

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

**MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 15h00 ON WEDNESDAY 13 OCTOBER 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**

2.1 The participants were welcomed.

2.2 The Planning Committee apologised for the late start of the meeting.

**3. Ratification of the Agenda**

The agenda was ratified with the following amendment:

\* The insertion of an item 3(a) to read "Planning Committee Reportback".

\* A moment of silence for the victims of the S.A.D.F. attack on the house in Umtata. It was noted that this would occur after item 3(a).

**4. Minutes**

4.1 The minutes of the meeting of 28 September were ratified with no amendments.

4.2 Matters arising out of the minutes of the meeting of 28 September 1993:

\* Item 6.2.28 refers: It was noted that this issue was still under consideration by the Planning Committee. The Planning Committee was requested to take note of viewpoints expressed in the Council on this issue.

4.3 It was noted that the minutes of the Negotiating Council meeting of 29

September 1993 and 7 October 1993 were distributed for ratification at a future meeting of the Negotiating Council.

## **5. Planning Committee Reportback**

### **5.1 Bilateral Meetings:**

It was noted that constructive and positive progress was being made in bilateral meetings.

### **5.2 Meeting with the Local Government Negotiating Forum (LGNF):**

5.2.1 It was noted that the liaison committee had met with representatives of the LGNF.

5.2.2 It was noted that submissions were in the process of being received from the LGNF in respect of Chapter 10 of the Draft Interim Constitution which had been referred to the Technical Committee on Constitutional Issues.

5.2.3 Furthermore, the LGNF was preparing a Local Government Transitional Bill and once it was received by the Multi-Party Negotiating Process it would be distributed to participants. Consideration would have to be given as to how the Draft Bill should be processed both by the Multi-Party Negotiating Process and the LGNF.

### **5.3 Meeting with the National Electrification Forum:**

It was noted that a meeting was proposed with the National Electrification Forum to take place as soon as possible.

### **5.4 Lebowa Government Request:**

5.4.1 It was noted that the Planning Committee was considering a request by the Lebowa Government put forward by the United Peoples Front.

5.4.2 The request was that the issue of the current developments in Lebowa should be discussed in the Negotiating Council.

5.4.3 It was noted that the issue was still under discussion in the Planning Committee and therefore no report was available to the Council yet.



**5.5 Preparation for the establishment of the Transitional Structures:**

It was noted that this issue was still under discussion in the Planning Committee and there was no further report available yet.

**5.6 Report from Commission the Delimitation/Demarcation of Regions:**

It was noted that the Report from the Commission would be tabled on Friday 15 October 1993.

**5.7 Commission on National Symbols:**

It was noted that the work of the Commission was progressing.

**5.8 Technical Committee on Fundamental Rights during the Transition:**

It was noted that inadequate progress had been made in respect of the issues referred to the Technical Committee and the Ad-Hoc Committee and therefore a report would only be received early next week.

**5.9 Letter from PAC:**

5.9.1 It was noted that a letter requesting a debate on the issue of the S.A.D.F. attack on the house in Umtata had been received by the Planning Committee from the PAC.

5.9.2 The Planning Committee recommended that:

- \* This issue could not be discussed during the course of the meeting today as the relevant Ministers were unavailable;
- \* A meeting be scheduled for the morning of Friday 15 October 1993 for one and a half to two hours to discuss this issue.

5.9.3 It was noted that consideration was being given to several draft resolutions with a view to finding consensus and presenting a draft resolution for the consideration of the Council.

5.9.4 It was agreed to accept this recommendation from the Planning Committee and therefore the issue would not be dealt with by the Negotiating Council during the course of this meeting. It was noted that before the close of the Negotiating Council meeting, the Planning Committee would confirm the date and time that the issue would be discussed in the Council.

5.9.5 A moment of silence was observed with regard to the persons who had died in the S.A.D.F. attack on the house in Umtata.

