

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

**MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 11H00 ON FRIDAY 28 MAY 1993 AT THE WORLD TRADE CENTRE**

PRESENT: See Addendum A

**1. Moment of Prayer/Meditation**

A moment of prayer/meditation was observed by all members.

**2. Welcome and Attendance**

2.1 The participants were welcomed.

2.2 On behalf of Planning Committee apologies were extended for the delay of the start of the meeting.

**3. Ratification of the Agenda**

The agenda was ratified with the following amendment:

\* The additional of a new Item 4 to read "Government/PAC Report Back". The subsequent numbering was amended accordingly.

**4. Government/PAC Report Back**

4.1 A joint statement was read out to participants (see addendum B).

4.2 It was agreed that if any further problems arose, they should be handled in the same negotiated manner.

**5. Minutes**

5.1 The minutes of the meeting of 18 May 1993 were adopted with the following amendments:

5.1.1 Item 5.1.3 refers, the word "was" should be inserted between "It" and "agreed";

- 5.1.2 Item 5.2.5 refers, the word "accepted" be replaced by "noted";
- 5.1.3 Item 5.3.3.3 refers, the following to be added to the end of the sentence "(taking into account the question of the role of Traditional Leaders as well).";
- 5.1.4 Item 5.3.4 refers, the addition of a further sentence to read "It was noted that the issue of ethnicity could be accommodated in points 7 and 10 of the resolution".
- 5.1.5 Item 5.6.5 refers, the insertion of the words "privately owned" between "the and "print media";
- 5.1.6 Item 5.7.3 refers, replace the word "rights" with "role";
- 5.1.7 Item 5.8.5 refers and should read "It was further noted that the Negotiating Council has not yet reached agreement on a TEC and that this could only be considered once transition/negotiation process scenarios are before the Negotiating Council.".
- 5.2 No matters arising were noted from the minutes of 18 May 1993.
- 5.3 The minutes of the meeting of 25 May 1993 were adopted with no amendments.
- 5.4 No matters arising were noted from the minutes of 25 May 1993.
- 5.5 The minutes of the Planning Committee of 14 May, 17 May and 18 May 1993 were noted.

## 6. **Procedural Issues**

### 6.1 **Media Arrangements:**

A progress report from Administration was presented. It was noted that the SABC is still providing the service for the relaying of the proceedings, but as soon as a contractor was found a permanent service would be provided.

### 6.2 **New Participants:**

A progress report from Administration was presented. The following was noted:

- \* Various applicants had requested and had been granted an extended deadline (till Thursday 27 May 1993) from Administration to submit their completed application forms.

- \* The completed application forms and newspaper survey results will be forwarded to the Sub-Committee for processing. A recommendation will be made to the Planning Committee on Tuesday 1 June 1993, who in turn will submit a recommendation to the Negotiating Council on Tuesday 1 June 1993.

## 7. Substantive Issues

### 7.1 Receipt of Second and Supplementary Reports of the Technical Committees

#### 7.1.1 Technical Committee on Violence:

- 7.1.1.1 The members of the Technical Committee on Violence were welcomed.
- 7.1.1.2 The Technical Committee presented an overview of their report, including issues to be highlighted or requiring decision/guidance from the Negotiating Council.
- 7.1.1.3 It was noted that due to time constraints, the Technical Committee had not yet addressed all issues.
- 7.1.1.4 Questions of clarity were addressed to the Technical Committee. Discussion and debate followed.
- 7.1.2.5 After discussion it was agreed that:
  - \* The Technical Committee on Violence be instructed to report to the next meeting of the Negotiating Council on the Conditions that should be Created to Eliminate Violence in accordance with the Resolution on the "Declaration of Intent on the Negotiating Process" adopted by the Negotiating Council on 7 May 1993. In doing so, the Technical Committee should address all issues identified on a comprehensive and holistic basis.
  - \* Furthermore, that all participants be encouraged to make additional submissions to the Technical Committee in this regard by 12h00 on Monday 31 May 1993.

## 7.1.2 **Technical Committee on Constitutional Issues:**

7.1.2.1 It was agreed to meet in-committee to discuss the proposed composition, as recommended by the Planning Committee, of the Commission on the Delimitation of Regions/States/Provinces.

