gSters, Helen Suzman and Gertrude Shope, for the comments that they have made here. Now the issue is not that we are asking women to come Gore the sake of just coming. We have got a legacy of women who have taken their rightful place in COmmumaatey, tin SOÂ©CISEW, Amd wit you sit down here as leaders of delegations, as national statesmen, think of the first person that ever taught you, and you will mever think of anybody but a female teacher. So we have always made our mark in life and we are asking that the mistakes that have been OCCUrriMy UM Ue DASE SlnoOuilad moe Comrdmue, COMDISA Ve ee

me 2 process and it shall have made quite a lot of mistakes, if

Bie the @mGl Â© tine SOmieln AMirvwrcam Comsedcenecion, and ae ena ema or

this active debate, it has excluded women. We have got that latent), innate tallent to be Sensitive on dissues that pass) you. | 1 an not making this as a mistakeâ\200\231 in your make-up or mien, my DrOENMerS, Due ML am Sesame, elle GwmOciOMAl ASMECES WaitEen area necdad

to support your debates in Parliament and everywhere, we are always there with that latent sixth sense. And we are not coming here idke gaily tatecle girls Wn@Â© Weinte iO jolla terieks, We are COMimEs ico PLE @Qwtcee a lot WOCAWSEe wWmErceGQ eseQ @baeS a IoOe OF WOMeim Oi ainâ\200\224

EOgriltey atm Sowieim Nitiehea, Ang Yin@in I ele SO, WM ey ieeimamaleGl @ir elne

/women ...

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

Phew twelvare: dyere because of women. ~ So We musiem te lnÂ© larre out,

ticietinaliys Tdid* raise this* when we Imag che Conteraence om

ViolenceCand Intimidation, and when we had the CBM consultation,
all the consultations which are Making "history ain South Airaea,
Weapetslefteort.â\200\234eWe don't want*to show our power irresponsibly.

Bieewe are just Saying; don't come to the Hatem aml a teny ann ee tA ONUNtMRU SIONS

else South Africa has no future.

Thank you.

MR JUSTICE SCHABORT

Thank you. Listening to these ladies, ladies and gentlemen,
I'am reminded of what Cato said - the old Roman who lived more

than 2 000 years ago. He said:

"All men of the world rule all women of the world.
We Romans rule all men of the world and we are

Pulled by Our wives.â\200\235

"The hand that rocks the cradle is still the hand that

eRIleES Wne Worle,

JN MADIEAWA 2

N_ MADLALA

SOUTH AFRICAN COMMUNIST PARTY

leaWantemtOnsizcigts Ott sbiy sSiayeinio that sseverndl = participants to sthas
Convention have, through signing the Declaration of Intent, placed
themselves to set in motion the process of drawing up and establi-
Sinime @ COMSELIEWELOM elie Wallil @mespira jie Weln@waiiny WM Oe A

Ti eMeCeECenmoCnralt=lc. MOMs laciace anid) nomasie xis = SOG te tye | We een stale
Poueh African*Communist â\200\230Party want â\200\234to Â°reiterate â\200\230our coneÃ©
rn that

Womem, Who FOr More welizin SOA Oe Owe SOCIEey, WE were Oe ielaS
process of drawing up the new Constitution. We are concerned that
SOMeEa ee Ehlclapagtercmtatilon Of women in sthe various = sitmuc tunes Of
COMDSSA, as welll AS tin was percteieullar Comyemenromn 16 iMimimed, Ilse
Pe mANG aViomenwsmlheacwie. wemwould sl tke tfo) poate Out ehiat Ie ssi a
known fact that Black working-class women in particular, suffer
pieswanrst Shormms of deprivation land â\200\230exploitation. *â\200\234As â\200\234a â
\200\235party that

has tasked itself with the responsibility of ensuring that the rights
and needs of the most oppressed and exploited sections of our
Secteny are safeguarded, we want to strongly recommend to â\200\230this
Convention that serious thought be given to establishing, as
quickly as possible, a mechanism for ensuring that the needs and
demands of women are incorporated into the new Constitution and

that their voice is heard at every level of the CODESA structures.

We also want to make a special appeal to the organisations and
Ragies: present: here, that they should take this matter seriously

and they should discuss it and send recommendations to the CODESA

working groups and structures.

JA CG ROUTES

A _C ROUTIER

NATIONAL PARTY

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

National Party. I would like to say at the outset, that within

my own party there is a philosophy of utilising women with a
 particular expertise or capacity or qualification, and, that they
 have, over the past few years, been promoting this within the
 National Party. We are no longer just licksters of envelopes and
 bakers. We have CHGS, CO-ordinated aimiky (one Wetes-mell Weicteyy INAS El MblMIpEre Wie
 extremely capable and qualified women. I Elaine jelm-ielmarie,

but the most important thing about any women's lobby. A
 Woman Snowlad more We jelliee AS A je-ken, I do more Wellieye, wie I
 Could put the EMA WAY, AM ENG MDra-MMirninge ASHECE OF emsmism, Bw
 it does believe EMAE CVEiey WOMEM Wn-MAS A COMicicipWELom EO-Q MAKG, lo-ieln
 in EMO PEACE PROCESS, IM telne POLienca process, in eln-GoMoOCiraiciE

DIOGelsis se Shoulds be sesiaven thie (op plorstun-stye to Piatt eae palier.

