

THESE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF WORKING GROUP 4, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE.

ADOPTED BY MEETING OF WORKING GROUP 4 ON 21 APRIL 1992

MINUTES OF THE SEVENTH MEETING OF WORKING GROUP 4 (FUTURE OF THE TBVC STATES) HELD AT THE WORLD TRADE CENTRE ON MONDAY 30 MARCH 1992 AT 10H00

PRESENT: Delegates and advisors (See Addendum A)

SN Sigcau (Chair)

S Albertyn (Secretary)

M Durrheim (Minutes)

1. Opening by Chairperson

The delegates and advisors were welcomed by the chairperson.

2. Agenda

The agenda for the meeting, as drawn up by Working Group 4 Steering Committee (WGSC 4), mandated by Working Group 4 (WG 4), was adopted by Working Group 4.

3. Adoption of minutes

The minutes of meeting of WG 4 of 9 March 1992 were adopted with the following changes:

3.1 Point 7.4.2: The spelling of the rapporteur's name is incorrect and is M Memela.

3.2 Point 7.4.3 should read: Sub-group 4 - AC Ramone or N Ngcuka.

4. Matters arising

There were no matters arising.

5. Report on joint meeting of the steering committees of Working Groups 3 and 4 held on 24 March 1992.

5.1 The chairperson read out the draft minutes of the joint meeting, copies of which were circulated. The chairperson brought to the attention of the meeting that WG 3 had pointed out in the joint meeting that if there is a delay in reaching consensus in WG 4, WG 3 would go ahead and make decisions regarding interim arrangements for the TBVC states.

5.2 There was considerable discussion regarding the status of point 2.5 of the draft minutes.

5.2.1 A number of delegations expressed their disquiet that points of view had been presented to the joint meeting before such views had been presented to WG 4 and therefore without the endorsement of WG 4.

5.2.2 It was proposed that only minutes and reports already submitted to and approved by WG 4 and its sub groups should be reported on at these joint meetings.

5.2.3 It was agreed that this "mistake" and the approach to be adopted regarding reports to future joint meetings would be discussed at the next meeting of WGSC 4.

6. Position statements from each of the TBVC states and SA Government

6.1 Delegates from the TBVC states and the SA Government requested more time for the preparation of their position statements in order to allow for further consultation with their principals and with each other.

6.2 It was agreed to set a deadline for the submission of position papers by the TBVC states and the SA Government:

6.2.1 Position papers will be presented at the next meeting of WG 4, scheduled for 13 April 1992.

6.2.2 Position papers must be received by the Codesa secretariat by Wednesday 8 April, in order that they may be circulated to all delegations by Friday 10 April 1992.

7. Report-back from each sub group

7.1 Report-back from sub group 1 (Testing the Will of the People)

7.1.1 The chairperson of sub group 1 paraphrased the 'Preliminary Summary of Proceedings of Sub group 1' (Addendum B) which had been presented to WG 4 on 9 March 1992. Copies of Addendum B were circulated at the meeting. He reported that at a subsequent joint meeting of sub groups 1 and 2 certain delegations had stated their objection to the separate counting of votes in the TBVC states. The effect of these objections meant that sub group 1 had deadlocked. These objections also challenged the terms of reference of sub group 1 which implied a separate counting of votes in the TBVC states on the question of reincorporation. The chairperson reported to WG 4 that sub group 1 could not continue with its brief as long as the position adopted by these parties remains unchanged.

7.1.2 After discussion, it was agreed not to discuss the reports of the various sub groups at this meeting of WG 4, and that, in view of the present deadlock, sub groups 1 and 2 would not meet again until after new position papers had been presented by the TBVC states and the SA Government.

7.1.3 The chairperson of sub group 1 raised his concern regarding the increasingly negative public perception of Codesa and pointed to the suggestions already made in this regard by sub group 1 urging that the matter be pursued with the DMC.

7.2 Report-back from sub group 2 (Citizenship)

7.2.1 The acting chairperson of sub group 2 read from the written report submitted to the joint meeting of sub groups 1 and 2, copies of which were circulated at the meeting.

7.3 Report-back from sub group 3 (The Administrative, Financial and Practical Effects of Re-incorporation of the TBVC states)

7.3.1 The chairperson of sub group 3 gave a verbal report and noted that the collection of information regarding technical aspects of re-incorporation had nearly been completed.

7.3.2 It was agreed that sub group 3 would meet after the WG 4 meeting to discuss the way ahead.

7.4 Report-back from sub group 4 (The Future of the TBVC States)

7.4.1 The chairperson of sub group 4 presented a document headed 'Synthesis of Attitudes to Re-incorporation by TBVC States', copies of which were circulated at the meeting, which had been accepted by sub group 4 as a correct reflection of discussion to date.

