

THESE ARE DRAFT MINUTES AS APPROVED BY THE CHAIRPERSON. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE WORKING GROUP AND TO THE WORKING GROUP SUBGROUP AT ITS NEXT MEETING.

MINUTES OF THE SIXTH MEETING OF WORKING GROUP 1 SUBGROUP 2 HELD AT THE WORLD TRADE CENTRE ON TUESDAY 31 MARCH AT 08H30

PRESENT : SEE ADDENDUM A

LV Ntsubane (Convenor)
T Motumi (Minute taker)
A Schoeman (Secretary)

1. Convenor's opening remarks

- 1.1 The convenor raised a point of concern about time, and said in spite of the fact that the meeting started thirty minutes later, delegates were still arriving late.
- 1.2 The convenor gave a further report on the role of rapporteurs. Each of them would have full participatory rights in their own Sub-Group, and also the right to attend meetings of other subgroups in the WG1, although as observers. They would be accountable to the WGSC, and would also help prepare the report to the MC at the end of each meeting.

2. Apologies

The following apologies were made on behalf of delegates who were either sick or would arrive late:

R.P.Mahlalela - IntandoYesizwe Party, sick
D Dalling - Democratic Party, sick, replaced by Mr Bester
HJ Coetsee - South African Government, to arrive later
D Chetty - National People's Party, to arrive later

3. Adoption of the agenda

The agenda was adopted

4. Ratification of Minutes

There were additions to the points raised under the National Peace Accord at the meeting of the 24/03.(see addendum)

5. Matters Arising

Parties were to come with proposals in the next meeting (7/4) on the National Peace Accord so as to finalise discussion on this matter.

6. Continuation of discussion

6.1 Security, Item (i) in Terms of Reference

There was agreement reached on NIC/TIC submission (see Addendum C of 24/03 minutes) on the Security Forces, with the following amendments :

- 6.1.1 Point 1.3 should read : " The Security Forces of South Africa shall...
- 6.1.2 Point 1.3.1 should read...be bound by the principle of constitutional supremacy.
- 6.1.3 Points 1.3.2 to 1.3.5 were adopted as is.
- 6.1.4 Points 1.4.1 to 1.4.3 : No agreement was reached on these points, and they would be discussed after position papers have been submitted in the next meeting.
- 6.1.5 Point 1.4.4 would be finalised after details of operations had been tabled and possible amendments agreed upon at the next meeting of 7/4 of SG2.
- 6.1.6 Point 1.4.5 was adopted as is
- 6.1.7 Point 1.4.6 was adopted as is, with the proviso that it would be further discussed and finalised in future.
- 6.1.8 Point 1.4.7 was amended to read as follows :
 - " The implementation of a programme of orientation designed with the view to improve security force - community relations, specifically with regard to respect for human rights, non-racialism and democracy.

7. Report to Management Committee (See Addendum D)

8. Date of next Meeting

The date of the next SG2 meeting will on 7/4 at 08h30 to 16h00

ADDENDUM A

The following participants signed the register :

AFRICAN NATIONAL CONGRESS

CISKEI GOVERNMENT

DEMOCRATIC PARTY

DIKWANKWETLA PARTY

INKATHA FREEDOM PARTY

INTANDO YESIZWE PARTY

INYANDZA NATIONAL MOVEMENT

LABOUR PARTY

NIC/TIC

NATIONAL PARTY

NATIONAL PEOPLE'S PARTY

SOLIDARITY PARTY

SOUTH AFRICAN COMMUNIST PARTY

SOUTH AFRICAN GOVERNMENT

TRANSKEI GOVERNMENT

UNITED PEOPLE'S FRONT

VENDA GOVERNMENT

XIMOKO PROGRESSIVE PARTY

G.B.Myburgh - Rapporteur.

