

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

MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 10H05 ON TUESDAY 14 SEPTEMBER 1993 AT THE WORLD TRADE CENTRE

PRESENT: See Addendum A

1. Moment of Prayer/Meditation

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

2. Welcome and Attendance

The participants were welcomed

3. Ratification of the Agenda

3.1 The agenda was ratified with the amendment:

- * A moment of silence to be inserted between item 3 and 4 for the people who died in an accident between Kwandebele and Pretoria on Monday 13 September 1993.

3.2 A moment of silence was held in honour of the people who died in an accident between Kwandebele and Pretoria on Monday 13 September 1993.

4. Minutes

It was noted that the minutes of the Negotiating Council meetings of 30 August 1993, 31 August 1993, 1 September 1993, 2 September 1993 and 7 September 1993 would be distributed during the course of the day for ratification at the next meeting of the Negotiating Council.

5. Planning Committee Reportback

5.1 Constitutional Issues:

- 5.1.1 It was noted that bilateral meetings are being held and that progress was being made but that no substantial report was

available for the Negotiating Council.

- 5.1.2 With regard to the question of Traditional Leaders, having been referred to the Planning Committee, the Planning Committee suggested that a group of representatives of the Traditional Leaders should be given an opportunity to have a discussion with the Planning Committee in respect of their concerns in order that the Planning Committee might be able to facilitate some progress in that regard. This suggestion was agreed to and it was noted that the necessary arrangements for the meeting would be made as soon as possible.

5.2 Commission on the Demarcation/Delimitation of Regions:

- 5.2.1 It was noted that F Smit was not able to serve as Co-Chairperson.

- 5.2.2 The Planning Committee recommendation that A du Plessis be nominated as Co-Chairperson of the Commission with B Nomvete was agreed to.

5.3 The role of the international community in the context of the Draft Bills that have been passed:

It was noted that there was no report on this issue at this point but the matter was being attended to.

5.4 The processing of the four Draft Bills through Parliament:

- 5.4.1 It was noted that the Draft Bills on the IEC and the IMC would be before the Standing Committees on Tuesday 14 September and Wednesday 15 September.

- 5.4.2 It was noted that the Draft Bill on the TEC would be before the Standing Committee on Friday 17 September 1993.

- 5.4.3 It was intended that the IEC and IMC Draft Bills would be before Parliament on Thursday 16 September 1993 and Friday 17 September 1993, the TEC Draft Bill on Monday 20 September 1993 and Tuesday 21 September 1993 and the IBA Draft Bill on Wednesday 22 September 1993.

- 5.4.4 The Planning Committee requested that the Negotiating Council takes note of the scheduled programme of Parliament as it did have a bearing on the recommendations in respect of the schedule of meetings for the Negotiating Council.

- 5.4.5 The PAC delegation raised an issue that had been only discussed in the meeting of the Planning Committee. This dealt with the proposed amendment by D Schutte of the South African Government to the Draft Bills on the IEC, IMC and IBA. Discussion followed.
- 5.4.6 The Planning Committee noted that the matter had been considered by the Planning Committee and it was deemed unnecessary to entertain the amendments at this point and therefore no amendments would be made to the Draft Bills. It was further noted that the Planning Committee, through the Task Group that was established by the Negotiating Council, was in the process of establishing a more rigorous process in terms of the manner in which the Draft Bills are dealt with in Parliament and a report would be submitted to the Negotiating Council in this regard during the course of the day.
- 5.4.7 Further discussion followed. The Planning Committee assured the Negotiating Council that there would be no substantive amendments to the Draft Bills without the consent of the Negotiating Council.
- 5.4.8 After a lengthy discussion it was agreed that the Planning Committee, during the course of the day, will submit a full report to the Negotiating Council on this issue. It was agreed to curtail debate on this issue until the report of the Planning Committee was received.

5.5 Commission on National Symbols:

It was noted that the Commission was scheduled to have its first meeting during the course of this week and a progress report would be available for the Negotiating Council during the course of the week.

5.6 Technical Committee on Fundamental Human Rights:

It was noted that the Technical Committee and the Ad-Hoc Committee were meeting in Cape Town during the course of this week. A progress report would be available for the Negotiating Council after the scheduled meetings.

