

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 ON MONDAY 14 JUNE 1993 AT 14H00 AT THE WORLD TRADE CENTRE

- PRESENT: B Alexander
 R Cronje (Chairperson by rotation)
 C Eglin
 PJ Gordhan
 FT Mdlalose
 RP Meyer
 MC Ramaphosa
 J Slovo
 Z Titus
 M Webb

MJ Mahlangu (incoming Chairperson of the Negotiating Council)

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 B Alexander requested to be excused from chairing this meeting. This was agreed to and R Cronje, therefore, assumed the role of Chairperson. It was noted that B Alexander would chair the next meeting of the Planning Committee.

2.3 Congratulations were extended to R Meyer and C Ramaphosa on the awards they received in the United States of America.

Ratification of Agenda

The agenda was agreed to with no amendments.

4. Minutes

4.1 The minutes of the meeting of 25 May 1993 were adopted with the following amendment:

- * Item 5.8.1.2 refers, the first sentence to read "After discussion it was agreed to accept the Terms of Reference as amended."

4.2 The minutes of the meeting of 28 May 1993 were adopted with no amendments.

4.3 The minutes of the meeting of 1 June 1993 were adopted with the following amendment:

- * Item 6.3.3 to read "It was agreed that the Sub-Committee interview representatives of Avstig and the African Democratic Movement and submit a recommendation to the Planning Committee."

4.4 No matters arising were noted out of the minutes of 25 May, 28 May and 1 June 1993.

4.5 The minutes of 3 June were noted and would be dealt with at the meeting of the Planning Committee on Monday 21 June 1993.

5. Substantive Issues

5.1 SA Government/PAC Report Back:

5.1.1 R Meyer distributed a motion (see Addendum A) and gave notice that the South African Government intended to formally table the motion with the Negotiating Council. R Meyer also gave a reportback on the bi-laterals held with the PAC.

5.1.2 B Alexander distributed a document (see Addendum B) that the PAC would be tabling at the Negotiating Council as the reportback from the PAC on the bi-laterals held with the SA Government.

5.1.3 In an attempt to reconcile the differences between the two participants, it was agreed that the current Planning Committee Chairperson, R Cronje, hold a meeting with B Alexander and R Meyer and report back to the Planning Committee later on.

5.1.4 After the tea break, R Cronje reported back to the Planning Committee and the following was noted:

- * It was agreed that B Alexander would present proof of the SA Governments involvement in violence against the PAC by Tuesday 15 June 1993 at 16h00;
- * R Meyer agreed that if such proof was presented, this would be investigated by an independent body and that the results thereof, if any, would be dealt with in the appropriate way.

5.1.5 It was agreed that this item stand down at least until 16h00 on Tuesday 15 June when the evidence could be evaluated and then placed on the agenda of the Negotiating Council.

5.1.6 It was agreed that a possible way to handle this issue constructively was to draft a carefully worded declaration to which all participants in the negotiating process would be signatories. This declaration would commit/recommit all participants cease any form of hostilities/armed struggle/violence from the date that the declaration is signed in the Negotiating Council.

5.1.7 It was agreed to mandate C Eglin, PJ Gordhan and the Sub-Committee to prepare a draft for the Planning Committee to consider. It was agreed that for the declaration to be effective it would have to be supported by both B Alexander and R Meyer.

5.2 **Structuring and order of the discussion of Report from Technical Committees in the Negotiating Council:**

5.2.1 The Sub-Committee gave a reportback on the progress of the Technical Committees.

5.2.2 After discussion the following was noted:

5.2.2.1 That under "Constitutional Issues", the Constitutional Principles relating to regions and the outstanding General Constitutional Principles be dealt with; Other Constitutional Issues would then be dealt with later on in the week;

5.2.2.2 That the completion of this discussion could facilitate the further discussion on the Election Date;

5.2.2.3 That under "Violence" the proposed draft resolution be dealt with;

- 5.2.2.4 That the Technical Committees on the Independent Electoral Commission, the Independent Media Commission and TEC and its Sub-Councils require feedback from the Negotiating Council to proceed with their work;
- 5.2.2.5 That if the Negotiating Council did agree in principle on the need for the IEC, IMC and the TEC, a discussion on the powers could follow;
- 5.2.2.6 That a request by the Technical Committee on the Independent Media Commission for more time to be allowed for submissions on and the drafting of the Broadcast Authority Bill was agreed to.

