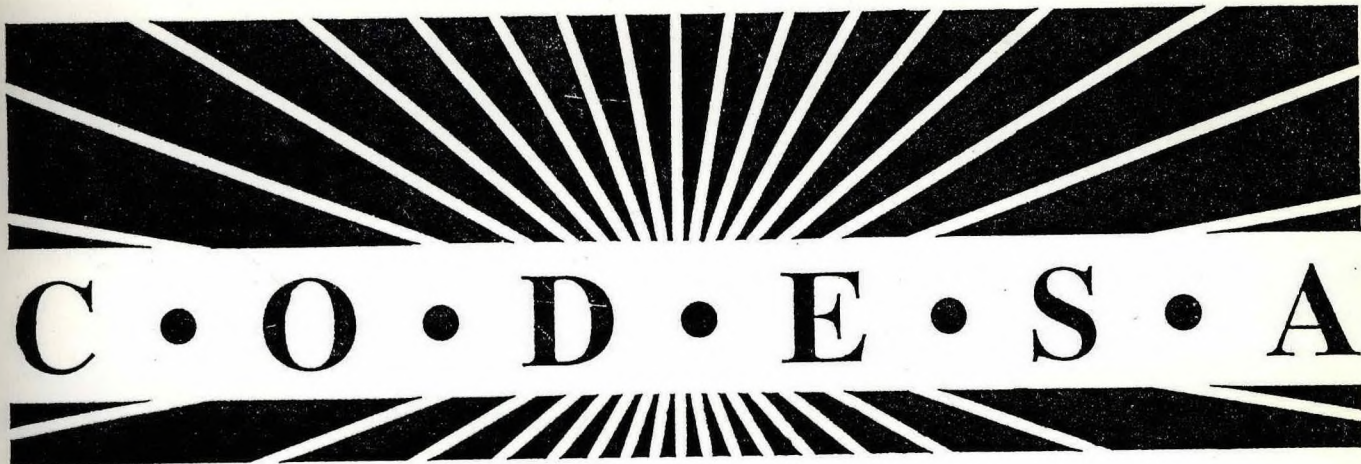




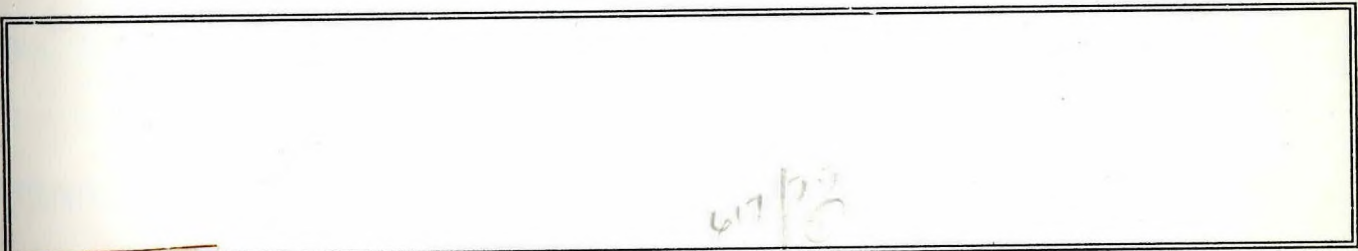
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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



