

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 AT 09H00 ON TUESDAY 14 SEPTEMBER 1993 AT THE WORLD TRADE CENTRE.

- PRESENT :**
- B Alexander
 - R Cronje
 - C Eglin
 - PJ Gordhan (Chairperson by rotation)
 - C Kruger
 - RP Meyer
 - MC Ramaphosa
 - SN Sigcau
 - J Slovo
 - Z Titus
 - M Webb
-
- M Maharaj (Sub-Committee)
 - SS van der Merwe (Sub-Committee)
-
- T Eloff (Administration)
 - G Hutchings (Minutes)

1. Moment of Prayer/Meditation

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

2. Welcome and Attendance

2.1 All members were welcomed.

2.2 Absent from the meeting were FT Mdlalose and B Ngubane (sub-committee).

3. Substantive Issues

3.1 The processing of the four Draft Bills through Parliament

3.1.1 PJ Gordhan, as the current Planning Committee Chairperson, gave a summarised report with regard to the amendments proposed by D Schutte of the South African Government to the Draft Bill on the IEC, the IMC and the IBA in order to accommodate members not present at the Planning Committee meeting of 13 August 1993.

- 3.1.2 Discussion and debate followed.
- 3.1.3 After discussion it was agreed that as the Draft Bills had only just been passed by the Negotiating Council, amendments should not be considered at this point. Amendments should be carefully studied and if they were absolutely necessary, should be put before the November session of Parliament.
- 3.1.4 The Task Group was requested to meet during the course of the day to consider further amendments that had been submitted.
- 3.1.5 It was noted that where amendments were necessary to the Draft Bills, the amendments should be referred firstly to the Task Group, then to the Planning Committee and if necessary to the Negotiating Council before they move into the Parliamentary process. Only changes of a minor and technical nature would be acceptable. This process should be made clear to participants and members of Parliament.
- 3.1.6 During the course of the discussion it was suggested that D Schutte should motivate his amendments to the Planning Committee. It was further suggested that his issue should appear on the agenda of the Negotiating Council.
- 3.1.7 It was noted that the Task Group was appointed specifically to ensure that the Draft Bills are not amended by Parliament unless the suggested amendments are of a minor and technical nature.
- 3.1.8 It was agreed that the Task Group at its meeting should take note of all the comments expressed in the meeting and should consider whether a more detailed procedure needed to be set out in writing as a matter of urgency in order to ensure that both participants and members of Parliament were clear about the procedures to follow. Secondly, the Planning Committee should receive the report at lunch time and consider the suggestion as to whether D Schutte should offer any explanations with regard to this issue.

3.2 Commission on Regions:

- 3.2.1 It was noted that a request was received from Y Muthien for a letter to be written by the process to her principal requesting time for her to concentrate on work with regard to the Commission.
- 3.2.2 It was noted that the Sub-Committee had drafted a letter appealing to her principal to give her sufficient time to complete the work.
- 3.2.3 It was agreed that the letter be sent out in the name of the current Planning Committee Chairperson.

● 3.3 **Task Group dealing with the Repeal or Amendment of Discriminatory Legislation:**

The Sub-Committee recommended that J De Bruyn from the Department of Justice forms part of the Task Group. This was agreed to and the recommendation would be put before the Negotiating Council for approval.

The meeting adjourned to join the meeting of the Negotiating Council at 10h00. It was agreed that the Planning Committee would reconvene when the Negotiating Council adjourned for lunch.

The meeting reconvened at 13h15.

3.4 **The processing of the four Draft Bills through Parliament**

3.4.1 It was noted that as a result of the decision of the Planning Committee with regard to the suggested amendments (see Item 3.1.3 above), it had been the view of the meeting that an in-depth report to the Negotiating Council on this issue had not been necessary. However, as the matter had been raised in the Negotiating Council meeting by the PAC delegation, the Council had requested a full disclosure of the events. The Chairperson requested guidance from the meeting in this regard. Discussion followed.

