

THESE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE PLANNING COMMITTEE AND THE NEGOTIATING COUNCIL.

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD AT 09H00 ON TUESDAY 31 AUGUST 1993 AT THE WORLD TRADE CENTRE

PRESENT :

- B Alexander
- R Cronje (Chairperson by rotation)
- C Eglin
- PJ Gordhan
- C Kruger
- RP Meyer
- MC Ramaphosa
- J Slovo
- SN Sigcau
- Z Titus

M Maharaj (Sub-Committee)
SS van der Merwe (Sub-Committee)

T Eloff (Administration)
G Hutchings (Minutes)

1. Moment of Prayer/Meditation

A moment of prayer/meditation was observed by all members.

2. Welcome and Attendance

- 2.1 All members were welcomed.
- 2.2 Absent from the meeting were FT Mdlalose and B Ngubane (sub-committee).
- 2.3 Apologies were noted for late arrival by RP Meyer and MC Ramaphosa.
- 2.4 Apologies were noted for non-attendance by M Webb.

3. Ratification of Agenda

The agenda was ratified with no amendments.

4. Substantive Issues

4.1 **Contact with the General Council of Bar and Chief Justice by C Eglin and Z Titus:**

- 4.1.1 C Eglin and Z Titus gave a reportback on the issue to the meeting.
- 4.1.2 It was noted that Chief Justice Corbett had indicated that a written submission would be made by the end of this week to the Multi-Party Negotiating Process.
- 4.1.3 It was noted that Advocate Trengove was still overseas and would be contacted as soon as possible.
- 4.1.4 Concerns were expressed at the Minister of Justice meeting with the Judges. It was suggested that this was interference in the negotiating process and the displeasure of the Planning Committee should be made know at this interference. Discussion followed around this suggestion.
- 4.1.5 After discussion it was agreed that all the facts should be established before the expression of displeasure was taken further.

4.2 **Commission on the Demarcation/Delimitation of Regions - Update:**

- 4.2.1 It was noted that there was nothing further to report on this issue at this stage.
- 4.2.2 When the meeting reconvened it was noted that the invitations had been processed.

4.3 **Co-ordination and implementation of the Draft Bills on the TEC, IEC, IMC and IBA:**

- 4.3.1 Report from the Sub-Committee on the Process with regard to the Four Bills (see Addendum A):
 - 4.3.1.1 The Sub-Committee presented its report. Lengthy discussion followed during which various amendments to the report were suggested.
 - 4.3.1.2 Discussions also proceeded around the issue of the Plenary session. It was suggested that a Plenary session should be held before the October session of Parliament.
 - 4.3.1.3 It was noted that this proposal was not in conflict with the Explanatory Memorandum.

- 4.3.1.4 Due to time constraints it was agreed to defer discussion on this issue and to continue the discussion when the Planning Committee next met.
- 4.3.1.5 It was agreed that the Planning Committee should meet from 12h45 to 14h15.
- 4.3.1.6 Before the meeting adjourned R Meyer raised the issue of Clause 22 of the TEC Draft Bill and suggested that this clause should be referred to the Planning Committee for initial discussion and a proposal in this regard should be made in the Negotiating Council.

The meeting adjourned at 10h20.

The Planning Committee reconvened at 13h30.

- 4.3.1.7 Discussion and debate continued on the issue of the processing of the Draft Bills.
- 4.3.1.8 It was formally proposed that the Planning Committee should prepare a resolution for the Negotiating Council on how the Bills should be dealt with, i.e. with regard to the submission to Parliament on 13 September and an implementation date. This was agreed to.
- 4.3.1.9 It was noted that the Bills would not be implemented until there was agreement on the Constitution for the transition. It was further noted that this position should be made quite clear in the resolution.
- 4.3.1.8 A proposed draft Resolution was distributed to the meeting. The content of the resolution was discussed and agreed upon but the wording/grammar was referred to the Sub-Committee for its attention. It was noted that this resolution would only be tabled in the Negotiating Council at its meeting of 1 September 1993. It was noted that Planning Committee would see the final draft before it was put to the Negotiating Council meeting.
- 4.3.1.9 It was noted that a task group should be appointed to be present in Cape Town during the Parliamentary session. The task group should be interacting and ensuring that any changes to the Draft Bills are brought to the

attention of the Planning Committee to decide on the appropriate course of action.