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

- 5.3.1 A brief progress report was given by the Sub-Committee.
- 5.3.2 It was noted that H Ngobese was unable to accept her appointment on the Commission and therefore it was agreed to recommend to the Negotiating Council that the Commission be composed of 15 members as is (including the newly appointed B Molefe) and get confirmation of this recommendation from the Negotiating Council.
- 5.3.3 A progress report should be given to the Negotiating Council and the media statement as released by the Commission distributed in the meeting.

5.4 Election Date:

- 5.4.1 Concerns about the way in which the principle of sufficient consensus was applied, were expressed. It was noted that this would probably arise in the meeting of the Negotiating Council on Tuesday 15 June as well.
- 5.4.2 Concerns were also expressed about the different understandings/perceptions of the Standing Rules.
- 5.4.3 It was noted that the resolution itself had provided for the reopening of the debate at the Negotiating Council meeting of 15 June 1993 in an attempt to maximise consensus for the resolution, for a recommendation to be made to the Negotiating Forum Meeting of 25 June 1993.
- 5.4.4 It was agreed that the Election Date should be dealt with immediately after the afternoon tea break, as this would allow time for sufficient

discussion on the issue. This should be announced at the start of the meeting of the Negotiating Council.

6. Agenda of the Negotiating Council

The Agenda as amended was agreed to (see Addendum C).

7. Procedural Issues

7.1 Media Arrangements:

There were no new arrangements to report.

7.2 New Participants:

7.2.2 Report on Participation:

7.2.2.1 It was noted that the ADM and Avstig are still to be interviewed by the Sub-Committee, who would then report back to the Planning Committee on the outcome.

7.2.2.2 It was agreed that this report should be put before the Negotiating Council as a matter of priority.

7.2.3 Natal Traditional Leaders:

There was no progress report in this regard.

7.3 Matters arising from the meeting of the Negotiating Council of 1 June 1993:

7.3.1 Item 5.2.9.9 of the minutes refers : It was agreed that this issue had been dealt with (see Item 5.2.2.1 above).

7.3.2 Item 5.2.9.12 of the minutes refers : It was agreed that this item had been dealt with by the Technical Committee on Constitutional Issues in their First Supplementary Report on Constitutional Principles.

7.3.3 Item 5.4.4 of the minutes refers : It was agreed to recommend that, as the Technical Committee on Violence had completed a substantial amount of work so far, the composition remains as is.

7.3.4 Item 7.1.3 of the minutes refers : It was agreed that:

* Demonstrators should not be armed; and

* Placards inciting violence should not be permitted.

7.4 Correspondence to be noted:

The following correspondence was noted:

- * Letter from the Kwasizabantu Ministers' Conference;
- * Letter from the Regional Welfare Board for Northern Transvaal.

8. Administrative and Financial Matters

- 8.1 It was agreed that from this day onwards, the media should receive their documentation at no cost.
- 8.2 The letter from Advocate Olivier was referred to. It was agreed that Dr Eloff should have a discussion with him on behalf of the Planning Committee.
- 8.3 It was agreed that the Technical Committees should determine their own meeting schedule, if any, for 16 June 1993, but that the Planning Committee did not expect them to work on this important day.

9. Meetings Schedule

The meetings schedule remained the same.

10. Closure

The meeting was closed at 17h40.

These minutes were ratified at the meeting of the Planning Committee of 19 June 1993 and the amended version signed by the Chairperson of the original meeting on


CHAIRPERSON

MOTION
BY THE SOUTH AFRICAN GOVERNMENT

1. In discussions with the PAC, the following have emerged:
 - The PAC decides on whether APLA engages in armed action. According to the PAC APLA has freedom of operational activity.
 - The PAC is committed to armed action as an instrument to pursue their political objectives.
 - In the process the PAC specifically sanctions the killing of policemen, of white people living on farms and of white civilians engaged in peaceful social affairs. In the execution of this policy the killing is not done in situations where one armed force engages another in battle, but where policemen (and their families) are assassinated, where trained armed men steal up on white families living in isolation and kill them in cold blood, and where trained armed men indiscriminately kill unarmed civilians meeting socially.
 - Despite extensive discussions on this issue, the PAC refuses to end or suspend or place a moratorium on these actions.

