

AGENDA AND DOCUMENTATION

for the meeting of the

NEGOTIATING FORUM

held on 1 & 2 April 1993

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THE FIRST MEETING OF THE NEGOTIATING FORUM
HELD ON 1 & 2 APRIL 1993**

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Also included are a Fact Sheet and a Claim Form for Delegates and Advisers.

**DRAFT AGENDA FOR THE FIRST MEETING OF
THE MULTI-PARTY NEGOTIATING FORUM TO BE HELD
ON THURSDAY 1ST APRIL AND FRIDAY 2ND APRIL 1993
AT THE WORLD TRADE CENTRE**

1. **Moment of silence**
2. **Opening statement by Chairperson**
3. **Confirmation of Agenda**
4. **Mechanisms and procedures - Report from the Negotiating Council**
 - 4.1 **Standing Rules (See Addendum A, p2)**
 - 4.2 **Name of the Multi-Party Negotiating Process**
 - 4.3 **Composition and Structure of the Multi-Party Negotiating Process (See Addendum B, p5)**
 - 4.4 **Participation**
5. **Violence and its impact on the Negotiating Process**
6. **The Transition process - Report from the Negotiating Council**
 - 6.1 **CODESA agreements and the accommodation of those participants who were not in CODESA (See Addendum C, p12)**
 - 6.2 **Phases of the Transition (See Addendum C, p23)**
 - 6.3 **The Role of the International Community**
7. **The way forward and instructions to the Negotiating Council concerning constitutional issues**
8. **Closure**

STANDING RULES OF PROCEDURE

1. Application

These Rules of Procedure apply at Plenary meetings and at meetings of the Negotiating Forum and the Negotiating Council.

2. Participants

The participating parties entitled to be represented at meetings are those listed in the List of Participating Parties annexed hereto. The Negotiating Forum can add parties to or delete parties from the list, on the recommendation of the Negotiating Council. Observers can be admitted as decided.

3. Delegates

3.1 Each participating party shall be entitled to be represented by:

3.1.1 Ten delegates (women must be included in the delegation) at Plenary meetings;

3.1.2 Four delegates (one of whom must be a woman) and two advisers at meetings of the Negotiating Forum;

3.1.3 Two delegates (one of whom must be a woman) and two advisers at meetings of the Negotiating Council; the leader of the delegation can appoint an adviser to take his/her place as an alternate if necessary.

3.2 Each participating party shall submit and register the names of its delegates and advisers with the [name of the forum] Administration.

3.3 Advisers can be substituted at any time provided that the substituting advisers are registered with the Administration in advance and that the leaders of the delegations notify the Chairpersons whenever an adviser is substituted during the course of a meeting.

3.4 In the event of a dispute concerning the credentials of a delegate or an adviser, the issue will be decided by the meeting itself upon the receipt of a factual report and recommendation of the Planning Committee.

4. **Agreements and Decisions**

- 4.1 All agreements are to be arrived at and decisions taken by general consensus.
- 4.2 If general consensus cannot be achieved, the method of sufficient consensus will be used.
- 4.3 Sufficient consensus means that:
 - 4.3.1 There is a lack of general consensus;
 - 4.3.2 There is enough agreement from enough participating parties to enable the process to move forward;
 - 4.3.3 Parties who disagree can record their objections or rejections formally, but will, in the spirit of cooperation, not hinder the process from going forward.
- 4.4 The ruling that there is consensus/sufficient consensus or not, shall be taken by the Chair in his/her discretion. However, before ruling that there is sufficient consensus or not, the Chair shall ensure that the disagreeing parties, especially those who consider themselves materially affected, as well as the meeting, shall have had sufficient opportunity to utilise a variety of mechanisms in order to reach the widest possible consensus.

In particular, such mechanisms shall include adjournments to enable informal discussions between participants, setting up technical committees composed as the meeting deems appropriate for the particular matter under consideration, as well as allowing participants to consult their principals.

The Chair and the meeting shall decide upon the specific mechanism/s on the basis of the nature of the issues around which the disagreement exists, with the view to arriving at consensus/sufficient consensus. These mechanisms are intended for resolving substantive issues and not for formal and administrative decisions.

- 4.5 The ruling that there is consensus/sufficient consensus or not can however be challenged by any party who disagrees. The meeting will then deal with it as is appropriate.

5. **Quorum**

The Chair may declare a meeting open and permit the debate to proceed when delegates of at least two-thirds of the participating parties are present.