● 5.10 **Meetings Schedule:** (see Addendum B)

- 5.10.1 The Planning Committee recommended that the Negotiating Council meeting of 14 October 1993 should be cancelled as the Co-Chairpersons of the Commission on the Delimitation/Demarcation of Regions were not available, the next draft of the Electoral Bill was not yet available and there were no outstanding issues to be dealt with in respect of Constitutional Issues. There was, therefore, no work for the Council. This recommendation was agreed to.
- 5.10.2 It was noted that the Negotiating Council would meet on Friday 15 October 1993 at 08h30 to receive the report from the Co-Chairpersons on the Commission on the Delimitation/Demarcation of Regions. Furthermore, only questions of clarity would be put to the Co-Chairpersons and members of the Task Group.
- 5.10.3 The Planning Committee recommended that political debate should not occur on the report at this session. This debate would occur at a future meeting of the Negotiating Council during the course of next week.
- 5.10.4 It was noted that the issue dealing with the S.A.D.F. attack on the house in Umtata would possibly appear on the Negotiating Council agenda on Friday 15 October 1993, and if time allowed the Electoral Bill may also be dealt with.
- 5.10.5 The recommendations of the Planning Committee were agreed to.

5.11 **Draft Programme:**

- 5.11.1 The draft programme was noted and agreed upon (see Addendum C).
- 5.11.2 It was suggested that the Planning Committee should give guidance to the Negotiating Council in terms of the schedule and draft programme of meetings, taking into account the time frames within which the process was operating. Furthermore, the Council should be made aware of when all the outstanding Constitutional Issue were going to be dealt with in the Negotiating Council. A report in this regard should be submitted to the Negotiating Council on Friday 15 October 1993.



## Substantive Issues - Fifteenth Report of the Technical Committee on Constitutional Issues

- 6.1 The Technical Committee on Constitutional Issues was welcomed. Present were A Chaskalson, B Ngoepe, M Olivier, W Olivier and F Venter. Apologies were noted from GE Devenish, D Moseneke and M Wiechers. The Technical Committee presented its report to the Negotiating Council.
- 6.2 Once the report had been presented to the Council, it was agreed that questions of clarity with regard to the whole report should be dealt with by the Technical Committee. Debate would follow on each clause once all the questions of clarity had been dealt with.
- 6.3 With regard to clause 181 (1) (a) the question was raised whether the Commission should be given more authority and to what extent the Commission would have authority. It was agreed to return to this issue when the clause was debated by Council.
- 6.4 With regard to clause 182 (1), it was noted that provision was made for the appointment of a Chairperson and a deputy Chairperson by the President. Furthermore, provision was made for one member from each SPR to be appointed. It was suggested that there was a lack of representation of the national element in the civil service. It was further suggested that it would be advisable to increase the number of members to provide for the shortfall. It was agreed to return to this issue when the report was debated by Council.
- 6.5 With regard to clause 182 (6) and clause 182 (7), it was suggested that the "members" should be singular. It was noted that the Technical Committee would consider this point.
- 6.6 With regard to clause 182 (8), it was suggested that this clause should be in line with other draft legislation that had come before the Negotiating Council in respect of how persons holding political office was defined, e.g. no high political profile. It was noted that this option should be raised once the report was debated by Council.
- 6.7 With regard to clause 183 (3) (b), it was suggested that the word "professional" should be inserted. The Technical Committee noted that it would take this suggestion into account.
- 6.8 With regard to clause 183 (5), it was suggested that it should be made obligatory for organised labour to be consulted. It was noted that this submission could be dealt when the report was debated by Council.
- 6.9 With regard to clause 184 (1), it was suggested that the Technical Committee should provide clarity on the right of the SPR legislature to appoint its own Commission. It was noted that the Technical Committee would consider this

point.

- 6.10 With regard to clause 185 (4), it was suggested that the date of 1 October 1993 as stated in the last line of the said clause should read "30 September 1993" as 1 October 1993 was the date of invalidity and the date of 30 September 1993 was the date when the regulation was valid. It was noted that the Technical Committee would consider this point. Further suggestions were put forward with regard to the dates. The Technical Committee noted that this was a political decision. It was agreed that this issue should be raised again by the various participants when Council debated the report.
- 6.11 With regard to clause 185 (4), it was suggested that the Technical Committee should make provision for the suspension of government appointments from now on until the elections. If there are posts that needed to be filled, people could be appointed on an ad-hoc basis.
- 6.12 With regard to clause 185 (4), it was suggested that the Technical Committee should reconsider the use of the word "improper" in this clause.
- 6.13 Once the questions of clarity were completed, it was agreed that as the participants had only received the report on the same day, the debate on the report occurs at a future meeting of the Negotiating Council. It was suggested that this issue be referred to the Planning Committee to make recommendations on how to take this report further vis a vis the political decisions that needed to be taken on this report. It was noted that some of the clauses in this report were dependent on the resolution of section 119.
- 6.14 It was noted that the 16th Report was scheduled to be dealt with by the Negotiating Council on Tuesday 19 October 1993.
- 6.15 The Technical Committee was thanked for its work so far completed.