5.7 Task Group with regard to the Repeal or Amendment of Discriminatory Legislation:

- 5.7.1 It was noted that the Negotiating Council had at a previous meeting approved the name of Professor van der Westhuizen to head the Task Group.

5.7.2 The Planning Committee recommendation that J de Bruyn joins the Task Group was agreed to.

5.8 PAC/SA Government Issue:

It was noted that there was no report available and the matter was still under discussion in the Planning Committee.

5.9 National Economic Forum Liaison Committee:

It was noted that a meeting date had been proposed for a meeting of the liaison committee but the date was subject to further discussion in terms of the availability of the people concerned. Once the meeting had taken place the Planning Committee would report back to the Negotiating Council.

5.10 The outcome of the Kwazulu Government Court action/case:

5.10.1 It was noted that a written report was being prepared for presentation to the Negotiating Council during the course of the day.

5.10.2 When the Negotiating Council reconvened after lunch, a written report was presented and distributed to the Negotiating Council (see Addendum B).

5.11 Avstig:

The Planning Committee recommendation that the application of Avstig to join the process be turned down on the basis that Avstig does not meet the criteria, was agreed to.

5.12 Schedule of Meetings:

5.12.1 It was noted that certain factors had been taken into account in respect of Negotiating Council meetings to be held during the course of this week.

5.12.2 It was suggested that on Wednesday 15 September there should be no Negotiating Council meeting and that participants should utilise the time for bilateral meetings.

5.12.3 It was suggested that on Thursday 16 September no Negotiating Council meeting should take place as the Electoral Act would not be available yet and because Thursday was the Jewish New Year and some members of the Technical Committee were affected by this.

- 5.12.4 It was suggested that no Negotiating Council meetings were held on Monday 20 September, Tuesday 21 September and Wednesday 22 September as various Negotiating Council participants were required to be present in Parliament.
- 5.12.5 The schedule of meetings as amended was agreed to.
- 5.13 **Report with regard to the suggested amendments to the Draft Bills on the IEC, IMC and IBA:**
- 5.13.1 When the Negotiating Council reconvened after lunch, PJ Gordhan as the current Planning Committee Chairperson gave a report to the meeting on the issue of the suggested amendments to the Draft Bills on the IEC, IMC and IBA.
- 5.13.2 It was noted that at its meeting of 6 September 1993, the Negotiating Council had agreed to the establishment of a Task Group of five persons to manage the liaison between the Negotiating Council and the Parliamentary process. At the said meeting it was further agreed that the Planning Committee would take responsibility for ensuring that there was no substantial amendments to legislation. Where amendments did occur the Planning Committee was to ensure that if the suggested amendments were substantial they were brought to the notice of the Negotiating Council or to attend to the amendments on behalf of the Negotiating Council and to then report to the Council.
- 5.13.3 The procedure for suggesting amendments to Draft Bills was outlined for participants.
- 5.13.4 The Planning Committee had considered the suggested amendments and had decided not to approve them. The Planning Committee was therefore of the view that as the suggested amendments were not substantive, the matter had been dispensed with in line with the mandate of the Planning Committee from the Negotiating Council and that it was not necessary to report on the details to the Negotiating Council.
- 5.13.5 It was noted that the Planning Committee had approved, as per its mandate from the Negotiating Council, various technical amendments to the Draft Bill on the IEC.
- 5.13.6 It was noted that a written document outlining the relationship and procedure in terms of the relationship between the Parliamentary process and the Multi-Party Negotiating Process would be submitted to the Negotiating Council for its approval.

Before the meeting adjourned the document was tabled and accepted by the Negotiating Council (see Addendum C).

5.13.7 It was noted that should any participant require details of the amendments, suggested or otherwise, the Administration should be approached for assistance in this regard.

5.13.8 It was noted that the Planning Committee had acted correctly under the circumstances.

5.14 12th Report from the Technical Committee on Constitutional Issues:

When the Negotiating Council reconvened after lunch, the Planning Committee reported that submissions with regard to the 12th Report from the Technical Committee on Constitutional Issues were still awaited from legal bodies such as the General Council of the Bar, the Black Lawyers Association, the Chief Justice, etc. It was noted that participants should keep this in mind when the 12th Report was debated as the Technical Committee would still have to address the submissions and report to the Negotiating Council before any clear-cut decisions could be made in respect of the 12th Report.