Speeches and interventions

- 6.1 Every delegate shall be entitled to speak.
- 6.2 If a speaking order has been agreed upon, the Chair shall call the speakers in that order.
- 6.3 In general, the Chair shall call on speakers in that order in which they signify their desire to speak. The Chair however, shall ensure that each delegation is afforded a reasonable opportunity to speak.
- 6.4 The Chair shall apply the standard rules applicable to meetings, except as otherwise stipulated herein.

7. Chairing of meetings

- 7.1 Plenary meetings shall be chaired by an independent Chairperson/s to be decided upon by the Negotiating Council.
- 7.2 The Negotiating Forum and the Negotiating Council shall be chaired by a core panel of Chairpersons, appointed on merit and capability by the Negotiating Council from its own ranks and serving on a rotating basis.

8. Minutes and Documentation

- 8.1 The proceedings of Plenary meetings shall be recorded and transcribed and copies of the transcript made available to all delegates.
- 8.2 The proceedings of meetings of the Negotiating Forum and Negotiating Council shall be recorded in full, but only agreements and decisions shall be minuted.

9. Media

- 9.1 All Plenary meetings and meetings of the Negotiating Forum shall be open to the media.
- 9.2 The Negotiating Council shall itself decide on whether, and if so which of its meetings shall be open to the media.

10. Amendment of the Rules of Procedure

- 10.1 These Rules of Procedure can be amended by the Negotiating Council.

SUMMARY OF COMPOSITION AND STRUCTURE

PLENARY

- Composition : Leaders of Parties. Women must be included in the delegation.
- Function : The formal adoption of agreements.
- Frequency of Meeting : When necessary as proposed by the Multi-Party Negotiating Forum.
- Chairpersonship : Independent chairperson(s), still to be decided

MULTI-PARTY NEGOTIATING FORUM

- Composition : Four delegates and two advisers.
One delegate must be a woman.
- Function : Receives, confirms (with or without amendments) reports and proposals from the Negotiating Council for submission to Plenary. Also instructs and supervises the work of the Negotiating Council.
- Frequency of Meeting : Fortnightly or as may be decided from time to time.
- Chairpersonship : A core panel of chairpersons (approximately 6), decided on by the Negotiating Council from its own ranks on merit and capability. Each will chair a session on a rotating basis, aided by members of the Negotiating Council.

NEGOTIATING COUNCIL

- Composition : Two delegates and two advisers. One delegate is to be the leader of the delegation, the other must be a woman and the advisers do not play a functionary role in the meeting. Substitutes are allowed.
- Function : To get on with the function of negotiations and to report to the Multi-Party Negotiating Forum.
- Frequency of Meeting : Provisionally three or four days a week or as may be decided from time to time.
- Chairpersonship : A core panel (approximately 6) elected from the ranks of the Negotiating Council on merit and capability, serving on a rotating basis, assisting one another continuously.
- If a delegate becomes the Chairperson of a meeting, an adviser can take his place as representative of the party/organisation/administration.

PLANNING COMMITTEE

- Composition** : Ten members of the Negotiating Council (no substitutes allowed as each member is appointed in a personal capacity and not as a r e p r e s e n t a t i v e o f parties/organisations/administrations. Flexibility should, however, be allowed.) The principles of rotation and continuity in the membership were accepted.
- Function** : To work under the directives and supervision of the Negotiating Council. To plan and submit recommendations on procedural and substantive issues.
- Frequency of Meeting** : Available on a full time basis, meeting on an ongoing basis or as may be decided from time to time.
- Chairpersonship** : As decided by the Planning Committee itself (possibly on a rotating basis, using personal name in an alphabetical order).