## 7. Meetings Schedule and Draft Programme

It was noted that this issue had been dealt with in items 5.10 and 5.11.1 above.

## 8. Closure

The meeting adjourned at 17h25.



●  
These minutes were ratified at the meeting of the Negotiating Council of 27 October 1993 and the amended version signed by the Chairperson of the original meeting on .....1/11/1993.....



.....  
CHAIRPERSON

The following delegates and advisers were present at the meeting of the Negotiating Council on Wednesday 13 October 1993:

PJ Gordhan : Chairperson  
L Landers : Assistant Chairperson

<b>Organisation</b>	<b>Delegates</b>	<b>Advisers</b>
ANC	M Maharaj B Kgositsile	M Manzini
AVU	S Burger C Kruger	AJ Horn
Bophuthatswana		
Cape Trad. Leaders	M Nonkonyana SN Sigcau	GD Gwadiso DM Jongilanga
Ciskei		
DP	KM Andrew D Smuts	RL Harpur
Dikwankwetla	RT Ramasia JSS Phatang	K Ngwenya
IFP		
IYP	NJ Mahlangu NS Mtsweni	Q Vilankulu
KP		
INM	SS Ripinga ND Mokoena	MS Gininda GG Zama
Kwazulu		
Labour Party	L Joseph T Abrahams	D Lockey
NIC/TIC	C Saloojee R Dinat	U Bhoola F Chohan
NP	L Wessels TJ King	SJ Schoeman
NPP	A Rajbansi P Moodley	M Govender BP Jaglal



● Trad. Leaders	MB Mota M Moroke	RS Rajuili MA Molefe
PAC	B Alexander P de Lille	B Desai
Solidarity	DS Rajah K Padaychee	C Pillay
SACP	J Slovo L Jacobus	
SA Government	RP Meyer LR Brink	SA Visser DS du Toit
Transkei	Z Titus N Jajula	R Nogumla
TVL Trad. Leaders	LM Mokoena MA Netshimbupfe	NE Ngomane
UPF	A Chabalala RJ Dombo	J Maake
Venda	NE Mulaudzi	S Makhuvha GM Ligege
XPP	EE Ngobeni GNK Hetisani	MH Matjokana PT Shilubana

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

**REVISED PROPOSED SCHEDULE OF MEETINGS**

13 OCTOBER 1993

Planning Committee	Wednesday 13 October 1993	08h30-13h00
Negotiating Council	Wednesday 13 October 1993	13h00-20h00
Bilateral Meetings	Thursday 14 October 1993	
Negotiating Council	Friday 15 October 1993	08h30-14h00

Planning Committee	Monday 18 October 1993	11h30-14h00
Negotiating Council	Monday 18 October 1993	14h00-20h00
Planning Committee	Tuesday 19 October 1993	09h00-10h30
Negotiating Council	Tuesday 19 October 1993	10h30-20h00
Negotiating Council	Wednesday 20 October 1993	13h00-20h00
Negotiating Council	Thursday 21 October 1993	09h00-20h00
Negotiating Council	Friday 22 October 1993	08h30-14h00

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 OCTOBER 1993

Wednesday 13 October 1993	Discussion:	*	Constitutional Issues : 15th Report on the Civil Service and Commission of Administration (15h00- 18h00)
Thursday 14 October 1993	Bilateral Meetings Distributed	*	Draft Electoral Bill
Friday 15 October 1993	Distributed & Presented	*	Report from the Co- Chairpersons on the Delimitation/Demarcation of Regions (08h30-10h00)
	Discussion:	*	Draft Electoral Bill (10h00-12h30)
		*	Umtata Attack (12h30- 14h00)
Monday 18 October 1993	Discussion:	*	Delimitation/Demarcation of Regions
Tuesday 19 October 1993	Discussion:	*	Fundamental Rights (09h00-11h00)
		*	Constitutional Issues(16th Report on the Election of the President & 17th Report on Finances)
Wednesday 20 October 1993	Discussion:	*	Constitutional Issues
	Distributed:	*	Report of Commission on National Symbols
Thursday 21 October 1993	Discussion:	*	Constitutional Issues (morning)
		*	Report of the Commission on National Symbols (afternoon)
Friday 22 October 1993	Discussion:	*	Report of the Commission on National Symbols
		*	Draft Electoral Bill

**Customary Rights:**

- 32 (1) Every person who:
- (a) in pursuance of the right entrenched in section 31 belongs to a community which observes cultural rights; or
  - (b) of free and informed choice observes the rules and practices of such cultural rights;
- Shall have the right to the recognition of his or her cultural rights.
- (2) Nothing in this section shall preclude measures, through legislation, designed to assist the development of customary law in accordance with the values embodied in the provisions of this Chapter.