There are a number of delegations here today who have mentioned a

non-sexist, a non-racist democracy. Some of those democrats do
 not in their own delegations have a woman. How non-sexist are

they? I know that, for instance, the Women's Lobby which was
 recently formed did send a telegram to the head of every delegation
 here present some 10 days ago, including our two JUSEICES, Wirom
 very few of them have they had any response whatsoever. I do know
 that the State President did respond and he responded by positively
 putting a woman in each of the National Party and the Government

delegations.

But I would like to COMereaculaice aim pyaar tebe Geena Oke ree an bisneaSitacrs

/BwoEMELEEZIL ooo

Buthielezi because ZI see that in the IFP delegation there
are more women than in any other in the room.

AIGMcalchnlnvy lit aiGanmm ust ssiemnid: thie message. Women don't want to
be there because they are women. Women want to be there, they are
more than 50% of this population. Our right is not as women, our
right is as people whoâ\200\231 ereâ\200\231 qualified, who are dntelligent and
have a contribution to make.

Thank you.

VAC erie earn

Juste SCHABORT :

MRS SUZMAN:

JUSTICE SCHABORT:

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

I am not going to make a speech Mr Chairman.

I just want to ask that you move as a formal
proposal, the suggestion really which was made
Day gee Ge SICia ee sonal emma eental nic eemete Ente nate tel meen

Management Committee investigate appropriate

mechanisms for adequate representation of women
an the various structures created by CONEeA, i110
might mean enlarging the working committees from
two to three delegates.

Whilst the panel is considering that proposal,
ladies and gentlemen, I have been asked to ask
yOu ee Make A COrraCLLOM EO ElN@ iliegie OF Worle
organograms. BIg ine aera ean teem bro ileal in ab 100629 Le

LS eElN@Â® Occom a@lilyvviGloOm elNere , the second block
EeOM EINE waleInte te is J I WMaliilamew aimal meoie

NJ) Mah lanigu

t am told wate elr@Â® pameal nag m@ OMjIECELOM TCO Elna
being incorporated in the proposal. Ladies and

gentlemen, it reads as follows:

"The new Management Committee will
investigate appropriate mechanisms for
adequate representation of women in the

various structures created by CODESA."

PINOW ooo

C SALOOJEE:

1? Ml Jel IWUAIDONYAN Â\$

eta W hon:

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

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

Mr Chairman, I think our response to that is that on the CODESA Management, which was the previous Steering Committee, we are proposing that we work on the basis of one plus one. Hin OEE yyorels One representative with one back-up adviser for

each participating organisation.

Thank you Mr Chairman. IH \yowlel taka jo deel ywralieln Eln@ IwEOMOWIe Jpiy Wie Werle - H wowed Wiikke tO sey that I GndOrse TES COMiramies iwllily- But I would

IGeR ON IgG) OMe sit Gp tis ehiets senda iciehys sat hlcltemswicnuslal have to be given some direction here as to who Wwaldlil @lngaiie jena yyorwlkalmes EiPOWjoS Â« Ore, alte sot) a al sms Il decigilom iG EO@lMme cOQ DE calkem roday AS tO \Wwin@ ile going to chair the working groups some direction Sin@wlle HO SaivEm cO WS AS CO IMOW Sweln Eire GOime

shall be appointed.

NGG a

JUSTICE SCHABORT:

Zale tSe:

JUSTICE SCHABORT:

WS FELCATE:

JUSTICE SCHABORT:

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Very well.

secondly; Tawoulldohike'to deal with the question of further participation - the admission of further participants to CODESA. I would like to say I agree with what DecMadunashad. to say 'Phat dso hates: his matter be left to the Management 'Committee;; 'But. E would like to add a further rider and request CODESA itself to formulate broad guidelines on this. Because we have had asloteef disctssienmron' this and 'werwotidsiake to MOVES ie' Binal JO WolielmoOme rOeMEINiMmgy A itimal deEeigi@mn om this. We would therefore like to propose that a set OE PiciMEnPLeS Oise WiroOad wuadelimasg DO wWiyom EQ Ene Management Committee, and that the Management Committee be then mandated to take whatever Hietisioniodthey-t ihave;; got, to: take , oni, .ehe AGMILBSLON Ol peweELeS, to take them, having recourse to the guidelines or the principles which shall have been adumbrated by CODESA and agreed to by CODESA.

Thank you Mr Chairman.

Thanksyowssin the meantime let uscheareanother speaker please.

Could we have a one plus two back-up in Management Commettelem anda am ones pilaus omen ibalele Sip) snl worsen cso psn That is a proposal Mr Chairman.

Wineie gllnoihe ieleyeie 2

/The

WW S WiawEAINS

K RAJOO:

P GORDHAN:

JUSTICE SCHABORT:

P GORDHAN:

JUSTICE SCHABORT:

2z42

The proposal from the panel is that we have a one plus one back-up in the Management Committee. We are proposing that we have a one plus two and in the work groups we have a one plus one.

Beam Rajee from Selidaniit y oRawty-. onl Å«would qi mee

clarity on substitute and proxy. When there were delegates and back-up people, there was a provision for substitute. Now I want to know whether proxies are also AlMUOWeG, AS @ joOimie Ox Cllasraicy, Wnamk you.

Comdhani frsome them Nattallemanide diraams\vjalalegsendlame aGomenaelsicn Mie (C\naisiiein@in, imeyy I sas peCcirimilily SUGEOSIE, iim Oiral@ie oO facilitate the proceedings that we take each proposal DUE wOicwescGl OQ wi pemel On the Seage aim pie

1 iO Une Mouse, Ome Ae A eile. te as my view that this would facilitate our discussions and In@ilj WS.