2. These atrocities and the PAC's refusal to stop them, bring the following to the fore:
 - People are killed in cold blood, causing suffering and grief.
 - Such actions alienate citizens from the peaceful negotiating process.
 - These killings and accompanying pronouncements create anger in the victim communities and are bound to lead to violent reaction with all the potential for massive disaster that that entails.
 - These killings are not ordinary criminal actions in which there is some or other overt linkage between the perpetrator and the victim. It is therefore very difficult for law enforcement agencies to

apprehend the perpetrators or to protect potential victims. The potential of unlawful retaliation from the victim communities is therefore enhanced.

- The democratic negotiating process does not provide for undemocratic methods. Of all the parties participating in this process, it is only the PAC who adhere to a policy of violent political action. This endangers the whole process, not only by what they say and do, but also by the potential reactions.
3. During the discussions between the Government and the PAC to resolve the matter, the Government failed to persuade the PAC to either stop or suspend their policy of violence. Different avenues were explored, but all failed. The PAC proposes negotiating the cessation of hostilities at a neutral venue (outside the country). The Government is not engaged in hostilities against the PAC and has offered to say so again. Against that the PAC could then also say that it suspends hostilities and we could go on to discuss ways and means of ensuring that no violent hostile acts occur. This proposal was rejected by the PAC. It then argued that MK, the KwaZulu Police, the armed forces of Transkei and other such formations should also become involved in the negotiation of a cessation of hostilities. As far as we are aware, none of these formations operate under a policy of violent actions against civilians or political opponents.
 4. We, the South African Government, cannot enter into agreements with the PAC while it adheres to its policy of political violence.
 5. Against this background, all participants in this process are called upon to assist in the resolution of this threat to the democratic negotiating process by supporting the following resolution:

"RECOGNISING that a democratic negotiating process cannot accommodate the use of violence to further political aims;

AWARE of the dangers for our society inherent in a policy of violent political actions against opponents and civilians;

ACKNOWLEDGING that no party committed to political violence should be allowed to participate in democratic elections or in negotiations on preparations for such elections; and

NOTING the fact that the PAC adheres to a policy of political violence,

WE, THE NEGOTIATING COUNCIL hereby call upon the PAC to join the other parties in the Council in the peaceful democratic negotiation of our country's future by immediately abandoning or suspending its policy of political violence."

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Admission B



PAN AFRICANIST CONGRESS (P.A.C.) OF AZANIA

DEPARTMENT OF LEGAL AND CONSTITUTIONAL AFFAIRS

PO BOX 25245
FERREIRASTOWN
2048
TEL (011) 836-0407/42/57
FAX (011) 838-3705

YOUR REF:2 JUNE 1993

OUR REF: TO THE NEGOTIATING COUNCIL
MULTI-PARTY NEGOTIATING PROCESS

REPORT ON THE BI-LATERAL TALKS DEADLOCK BETWEEN THE S.A REGIME AND THE PAC OF AZANIA

1. On 25 May 1993 the security forces raided PAC offices, homes and premises, confiscating documents and equipment and detaining more than 70 members and leaders. Amongst the homes searched was the home of our respected President cde Clarence Makwetu and amongst the documents seized are the documents of the Negotiating process. They even took clothes of some of our members.

2. The Negotiating Council condemned the raid and resolved that the regime return our documents and equipment and either charge or release our members without delay. The PAC and the regime had to meet in this regard.

3. It is important to restate that the overwhelming majority on the Special Session of the Negotiating Council on 27 May rejected the reasons given by Mr Hernus Kriel for the raid and appealed to the regime to immediately charge or release our members and to return confiscated goods. The majority view was that Mr Hernus Kriel is not fit for office and should resign.

4. The PAC and the regime then started having a series of bi-lateral meetings in compliance with the Negotiating Council decision that we do so, with a view to facilitate the implementation of the Negotiating Council decision.