4.4 Commission on National Symbols:

It was noted that the deadline for the receipt of CV's had expired. It was noted that the Sub-Committee would put forward a recommendation to the Planning Committee on the composition of the Commission and the envisaged process by 1 September 1993 for submission to the Negotiating Council.

4.5 Draft Bill on the IBA:

4.5.1 It was noted that a document dealing with the views of the Post Master General should be noted by the Negotiating Council but not discussed. This document was only for information purposes for Negotiating Council participants.

4.5.2 It was noted that the Technical Committee would raise any issues of relevance in a specific context during the presentation and consideration of the Draft Bill on the IBA which arose from the submissions of the Post Master General.

4.5.3 It was agreed to mandate the Sub-Committee to liaise with the Technical Committee on the IMC and convey the views of the meeting.

4.6 Traditional Leaders:

It was agreed that this issue would appear on the agenda of the next Planning Committee meeting.

5. Procedural Issues

5.1 It was noted that the Peace Secretariat was arranging a day of peace on Thursday 2 September. It was agreed that a minute of silence would be observed by the Negotiating Council participants on Thursday 2 September at 12h00. The Administration was mandated to attend to all the logistical arrangements.

5.2 It was agreed that C Eglin and J Slovo have informal contact with the women's caucus on the issue of women and the TEC and report back to the Planning Committee in this regard.

6. Closure

- 6.1 It was agreed that the Planning Committee meets at 11h00 on Wednesday 1 September 1993 and the Negotiating Council meeting commences at 12h00 on 1 September 1993.
- 6.2 The meeting was adjourned at 15h00.

These minutes were ratified at the meeting of the Planning Committee of 18 October 1993 and the amended version signed by the Chairperson of this meeting on 1993.

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CHAIRPERSON

**REPORT FROM SUB-COMMITTEE TO PLANNING
COMMITTEE
PROCESS: THE FOUR BILLS**

1. The four Bills under consideration are related to the Independent Media Commission, the Independent Broadcasting Authority, the Independent Electoral Commission and the Transitional Executive Council.
2. Ideally the contents of the IMC, IBA, IEC Bills are to be agreed upon in the Negotiating Council by not later than Tuesday the 31st August 1993, and the TEC Bill by not later than Monday 6th September 1993.
3. Ideally also the Bills should be certified by the State Law Advisors and introduced in Parliament by not later than 8th September 1993 in the case of the IMC, the IBA, and the IEC and the 13th September 1993 in the case of the TEC.
4. Under these circumstances all four Bills could be enacted before the end of September 1993.
5. To ensure that in their passage through Parliament the Bills as agreed upon in the Negotiating Council, are not substantially changed in conflict with Council agreements -
 - State Law Advisors have been working with the Technical Committees in preparation of the drafts;
 - The Planning Committee should be authorized to ensure that changes affected do not violate the substance of Council agreements;
 - A task group should be appointed to be present in Cape Town during the session of Parliament to monitor the proceedings, interact with Parliamentarians and be in continued contact with the Planning Committee.
6. After being enacted the Statutes can come into operation as soon as they are promulgated or, if so provided, on a date to be proclaimed by the State President. It is recommended that they come into operation on a date to be proclaimed and that provision to this effect be inserted in the Bills.

7. According to the explanatory memorandum, Council will expressly determine when each agreement arrived at, will be implemented -

- It is recommended that as Council agrees on each of the Bills, it should determine that each can be introduced in Parliament for enactment.
- After the Bills have been enacted, Council will determine when each of them is to be put into operation.
- In the meantime Council should authorise the Planning Committee to informally plan for the creation of the structures envisaged in the four Bills in order to facilitate implementation.

8. The Sub-Committee will make recommendations on planning for implementation after the Bills have been agreed upon.

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THESE DRAFT MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE PLANNING COMMITTEE AND THE NEGOTIATING COUNCIL. THE MINUTES ARE STILL TO BE RATIFIED AT THE NEXT MEETING OF THE PLANNING COMMITTEE.

DRAFT MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD AT 09H00 ON TUESDAY 31 AUGUST 1993 AT THE WORLD TRADE CENTRE

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2. Welcome and Attendance

2.1 All members were welcomed.

2.2 Apologies were noted for non-attendance by FT Mdlalose, B Ngubane (sub-committee) and M Webb.

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