

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 24 MAY 1993 AT 11H40 AT THE WORLD TRADE CENTRE

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

All members were welcomed.

3. Ratification of Agenda

The agenda was ratified with the following amendments:

- 3.1 The addition of an Item 5.8 to read "Election Date";
- 3.2 The addition of an Item 6.3 to read "New Participants - Progress Report";
- 3.3 The addition of an Item 7.2 to read "Report with regard to the Couriers".

Minutes

4.1 Minutes of the meeting of 14 May 1993:

4.1.1 The minutes were adopted with the following amendments:

- * Item 4.1.2, the word "resubmitting" to read "resubmission";
- * Item 5.1.3.1, the second sentence, the word "informed" to read "informal";
- * Item 5.1.4.1, the word "general" to read "print".

4.1.2 Matters Arising:

4.1.2.1 It was noted that the Proposed Resolution from the Planning Committee to the Negotiating Council on Violence had been submitted to the Technical Committee on Violence.

4.1.2.2 The issue of whether the Technical Committee on Violence had considered how the Goldstone Commission can liaise with the Multi-Party Negotiating Process was raised. Administration will report back in this regard.

4.2 Minutes of the meeting of 17 May 1993:

4.2.1 The minutes were adopted with no amendments.

4.2.2 No matters arising were noted.

4.3 Minutes of the meeting of 18 May 1993:

4.3.1 The minutes were adopted with the following amendment:

- * Item 3, first sentence, the word "three" to read "four".

4.3.2 No matters arising were noted.

5. Substantive Issues

5.1 Receipt of Second Reports from the Technical Committees:

5.1.1 General Issues:

- 5.1.1.1 The Sub-Committee provided the Planning Committee with an overview with regard to the Technical Committees and their reports.
- 5.1.1.2 It was agreed that the Planning Committee should assist the Negotiating Council in dealing with the reports and submit recommendations with regard to each report.
- 5.1.1.3 It was agreed that each report should be taken as read in the meeting of the Negotiating Council. Furthermore, each report should be dealt with separately and in its entirety.
- 5.1.1.4 It was suggested that co-ordination is needed between the drafting processes. It was further suggested that the Sub-Committee be mandated to interact with the Technical Committees in this regard.

5.1.2 Technical Committee on Violence:

- 5.1.2.1 After discussion it was agreed to put forward the following recommendations of the Technical Committee to the meeting of the Negotiating Council on Tuesday 25 May 1993:
- * All parties at the Multi-Party Negotiating Process should sign the National Peace Accord;
 - * Participants should be requested to make submissions with regard to the proposed Peace Corps;
- 5.1.2.2 It was further agreed to recommend that the Negotiating Council instructs the Technical Committee to prepare a preliminary report and recommendations on the issues as identified for the next meeting of the Negotiating Council on Friday 28 May 1993. This would ensure that the third report from the Technical Committee was of a substantive nature.
- 5.1.2.3 The Sub-Committee was mandated to offer guidance to the Technical Committee.

5.1.3 Technical Committee on Constitutional Issues:

- 5.1.3.1 After discussion it was agreed to request the Technical Committee to reconsider the report in the light of the

decision of the Negotiating Council of 18 May 1993.

5.1.3.2 It was therefore agreed to recommend to the Negotiating Council that, as a result of the need to have more pointed discussion in the Negotiating Council, the Technical Committee be encouraged to submit drafts on:

- * Various constitutional principles; including
- * The constitutional principle/s on states/regions/provinces.

Where differences existed, the Technical Committee would prepare drafts on each option and may even propose a draft compromise position.

5.1.3.3 The Sub-Committee was requested to liaise with the Technical Committee with a view to submitting certain drafts to the Negotiating Council meeting on Tuesday 25 May 1993. Where this was not possible the drafts should be completed by Thursday 27 May 1993 at 14h00 for the meeting of the Negotiating Council on Friday 28 May 1993.

5.1.3.4 It was agreed that the Planning Committee would meet on Tuesday 28 May 1993 to receive a report from the Sub-Committee in this regard.

5.1.3.5 FT Mdlalose noted that he was not happy with the fast pace at which the process was working.

5.1.4 Technical Committee on Fundamental Human Rights During the Transition:

5.1.4.1 After discussion it was agreed that there is a need to clarify the definition of "Fundamental Human Rights during the Transition". It was suggested that the Chairperson of the Negotiating Council guide discussion in the meeting with a view to achieving this clarity.