SECOND PLENARY SESSION

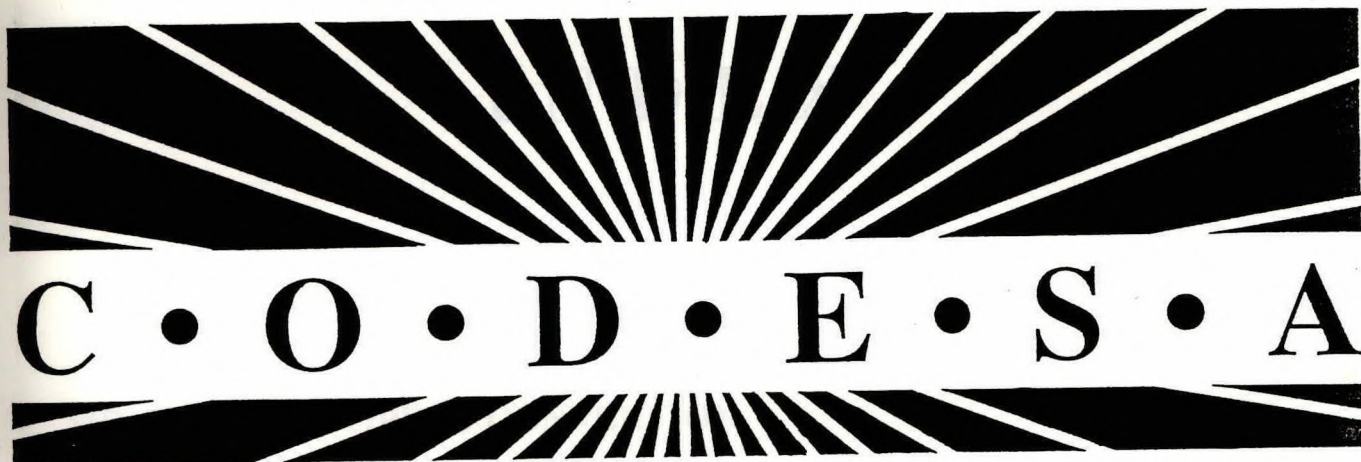


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VOLUME III : 15 MAY 1992



# CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



## SECOND PLENARY SESSION

### DIRECT TRANSCRIPTION & RELEVANT DOCUMENTS

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**15 MAY 1992**

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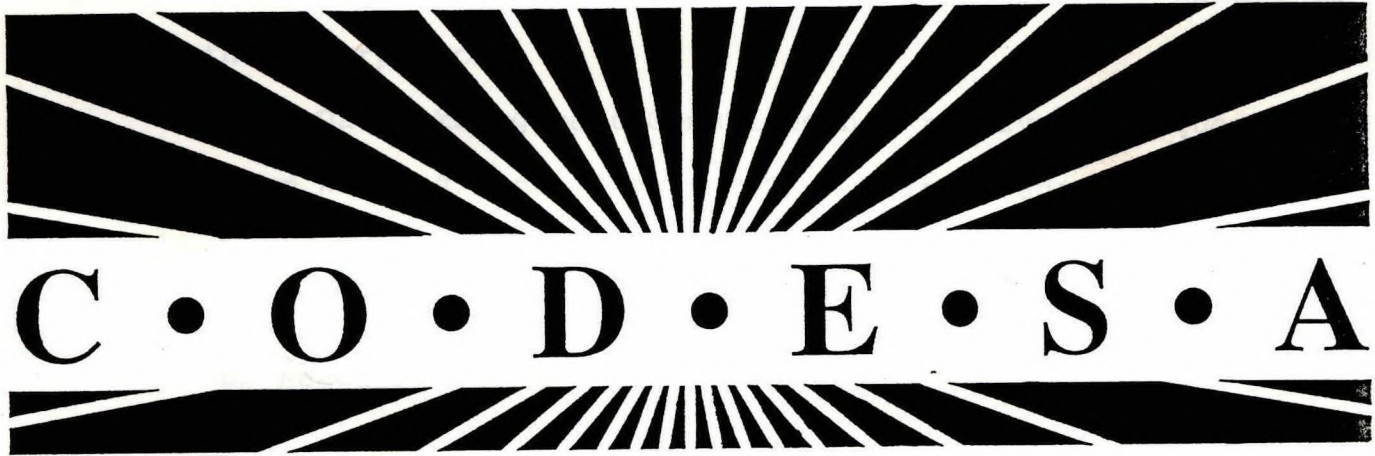
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# CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



## SECOND PLENARY SESSION

### DIRECT TRANSCRIPTION & RELEVANT DOCUMENTS

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15 MAY 1992

MR P J GORDHAN

CHAIRMAN : MANAGEMENT COMMITTEE

1. OPENING OF CODESA 2

Ladies and Gentlemen, Distinguished Observers of the international community, and Honoured Delegates. I am privileged to declare open CODESA 2. The first item on the agenda is the commencement of Prayers.

2. PRAYERS BY: BISHOP LOBINGER  
RABBI ISAACS  
PROF K VORSTER

MR JUSTICE SCHABORT

Gentlemen Religious Leaders, Dignatories, Excellencies, Distinguished Visitors from abroad, Honourable Leaders of Delegations, Ladies and Gentlemen, the Daily Management Committee has received a certain

/request ...



request which I shall now read out to you, which they have passed on to us as the Chairpersons:

"The Daily Management Committee has received a request from Working Group 2 that CODESA Plenary adjourns for one hour and fifteen minutes in order to allow the Working Group a further opportunity to explore the possibilities of reaching agreement.

