

## TERMS OF REFERENCE FOR WORKING GROUPS FOR CODESA

### WORKING GROUP 3

#### ASSIGNMENT

Transitional arrangements/interim government/transitional authority.

1. 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:

- 1.1. 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.
- 1.2. To identify the key issues, processes and problems that need to be addressed.
- 1.3. To identify areas of commonality and aspects where agreement already exists between participating delegations.

Addendum F

**GUIDELINES FOR CHAIRPERSONS OF WORKING GROUPS OF CODESA**

**Adopted at the Management Committee Meeting on 13 January 1992**

**1. TERMS OF REFERENCE**

The Terms of Reference of each Working Group were adopted by the First Plenary Session of CODESA, on 21 December 1991.

**2. THE GENERAL FUNCTIONING OF THE WORKING GROUPS**

- 2.1 The Working Groups should take into account that the next plenary session of CODESA will be held not later than the end of March, with a view to making progress reports. It is therefore necessary that the Working Groups take this into account in planning their programmes of work (cf Transcription of CODESA p227)
- 2.2 The Working Groups should be formed on the basis of each participating organisation nominating 2 persons to serve on each Working Group, together with 2 advisers; these should be nominated by 10 January 1992 (cf Transcription p227)
- 2.3 Each Working Group shall determine ways and means by which women's and other interest groups which are not participating in CODESA may make submissions to that Working Group on matters relevant to its Terms of Reference
- 2.4 The first meeting of the Working Groups will take place on January 20 1992, in order to determine how they will approach their work and a programme according to which they will function (cf Transcription p227)
- 2.5 The first working session of the Working Groups is scheduled for 6 February 1992 (cf Transcription p227)
- 2.6 The Management Committee will supervise the work of the Working Groups (cf Transcription p224)
- 2.7 The Working Groups should elect their own Chairperson(s), and in the event that a Chairperson is drawn from a participating organisation, that organisation will be entitled to bring in another person to actually fill the vacancy (cf Transcription p249), subject to any amendments/modifications made by the Daily Management Committee
- 2.8 The leaders of delegations may introduce substitutes for both delegates and advisers whilst the Working Groups are in session. It will be the responsibility of each Working Group Chairperson to ensure that no political party/organisation or administration represented in that Working Group exceeds the four representatives per Working Group previously agreed
- 2.9 The Standing Rules of CODESA apply mutatis mutandis to the Working Groups

**3. SECRETARIAL AND ADMINISTRATIVE FACILITIES AVAILABLE TO WORKING GROUPS**

The following services and facilities are provided to Working Groups:



- 3.1 Agendas will be drawn up, in consultation with the Chairpersons of the Working Groups
- 3.2 Minutes will be taken, and the written minutes will be consulted with the Chairperson of each Working Group. As a mechanism to ensure continuity, the same minute takers will be assigned to each Working Group throughout the process. In addition the Administration may provide a Secretary/Clerk to each Working Group, according to its needs
- 3.3 Typing and photocopying facilities will be available before, during and after meetings for Working Group and sub-committee documents. This will, however, not apply to documents submitted to Working Groups or sub-committees by individual parties
- 3.4 Any minute or document finally adopted by a Working Group should be signed by the Chairperson(s), so as to indicate that it is the authorised version

4. GUIDELINES FOR WORKING GROUPS

To facilitate the work of the Administration of CODESA, guidance on the following issues will be required from all Working Groups throughout the process, but especially on 20 January 1992:

- 4.1.1 How many sub-committee meeting will take place and whether minute takers will be needed for these over and above those of the full Working Group meetings. Will, for instance, Working Groups 1 and 2 divide in sub-committees to handle the different assignments in their terms of reference?
- 4.1.2 The dates of these sub-committee meetings will also be required, so as to enable the administration to make the necessary arrangements for minute taking in time