J Zuma

P Langa

L Maqoma

M Maki

HJ Bester

J van Eck

JSS Phathang

MH Cunukelo

I Mars

AM Mncwango

ES Masango

CN Mahlangu

MJ Twala

A Delpont

J Scholtz

E Ebrahim

M Shaik

BL Geldenhuys

LH Fick

AK Beesham

D Chetty

P Naidoo

CF Thandroyen

R Kasrils

M Scott

HJ Coetsee

LCA Pruis

MA Ntshinga

M Mpahlwa

MI Moroamoche

S Maja

NE Mulaudzi

ME Ramulondi

SDW Nxumalo

E Mathe

ADDENDUM B

A single submission by the IFP was made.

ADDENDUM C

The following general points were made as part of the general discussion :

1. The NIC/TIC gave the lead on the paper they had submitted in the earlier discussion on the security forces, most of which was adopted after some amendments/being referred to later meeting.
2. The SA govt wanted to know whether point 1.3.1 of the NIC/TIC paper referred to a body above parliament to control the security forces.
3. In response NIC/TIC said it meant that at the end of the day, the rights of the individual were protected. This was to be as reflected in a new constitution, with a Bill of Rights. These would be the bastion around which the security forces were to operate.
4. The NP suggested that point 1.3.1 be replaced by 1.4.5 as it meant the same thing in their view.
5. The NIC/TIC said that when the mechanisms of public accountability exist, then these would be part of civil supremacy- the rights of individual citizens were superior to all others. At the moment there were 22 laws violating individual liberties. There needs to be Rule of Law, not rule by law.
6. The SA govt said the trend of the NIC/TIC paper was to address an ideal situation in the future. Most of its points are however highly commendable, but practicalities of points 1.4.1 and 1.4.2 were still difficult to achieve at this stage.
7. The DP said reshaping the security forces is the most important task, as there cannot be a transitional govt and free and fair political activity whilst the security forces are still controlling the situation on the ground as they are. The emergence of CODESA was evidence of the existence of an unrepresentative nature of the political order- the same applies to the security forces. Reference to public accountability means that in new govt, the security must be different, and be bound by the rules as they shall have been laid down.
The DP is of the view that there needs to be an integration of all security forces, including those of the TBVC states.
8. The UPF expressed strong reservations about the lack of progress in the SG, saying that CODESA 2 would not continue without the report of the SG/WG. There needs to a definite undertaking on integration, if not, then the meeting needs to look at the impediments for the creation of a climate for free political activity.
9. The chairperson concurred with the UPF that little progress had been made.
10. The ANC said the point made relating to the bilateral meetings important, and the SG must in its discussion bear that in mind. There also needs to be a look at what the different parties think, with a view to dovetailing the common positions.
The point made by the NP on point 1.3.5 incorrect, as we need to seriously look at who are in the command structures of the security forces, despite the fact that the majority of some of the units might be black, they still don't give a true reflection of the SAn society's reality.
Point 1.4.1 looks at security forces of a new country, with a single, central command, but what is interim, immediate arrangement. There should be standards created in the new security forces, where every SAn can feel free to join. Also, what is meant by reconstitution in the long term ?
11. The SACP said the point made by the UPF on progress was important and should not be ignored. The submission is very useful, but the input on point 1.4 made by the NP is useful. The NIC/TIC

should also delete point 1.4.8 of their paper, it would not assist SG in reaching consensus. The SACP said the current bilateral between govt /ANC should not hold up progress in WG1. It further suggested that in the next meeting, there must be a report back from Messrs Coetsee and Zuma.