8. **Appointment of two Rapporteurs for Working Group 4**

It was agreed to appoint the following two rapporteurs for WG 4:

G Budlender
M Memela

9. **Date of next meeting of Working Group 4**

It was pointed out that flights on Monday 13 April 1992 were already fully booked. It was agreed to schedule the next meeting of WG 4 for Tuesday 14 April 1992.

Note: The Management Committee subsequently decided to grant Codesa staff a holiday for the week commencing Monday 13 April. WGSC 4 therefore decided that the next meeting of WG 4 will take place on Tuesday 21 April 1992 at 10h00.

10. **General**

10.1 Press interviews

WGSC 4 was requested to discuss whether an article appearing in 'Horizon' in which an ANC delegate to WG 4 gave an interview was 'in the spirit of Codesa'.

10.2 Date for Codesa II

The WGSC 4 representative on the DMC reported that the request from WGSC 4 that Codesa II be held on 13 and 14 May 1992 had been turned down by the DMC, and that a decision is still pending.

11. **Closure**

The meeting was closed at 13h15.

SA. J. J. J.
27. 4. 92.

ADDENDUM A

Party/Organisation	Delegates	Advisors
ANC	A Nzo M Phosa	B Mabandla E Moosa
Bophuthatswana	BE Keikelame	JJ Tlholoe DW Schoeman
Ciskei	N Nogcantsi	GF Godden MJ Sondiyazi
Democratic Party	JA Jordaan EK Moorcroft	N Olivier C Simkins
Dikwankwetla Party	SP Matla S Manyane	MJ Molapo DA Thejane
IFP	FT Mdlalose VT Zulu	B Anderson NJ Ngubane
IYP	JL Mahlangu JS Mabena	MS Mahlangu WMB Mohapi
INM	DZ Makhubela JM Matsana	HA Motaung ND Mokoena
Labour Party	A Dick J Douw	S Verveen
NIC/TIC	P David NG Patel	G Singh J Yawitch
National Party	JHW Mentz P Farrell	R Radue PC McKenzie
NPP	D Govender AA Koobair	S Naidoo A Ramulu
Solidarity Party	MF Cassim K Reddy AS Akoob	N Singh Y Seedat
SACP	T Mtintso	L Nyembe S Ngonyama
SA Government	RF Botha AT Meyer	NP van Heerden G Croeser
Transkei	M Titus	LM Bengu SHL Matabese
UPF	LM Mokoena NM Malekane	JM Nonyane ER Maponya

Venda

S Makhuvha
SE Moeti

RR Sumbana

XPP

C Khosa

TB Shibambu

Rapporteurs

G Budlender
B Ngcuka

DOCUMENTS SUBMITTED TO WORKING GROUP 4**PLEASE NOTE:**

At the next Working Group 4 meeting scheduled for Tuesday 21 April 1992, the following submissions, which have already been couriered to each delegation together with the WG 4 minutes of 9 March 1992, will be discussed:

1. ANC Women's League recommendations.
2. Mafikeng Anti-Repression Forum - "problems in the creation of a climate for free political expression in Bophathutswana".
3. Stinkwater Community Authority letter.

Also to be discussed are the submissions circulated to all WG 4 members on 30 March 1992:

4. Bafokeng Action Committee.
5. Letter from Pule Peter Moate.

Finally, also on the agenda will be the submission which is faxed together with these documents :

6. Letter from the Braklaagte Community

SCHEDULE OF MEETINGS DECIDED BY THE STEERING COMMITTEE OF WORKING GROUP 4

Working Group 4: Tuesday 21 April 1992 - 10h00 to 16h00

If the WG 4 meeting ends by 13h00 on Tuesday 21 April 1992, each of the sub groups will then meet at 14h00.

If the WG 4 meeting lasts the entire day on 21 April 1992, each of the sub groups will meet on Wednesday 22 April 1992.

SUBMISSION TO CODESA FROM THE BRAKLAAGTE COMMUNITY - 30.03.92

INTRODUCTION

In 1889 the Bafurutshe бага Sebogodi tribe purchased a piece of land known as Braklaagte from a white farmer, Mr Hutton. The farm, estimated to be some 4000 morgan, is situated some 22 kilometres from Zeerust and accommodates approximately 13,000 people.

The people of Braklaagte first heard of the South African Governments intention to incorporate their land into Bophuthatswana when it was announced in Parliament in 1986. A mass meeting was immediately called by the leaders of the community to find out what the views of the people were about the incorporation. The result of that meeting was a unanimous rejection of incorporation into Bophuthatswana.