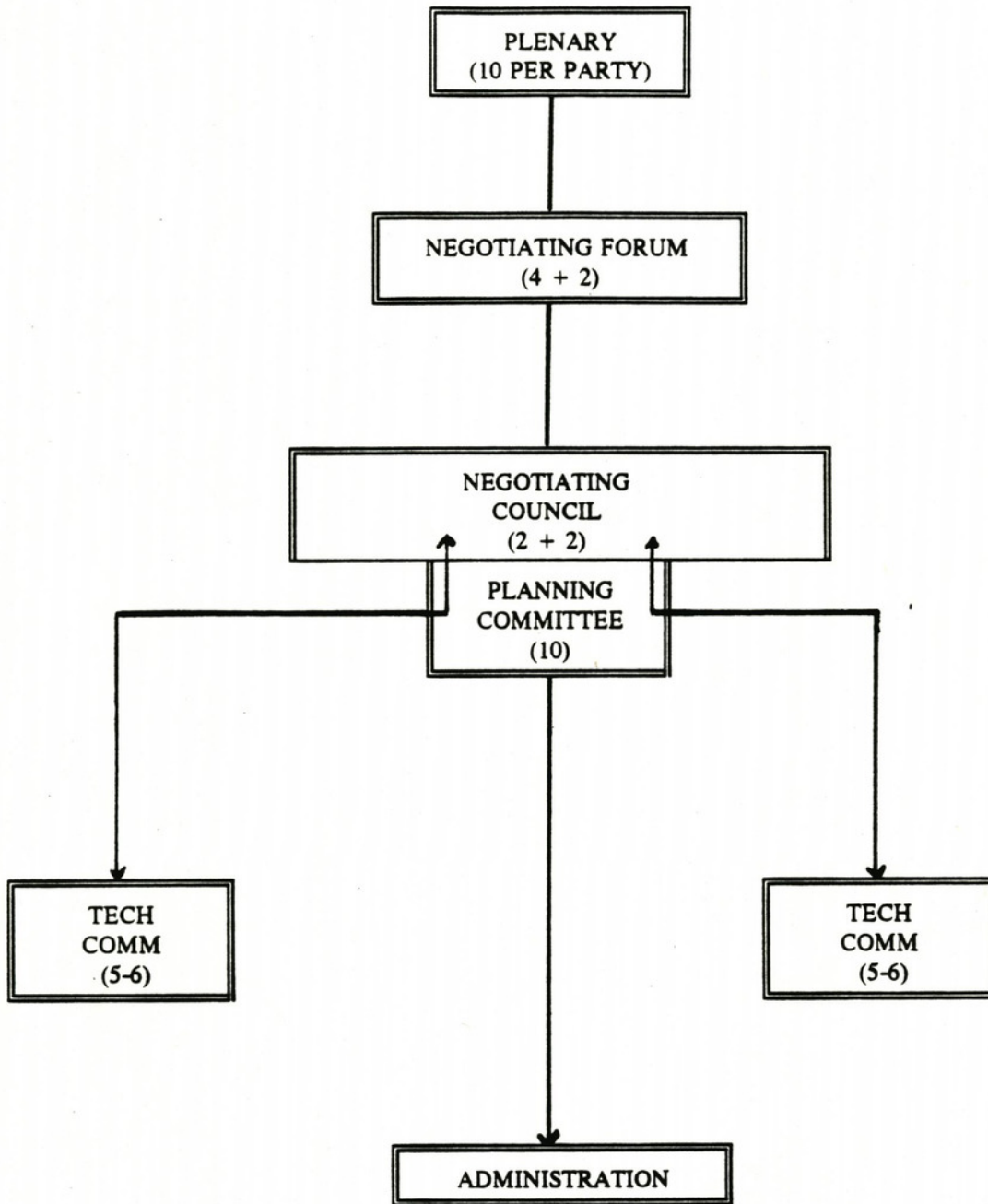
TECHNICAL COMMITTEE(S)

- Composition : Any person appointed by the Multi-Party Negotiating Council (non-South Africans excluded).
- Function : These committees function as ad hoc committees with specified tasks.
- Frequency of Meeting : As decided according to need.
- Chairpersonship : As decided by the Committee itself.

ADMINISTRATION

Accountable to the Planning Committee.

SUMMARY OF PROPOSED STRUCTURES



REPORT ON CODESA AGREEMENTS

1. **Issue**

The sub-committee was requested to present a summary of CODESA agreements.

2. **The Declaration of Intent**

At its first plenary meeting the Convention for a Democratic South Africa (CODESA 1) adopted the Declaration of Intent. Afterwards an Addendum was added. By way of this solemn agreement the subscribing parties committed themselves to bringing about a democratic South Africa with a new constitution. The Declaration and its Addendum appear on pages 1-4 in the bound volume marked CODESA Agreements

3. **Working Groups**

In pursuance of the objectives to which Parties committed themselves in the Declaration of Intent, five Working Groups were set up by CODESA 1. All Parties were represented in each of the Working Groups.