Wes, I dont elmaime Tie WAS elintereipAiced elma icneice jrouulel be as many of these proposals as have been forthcoming. Bute Ate â\200\230telmis Stave we wolllal Areicoirea elne eine@ll Bin O}9)DOic= EUnatyeof dealing with these,that have,been, made; so far. I think it's a good recommendation.

Mr Chairman, my point is that the proposals emerging from,thepanel itself beput te the housegone at a tame and if there are counter-proposals, they can be made

in aoparticular, order... What. we, are: hayingsis, moving ,up anidacdlowment hem lsisiteaaice Enea momen\itr

Ves onlLetvmesjustgack, how manyÅ¢other speakers are

there still? There are only three more speakers so

ema ele lela

K M ANDREW:

JUSTICE SCHABORT:

G VILJOEN:

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we will confine this discussion to these three addi-
iPivionaly speakers 1 And on: that basis, 4 Wwoulae afford
these speakers to make their points if they are per-
timent to what we are presently discussing. And the
panely will: note that and comment on that an! dive: course.
Thank you Mr Chairman. Ken Andrew, Democratic Party.
In response to the suggestion of Mr Felgate, we would
lakes toidisagree: and recommend: that ine fact , in respect
of the Management Committee that one has one delegate
and that person is allowed two back-up advisers or
Stati persons within the room. In respect of working
groups, that each delegation be allowed two delegates
Onn alWOmKI ng, Si OUpmasmwellllaich two ibaekâ\200\224apesplensomich.
aAGdWwiG@ircg Or Stair people, Mntieadlly, wm raspact Ot
proxies and alternates, we would suggest that delegates
be allowed to have alternates representing them at any
meeting but one would not have proxies in the sense
that you would send a message with some other delega-
ElOM EO AC On WOur Wemale, S@ you Could nave am
AIEermaAce Wie you Ccouwllldm"ic INAvye a proxy Dy way OF a
written message or something similar. Thank you.
PieOiessor Wally oemâ\200\235

Mr Chairman, I would like to associate myself with the
two points made by Mr Andrew. I think these working
groups are going to have very important assignments and
tebsegoing tetbecteallyrdifixetitâ\200\231 to have*only*onue-pits
onehonea working group. *L would*also sSipport his *idÃ@d

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

Vain

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

[tenet cin tena OH es

IP world=alcio Mr iChavuman ys lnke: Tomas Oclate Myceunn sw tin the Secretariat's recommendation that the whole question of further participants be referred to the Management Committtecn = tes stiller tla SiOme mons tesic = mic te tenac sole further participants have been referred to and fro;

ate te Menem iclcmem ones cl lawakyion Dele i rein mel Dilndedn (enya (Owe) (eel

final resolution on them. But I would plead that we should avoid arriving at a negative decision, especially on such a real and a sensitive question as the need

(pit, qe Spe) Vakiniges Opie eau) Arid quifey aeeyojin CYejyolie al inte, Iola f=} palf el{EaL(oyia je (0) |y(&

involved in constitutional negotiations with CODESA.

I would therefore like to support the general trend and the overall effect of the Secretariat's recommendation to have further participants referred to the Management

Gommittee. But 2 wouldd like to suggest that there are

Aen tomnclc Sterne

JUSTICE SCHABORT:

A RAJBANSI:

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at least three categories which require consideration.

Ne mOne ls tniecremeedunisons s thie m hence O teat Nem llaiic ine piace
Semel ino sma HOn tom De sin yvoleved im Come ed tit Omen

negotiations with CODESA, which I have already mentioned.

The second is the proposal with regard to traditional
readems which misme emat tenon i siaalve salmiponatanice! toon,
which I think should be specifically considered. And
IMAM OLIN WOCWACIES Wose jeep jrreallonl , joie yal lel jelnvey
COME Hie OM POCOMeETon Wee WteaApamies ain jessie) Ow Iuille I, tl.
Namely politicalepantues, â\200\224politreallonganiscatilons and
administrations, such requests that have not yet been

reaingillilyy Gleyelibie yak ies Â«,

IE yowllal En@ircer@re gwisie Ibailles j2@ Syyeewy whaie yalrelmatial elas
general ambit of the Secretariat's recommendation,
these three categories , amongst others, receive specific
Ateee MiteweOmlrs

Wie Raq eves, Glo) sO Sierilil Wale jee) ideeâ\200\235

Yes, most of my points have been covered by Mr Ken
Andrew and I don't intend repeating them Mr Chairman,
except to state that the working groups will be the
engine room of CODESA. And we are very strongly
opposed to any alteration to the suggestion made by the
Secretariatee Wer sUpponmt that the audes) whiten waslll bie
allowed at the Management Committee be increased from

one to two. Thank you.

y/ MU aeenn come VON cee

JUSTICE SCHABORT:

B HOLOMISA:

JUSTICE SCHABORT:

Bb nObOMTSA:

JUSTICE SCHABORT:

B HOLOMISA:

JUSTICE SCHABORT:

CONVENTION:

JUSTICE SCHABORT:

B HOLOMISA:

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Thank you. Ladies and gentlemen, that would then
comelude: (the conta butaons from the Åfloore accor dang
tom thie decision taken. ~ lf call on Ma Maduna.

On a point of order Mr Chairman.

Yes General?

iihvaniks yow Mr (Chadnsman.