The community requested its legal representatives to inform the South African Government of its dissatisfaction with its plans of incorporation.

On 15.12.88 a delegation from the community, accompanied by its legal representatives met with Minister Viljoen. The Minister promised to raise the matter with the Cabinet and relevant government departments but warned the community that it would be difficult to overthrow an agreement between the two governments.

On 27.12.88 the Braklaagte community received a letter from Minister Viljoen informing them that their land would be incorporated into Bophuthatswana on 31.01.89. Proceedings were immediately instituted in the Pretoria Supreme Court but on 08.03.89 the community lost its case against incorporation. An appeal against the judgement was later heard in Bloemfontein but again failed to find in the communities favour.

Dating from the loss of the initial court case in Pretoria there was ongoing confrontation between homeland authorities and the community. Hundreds of members of the community suffered harassment, detention and assault.

On 02.02.91 between 6 and 7 thousand members of the community were forced to flee from Bophuthatswana and seek refuge in churches in Zeerust where they spent 5 months. The flight from Braklaagte came as a result of continuing attacks from a vigilante group backed by the Bophuthatswana forces. The refugees were only able to return to Braklaagte after long negotiations between a community delegation lead by Chief Pupsey Sebogodi and Bophuthatswana officials and their Minister of Foreign Affairs. These negotiations were held in the presence of local South African Government officials.

PROBLEMS EXPERIENCED BY THE BRAKLAAGTE COMMUNITY SINCE INCORPORATION.**1. 1990 - CHIEF JOHN SEBOGODI DEPOSED BY BOPHUTHATSWANA.**

In 1990 the Bophuthatswana Government deposed Chief Sebogodi and imposed Chief Edwin Mollwa on the community. Chief Mollwa was never accepted by the vast majority of the community. He was able to suppress the will of the people as he had the support of President Mangope who used him as an instrument of repression. The majority of the people remain opposed to Chief Mollwa and demand that the son of Chief John Sebogodi - Pupsey Sebogodi be re-instated as chief of the Bafurutshe бага Sebogodi.

2. HARASSMENT OF THE COMMUNITY.

Immediately after Chief Sebogodi was deposed the Bophuthatswana police set up a camp inside Braklaagte from which regular raids were made on the community. Beatings, torture and detentions, including that of Chief Sebogodi and his family were common.

2:1 Schools.

Police intimidation and violence were directed towards the pupils and teachers of the schools. Road Blocks were set up, school buses stopped and children who claimed to be South African rather than Bophuthatswanan citizens were beaten and kicked. Children as young as 14 were tortured and detained.

2 female teachers were taken to nearby farms where they were tortured and raped. Male staff were tortured and detained. Many older children were forced to flee from their homes and younger children dropped out of school. As a result the schools closed down.

In March 1991 community representatives opened discussions with Mr Tom Sitilwane, Minister of Information about the re-opening of the schools, and schools were re-opened in July 1991.

During the period in which the schools were closed the classrooms were occupied by Bophuthatswana forces who caused considerable damage to the buildings. The government agreed to repair the damage during negotiations but as yet little has been done.

2:2 Clinic.

In 1984 the community started to build its own clinic. At the time of incorporation the incomplete clinic buildings were taken over by the government and converted into a police station. After repeated representations were made to the South African and Bophuthatswana governments and the International community the

clinic was returned to the community in July 1991. The clinic is however still not opened. Mediciens du Monde who have cared for the health needs of the community since 1991 were closed down on 20.03.92 by the Bophuthatswana authorities leaving the community with no health services whatsoever.

3. PENSIONS.

On incorporation the South African Government handed over responsibility for the payment of pensions and disability grants to the Bophuthatswana authorities for all persons resident at Braklaagte.

Pensioners were told to apply for Bophuthatswana citizenship in order to apply for pensions. As they were unwilling to give up, their South African citizenship they have remained without pensions since incorporation. This has caused untold suffering to the pensioners and their dependents.

It is important to note that at the time of incorporation SA pensions were higher than those in Bophuthatswana and continued harassment by the authorities was a further problem for pensioners who were obliged to apply to the same authorities for their pensions.

4. FREE POLITICAL AND SOCIAL ACTIVITIES.

From the time of incorporation all free political activity in Braklaagte ceased to exist. Many people were charged with attending illegal gatherings.

During negotiations in Zeerust the Bophuthatswana authorities agreed to call a mass meeting for the people of Braklaagte where the issue of incorporation would be discussed. The meeting was to be at a neutral venue under a neutral chair. The meeting has not yet been convened.

5. DEVELOPMENT ACTIVITIES WITHOUT CONSULTATION.

5:1 ROADS - Much needed roads have been built by the authorities but without consultation over positioning. This has resulted in roads being constructed across fields damaging the productive capacity of the land.