The terms of reference can be summarised as follows:

3.1 **Working Group 1**

Working Group 1 was required to address itself to the creation of a climate for free political activity which included the need for the levelling of the playing field.

It was also required to make recommendations on the role that the International Community could play in the period leading up to the introduction of a new constitution.

The full terms of reference of Working Group 1 appear on pages 5-6

3.2 **Working Group 2**

Working Group 2 was charged with the drawing up of a set of constitutional principles to be embodied in the new constitution and with the making of recommendations on the appropriate body/process to draft that constitution.

The full terms of reference of Working Group 2 appears on pages 30-31

3.3 Working Group 3

Working Group 3 was required to make recommendations on the manner in which the country may be governed and managed until the introduction of the new constitution. A key focus of its task related to ensuring the levelling of the playing field.

The full terms of reference of Working Group 3 appears on page 45

3.4 Working Group 4

Working Group 4 had to deal with the future of the TBVC states on the basis that all the people living in the TBVC states should enjoy meaningful and democratic participation in the process of drawing up and adopting a new constitution for South Africa as well as in all possible transitional arrangements.

The full terms of reference of Working Group 4 appears on pages 64-65

3.5 Working Group 5

Working Group 5 was charged with the task of providing time frames, identifying the steps which would need to be taken by the Parties in CODESA in order to effect the implementation of agreements reached in CODESA.

The full terms of reference of Working Group 5 appears on pages 80-81

4. Reports of the Working Groups

Working Groups 1,3,4 and 5 agreed on reports to be submitted to the second CODESA Plenary Meeting (CODESA 2). Working Group 2 did not submit a report.

As Working Group 5 had to deal with the recording and implementation of substantive agreements reached in other forums, its report need not be included in this summary.

4.1 Working Group 1 Report: Climate of free political participation and the role of the international community.

The full text of all agreements appear on pages 7-29 of the Working Group

1 report.

The following aspects were dealt with by this Working Group:

4.1.1 Political prisoners and political trials

It was agreed that the release of political prisoners is a priority in the completion of the reconciliation process and that the South African Government and the ANC should pursue their bilateral talks relating to this matter in order to give effect to this.

4.1.2 The return of exiles and their families

This matter was referred to the bilateral talks between the South African Government and the ANC.

4.1.3 The amendment, and/ or repeal of any remaining laws militating against free political activity, including the elimination of all discriminatory legislation.

The Working Group endorsed the principle of free political activity and identified legislation that needed repeal or amendment.

4.1.4 Political Intimidation

The Working Group endorsed the need for all political disputes between Parties to be resolved peacefully and defined "political intimidation".

4.1.5 Political neutrality of, and fair access to state controlled/statutorily state instituted media, including those of the TBVC states

The Working Group agreed upon the establishment of an independent body to regulate the telecommunications sector. The question of an independent media committee was not dealt with on the basis that this will be addressed by Working Group 3.

4.1.6 The successful implementation of the NPA

A variety of agreements were reached aimed at strengthening the NPA and its implementation.

4.1.7 **Prevention of violence related crimes and matters related thereto**

Agreements on this Item were largely related to the question of strengthening the NPA.

4.1.8 **Composition and role of the security forces in South Africa and the TBVC states**

The Working Group agreed on the principles which should apply to the security forces.

4.1.9 **Funding of political parties**

The Working Group agreed that the provisions of the Prohibition of Foreign Funding of Political Parties Act, 51 of 1968, with regard to the receipt of foreign funds by political Parties be suspended.

4.1.10 **Fair access to public facilities, meetings and venues**

4.1.11 **Fair and reasonable access of political parties to all potential voters**

4.1.12 **Assignment 2: The role of the international community**

The Working Group agreed to set up a task group to invite a neutral independent international body in relation to the process of elections.

4.2 **Working Group 2**

Working Group 2 was unable to file a report to CODESA 2.

The Management Committee at its meeting on 15 June (an extract of the MC minutes to this effect can be found on page 32) agreed that the last Chairperson of Working Group 2 and the Secretary of Working Group 2 be requested to prepare a report on the status of discussions in Working Group 2 prior to CODESA 2.

This report was prepared in the form of memorandum which appears on pages 33-44 and to which are attached the following annexures.