3.4.2 The Task Group gave a reportback on how D Schutte submitted the proposed amendments. It was noted that the Task Group had notified D Schutte's office that the amendments were not acceptable to the Planning Committee. The Task Group noted that it was of the view that the correct procedure had been followed by D Schutte in the submission of the proposed amendments.

3.4.3 The current Planning Committee Chairperson should present a report to the Negotiating Council on the proposed amendments as per the reportback given to the meeting by the Task Group. It was agreed that the proposed amendments not be distributed in the meeting of the Negotiating Council as the amendments had not been approved of by the Planning Committee.

3.4.4 It was noted that the Task Group would prepare a document outlining the procedure, for suggested amendments to the Draft Bills. This document should be submitted to the Negotiating Council for its approval. The report would be presented by the current Planning Committee Chairperson as part of the report to the Negotiating Council as stated in item 3.4.3 above.

3.4.5 It was noted that the Task Group had had a meeting and gone through all the suggested amendments so far received. It was further noted that all the changes were of a grammatical and technical nature. The only substantive change related to clause 42 of the IEC Draft Bill on page 28. The Task Group suggested an amendment to this clause which was in line with the decision of the Negotiating Council.

3.5 Letters from the Chief Justice

3.5.1 The Sub-Committee gave a report to the meeting on this issue and the facts as far as they could be confirmed around the submission of the Chief Justice with regard to the Draft Bill of Fundamental Human Rights. It was noted that the Sub-Committee had made Technical Committee members and ad-hoc committee members aware of the content of the letters from the Chief Justice.

3.5.2 It was agreed that ad-hoc committees should be subject to the same rules as the Technical Committee with regard to the media.

3.5.3 It was agreed that M Maharaj should be mandated to have an informal and off the record discussion with the Editor of the Sunday Times who should be made aware of the views of the Chief Justice and of the Planning Committee with regard to the article in the said newspaper on the issue relating to the Draft Bill of Fundamental Human Rights. The Chief Justice should not be the central point in this informal discussion. It was again noted that the Chief Justice should not be drawn into the political debate.

3.6 Voter Education

3.6.1 R Meyer gave an input on this issue to the meeting. Discussion followed.

3.6.2 It was noted that the South African Government had drafted a discussion paper on this issue.

3.6.3 It was agreed that the paper should be circulated to Planning Committee members. It was further agreed that C Eglin and PJ Gordhan submit initial recommendations and evaluations to the Planning Committee on the basis of the discussion paper. The Planning Committee could then consider if there was a need for a Multi-Party ad-hoc committee to take the issue further. It was noted that any member was free to submit a recommendation on this issue.

3.6.4 It was suggested that the following issues should also be considered by the Planning Committee with regard to this issue:

- * The question of a single or double ballot paper
- * The issue of the identification of voters
- * The question of the financial implications with regard to voter education

3.7 The outcome of the court case initiated by the Kwazulu Government

3.7.1 It was noted that Z Titus had prepared a written report on this issue to submit to the Negotiating Council.

3.7.2 It was agreed that Z Titus would present the report to the Negotiating Council on behalf of the Planning Committee.

3.8 Outstanding Submission from the Chief Justice with regard to the 12th Report of the Technical Committee on Constitutional Issues

It was agreed that an announcement should be made in the Negotiating Council to the effect that the 12th Report of the Technical Committee was being discussed for the first time in the Negotiating Council and that submissions have been requested from various legal bodies and personnel. The submissions were still awaited and would be taken into account together with other submissions and the debate in the Council itself. It was further noted that this would result in the debate on the report being limited until the next report from the Technical Committee on this issue was put before the Negotiating Council.

3 Closure

The meeting adjourned at 13h50.

These minutes were ratified at the meeting of the Planning Committee of 18 October 1993 and the amended version signed by the Chairperson of the original meeting on.....1/11/1993.....


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CHAIRPERSON