- 4.1 At each and every meeting the regime promised to return our confiscated documents and at one meeting they even promised in a joint statement, to return it on the same day. To date the regime has not returned a single document to our Head office.
- 4.2 As far as our equipment is concerned the regime did return our Wordprocessor system at Headquarters with its hardware in a good condition but they damaged our software programme. The system is not in a working order at present.
- 4.3 Documentation and equipment including clothes taken at our homes have not been returned.
- 4.4 The regime released most of our members who were arrested in the raid. Contrary to the claims by Mr Kriel that they have evidence that these people are criminals, the regime had to release them for lack of evidence. It will be recalled that Mr Kriel informed the Council, amongst others, mentioned the name of Mr Némadzivhanani in relation to the murder of Mrs

Sandra Swanepoel, Mr Abel Dube in relation to a murder in the Western Cape, Mr Waters Toboti in relation to crimes, Dr Solly Skosana in relation to co-ordination of APLA forces and the killing of 7 SAP and 6 SADF members. None of the above leaders were charged for the above and have been released. The only

thing that the regime could charge them for is for having a fire-arm with a licence and without an import permit. The fire-arms in question are all .33 pistols. No assault weapons are involved in the charges.

4.5 The only person charged for murder is a pensioner by the name of Enoch Zulu who is working in the office of the President. He is a former Robben Island prisoner. He is being held in connection with a murder which was committed in 1977. When Mr

Zulu was arrested in April 1986 and this said offence was investigated and charges dropped as it was found that he could not be linked to the 1977 murder. He was sentenced to Robben Island on another matter and was granted indemnity along with other prisoners.

4.6 These releases and the inability of the regime to bring prima facie charges against our members vindicates the majority view of the Council that the raid was unrelated to criminal activities and that the regime should return our properties and undo the damage which they have done.

5. Since the regime knows that it cannot prove its case on the basis of the clampdown, it started manufacturing new evidence to vindicate its actions. Amongst others it now says that it found a document in our Headquarters detailing plans to attack police stations and to kill a Homeland Cabinet Minister. At all material times during the raid of our offices the police were accompanied by someone from the party and all documentation taken was recorded in our presence. At no stage was a document such as alleged by the police taken at our office and at no stage was any of the arrested members questioned about such document. At no stage did the regime appear to know about such a serious matter in their discussions with us. We are therefore appealing to this Council not to be influenced by weak retrospective attempts by the regime to justify the unwarranted raid on our party.

6. About 10 PAC members are still being held in prison and we demand their unconditional release.

7. It should be stressed that what the Council is called upon to decide relates to the implementation of the resolution concerning the raid on the PAC. The Council already decided what its attitude to the raid is and what the regime must do. The Council is not called upon to debate the raid. That was already done in 2 meetings including a Special Session. We are calling on the Negotiating Council to condemn the non-compliance with the resolution by the regime and to further call upon it to comply with the existing Resolution.

8. The Council is not called upon to express a general view on violence or the armed struggle, but on the compliance or otherwise


With the existing resolution by the regime.

ARMED STRUGGLE.

The PAC is known for its call for an elected Constituent Assembly to draw up a new constitution for our country. To that end we are aware that such an election can only take place under conditions

of peace and stability if it is to be free and fair. The PAC informed the regime of our commitment to the U.N Consensus Declaration of December 1989, namely that the regime must create conditions conducive to negotiations to be followed by talks aimed at producing a mutual cessation of hostilities and modalities on how to arrive at a new constitution. The whole world knows that the regime is illegitimate and hostile to the African masses. Battalion 32, Askaris, mercenaries and covert military operations are still operational and the primary source of the violence. The violence in Thokoza and Katlehong during the last 2 weeks were caused by agent provocateurs who infiltrated a march past the hostels and started the violence. The regime rejects the notion that there exist any problem from their side and scorned the Consensus Declaration of the United Nations. We want this Council to note the willingness of the PAC to enter into discussions with the regime to achieve a mutual cessation of hostilities. It is not good enough for the regime to say that they are not killing PAC members in specific terms: The PAC and APLA cannot fold arms whilst we are being killed and the Regime must desist from hostile acts against the oppressed through covert military intelligence operations, Askaris, Battalion 32, former Selous Scouts etc.

At the last Negotiating Council meeting the regime made it clear in the proposed motion that it cannot enter into agreements with the PAC if we are still committed to armed struggle and they want us to unilaterally suspend the armed struggle and watch our people die. Since they are so adamant it will be necessary for the Council to rule that the regime must be open-minded about its own role in the violence in order to pave the way for a mutual cessation of hostilities.


