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7 MAY 1993 AT 11H00**

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**DRAFT AGENDA FOR THE MEETING OF THE NEGOTIATING COUNCIL
TO BE HELD ON FRIDAY 7 MAY 1993 AT 11H00**

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 30 April 1993 (Addendum A1, p2-14)
 - 4.2 Matters arising out of the minutes of the meeting of the Negotiating Council of 30 April 1993
 - 4.3 Other minutes to be noted:
 - 4.3.1 Planning Committee of 29 April 1993 (Addendum A2, p15-20)
 - 4.3.2 Planning Committee of 3 May (Addendum A3, available at meeting)
5. **Substantive Issues**
 - 5.1 Election Date - continuation of debate (Addendum B, p21)
 - 5.2 Report of the Planning Committee on the Technical Sub-Committees:
 - 5.2.1 Management and Time Frames (Addendum C, p22)
 - 5.2.2 Composition and Appointment (Addendum D, available at the meeting):
 - 5.2.2.1 Violence
 - 5.2.2.2 Constitutional Issues
 - 5.2.2.3 Fundamental Human Rights during the Transition
 - 5.2.2.4 Independent Election Commission
 - 5.2.2.5 Independent Media Commission
 - 5.2.2.6 Amendment or repeal of legislation impeding free political activity and discriminatory legislation
 - 5.2.2.7 TEC and its Sub-Councils

Procedural Issues - Report of the Planning Committee (Addendum E, p23-27)

- 6.1 New Participants - approval of criteria and process
- 6.2 Name of the Process
- 6.3 Role of the International Community
- 6.4 Media Arrangements
- 6.5 Assistance to the Negotiating Council Chairpersons
- 6.6 Participation of non South Africans in the Negotiating Process
- 6.7 Procedures on Resolutions

7. Administrative Matters

- 7.1 Report on the problem with the Couriers (Addendum F, p28-32)
- 7.2 Guidelines for Demonstrations (Addendum G, p33)

8. Meetings Schedule (Addendum H, p34)

9. Closure

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

DRAFT MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 11H30 ON FRIDAY 30 APRIL 1993 AT THE WORLD TRADE CENTRE

PRESENT: See Addendum A

1. Moment of Silence

A moment of silence was observed by all members.

2. Welcome and Attendance

2.1 The participants were welcomed.

2.2 Apologies were made for the late start of the meeting. This was attributed to the running over of the meeting of the Planning Committee held before this meeting.

3. Ratification of the Agenda

The agenda was adopted with no amendments.

4. Minutes

4.1 Minutes of the Meeting of the Negotiating Council of 30 March 1993

4.1.1 The minutes were adopted with no amendments.

4.1.2 No matters arising were noted.

4.2 Minutes of the Meeting of the Negotiating Council of 26 April 1993

4.2.1 The minutes were adopted with the following amendments:

- * Item 1.2 should now read "The following participants were called on by the Chairperson to express motions of condolences

on behalf of the meeting:

The Koserwatiewe Party for Dr AP Treurnicht;
The Inyandza National Movement for Mr O Tambo;
The Transkei Government for Mr C Hani.

- * It was noted that the motion on behalf of the Planning Committee extending condolences to the Hani family should appear as an addendum to the minutes.

4.2.2 No matters arising were noted.

4.3 The minutes of the Planning Committee meeting of 22 and 23 April were noted.

4.4 A request to speak on matters that appeared in the media by T Langley was discussed. It was agreed that this was not the appropriate time and when the substance of these issues was discussed, members could raise their points of view.

5. Substantive Issues

5.1 Report from the Planning Committee on Constitutional Issues

5.1.1 The Explanatory Memorandum and the Report was presented and tabled on behalf of the Planning Committee by M Webb.

5.1.2 After discussion the following was noted:

- * Negotiations would not take place within the Technical Sub-Committees or within the Planning Committee but in the Negotiating Council and that the Technical Sub-Committees are not fora for negotiating substantive issues, but will facilitate the structure of discussion on the issues;
- * The principle and structure of Technical Committees was agreed to at the meeting of the Negotiating Forum on 1 April 1993;
- * The Technical Committees, when reporting to the Negotiating Council via the Planning Committee, would take into account views as discussed in the Negotiating Council and written inputs received by the Technical Sub-Committees;
- * The work of the Technical Sub-Committees would be directed by the Negotiating Council;

- * The issue of Guidelines for the Technical Sub-Committees should remain open, but the Technical Sub-Committees should commence work with the existing Guidelines;
- * The Technical Sub-Committees would report back to the Negotiating Council (through the Planning Committee) on an on-going basis;
- * It was agreed to establish the two Technical Sub-Committees, one on Constitutional Issues and the other on the Fundamental Human Rights During The Transition (as recommended by the Planning Committee);
- * The Planning Committee was mandated to explore the advisability of creating additional Technical Sub-Committees to deal with the Constitutional Issues.
- * The process towards reaching agreement in terms of the these two Technical Sub-Committees was agreed to;
- * The Explanatory Memorandum was adopted with amendments (see Addendum B). It was noted that paragraph 6 and 7 forms the basis of the relationship between the Negotiating Council and the Technical Sub-Committees.
- * It was noted that any further possible inputs on these issues should be submitted to the relevant Technical Sub-Committees for consideration and the Technical Sub-Committees should then report back to the Negotiating Council.
- * The importance that the IFP attaches to the issue of the Form of State was noted, with a request that this issue is not submerged within the work of the Technical Sub-Committee on Constitutional Issues.

The meeting adjourned for lunch at 13h00.

The meeting reconvened at 14h30.

5.2 Violence

- 5.2.1 The proposals and recommendations from the Planning Committee as submitted to the meeting of the Negotiating Council on 26 April was resubmitted to the meeting.