Just a moment General. Is this now concerning this
particular proposal? Because it was accepted and decided
that there would only be three more speakers on this topic.
Uinktonataumatterlsvaen atahntem Homoieraatbs ae: a hbeneu cite ehan eoham QOnicitesla
ts Uns
CLOMAL Metairs IMAG waAdised A jp@amie wWintEM 15 Of TMcSEreSe
cO US, Ama I eel Wwe MmAWe A weielnce cO weaspond, name
you.

Ladies and gentlemen, will we afford the Transkei

delegation an. opportunity to address this: particubar

issue?

Yes.

Wesiethank: you.. Then: you mayo proceed .

Thank you Mr Chairman. We have before us an agenda which
deals with the admissions Opie ia bras ten ehame plaka tein Celapranimates mercies
CODES > You wRlle remember sir, thatawe epent*andot of
time at the preparatory meeting discussing the atten-
danicecioâ\202¬ cles Zila Kame at CODES, eiiterne areta, number
of other traditional leaders who have a rightful claim
to admission at CODESA. So as to ensure that CODESA
does not become an unwieldy body in view of the
number of traditional leaders that we have, Transkei

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

/CODESA

JUSTICE SCHABORT:

G VILJOEN:

JUSTICE SCHABORT:

B HOLOMISA:

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CODESA to travel around the country, meeting with traditional leaders, looking to their interests and endeavour to forge unity among them so that they ventilate their aspirations in fruitful unison rather than as disparate groups. The task group will have to EOMOIME jo) COWNASA Om ie wainaldinss,, Whreinke sow fyi.

Thank you.

Professor Viljoen, would you be able to accommodate MASH wet ne tines tau cite mon yO = piaOmorsial lay

Mr Chairman, I have avoided being instructive. My contribution was to suggest three areas which should, amongst others, receive attention where the recommendation of the Secretariat that the Management Committee further deal with additional requests for participation DÂ® CoOmergercel, IM yrowlill Grief, Glalie , qelmealir (elo) fal we iml(o)\y instructions about the detail of the methodology to be Hetcoal nl cyst 1 es mm tex Onno ONIN mete Cn aT TN Coren CC Wyse Lets tener CUTTS COM Ve a LE

ev ar dienas se aw iiacl han lemetallietnike chs) elnVielanyami pe OlOICe man Cl cycle s ieniumelntaresiconlitory isn't really a matter for which we are here prepared. And I would therefore also suggest that the proposal

of General Holomisa be referred to the Management Committee as a method which could be followed in dealing Nr AIN teh bln a te CMe CLONE SIcn GI lta ctl toe umn ON tenmmeten Utes Cen stom Drclln tga toned omsles DICUMIN ess eye eta ticularly further participants in the general category OG we maint womaleWeadeisirs

Yes, Women syou Wie Wat Ikyj@em

General, would that be carrying your approval?

Mr Chairman, I fully agree with the Honourable Minister.

laine KomenyaQrtiirs

7a eit) coe Os rca

JUSTICE SCHABORT:

P MADUNA:

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Thank you very much.

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

Thank you co-Chairpersons. I think some aspects have been addressed already by the meeting. There are just one or two aspects which were raised which we would like to response to, Wiirsiely, Ene Qnuestiom Of ElMaiirâ\200\224 MAMESInip Or workings groups, Owe ree@limge is emate we shouldn't be prescriptive when working groups meet for (BOWS) oeslighye yabukg Wfeeln \onelcalyey feeds) \yalIbIl GlSfestGle \An\Ko will Chasse LES MEGCEIMES OM tle DasSiS to ability, And then, should a person be drawn from a participating organisation for that purpose, thak organisation wall he. entitled to bring im another person to actually be

Om the COMMLEEROE, CO iol MAE VYacamecy.

Secondly, the question of back-up advisers has been handled but we feel we should mention to this meeting that our argument for a one-to-one arrangement at the level of management, and one is coneue when we come to the working enoups; is: the! factiythatiat work igi rroup

level that's where work actually takes place.

PWNS WOWMELNG ooo

The working groups need more back-up staff or back-up advisers so that they can thrash out issues and come up with recommendations to the management which is a body that will basically deal with recommendations that shall have gone through a whole process of machinery.

\s far as proxies are concerned, we are aware that we have made an allowance for proxies up to now when we address the question of the Managing Secretariat, but our proposal of course does away with that, and we are saying where a representative of any organisation cannot attend a meeting for whatever reason, management has to be informed by that organisation well in advance, say 48 hours before, as to who will come in the place of the delegate. That arrangement we feel will do away with

lots of irregularities.

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

M J MAHLANGU: Mr Chairman, we just want to correct something from the remark raised by Dr Maduna. I think firstly he referred to the working group as 2 is to 2, and the management 1 is to 1.

JUSTICE SCHABORT: What you are saying is correct.

M J MAHLANGU: Thank you.

/Ladies...

Za)

MR_JUSTICE SCHABORT

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

Agreed generally, apart from the voices that were raised.

Well then there was sufficient consensus on this score.

Rs regards the question of issues that would preferably be left to the Management Committee as proposed by Professor Viljoen, being guidelines and principles, further participants, the question of traditional leaders, and I take it the King of the yoins and other participants, that those questions be left to the Management Committee.

Ladies and gentlemen, is there general agreement in that connection?

Thank you very much.

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

(Agreed)

Thank you.