Annexure A: Entitled: Areas of agreement and areas on which no agreement yet exists on Assignment 1 of Working Group 2 prepared by the Steering

Committee 27/4/92 , which appears on pages 40-42

Annexure B: Entitled: General Constitutional Principles: Areas of Commonality - prepared by Working Group 2 Steering Committee 12/5/92, which appears on pages 43 -44

Annexure C:Entitled: Working Group 2 Steering Committee proposal on a Constitution Making Body 13/5/92 as amended 16.30h 13/5/92 , as appears on pages 36-39

4.2.1 On the basis of this document it should be noted that with regards to Assignment 1: General Constitutional Principles, the Steering Committee document on Areas of Commonality including the principles on the Balance between Central, Regional and Local Government and the Participation of Political Minorities was tabled in the Working Group.

4.2.2 On Assignment 2: The Constitution making Body -Process

The Steering Committee proposal dated 13/5/92 was tabled at the Working Group. This proposal defined three phases, namely:

Phase 1: The present CODESA phase

Phase 2: The transitional/Interim constitution drafted by CODESA and legislated by the present parliament

Phase 3 The final constitution drafted and adopted by the National Assembly in terms of provisions of the Transitional/Interim constitution.

4.2.3 The only issue on which there was no agreement which is reflected in this document, is the issue of the percentages in terms of which the final constitution shall be adopted by the National Assembly.

4.2.4 The eventual deadlock in Working Group 2, however occurred on the following four issues:

4.2.4.1 Interpretation of the time period in clause 1.1 of Annexure C.

4.2.4.2 The percentages which should apply regarding the adoption of the different clauses of the final constitution.

- 4.2.4.3 Whether there should be a role for the Senate in the adoption of the final constitution and future amendments to it.
- 4.2.4.4 Special deadlock breaking mechanisms.

4.3 Working Group 3: Interim/Transitional Arrangements

The full text of all agreements appears on pages 46-63

- 4.3.1 Working Group 3 agreed on a two-phased approach in respect of the Interim/Transitional arrangements. The first is a preparatory phase premised on facilitating the transition to a democratic constitution, and, in particular the levelling of the playing field, and ensuring a climate favourable to free political participation and the holding of free and fair elections.
- 4.3.2 The report set out the structures necessary for phase 1, their powers and the manner in which decisions would be taken. There will be an overarching Transitional Executive Council which, together with its sub-councils, to be vested by legislation with powers necessary to enable them to carry out their functions. The transitional executive structure will function in conjunction with the existing legislative and executive structures. Some of the powers and functions it should have are spelt out.
- 4.3.3 The Terms of Reference of the Transitional Executive Council shall be the facilitation of the transition to a democratic constitution, including the levelling of the playing field, and it shall ensure that a climate conducive to free political participation and the holding of free and fair elections, exists.
- 4.3.4 The Transitional Executive Council will consist of at least one member of the governments/administrations who commit themselves to comply with and implement its decisions and at least one member each of the political organisations participating in CODESA, making the same commitment. Other parties can be admitted by the Transitional Executive Council.
- 4.3.5 Members of the Transitional Executive Council will be fulltime executives
- 4.3.6 The sub-councils shall operate within the same terms of reference, but shall be given specific responsibilities in particular areas of concern which will be identified for each sub-council. Every sub-council will have a multi-party

character and will ordinarily consist of up to six members.

- 4.3.7 The following sub-councils were agreed upon and their areas of responsibility described:
- 4.3.7.1 Regional and local government
 - 4.3.7.2 Finance
 - 4.3.7.3 Law and Order, Stability and Security
 - 4.3.7.4 Defence
- 4.3.8 Regarding the sub-council on Foreign Affairs it has been agreed that, due to the unique character thereof, there is a need for broader discussion concerning it.
- 4.3.9 It was also agreed that there be an Independent Election Commission with responsibility for the holding of free and fair elections.
- 4.3.10 There may be a need for an election sub-council to provide services and information to an Independent Election Commission. The Transitional Executive Council will decide whether or not there is a need for such a sub-council.
- 4.3.11 The Independent Election Commission will be independent of the Transitional Executive Council and will consist of respected suitably qualified persons drawn from the broad cross section of the population.
- 4.3.12 The Transitional Executive Council and sub-councils will endeavour to take their decisions by consensus. Where consensus cannot be achieved, a majority of at least 80% will be sufficient for a decision. If a party is of the opinion that a minority view should have prevailed, the matter can be referred for adjudication to the Independent Election Commission.
- 4.3.13 It was also agreed that there be an Independent media Committee in accordance with recommendations from Working Group 1
- 4.3.14 It was agreed that the agreements reached with regard to phase 1, as well as its implementation, would be dependent upon agreement being reached in respect of phase 2, including the interim constitution and the general constitutional principles.