- 5.2.2 The IFP requested presenting a document. After discussion and the expressing of various points of view no agreement was reached on this issue. It was then agreed that the Planning Committee meet to resolve this issue.
- 5.2.3 A recommendation by the Planning Committee was adopted by the meeting as an interim measure (see Addendum C). It was noted that the IFP and the Kwazulu Government accepted this recommendation only as an interim measure and without prejudice.
- 5.2.4 In accordance with this recommendation it was agreed that a Technical Sub-Committee on Violence be immediately established with a view to:
- * Analyse the causes of violence;
 - * Establish further steps and mechanisms to deal with these causes;
 - * Interact with the Negotiating Council to deal with problem of violence in the most effective and constructive way;
 - * Make reports and recommendations to the Negotiating on an ongoing basis.
- 5.2.5 It was suggested that the Planning Committee immediately liaise with Mr John Hall in this regard and report back to the next meeting of the Negotiating Council on Friday 7 May 1993. It was further suggested that Regional Peace Committees be contacted and briefed by the National Peace Committee.
- 5.2.6 It was agreed that all participants be given the opportunity to submit to the Administration, not later than Tuesday, suggestions regarding the composition of the Technical Sub-Committee. The composition should be finalised at the next meeting of the Negotiating Council. The Planning Committee is to submit a recommendation to the Negotiating Council.
- 5.2.7 It was agreed to defer further discussion on the Proposals submitted to the Negotiating Council by the Planning Committee on Violence to the next meeting of the Negotiating Council on Friday 7 May 1993.
- 5.2.8 A Resolution on Violence with regard to journalists was adopted by the meeting (see Addendum D).

5.3 Recommendations by the Planning Committee on The Transitional Process

- 5.3.1 It was agreed in principle that Technical Sub-Committees be established. It was noted that this agreement does not mean that the issue of Technical Sub-Committees is closed.

5.3.2 It was agreed to refer the matter to the Planning Committee to deal with and to submit a firm proposal to the next meeting of the Negotiating Council on Friday 7 May 1993. It was noted that the Planning Committee would recommend the composition of the Technical Sub-Committees to the Negotiating Council for a decision.

5.3.3 Every participant was encouraged to submit recommendations in respect of the composition of the Technical Sub-Committees. The deadline for such submissions is 12h00 on Wednesday 5 May 1993.

5.3.4 It was noted that these in principle decisions are getting the process started and they do not constitute the order of priority.

5.3.5 It was noted that the recommendation of the establishment of Technical Sub-Committees on The Strengthening of the National Peace Accord and the Peace Corps was deferred to the next meeting of the Negotiating Council in line with a request by the IFP.

5.3.6 It was noted that the setting up of the Technical Sub-Committees on:

- * The Independent Elections Commission;
- * The Independent Media Commission;
- * The amendment or repeal of legislation impeding free political activity and discriminatory legislation; and
- * The TEC and its Sub-Councils

does not constitute structures of the TEC but deals with some constitutional issues in the process. It was further noted that the establishment of these Technical Sub-Committees does not mean agreement on the implementation of the TEC.

5.3.7 Reservations were noted by Bophuthatswana and the Ciskei with regard to references to the TBVC States in the Terms of Reference of the Technical Sub-Committees.

5.3.8 It was further noted that the Konserwatiewe Party reserves their position with regard to the establishment of the aforementioned Technical Sub-Committees.

5.4 An Election Date

5.4.1 The Declaration of Intent (see Addendum E) was submitted by the Planning Committee to the Negotiating Council for its approval.

5.4.2 Reservations from within the Planning Committee in this regard were noted by R Cronje, FT Mdlalose and M Webb.

5.4.3 The principle of an election was agreed to.

5.4.4 Due to time constraints this issue was referred to the next meeting of the Negotiating Council to be held on Friday 7 May 1993.

6. **Procedural Issues**

Due to time constraints all the issues under Item 6 were referred to the next meeting of the Negotiating Council on Friday 7 May 1993.

7. **Meetings Schedule**

This issue was deferred until the next meeting of the Negotiating Council on Friday 7 May 1993.

8. **Closure**

The meeting adjourned at 18h20.

Addendum A

The following delegates and advisers were present at the meeting of the Negotiating Council on Friday 30 April 1993:

Organisation	Delegates	Advisers
ANC	C Ramaphosa B Kgosisile	M Maharaj M Manzini
AVU	CD de Jager J Gouws	JJC Botha M Mentz
Bophuthatswana	R Cronje R Mangope	BE Keikelame SG Mothibe
Cape Trad. Leaders	M Nonkonyana	GD Gwadiso DM Jongilanga
Ciskei	M Webb VT Gqiba	SM Faku C Vale
DP	C Eglin M Finnemore	K Andrew P Soal
Dikwankwetla	TJ Mohapi KS Ngwenya	SOM Moji JSS Phatang
IFP	FT Mdlalose FX Gasas	VJ Matthews WS Felgate
IYP	NJ Mahlangu S Mahlangu	AP Laka Q Vilankulu
KP	T Langley	FJ Le Roux CP Mulder
INM	SS Ripinga MS Gininda	GG Zama JM Matsana
Kwazulu	BS Ngubane H Ngubane	SH Gumede DRB Madide
Labour Party	P Lategan PAC Hendrickse	E Samuels MYK Bassier