12. The ANC supported the SACP on the point about the NIC/TIC deleting 1.4.8 in their paper, and said this would avoid lengthy debate.
13. On the point regarding bilateral raised by the SACP, the govt said its report back would not be detailed, or else it would negate the bilateral nature of the discussion.
14. The ANC said it would also indicate progress made.
15. The SACP said it seemed the issue of the bilateral was being used as ransom to stall CODESA 2. The whole issue needed to be looked at in this relation. If there is no progress, then a decision must be made whether it is an issue for CODESA or not.
16. The SP asked if it could be ascertained whether the two parties in question were happy with the progress being made.
17. The govt/ANC both said they were making progress.
18. The Ciskei said on point 1.4.1, a number of principles needed to apply, otherwise in support of 1.3. Furthermore, the sooner the integrated single defence force, the better, especially where there will be an option of a committee to advise the supreme commander.
19. The SA govt said 1.4.1 was complicated, and it needed time to make an input in the next meeting.
20. The LP said there were two important principles which needed to be kept in mind - the role of the security forces in protection and safe-guarding the citizens of the country; safe-guarding the state. There also needs to be legitimisation of the security forces. For urgent attention, request that the SG look at the Code of Conduct for the SADF/security forces being finalised for inclusion in the NPA; secondly, establishing the Council of Defence, as legislated in Act 7.3 of the Defence Act. There will also be a need to consider the role, composition and tasks of the defence force, as well as confidence building measures.
21. The DP said the LP proposals could be raised in concert with NIC/TIC paper under discussion.
22. The LP quickly pointed out their submission addressed items under 1.4 of said paper.
23. The NP said it favoured joint control under interim arrangements.
24. The govt said 1.4.1 was isolated from constitutional mechanisms, but the security forces need to be under the control of the parties making up the interim govt.
25. The IYP said joint control was necessary and needn't be postponed.
26. The SA govt said it would have a paper on 1.4.1 and 1.4.2 in the next meeting. The govt also said it needed to know institution which will be in charge of 1.4.4
27. The DP said methods to ensure accountability need to be ensured.
28. The Ciskei said the security forces need not be subjected to political control, the code of conduct should serve as well as 1.4.7 would.

29. The INM said all police officers must be exposed to the political processes under way.
30. The govt said this process had in fact already started, with the police being exposed to a culture of human rights. If the opposite impression had occurred, then it is only certain individuals in the security forces, and laws exist to bring them to book. Otherwise govt is in agreement that there must be a spirit of awareness, alertness and discussion about the political situation.
On the interim govt, we must be clear what we want- reorientation to a rights culture is fine, this through orientation of the security forces, hence accept 1.4.7 as re-worded, but with out 'reorientation', which has a connotation of encampment/drilling etc.
31. The DP said the issue raised by govt difficult to understand, as there had been a process of reorientation of for e.g the Riot Unit, which is now called the Internal Stability Unit, and is in the process of trying to restore its image and relations with the community. Therefore in the issue of joint control, joint input should be made on the content of the reorientation.

7 National Peace Accord

7.1.1 It was agreed that Parties should submit proposals to improve the Peace Accord

7.1.2 It was agreed that these proposals should be submitted to the SubGroup on 7/4/92 and that this matter be finalised

7.2. The Security Forces (i) :

The following principles were accepted:

7.2.1. be bound by the principle of constitutional supremacy

7.2.2 be politically non-partisan

7.2.3 be committed to resolving conflict primarily through non-violent means.

7.2.4. respect human rights, non-racialism and democracy

7.2.5 strive to be representative of South African society as a whole.

7.3 No consensus was reached on the following points, however it was agreed that position papers on these issues would be delivered on 7/4:

7.3.1 The immediate establishment of joint control of security forces.

7.3.2 The reconstitution with a view to establishing new national legitimate and representative security forces, inclusive of the SADF, MK and the TBVC states and self governing territories.

7.3.3 All special forces and formations not included in the reconstitution above shall be dismantled.

7.4. It was agreed that the matter of the termination of all operations and use of methods that limit free political activity would be finalised on 7/4

7.5 It was accepted that the implementation of mechanisms that will ensure public accountability of the security forces was required.

7.6 The need for the implementation of a Code of Conduct was accepted .There will however be further discussion on this issue in the SubGroup