7.1.2.2 Reports were presented by FT Mdlalose and the Sub-Committee on behalf of the Planning Committee.

7.1.2.3 After discussion it was agreed to:

- \* Remove the name of H Ngubane from the proposed list as she was not available, being a delegate to the Negotiating Council;
- \* Refer the issue of replacing H Ngubane with another woman back to the Planning Committee to submit a recommendation to the meeting of the Negotiating Council on 1 June 1993;
- \* Encourage participants to submit further recommendations in this regard to the Planning Committee by 12h00 on Monday 31 May 1993;
- \* Accept the list of 15 names and announce the Commission;
- \* Formally accept the Resolution by the Planning Committee on the Commission on the Delimitation of Regions/States/Provinces as amended (see Addendum C).
- \* Give priority to the reports of the Technical Committee on Constitutional Issues on the agenda of the next meeting of the Negotiating Council on 1 June 1993.

7.1.2.4 The meeting then met out of committee and formally adopted the above points.

## 7.1.3 **Technical Committee on Fundamental Human Rights during the Transition:**

7.1.3.1 The members of the Technical Committee on Fundamental Human Rights during the Transition were welcomed.

- 7.1.3.2 It was noted that the request from the Technical Committee to present their report first before all other Technical Committees for logistical reasons, was agreed to.
- 7.1.3.3 The Technical Committee presented an overview of their reports, including issues to be highlighted or requiring decision/guidance from the Negotiating Council. Discussion and debate followed.
- 7.1.3.4 It was agreed that the Technical Committee be mandated to formulate and draft:
- \* The Fundamental Rights to be entrenched during the transitional period referred to in paragraphs 5.1 and 5.2 of the second report (excluding those rights referred to in paragraph 7.3 of the third report);
  - \* Various alternative formulations regarding the rights referred to in paragraph 7.3 of the third (supplementary) report; and
- 7.1.3.5 That the Council, accepting in principle the rights mentioned in the first asterisk above, considers and deals with the report when such a draft is put before the Council especially those rights referred to in the second asterisk above.
- 7.1.3.6 In this regard the following was noted:
- \* That the proposal does not deal with or intend to address the issue of whether the Fundamental Rights should be confined to the Transitional Period only; it does not prejudice the question of the possible phases of the process;
  - \* That the AVU reserved its right on whether all the rights mentioned in the first asterisk above can be or should be included in a Bill of Fundamental Rights;
  - \* That the Ciskei reserved its rights on accepting 5.1 or 5.2 of the report in principle and during the Transition Period only;
  - \* That the KP stated that the point of departure of

the Technical Committee is a wrong one, i.e. that of a unitary state, with a unitary states model of Human Rights and that, rather, each State/Province/Region should be in a position to draft and accept their own Bill of Rights if they so wish, therefore, the KP rejects the decision as noted.

**7.1.4 Technical Committee on the Independent Election Commission:**

Due to time constraints, the Report of this Technical Committee was deferred to the next meeting of the Negotiating Council of 1 June 1993.

**7.1.5 Technical Committee on the Independent Media Commission:**

Due to time constraints, the Report of this Technical Committee was deferred to the next meeting of the Negotiating Council of 1 June 1993.

**7.1.6 Technical Committee on the Amendment or Repeal of Legislation Impeding Free Political Activity and Discriminatory Legislation:**

Due to time constraints, the Report of this Technical Committee was deferred to the next meeting of the Negotiating Council of 1 June 1993.

**7.1.7 Technical Committee on the TEC and its Sub-Councils:**

Due to time constraints, the Report of this Technical Committee was deferred to the next meeting of the Negotiating Council of 1 June 1993.

**7.2 Election Date:**

It was noted that this issue remains on the agenda until dealt with.

**8. Administrative Matters**

No administrative matters were noted.

**9. Meetings Schedule**

It was agreed to accept the proposed schedule (see Addendum D).

● Closure

The meeting was closed at 18h05.

These minutes were ratified at the meeting of the Negotiating Council of ..... 1993 and the amended version signed by the Chairperson of the original meeting on ..... 22/6/93 .....