NIC/TIC	PJ Gordhan K Mayet	F Hajaij C Salojee
NP	DJ de Villiers E Ngcobondwane	L Wessels SJ Schoeman
NPP	A Rajbansi A Rambarran	O Ganie S Ismail
OFS Trad. Leaders	EM Sekhoto MB Mota	RH Mopeli MA Molefe
PAC	B Alexander M Molete	M Shinnars G Ebrahim
Solidarity	DS Rajah JN Reddy	Y Moolla
SACP	J Slovo L Jacobus	E Pahad
SA Government	RP Meyer D Govender	T Delport SS van der Merwe
Transkei	Z Titus N Jajula	LL Mthizana M Mphahlwa
TVL Trad. Leaders	NM Malekane MA Netshimbupfe	MC Maraba NE Ngomane
UFP	MJ Mahlangu RJ Dombo	J Maake RJ Dombo
Venda	SE Moeti AK Masehela	S Makhuvha GM Ligege
XPP	EE Ngobeni NB Higisi	HM Matjokana
L Landers	:	Chairperson
MJ Mahlangu	:	Assistant to the Chairperson
T Eloff	:	Administration
G Hutchings	:	Minutes
K Morgan	:	Administration
L Letsoala	:	Administration
M Radebe	:	Administration
G Briggs	:	Administration

EXPLANATORY MEMORANDUM TO BE ACCEPTED BY ALL PARTICIPANTS IN THE MULTI-PARTY PROCESS RELATING TO PROPOSALS ARISING FROM THE MULTI-PARTY FORUM RESOLUTION ON THE NEGOTIATION PROCESS.

1. The Negotiation Process involves reaching agreement on a number of key elements. Discussion around any particular element gives rise to suspicion and fears that agreement on it would lead to that agreement being implemented before agreement has been reached on ALL the key elements that constitute a package around the transition process.
2. Such fears were addressed in the CODESA process in Working Group 3 whose report appears in the Consolidated Document on pages 22-29. This Report states that "These agreements (that is, relating to the first stage of the transition, namely the TEC) and their implementation are dependent upon agreement being reached by CODESA in respect of the second stage of the Transition, including an Interim Constitution, and general Constitutional Principles". (cf clause 4 of the Agreement on page 22).
3. Mindful that the above proviso is contained in the CODESA Agreements which are treated in the Multi-Party Forum as points of reference, and not as binding agreements; mindful also that some of the participants in the current Multi-Party Forum have specifically indicated that they consider themselves bound by the agreements reached in CODESA; it therefore becomes necessary that participants in the Multi-Party Forum should commit themselves to a similar type of provision so that the proposals based on the Multi-Party Resolution on the Negotiation Process may be addressed in a manner that removes any fears that agreement on any particular proposal necessarily implies agreement on their implementation.
4. The proposals contained in the first report of the Sub-Committee deals with the need for the setting up of technical committees on the following aspects:
 - 4.1 The Independent Elections Commission
 - 4.2 The Independent Media Commission and the Independent Telecommunications Authority
 - 4.3 The Amendment or repeal of legislation impeding free political activity and discriminatory legislation
 - 4.4 On the TEC and its Sub-councils with the proviso that the question of security forces and all armed formations shall be given priority attention.
 - 4.5 On strengthening the National Peace Accord
 - 4.6 On the Peace Corps

5. The second report of the Sub-Committee on other constitutional matters proposes two more technical committees;
 - 5.1 On fundamental rights in the Transition
 - 5.2 On other constitutional matters namely, Form of State and Constitutional Principles, Constitution Making Body/ Constituent Assembly, Transitional/Interim Constitution, Transitional Regional Government, the Future of the TBVC States and Self Determination.

6. It is expressly understood by all participants that each of the above proposals and the documentation emanating from such technical committees shall be discussed in the Negotiating Council with the view to arriving at an agreement on these matters. Furthermore that as when agreement is reached on each of these matters the Council shall expressly determine when and how the specific agreement shall be implemented. This provision is made so as to ensure participants have a clear understanding of the package of agreements which would constitute the key elements of the transition process.

7. Technical committees are not fora for negotiating substantive issues. They are instruments of the Negotiating Council in order to produce systematic documentation to facilitate discussion and negotiating in the Negotiating Council. Documentation produced by each of these technical committees shall be discussed at the Negotiating Council and on the basis of those discussions sent back to the technical committees for further development. This process would be repeated until agreement is reached in the Negotiating Council on a final document on the issue in question.

RECOMMENDATION BY THE PLANNING COMMITTEE

1. It should be emphasised that it is the recommendation by the Planning Committee that the issue of violence will at all times receive priority attention by inter alia;
 - * ensuring that it is constantly on the agenda of the Negotiating Process;
 - * that all parties are invited to make submissions on an ongoing basis regarding the causes of violence and steps and mechanisms to deal with it.

2. A Technical Sub-Committee on violence of this Negotiating Council should be established immediately in line with paragraph 3.2.2 of the Proposal on Violence before the Negotiating Council.

3. The IFP should table the document, be noted by the Negotiating Council, and immediately be considered together with other inputs by the Technical Sub-Committee with a view to:
 - * analyse the causes of violence; and
 - * establish further steps and mechanisms to deal with these causes;
 - * interact with the Negotiating Council to deal with the problem of violence in the most effective and constructive way and make reports and recommendations to the Negotiating Council on an ongoing basis.

**RESOLUTION ON ATTACKS OF JOURNALISTS
30 APRIL 1993 TO THE NEGOTIATING COUNCIL**

- * Noting the disturbing and unwarranted increase in the violent attacks on journalists and thereby on freedom of the media and on the right of the public to know the facts;

- * Hereby resolve to embark upon an extensive programme of mass education on the importance and relevance of the media and to strive as far as possible to offer journalists protection against violent attacks.

DECLARATION OF INTENT ON THE NEGOTIATING PROCESS

This meeting of the Negotiating Council, held on 30 April 1993 at the World Trade Centre

1. Noting That There Is An Urgent Need To:

- * Inspire confidence in the negotiating process and our ability to resolve our problems peacefully;
- * Offer a clear vision of the major milestones in the negotiating and transition process;
- * Create conditions which eliminate violence in South Africa;

2. And recognising wide acceptance of the need for democratic elections in South Africa;

3. Therefore Commit Ourselves:

- * To reach agreements on binding constitutional principles, the constitutional framework and the constitution-making process within which an election will be held;
- * To provide for an adequate time-frame for the implementation of decisions on these matters and procedures for elections; and
- * To ensure that the negotiating process moves forward over the next five weeks to set the exact date for an election that should take place not later than the end of April 1994.

