

creation of a climate for free political participation, shall be as follows:

- 1.1.1 To investigate, report upon and make recommendations with regard to the actions needed to be taken to foster and establish in South Africa a climate in which all individuals and organisations can participate freely, without interference or intimidation, in all political activity and, in particular, in the processes leading up to the introduction of a new constitution.

Secondly:

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

Mr 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 it to say:

- 1.1.3 To identify areas of commonality respectively

/and ...

and aspects where agreement already exists between participating delegations.

So with those two amendments in 1.1.2 and 1.1.3 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 participants. I am not going to read them out, you have it in 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 fair process providing for full and effective participation by all South Africans, that that should also be considered, and in this regard we then state in 2.1.1 that the Working Group also should:

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 a new constitution for South Africa.

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

The 2.1.2 and 2.1.3 should also be redrafted in the same way as I indicated earlier in terms of 1.1.2 and 1.1.3. And Mr Chairman, while I am at this, 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.

JUSTICE MAHOMED: 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

/grammar ...

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?

C ALBERTYN:

Mr Chairman, we have a proposed amendment to Clause 1.1.4(i). 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(i) The composition and role of the security forces in South Africa and the TBVC states.

JUSTICE MAHOMED:

You have heard Mr Albertyn's suggestion. The present reading is:

1.1.4(i) The role of the security forces in South Africa and TBVC states.

and he substitutes:

1.1.4(i) 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 anything. My bosses at the back say they have no objection. So the experts are in accord with your judgment, Mr Albertyn. They all concur.

/Any ...

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.

K COETSEE:

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.

JUSTICE MAHOMED:

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.

/Formation ...

FORMATION AND TERMS OF REFERENCE OF WORKING GROUPS
WORKING GROUP 2.

C RAMAPHOSA:

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 Working group 2, is:

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:

- 1.1.1 To investigate, 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 to CODESA shall be entitled to put forward freely to this Working Group,

/any ...

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.

Paragraph 1.1.2 would remain as is:

- 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, it will

/have ...

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, to consider:

/(a) ...

- (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.

Sir, with regard to the constitution-making body itself:

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:

/(a) ...

- (a) its composition;
- (b) its legal status;
- (c) its authority 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.

JUSTICE MAHOMED: 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.

F T MDLALOSE: 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:

2.1 Whereas the parties at CODESA have committed themselves to the terms and objectives set out in the Declaration of Intent...

and so on.

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

" ... as amended from time to time".

JUSTICE MAHOMED: Can there be any objection 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 Mdlalose, you have made a very valuable contribution. I don't think that there is any 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?

A RAJBANSI: Not an objection, Mr Chairman. If Mr Ramaphosa just could clarify one point for me. He has proposed that Appendix "A" be deleted, that is Paragraph 1.1.4. There is a relevant section under (ee), page 5:

/(ee) ...

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

So I take it that his amendment to 1.1.1 covers that particular point.

JUSTICE MAHOMED: Yes, it would. It would as a matter of law. The effect of deleting 1.1.4 and the Appendix thereto, 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 Working Group 2, both in relation to the first assignment, as amended, and the second assignment, are approved.

The contents of Working Groups 3, 4 and 5 proposals, will now be dealt with by the indefatigable and erudite Dr Zach de Beer.

FORMATION AND TERMS OF REFERENCE OF WORKING GROUPS
WORKING GROUPS 3, 4 & 5

Z J DE BEER: Mr Chairman, thank you very much. Working Group 3

/appears ...

appears on the document which is before delegates, as a fairly brief section and that is because it lends itself to 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.

/Then ...

Then a standard clause, 3.1.2, the identification of the key issues, processes and problems, and 3.1.3, 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 with 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 live in the TBVC States and it is their constitutional future which is at stake 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,

/they ...

they have a great many inhabitants and none of us would wish in any way to act so as to disrupt or render painful the lives of all 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.

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

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

Then in 4.1.1.4:

"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;

/(c) ...

(c) Once again I call the attention of delegates to the method of testing the will of the people concerned. There is no intention to ride 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.

4.1.1.5 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 (o). I believe they speak for themselves in their importance.

/And ...

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 5.

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

/target ...

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. This, as delegates will be aware, is common management practice where there are programmes of work to be done, where there are critical 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.

5.1.1.2 identification of key issues and problems, is standard.

5.1.1.3 is again standard, identification of areas of commonality.

5.1.1.4 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.

/So ...

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.

JUSTICE MAHOMED:

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 Mdlalose 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, to say so. 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 Paragraph 2.1, but 1.1, 3.1, 4.1.1.

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 contribution.

Yes, Dr Mdlalose?

/F T Mdlalose ...

F T MDLALOSE: Mr Chairman, with due respect, again in addition to that which you have so ably outlined on my behalf sir, there is also a little 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 so on, and you move on to Group 3 and 4 with now 3, 4 and so on, as if the numbering of Groups 2, 3, 4, 5 is falling in a different category to the numbering of Working Group 1.

JUSTICE MAHOMED: 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",

it should really say "agreements".

Now, I presume there is no objection to either the suggestion of Dr De Beer, or the consistency of Dr Mdlalosi.

A RAJBANSI: 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

/Procedure...

Procedure.

JUSTICE MAHOMED: 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 it, to say so.

Is there anybody who has got qualifications or amendments or reflections other than encoring?

H J K KAYSER: Mr Chairman, may I have your permission to make a comment on Working Group 4? On page 7, after the "Whereas" at the bottom it says:

"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 - future - as it says under the assignment.

JUSTICE MAHOMED: I am informed by the panelists that you are perfectly right.

H J K KAYSER: Thank you Mr Chairman.