6. Substantive Issues - The Third Draft Constitution for the Transition

6.1 Eleventh Report of the Technical Committee on Constitutional Issues:

The Technical Committee on Constitutional Issues was welcomed. Present were A Chaskalson, GE Devenish, E Moseneke, B Ngoepe, W Olivier, F Venter and M Wiechers. Apologies were noted from M Olivier.

6.1.1 The 11th Report and its annexure was presented to the meeting. Questions of clarity were put to the Technical Committee. Debate also proceeded on specific issues relating to the national executive.

6.1.2 The President:

6.1.2.1 It was agreed that the President should be an executive head of state (par 2.1 of 11th Report, s1, 5, 6 & 7 of the Annexure).

6.1.2.2 It was agreed that the President should be elected indirectly (par 2.2 - 2.4 of 11th Report, s2(1) - (3) and 8 of the Annexure).

6.1.2.3 It was suggested that a joint session of the National Assembly and the Senate should confirm the election of

the President. A contrary view was that this would create constitutional uncertainty.

6.1.2.4 The Technical Committee was requested to investigate the desirability of the Senate's involvement in this process. In formulating its proposal to the Negotiating Council, the Technical Committee should bear in mind that there should be no constitutional uncertainty during the transitional period.

6.1.2.5 Discussion proceeded around the question of whether the President should be/remain a member of Parliament (par 4 of 11th Report, s2(4) and 14 of the Annexure). It was agreed to accept paragraph 2(4). With regard to 14(2), the Technical Committee was requested to consider role of the State President in terms of the possible expansion thereof. It was agreed that the State President should then not remain a member of Parliament and the relevant clauses should clarify the position.

6.1.3 Deputy/Vice President:

Discussion proceed around whether there should be a Deputy/Vice President, and if so, what the powers and functions of such an office should be (par 7 of 11th Report, s 10, 13 and 14 of the Annexure). After discussion it was agreed that this issue should not be finalised but should be dealt with on a bilateral basis and finalised at a future meeting of the Negotiating Council.

The meeting adjourned for lunch at 12h50.

The meeting reconvened at 14h05.

6.1.4 Prime Minister:

The question as to whether there should be a Prime Minister, and if so, what should the powers and functions of such an office be, was put to the meeting (par 6 of 11th Report, s10(2) of the Annexure). It was agreed to defer the discussion on the issue and return to this question at a future meeting of the Negotiating Council once the issue had been dealt with on a bilateral basis.

6.1.5 The Cabinet:

- 6.1.5.1 After discussion it was agreed that the Cabinet should be proportionally composed (par 3 of 11th Report, s10 of the Annexure). It was noted that the PAC was totally against this decision.
- 6.1.5.2 The question as to what the threshold should be for a Cabinet composed proportionally was put to the meeting (par 8.1 of 11th Report, s10 (3) of the Annexure). During the course of the discussion various viewpoints and alternatives were suggested. It was noted that there was a general acceptance that there should be a cut off threshold point, but that there should be some latitude for discretion by the State President. It was suggested that there was a need to consider minority parties with regard to this issue. It was agreed that the Technical Committee reconsiders this clause taking into account the views expressed in the meeting.
- 6.1.5.3 Discussion then proceeded as to whether Cabinet Ministers should be members of Parliament (par 5 of the 11th Report, s12 of the Annexure). After discussion the Technical Committee was requested to reconsider this question taking into account the views expressed in the meeting and submit various possibilities to the Council. It was agreed that the Technical Committee should also consider the possibility of merging on one hand the separation of power and on the other the issue accountability.
- 6.1.5.4 The question of decision-making by the Cabinet was put to the meeting (par 9 of 11th Report, s13 of the Annexure). Discussion followed after which it was agreed that no firm decision should be taken on this issue at this point and that the issue should be returned to at a future meeting of the Negotiating Council.
- 6.1.5.5 The meeting proceeded to discuss the question of which variation or combination of variations regarding the composition of the Cabinet was acceptable (parr. 8.2 - 8.6 of 11th Reports, s9 of the Annexure). After a lengthy discussion during which various combinations were suggested, it was agreed that no decision should be taken as more thought was needed on the issue. It was agreed to revisit this issue at a future meeting of the Negotiating Council.