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 29 APRIL 1993 AT 12H30 AT THE WORLD TRADE CENTRE

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

1. **Moment of Silence**

A moment of silence was observed by all members.

2. **Welcome and Attendance**

2.1 All members were welcomed.

2.2 Apologies for late arrival were noted from:

PJ Gordhan
FT Mdlalose
RP Meyer

3. **Ratification of Agenda**

3.1 The Agenda was ratified with the following amendments:

* The addition of Item 4.5 to read "An Election Date".

3.2 A question was raised with regard to the status of recommendations submitted by the Planning Committee. In this regard the following was noted:

- 3.2.1 In terms of the Terms of Reference for the Planning Committee, it has to "plan and submit recommendations on procedural and substantive issues".
- 3.2.2 It was agreed that as individual members of the Planning Committee accept responsibility for procedural recommendations, but that this does not bind them as delegates of their respective parties/organisations/administrations.
- 3.2.3 It was agreed that a member from the Planning Committee will present recommendations of the Planning Committee to the Negotiating Council. The choice of the member will depend upon the issue.
- 3.2.4 It was agreed that there be a general understanding between members of the Planning Committee that, if any member has a problem or reservation with an issue discussed in the Planning Committee, or any other issues, these should be raised and notice thereof be given in the meetings of the Planning Committee and not only in the meetings of the Negotiating Council.

4. Substantive Issues

4.1 Outstanding Constitutional Issues

4.1.1 A report was presented by the Sub-Committee.

4.1.2 After discussion the following was noted:

- * It was agreed to draft a document entitled "Explanatory Memorandum". This was agreed to as a way to allay fears and to facilitate agreement to be reached.
- * Contained within the Explanatory Memorandum should be an item outlining the understanding on how the Technical Sub-committees are set up.
- * It was initially agreed to fax the memorandum to all participants, but due to time constraints the Planning Committee was unable to approve the final draft at this meeting. It was noted that the Planning Committee would meet briefly before the meeting of the Negotiating Council on Friday 30 April 1993. If any amendments were suggested at that meeting, they would be conveyed to the meeting of the Negotiating Council in the report on this issue.

- * The report was accepted as amended to be tabled at the meeting of the Negotiating Council on Friday 30 April 1993.
- * It was noted that the Report presents a way of moving forward procedurally.

4.2 **Guidelines for the proposed Technical Sub-Committees**

- 4.2.1 After discussion and taking into account that the deadline for submissions by participants was 17h00 on Thursday 29 April 1993, it was agreed that if the Sub-Committee can present a report at the meeting of the Negotiating Council on Friday 30 April 1993, encompassing the views of all submissions received, then it should be done. If the report is not ready an extension should be requested from the Negotiating Council for the receipt of the report.
- 4.2.2 It was noted that the receipt of the Guidelines should not delay the establishment of the proposed Technical Sub-Committees. The Technical Sub-Committees could begin work using the Guidelines that have already been established.
- 4.2.3 It was agreed to request the Negotiating Council to forward names of experts, to the Planning Committee, to possibly form part of the composition of the proposed Technical Sub-Committees. It was further agreed to request a mandate from the Negotiating Council that the Planning Committee compose the Technical Sub-Committees and report back to the Negotiating Council at the next meeting. The members of the proposed Technical Sub-Committees would be appointed on the basis of their expertise. It was agreed that R Meyer report on this issue to the meeting of the Negotiating Council.

4.3 **Recommendation on Violence**

It was agreed that the report as it stands is to be resubmitted to the meeting of the Negotiating Council.

4.4 **An Election Date**

- 4.4.1 It was agreed to submit a written proposal to the meeting of the Negotiating Council.
- 4.4.2 It was noted that R Cronje, FT Mdlalose and M Webb reserve their positions in this regard.
- 4.4.3 It was agreed that a brief meeting of the Planning Committee be held before the meeting of the Negotiating Council on Friday 30 April 1993 to finalise the proposal and to decide on whom presents the proposal

to the meeting of the Negotiating Council. This was done, and, it was decided that J Slovo would present the report to the Negotiating Council. (See Addendum A)

5. Procedural Issues

Due to time constraints no procedural issues were discussed. It would be reported to the meeting of the Negotiating Council that the Planning Committee concentrated on the substantive issues and would deal with procedural issues in their own right at the next meeting of the Planning Committee.

6. Agenda of and Report to the Negotiating Council

- 6.1 It was agreed that, in addition the next Chairperson of the Negotiating Council, MJ Mahlangu, the Chairperson of the Planning Committee meeting of 29 April 1993 (M Webb) assist the Chairperson (L Landers) of the Negotiating Council. It was noted that although assisting the Chairperson, full speaking rights as the leader of the leader of his delegation will still be permitted.
- 6.2 After the addition of Item "5.3 An Election Date", the draft agenda for the meeting of the Negotiating Council was accepted.
- 6.3 With regard to the presentation of reports from the Planning Committee to the Negotiating Council the following was agreed:
 - 6.3.1 Report on Constitutional Issues : M Webb assisted by the Sub-Committee;
 - 6.3.2 Report on Violence : M Webb;
 - 6.3.3 Report on The Transition Process : M Webb;
 - 6.3.4 Report on An Election Date : J Slovo;
 - 6.3.5 Procedural Issues : The Chairperson of the day.

7. Administrative and Financial Matters

It was agreed that these issues be deferred to the next meeting of the Planning Committee.