The Daily Management Committee has decided to support this arrangement, and to recommend to the Chairpersons accordingly."

Ladies and Gentlemen, we have given this request careful consideration. Given the situation facing CODESA at this moment, we have felt that we should accede to this request. The outcome of the deliberations in Working Group 2 are obviously of crucial and critical importance to CODESA 2 and beyond, and the time spent at this juncture may well be time saved in the long run. Accordingly this meeting will now be adjourned as requested for an hour-and-a-quarter, and other delegates are invited to treat this opportunity for tea-time purposes.

Thank you.

CONVENTION ADJOURNED AT 09h50

CONVENTION RESUMED AT 15h40

## 3. Chairpersons' opening remarks

MR JUSTICE SCHABORT

Ladies and Gentlemen, a delay of the kind that was experienced this morning can occur at Court and it is not so bad. It can also occur at a wedding which is bad. Seemingly it can also occur at a Plenary Session of CODESA, which is worse. However time well spent is never wasted and all's well that ends well. It must be understood that CODESA is a dynamic process and that hitches and blitches will occur which simply must be dealt with and must be suffered with patience. We thank you for your patience this morning; we also displayed an unusual measure of patience this morning. The coach is back on track and we shall proceed from where we left off.

I would like to make some opening remarks, albeit belatedly. I have the pleasure of welcoming you at this the Second Plenary Session of CODESA.

Dit is vir my aangenaam om u by hierdie geleentheid die Tweede Voltallige Sitting van KODESA te verwelkom. Die onsaglike vordering binne KODESA ter bereiking van sy oogmerke sal aanstons aan die lig kom. Daaruit sal sekerlik blyk dat Suid Afrika tot op die drumpel van sy toekomstige bestemming beweeg het. Onafwendbaar sal daardie bestemming in wesenlike opsigte 'n algehele breek met die verlede en 'n ingrypende nuwe begin behels. Dit is die werklikheid van die hede en daarin lê die uitdaging van ons toekoms.

/Die...



Die sukses waarmee hierdie uitdaging aanvaar word sal bepaal word deur die graad van geloof, hoop en liefde waarmee die inwoners van hierdie land gesamentlik die skouer aan die wiel sal sit.

In CODESA much water has flowed under the bridge since December when last we were assembled in this hall. Indeed, it has not been easy for those who have not been involved in the day-to-day activities in CODESA, amongst whom I must count my esteemed colleague and myself, to keep abreast of the bewildering array of developments, and to distinguish between fact and fiction, truth and rumour, in regard thereto.

Undoubtedly the nation so deeply affected by all these things would welcome this opportunity to be brought into the arena again to see and hear what has been accomplished by diligent and tireless effort, and what remains to be done to establish a democratic South Africa.

Apropos the events of this morning, let me say birth pangs are natural and even morbid signs may appear at the occurrence of such a magnificent event, but these are soon forgotten when the babe is in arms. Naturally the democratic South Africa envisaged by this Convention and by us all is one that would bear the hallmarks of a truly civilised state. In addition to creating a just political order, it would enshrine the supremacy of the law and establish conditions conducive to optimum peace, liberty, solidarity, stability, progress and prosperity in this region. This should not be beyond our reach. Where after all, Ladies and Gentlemen, could the brilliance be emulated of the many-faceted diamond which is the South African /nation...

nation with its diversity of cultures and gifts.

As the leaders of political parties and institutions and organisations, you have come together again in these large numbers to do what must be done at this time; unavoidably must be done. That is to put your minds and hearts together to work out a future of this kind for the people of this country. Of course Ladies and Gentlemen, this is easier said than done. It is a mammoth task that you have been expected to assume, and that you have undertaken. But one, the attainment of which would bring untold relief for this land and provide inspiration far and wide to seek rational and peaceful solutions consonant with good conscience in situations vexed with equally daunting ethnic and other difficulties.

Surely if South Africa's problems can be resolved reasonably satisfactorily by negotiation, there must be hope for the world. The task is great, but the challenge irresistible, and the opportunity unique. As before, your efforts are being observed with trepidation but undoubtedly also with great expectation and profound goodwill from within and without the borders of South Africa. We shall endeavour to assist you to succeed in your purpose.

Thank you.

I call on my esteemed colleague to make his opening remarks.

/MR JUSTICE MAHOMED ...