5:2 WATER - Boreholes have been sited without taking community needs into consideration leading to a waste of resources.

RECOMMENDATIONS.**1. REFERENDUM**

The people of Braklaagte call on the Bophuthatswana government to hold a referendum, under international supervision, to determine the feelings of the people on re-incorporation into South Africa.

2. RE - INSTATEMENT OF CHIEF SEBOGODI.

The people of Braklaagte request that chief Edwin Mollwa be replaced by the Pupsey Sebogodi, son of the deposed Chief Sebogodi.

3. PENSIONS

The South African Government should immediately re-instate all pensions lost on re-incorporation to all South African citizens resident in Braklaagte and call on President Mangope to allow new applications from potential new pensioners resident in Braklaagte. Furthermore persons previously in receipt of pensions in South Africa should be entitled to all backpay for the period that they have been without pensions through no fault of their own. Families of recently deceased pensioners should be entitled to monies owed to their deceased relatives

4. POLICE.

All police units should be withdrawn from the Braklaagte village immediately as promised by Governor Mfundisi at a meeting held with the community on 5.2.92

5. FUTURE DEVELOPMENTS.

No new developments in Braklaagte should be undertaken without consultation with the community and the building occupied by the police should be handed over to the community.

6. RE-INCORPORATION OF BRAKLAAGTE.

The people of Braklaagte demand to be re-incorporated into South Africa regardless of the fate of Bophuthaswana as a whole.

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23 March 1992

Medecins du Monde (MDM) is a humanitarian, non-governmental organization which was founded in 1979 by several French doctors. It currently runs projects in approximately forty countries worldwide, including France, providing health care to needy populations.

Medecins du Monde has worked since 1986 in deprived townships and rural areas of South Africa. MDM is now in the process of registering as an external company in this country. The programme is funded by the European Commission through Kagiso Trust and by the French Embassy, under the auspices of which it operates. MDM works in close conjunction with the progressive health sector in South Africa and some of its projects also have links with church structures. Expatriate doctors are registered with the South African Medical and Dental Council.

Medecins du Monde started working with the Braklaagte community in March 1991, at the request of the National Medical and Dental Association. Braklaagte was incorporated into Bophuthatswana on 31 December 1988. Most of the village's 10,000 inhabitants sought refuge in January 1991 in the township of Ikaleleng near Zeerust, 20 kilometres from Braklaagte, across the South African border, in response to the killing of five villagers. MDM initially employed a part time community nurse, Botho Mahila, to establish a clinic service for the refugees, and supplied essential drugs for the clinic. MDM also undertook the training of two community health workers, selected by the villagers.

After the inhabitants of Braklaagte returned to their homes in July 1991, it was decided by the village health committee to open a small primary health care centre. This was motivated by the fact that the Bophuthatswana government mobile clinic only visited Braklaagte one half day per month and that the villagers were refused South African governmental health care in the nearest town of Zeerust. A building was donated by Chief Sebogodi for the community clinic. Medecins du Monde agreed to continue to employ Nurse Mahila, to supervise the clinic and the ongoing training of the two community health workers, whose role was to carry out health education in the community. An MDM doctor also visited the clinic on a regular basis. Essential drugs were supplied by MDM.

The Medecins du Monde coordinator, Dr J. Mathieson, and Nurse Mahila held meetings with Dr M.D.F. Myer, superintendent of Lehurutshe hospital and Matron Zeeman of Zeerust hospital in order to inform them of the activities of the community clinic and to request collaboration for referral of patients needing

hospital treatment.

On 20 March 1992, Dr Philippe Josue, a French volunteer physician working for MDM and Mrs Elsie Motsosi, a voluntary assistant at the clinic, were arrested and taken for interrogation first to the army camp in Braklaagte and then to the Governor's office in Lehurutshe. Although they were released the same day, they were advised that the clinic was "illegal" and anyone found there would be arrested again.

The clinic has thus been forced to close, despite the fact that the health needs of the community are still as acute as ever. The mobile clinic still pays only one visit to the village per month; moreover, pensions are not being received in Braklaagte because beneficiaries chose not to take up Bophuthatswana citizenship; and the villagers, who rely on subsistence farming for their livelihood, are already suffering the effects of the drought. The closure of the clinic is thus inflicting serious hardship on the inhabitants of Braklaagte and can be expected to result in severe morbidity and probably mortality in the village.

As an international humanitarian organization, without affiliations to any political organizations either inside or outside South Africa, Medecins du Monde therefore requests that the Braklaagte community clinic should reopen and that its staff be spared harassment in the future.



Jane Mathieson, M.D., programme coordinator
23 March, 1992