  
CHAIRPERSON

## Addendum A

The following delegates and advisers were present at the meeting of the Negotiating Council on Friday 28 May 1993:

D de Villiers : Chairperson  
 PJ Gordhan : Assistant to the Chairperson

Organisation	Delegates	Advisers
ANC	C Ramaphosa B Kgositile	M Maharaj M Manzini
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	C Vale TM Bulube
DP	K Andrew D Smuts	A Leon P Soal
Dikwankwetla	TJ Mohapi K Ngwenya	SOM Moji JSS Phatang
IFP	FT Mdlalose FX Gasa	WS Felgate
IYP	NJ Mahlangu N Mtshweni	AP Laka Q Vilankulu
KP	T Langley A Budd	FJ Le Roux CP Mulder
INM	SS Ripinga FS Baloi	GG Zama PMH Maduna
Kwazulu	BS Ngubane H Ngubane	SH Gumede
Labour Party	L Landers P Lategan	E Samuels D Lockey
NIC/TIC	PJ Gordhan E Gandhi	K Mayet B Pillay



	L Wessels MM Gabriels	SJ Schoeman
NPP	A Rajbansi A Rambarran	B Singh S Ismail
OFS Trad. Leaders	MB Mota M Moroke	RH Mopeli MA Molefe
PAC	G Ebrahim M Molete	P de Lille
Solidarity	JN Reddy	Y Moolla DS Rajah
SACP	J Slovo L Jacobus	E Pahad S Shilowa
SA Government	RP Meyer M Olckers	JT Delpont SS van der Merwe
Transkei	Z Titus N Jajula	LL Mtshizana
TVL Trad. Leaders	LM Mokoena	MA Netshimbupfe NE Ngomane
UPF	MJ Mahlangu A Chabalala	J Maake RJ Dombo
Venda	SE Moeti AK Masehela	GM Ligege S Makhuvha
XPP	EE Ngobeni PT Shilubana	MH Matjokana E Mkhabela

T Eloff	:	Administration
G Hutchings	:	Minutes
K Morgan	:	Administration
P Lelaka	:	Administration
G Briggs	:	Administration

**JOINT STATEMENT BY THE SOUTH AFRICAN GOVERNMENT AND THE  
PAN AFRICANIST CONGRESS OF AZANIA**

Delegations of the two parties met today as agreed to by the Negotiating Council at a special meeting on 27 May 1993. The PAC was represented by Mr Benny Alexander, Mr Gora Ebrahim, Mr Willy Seriti and Mrs Patricia de Lille. The South African Government was represented by Minister Roelf Meyer, Minister Dawie de Villiers, Mr Fanie van der Merwe and Maj-Genl Krappie Engelbrecht.

The following was agreed upon:

1. The PAC undertakes to discuss its commitment to armed action and its position on violence at its NEC meeting on 29 May 1993 and undertakes to give a clear unambiguous report on its positions in this regard at a bilateral meeting to take place on Tuesday 1 June 1993.
  
2. The Government undertakes:
  - that Mr Thomas Likotsi, Mr Waters Thoboti and Dr Solly Skosana will be released immediately;
  - that Mr Jackie Seroke will be charged with the possession of an unlicensed fire-arm and brought to court today; and
  - that a further report on the other detainees including the following NEC members, will be submitted at the bilateral meeting on 1 June 1993:
    - Mr Enoch Zulu
    - Mr Maxwell Nemadzivhanani
    - Mr Abel Dube.
  
3. The South African Police will return material and equipment seized, not required for further investigation or prosecution, as from today.
  
4. Other outstanding issues will be on the agenda for the bilateral meeting on 1 June 1993.

ISSUED BY MINISTER ROELF MEYER AND MR BENNY ALEXANDER  
KEMPTON PARK  
28 MAY 1993

Enquiries: Mr W Seriti Tel: (012) 326-0716  
Maj-Genl K Engelbrecht Tel: (012) 310-1238

**RESOLUTION BY THE PLANNING COMMITTEE TO  
THE NEGOTIATING COUNCIL MEETING OF 28 MAY 1993  
ON THE COMMISSION ON REGIONS/STATES/PROVINCES**

**WHEREAS** there appears to be broad agreement that the most suitable form of government for the future will be one which involves an allocation of powers to national and regional governments, while the differences that exist relate essentially to the boundaries, powers and functions of the regions/states/provinces and the process whereby such differences may be resolved;