5.1.4.2 It was agreed to put forward the following recommendations of the Technical Committee to the meeting of the Negotiating Council:

- * Item 5.1 of the Technical Committee Report refers : That comments are invited from the

Negotiating Council on the various rights and freedoms in the first and second categories with a view to give the Technical Committee some feedback on their proposals;

- * Item 5.2 of the Technical Committee Report refers : That the Negotiating Council accepts the principle of justiciability and that discussion be invited with regard to the relevant institution;
- * Item 5.3 of the Technical Committee Report refers : That the Technical Committee be instructed to submit formulations;
- * Item 5.4 of the Technical Committee Report refers : That discussion on the third category be continued.

5.1.5 Technical Committee on the Independent Election Commission:

- 5.1.5.1 After discussion it was agreed that the report be tabled and that the Planning Committee recommend that the Negotiating Council agree in principle with the report.
- 5.1.5.2 Furthermore, that all participants be requested to submit inputs with possible amendments and/or additions to the draft legislation by Thursday 27 May 1993 at 14h00. These will be forwarded to the Technical Committee.
- 5.1.5.3 It was noted that the Technical Committee should present a further report to the meeting of the Negotiating Council on Tuesday 1 June 1993.

5.1.6 Technical Committee on the Independent Media Commission:

- 5.1.6.1 After discussion it was agreed that, as a result of the fact that the sixth and relevant draft of the proposed legislation would only be circulated at the meeting of the Negotiating Council on Tuesday 25 May 1993, the Planning Committee recommends that the Negotiating Council notes the report, subject to its wishes.
- 5.1.6.2 It was further agreed that all participants be requested to submit inputs with possible amendments and/or additions to the draft legislation by Thursday 27 May 1993 at 14h00. These will be forwarded to the Technical Committee, who will table an amended report

on Friday 28 May 1993.

5.1.6.3 It was agreed that this issue be dealt with at the meeting of the Negotiating Council on Friday 28 May 1993 as a matter of priority.

5.1.7 Technical Committee on the Amendment or Repeal of Legislation impeding Free Political Activity and Discriminatory Legislation:

It was noted that a report will only be received for the meeting of the Negotiating Council on 1 June 1993 as per the instructions of the Negotiating Council at its last meeting.

5.1.8 Technical Committee on the TEC and its Sub-Councils:

After discussion it was agreed to recommend:

- * That the Technical Committee should continue drafting;
- * Where there are different views on a particular issue, the Technical Committee should submit drafts on each view;
- * This drafting should be completed by Wednesday at 14h00 for consideration at the meeting of the Negotiating Council on Friday 28 May 1993.

5.2 Commission on Regions:

5.2.1 The Sub-Committee presented a proposal to the Planning Committee for their consideration. Various names were suggested.

5.2.2 After discussion and the expression of various views, it was agreed that the Sub-Committee consider this issue further and submit a further recommendation to the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00. Furthermore, the Sub-Committee was mandated to consider names outside those nominated, if so required to take into account the concerns and views expressed.

5.2.3 A recommendation from the Sub-Committee on the Chairpersonship of the Commission should also be included. It was agreed to informally canvas the issue of Chairpersonship.

5.2.4 The proposed Terms of Reference for the Commission were distributed and would be considered at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

5.3 Election Date:

It was agreed that this item should remain on the agenda of the Planning Committee and the Negotiating Council.

6. Procedural Issues

6.1 Structuring of the discussion of Reports from Technical Committees in the meeting of the Negotiating Council:

6.1.1 The reports should be taken as read.

6.1.2 It was agreed that no discussion should be entered into with the Technical Committees. Only questions of clarity or information should be addressed to the Technical Committee, and the spokesperson for each Technical Committee would respond, after having highlighted various issues in the report.

6.1.3 It was agreed to confirm this approach at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

6.2 Media Arrangements:

A report was presented by the Administration and the following was noted:

6.2.1 The SABC would cover the proceedings of the meeting of the Negotiating Council of 25 May 1993 as no permanent contractor had yet been engaged.

6.2.2 A memorandum would be distributed to all members of the media laying out the arrangements with regard to the payment of Multi-Party Negotiating Process document. Furthermore, the documentation received by the media for the last meeting of the Negotiating Council (18 May 1993) would be paid for by the media.

6.3 New Participants:

6.3.1 A progress report was presented by the Administration and the following was noted:

6.3.1.1 Only one response had been received so far.

6.3.1.2 The newspaper survey was complete.

6.3.1.3 Furthermore, the Administration would process the responses and the survey, forward the information to

the Sub-Committee for further processing and making recommendations on to the Planning Committee.