The meeting adjourned for tea at 15h30.

The meeting reconvened at 15h50. It was noted that N Jajula assumed the role of Assistant Chairperson as PJ Gordhan had to excuse himself from the meeting due to a prior commitment.

6.2 12th Report on Constitutional Issues:

6.2.1 The Technical Committee presented its 12th Report and addendum to the meeting. Questions of clarity were put to the Technical Committee. The discussion then proceeded to specific issues relating to the judiciary. It was agreed to take, if possible, in principle decisions. It was, however, noted that certain issues may have to be revisited in light of any further submissions received.

6.2.2 The Constitutional Court:

6.2.2.1 It was agreed in principle that the Constitutional Court should be a separate court (par 3.1 - 3.5 and examples in par 4 of 12th Report).

6.2.2.2 It was agreed in principle that the Constitutional Court should be separate from the Appellate Division, although part of the judicial system (par 3.6 and 3.7 and examples in par 4 of 12th Report).

6.2.2.3 Discussion then proceeded around what the ambit of the jurisdiction of the Constitutional Court should be (par 5.1 of 12th Report, s87(2) and s90(3) of the Addendum). It was agreed to accept in principle the ambit of this court as framed by the Technical Committee.

6.2.2.4 The meeting then proceeded to discuss the question of how laws contrary to the Constitution should be dealt with (par 5.2 and 5.3 of 12th Report, s87(2) and s90(3) of the Addendum). It suggested that there was general acceptance by the Council with regard to paragraphs 87(4) and 87(5) of the Addendum. It was noted that paragraph 90(4) of the Addendum was generally acceptable to participants. After a lengthy discussion on all issues raised, it was agreed that in general the Council was satisfied with the direction the Technical Committee was taking, but that there was a need to revisit the matter at a future meeting of the Negotiating

Council.

6.2.2.5 The question of whether a procedure should be provided for in terms of which the Constitutional Court could be approached to give an opinion on the constitutionality of a bill before it became law, was put before the meeting (par 5.4 of 12th Report). After discussion it was agreed to not take a decision on this issue but to revisit it at a future meeting of the Negotiating Council. It was noted, however, that there was general agreement that a procedure should be provided for in terms of which the Constitutional Court could be approached to give an opinion on the constitutionality of a bill before it became law. It was agreed that the Technical Committee should submit proposals to the Negotiating Council on the said clauses to be included in the Constitution.

6.2.2.6 The meeting proceeded to discuss what the qualifications of the Judges of the Constitutional Court should be and how they should be appointed (par 7.3 - 7.7 of 12th Report s88 of the Addendum). During the course of the discussion it was suggested that the period for qualification of advocates as prospective candidates should be lowered from 10 years to five years. It was suggested that there should be a different procedure for the appointment of the judges who would serve on the Constitutional Court. Various other suggestions around issues such as the appointment procedure, whether the appointments should be in camera, the deadlock breaking mechanism, the size of the court, gender, etc. emerged during the course of the lengthy discussion. It was agreed that participants should make submissions on the issues and any other matters to the Technical Committee should they so wish. Participants were requested to keep in mind feedback from the Technical Committee on issues raised when making their submissions.

6.2.3 The Ordinary Courts:

6.2.3.1 The issue regarding the extent of the continuation or reorganisation of the existing court structure was put to the meeting (par 6 of 12th Report, s90(1) and (2), 91 (1) and 96 of the Addendum). After discussion it was agreed to accept the direction of the Technical Committee, although participants were requested to

make any further inputs or amendments by written submissions to the Technical Committee.

