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 10H30 ON FRIDAY 24 SEPTEMBER 1993 AT THE WORLD TRADE CENTRE

PRESENT

:

R Cronje C Eglin PJ Gordhan C Kruger RP Meyer MC Ramaphosa J Slovo Z Titus (Chairperson by rotation) M Webb

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 B Alexander, FT Mdlalose and B Ngubane (sub-committee).
- 2.3 Apologies for a late arrival were noted from MC Ramaphosa.
- 2.4 Apologies were noted for non-attendance by S Sigcau.

3. Substantive Issues

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3.1 Feedback on progress in bilateral meetings

3.1.1 It was noted that positive progress was being made.

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- 3.1.2 It was noted that the Technical Committee would be available as a group until the end of October 1993.
- 3.2 **Programme for the next three weeks** (see Addendum A of the agenda documentation)
 - 3.2.1 The Administration presented the report to the meeting.
 - 3.2.2 Discussion proceeded on the document. Various amendments were noted.
 - 3.2.3 It was agreed that the issue of Self-Determination and the outstanding Constitutional Principles should be included in Addendum A of the document.
 - 3.2.4 It was agreed that the Sub-Committee should assist the Technical Committee in drafting an agenda to structure the discussion in the Negotiating Council meeting on 28 September on the Third Draft of the Interim Constitution. The issues to be addressed and/or revisited should be listed in an order of priority.
 - 3.2.5 It was suggested that after 28 September another process over and above bilateral meetings may have to be considered to give the process the momentum that is required to complete the task. It was agreed that the Report should be distributed in the meeting of the Negotiating Council.
 - 3.2.6 It was agreed that a copy of the 13th Report should be sent to the Local Government Negotiating Forum (LGNF). Furthermore, a letter should be sent to the LGNF by the Administration, assisted by PJ Gordhan, requesting at the very least an urgent meeting with the liaison committee of the Multi-Party Negotiating Process and representatives from the LGNF to ascertain progress in the LGNF. Co-ordination was necessary between the two processes as a result of the overlaps. Issues and concerns raised in the Planning Committee meeting should be dealt with in the envisaged meeting of the liaison committees.
 - 3.2.7 It was suggested that an informal structure with multi-party cooperation should be established on the subject of local government. It was agreed that the liaison committee on this issue, consisting of R Cronje, PJ Gordhan and Z Titus should consider this proposal and submit a recommendation to the Planning Committee at its next meeting on 28 September 1993. The liaison committee was requested, in formulating its

recommendation, to take into account the various concerns raised in the meeting.

- 3.2.8 It was noted that the discussion of the report on the Judiciary would be an initial general discussion as the outstanding submissions from the Judiciary had not been considered in the form of a report from the Technical Committee and areas marked as agreed in the report were inaccurate. The Administration was requested to ensure that the report was factually correct before it was distributed to the Negotiating Council. It was noted that the column reading "agreed" should read "agreed/no comment".
 - 3.2.9 It was noted that the Negotiating Council participants would receive an updated pack of submissions received by the Technical Committee on Constitutional Issues at its meeting of Tuesday 28 September 1993.
 - 3.2.10 It was suggested that the outstanding Constitutional Principles and other outstanding issues should be included in part 2 of the Thirteenth Report under outstanding matters.
- 3.3 **Preparation for the implementation of the TEC, IEC, IMC and IBA** (see Addendum B of the agenda documentation)
 - 3.3.1 The Sub-Committee presented the report to the meeting.
 - 3.3.2 It was noted that the report was a preliminary one intended to give an overview.
 - 3.3.3 Questions of clarity were addressed to the Sub-Committee as the meeting proceeded to go through the report section by section.
 - 3.3.4 The Sub-Committee suggested that the Planning Committee should begin to appoint core groups to address preparatory steps in greater detail. The establishment of the core group would allow the Planning Committee to consider the preparatory steps in a more concrete way. Furthermore, the Planning Committee would have to take the responsibility for preparing for the first meeting of the TEC.
 - 3.3.5 After discussion on item 4.2.5 it was agreed that the Sub-Committee should amend the item in accordance with the views expressed in the meeting before the document was distributed in the Negotiating Council.