B. ALEXANDER
SECRETARY GENERAL

**REVISED DRAFT AGENDA FOR THE MEETING OF
THE NEGOTIATING COUNCIL
TO BE HELD ON TUESDAY 15 JUNE 1993 AT 08H30
AT THE WORLD TRADE CENTRE**

Chairpersonship - MJ Mahlangu assisted by FT Mdlalose

1. **Moment of Prayer/Meditation**
2. **Welcome and Attendance**
3. **Ratification of Agenda**
4. **Minutes**
 - 4.1 Adoption of the minutes of the meeting of the Negotiating Council of 3 June 1993
 - 4.2 Matters arising out of the minutes of the meeting of the Negotiating Council of 3 June 1993
5. **Substantive Issues**
 - 5.1 SA Government/PAC Report Back
 - 5.2 Reports from the Technical Committees to be discussed:
 - 5.2.1 Constitutional Issues : Continuation of discussion of the Technical Committee's Third Report
 - 5.2.1.1 Constitutional principles dealing with the allocation of powers to different levels of government (cf. Third report, pp4-7)
 - 5.2.1.2 General constitutional principles (cf. p14 of the pack containing the Technical Committee reports of 11 June 1993)
 - 5.2.2 Violence : Continuation of discussion of the resolution flowing from the Third report of the Technical Committee (cf. p21 of the Agenda and Documentation pack of 15 June 1993)
 - 5.3 Election Date (cf. p34 and pp15-16 of the Agenda and Documentation pack of 15 June 1993)
6. **Procedural Issues**
 - 6.1 Media Arrangements
 - 6.2 New Participants
 - 6.3 Commission on the Delimitation/Demarcation of Regions
7. **Administrative Matters**
8. **Meetings Schedule**
9. **Closure**

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

DRAFT MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON MONDAY 14 JUNE 1993 AT 14H00 AT THE WORLD TRADE CENTRE

PRESENT: B Alexander
R Cronje (Chairperson by rotation)
C Eglin
PJ Gordhan
FT Mdlalose
RP Meyer
MC Ramaphosa
J Slovo
Z Titus
M Webb

MJ Mahlangu (incoming Chairperson of the Negotiating Council)

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 B Alexander requested to be excused from chairing this meeting. This was agreed to and R Cronje, therefore, assumed the role of Chairperson. It was noted that B Alexander would chair the next meeting of the Planning Committee.

2.3 Congratulations were extended to R Meyer and C Ramaphosa on the awards they received in the United States of America.

● Ratification of Agenda

The agenda was agreed to with no amendments.

4. Minutes

4.1 The minutes of the meeting of 25 May 1993 were adopted with the following amendment:

- * Item 5.8.1.2 refers, the first sentence to read "After discussion it was agreed to accept the Terms of Reference as amended."

4.2 The minutes of the meeting of 28 May 1993 were adopted with no amendments.

4.3 The minutes of the meeting of 1 June 1993 were adopted with the following amendment:

- * Item 6.3.3 to read "It was agreed that the Sub-Committee interview representatives of Avstig and the African Democratic Movement and submit a recommendation to the Planning Committee."

4.4 No matters arising were noted out of the minutes of 25 May, 28 May and 1 June 1993.

4.5 The minutes of 3 June were noted and would be dealt with at the meeting of the Planning Committee on Monday 21 June 1993.

5. Substantive Issues

5.1 SA Government/PAC Report Back:

5.1.1 R Meyer distributed a motion (see Addendum A) and gave notice that the South African Government intended to formally table the motion with the Negotiating Council. R Meyer also gave a reportback on the bi-laterals held with the PAC.

5.1.2 B Alexander distributed a document (see Addendum B) that the PAC would be tabling at the Negotiating Council as the reportback from the PAC on the bi-laterals held with the SA Government.

5.1.3 In an attempt to reconcile the differences between the two participants, it was agreed that the current Planning Committee Chairperson, R Cronje, hold a meeting with B Alexander and R Meyer and report back to the Planning Committee later on.

5.1.4 After the tea break, R Cronje reported back to the Planning Committee and the following was noted:

- * It was agreed that B Alexander would present proof of the SA Governments involvement in violence against the PAC by Tuesday 15 June 1993 at 16h00;
- * R Meyer agreed that if such proof was presented, this would be investigated by an independent body and that the results thereof, if any, would be dealt with in the appropriate way.

5.1.5 It was agreed that this item stand down at least until 16h00 on Tuesday 15 June when the evidence could be evaluated and then placed on the agenda of the Negotiating Council.