/CUOSUNG. aÂ»

eal

CLOSING REMARKS

MR_JUSTICE SCHABORT

Dames en Here, as dit gister n baie lang dag was, â\202-k wil nie Se Å«ile Tangete dag in die geskiedenis van ons land nie, is dit vandag 'n kort dag gewees. Ons gaan hierdie verrigtinge nou afisiuit met enkele opmerkings. Ons het baie gepraat. Hopelik

is daar ook veel gesÃ©.

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

of CODESA have been conceived by you, ladies and gentlemen, as Politicians. They have been pursued by you to this point and MPC Over CO) you to) determine the fate Of CODESAS| Whatr sat Stake Ws} Tee seers) Oe WIS Elli, Eleyel juvosets) alunjoyop@tecyaelyy Gye Oyble Smelaren and theirs. May the good Lord guide all the politicians

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

MR JUSTICE MAHOMED

At 10h00 yesterday we began an uncertain but politically

exciting leap into the future by consciously agreeing to explore, fo identify, to debate and to articulate our dreams fox a new

and free South Africa, liberated from the shame and the pain of its

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

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time beginning of this journey. And this first journey has
tadeed Deel im its intensity and passion the kind of experience
of which history is made in celestial leaps. For nearly two
full days, some of the most troubled and some of the most
traumatized of our sons and daughters have given public expression
in varying degrees to their deepest feelings. Sometimes to the
nobility of their aspirations, sometimes to the sweetness of
their dreams, sometimes to the horror of their fears, sometimes
to the depths of their anxieties, sometimes still to the
intensity of their anger, sometimes to the pathos of their
Swueze@resiing,, Eyal Ere SiesiLiL Cjelaewe (ema (a6) ela Nine GLLaTn Cie bin te emis
UAiTS

future.

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

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

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

mutate a new catharsis and to regenerate our souls.

This first meeting of CODESA has yielded mighty results in at

least three crucial areas. In the first place, we have

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Pielerlectvally, if not yet practically, made a giant leap forward from the immoral premises of apartheid and racism towards the spiritualising and liberating dimensions of structures based on love and sharing between all the citizens of our beloved land. This is written in the bold and vigorous strokes of those parts of the Declaration of Intent to: which every party at this Convention, including those who have not yet signed, have expressed

their unanimous commitment.

In the second place, we have after our years of isolation, experienced the enthusiastic support of the international community of observers who have given momentum to our commitment by an

unprecedented and public declaration of empathy and solidarity.

And thirdly, we have given to what would otherwise

be in danger of becoming an aborted romance without any internal Stability, the potential teeth, the discipline, the support Bealetmres, the nuts and bolts, to sustain it into an achievable and imminent future in the form of mechanisms and working groups and commissions with detailed programmes. Make no mistake about it, these are mighty achievements. Perhaps we are much too close to it to appreciate its enormity. If we place what we have resolved and if we pursue what we have resolved with the urgency, the speed and the integrity which our country is entitled to demand of us, subsequent generations might well see this day and this moment as the day when South Africa was reborn, not

Gpiy to bring glory to its own citizens, but to rekindle hope

Akola

and regeneration for the Africa of which it is a part and for a world in search of a new idealism to regenerate many of its recently frustrated dreams. I thank you.

Ladies and gentlemen, I have a request from Dr Mandela and Professor Viljoen to make certain formal and courteous remarks. I will call on Dr Nelson Mandela to please come to the podium.
/DR MANDELA ...

DR_N MANDELA

AFRICAN NATIONAL CONGRESS

Piectiy, On behalf of the delegation of the ANC, I wish to thank the Chairpersons for the excellent manner in which they fee chaared this Convention. They have done so in an even-handed manner; brought to bear on our discussions the wisdom, ime Gxperience which they have acquired in the course of their Preoremcion, il am certainly not going to ask for the formation Ome mesOnccCOMCS til Or the Cher WUsitttce ane tne: two, Chana persons here. But what they have said in the course of this convention; what the Chief Justice said; the contribution by Judge Schabort, and especially the address which Judge Mahomed has given, will allay some of the fears and balance some of the criticisms which we justifiably make against the country's judiciary. Their performance here is evidence that some of the (aIgcICbinisKOMSH Os meme cEeale a) WGCeS in tennis GOUnetaye nich Cl1 Ota icwleor
gether been lost.

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

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

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

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

I am certain that participants, will realise from what happened
yesterday that settling the problems of our country is not going
to be an easy process. To that extent I once more commit my
Government to do all in its power to ensure a smooth co-
operation between all CODESA participants, and the Government

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

to adopt the same attitude. Thank you.

MR JUSTICE MAHOMED

There will be a response from Mr Pik Botha.

aod

MR_R_ F BOTHA

SOUTH AFRICAN GOVERNMENT

Mr Chairman, leaders of delegations, fellow participants, as
EMIS WeIny almoormceinS WeEEetcilne sls GCheewiAlanc ico a2 CLOSEG, we WS more
for me to pronounce any judgment. Mere as zor Owie leaceics .
BONE Oi losing Os ienÂ© SQuiela Miciewdeein Cowscwmenie, we as imy cloneyy
GinGl sie AS AISOÂ© @ Wasi OI Why IN@eicie ico) GENY lcO dae Neeckeie Oi iene
ANC amÂ©l 1|OÂ© iWaeÂ© NC, aincl I Ince wu \alllil lo@ wexewle tO imyeelie, alice 1
do so straightforwardly, that we were badly hurt yesterday,
very, vwemy loaclly = ietere 15 MO OelneIe Wey L Cain CleseiriloS we =
by the remarks of Mr Mandela. Because sir, I can also go back
in history. I do not know where we must end in going back.