6.3.1.4 It was agreed that the Administration formulate a report with regard to the above for the meeting of the Negotiating Council of Tuesday 25 May 1993.

6.3.2 With regard to the Traditional Leaders the following was noted:

6.3.2.1 That the Orange Free State Traditional Leaders had resolved the internal problems they were experiencing;

6.3.2.2 That the Cape Traditional Leaders were still holding a series of meetings to resolve their internal problems;

6.3.2.3 That the Transvaal Traditional Leaders had discussed informally with various participants a compromise solution to their internal problems. It would be suggested informally to these Traditional Leaders that they submit their proposal formally to the Negotiating Council.

6.3.2.4 With regard to the issue of the Natal Traditional Leaders, a progress report could possibly be made to the next meeting of the Planning Committee on Tuesday 1 June 1993.

7. Administrative and Financial Matters

7.1 Correspondence to be noted:

7.1.1 The correspondence was noted.

7.1.2 In this regard it was agreed that M Jordaan not be allowed to address the Negotiating Council other than submitting his views on paper.

7.2 Financial Report:

7.2.1 It was noted that this report is still outstanding and should as a matter of priority be submitted to the next meeting of the Planning Committee.

7.2.2 It was agreed that this item remain on the agenda of the Planning Committee.

● 7.3 **Report from the Couriers:**

It was agreed to note the report and deal with it at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

8. **Report to and Agenda of the Negotiating Council**

8.1 It was agreed to deal with the report to the Negotiating Council further at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

8.2 It was agreed that the current Chairperson of the Planning Committee report back to the meeting of the Negotiating Council where relevant.

8.3 The agenda as amended was agreed to (see Addendum A).

9. **Meetings Schedule**

- It was agreed to consider the Meetings Schedule at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

10. **Closure**

10.1 It was agreed that the Planning Committee meet on Tuesday 25 May 1993 at 09h00 to deal with outstanding issues.

10.2 The meeting was closed at 17h30.



These minutes were ratified at the meeting of the Planning Committee of 1 June 1993 and the amended versions signed by the Chairperson of this meeting on ~~14/06/~~..... 1993.

CHAIRPERSON

**DRAFT AGENDA FOR THE MEETING OF THE NEGOTIATING COUNCIL
TO BE HELD ON TUESDAY 25 MAY 1993 AT 10H00**

Chairpersonship - R Cronje assisted by D de Villiers

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 18 May 1993
 - 4.2 Matters arising out of the minutes of the meeting of the Negotiating Council of 18 May 1993
5. **Substantive Issues**
 - 5.1 Second Reports from the Technical Committees (See separate volume)
 - 5.1.1 Violence
 - 5.1.2 Constitutional Issues:
 - 5.1.2.1 Report from Technical Committee
 - 5.1.2.2 Proposed composition of the Commission on the Delimitation of Regions/Provinces/States
 - 5.1.2.3 Terms of Reference of the Commission
 - 5.1.3 Fundamental Human Rights during the Transition
 - 5.1.4 Independent Election Commission
 - 5.1.5 Independent Media Commission
 - 5.1.6 Amendment or repeal of legislation impeding free political activity and discriminatory legislation
 - 5.1.7 TEC and its Sub-Councils
 - 5.2 Election Date
6. **Procedural Issues - Report of the Planning Committee**
 - 6.1 Media Arrangements
 - 6.2 New Participants
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 24 MAY 1993 AT 11H40 AT THE WORLD TRADE CENTRE

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

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

All members were welcomed.

3. Ratification of Agenda

The agenda was ratified with the following amendments:

- 3.1 The addition of an Item 5.8 to read "Election Date";
- 3.2 The addition of an Item 6.3 to read "New Participants - Progress Report";
- 3.3 The addition of an Item 7.2 to read "Report with regard to the Couriers".

Minutes

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4.1.1 The minutes were adopted with the following amendments:

- * Item 4.1.2, the word "resubmitting" to read "resubmission";
- * Item 5.1.3.1, the second sentence, the word "informed" to read "informal";
- * Item 5.1.4.1, the word "general" to read "print".

4.1.2 Matters Arising:

4.1.2.1 It was noted that the Proposed Resolution from the Planning Committee to the Negotiating Council on Violence had been submitted to the Technical Committee on Violence.

4.1.2.2 The issue of whether the Technical Committee on Violence had considered how the Goldstone Commission can liaise with the Multi-Party Negotiating Process was raised. Administration will report back in this regard.

4.2 Minutes of the meeting of 17 May 1993:

4.2.1 The minutes were adopted with no amendments.

4.2.2 No matters arising were noted.

4.3 Minutes of the meeting of 18 May 1993:

4.3.1 The minutes were adopted with the following amendment:

- * Item 3, first sentence, the word "three" to read "four".

