

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

MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 10H00 ON FRIDAY 18 JUNE 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 no amendments.

3.2 It was agreed that following afternoon tea at 16h00, the procedural matters would be dealt with.

4. Substantive Issues

4.1 SA Government/PAC Report Back:

4.1.1 The draft declaration and the proposed resolution as tabled in the Negotiating Council on 17 June 1993, were presented on behalf of the Planning Committee by C Eglin, the current Planning Committee Chairperson.

4.1.2 Discussion and debate followed. Various amendments to the draft declaration were suggested.

4.1.3 The South African Government indicated that all the outstanding issues stated in the Further Draft Resolution could be dealt with immediately.

4.1.4 It was agreed to mandate the Planning Committee to meet with the

movers of the various amendments, reformulate the draft declaration and report back to the Negotiating Council.

- 4.1.5 When the meeting reconvened, it was noted that the PAC required time until 14h00 for consultation.

The meeting adjourned at 11h40 and the adjournment was then extended to include lunch.

The meeting reconvened at 13h20.

4.2 **Constitutional Issues - General Constitutional Principles:**

- 4.2.1 The members of the Technical Committee on Constitutional Issues were welcomed. Present were A Chaskalson, B Ngoepe, M Olivier, W Olivier, F Venter, E Moseneke and M Wiechers. Apologies were noted from F Cachalia and GE Devenish. The First Supplementary Report of the Technical Committee was dealt with.

- 4.2.2 **The constitution of South Africa shall provide for the establishment of a single sovereign state with a democratic system of government and a common South Africa citizenship:**

It was noted that the Technical Committee had not reformulated the above draft principle as requested (cf. Negotiating Council minutes of 3 June 1993, Item 5.2.9.1). It was agreed that the Technical Committee relook at this principle and submit a reformulation to the Negotiating Council.

- 4.2.3 **The Constitution shall be the supreme law of the land, shall be binding on all organs of government, shall prohibit racial, gender and all other forms of discrimination and promote racial and gender equality and national unity:**

The above reformulated principle was agreed to.

- 4.2.4 **The judiciary shall be competent, independent and impartial and shall have the power and jurisdiction to safeguard and enforce the constitution and all fundamental rights:**

The above reformulated principle was agreed to.

- 4.2.5 **The diversity of language and culture shall be acknowledged and protected, and conditions for their promotion shall be encouraged:**

* The above reformulated principle was generally agreed to.

- * It was noted that the AVU does not support the principle as it is formulated.
- * The KP noted that it is opposed to a unitary state and the KP reserved the right to reopen discussion on this principle. The KP stated emphatically that all its points of view should be seen against this background.

4.2.6 The status of traditional leaders shall be recognised in the constitution. The constitution shall provide for the recognition of indigenous law and its application by the courts. Indigenous law shall be applied subject to the provisions of the fundamental rights contained in the constitution:

- * After a lengthy debate and discussion, it was agreed that the Technical Committee reconsider this principle and come with a further reformulation taking cognisance of all the views and opinions expressed in the meeting.
- * The following amended principle was suggested:
"The institution and the role of Traditional Leadership together with its traditional councils as established by indigenous law and its usage shall be acknowledged and recognised in the constitution. Indigenous law shall be recognised and be applied provided that it is not repugnant to the provisions of the fundamental human rights contained in the constitution."
- * It was suggested that the word "status" be replaced by "institution".
- * It was suggested that the words "role and rights" be inserted after the word "status".
- * It was suggested that the word "institution" be inserted after the word "status".
- * It was suggested that the words " and indigenous people" be inserted after the words "traditional leaders".
- * After debate it was agreed that the possible addition of the words "**and to legislation dealing specifically therewith**" to the end of the final sentence of the above principle could only be decided upon once the principle had been reformulated and put before the Negotiating Council for consideration. It was noted that the Cape Traditional Leaders were against the inclusion of this clause in the principle.