4.4 Working Group 4 : The future of the TBVC states

The full text of all agreements appear on pages 66-79

The report recorded:

- 4.4.1 Agreement in principle to the reincorporation of the TBVC states
- 4.4.2 Agreement that the TBVC states will participate in the transitional arrangements as projected by Working Group 3, on the understanding that these arrangements shall impact mutatis mutandis on the TBVC governments and territories in the same way that they impact upon the South African government and the territory of the RSA.
The Bophuthatswana government reserved its position
- 4.4.3 Agreement that the TBVC states shall take part fully in the process of constitution making and the transitional arrangements, including elections, as may be proposed by Working Groups 2 and 3. Their participation will be arranged in such a way that their vote in a national election shall signify support for, or rejection of reincorporation thus constituting a test of the will of the people. (Reservations were expressed by the Bophuthatswana government)
This will lead to the restoration of South African citizenship to all citizens of the TBVC states who would have been South African citizens had the TBVC states not come into existence. (Reservations by the Bophuthatswana government were expressed)
- 4.4.4 Consensus was reached on a number of issues in relation to the practical, financial and administrative effects of reincorporation.

5. The Multi-Party Negotiations Planning Conference

This summary which has dealt with the Declaration of Intent, the agreements recorded in the reports, of Working Groups 1,3 and 4 and the status of discussions in Working Group 2, its Steering Committee and the Management Committee, outlines the substantive issues as well as the manner and the degree to which they were dealt with in CODESA.

In terms of paragraph 4.2 and 4.3 of Resolution 2 of the Planning Conference held on 6 March 1993, these constitute the substantive issues which are referred to.

This resolution requires the first meeting of the reconvened Multi-Party negotiations Forum to determine inter alia:

" 4.2 how to accommodate the views of those participants who were not in CODESA in relation to the agreements reached in CODESA;

" 4.3 how these agreements can serve as a constructive foundation for the resumed/commenced negotiations process to build on".

A copy of the entire records of what transpired in CODESA, which encompasses 13 volumes, has been put together and can be made available to the parties who were not in CODESA and have since joined the Multi-Party Negotiations Forum.

6. Way forward with regard to CODESA Agreements

6.1 The Subcommittee is therefore expected to advise the Facilitating Committee as to the most effective way in which these agreements can serve as a constructive foundation and ensure that the views of those participating who were not in CODESA, are taken into account, so that the process can be taken forward

From the point of view of the reconvened Multi-Party negotiating Forum, the full plenary sessions and the Multi Party Forum sessions are the critical points at which the participants register formal agreement/reservations etc.

6.2 It is further assumed that such agreements shall have emerged through the discussions, in the Facilitating Committee/Negotiations Council. The issue therefore revolves around how to ensure that all participants, including those present in CODESA shall be enabled to participate fully in constructing agreements. In considering how this can be achieved most effectively and efficiently we will like to present what was emerging in CODESA in the form of an organogram (including a document on general constitutional principles) which is attached to the end of this report. This organogram gives a succinct overview to enable us to address the following recommendations as to how to proceed.

Accordingly the following approach is recommended:

6.2.1 Working Group 1 and 3 reports provide a fairly comprehensive set of agreements which relate to Phase 1 of the transition. This phase deals with the levelling of the playing field, ensuring free political activity and the composite powers and duties of certain structures. The structures referred to are the Transitional Executive Council and its sub-councils, the Independent Election Commission, the Independent telecommunications Authority and the Independent Media Committee.

The agreements are interspersed in the work done in the different Working Groups. It would be important to bring all the agreements together, as they relate to phase one, and put them in a structured way. This would enable all participants, and particularly those who were not present in CODESA, to address the matters in concrete and specific ways but also taking into account how they are interlinked.

We therefore recommend that the agreements relating to this phase be entrusted to a drafting committee whose task it would be to structure the entire package relating to phase one in the form of a single draft which could be even in a draft statute form.

Such a drafting committee be composed of individuals with the necessary expertise and who would serve, not as representatives of their parties/organisations.

The draft document/statute would therefore be without prejudice to the views of the participants. In this way such a draft would be concrete and would facilitate accommodating the views of the participants in the form of approving, amending, substituting and/or introducing new clauses.

