

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE TECHNICAL COMMITTEE ON THE TRANSITIONAL EXECUTIVE COUNCIL IN THE MULTI-PARTY NEGOTIATING PROCESS. THEY ARE SUBJECT TO RATIFICATION AT THE NEXT MEETING OF THE TECHNICAL COMMITTEE.

DRAFT MINUTES OF THE FOURTH MEETING OF THE TECHNICAL COMMITTEE ON THE TRANSITIONAL EXECUTIVE COUNCIL (TEC) HELD ON 17 MAY 1993 AT THE WORLD TRADE CENTRE.

PRESENT: Fink Haysom
Jan Heunis
Dawid Van Wyk
Zenobia du Toit
Adv. J. Renene

MINUTES: Susan Keane (Administration)

1. Apologies

Eric Mapheto arrived late and tendered his apologies for not being able to attend the morning session of the committee meeting.

2. Agenda

The meeting was divided into two sections, namely, a verbal input from Doen Du Plooy of the Constitutional Services Department and secondly, informal discussion including a report back of the Planning Committee meeting on 14 May 1993 as well as a discussion on the way forward.

3. Ratification of Previous Minutes

The minutes of the two previous meetings were ratified by the committee with an amendment stating Adv. J. Renene apologies for not attending the previous week's meeting.

4. Input from the Constitutional Services Department (CDS)

4.1 See Addendum A for summary Notes on the input.

4.2 Clarifications and Comments on the above submission were as follows:

- (a) Provision has been made for the payment of professional fees for people who would be required to give expert advice to the TEC and its sub-councils.

- (b) At present this budget falls within the ambit of the CDS, can it be re-channelled to become an independent budget and will the TEC have flexibility in terms of how the amount budgeted can be allocated ?

Answer: The budget vote for the TEC fell within the vote of CDS and Public Works, the funds have been set aside for the TEC and its ability to function independently can be achieved through the TEC being created as a statutory body, this would allow the TEC to have control over its own budgeted funds.

- (c) Adv. Renene supported Fink Haysom's comment that the TEC needs to function independently on the financial side and that this can be done through control of its own budget. The TEC should decide its own budgetary requirements and not visa versa, other wise the TEC could be perceived as being controlled by the government in the manner of "big brother".

Answer: In reply, Mr Du Plooy stated that if one were to wait for the establishment of the TEC before deciding on the amount that should be budgeted for the TEC, the full amount required may not be available due to overall financial restraints in the general state budgets.

- (d) The committee **noted** the need for functional independence of the TEC but that there should be relevant checks on the financial system as well as rules for accountability.
- (e) Adv. Renene stated that there needs to be affirmative action when employing staff for the TEC.
- (f) Fink Haysom pointed out that the committee needs to establish guidelines, within its draft legislation, on employment, tendering etc.

5. Report Back on meeting with the Planning Committee on Friday 14 May.

5.1 It was reported that a formal request was made by the Planning Committee to amend the "Introduction" of the First Report. After a brief discussion with Mac Maharaj and those members present on Friday 14 May, **it was decided by members present**, to withdraw the report and to re-submit an amended report. See amended report Addendum B.

5.2 The technical committee was requested to be available, for the Negotiating Council meeting, from 10H30 on Tuesday 18 May and that a rapporteur be appointed to represent the committee at the Negotiating Council. The committee **decided** to appoint Dawid Van Wyk to be the rapporteur.

6. General Discussion

6.1 Adv. Renene requested that the committee note the following for the minutes:

- (a) That due to work committments he was unable to be present when the first report was drafted and submitted and *that he is not able to associate himself with the report as submitted to the Planning Committee on 14 May 1993*. He further expressed concern with the provision of Presidential privilege in the report and that the TEC should have authority.

6.2 Zenobia Du Toit, although not able to attend last week due to illness, accepted the report as submitted but reserves the right to comment on the issue of gender in future reports submitted to the Planning Committee.

6.3 The committee **decided** that the next issues to be addressed are as follows:

- (a) modalities and extent of the general powers of TEC.
- (b) specific powers of sub-councils with emphasis on Law and Order and Defense, followed by Local and Regional government and Foreign affairs.
- (c) Issue of finance, including the establishment of the TEC as a juristic body and the status of the "secret accounts" (Defense, Law & Order, Foreign Affairs and National Intelligence).

6.4 The committee decided to prepare a short report for submission on Friday 21 May, Fink Haysom offered to submitt the report and to be present should the Planning Committee require any input/amendment.

7. Next Meeting

The next meeting of the committee will be 18 May 1993 at 09H00 at the World Trade Centre.

8. Closure

The meeting closed at 13h45.

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