4.3 **Self Determination Clause (Clause 2.9 of the General Constitutional Principles):**

4.3.1 Debate and discussion was opened on the issue of self determination around the following General Constitutional Principle:

Collective rights of self-determination in forming, joining and maintaining organs of civil society, including linguistic, cultural and religious associations, shall, on the basis of non-discrimination and free association, be recognised and protected.

The KP stated its case for self determination.

4.3.2 More discussion and debate followed with participants addressing various questions to the KP.

4.3.3 The KP gave notice that it wished to give oral evidence to the Technical Committee on this issue.

4.3.4 After lengthy debate it was noted that further discussion was needed on this issue at a future meeting of the Negotiating Council.

4.3.5 Noting that the fourth and fifth reports of the Technical Committee have been tabled and will be discussed at the next opportunity, the Technical Committee were thanked for their work so far completed.

The meeting adjourned for tea at 15h40.

The meeting reconvened at 16h05.

4.4 **Declaration on Cessation/Suspension of Hostilities, Armed Struggle and Violence:**

4.4.1 The amended draft declaration was distributed to participants (see Addendum B).

4.4.2 After discussion and debate it was agreed to finalise this issue at the meeting of the Negotiating Council on Tuesday 22 June 1993. It was agreed no debate will then be allowed, but only a decision taken.

Procedural Issues

5.1 New Participants

The report as presented by the Planning Committee was agreed to (see Addendum C).

5.2 Commission on the Delimitation/Demarcation of States/Provinces/Regions:

5.2.1 The media statement as released after the first meeting of the Commission was distributed and noted as a progress report.

5.2.2 The composition of the Commission as recommended by the Planning Committee was agreed to. This meant that B Malefo was added to the list, to bring the Commission to 15 members.

5.2.3 Deadlines for the written submissions and for notification of oral evidence were highlighted.

5.2.4 It was noted that the Commission was not only considering boundaries for electoral purposes but also for the possible future structures of the constitution.

5.3 Sufficient Consensus:

5.3.1 C Eglin, on behalf of the Planning Committee, reported that this issue had been raised and initial discussion had taken place in the Planning Committee. It was agreed that general discussion should proceed and once the issues raised had been identified, it should be decided how the issues should be dealt with to take the matter forward. Discussion and debate followed.

5.3.2 After extensive discussion it was agreed that the Planning Committee should submit a report to the next meeting of the Negotiating Council. If the report of the Planning Committee did not adequately address the issue, the Negotiating Council may consider appointing an ad hoc committee to deal with it.

5.4 Motion on Procedural Issues:

5.4.1 A Motion on Procedural Issues was put to the meeting by the KP (see Addendum D). Discussion followed.

5.4.2 The KP noted that it was willing for Item 1 to be amended in a way acceptable to the Council.

5.4.3 It was agreed to delete Item 2.1 from the motion.

5.4.4 It was noted that the KP suggested that the request in Item 3 of the motion could be accommodated by giving any participating organisation observer status in meetings of the Planning Committee.

5.4.5 It was suggested that more effective reporting from the Planning Committee to the Negotiating Council is needed.

5.4.6 It was agreed to refer this whole matter to the Planning Committee to come back with suggestions to the Negotiating Council.

6. **Meetings Schedule:**

6.1 The meetings schedule as amended was agreed to (see Addendum E).

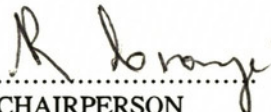
6.2 It was noted that the completion times are targets but that the meeting should be prepared to continue if necessary.

7. **Closure**

7.1 The Chairperson was thanked for the way the proceedings were handled.

7.2 The meeting was closed at 17h40.

These minutes were ratified at the meeting of the Negotiating Council of 22 June 1993 and the amended version signed by the Chairperson of the original meeting on 24/6/1993.