MR JUSTICE MAHOMED

Mr Justice Schabert, Honoured Delegates and Friends, the launch of CODESA 1 was truly a momentous occasion for our nation, because for the first time in its sad and very troubled history, its political leaders unanimously made a public and written commitment to turn their backs away from the monstrosity of apartheid which has inflicted so much devastation and pain and misery for so many for so long in the service of an ideology which was ethically indefensible in its content, always politically divisive in its execution, and economically disastrous and impossible in its application.

Much has happened since that commitment by us in November and December to build a brave new world and a democratic future for our beloved land among the free nations of the world. With energy and scholarship, with passion and intellectual vigour, with faith and with rigour our Working Committees have sought to give shape and substance, direction and momentum, leverage and effect to the romance of our articulated commitment. The results are the weighty documents before you for all to see, to absorb and to review, concentrating hundreds and hundred of hours of intense debate and deep anxieties, continuing right up to this moment.

The challenge is not to interpret our society through it, but to change it with the urgency our people are entitled to demand of us through the power of our minds coalesced with the generosity of our spirits. The alternative to this is total disaster.

/In ...

In spite of our ideological and theoretical commitment to a democratic future, South Africa still remains a land in which the legacy of apartheid dominates our political structures, impoverishes its economy, de-legitimises its instruments of discipline and authority, divides its citizens and catalyses chronic levels of debilitating violence. Only an urgent transition to a meaningful and effective democracy, sustained by the vigour of a human rights culture, can bring stability to our lives, release the stunted creative energies of our nation and its people, restore the legitimacy of our national institutions, revitalise our economy, and return us to the unqualified bosom of a caring international community of equals thriving on reciprocity.

It is this perspective of urgency which I would respectfully ask delegates to bring to bear in mind in identifying the spirit which must inform our debates today and tomorrow. Let not our fears and our angers, our insecurities and our frustrations distort this perspective of urgency. Let not our ambitions and our egos consciously or unconsciously pervert our courage to do what we know has to be done now. Let us not allow the logical consequence of our intellectual commitments to be impeded by the emotional residue of a preceding era founded on racism. Let us move with integrity and joy to a new future. It is this spirit in The Way Forward which will set us free into new visions of freedom bringing hope and renewal, love and an enduring and defensible peace for us and our children in this long-suffering land.

I thank you.



4. 4.1 Adoption of addendum to the Declaration of Intent and the signing of the Declaration by the IFP

Our next item on the agenda contains positive news. The reservations which had precluded our friends from Inkatha from signing the Declaration of Intent on the previous occasion have now been resolved in consequence of an amendment which has been proposed and which reads as follows:

"For the avoidance of doubt as to the interpretation of the Declaration of Intent, it is declared by its signatories that irrespective of their individual interpretive views thereof, no provision of the Declaration interpreted alone or in conjunction with any other provision thereof shall be construed as:

1. Favours or inhibiting or precluding the adoption of any particular constitutional model, whether unitary, federal, confederal or otherwise consistent with democracy.
2. Preventing any participant from advocating the same or the separation in terms of any constitutional model of powers between a central government and the regions during the proceedings of CODESA or any of its committees or working groups.
3. And that its addendum shall be added to and form part of the Declaration."

Is there any opposition to this proposed amendment to the Declaration of Intent? I take it that the proposal is therefore adopted. I therefore am privileged and delighted to call upon the Leader of Inkatha to join the podium and sign the Declaration of Intent, and say a few accompanying words.

/My ...

DR F T MDLALOSE  
INKATHA FREEDOM PARTY

My Lords, Mr Justice Mohamed, Mr Justice Schabert, Mr State President, United Nations Representatives present, Members of the European Community here present, Members of the Organisation for African Unity that are here, Members of the Non-Aligned Movement here present, Members of the Diplomatic Corps here present, Honoured Guests, Ladies and Gentlemen.

In December last year the Inkatha Freedom Party did not find it possible to sign the Declaration of Intent because it was felt that some of its wording was ambiguous and could be construed to commit those who signed it to establish a unitary state in the new South Africa. The Inkatha Freedom Party is committed to the politics of negotiation and to CODESA. It sought therefore to remedy what it regarded as deficiencies in the Declaration of Intent. It submitted draft amendments to CODESA's Management Committee. I am pleased to announce that the amendments were given due consideration.