I< Cam GO ioaeis aimcOo Inasicoiny aiacl jooOine Owe lcO 30 OWW Wronea ainel
children who died in concentration camps which would have meant
that we, the Boere, the Afrikaners, would have been a few

mililroim more tcoceyy aie telmere Clacla ie Imeysysvetal .

I can also go back into injustices of how mineral rights were
Poen away from my. grandfathers! farms and how they suffered
ene Jived 1 .peverty. I do mot say this in a, cynical way. and
i aemvyengerul wey....The fact of the matter is.that,all, of us
as we sit here, coming from so many countries of the world and
fee Stmiea, we all have had a history of comftlict, of strife,
It was after all my people who fought the fiercest anti-colonial
Wem, Gm ethis Continent. .We kept at bay half-a-million British
troops which even by todayâ\200\231s standards is an achievement. We

ace iewiCam, We walllil seeimesia â\200\230uerelCein,g Novel Yyoelie ais} mene, euLil

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Over Africa where I visit and where T (Sache eon MiEeclurais an African. Sir, when I speak to my African brothers north of the Limpopo River, they understand the need, the absolute necessity that we should join forces because Europe, America - and their ambassadors are here, they can hear me and Ta) Â© as ae to their Governments - they are embarked on a new world order. er iem. Central Europe is going to require finds and focts a Gereneion. â\200\234 The eventsâ\200\235 in the Soviet Union is going to requice attention and the focus of the major powers. Where does igs Leave ws, â\200\234We â\200\230cannot afford here in CODESA, we cannot

Com Ora CUE MNCs sauna awe Â«Camo cliaisOnacle aime Alierantcicl eOnmlne ts Eiese important developments pass us by.

I say to you here they talk in the chambers in Europe - where they meet secretly and openly - of Africa being marginalised. They refer to us as the Continent which might be marginalised. That means the Continent which will wink out of existence. They are going to say goodbye to us. Whether we are Black or White, Coloured or Asian, they are going to say goodbye to us. There is therefore an urgent need, apart from our internal - the internal necessity to stand together, to act in friendliness to one another, to act in considerateness to one another - there is an urgent necessity to show a united plan or programme towards the industrialized world. If we do not do that - ask them - they will say goodbye to us. And it is against that background that I

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

Cie ce ee

agree with me - after all we had this brief conversation
yesterday evening - and he will recall that I said to him

Pelle Of his remarks hurt us badly. Then he said to me: Alright,
I will attend to it and that gave me hope. That gave me hope.

I do not think we will achieve much by further acrimonious
exchanges. 8 mensely, wanted to State Mere â\200\224 because that we) not
themtask Of my President â\200\224 that is the task of his Cabinet and

alli Inals} Swyoyjsroroceres} ie) ely tele) \eyblG Wo ohbate bie) loyally, Weoney, were
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badly. We could hit back, believe me we could hit back, but

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

aliol CKOpMILIAG; EO) CreSene Wis} Elis} sexeulSwoyellly Jopetoyeloshers .

And on that note, I want to conclude by reminding you of what

a Swazi philosopher once told me. There are two stories I want
to leave with you and then I will conclude, as my President would
also like to express a few words. This Swazi philosopher when
IT asked him: What is your secret that you grew old with such
serenity, calmly, happiness on your face? And you know how the
Swazis can be with their lovely grey hair, sitting there
philosophising.. And he just said to me: Just one reason. The
Pome ot life I walked in such a way that I left enough room on
that road for others to pass me by without us bumping into one
AMCOTMNcae ANG the Ohem One, which l Once sald ae tne United

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

ASCs

but he said to me: We are like the Zebra. It doesn't matter whether you put the bullet through the white stripe or the black Stripe, if it hits the animal the whole animal will die.

Tien you ror this opportunity.

MR_JUSTICE MAHOMED

Dr Mdlalose would like to say a few words.

/DR MDLALOSE

DR_F T MDLALOSE

INKATHA FREEDOM PARTY

The Honourable Judges, Chairpersons of CODESA, the respected delegates of this Convention for Democracy in South Africa, ladies and gentlemen, I thank you sir, for the privilege you

have granted me to say a word or two. My word or two consists essentially of thanks.

Wine iHaseshe joOsimie UW WKOULCL Walks co joke CIOS, Ih Weby Oc Qujolmasis, fe tie fact that Inkatha Freedom Party is more than, ever @eoummiercea to COPESA, to the spirit of CODESA, and to. the forward jeune, that has been started over this weekend. We have been on this road to democracy for some decades, for many years in fact. We have been in our own way fighting apartheid and with so many people that there are in South Africa, there have been many ways of fighting apartheid, some acceptable to some people, others not acceptable to other people, but we have been fighting against apartheid and we are still fighting. Ways may have CeibeeraS Cac C OrqCcienicuniaOcemerscngome imelimaecioars, Aeeoreulng different philosophies, but the aim has been the same, the end Gee all must be justice, fairness, equality and humanism IE ONE every human being in South Africa. This has to be irrespective

Of Gex, irrespective of colour, irrespective of ethnicity.