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CHAIRPERSON

Addendum A

The following delegates and advisers were present at the meeting of the Negotiating Council on Friday 18 June 1993:

R Cronje : Chairperson
 D de Villier : Assistant to the Chairperson

Organisation	Delegates	Advisers
ANC	C Ramaphosa B Kgositsile	MV Moosa N Zuma
AVU	CD de Jager J Gouws	JJC Botha MJ Mentz
Bophuthatswana	R Cronje R Mangope	SG Mothibe BE Keikelame
Cape Trad. Leaders	M Nonkonyana SN Sigcau	DM Jongilanga GD Gwadiso
Ciskei	M Webb VT Gqiba	TM Bulube SM Faku
DP	C Eglin M Finnemore	K Andrew P Soal
Dikwankwetla	TJ Mohapi K Ngwenya	SOM Moji JSS Phatang
IFP	FT Mdlalose FX Gasa	WS Felgate
IYP	NJ Mahlangu N Mtsweni	AP Laka
KP	T Langley	F le Roux CP Mulder
INM	SS Ripinga K Mahlaba	GG Zama PMH Maduna
Kwazulu	BS Ngubane H Ngubane	SH Gumede
Labour Party	L Landers C August	J Douw D Lockey
NIC/TIC	PJ Gordhan F Seedat	B Pillay K Mayet

NP	DJ de Villiers TJ King	SJ Schoeman L Wessels
NPP	A Rajbansi VP Ramdhany	S Ismail A Hurbans
OFS Trad. Leaders	MA Molefe RH Mopeli	M Moroke MB Mota
PAC	J Seroke P de Lille	M Litheko M Molete
Solidarity	DS Rajah	AS Razak
SACP	J Slovo L Jacobus	E Pahad
SA Government	RP Meyer D Govender	DA Schutte SS van der Merwe
Transkei	Z Titus N Jajula	LL Mtshizana
TVL Trad. Leaders	MA Netshimbupfe FF Kekana	LM Mokoena NE Ngomane
UPF	MJ Mahlangu A Chabalala	J Maake
Venda	SE Moeti JJ Tshivhase	GM Ligege S Makhuvha
XPP	EE Ngobeni	MH Matjokana

T Eloff	:	Administration
G Hutchings	:	Minutes
K Morgan	:	Administration
P Lelaka	:	Administration
M Radebe	:	Administration
S Briggs	:	Administration
R Vittee	:	Administration

**DECLARATION ON CESSATION/SUSPENSION OF HOSTILITIES,
ARMED STRUGGLE AND VIOLENCE**

Put to the Negotiating Council on Friday 18 June 1993

1. **Recognising:**

That our country and people urgently require stability and peace in order to progress to a democratic and harmonious future;

2. **Mindful:**

- * That we are all products of a conflict ridden society and emerging from a long period of tension and hostilities;
- * That **many forms of** political violence still persist in the resolution of political differences;

3. **Believing:**

- * That participants in the Negotiating Process have a responsibility to inculcate a new spirit of tolerance;
- * That political rivalry and competition does not require the use of violence;
- * That it is necessary for all participants to categorically eschew violence in all forms;
- * There is a need for cessation/suspension of hostilities/armed struggle/violence for peaceful negotiations to move forward;
- * **That Governments, Administrations, Political Organisations and the security forces must do everything possible to create harmony, peace and a conciliatory climate for the Negotiation Process.**

4. **Aware:**

That an invaluable opportunity now exists to decide on our future through a process of peaceful negotiations;

5. **Now Therefore Declare:**

That as from this 18th day of June 1993 we, the parties subscribing to this declaration, commit/recommit ourselves **to peaceful resolution of conflict and, where applicable, cease/suspend any form of hostilities/armed struggle/violence in pursuance of political objectives and in the resolution of political differences and further ensure that the conduct and utterances of all are consistent with this declaration.**

**REVISED REPORT OF THE PLANNING COMMITTEE ON
NEW PARTICIPANTS ACCEPTED BY
THE NEGOTIATING COUNCIL ON
18 JUNE 1993**

1. Background

The Negotiating Council, in its meeting of 7 May 1993, agreed to the following recommendation of the Planning Committee:

1.1 "Recommended Criteria and Process for New Participants"

Political parties or Organisations to qualify, must show:

1.1.1 Political Parties or Organisations to qualify must show:

1.1.1.1 That it is indeed a political party or organisation intending to participate as such (in the political party or organisation's own name) in the first election under a transitional/new constitution;

1.1.1.2 That it has proven substantial support in a national context;

1.1.1.3 That its admission will enhance the peaceful negotiating process.

1.1.2 Traditional Leaders

The principle of provincial representation should be maintained for the time being, but the problems around the representivity of existing delegations should be addressed in consultation with and a manner acceptable to all concerned. This issue should be discussed in the meeting of the Negotiating Council and, if necessary, be referred back to the Planning Committee.

1.1.3 Other Applicants

It is proposed that applications of organisations who are not political parties or organisations, be refused.

1.1.4 The problem of both the Administrations and political parties in one region participating in the Negotiating Process, has not been resolved and will require further attention.

1.2 Process

The following process for dealing with applications of political parties or organisations is proposed:

- 1.1.2 Applicants should be informed of the criteria and requested to submit whatever facts and arguments they wish to, but they should be required to at least respond to the questionnaire annexed to this report (Annexure A);
- 1.2.2 Administration should cause a newspaper survey over the preceding year to be conducted to establish the type of press coverage every applicant has received;
- 1.2.3 As soon as all the information is at hand in respect of a particular application, it is put to the Negotiating Council for a decision."

(cf. Minutes of the Negotiating Council Meeting of 7 May, 1993, Item 1.)

The Administration therefore embarked on the agreed process and concentrated on those applicants which professed to be political parties or organisations.

2. The Process so far

- 2.1 Fifteen organisations applied to join the Multi-Party Process.
- 2.2 All applicants were requested in writing to supply particulars in support of their applications. These particulars were specified by the Negotiating Council on 7 May, 1993 and forwarded to the applicants on 11 May, 1993.
- 2.3. As at 1 June, 1993, six of those who had applied had not responded to the questionnaire. They are:
 - 2.3.1 People's Democratic Christian Party
 - 2.3.2 United Federal Party
 - 2.3.3 Sindawonye Progressive Party
 - 2.3.4 Reform Party of South Africa
 - 2.3.5 Insika National Party
 - 2.3.6 National Forum

A study of the press coverage for the past year shows no reports in the press about the above six parties in terms of reportage about their activities. There have been reports that the application of the Reform Party of South Africa and of the Insika National Party were rejected at Codesa.

In the light of the above we would **recommend** that their applications be rejected.

2.4 The following applied and have responded in some measure to the questionnaire:

2.4.1 African Democratic Movement

2.4.2 Christian Democratic Party

2.4.3 People's Progressive Party

2.4.4 Merit People's Party

2.4.5 National Seoposengwe Party

2.4.6 Afrikaner Freedom Foundation

2.4.7 Volks Unity Committee

2.4.8 Third Force Nationalist Party

2.4.9 Green Party of South Africa

3. **Recommendations on applications received**

3.1 The **Volks Unity Committee** telephonically informed the Administration that it was withdrawing its application. Accordingly there is no need to take a decision on this matter.

3.2 **The Third Force Nationalist Party**

Its written response is a photostat copy. It is signed "T.F. Central Committee Collective Leadership". No individual name appears on it and it is not signed by any person. This document was received on 26 May, 1993 and there has been no further documentation received. A study of the press coverage shows no reports covering their activities or their existence. It is impossible to determine whether they really exist, where they are based, at what address they can be contacted, etc.

The Planning Committee **recommends** that their application be turned down.

3.3 Green Party of South Africa

Their response was received on 27 May, 1993. There has been no press coverage of their activities. They submit a copy of their constitution. But in their response to the questionnaire there is no information indicating when and where they may have held a national congress to elect their current national executive as per their constitution. They claim a membership of 13,500 and that they have held a number of meetings. There is no indication of the existence of any of the organisational structures reflected in their constitution. In their response they say they only have offices in Cape Town.