The Inkatha Freedom Party sought these amendments to ensure that none of its provisions, standing alone or read in conjunction with other provision or provisions, could be construed to commit signatories to it to a unitary state solution for South Africa's problems. The Inkatha Freedom Party now states that it is satisfied with the wording of the addendum to the Declaration and is pleased to announce that it intends today to become a signatory to it.

In making this decision, the Inkatha Freedom Party was guided by its deep conviction that the process of nation building is a process of  
/entrenching...



entrenching democracy in society by addressing the interests of individuals and groups in South Africa's heterogeneous society. We are committed to national reconciliation; bringing people of different racial, cultural, ethnic and political groups together in peace and unity.

In conclusion, for community needs to be met and the process of regional empowerment to begin, the heart of the government must be brought to the people. All South Africans must be allowed to participate in the future government of this country. We seek a transition through democratic means and commit ourselves to a negotiated political settlement to establish a new consensus government in an open democratic society.

I thank you.

#### MR JUSTICE MAHOMED

#### 4.2 Message from the Youth

The next item is also a positive piece of news. The deliberations in which we are engaged and the future that we seek to articulate will impact upon the youth of this country more directly and for much longer than for many of us. It is therefore a matter of profound importance for us to know that the negotiation strategy in which we are engaged has the enthusiastic support of the youth of this country whose future we seek to deliberate upon. I'm happy to say that we have received spontaneously an enthusiastic message of support from some eight youth organisations representing many, many thousands of youth

/in...

in this country who have deeply been traumatised by the history of this country since 1976 at least.

I have great pleasure in communicating to you the contents of their unanimous declaration which will be read to you by my esteemed colleague, Mr Justice Schabort.

MR JUSTICE SCHABORT

Thank you, Mr Justice Mahomed.

Ladies and Gentlemen, I am greatly privileged to be the voice of the Youth on this occasion. Bear with me, it is a fairly long document but it is of great moment that we take cognisance of its contents.

"Youth Declaration on CODESA 2

A message of support to our leaders, our people and the youth of South Africa

Introduction

We, the youth of South Africa, represented by the following organisations:

1. African National Congress Youth League
2. National Party Youth Action
3. Democratic Party Youth
4. Inkatha Freedom Party Youth Brigade
5. Intando yeSizwe Party Youth
6. Inyandza Youth Congress
7. Labour Party Youth
8. Ximoko Progressive Party Youth Wing

/hereby...



hereby together declare our appreciation of the importance of CODESA 2 which sits on 15 and 16 May 1992. It is our firm belief that CODESA, given a chance and respect by all participants, affords the people of our country, black and white, the opportunity to resolve the conflicts besetting us in an amicable and peaceful way.

#### **We commend our leaders**

We, as youth organisations, wish to commend our leaders for the courage they have displayed since the first sitting of CODESA. We note the problems that have arisen in the way and once more praise the boldness with which our leaders have acquitted themselves in trying to surmount them.

We however note the critical points of difference and disagreement that still stand between us and a democratic solution. It is our firm belief that as they gather on 15 and 16 May, it shall occupy their minds that the country and its peoples, the international community and our future look to them to resolve these differences and disagreements without delay.

#### **CODESA 2 must succeed**

The progress made since CODESA 1 has aroused the expectations of the people of our country. An optimistic mood prevails upon our people, the majority of whom are youth. There is an expectation that CODESA 2 should irrevocably take the negotiations process forward. In doing so it should remove all uncertainty, confusion and suspicion about the levelling of the political playing field

/and...

and pertinent problems that might lead to unnecessary acrimony in the future.

This mood from the majority of our people is, unfortunately, threatened by the detractors and opponents of peace who want CODESA to fail. This threat and looming danger to democracy should serve as an exhortation to all to make CODESA 2 in particular and the negotiations process in general, deliver.

#### **CODESA: an all-inclusive exercise**

We take this opportunity to appeal to political organisations and parties that are still outside CODESA to join hands with their fellow South Africans at CODESA and be part of the effort to make a clean and final break with apartheid, intimidation, violence and domination. A similar understanding is called upon from those at CODESA to enable every deeming South African to participate. We simultaneously enjoin all youth organisations to join us in our call and support for a peaceful resolution of the problems of the country.