**REALISING** that regional boundaries will be relevant to the electoral process, as well as to the structures of the Constitution;

**ACCEPTING** that the powers and functions of regions/states/provinces are crucial to issues such as the form of state and self-determination, and will be a fundamental part of the constitution/s;

**CONVINCED** that while the demarcation of boundaries is a task which appropriately should be performed by a broadly based body of suitably qualified people, who will hear representations from the public at large and from different areas of the country, issues regarding the functions and powers of regions/states/provinces can at this stage of the negotiations best be dealt with by a smaller technical committee;

**DETERMINED** to ensure that we achieve a peaceful and negotiated agreement on the democratic transformation of our country within the time frames we have set for ourselves; and

**HAVING** charged a technical committee with formulating as a matter of priority, recommendations on the structures, powers and functions of regions/states/provinces, on constitutional principles and on the constitution making process;

**WE, THE NEGOTIATING COUNCIL** hereby appoint

Mr Bax Nomvete and Professor Flip Smit  
as Co-Chairpersons, and

1. Basson Deon, Prof
2. Bernstein Ann, Ms
3. Daphne Paul, Mr
4. Du Plessis A, Mr
5. Govinden Betty, Ms
6. Gwagwa Lulu, Ms
7. Khumalo JAM, Mr Justice
8. Muthien Evonne, Dr
9. Ncamashe-Burns, Chief
10. Nkuhlu W, Professor
11. Rautenbach I, Professor
12. Reyneke Koos, Mr
13. Steyn Anna, Professor

as members of a Commission on Regions/States/Provinces to make recommendations to us, the Negotiating Council within six weeks, on the delimitation of regions/states/provinces.

**FOR THE PURPOSES** of its recommendations, the Commission shall:

1. Take into consideration, inter alia, the following:
  - 1.1 Historical boundaries, including provincial, magisterial and district boundaries and infrastructures;
  - 1.2 Administrative considerations including the availability or non-availability of infrastructures and nodal points for services;
  - 1.3 The need or otherwise to rationalise existing structures (including the TBVC States, self-governing territories and regional governments);
  - 1.4 The necessity of limiting financial and other costs as much as is reasonably possible;
  - 1.5 The need to minimise inconvenience to the people;
  - 1.6 The need to minimise the dislocation of services;
  - 1.7 Demographic considerations;
  - 1.8 Economic viability;
  - 1.9 Development potential;
  - 1.10 Cultural and language realities;

2. Allow interested parties and persons to submit their views and recommendations within a specified period, which should not be less than one month after an invitation in this regard has been published, and take these into account;
3. Be free to take cognisance of any other material it might wish to collect; and
4. Take cognisance of any progress made in the Negotiating Council by way of agreements on constitutional matters.

**PROPOSED SCHEDULE OF MEETINGS**

Planning Committee	Tuesday 1 June 1993	10h00 - 13h00
Negotiating Council	Tuesday 1 June 1993	14h00 - 22h00
Planning Committee	Wednesday 2 June 1993	18h00 - 21h00
<b>NEGOTIATING FORUM</b>	Thursday 3 June 1993	10h00 - 18h00
Planning Committee	Thursday 3 June 1993	18h00 - 20h00

Technical Committees  
do detailed work

Monday 7 June 1993 to  
Friday 11 June 1993

Planning Committee	Monday 14 June 1993	08h30 - 13h00
Negotiating Council	Monday 14 June 1993	14h00 - 20h00
Negotiating Council	Tuesday 15 June 1993	10h00 - 18h00
Planning Committee	Thursday 17 June 1993	08h30 - 13h00
Negotiating Council	Thursday 17 June 1993	14h00 - 20h00
Negotiating Council	Friday 18 June 1993	10h00 - 18h00

Planning Committee	Monday 21 June 1993	10h00 - 18h00
Negotiating Council	Tuesday 22 June 1993	11h00 - 20h00
Negotiating Council	Wednesday 23 June 1993	11h00 - 19h00
Planning Committee	Thursday 24 June 1993	08h30 - 11h00
Negotiating Council	Thursday 24 June 1993	11h00 - 19h00
<b>NEGOTIATING FORUM</b>	Friday 25 June 1993	10h00 - 18h00