We would like to appeal to ourselves as South Africans, all on Me, appeal for tolerance, appeal for acceptance, appeal for realisation that the 35-odd million people that we are in

South Africa cannot all think alike, and they Clelraia Â© teecllen eelcosieeen

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the cat the same way. Differences have been, and differences there will always be. Tolerance, acceptance, one for the other. I would like at this juncture to thank everybody that has participated on behalf of Inkatha, everybody that has participated in this CODESA because we have learned one from the other. I would like to thank the supporting structures that have gone on because they have maintained us and they have helped us to move ahead. I would also like to thank the whole of the Republic of South Africa because the good wishes for success in this CODESA has come from the whole of South Africa, Black, White, Yellow, Green, everybody has said: Let there be success. There will

be successful: In South Africa.

It also wants to thank the whole world for here we have the

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

and consulate generals for many, many countries throughout the world. But the last and most important thanks that I would like to give are thanks to you sirs. Thanks to you Lom Navin seen We through our initial stages of the preparatory committee meeting. Thanks for having seen us through these two days here. Thanks for your good guidance. And having been a head boy in my earlier days, I like to think of the imagery Oi eee oy

that is full of milk; the udder being full like that, but

the little calf out there may be gambolling around perhaps not

/so

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so anxious to come and suck. That is what happens. And the

imagery is: Long before the calf wishes to suck, does the cow
Yearn to suckle. â\200\234You have been like that cow tous, you, as

our Chairmen. I would like to thank everybody.

MR_ JUSTICE MAHOMED

I was under the impression that Mr Pik Botha had been nominated
to respond to Mr Mandela's remarks on behalf of the Gavernment,

but I have a note here from Professor Viljoen that says: the President

asks permission for a few words please. Regard being had to
his status, and in the hope that it helps the process of healing,

i Will moe Clery loam jeleekte Cjojexepeiebholy/c

/President de Klerk

PRESIDENT F_W DE KLERK

SOUTH AFRICAN GOVERNMENT

Thank you, Mx Chairman. As Mr Botha indicated, I would like, as the leader of the Government delegation, to thank you, the two Chairmen, and all those who worked in the supporting structures, most heartily for the very wise and the very efficient way in

which this Convention has been managed.

Thank you very much also from our side in Government, and from all those who over months also in interaction with us - I also speak on their behalf - worked towards this Convention.

Mee Cheauirman, tnws Convention is an historic one. The work now has to start. We have attained wonders in these few days. We have reached consensus on the agenda. We have reached consensus on the structures which need to be put into place to effectively deal with that agenda. The next step is that we must man those structures within a short time so that early in the new year

they can start working.

The goal which we have set ourselves, and on which there is consensus between us, is a noble goal. It is the goal of bringing about a new dispensation which is fair and equitable and just, of which all South Africans can be proud, and in which all South Africans can participate. I want to pledge myself here that I will not allow anything from our side to stand in the way of reaching that goal. Therefore, we have decided to work together. We have pledged ourselves to do that in the

Declaration of Intent. We will bring our part to make sure

/that

that the common goals which we have already defined, and the common goals which we are about to define, that those common goals we will strive towards with every ounce of energy and that you will always find us there. We will negotiate with honesty and integrity.

Sie, wt the Close of this Convention, we stand on the threshold of Christmas. My bedde is dat die gees van Kersfees die boodskap van liefde en vrede wat dit omdra, die boodskap van verlossing wat daarin vervat is, dat daardie boodskap ook die kultuur sal word van hierdie Konvensie op sy _ pad vorentoe, dat daardie boodskap die karakter sal bepaal van die nuwe

Suid Afrika waarvoor ons werk. Verdraagsaamheid, liefde vir u naaste, integriteit, vrede, werklike samewerking.

i wish for all of you that this spirit of Christmas will also in your personal and family lives manifest itself, not only in the festive season, but also in 1992 which will be a crucial year for our country. In that spirit I greet you, and I look forward to when we reconvene in the working groups.

May all the deliberations there succeed in bringing us soon towards the dream of a new constitution which will be fair and just, which will be acceptable to all South Africans; which may put this country finally on the road to pealieu ite

tremendous potential. I thank you.

/CHAIRMAN

MR_ JUSTICE MAHOMED

I'm happy to say that we have reached the end of this momentous session, save for a few logistical announcements by Mr Murphy

Morobe. I wish you all a very happy Christmas.

CONCLUSION OF THE CONVENTION

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20 AND 21 DECEMBER 1991

AGENDA

Day One

ily OPENING: CHIEF JUSTICE CORBETT

as PRAYERS

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

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

a ADOPTION AND SIGNING OF A DECLARATION OF INTENT

Day Two

6. CONSIDERATION OF STANDING RULES
mn FORMATION AND TERMS OF REFERENCE OF WORKING GROUPS
8. THE WAY FORWARD: INCLUDING

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

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

Photo-session in hall
10:30 - 11:00 Tea

12:30 - 14:00 Lunch
15:45 - 16:15 Tea 13:00 Conclusion
and lunch

18:30 Cocktail

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CONENTION FOR A DEMOCRATIC SOUTH AFRICA

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PO Box 307, Isando, 1600, South Alrica.
Telephone (011) 597-1198/99. Fax (011) 397-2211

DECLARATION OF INTENT

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

declare our solemn commitment:

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;

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;

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

ifs 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:

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

consistent with democracy.

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

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

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

to realise their implementation.

SIGNATURE(S)

WMA | curcleAt

REPRESENTING

African National Congress
Bophuthatswana Government
Ciskei Government

Democratic Party

Dikwankwetla Party

Inkatha Freedom 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.