#### **CODESA: the youth and the future**

To our leaders we say: your decisions will have a large bearing on the immediate and long term future of the country. We therefore attach singular significance to the task that rests on the shoulders of those leaders at CODESA. By virtue of being the heirs of whatever destiny you set for us, we have no reason but to expect that our wishes will receive your kind appreciation. Your ability to resolve our problems with deliberate speed will

/enhance...



enhance the possibility of creating a prosperous future for our country and its people. This is a result we expect. It is our appeal that you not disappoint us.

#### **We declare our support**

We and the organisations listed below, representing different ideological and political persuasions, once more declare our preparedness to support and reinforce your efforts at resolving the problems facing our country.

We commit ourselves to spare no effort in striving to make your agreements realisable. We collectively acknowledge that, in order to arrive at a result acceptable to all, compromises will have to be made by all sides. We hope this noble principle of negotiations will be assisted by a willingness to rise above sectional and bigotted self-interest. It is our firm belief that the common interest of all South Africans - black and white and as citizens of one united country - will preponderate for the good of us all.

#### **Let us embrace peace**

To all our people - black and white - in all the different communities, we say: let us rise and together reach forward and embrace peace. It is important at this crucial moment that we all foreswear violence and give peace a chance. Let us all stay away from killings. It is our firm view that negotiations can only take place, and be successful, in an atmosphere of political tolerance and a climate of free political activity. We, the

/youth...

youth, implore our people to join hands in making South Africa a home for all.

#### **Our commitment to the future**

The success of CODESA 2 will serve as an example and encouragement to us, the youth, to come together, across the political divide, and begin a process of building an all-embracing youth unity and patriotism. A unity that should encourage and promote an advance to a non-racial democracy and peace.

Our leaders can rely on our prayers and blessings for their participation, which should eventually lead to the success of CODESA 2 in particular and CODESA in general.

Let CODESA 2 succeed!

Let us all make CODESA work!

#### **Other organisations party to the Declaration**

1. Catholic Students Association
2. Congress of South African Students
3. Federasie vir Afrikaanse Kultuur Vereniging (Jeug)
4. Girl Guides Association of South Africa
5. Jong Dames Dinamiek
6. Junior Chamber of Commerce and Industry
7. Junior Rapportryersbeweging
8. Muslim Youth Movement
9. National Catholic Federation of Students
10. South African Association of Youth Clubs



11. South African Catholic Bishops Conference Youth Division
12. South African Students Congress
13. South African Union of Jewish Students
14. Students Union for Christian Action
15. Young Christian Students

5. Adoption of Conference Procedure

Ladies and Gentlemen, the next item on the agenda is dealing with the procedures to be followed at this meeting. It is not necessary really at this stage to say anything further about that aspect since it was intended that there would have to be certain alterations made to time schedules and so on, and those matters would come up in due course when those particular items are reached.

Ladies and Gentlemen, under the item Adoption of Conference Procedure there is a request by Rev T J Mohapi - that is the item that I was mentioning and that I had suggested would really come out in the wash of the rest of these proceedings. He is representing the Dikwankwetla Party, and I take it that you have no objection to him saying what he has on his heart.

/Mr Chairman...

REV T J MOHAPI

DIKWANKWETLA PARTY

Mr Chairman, with all due respect it's in connection with the procedure. Actually I, at this late stage now in the day, would like to raise an objection to the adoption of this agenda as a whole; not as a whole, I'm sorry, but certain points. Because on the 11th of this month we received a fax saying that the leaders of political parties would be given a chance to have their inputs at the closing of the whole Convention - closing remarks. But I see in this agenda Mr Chairman, there is nothing that has been written of that sort. So I would propose that we should add an item there 7.1.3 for their inputs or the speeches that they have prepared. Because they have been made to know that they will be making speeches here.

MR JUSTICE SCHABORT

Ladies and Gentlemen, as regards this issue, we would like to have the views of the Management Committee and hear also what the other delegations might have to say in this connection. If there is no objection, if it was intended that they would be afforded this opportunity - to these traditional leaders - to address this Convention, then obviously they must be fitted in somewhere.

REV T J MOHAPI

DIKWANKWETLA PARTY

Mr Chairman, a point of order; not traditional leaders but the political leaders that are here and organisations - leaders of delegations.

/I ...



MR JUSTICE SCHABORT

I regret Reverend Mohapi, my note was incorrect; it mentioned traditional leaders. So there you have it, Ladies and Gentlemen; is there no objection in principle that that be done?