8. **Schedule of Meetings**

It was agreed to mandate the Administration to finalise this taking into account the following decision of the Planning Committee:

8.1 The Negotiating Council meeting on Friday 14 May 1993 will move to Tuesday 18 May 1993;

8.2 The Negotiating Forum will meet on Wednesday 2 June 1993.

9. **Closure**

The meeting closed at 18h15.

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

.....
CHAIRPERSON

DECLARATION OF INTENT ON THE NEGOTIATING PROCESS

This meeting of the Negotiating Council, held on 30 April 1993 at the World Trade Centre

1. **Noting That There Is An Urgent Need To:**

- * Inspire confidence in the negotiating process and our ability to resolve our problems peacefully;
- * Offer a clear vision of the major milestones in the negotiating and transition process;
- * Create conditions which eliminate violence in South Africa;

2. **And recognising wide acceptance of the need for democratic elections in South Africa;**

3. **Therefore Commit Ourselves:**

- * To reach agreements on binding constitutional principles, the constitutional framework and the constitution-making process within which an election will be held;
- * To provide for an adequate time-frame for the implementation of decisions on these matters and procedures for elections; and
- * To ensure that the negotiating process moves forward over the next five weeks to set the exact date for an election that should take place not later than the end of April 1994.

DECLARATION OF INTENT ON THE NEGOTIATING PROCESS

This meeting of the Negotiating Council, held on 30 April 1993 at the World Trade Centre

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- * To ensure that the negotiating process moves forward over the next five weeks to set the exact date for an election that should take place not later than the end of April 1994.

**PLANNING COMMITTEE REPORT TO THE NEGOTIATION COUNCIL
ON 7 MAY 1993
FUNCTION, MANAGEMENT & AND TIMEFRAMES OF TECHNICAL
SUBCOMMITTEES**

1. It was agreed by the Negotiating Council that the following Technical Committees should deal with the following aspects:
 - * Constitutional Issues (Form of State and Constitutional Principles, Constitution Making Body/Constituent Assembly, Transitional/Interim Constitution, Transitional Regional/Local Government, Future of the TBVC States, Self Determination)
 - * Fundamental Human Rights During the Transition
 - * Violence
 - * Independent Election Commission
 - * Independent Media Commission
 - * Amendment or Repeal of Legislation Impeding Free Political Activity and Discriminatory Legislation
 - * TEC and its Sub-Councils

2. The following is recommended in this regard:
 - 2.1 The names for the Panel should be submitted before 12h00, Wednesday 4 May 1993.
 - 2.2 The Sub-Committee will fax proposals on the composition of the Technical Committees as well as proposed task description of each, and suggestions on the management of the Technical Committees, to members of the Planning Committee on Thursday 6 May 1993.
 - 2.3 The Planning Committee will meet on Friday morning (7 May 1993) to formulate proposals to the Negotiating Council on the composition and task description of the Technical Committees.
 - 2.4 The Negotiating Council will appoint the Technical Committees on Friday 7 May 1993. This item should be given priority on the agenda to enable members of the subcommittees to be notified timeously about the meeting on Monday 10 May 1993.
 - 2.5 All members of the Technical Committees are to meet the Planning Committee during the afternoon of Monday 10 May 1993, to be briefed on their mandates, time scales, nomination of convenors, functioning, etc.
 - 2.6 The Technical Committees will report to the Negotiating Council. The Planning Committee will co-ordinate the Technical Committees and serve as a channel between them and the Negotiating Council. The Planning Committee may delegate some of these functions to the Sub-Committee.
 - 2.7 The Technical Committees will be asked to each submit an initial report to the Planning Committee on 14 May 1993, for tabling in the Negotiating Council on 18 May 1993.

PROCEDURAL ISSUES - REPORT FROM THE PLANNING COMMITTEE

1. Recommended Criteria and Process for New Participants

The Planning Committee has discussed this issue on several occasions and submits the following recommendations:

1.1 Political Parties or Organisations to qualify, must show:

1.1.1 That it is indeed a political party or organisation intending to participate as such in the first election under a transitional/new constitution;

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

1.1.3 That its admission will enhance the peaceful negotiating process.

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.

1.3 Other Applicants

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

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.

2. Process

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

2.1 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);

- 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;
- 2.3 As soon as all the information is at hand in respect of a particular application, it is put before the Negotiating Council for a decision.

3. **Name of the Process**

It is recommended that this issue is removed from the agenda and that the process be simply known as the Multi-Party Negotiating Process.

4. **Role of the International Community**

It is recommended that this issue, likewise, is removed from the agenda, because it will be dealt with at the level of the Technical Sub-Committees, where appropriate. Participants will have the opportunity to make inputs at this level.

5. **Media Arrangements**

After having received a report from the Communications Committee (Annexure B), the Planning Committee recommends the following:

- 5.1 That, for the meetings of the Negotiating Council of 18 May, 24 and 28 May 1993, the SABC is requested to arrange audio and video feed as is presently the case;
- 5.2 That the Communications Committee, in liaison with the Administration, draft a tender pro-forma for the purpose of putting the coverage of Negotiating Council meetings out on tender;
- 5.3 That recommendations of the Communications Committee from the Negotiating Forum be dealt with at a later stage;
- 5.4 That Administration take note of the last part of the report.

6. **Assistance to the Negotiating Council Chairpersons**

In terms of Item 7.2 of the Standing Rules it is stated that both the Negotiating Forum and the Council "shall be chaired by a core panel of Chairpersons (assisted by two persons from within the Negotiating Council)". After discussing this issue at length, the Planning Committee recommends to the Negotiating Council to recommend to the next meeting of the Negotiating Forum that this should not be applicable to the

Negotiating Council, but only to the Negotiating Forum.