JUSTICE MAHOMED: Shall we put it on the possible Re-incorporation? Future Re-incorporation. The panelists agree that you are perfectly correct. We concede that you are right.

H J K KAYSER: Thank you Mr Chairman.

JUSTICE MAHOMED: Are there any other qualifications, amendments, variations, alterations? If there are none, then I think we all support what Mr Rajbansi has said,

/that...

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 paragraph 5.1.1.4.

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

B HOLOMISA: As paragraph (k).

JUSTICE MAHOMED: Paragraph (k).

B HOLOMISA: Yes. That is the conduct of foreign 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 write it down. I can't write as fast as you're speaking. So I take it this is sub-paragraph (l).

B HOLOMISA: No (k).

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

B HOLOMISA: Alright, it's (l).

JUSTICE MAHOMED: Alright let's hear it.

B HOLOMISA: "The conduct of foreign policy by the administrations and the South African Government in respect of matters pertaining to CODESA's work programme and the position of national states in respect of such matters; the establishment of further foreign missions during the period after the first plenary session of CODESA."

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

/suggestion...

suggestion.

Z DE BEER:

Mr Chairman, those of us sitting at the table here listened as best we could to the General's 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, sir, that we can 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.

JUSTICE MAHOMED:

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.

B HOLOMISA:

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

JUSTICE MAHOMED:

Thank you very much for your contribution.

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

F T MDLALOSE:

No sir.

JUSTICE MAHOMED:

Thank you. In that event there seems to be no

/other...

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:

JUSTICE SCHABORT: The last item on the agenda, happily, of particular significance is The Way Forward, I call on Dr P Maduna to introduce this item.

Daar is 'n paneel van Mnr S S van der Merwe, Mnr M Maharaj. Sal hulle ook vorentoe kom asseblief.

/Mr Chairman...

P M H MADUNA:

Mr Chairman, thank you very much for giving me 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 of CODESA; and it also touches upon the question of further participants at CODESA.

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

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.

I think it is with a sense of pride that we as South Africans, find ourselves having achieved this long cherished wish of meeting as common

/citizens...

citizens of this country. This satisfaction is even more so when we meet to pave the way towards a democratic constitution for our country. The experience of working together from the Preparatory 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 reconciliation.

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 continuity.

The current administration of CODESA was the result of a mandate of the Preparatory Committee meeting which took place during the course of last month. And this mandate covered the periods until the end of today. And the recommendations with regard to the administration and structuring of CODESA are on the basis of these two considerations:

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

/Then...

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 structure 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.

/The...

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 tasks will flow from the decisions of CODESA 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 on it. In other words, it is a question of terminology. What we have been regarding all along as a Steering Committee, we propose should become known as Management Committee.

Its mandate is to supervise the administration of CODESA; to implement the decisions of CODESA or agreements rather of CODESA; and to create the necessary sub-structures and supervise the work

/of the...

of the Working Groups.

The Management Committee will hold its first meeting on 13 January 1992. It will decide how it will appoint 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.

/At the...

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, that one component of that Item No 7 on our 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.

In other words Mr Chairman, for the five Working Groups, organisations will be expected to

/nominate...

nominate two representatives each. And then together with that, two back-up advisers we propose should come with those two representatives. We are talking, 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 20 January 1992 in order to determine how they will approach their work, and also determine a programme according to which they will function.

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 10 January 1992 - so we propose.

The next component of the way forward deals with the next plenary meeting of CODESA - if I could go on to that, Mr Chairman, with your permission. 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.

/The...

The next aspect of the item is the question of further participants in CODESA. Several organisations 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.

JUSTICE SCHABORT: 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 to be said in this connection?

A RAJBANSI: 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've heard him correctly, and if that is so I want to suggest to him to consider just a slight amendment in respect of procedures.

JUSTICE SCHABORT: The panel is just deliberating and you should have your answer soon.

/I'm...

I'm told that there are no problems with that proposal.

A RAJBANSI: So his proposal is that 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.

JUSTICE SCHABORT: Mr Rajbansi, there is agreement with what you are saying. The intention is that the appointment would be by the Management Committee of CODESA.

A RAJBANSI: Thank you very much.

JUSTICE SCHABORT: Any other speakers, ladies and gentlemen?

H SUZMAN: Mr Chairperson, I would like to broaden the debate a little and suggest that the way forward for CODESA include a greater role for women. Before going on with that, sir, I would like to say that I personally am experiencing enormous satisfaction at being present on this momentous occasion. Indeed I'm glad to be alive to share it all with you, and I wish it could have taken place many years ago. But here we are, and I have to say I can hardly believe my eyes or my ears as I see and I hear the general consensus on the establishment of a non-racial democracy in South Africa in this huge and varied assembly over the past two days, with possibly one regrettable exception, at the end of yesterday's session.

/Sir...

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

But it doesn't disappear entirely, as we have seen sir, in the United States which has had Civil Rights legislation since 1964.

Now sir, as with racism, so with sexism, the 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 the USA. Women's organisations in both countries will tell you there's a great deal of gender discrimination there. In South Africa there is no general law to try to ensure the equality of opportunity for women. I notice sir, that in the

/excision...

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

It is true sir, that the Chairperson has said that the generalities will still allow discussion and, of course, identification of this important subject.

Sir, as far as 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 that was done. And in politics, although there is nothing to prevent women from standing for office, few in fact are elected to Parliament.

There are today five women in the House of Assembly, two I believe in the House of Representatives and one in the House of Delegates. That is eight out of a total of three hundred and eight. And of course, sir, the Black population is excluded entirely.

Now sir, look around you in this room. How many women are here as delegates? Maybe, maybe there are ten out of two hundred and twenty-eight delegates. How many are here as advisers? Now sir,

/I happen...