MR A RAJBANSINATIONAL PEOPLE'S PARTY

Mr Chairman, our party's view is that while Rev Mohapi's request is reasonable and what he stated is correct, there was a subsequent discussion and decision by the Daily Management Committee and the Management Committee, that this item will not appear on the agenda. But I want to propose that in view of the fact that we've already lost time and if that item is added on it will create a lot of problems, I want to suggest that if we have - possibly later this evening - the DMC could consider this request, and also accommodate this request in item 7.2 where a delegation is allocated ten minutes.

MR JUSTICE SCHABORT

I think the gist of what has been forthcoming from the National People's Party, Ladies and Gentlemen, is this; that this matter be relegated to the Daily Management Committee which would appear to be the probably wise decision at this time. That we don't have a discussion about this matter now, that they can consider and report back and see what can be done. We are working as it were, behind schedule and this must necessarily be borne in mind. Would that be carrying

/your...

your approval? Very well, then this is an aspect which is being referred to them at this stage.

Thank you.

MR JUSTICE MAHOMED

6. CODESA Working Group Reports and the tabling of the Gender Advisory Committee Report

Our next item is the report of the Working Groups and this topic should best be introduced by an analysis by the Chairman of the Management Committee who can give us an overall view of what the state of play is in the different Working Groups. We can thereafter decide how we proceed with the deliberations of this Conference in the light of that analysis. I have pleasure in calling upon the Chairman of the Management Committee to give us this overview.

MR P J GORDHAN

CHAIRMAN : MANAGEMENT COMMITTEE

Chairpersons, Eminent Representatives of the United Nations, the Organisation of African Unity, the Commonwealth, the Non-Aligned Movement and the European Community, Heads of Nations and Leaders of Delegations. On behalf of the Management Committee, I present this report on agreements and regrettably also lack of agreements, in the various Working Groups that were established by CODESA 1.

"1.1 The adoption of the Declaration of Intent at CODESA 1 effectively established CODESA as a negotiation forum to set in motion the /process...



process of drawing up and establishing a democratic constitution for South Africa.

- 1.2 By means of the Terms of Reference of the five Working Groups as set out by CODESA 1, CODESA participants sought to give practical effect to the way in which this objective could be realised through the negotiation process.
- 1.3 More specifically, Working Group 2 was entrusted with the task of negotiating a set of constitutional principles to be enshrined in the constitution and of making recommendations on the appropriate body/process to draft such a constitution.
- 1.4 Having addressed the task of giving content to the goal of the CODESA process, other Working Groups were established in order to take into account current realities in the country and shape them into practical measures which would enable us to move from the present conjuncture to the expressed goal of CODESA.
- 1.5 Accordingly, Working Group 3 was required to make recommendations with regard to the manner in which the country may be governed and managed during the introduction of a democratic constitution.
- 1.6 Working Group 1 was required to address itself to the creation of a climate in which all individuals and organisations can participate freely, without interference or intimidation, in all political activity. In this context it was also charged with the task of making recommendations with regard to the role that the international community and/or organisations could be asked to play in the formal and informal processes involved in the transition to a democratic government based on the democratic constitution which participants were seeking to create.

/In...

- 1.7 In the same context, the future of the TBVC states was assigned to Working Group 4.
- 1.8 In order to ensure that agreements reached in CODESA are recorded and implemented, Working Group 5 was required to report on the mechanism to translate agreements into properly documented form and draft legislation and establish time-frames and target completion dates for all the processes and assignments undertaken by CODESA.
- 1.9 In the course of the functioning of the Working Groups it became apparent that in numerous areas the tasks of one Working Group overlapped and were intertwined with the tasks of another Working Group. Furthermore, agreements arrived at in some of the Working Groups, derive their significance when they are located around the tasks that Working Group 2 and 3 were charged with; namely, the nature of the constitution making body and processes as well as the interim/transitional mechanisms defining how the country would be governed in the period leading to the drafting and adoption of a new democratic constitution.
- 1.10 The way in which the summary of agreements is presented in this document, is aimed at enabling us to see how far the process has taken us. Such an evaluation also provides a framework for addressing the manner in which we may wish to implement the agreements as well as to attend to outstanding tasks.
- 1.11 Against this background, the reports of four Working Groups are submitted to CODESA 2."

You are no doubt aware that at this stage Working Group 2 is not in a position to deliver a report, a matter that I will address shortly.

/This...