The reason for this is largely a practical one. The present practice, by which the Chairperson of a meeting is assisted by the in-coming Chair (for sake of continuity) and by the previous Chairperson of the Planning Committee (for the sake of reporting back from the Planning Committee), is working very well. To add to one Chairperson and two assistant Chairpersons another two assistants from the Negotiating Council would be impractical and would achieve the aim of improving the effectivity of the meeting. Furthermore, the absence of two more leaders from their delegations would in fact detract from effective contribution and participation in the meeting.

7. Participation of Non-South Africans in the Negotiating Process

- 7.1 A distinction should be drawn between the role of the international community in this process and the participation of non-South Africans in the structures of the negotiations process;
- 7.2 In the Plenary, in the Negotiating Forum, in the Negotiating Council, in the Planning Committee or in any sub-structures set up by these structures, non-South Africans cannot be participants on the basis that they are representing in either delegate or adviser capacity any participating organisation, however,
- 7.3 With regard to Technical Sub-Committees individual participants may seek advise from non-South Africans on a technical basis or the Technical Sub-Committees may request technical or expert inputs from non-South Africans should that be required, but again not as a participant.

8. Procedures on Resolutions in the Negotiating Forum

To achieve a balance between the right of participants to air their views and the effectivity of arriving at constructive resolutions, the Planning Committee recommends as follows:

- 8.1 The right of participants to speak on all relevant matters, should at all times be acknowledged;
- 8.2 The Chairperson has the responsibility and the right to guide the meeting in a constructive and facilitating manner;
- 8.3 Every proposed resolution should have a proposer and a seconder;
- 8.4 Each resolution should initially come before the meeting of the Negotiating Forum;

- 8.5 If necessary, the Forum can decide to create an ad hoc Resolutions Committee to facilitate the drafting of a resolution taking into account, as far as possible, all views expressed.

**QUESTIONS TO POLITICAL PARTIES/ORGANISATIONS
APPLYING TO JOIN THE MULTI-PARTY NEGOTIATING PROCESS:
FOR THE PURPOSES OF PROCESSING THE APPLICATION**

1. Date of formation of party/organisation
2. Names of office bearers and designation
3. Statement of Political Intent/Constitution
4. Indicators of demonstrable support (signed up membership, attendance at rallies, elections results)
5. Activities: Meetings
 Publications
 Other
6. Participation in other organisations: Parliament/Legislative Assembly
 Local Government
 Civics
 Other
7. Offices: Address HQ and other offices
 Telephone, Fax
 Number of personnel employed by your party/organisation
8. Are you viable in regards to sustained funding?
9. Geographical area of operations: support, offices, etc?
10. Rules of membership

ANNEXURE "B"

REVISED REPORT OF THE COMMUNICATIONS COMMITTEE FOR PRESENTATION TO THE PLANNING COMMITTEE ON THURSDAY 29 APRIL 1993

1. TECHNICAL

1.1 Negotiating Council

1.1.1 As the deliberations of the Negotiating Council are to be reported on by news representatives of local and foreign television, radio and print media, the Committee recommends that:

1.1.2 an area (gallery) be permanently reserved inside the room for media representatives (given the expected size of the gallery it should be for the use of journalists only);

1.1.3 the area be separated from the rest of the room and with a separate entrance, but that easy access to and from this area should be ensured;

1.1.4 the media area be elevated and furnished with as many tables and chairs as possible;

1.1.5 steps be taken to ensure that debate in the Council is audible in the media area;

1.1.6 adequate lighting be provided for reporters working in the area; and

1.1.7 to ensure that the electronic media have an equal opportunity to report on the deliberations of the Council and that those journalists (and special guests of the Council) who cannot be accommodated in the gallery can follow proceedings elsewhere, that the Planning

Committee should urgently call for tenders from possible contractors to supply an audio and video feed of broadcast quality.

1.1.8 Parties interested in tendering should know that:

1.1.8.1 the Council will not necessarily sit on the same days of the week or at the same times every day;

1.1.8.2 tenders should not only be for the Council but also for the Forum and Plenary meetings (details later);

1.1.8.3 a separate tender for the manning of the equipment should be included;

1.1.8.4 three fixed cameras with a remote switching facility should be installed in the Council room;

1.1.8.5 television lighting should be installed;

1.1.8.6 audio feed should link up with Council facilities;

1.1.8.7 video and audio feed should be relayed to the media working area (and to area for special guests) provided for those who cannot be accommodated in Council rooms;

1.1.8.8 video monitors and loudspeakers should be installed in these separate areas; and

1.1.8.9 feed should also be made available for recording through malt boxes with an adequate number of plug points.

1.1.9 Tendering parties should also indicate whether they think covering the costs themselves and selling the

audio and video feed to interested media and the Council would be feasible.

1.1.10 The Planning Committee should note that costs could be cut if all speakers were to use a podium (instead of participating in debates from their seats) and/or if the Council were to meet in a bigger room where the visual media could do their own recording.

1.2 Negotiating Forum / Plenary

1.2.1 The Committee recommends that when the installation of facilities for the Council room is considered, media coverage of the Forums and Plenaries should also be taken into account.

1.2.2 It also recommends that:

1.2.2.1 the whole gallery area be reserved for the media and that it be furnished with as many chairs and tables as possible;

1.2.2.2 there should be adequate lighting and loudspeakers in the gallery; and

1.2.2.3 an audio and video feed of broadcast quality should be supplied for broadcasting purposes (see 1.1.7 to 1.1.10).

1.3 General

1.3.1 The Committee recommends that a media conference room be made available permanently.

1.3.2 The room should have:

- 1.3.2.1 an elevated area for speakers' table and chairs;
 - 1.3.2.2 a special table covering and backdrop for TV coverage;
 - 1.3.2.3 a stable elevated area across the back of the room for TV cameras;
 - 1.3.2.4 as many chairs as possible between elevated areas for seating of journalists; and
 - 1.3.2.5 proper air-conditioning.
- 1.3.3 Because of the costs involved, the media should supply own lighting equipment and microphones.
- 1.3.4 The Committee recommends that a special interview room with necessary furniture and backdrop be provided for TV and radio interviews.
- 1.3.5 The Committee also recommends that the present media working area be maintained (offices and common room) and that pay faxes, pay phones and a pay photostat facility be installed. Telkom should also be encouraged to continue installing private lines with locking facilities for individual users in this area.