These drafts could be processed, again, on a without prejudice basis, by the Planning Committee and then taken to the Negotiations Council, before they are tabled at the Negotiations Forum.

The end product would be agreement/reservation by participants in the form of draft legislation to be enacted by the current parliament and amending the existing 1983 constitution.

Some aspects of such a draft may become parts of the Transitional/Interim constitution.

The Negotiations Forum would thereafter determine when such agreed legislation is to be enacted.

This approach would facilitate effective accommodation of the views of all participants and the emergence of well processed agreements in the form of concrete draft legislation.

6.2.2 Constitution Making

The Working Group 2 Steering Committee approach isolated three phases:

The CODESA phase: This related to what has been dealt with above in terms of phase 1

The Transitional/Interim constitution: which needs to be negotiated in the resumed Multi-Party Negotiations Forum and which would deal with the interim governmental structures and include the protection of basic civil and political rights.

The constitution would also incorporate the general constitutional principles negotiated at the Multi-Party Forum and which would be binding on the Constitution Making Body. That is to say the final constitution shall be drafted and adopted in terms of the provisions of the Transitional/Interim constitution.

In this regard Working Group 2 discussions assumed an elected Constitution Making Body. All options which were under consideration referred to the National Assembly functioning as a Constitution Making Body.

On this basis Working Group 2 did not complete the task of agreeing on the general constitutional principles and some of the procedures relating to the functioning of the Constitution Making Body.

This, therefore, is an aspect that requires full attention by the resumed Multi-Party Forum. The matter can best be attended by having a sub-committee prepare a single document outlining the different aspects of the agreement and matters of disagreement and making proposals to resolve all the issues involved.

6.2.3 The future of the TBVC states has been dealt with in agreements interspersed between Working Groups 1, 3 and 4.

6.3 From the point of view of the transition process these would find their natural place in the following two sets of instruments:

6.3.1 The draft legislation dealing with the TEC and phase 1 in general.

6.3.2 The transitional constitution to be agreed at the Multi-Party Forum.

PHASE 1

Purpose

- * levelling
- * free political activity
- * Preparations for elections & phase 2

Means

- * TEC
- * IEC
- * IMC
- * Repeal laws impeding free political activity, etc
- * Strengthen National Peace Accord
- * Transitional/interim constitution - to be agreed at multi-party forum

ELECTIONS

PHASE 2

GOVERNANCE

National Assembly
|
Interim Govt.

CONSTITUTION MAKING

- * National Assembly functions as CMB
- * General Constitutional Principles
- * Procedures

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GENERAL CONSTITUTIONAL PRINCIPLES
AREAS OF COMMONALITY - PREPARED BY WORKING GROUP 2
STEERING COMMITTEE 12.05.1992

1. South Africa will be a united, sovereign state in which all will enjoy a common South African citizenship.
2. South Africa will be democratic, non-racial and non-sexist.
3. The constitution shall be the supreme law.
4. There will be a separation of powers between the legislature, the executive and the judiciary with appropriate checks and balances.
5. The judiciary will be independent, non-racial and impartial.
6. There will be a legal system that guarantees the equality of all before the law.
7. There will be a representative and accountable government embracing multi-party democracy, regular elections, universal adult suffrage, a common voters role and, in general, proportional representation.
8. The diversity of languages, cultures and religions will be acknowledged.
9. All will enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly, which will be guaranteed by an entrenched and justiciable Bill/Charter of Fundamental Rights.
10. Government shall be structured at national, regional and local levels.
 - 10.1 At each level there shall be democratic representation.
 - 10.2 Each level of government shall have appropriate and adequate legislative and executive powers, duties and functions that will enable each level to function effectively; such powers, duties and functions are to be entrenched in the constitution.
 - 10.3 In addition to the powers, duties and functions entrenched in the constitution, each level of government may delegate powers, duties and functions to other levels of government.
 - 10.4 The general principles of the constitution, including the terms of the Bill/Charter of Fundamental Rights, shall apply to each level of government.
11. The new constitution shall provide for effective participation of minority political parties consistent with democracy.