6.2.3.2 The meeting proceeded to discuss how the Judges of the Supreme Court should be appointed and/or removed from office (par 7.1., 7.2, 7.8, 7.9 and 8 of 12th Report, s92 and s93 of the Addendum). During the course of the discussion the NPP noted that it would be making a written submission on this question to the Technical Committee. It was suggested that the Judicial Service Commission should be both gender and race sensitive and balanced. It was noted that in general the clauses were acceptable to the Negotiating Council with the possibility of a few amendments to take into account views and concerns expressed during the course of the discussion.

6.2.4 Other provisions contained the Addendum:

6.2.4.1 It was noted that s86 was a formal provision.

6.2.4.2 It was noted that s87(3) was of a general nature.

6.2.4.3 It was noted that s87(6) was of a technical nature that should possibly be included in clauses dealing with the Supreme Court.

6.2.4.4 It was noted that s87(7) had been dealt with during the course of the meeting.

6.2.4.5 It was noted that s89 was a formal provision which was dealt with in s90.

6.2.4.6 It was noted that s90(8)-(12) dealt with the manner in which appeals go to the Appellate Division on constitutional matters from the Supreme Court.

6.2.4.7 It was noted that s94 dealt with the question of seats for the Constitutional Court and the Appellate Division. It was agreed to revisit this issue at a future meeting of the Negotiating Council. Various participants noted that they would be making written submissions on this issue to the Technical Committee.

6.2.4.8 It was noted that s95 was basically a formulation of the status quo regarding the use of languages in the court. It was agreed to revisit this issue at a future meeting of

the Negotiating Council.

- 6.2.4.9 It was noted that s97 had been dealt with during the course of the meeting.
- 6.2.4.10 It was noted that s98 had been dealt with during the course of the meeting.
- 6.2.4.11 It was noted that the Oath of Office was a standard provision.

6.3 The Technical Committee was thanked for its work so far completed.

7. Meetings Schedule and Draft Programme

The meeting schedule and draft programme were distributed and noted by participants (see Addendum D and E).

8. Closure

The meeting adjourned at 19h00.

These minutes were ratified at the meeting of the Negotiating Council of 6 October 1993 and the amended version signed by the Chairperson of the original meeting on ...18/11/1993


.....
CHAIRPERSON

The following delegates and advisers were present at the meeting of the Negotiating Council on Tuesday 14 September 1993:

M Finnemore : Chairperson
 PJ Gordhan : Assistant Chairperson
 N Jajula : Assistant Chairperson

Organisation	Delegates	Advisers
ANC	C Ramaphosa B Kgosisile	M Manzini V Moosa
AVU	AJJ van Rensburg C Kruger	
Bophuthatswana	R Cronje R Mangope	BE Keikelame
Cape Trad. Leaders	M Nonkonyana SN Sigcau	DM Jongilanga
Ciskei	AC Cilliers VT Gqiba	
DP	CW Eglin M Finnemore	KM Andrew
Dikwankwetla	SOM Moji	K Ngwenya
IFP		
IYP	NJ Mahlangu NS Mtsweni	AP Laka Q Vilankulu
KP		
INM	SS Ripinga ND Mokoena	MS Gininda GG Zama
Kwazulu		
Labour Party	L Landers CC August	A Delport
NIC/TIC	C Salojee F Chohan	K Mayet
NP	D de Villiers TJ King	SJ Schoeman
NPP	A Rajbansi L Singh	S Naidoo AA Gani

● Trad. Leaders	MB Mota MT Moroke	RH Mopeli
PAC	P de Lille	ER Sibeko B Desai
Solidarity	DS Rajah	
SACP	J Slovo L Jacobus	
SA Government	RP Meyer LR Brink	TJ Kruger
Transkei	Z Titus N Jajula	R Nogumla
TVL Trad. Leaders	LM Mokoena	NE Ngomane MA Netshimbupfe
UPF	A Chabalala J Maake	RJ Dombo
Venda	SE Moeti AK Masehela	GM Ligege S Makhuvha
XPP	ST Mona MH Matjokana	GNK Hetisani

T Eloff	:	Administration
G Hutchings	:	Minutes
P Lelaka	:	Administration
M Radebe	:	Administration

**REPORT TO NEGOTIATING COUNCIL ON OUTCOME OF THE LEGAL ACTION
INSTITUTED BY THE KWAZULU GOVERNMENT AGAINST TWO
CHAIRPERSONS, MESSRS MJ MAHLANGU AND PJ GORDHAN**