" 1.12 This summary of the agreements reached in Working Groups 1 to 4 must be understood in the context that the actual agreements reached as recorded in the Working Group reports which constitute the definitive version of what has been agreed upon. The reports from the Working Groups are tabled before CODESA 2 with the expectation that, after discussion at plenary, they will be adopted as formal agreements reached in CODESA."

The Daily Management Committee met with the Steering Committee of Working Group 2 after its meeting today, and that was during the lunch-time. The Steering Committee reported that there was no agreement on certain outstanding issues, whilst some progress had been made in the Working Group. As a result no package of agreement is available for consideration by CODESA. It is for CODESA 2 to determine how this matter is taken further.

" 2. Summary of agreements reached to date

- 2.2 Working Group 3 agreed on a two-phased approach in respect of the interim/transitional arrangements. The first is a preparatory phase premised on facilitating the transition to a democratic constitution, and, in particular, the levelling of the playing field, and ensuring a climate favourable to free political participation and the holding of free and fair elections.
- 2.2.1 Working Group 3 elaborated the structures necessary for phase 1, their powers and the manner in which decisions would be taken. There will be an overarching Transitional Executive Council which, together with its

/sub-councils...

sub-councils, to be vested by legislation with powers necessary to enable them to carry out their functions. The transitional executive structure will function in conjunction with the existing legislative and executive structures and is to be constituted by legislation agreed to by CODESA. Some of the powers and functions that it should have are spelt out in the Working Group Report.

- 2.2.2 The Terms of Reference of the Transitional Executive Council shall be the facilitation of the transition to a democratic constitution, including the levelling of the playing field, and it shall ensure that a climate conducive to free political participation and the holding of free and fair elections, exists.
- 2.2.3 The Transitional Executive Council will consist of at least one member of the governments/administrations who commit themselves to comply with and implement its decisions and at least one member each of the political organisations participating in CODESA, making the same commitment. Other parties not presently in CODESA can be admitted by the Transitional Executive Council.
- 2.2.4 Members of the Transitional Executive Council will be full-time executives.
- 2.2.5 The sub-councils shall operate within the same terms of reference, but shall be given specific responsibilities in particular areas of concern which will be identified for each sub-council. Every sub-council will have a multi-party character and will ordinarily consist of up

/to...



to six members.

2.2.6 The following sub-councils were agreed upon and their areas of responsibility described:

- Regional and local government
- Finance
- Law and Order, Stability and Security
- Defence

2.2.7 Regarding the sub-council on Foreign Affairs it has been agreed that, due to the unique character thereof, there is need for broader discussion concerning it.

2.2.8 It was also agreed that there be an Independent Election Commission with responsibility for the holding of free and fair elections. The Working Group agreed to a statutorily established Commission/Authority concerned with the media which will be institutionalised in accordance with recommendations made by Working Group 1.

2.2.9 There may be a need for an election sub-council to provide services and information to the Independent Election Commission. The Transitional Executive Council will decide whether or not there is a need for such a sub-council.

2.2.10 The Independent Election Commission will be independent of the Transitional Executive Council and will consist of respected and suitably qualified persons drawn from the broad cross-section of the population. Its composition, powers and functions shall be provided for in legislation to be agreed upon by CODESA.

2.2.11 The Transitional Executive Council and sub-councils will

/endeavour...

endeavour to take their decisions by consensus. Where consensus cannot be achieved, a majority of at least 80% will be sufficient for a decision. If a party is of the opinion that a minority view should have prevailed, the matter can be referred for adjudication to the Independent Election Commission.

2.2.12 All these structures would be constituted by legislation agreed to by CODESA.

2.2.13 It was agreed that the agreement reached with regard to phase 1, as well as its implementation, would be dependent upon agreement being reached by CODESA in respect of phase 2, including the interim constitution and the general constitutional principles."

You will understand that in view of the fact that CODESA Working Group 2 has not been able to arrive at agreements on these matters, this has serious implications for taking this matter further today.

"2.3 Working Group 4 agreed that the TBVC states will participate in the phase 1 arrangements agreed upon by Working Group 3 on the understanding that these arrangements shall impact mutatis mutandis on the TBVC governments and territories in the same way as they impact upon the South African government and the territory of the RSA. Furthermore the people of the TBVC states shall take part fully in the processes of constitution-making and transitional arrangements, including elections as may be proposed by Working Groups 2 and 3. Their participation will be arranged in such a way that their votes in a national election

/shall...