- 3.3.6 The Sub-Committee was requested to submit recommendations to the Planning Committee with regard to the setting up of the core groups. It was noted that the Planning Committee approved the principle of the core groups.
 - 3.3.7 It was agreed that the Sub-Committee, in conjunction with Constitutional Development Services, should submit recommendations with regard to the accommodation for the various structures during the course of the week commencing 28 September 1993 taking into account the views expressed in the meeting. It was suggested that the TEC should be in or as close to Pretoria and in a secure building. It was further suggested that the IEC and IMC should be housed separately from the TEC.
 - 3.3.8 Discussion proceeded around the budgetary preparations for the TEC. After a lengthy discussion it was suggested that a budget could only be clearly defined once the structures and the needs thereof were clear. It was agreed that the Sub-Committee, in conjunction with Constitutional Development Services, should address this issue and submit recommendations to the Planning Committee, taking into account the views expressed in the meeting.
- 3.3.9 It was noted that the World Trade Centre had been provisionally booked for a Plenary on 26, 27, 28 and 29 October 1993. The process was, however, not bound by these dates yet.
- 3.3.10 It was suggested that the deadline for the report of the Commission on Regions to 25 October to allow the AVF to make its submission to the Commission. It was agreed to return to this proposal when the Agenda of the Negotiating Council was discussed.
- 3.3.11 The following recommendations were agreed to with regard to the way forward:
 - * The setting up of the TEC : The Sub-Committee should draft a notice to Negotiating Council members to submit their nominations by a certain date still to be decided upon.
 - * With regard to item 2.1 and the core personnel necessary to assist in the process : The Sub-Committee should submit recommendations in respect of process and the personnel.

- * With regard to item 3.2 and the decision making, etc. : The Sub-Committee considers the preparation of a protocol document which sets out the operations, interactions and decision-making processes of both the TEC and its Subcouncils.
- * With regard to item 5.3 : The Sub-Committee should prepare a document which spells out the functioning and operations of the Management Committee.
- * With regard to item 4 and the appointment of the Subcouncils : The Sub-Committee should recommend a process for the appointment of the Subcouncils.
- * With regard to item 5.4 and the need for feedback mechanisms local/regional level : The Sub-Committee was requested to submit a more concrete proposal on this issue.
- * With regard to item 6 and the guidelines for selection and appointment of administrative staff : The Sub-Committee should submit a separate report on this issue to the Planning Committee.
- * The Sub-Committee should submit to the Planning Committee a procedure for establishing the IMC, the IEC and the IBA.
- 3.3.12 It was noted that this document would be discussed again in the Planning Committee meeting of Tuesday 28 September and should appear permanently on the agenda of the Planning Committee.
- 3.3.13 It was agreed to mandate the Sub-Committee in liaison with F Venter and T Eloff to isolate and identify constitutional issues for the agenda of the Negotiating Council meeting of Tuesday 28 September 1993. This would be dealt with at the Planning Committee meeting of Tuesday 28 September 1993.

3.4 Reportback on Technical Committee on Fundamental Human Rights during the Transition and the Ad-Hoc Committee:

3.4.1 The Administration gave a report to the meeting on problems being experienced by the Ad-Hoc Committee. It was noted that the Ad-Hoc Committee was addressing clauses that were not referred to it. It was further noted that S Camerer had to leave for an overseas trip and has informed the Ad-Hoc Committee that K Coetsee would take her place as Chairperson and as a member of the ad-hoc committee. The issue of horizontality and verticality was raised as well.

- 3.4.2 After discussion it was agreed that the Sub-Committee should look into the matter and the problems overall and to consider whether a task group, as per the IEC, should be established. A recommendation should be submitted to the Planning Committee meeting of 28 September 1993.
- 3.4.3 It was agreed that the South African Government could replace S Camerer in the Ad-Hoc Committee with whoever they wanted to if they so wished, but that the Ad-Hoc Committee should decide on its own Chairperson.

4. Draft Programme and Schedule of Meetings

- 4.1 It was agreed that the Sub-Committee should interact with the Technical Committee on the Independent Electoral Commission to ensure that the Draft Electoral Bill is completed as soon as possible.
- 4.2 The draft programme and schedule of meetings was approved of as amended (see Addendum A).