## ADDITIONAL GUIDELINES AIMED AT FACILITATING THE FUNCTIONING OF THE WORKING GROUPS.

1. The CODESA administration will provide the necessary administrative backup resources including minute takers for each Working Group as well as sub-groups that a particular working group may decide upon. We would like to suggest certain additions to be made by the DMC to the "guidelines for Chairpersons of Working Groups of CODESA" in order to ensure the smooth functioning of the Working Groups.
2. The ultimate function of the Working Groups is to present CODESA Plenary session with a report of agreements etc. relating to the tasks assigned to a Working Group by CODESA. Such reports may be in the form of interim as well as final reports.
3. Chairpersonship of Working Groups
  - 3.1 Should a single chairperson be appointed by a Working Group the final responsibility to guide the Working Group towards the compilation of reports and to ensure that the reports are presented to a CODESA plenary session would rest with the Chairperson. Even so, given the magnitude of the task, it would be useful to set up a mechanism drawn from the Working Group concerned to assist such a Chairperson.
  - 3.2 If a system of rotating Chairpersons is decided upon by a Working Group the need for a mechanism drawn from the Working Group becomes even more necessary. Such a mechanism would require a clear mandate as to who is/are responsible for guiding the Working Group towards the compilation of reports and the presentation of these reports to a CODESA Plenary.
4. We would like to recommend the DMC consider the above problems in a different and more comprehensive manner which would at the same time ensure a certain degree of uniformity as to the manner in which each of the working groups attend to this problem.
  - 4.1 We suggest that each Working Group appoint a small Steering Committee (WGSC), comprising 3-4 persons drawn from within the Working Group.
  - 4.2 The Chairpersons for the Working Groups should be drawn on a rotational basis from the WGSC. If it is felt that this is too narrow a pool from which to draw the rotating Chairpersons then it will be necessary to establish some relationship between the WGSC and a Chairperson who may have chaired a particular session of the Working Group but who is not a member of the WGSC.
  - 4.3 We envisage that each of the Working Groups would require persons who would be involved in a considerable amount of drafting documents/decisions and reports. We suggest that capable people from amongst the advisors and/or delegates of the participants in a Working Group be used for this purpose in the capacity of a rapporteur/s. In this way both competence in drafting as well as the political sensitivities of a Working Group will be better accommodated.
  - 4.4 Such a rapporteur/s would be an additional member/s of the WGSC on an ex officio basis.



4.5 The WGSC should be charged with the task of preparing the agendas for each session of the Working group.

4.6 Should a Working Group establish sub-groups in order to attend to its tasks arising from its terms of reference , the WGSC shall also serve as the mechanism through which the Working Group co-ordinates the work of its sub-groups.

5. Submissions to Working Groups by Women's and other Interests Groups:

5.1 Some guidance is required to ensure that the existence of the Working Groups is not prolonged indefinitely and that it is able to meaningfully attend to submissions made to it. We recommend that :

5.1.2 In the first instance Working Groups should receive submissions through the WGSC in the form of written submissions.

5.1.3 Only in certain clearly determined cases should a Working Group entertain, in addition to the above written submissions, oral submissions by a specific interest group. Such a determination could be made by the WGSC, subject to the advice of the Working group.



Addendum D

## CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

### Standing Rules of Procedure for Plenary Sessions

#### Participants

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

#### Delegates

2. (1) Each participant shall be entitled to be represented by 12 (twelve) delegates who shall constitute its delegation. In addition, each delegation shall be entitled to name up to 5 (five) advisers.  
(2) A participant shall be entitled to substitute a member of its delegation with an alternate member.  
(3) Each participant shall submit and register the names of its delegates, alternates and advisers with the Secretariat at least 48 (forty-eight) hours before a plenary session of the Convention and shall likewise register the name of the leader of its delegation.  
(4) An alternate may not be substituted for a delegate without prior notification to the Secretariat.  
(5) Only duly accredited delegates may participate in the work of the convention.  
(6) In the event of a dispute concerning the credentials of a delegate, the Steering Committee shall rule on the matter.

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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## Agreement

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

## Quorum

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

## Speeches and Interventions

5. (1) Every delegate shall be entitled to speak in the debate.
- (2) At the opening of a session, the Chair shall call the speakers in the order previously arranged by the Steering Committee.
- (3) In general, the Chair shall call up speakers in the order in which they signify their desire to speak. The Chair, however, shall ensure that each delegation is afforded a reasonable opportunity to speak.
- (4) The Chair shall apply the standard rules applicable to meetings, except as otherwise stipulated herein or in terms of any resolution adopted under rule 9.

## The Chair

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

## Minutes and Documentation

7. (1) The proceedings of plenary sessions of the Convention shall be recorded and transcribed as expeditiously as possible and the Secretariat shall make the transcript available to all delegates.
- (2) All other official meetings of the Convention, including meetings of Working Groups and the Steering Committee shall be recorded in full, but only the decisions, recommendations and conclusions shall be minuted and sufficient copies made available to all participants by the Secretariat.
- (3) The Steering Committee may, in its discretion, make available the full or partial text of any proceedings of the Convention.
- (4) A participant may request the Secretariat, to circulate relevant documents to other participants.

## Access of Media

8. (1) All plenary sessions of the Convention shall be open to the media.
- (2) The Steering Committee shall determine the extent to which the media shall have access to other meetings of the Convention.



### **Additional Rules of Procedure**

9. (1) The Convention shall adopt whatever additional rules of procedure or make such arrangements as are necessary for the better performance of its business or the conduct of its meetings.
- (2) All suggestions for the addition or excision of rules should first be submitted to the Steering Committee / Management Committee which will consider them and make recommendations to the Plenary Session.

### **Miscellaneous**

10. (1) The Convention may set up committees, working groups or any such subsidiary organs as are necessary for the conduct of its business.
- (2) The Steering Committee shall supervise the work of the Secretariat and provide for the technical services of and assistance to the Convention, including the arrangements concerning the venue, security and expenses of the delegates.
- (3) The Steering Committee shall ensure that reasonable notice is given for the convening of all meetings of the Convention and the provision of the appropriate documentation.