2. ACCREDITATION

- 2.1 The Committee recommends that initially representatives of the news media should be re-registered on each day that they attend meetings of the Council, Forum or Plenary.
- 2.2 Some form of permanent registration I.D. could be introduced in the future.

2.3 The Committee also recommends all facilities should be made available to the media on a first come first served basis.

2.4 The Committee will consider a form of accreditation to regular users of the facilities at a later stage (after two months) with a view to giving such representatives priority use of some facilities and advise the Planning Committee accordingly.

3. PUBLICITY

3.1 The Committee still has to consider the report of its Publicity Sub-Committee and will later advise the Planning Committee accordingly.

WORLD TRADE CENTRE
KEMPTON PARK
28.4.93

**REPORT FROM THE PLANNING COMMITTEE
ON THE PROBLEM OF THE COURIER SERVICE**

1. After investigation by Administration into the causes of the non-delivery of the documents to Delegates on Saturday 24 April 1993, the following transpired:
 - 1.1 The Managing Director, Peter Baker attended a meeting with Administration and presented the attached letter with a full explanation and solution to future services. Certain points in the said letter have been summarised as follows:

Sun Couriers will;

 - * Set up a facility at the World Trade Centre
 - * In house training at their premises for Administration Staff was verbally agreed to.
 - * Facilities to have direct contact with Senior Management of Sun Couriers (ie home telephone numbers after hours) has been arranged.
 - * It was established that special services (ie Saturday deliveries to rural areas) are available
 - 1.2 Subsequently Sun Couriers were contacted by Administration at 17h55 on 30 April 1993 and informed that 10 parcels had to be delivered to various addresses on Saturday, 01 May 1993. The response was immediate from their operations Manager. The documents were collected by Sun Couriers by 20h30. All deliveries took place as promised and Administration was contacted on Sunday morning with confirmation that this had been done.

A further "follow-up" call was received on Monday 03 May 1993 to ascertain that they had performed to Administration's satisfaction.
2. Administration has in the interim obtained a proposal and quotation from another **accredited** Courier service to ensure that in the event of any breakdown in the **services** rendered by the aforementioned there is an alternative service available.
3. In the light of the aforementioned, it is recommended that Administration continue to utilise the services of Sun Couriers on a "trial basis".



Sun Couriers Reg. No. 87/03821/10 1 North Reef Road Bedfordview PO Box 276 Bedfordview 2008
Telefax (011) 456-2109 Telephone (011) 456-2000 Customer Service Telephone (011) 456-2222

28th April, 1993

Mr. J. Christensen
Staatkundige Ontwikkelingshulp
World Trade Centre
Kempton Park

BY HAND

Dear Mr. Christensen

Our Company is greatly concerned at the incident last Friday which appears to have resulted in delays in the Constitutional Negotiations.

While I cannot reverse the events of the past, I believe it is important to establish as far as possible what caused the incident, and to set up the necessary safeguards to prevent a recurrence. I do believe that the services Sun Couriers can provide will be of inestimable value to the delegates at the World Trade Centre, and it would be a shame if one incident stood to prevent this.

The ~~aggravations~~ you experienced in arranging the collection of the twenty envelopes for distribution, and their non-delivery on the Saturday, arose not from poor service but from mutual misunderstanding of the procedures and conditions involved. The exception is the member of our after-hour staff who apparently hung up on you, for which I extend my personal apologies. The last thing we want as a Company is to present such an image, and we are constantly urging our staff to adopt a helpful attitude towards all callers. If it were possible to identify the culprit, we would take immediate corrective action.

The actual events of Friday seem to have occurred as follows:-

Miekie du Preez of the Department in Pretoria called our Pretoria office on Friday afternoon to request us to deliver large quantities of Dispatch Documentation, bags and Tracking stickers to the World Trade Centre urgently. A number of 300 shipments was mentioned.



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She was asked to liaise with our Johannesburg office, in whose area the World Trade Centre lies, and did so.

Irene Bennett arranged the delivery of the material, and offered to provide one of our people to assist with the wrapping. This was duly done, but the person Patrick who was sent with the material did not stay to help. It is unclear whether he left of his own accord or on the request of your colleagues. Most certainly, it was not on the instructions of his superiors.

During the course of the afternoon, Customer Service Representative Lene Fletcher spoke to Mieke du Preez about the planned deliveries, and Lene confirms that Mieke enquired whether we did Saturday Deliveries. Lene said yes, but only to major centres. Apparently there was no discussion of what constituted Major Centres, or how to request Saturday Delivery. Lene says she regarded the conversation as a general enquiry and not a specific request.

The result of these events appears to have been that the people at the World Trade Centre who prepared the envelopes were under the impression that Saturday Delivery would be automatic to all destinations and dispatched the envelopes in this belief.

Our operations staff, on the other hand, on receipt of the envelopes, handled them in terms of the standard operating procedures, which provided for Monday delivery. (In fact, our Branch Manager, Phillip Miller, was aware that Saturday Delivery had been mentioned, and personally examined each envelope and document to ensure that any Saturday Delivery instruction was properly actioned. He saw that none were marked for Saturday Delivery, and concluded that the people at the World Trade Centre had decided against Saturday Delivery. Phillip entered the shipments into the normal system, confident that he had looked after his client's interests. I have to endorse his decision, particularly in view of the fact that Saturday Delivery is clearly displayed as a service option on the Dispatch document, but was not selected.)

Consequently, the envelopes were delivered, in the best of faith, on Monday.