5. Draft Agenda for the Negotiating Council meeting of 28 September 1993

5.1 **Participation of parties outside the process:**

It was suggested that an appeal should be made to parties outside the process to return. It was suggested that the participation of the parties which had left the process was crucial on issues such as local government. It was agreed to defer discussion on this issue. Furthermore, this issue should appear on the next agenda of the Planning Committee.

5.2 Proposed extension of deadline for submission of Report by the Commission on Regions :

- 5.2.1 Discussion proceeded around this issue taking into account that there were indications that the AVF required more time to make its submissions to the Commission.
- 5.2.2 After a lengthy discussion it was agreed to return to this issue once the facts around the submission of the AVF had been ascertained.



- 5.2.3 T Eloff was mandated to communicate with C Viljoen of the AVF and to request him to specifically indicate what the request of the AVF was in terms of its submission to the Commission and to report to the Planning Committee on Tuesday 28 September 1993. Furthermore, that the request should be submitted in writing to the process by Tuesday 28 September 1993. This issue would therefore be revisited at the Planning Committee meeting of Tuesday 28 September 1993.
- 5.2.4 A request that the issue of Telecommunications/Cellular Telephones be on the Negotiating Council agenda for Tuesday 28 September 1993 was discussed. After a lengthy discussion it was agreed to revisit this issue at the Planning Committee meeting of Tuesday 28 September 1993.
- 5.2.5 It was noted that a report from the Task Group on the proceedings of Parliament should be submitted first to the Planning Committee and thereafter to the Negotiating Council.
- 5.2.6 It was agreed that the agenda for the Negotiating Council meeting would be approved of only after the Planning Committee meeting of Tuesday 28 September 1993.

6. Closure

- 6.1 It was agreed that the Administration should update the Planning Committee agenda for the meeting of Tuesday 28 September 1993 in the light of decisions arrived at during the course of this meeting.
- 6.2 It was noted that the Planning Committee was scheduled to meet at 08h30 on Tuesday 28 September 1993.
- 6.3 The meeting adjourned at 13h40.

These minutes were ratified at the meeting of the Planning Committee of 18 October 1993 and the

amended version signed by the Chairperson of the original meeting on .07/10/1993

Jehairperson

PLANCOMM/MINUTES/MIN2409 26 October 1993

ADDENCAR A

DRAFT PROGRAMME FOR MEETINGS

24 SEPTEMBER 1993

Tuesday 28 September 1993	Discussion:	*	Constitutional Issues
Wednesday 29 September 1993	Discussion:	*	Electoral Act
Thursday 30 September 1993	Discussion:	*	Constitutional Issues
Tuesday 5 October 1993	Discussion:	*	Constitutional Issues
Wednesday 6 October 1993	Discussion:	*	Electoral Act
Thursday 7 October 1993	Discussion:	*	Constitutional Issues
Tuesday 12 October 1993	Discussion:	*	Constitutional Issues
Wednesday 13 October 1993	Discussion:	*	Electoral Act
Thursday 14 October 1993	Discussion:	*	Constitutional Issues

PLANCOMM/DOCUMENT/SCHED 6 October 1993

REVISED PROPOSED SCHEDULE OF MEETINGS

24 SEPTEMBER 1993

Planning Committee

Friday 24 September 1993

10h00-14h00

Planning Committee Negotiating Council Negotiating Council, Negotiating Council

Planning Committee Negotiating Council Negotiating Council Negotiating Council

Planning Committee Negotiating Council Negotiating Council Negotiating Council Tuesday 28 September 199308h30-10h00Tuesday 28 September 199310h00-20h00Wednesday 29 September 199311h00-20h00Thursday 30 September 199308h30-18h00

 Tuesday 5 October 1993
 08h30-10h00

 Tuesday 5 October 1993
 10h00-20h00

 Wednesday 6 October 1993
 11h00-20h00

 Thursday 7 October 1993
 08h30-18h00

Tuesday 12 October 199308h30-10h00Tuesday 12 October 199310h00-20h00Wednesday 13 October 199311h00-20h00Thursday 14 October 199308h30-18h00

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.

PLANCOMM/DOCUMENT/SCHED 6 October 1993