The Negotiating Council will recall that I was mandated to co-ordinate the efforts of all those who were charged with the defence of the court action instituted by the KwaZulu Government against two Chairpersons, namely MJ Mahlangu and PJ Gordhan. The matter was heard by the full bench of the Transvaal Provincial Division last week. Eloff J.P. presided and he was assisted by Van der Walt J. and Plewman J. The applicant was represented by Advocates Piet van der Byl S.C., Louis Visser S.C. and Hendrik Jakobs. The respondents were represented by Advocates Wim Trengove S.C., Pius Langa and Gilbert Marcus.

The proceedings commenced in the Pretoria Supreme Court at 10h00 on the 9th of September. At the outset Counsel for the applicant outlined the facts pertaining to this matter. After he had given the factual outline the judges requested him to address them on four legal issues. They indicated quite clearly that they had fundamental problems with applicant's case. After Counsel began addressing the court on these issues, and some fifteen minutes into his argument, he called for an adjournment. The court adjourned at 10h40 and the proceedings resumed at 11h00. It was clear at this stage that the applicant was having difficulty in satisfying the court that it had jurisdiction to entertain the application. It is apposite to mention at this point that the applicant had applied to court for a declarator the effect of which, if granted, would have been the nullification of the definition of 'Sufficient Consensus' as it appears in the Standing Rules. Secondly, the applicant applied for the review and setting aside of four decisions taken on the basis of Sufficient Consensus. It must also be noted that the respondents' case was founded on three affidavits deposed to by MJ Mahlangu, PJ Gordhan and Z Titus.

The proceedings recommenced at 11h00. After Advocate van der Byl had presented further argument on behalf of the applicant Counsel for the respondents then rose to address the court. He gave an impressive display and it was clear at that point that the respondents' case was watertight. The court adjourned at 11h45 to enable the judges to consider the preliminary question whether, in terms of the law, the Supreme Court had jurisdiction to entertain the application.

Judgement was delivered at 14h30. In a well-reasoned, well-researched, comprehensive and thought-provoking judgement the judges dealt with the following issues:

- a) The history of the negotiating process;
- b) the legal nature of the process and the legal nexus between the process itself and the various participants in the process;
- c) the legal authorities relating to the jurisdiction of the Supreme Court in matters of this nature;

- d) the role of the courts in matters which are essentially political in nature; and
- e) the difficulties which applicant would have encountered as a result of non-joinder of other Negotiating Council members if the court had jurisdiction at all to hear the matter.

The judges ruled against the applicant. During the course of our preparations for the case it transpired that there was no legal precedent anywhere in the world for a case of this nature. This judgement therefore forms an important part of the history of South African jurisprudence. It no doubt constitutes a landmark ruling and many lawyers will for many years hereafter refer to it as the locus classicus case on the Supreme Court's jurisdiction on matters which are political in nature. The respondents were overjoyed when the judges ruled that the Supreme Court had no jurisdiction to hear the matter. They however reacted in a mature and objective manner to the ruling. In a statement released after the hearing, they stated:

"The Supreme Court today confirmed that the appropriate place for the KwaZulu Government and the Inkatha Freedom Party is at the World Trade Centre. The Court is not the appropriate forum to resolve disputes of an essentially political nature.

We believe that having explored this legal avenue as it is its right, the KwaZulu Government allies should now return to the Negotiating Process which provides ample opportunity for discussing and arriving at agreements which can serve to reassure all interests.

Indeed this Court's judgement, in our view, should be morally binding on the KwaZulu Government and the Inkatha Freedom Party and requires that the interests of the whole country and all its peoples should be the foremost concern of all political actors.

Negotiations remain the only way to achieve a peaceful and democratic South Africa which we strive to establish. The Inkatha Freedom Party and the KwaZulu Government have a vital contribution to make to the process.

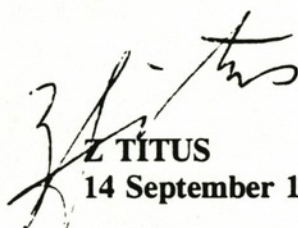
We believe that the Supreme Court ruling today paves the way for their return to the negotiating process at the World Trade Centre."