4.3.2 No matters arising were noted.

5. Substantive Issues

5.1 Receipt of Second Reports from the Technical Committees:

5.1.1 General Issues:

- 5.1.1.1 The Sub-Committee provided the Planning Committee with an overview with regard to the Technical Committees and their reports.
- 5.1.1.2 It was agreed that the Planning Committee should assist the Negotiating Council in dealing with the reports and submit recommendations with regard to each report.
- 5.1.1.3 It was agreed that each report should be taken as read in the meeting of the Negotiating Council. Furthermore, each report should be dealt with separately and in its entirety.
- 5.1.1.4 It was suggested that co-ordination is needed between the drafting processes. It was further suggested that the Sub-Committee be mandated to interact with the Technical Committees in this regard.

5.1.2 Technical Committee on Violence:

- 5.1.2.1 After discussion it was agreed to put forward the following recommendations of the Technical Committee to the meeting of the Negotiating Council on Tuesday 25 May 1993:
- * All parties at the Multi-Party Negotiating Process must sign the National Peace Accord;
 - * Participants should be requested to make submissions with regard to the proposed Peace Corps;
- 5.1.2.2 It was further agreed to recommend that the Negotiating Council instructs the Technical Committee to prepare a preliminary report and recommendations on the issues as identified for the next meeting of the Negotiating Council on Friday 28 May 1993. This would ensure that the third report from the Technical Committee was of a substantive nature.
- 5.1.2.3 The Sub-Committee was mandated to offer guidance to the Technical Committee.

5.1.3 Technical Committee on Constitutional Issues:

- 5.1.3.1 After discussion it was agreed to request the Technical Committee to reconsider the report in the light of the

decision of the Negotiating Council of 18 May 1993.

5.1.3.2 It was therefore agreed to recommend to the Negotiating Council that, as a result of the need to have more pointed discussion in the Negotiating Council, the Technical Committee be encouraged to submit drafts on:

- * Various constitutional principles; including
- * The constitutional principle/s on states/regions/provinces.

Where differences existed, the Technical Committee would prepare drafts on each option and may even propose a draft compromise position.

5.1.3.3 The Sub-Committee was requested to liaise with the Technical Committee with a view to submitting certain drafts to the Negotiating Council meeting on Tuesday 25 May 1993. Where this was not possible the drafts should be completed by Thursday 27 May 1993 at 14h00 for the meeting of the Negotiating Council on Friday 28 May 1993.

5.1.3.4 It was agreed that the Planning Committee would meet on Tuesday 28 May 1993 to receive a report from the Sub-Committee in this regard.

5.1.3.5 FT Mdlalose noted that he was not happy with the fast pace at which the process was working.

5.1.4 **Technical Committee on Fundamental Human Rights During the Transition:**

5.1.4.1 After discussion it was agreed that there is a need to clarify the definition of "Fundamental Human Rights during the Transition". It was suggested that the Chairperson of the Negotiating Council guide discussion in the meeting with a view to achieving this clarity.

5.1.4.2 It was agreed to put forward the following recommendations of the Technical Committee to the meeting of the Negotiating Council:

- * Item 5.1 of the Technical Committee Report refers : That comments are invited from the

Negotiating Council on the various rights and freedoms in the first and second categories with a view to give the Technical Committee some feedback on their proposals;

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- * Item 5.3 of the Technical Committee Report refers : That the Technical Committee be instructed to submit formulations;
- * Item 5.4 of the Technical Committee Report refers : That discussion on the third category be continued.

5.1.5 Technical Committee on the Independent Election Commission:

- 5.1.5.1 After discussion it was agreed that the report be tabled and that the Planning Committee recommend that the Negotiating Council agree in principle with the report.
- 5.1.5.2 Furthermore, that all participants be requested to submit inputs with possible amendments and/or additions to the draft legislation by Thursday 27 May 1993 at 14h00. These will be forwarded to the Technical Committee.
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5.1.6 Technical Committee on the Independent Media Commission:

- 5.1.6.1 After discussion it was agreed that, as a result of the fact that the sixth and relevant draft of the proposed legislation would only be circulated at the meeting of the Negotiating Council on Tuesday 25 May 1993, the Planning Committee recommends that the Negotiating Council notes the report, subject to its wishes.
- 5.1.6.2 It was further agreed that all participants be requested to submit inputs with possible amendments and/or additions to the draft legislation by Thursday 27 May 1993 at 14h00. These will be forwarded to the Technical Committee, who will table an amended report

on Friday 28 May 1993.