**SUMMARY OF RECOMMENDATIONS AND DECISIONS ARISING FROM MEETING OF WORKING GROUP 3 STEERING COMMITTEE (WGSC3) HELD ON 30 JANUARY 1992 (TO BE TABLED FOR DISCUSSION AS PART OF AGENDA ITEM 4 OF THE WORKING GROUP MEETING OF 6 FEBRUARY 1992)**

**1. CLARIFICATION OF TERMS OF REFERENCE OF WORKING GROUP 3**

- 1.1 Concern at the overlapping of Terms of Reference of CODESA Working Groups was expressed. WGSC3 recommends that all five Working Group Chairs meet with the DMC to structure a link between Working Groups and the Daily Management Committee (DMC) so as to avoid duplication of discussions between Working Groups.
- 1.2 Clarification of Terms of Reference of Working Group 3 is a task for the Working Group and not WGSC3. The next Working Group meeting on 6 February 1992 should, by means of an exploratory discussion, attempt to identify principal issues affecting the Terms of Reference of Working Group 3. The discussion would explore the views of various delegations and identify principle issues and convergence/divergence on these. This would clarify Terms of Reference and in turn would help identify where issues constitute an overlap with other Working Groups.

**2. OVERALL PROGRAM OF WORK AND SUB-GROUPS**

- 2.1 With regard to an overall program of work, sub-groups and time frames, these issues will only be tabled after the next meeting on 6 February 1992 when the principal issues of Working Group 3 have been determined.
- 2.2 WGSC3, assisted by rapporteurs whose task it would be to consolidate and analyse the exploratory discussions, will then be in a position to review and summarise convergence/divergence on these contributions.
- 2.3 Once the principle issues have been identified the definition of purposes/objectives and mechanisms to achieve interim arrangements will be Stages 2 and 3 of the work of the Working Group respectively.

**3. TIME FRAMES AND SCHEDULES OF MEETINGS**

- 3.1 While it will only be possible to determine time frames once a clearer idea of the program of work is established, the objective is to make rapid progress so that a report of some substance can be made to CODESA 2.
- 3.2 It is proposed that Working Group 3 meetings will take place on 6 February and 11 February 1992. The principle of Mondays and Tuesdays for CODESA has been set and is accepted. Time for meetings will be 10h00 to 17h00 on the first day and 09h00 to 17h00 on the second day. All delegates and advisers are requested to keep these days clear.
- 3.3 At the end of each Working Group meeting the schedule for the next meeting will be confirmed. The time schedule should be looked at a fortnight in advance.



- 3.4 The DMC should be informed that Mondays and Tuesdays should be reserved for Working Group meetings.

4. **CHAIRPERSON OF WORKING GROUP**

It is proposed that Mr K Andrew will chair the next meeting of 6 February and 11 February 1992. The Steering Committee recommends that up until CODESA 2, K Andrew chairs the Working Group.

5. **RAPPORTEUR/S**

- 5.1 It was suggested that the prime function of the rapporteur/s should be to process submissions, consolidate and summarise key issues arising from meetings and summarise agreements. These individuals should be available as functionaries of Working Group 3 as and when needed.

- 5.2 Piet Kleynhans (NP) and T J Madiba (Transkei Government) were proposed as the rapporteurs to work as part of a team to be coordinated and supervised by the Working Group secretary.

6. **SUBMISSIONS**

- 6.1 The secretary was requested to communicate to DMC, WGSC3 concerns that advertisements inviting submissions have not been placed. The secretary is to request in addition, the widest possible publicity for invitations for submissions. This needs to proceed without delay.
- 6.2 The deadline for submissions should be three weeks from the time of press release inviting submissions. All submissions should have a summary of not more than two pages.
- 6.3 It is recommended to Working Group 3 that submissions go the rapporteur/s for analysis and comment and that copies of all submissions be received by all delegations.
- 6.4 It is felt that this procedure together with other efforts by delegations will accommodate input by women and other interest groups.

7. **PRESS LIAISON**

- 7.1 The Chairman, assisted by the secretary and rapporteurs, should provide representatives of the DMC with information to be released to the press as and when appropriate. The Working Group 3 Chair can be available to take questions from the press.

8. **AGENDA FOR THE NEXT WORKING GROUP MEETING ON 6 FEBRUARY 1992**

The proposed agenda is as follows :

- 8.1 Opening of the meeting and welcome
- 8.2 Apologies
- 8.3 Ratification of minutes of first meeting
- 8.4 Report from the Working Group 3 Steering Committee (WGSC3)

- 8.5 Adoption of agenda for the Working Group meeting
- 8.6 Exploratory discussion on perspectives on the principles and issues involved in transitional arrangements/interim government/transitional authority (*delegates will be given the opportunity to make contributions of, hopefully, no more than ten minutes*)
- 8.7 Confirmation of dates for next meetings
- 8.8 Other urgent business
- 8.9 Closure