We are ~~acutely~~ aware that the misunderstanding has caused much friction at the negotiations, and I am sure you will understand that no actions of our Company or any of our staff had this intention. On the contrary, our role as Courier is to assist our clients, and the Negotiation Forum is no exception.

I do request you to regard the incident as a genuine misunderstanding, on the part of many people, and to accept that our staff acted in good faith.

Sun Couriers has been appointed by many Government Departments as their chosen Courier, who appear to approve of the services we provide them. I would like to think that the Negotiating Forum can also rely on Sun Couriers to provide courier services during the coming weeks and months. The best way to ensure proper performance is to set up the facility properly. All users must have easy access to our service, and a clear understanding of what can and cannot be done.



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I suggest that all Courier services are centralised at your secretariat in the World Trade Centre, and delegates are advised that courier services are available from that point. We will supply a Sun Couriers decal if you would like us to, which can be fixed to the door or window.

Secretariat staff will be thoroughly briefed on the services available, and this will be supported by copies of our Tariff brochure which describes our services and coverage in detail, including places where Saturday Delivery and Same Day services are available to.

We will also supply our plastic envelopes, Tracking stickers and Dispatch documentation free of charge. We will "preprint" the Negotiating Forum's details on the documents to minimise clerical work. I assume the Department Account number will be used for all billings.

We will arrange for a DAILY collection from the Secretariat at a time convenient to you. I suggest around 16h30 to 17h00, but this will depend on when you close.

(If there is nothing to collect, there is no charge. It is better to call on a schedule as people can plan more effectively.)

The normal telephone numbers and contacts will be suitable for day to day matters, such as delivery queries or Same Day requests (which obviously must be called for separately).

If at any time, your secretariat cannot get satisfaction from the normal channels, either due to service problems or service requirements which are not provided by Sun Couriers, I would request you to call our Bedfordview office and ask to speak to any Director. If none are available, the Managing Director's Secretary will ensure you get the assistance you need.

In the nature of the Constitutional Negotiations, it is likely that you will use almost exclusively, our "Express" services. The following summary guide will help you in service selection (this information is contained in the Tariff Brochure):

"SAME DAY" Service: Is available on REQUEST at any time of day, including week-ends and holidays. Destinations are limited to centres served by SCHEDULED AIRLINES (SAA Comair, etc.) and subject to flight timings.

In emergencies, we can charter an aircraft to almost anywhere. This can only be arranged by SENIOR MANAGEMENT and is extremely costly.

"OVERNIGHT EXPRESS" : We will deliver by 10h30 the next WORKING day. All the destinations listed on our Tariff Brochure are served.

Delivery to REMOTE REGIONAL TOWNS can be as late as 14h30 due to vehicle arrival times.



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"SATURDAY DELIVERY":

This EXTRA service is only available to what we call "Major Centres". These are listed in our Tariff and are consistent with what are generally regarded as "Major Centres" by the public.

Saturday delivery in other places can only be arranged by SENIOR MANAGEMENT and is very expensive.

"SUNRISE OPTION":

We will deliver before 09h00. This service is available also only to Major Centres, or to Regional Towns served from our Johannesburg Hub. (These towns are shown in the Brochure.)

The service required MUST be requested on the Dispatch Document by marking the appropriate block. Only one block need be selected, as all possible combinations (eg Saturday Delivery plus Sunrise Option) are catered for on the document.

I trust that the above will assist in ensuring that the services provided to the World Trade Centre in future will be of the highest standard.

Yours sincerely

Peter M. Baker
Director

PB27-04.93

Report from the Planning Committee on Guidelines for Demonstrations

1. The Multi-Party Security Force at the World Trade Centre is an impartial force, aimed at the protection and safety of all parties represented in the Negotiating Process. It is here to assist in the security of the World Trade Centre and to ensure the safety of all persons within the premises.
2. Therefore the Planning Committee proposes the following guidelines for demonstrations:
 - 2.1. All demonstrations should take place at the gates of the World Trade Centre;
 - 2.2. Demonstrators should not block the free flow of traffic into the World Trade Centre;
 - 2.3. Demonstrators should not stone or damage buildings or vehicles in the vicinity of the World Trade Centre;
 - 2.4. The Multi-Party security would welcome dialogue between itself and heads of demonstrators;
 - 2.5. Multi-Party security should assist leaders of demonstrations in forwarding memoranda through Administration to the relevant people concerned. In this regard, parties whom the demonstrators want to meet, should be notified. If such a party does not want to meet the demonstrators, the memorandum should be received by the Head of Administration, who should ensure that the memorandum is subsequently handed to the relevant party.
 - 2.6. By agreement by all the parties, delegations wishing to hand over a memorandum is restricted to three (3) persons who may enter the premises to hand over such memorandum.

PROPOSED SCHEDULE OF MEETINGS

Planning Committee	Monday 3 May 1993	10h00 - 18h00
Planning Committee	Friday 7 May 1993	08h30 - 10h00
Negotiating Council	Friday 7 May 1993	11h00 - 18h00
Planning Committee	Monday 10 May 1993	10h00 - 18h00
Planning Committee	Friday 14 May 1993	08h00 - 13h30
Planning Committee	Monday 17 May 1993	14h00 - 18h00
Negotiating Council	Tuesday 18 May 1993	09h15 - 18h00
Planning Committee	Tuesday 18 May 1993	18h00 - 20h00
Planning Committee	Monday 24 May 1993	10h00 - 18h00
Negotiating Council	Tuesday 25 May 1993	09h15 - 18h00
Planning Committee	Tuesday 25 May 1993	18h00 - 20h00
Negotiating Council	Friday 28 May 1993	09h15 - 18h00
Planning Committee	Tuesday 1 June 1993	10h00 - 18h00
NEGOTIATING FORUM	Wednesday 2 June 1993	10h00 - 18h00