5.1.6.3 It was agreed that this issue be dealt with at the meeting of the Negotiating Council on Friday 28 May 1993 as a matter of priority.

5.1.7 Technical Committee on the Amendment or Repeal of Legislation impeding Free Political Activity and Discriminatory Legislation:

It was noted that a report will only be received for the meeting of the Negotiating Council on 1 June 1993 as per the instructions of the Negotiating Council at its last meeting.

5.1.8 Technical Committee on the TEC and its Sub-Councils:

After discussion it was agreed to recommend:

- * That the Technical Committee should continue drafting;
- * Where there are different views on a particular issue, the Technical Committee should submit drafts on each view;
- * This drafting should be completed by Wednesday at 14h00 for consideration at the meeting of the Negotiating Council on Friday 28 May 1993.

5.2 Commission on Regions:

5.2.1 The Sub-Committee presented a proposal to the Planning Committee for their consideration. Various names were suggested.

5.2.2 After discussion and the expression of various views, it was agreed that the Sub-Committee consider this issue further and submit a further recommendation to the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00. Furthermore, the Sub-Committee was mandated to consider names outside those nominated, if so required to take into account the concerns and views expressed.

5.2.3 A recommendation from the Sub-Committee on the Chairpersonship of the Commission should also be included. It was agreed to informally canvas the issue of Chairpersonship.

5.2.4 The proposed Terms of Reference for the Commission were distributed and would be considered at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

5.3 Election Date:

It was agreed that this item should remain on the agenda of the Planning Committee and the Negotiating Council.

6. Procedural Issues

6.1 Structuring of the discussion of Reports from Technical Committees in the meeting of the Negotiating Council:

6.1.1 The reports should be taken as read.

6.1.2 It was agreed that no discussion should be entered into with the Technical Committees. Only questions of clarity or information should be addressed to the Technical Committee, and the spokesperson for each Technical Committee would respond, after having highlighted various issues in the report.

6.1.3 It was agreed to confirm this approach at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

6.2 Media Arrangements:

A report was presented by the Administration and the following was noted:

6.2.1 The SABC would cover the proceedings of the meeting of the Negotiating Council of 25 May 1993 as no permanent contractor had yet been engaged.

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6.3 New Participants:

6.3.1 A progress report was presented by the Administration and the following was noted:

6.3.1.1 Only one response had been received so far.

6.3.1.2 The newspaper survey was complete.

6.3.1.3 Furthermore, the Administration would process the responses and the survey, forward the information to the Sub-Committee for further processing and making recommendations on to the Planning Committee.

6.3.1.4 It was agreed that the Administration formulate a report with regard to the above for the meeting of the Negotiating Council of Tuesday 25 May 1993.

6.3.2 With regard to the Traditional Leaders the following was noted:

6.3.2.1 That the Orange Free State Traditional Leaders had resolved the internal problems they were experiencing;

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7. Administrative and Financial Matters

7.1 Correspondence to be noted:

7.1.1 The correspondence was noted.

7.1.2 In this regard it was agreed that M Jordaan not be allowed to address the Negotiating Council other than submitting his views on paper.

7.2 Financial Report:

7.2.1 It was noted that this report is still outstanding and should as a matter of priority be submitted to the next meeting of the Planning Committee.

7.2.2 It was agreed that this item remain on the agenda of the Planning Committee.

7.3 Report from the Couriers:

It was agreed to note the report and deal with it at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

8. **Report to and Agenda of the Negotiating Council**

- 8.1 It was agreed to deal with the report to the Negotiating Council further at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.
- 8.2 It was agreed that the current Chairperson of the Planning Committee report back to the meeting of the Negotiating Council where relevant.
- 8.3 The agenda as amended was agreed to (see Addendum A).

9. **Meetings Schedule**

It was agreed to consider the Meetings Schedule at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

10. **Closure**

- 10.1 It was agreed that the Planning Committee meet on Tuesday 25 May 1993 at 09h00 to deal with outstanding issues.
- 10.2 The meeting was closed at 17h30.



These minutes were ratified at the meeting of the Planning Committee of 1993 and the amended versions signed by the Chairperson of this meeting on 1993.

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CHAIRPERSON

**DRAFT AGENDA FOR THE MEETING OF THE NEGOTIATING COUNCIL
TO BE HELD ON TUESDAY 25 MAY 1993 AT 10H00**

Chairpersonship - R Cronje assisted by D de Villiers

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6. **Procedural Issues - Report of the Planning Committee**
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