5.1.6 It was agreed that a possible way to handle this issue constructively was to draft a carefully worded declaration to which all participants in the negotiating process would be signatories. This declaration would commit/recommit all participants cease any form of hostilities/armed struggle/violence from the date that the declaration is signed in the Negotiating Council.

5.1.7 It was agreed to mandate C Eglin, PJ Gordhan and the Sub-Committee to prepare a draft for the Planning Committee to consider. It was agreed that for the declaration to be effective it would have to be supported by both B Alexander and R Meyer.

5.2 **Structuring and order of the discussion of Report from Technical Committees in the Negotiating Council:**

5.2.1 The Sub-Committee gave a reportback on the progress of the Technical Committees.

5.2.2 After discussion the following was noted:

5.2.2.1 That under "Constitutional Issues", the Constitutional Principles relating to regions and the outstanding General Constitutional Principles be dealt with; Other Constitutional Issues would then be dealt with later on in the week;

5.2.2.2 That the completion of this discussion could facilitate the further discussion on the Election Date;

5.2.2.3 That under "Violence" the proposed draft resolution be dealt with;

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- 5.2.2.5 That if the Negotiating Council did agree in principle on the need for the IEC, IMC and the TEC, a discussion on the powers could follow;
- 5.2.2.6 That a request by the Technical Committee on the Independent Media Commission for more time to be allowed for submissions on and the drafting of the Broadcast Authority Bill was agreed to.

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

- 5.3.1 A brief progress report was given by the Sub-Committee.
- 5.3.2 It was noted that H Ngobese was unable to accept her appointment on the Commission and therefore it was agreed to recommend to the Negotiating Council that the Commission be composed of 15 members as is (including the newly appointed B Molefe) and get confirmation of this recommendation from the Negotiating Council.
- 5.3.3 A progress report should be given to the Negotiating Council and the media statement as released by the Commission distributed in the meeting.

5.4 Election Date:

- 5.4.1 Concerns about the way in which the principle of sufficient consensus was applied, were expressed. It was noted that this would probably arise in the meeting of the Negotiating Council on Tuesday 15 June as well.
- 5.4.2 Concerns were also expressed about the different understandings/perceptions of the Standing Rules.
- 5.4.3 It was noted that the resolution itself had provided for the reopening of the debate at the Negotiating Council meeting of 15 June 1993 in an attempt to maximise consensus for the resolution, for a recommendation to be made to the Negotiating Forum Meeting of 25 June 1993.
- 5.4.4 It was agreed that the Election Date should be dealt with immediately after the afternoon tea break, as this would allow time for sufficient

discussion on the issue. This should be announced at the start of the meeting of the Negotiating Council.

6. Agenda of the Negotiating Council

The Agenda as amended was agreed to (see Addendum C).

7. Procedural Issues

7.1 Media Arrangements:

There were no new arrangements to report.

7.2 New Participants:

7.2.2 Report on Participation:

7.2.2.1 It was noted that the ADM and Avstig are still to be interviewed by the Sub-Committee, who would then report back to the Planning Committee on the outcome.

7.2.2.2 It was agreed that this report should be put before the Negotiating Council as a matter of priority.

7.2.3 Natal Traditional Leaders:

There was no progress report in this regard.

7.3 Matters arising from the meeting of the Negotiating Council of 1 June 1993:

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* Demonstrators should not be armed; and

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7.4 Correspondence to be noted:

The correspondence to be noted was noted.

8. Administrative and Financial Matters

7.1 It was agreed that from this day onwards, the media should receive their documentation at no cost.

7.2 The letter from Advocate Olivier was referred to. It was agreed that Dr Eloff should have a discussion with him on behalf of the Planning Committee.

7.3 It was agreed that the Technical Committees should determine their own meeting schedule, if any, for 16 June 1993, but that the Planning Committee did not expect them to work on this important day.

8. Meetings Schedule

The meetings schedule remained the same.

9. Closure

The meeting was closed at 17h40.

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BY THE SOUTH AFRICAN GOVERNMENT

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 - The PAC decides on whether APLA engages in armed action. According to the PAC APLA has freedom of operational activity.
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 - In the process the PAC specifically sanctions the killing of policemen, of white people living on farms and of white civilians engaged in peaceful social affairs. In the execution of this policy the killing is not done in situations where one armed force engages another in battle, but where policemen (and their families) are assassinated, where trained armed men steal up on white families living in isolation and kill them in cold blood, and where trained armed men indiscriminately kill unarmed civilians meeting socially.
 - Despite extensive discussions on this issue, the PAC refuses to end or suspend or place a moratorium on these actions.