SIGNATURE
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South African Government

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

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

Standing Rules of Procedure for Plenary Sessions

Participants

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

Delegates

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

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

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

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

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

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

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PO Box 307, tsando, 1600, South Africa
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Agreement

- a. (1) Every delegation shall, when called by the Chair to express its position on a proposal or matter before the meeting, have such position stated by the leader of the delegation or a spokesperson appointed by the leader of the delegation.
- (2) Agreement will be arrived at by general consensus or, failing that, by sufficient consensus.
- (3) Agreement by sufficient consensus will have been reached when consensus is of such a nature that the work of the Convention can move forward effectively.
- (4) Disagreeing participants shall have the right to record their objections or dissent .
- (5) When disagreement exists, the Chair will allow parties adequate time to consult amongst each other and with their principals before recording any position.

Quorum

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

Speeches and Interventions

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 Management Committee.
- (3) In general, the Chair shall call up speakers in the order in which they signify their desire to speak. The Chair, however, shall ensure that each delegation is afforded a reasonable opportunity to speak.
- (4) The Chair shall apply the standard rules applicable to meetings, except as otherwise stipulated herein or in terms of any resolution adopted under rule 9.

The Chair

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

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

Minutes and Documentation

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

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

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

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

Access of Media

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

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

Additional Rules of Procedure

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

Miscellaneous

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

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

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

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

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AGREED TERMS OF REFERENCE FOR WORKING GROUPS FOR

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CODESA

WORKING GROUP _1

FIRST ASSIGNMENT

Creation of a climate for free political participation.

Terms of Reference

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

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

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

a democratic South Africa

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

a basis of equality with the other participants

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

a Climate for Free Political Participation shall be as follows:

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

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

introduction of a new constitution

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

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

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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

how the following issues should be addressed:

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (j)
- (k)
- (l)
- (m)
- (n)
- (o)
- (p)

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

the return of exiles and their families;

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

political intimidation;

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

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

the successful implementation of the National Peace Accord;

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

the funding of political parties;

the fair access to public facilities and meeting venues;

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

the need for an improvement in socio-economic conditions;

the fostering of a spirit of tolerance amongst political parties;

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

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

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

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SECOND ASSIGNMENT

Role of international community.

Terms of Reference

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

set out in the Declaration of Intent

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

providing for full and effective participation of all South Africans

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

shall have the following terms of reference:

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

introduction of a new constitution for South Africa.

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

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

participating delegations.

WORKING GROUP 2
FIRST ASSIGNMENT

General Constitutional Principles.

Terms of Reference

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

IT IS RECORDED that the Working Groupon GeneralConstitutional Principles shall have the following terms of reference:

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

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

SECOND ASSIGNMENT

Constitution-making body/process

Terms of Reference

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

a democratic South Africa, enjoying internal legitimacy and international acceptance

AND WHEREAS it has been agreed that a Working Groupon 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 Groupon a constitution-making body/process shall have the following terms of reference:

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

an appropriate constitution-making body/process.

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

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

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

participating delegations.

2.1.4 In respect of a constitution-making process:

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

(a) 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.

2.1.5. In respect of a constitution-making body

In the event of it being recommended that there be a special constitution-making body, then specifically, but without vitiating the generality of paragraph 2.1.1, is to be considered:

(a)
(b)
(c)

(d)
(e)
(f)
(g)

its composition

its legal status

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

its method of functioning

the status of its decisions

should it be an elected body, the appropriate electoral process

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

brief.

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WORKING GROUP 3
ASSIGNMENT

Transitional arrangements/interim government/transitional authority.

Terms of Reference

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

Declaration of Intent as amended from time to time

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

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

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

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

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

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WORKING GROUP 4

ASSIGNMENT

Future of TBVC states.

Terms of Reference

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

Declaration of Intent as amended from time to time

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

transitional arrangements

AND WHEREAS the reality of the current existence of a number of separate but parallel institutions such as different administrations, civil services, armed forces, police forces

and judiciaries as well as differing laws in certain instances which presently exist in South

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

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

disruption

IT IS RECORDED that the terms of reference of the Working Group on the future Re-

incorporation of the TBVC states are as follows:

1.1.1 To investigate and report upon all proposals and make recommendations with regard to the relationships between South Africa, the TBVC states and the people

of those states under a new South African constitution.

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

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

between participating delegations.

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

and how:

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

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

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

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

land transfers by South Africa to these states;

citizenship;

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

brief.

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

- (a)
- (b)
- (c)
- (i)
- (j)
- (k)
- (l)
- (m)
- (o)

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

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

optimal use of existing infrastructure;

review of development project priorities;

good administration during transition;

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

the exact form of authority in the TBVC territories;

harmonisation of legislation and taxation;

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

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

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

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WORKING GROUP 5

ASSIGNMENT

Time frames and implementation of Codesa's agreements.

Terms of Reference

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

Declaration of Intent as amended from time to time.

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

AND WHEREAS it has been agreed that a Working Group on the Implementation of _Agreements/Decisions shall be appointed by Codesa to identify the steps which need to be taken by the parties to Codesa

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

IT IS RECORDED that the terms of reference of the Working Group on time frames and the implementation of Codesa's agreements/decisions are as follows:

1.1.1 To investigate and report upon all proposals and make recommendations with regard to appropriate time frames and target completion dates for all of the processes and assignments being undertaken by Codesa, its working groups and other bodies created as a result of agreements/decisions of Codesa.

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

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

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

- (a)
- (b)
- (c)
- (e)
- (f)
- (g)
- (h)
- (i)
- (j)

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

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

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

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

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

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

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

practical effect of implementation of agreements;

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

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