Finally, I wish to congratulate the respondents' lawyers, including the instructing attorneys Cheadle, Thompson and Haysom Inc, for the excellent manner in which they handled this matter. They did a marvellous job. The affidavits they prepared demonstrate quite clearly that a lot of preparation was put into the case. The heads of argument were comprehensive and well researched. All the affidavits, the written heads of argument and the written judgement will be forwarded to the administration in due course for filing. Copies of the judgement will be made available to you all. The applicant has not yet informed the respondents' lawyers whether they intend appealing against the ruling. It was however

reported on TV1 this morning that the possibility of an appeal is under consideration by the applicants' legal advisors.

It is hoped that the IFP and the KwaZulu Government will rejoin the negotiations. The judges specifically reminded all concerned that the proper place for settling political differences is the Negotiating Council and not the courts. We are now moving inexorably ahead towards the installation of a democratic order in South Africa and I trust that, instead of embarking on actions leading to the making of legal history, all South Africans will now concentrate their efforts solely towards bringing to fruition the single epoch-making event which the majority of us are looking to, namely the holding of democratic elections in April next year.

Thank you


Z TITUS
14 September 1993

**PROCEDURE OF TASK GROUP
IN PASSAGE OF DRAFT BILLS THROUGH PARLIAMENT
SUBMITTED TO THE NEGOTIATING COUNCIL
14 SEPTEMBER 1993**

The Task Group has set up an office in Cape Town. It is permanently manned by a staff member of the MPNP administration.

At hand in the office are copies of the draft bills as they were agreed on by the Negotiating Council.

Arrangements have been made for all documents introduced into and emanating from standing committees of Parliament and Parliament itself to be made available to this office.

Thus the office staff and the Task Group will be able to identify every amendment introduced. This will be considered by the Task Group and every amendment which may be substantive will be submitted to the Planning Committee for consideration.

Every party in the Negotiating Council that is represented in Parliament, is asked to promote the passage of the bills without substantial amendment. Any party wishing to introduce useful or beneficial amendments that might be judged substantial, should first submit it to the Task Group's office for submission to, and approval or otherwise by the Planning Committee. Such amendments should not be introduced in Parliament without the approval of the Planning Committee.

REVISED PROPOSED SCHEDULE OF MEETINGS

13 SEPTEMBER 1993

Negotiating Council Tuesday 14 September 1993 09h00-19h00

The morning of Wednesday 15 September 1993 has been set aside for bilateral and/or multilateral meetings and for ad-hoc committee work.

Planning Committee	Thursday 23 September 1993	08h30-10h00
Negotiating Council	Thursday 23 September 1993	10h00-20h00
Negotiating Council	Friday 24 September 1993	09h00-19h00

Planning Committee	Monday 27 September 1993	09h30-11h00
Negotiating Council	Monday 27 September 1993	11h00-19h00
Negotiating Council	Tuesday 28 September 1993	09h00-19h00
Negotiating Council	Wednesday 29 September 1993	12h00-20h00
Negotiating Council	Thursday 30 September 1993	09h30-18h00

Please note :

The adjournment times of the Negotiating Council meetings as stated are target times, which will only apply if the agenda has been completed, subject to the final decision of the meeting.

DRAFT PROGRAMME FOR MEETINGS

13 SEPTEMBER 1993

Monday 13 September 1993	Bilaterals & Ad-hoc Committees	*	Various constitutional issues
Tuesday 14 September 1993	Discussion:	*	Constitution for the Transition
Wednesday 15 September 1993	Bilaterals & Ad-hoc Committees	*	Various constitutional issues
Thursday 23 September 1993	Discussion:	*	Constitution for the Transition
Friday 24 September 1993	Discussion:	*	Constitution for the Transition
Monday 27 September 1993	Discussion:	*	Electoral Act
Tuesday 28 September 1993	Discussion:	*	Electoral Act (if necessary)
		*	Constitution for the Transition
Wednesday 29 September 1993	Discussion:	*	Constitution for the Transition
Thursday 30 September 1993	Discussion:	*	Constitution for the Transition