**RESOLUTION**

**ADOPTED BY THE NEGOTIATING COUNCIL ON 7 OCTOBER 1993**

This Negotiating Council meeting on 7 October 1993 at the World Trade Centre in Kempton Park:

**Shocked:**

By the horrific earthquake that struck central India;

**Saddened:**

By the loss of tens of thousands of lives and injury to many others;

**Aware:**

Of the close and special relationship over many years between India and South Africa;

**Extends:**

Its deepest sympathies and condolences to the government and people of India and in particular to those who have lost their loved ones in this tragedy;

**Further Believing:**

That it is the responsibility of the world community, and particularly us in South Africa to extend assistance to the affected people in this hour of need;

**Resolves:**

1. That relief aid in the form of a financial contribution, or in any other form if necessary, be provided to the affected people;
2. That the Planning Committee is mandated to negotiate the precise details with the South African Government immediately and keep the Negotiating Council informed in this regard.

**IMPORTANT ANNOUNCEMENT  
WITH REGARD TO REGISTRATION  
OF DELEGATES, ADVISERS AND SUPPORT STAFF**

In order to upgrade access control and ensuring maximum safety and security of all participants to the Multi-Party Negotiating Process, it is necessary for all participants to adhere strictly to the following procedures :

1. Provide Administration with a full list of the initials, surnames and designation (eg delegate, support staff etc.) of delegates ordinarily attending meetings of the Negotiating Council. This should, as a once off action, occur before Tuesday 12 October.
2. Inform Administration (Sandy Hutchings or Glenda Muller) of any changes or additions to this list not later than 18h00 on the day before the relevant meeting takes place.

This will ensure that delegates will be allowed access to the World Trade Centre. If a delegate's name is not on a list, such delegate will have to wait in the foyer until clearance is given to Security by the rest of the delegation.

3. Inform Administration at least 3 hours before a visitor is expected at the World Trade Centre. If this is not done such a visitor will not be allowed entry until permission is obtained from the person who is to be visited. Furthermore, such a visitor will have to be fetched in the foyer and escorted back to the foyer after the visit.

Certain logistical arrangements will be made in the next week to enable Administration and Security to upgrade access control at the World Trade Centre.

We trust that all participants will cooperate to the benefit of all.

Thank you

Theuns Eloff  
HEAD : ADMINISTRATION



**UPDATED**

**DRAFT PROGRAMME FOR MEETINGS**

7 OCTOBER 1993

Thursday 7 October 1993	Discussion:	*	Fundamental Rights: 10th Report
Monday 11 October 1993	Discussion:	*	Bilaterals
Tuesday 12 October 1993		*	Bilaterals
Wednesday 13 October 1993	Discussion:	*	Fundamental Human Rights (11h00-13h00)
		*	Constitutional Issues (14h00-20h00)
Thursday 14 October 1993	Discussion:	*	Constitutional Issues (morning)
	Distributed & Presented	*	Report from the Task Group on the Delimitation Demarcation of Regions (afternoon)
Friday 15 October 1993	Discussion:	*	Draft Electoral Bill
Monday 18 October 1993	Discussion:	*	Delimitation/Demarcation of Regions
Tuesday 19 October 1993	Discussion:	*	Constitutional Issues
Wednesday 20 October 1993	Discussion:	*	Constitutional Issues
	Distributed:	*	Report of Commission on National Symbols
Thursday 21 October 1993	Discussion:	*	Constitutional Issues (morning)
		*	Report of the Commission on National Symbols (afternoon)
Friday 22 October 1993	Discussion:	*	Report of the Commission on National Symbols
		*	Draft Electoral Bill

**UPDATED**

**REVISED PROPOSED SCHEDULE OF MEETINGS**

7 OCTOBER 1993

Planning Committee	Thursday 7 October 1993	08h30-11h00
Negotiating Council	Thursday 7 October 1993	11h00-18h00

Bilateral Meetings	Monday 11 October 1993	
Bilateral Meetings	Tuesday 12 October 1993	
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