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"RECOGNISING that a democratic negotiating process cannot accommodate the use of violence to further political aims;

AWARE of the dangers for our society inherent in a policy of violent political actions against opponents and civilians;

ACKNOWLEDGING that no party committed to political violence should be allowed to participate in democratic elections or in negotiations on preparations for such elections; and

NOTING the fact that the PAC adheres to a policy of political violence,

WE, THE NEGOTIATING COUNCIL hereby call upon the PAC to join the other parties in the Council in the peaceful democratic negotiation of our country's future by immediately abandoning or suspending its policy of political violence."

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ADDENDUM B

PAN AFRICANIST CONGRESS (P.A.C.) OF AZANIA

DEPARTMENT OF LEGAL AND CONSTITUTIONAL AFFAIRS

PO BOX 25245
FERREIRASTOWN
2048
TEL (011) 836-0407/42/57
FAX (011) 838-3705

YOUR REF: 2 JUNE 1993

OUR REF: TO THE NEGOTIATING COUNCIL
MULTI-PARTY NEGOTIATING PROCESS

REPORT ON THE BI-LATERAL TALKS DEADLOCK BETWEEN THE S.A REGIME AND THE PAC OF AZANIA

1. On 25 May 1993 the security forces raided PAC offices, homes and premises, confiscating documents and equipment and detaining more than 70 members and leaders. Amongst the homes searched was the home of our respected President cde Clarence Makwetu and amongst the documents seized are the documents of the Negotiating process. They even took clothes of some of our members.

2. The Negotiating Council condemned the raid and resolved that the regime return our documents and equipment and either charge or release our members without delay. The PAC and the regime had to meet in this regard.

3. It is important to restate that the overwhelming majority on the Special Session of the Negotiating Council on 27 May rejected the reasons given by Mr Hernus Kriel for the raid and appealed to the regime to immediately charge or release our members and to return confiscated goods. The majority view was that Mr Hernus Kriel is not fit for office and should resign.

4. The PAC and the regime then started having a series of bi-lateral meetings in compliance with the Negotiating Council decision that we do so, with a view to facilitate the implementation of the Negotiating Council decision.

4.1 At each and every meeting the regime promised to return our confiscated documents and at one meeting they even promised in a joint statement, to return it on the same day. To date the regime has not returned a single document to our Head office.

4.2 As far as our equipment is concerned the regime did return our Wordprocessor system at Headquarters with its hardware in a good condition but they damaged our software programme. The system is not in a working order at present.

4.3 Documentation and equipment including clothes taken at our homes have not been returned.

4.4 The regime released most of our members who were arrested in the raid. Contrary to the claims by Mr Kriel that they have evidence that these people are criminals, the regime had to release them for lack of evidence. It will be recalled that Mr Kriel informed the Council, amongst others, mentioned the name of Mr Nemadzivhanani in relation to the murder of Mrs

Sandra Swanepoel, Mr Abel Dube in relation to a murder in the Western Cape, Mr Waters Toboti in relation to crimes, Dr Solly Skosana in relation to co-ordination of APLA forces and the killing of 7 SAP and 6 SADF members. None of the above leaders were charged for the above and have been released. The only

thing that the regime could charge them for is for having a fire-arm with a licence and without an import permit. The fire-arms in question are all .33 pistols. No assault weapons are involved in the charges.

4.5 The only person charged for murder is a pensioner by the name of Enoch Zulu who is working in the office of the President. He is a former Robben Island prisoner. He is being held in connection with a murder which was committed in 1977. When Mr Zulu was arrested in April 1986 and this said offence was investigated and charges dropped as it was found that he could not be linked to the 1977 murder. He was sentenced to Robben Island on another matter and was granted indemnity along with other prisoners.

4.6 These releases and the inability of the regime to bring prima facie charges against our members vindicates the majority view of the Council that the raid was unrelated to criminal activities and that the regime should return our properties and undo the damage which they have done.