The Planning Committee **recommends** that this application is turned down.

3.4 The Merit People's Party

No press coverage save that its application was turned down at Codesa. Its activities are confined to Lenasia. In its response it states that it has two members in the House of Delegates; and that in the 1989 elections the Party contested three seats in Lenasia and won all three. It should also be noted that in this regard, in its response to the Codesa questionnaire it replied somewhat differently; while repeating the statement that three candidates were returned in the 1989 election it went on to say "two members have since joined Solidarity. There is an understanding that independent members of the House of Delegates will be included in the Merit People's Party delegation to Codesa."

In its response to the present questionnaire it also states "estimated membership throughout South Africa (as no efforts are made to sign up members) is at least 10,000 persons." While its activities are Lenasia-based it also claims that it has membership throughout Natal and the Transvaal.

The Planning Committee **recommends** that its application should not be accepted.

3.5 Afrikaner Freedom Foundation (AVSTIG)

To date AVSTIG has claimed that it is not a political party. During Codesa it was recognised as an interest group and as such was enabled to make written submissions without enjoying participant status.

In its current response it motivates why it should be accepted as a political organisation intending to participate in the first election. We quote: "Ideally we would thus most certainly take part in elections at the first possible occasion: as a state founding body it would be on state level and in facilitating capacity. But whenever it seems possible to attain or substantially promote these objectives, we would consider positively to take part in elections in another capacity and on other levels" (Our emphasis).

It is **recommended** that the Planning Committee enters into a discussion with this organisation to acquire more information.

3.6 **African Democratic Movement of the Ciskei, the Christian Democratic Party of Bophuthatswana, the People's Progressive Party and the National Seoposengwe Party**

All the abovementioned parties have submitted responses. The Planning Committee is aware that the Administrations of Ciskei and Bophuthatswana are participating in the process.

The ADM has supported its application with a comprehensive set of press cuttings.

The People's Progressive Party and the National Seoposengwe Party both of which claim to operate in Bophuthatswana and had their applications considered by Codesa. These two have responded to the questionnaire and have been publicly campaigning for inclusion.

It is **recommended** that the Planning Committee meets the African Democratic Movement for further discussions, but that the applications of the others are not accepted.

4. **Conclusion**

Due to the fact that the meeting of the Negotiating Forum has been postponed, there is adequate time to further investigate the applications of the abovementioned parties. Other applicants should be informed of these decisions.

MOORE

The Conservative Party proposes:

That the procedure of the Negotiating Council be altered, to the effect that

1. The Negotiating Council give delegates adequate time to discuss and negotiate
 - 1.1 proposals by delegates;
 - 1.2 recommendations by Technical Committees and recommendations by the Commission on the Delimitation of the SPR's;
 - 1.3 All reports, statements and similar documents that come before the Negotiating Council;
2. That no report of the Technical Committee or Commission be tabled before the preceding report has been exhaustively discussed, and the principles contained therein have been adequately considered by the Council.
 - 2.1 That the Planning Committee refrain from rushing the negotiating process to the extent that too little time remains for real negotiation.
 - 2.2 That the Planning Committee create a positive atmosphere for negotiations.
3. That the composition of the Planning Committee be altered to the effect that every delegation be granted the right to seat one delegate on the Planning Committee.
4. That the Negotiating Council adjourn for at least thirty minutes before discussing any proposals by the Planning Committee.

REVISED PROPOSED SCHEDULE OF MEETINGS

15 JUNE 1993

Planning Committee	Monday 21 June 1993	15h00 - 18h00
Negotiating Council	Tuesday 22 June 1993	09h00 - 18h30
Negotiating Council	Wednesday 23 June 1993	09h00 - 18h30
Negotiating Council	Thursday 24 June 1993	09h00 - 18h30
NEGOTIATING FORUM	Friday 25 June 1993	10h00 - 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.