5. Since the regime knows that it cannot prove its case on the basis of the clampdown, it started manufacturing new evidence to vindicate its actions. Amongst others it now says that it found a document in our Headquarters detailing plans to attack police stations and to kill a Homeland Cabinet Minister. At all material times during the raid of our offices the police were accompanied by someone from the party and all documentation taken was recorded in our presence. At no stage was a document such as alleged by the police taken at our office and at no stage was any of the arrested members questioned about such document. At no stage did the regime appear to know about such a serious matter in their discussions with us. We are therefore appealing to this Council not to be influenced by weak retrospective attempts by the regime to justify the unwarranted raid on our party.

6. About 10 PAC members are still being held in prison and we demand their unconditional release.

7. It should be stressed that what the Council is called upon to decide relates to the implementation of the resolution concerning the raid on the PAC. The Council already decided what its attitude to the raid is and what the regime must do. The Council is not called upon to debate the raid. That was already done in 2 meetings including a Special Session. We are calling on the Negotiating Council to condemn the non-compliance with the resolution by the regime and to further call upon it to comply with the existing Resolution.

8. The Council is not called upon to express a general view on violence or the armed struggle, but on the compliance or otherwise


With the existing resolution by the regime.

ARMED STRUGGLE.

The PAC is known for its call for an elected Constituent Assembly to draw up a new constitution for our country. To that end we are aware that such an election can only take place under conditions

of peace and stability if it is to be free and fair. The PAC informed the regime of our commitment to the U.N Consensus Declaration of December 1989, namely that the regime must create conditions conducive to negotiations to be followed by talks aimed at producing a mutual cessation of hostilities and modalities on how to arrive at a new constitution. The whole world knows that the regime is illegitimate and hostile to the African masses. Battalion 32, Askaris, mercenaries and covert military operations are still operational and the primary source of the violence. The violence in Thokoza and Katlehong during the last 2 weeks were caused by agent provocateurs who infiltrated a march past the hostels and started the violence. The regime rejects the notion that there exist any problem from their side and scorned the Consensus Declaration of the United Nations. We want this Council to note the willingness of the PAC to enter into discussions with the regime to achieve a mutual cessation of hostilities. It is not good enough for the regime to say that they are not killing PAC members in specific terms: The PAC and APLA cannot fold arms whilst we are being killed and the Regime must desist from hostile acts against the oppressed through covert military intelligence operations, Askaris, Battalion 32, former Selous Scouts etc.

At the last Negotiating Council meeting the regime made it clear in the proposed motion that it cannot enter into agreements with the PAC if we are still committed to armed struggle and they want us to unilaterally suspend the armed struggle and watch our people die. Since they are so adamant it will be necessary for the Council to rule that the regime must be open-minded about its own role in the violence in order to pave the way for a mutual cessation of hostilities.


B. ALEXANDER
SECRETARY GENERAL

**REVISED DRAFT AGENDA FOR THE MEETING OF
THE NEGOTIATING COUNCIL
TO BE HELD ON TUESDAY 15 JUNE 1993 AT 08H30
AT THE WORLD TRADE CENTRE**

Chairpersonship - MJ Mahlangu assisted by FT Mdlalose

1. **Moment of Prayer/Meditation**
2. **Welcome and Attendance**
3. **Ratification of Agenda**
4. **Minutes**
 - 4.1 Adoption of the minutes of the meeting of the Negotiating Council of 3 June 1993
 - 4.2 Matters arising out of the minutes of the meeting of the Negotiating Council of 3 June 1993
5. **Substantive Issues**
 - 5.1 SA Government/PAC Report Back
 - 5.2 Reports from the Technical Committees to be discussed:
 - 5.2.1 Constitutional Issues : Continuation of discussion of the Technical Committee's Third Report
 - 5.2.1.1 Constitutional principles dealing with the allocation of powers to different levels of government (cf. Third report, pp4-7)
 - 5.2.1.2 General constitutional principles (cf. p14 of the pack containing the Technical Committee reports of 11 June 1993)
 - 5.2.2 Violence : Continuation of discussion of the resolution flowing from the Third report of the Technical Committee (cf. p21 of the Agenda and Documentation pack of 15 June 1993)
 - 5.3 Election Date (cf. p34 and pp15-16 of the Agenda and Documentation pack of 15 June 1993)
6. **Procedural Issues**
 - 6.1 Media Arrangements
 - 6.2 New Participants
 - 6.3 Commission on the Delimitation/Demarcation of Regions
7. **Administrative Matters**
8. **Meetings Schedule**
9. **Closure**