**RESOLUTIONS OF THE PLANNING CONFERENCE
OF 5 & 6 MARCH 1993**

RESOLUTION ONE

**DECISION OF FACILITATING COMMITTEE ON THE PROCESS
OF DECISION-MAKING IN THIS PLANNING CONFERENCE AND THE
FACILITATING COMMITTEE**

1. All decisions are to be taken by general consensus.
2. If this cannot be achieved, conference will use the method of sufficient consensus.
3. This means that :
 - * there is a lack of general consensus;
 - * there is enough agreement from enough participants to enable the process to move forward;
 - * parties who disagree can record their objections or rejections formally, but will, in the spirit of co-operation, not hinder the process from going forward.
4. The ruling that there is consensus/sufficient consensus or not, should be taken by the chair in his/her discretion. This can, however, be challenged by any party who disagrees. The meeting will then deal with it as is appropriate.

RESOLUTION TWO

RESOLUTION ON THE NEED FOR THE RESUMPTION/COMMENCEMENT OF MULTI-PARTY NEGOTIATIONS

We, the parties, organisations and administrations assembled in this the Multi-party Planning Conference:

AWARE of the responsibility we individually and collectively bear for the wellbeing of our country;

BELIEVING that the problems of our country should be resolved peacefully through a process of negotiation;

REALISING the urgent need for the economic development of the country;

AGREEING that the resources of the country need to be preserved, developed and improved for the benefit of all the people of this country and for future generations;

ACCEPTING that all the people of this country and the whole community of nations throughout the world look to us to move the country forward towards a non-racial, non-sexist and fully democratic future;

NOW RESOLVE TO:

1. Commit ourselves, individually and collectively, to the resumption/commencement of multi-party negotiations within the next month, in order to move as speedily as possible towards the attainment of our primary objective, which is the drafting and adoption of a new Constitution for South Africa;

AND FURTHER RESOLVES THAT:

2. The multi-party forum shall be reconvened as a matter of national urgency, not later than 5 April 1993;
3. Each participating organisation will send two delegates and two advisers.
4. The first meeting will determine, inter alia:
 - 4.1 mechanisms and procedures (including chairpersonship);
 - 4.2 how to accommodate the views of those participants who were not in CODESA in relation to the agreements reached in CODESA;
 - 4.3 how these agreements can serve as a constructive foundation for the resumed/commenced negotiations process to build on;
 - 4.4 how this forum shall be structured and named;
 - 4.5 the role of the international community.
5. The Facilitating Committee of this conference will have the responsibility of deciding upon and implementing the steps that are necessary to give effect to this resolution.
6. All participants are required to make an unqualified commitment to this process as a **pre-requisite** for their participation.

RESOLUTION THREE

RESOLUTION ON VIOLENCE

The Multi-Party Negotiations Planning Conference expresses its utmost indignation and condemnation for the despicable murder of 10 innocent people which took place on Table Mountain, Pietermaritzburg, on 5 March 1993. This unspeakable crime has taken place at a time when all the political parties, organisations and administrations of South Africa have finally joined together once again to express their commitment to address and solve South Africa's problems through negotiations. Irrespective of their political affiliation, the victims of this massacre have fallen prey to a climate of escalating violence which could jeopardise the success of negotiations. The Multi-Party Negotiations Planning Conference reiterates its unwavering rejection of all instances of political violence and actions leading to the promotion of violence. We offer our condolences to all those who have suffered deeply and commit ourselves to work relentlessly to end the violence, promote law and order and bring about a climate of peace, inter alia, through constitutional negotiations.

Addendum E

NEGOTIATING FORUM - 1 & 2 APRIL 1993

DELEGATES OF PARTICIPANT ORGANISATIONS

African National Congress

Delegates: M C Ramaphosa M Manzini M Maharaj T Mbeki
Advisers: J Zuma B Masekela

Afrikaner-Volksunie

Delegate: CD de Jager MJ Mentz AS Beyers A Lombard
Advisers: C Viljoen C Pienaar/R de Ville

Bophuthatswana Government

Delegate: R Cronje SG Mothibe BE Keikelame R Mangope
Advisers: KCVA Sehume GSM Nkau

Cape Delegation of Traditional Leaders

Delegates: M Nonkonyana GSK Nota SM Burns-Nemashe M Moshoeshoe
Advisers: GD Gwadiso

Ciskei Government

Delegate: MB Webb RM Ngcofe WM Zantsi VT Gqiba
Advisers: IJ Smuts FM Faku

Democratic Party

Delegate: CW Eglin KM Andrew D Smuts M Rajab
Advisers: ALK Jordaan M Finnemore

Dikwankwetla Party

Delegate: TJ Mohapi SOM Moji JSS Phatang
Advisers: SP Matla Prof Wessels

Inkatha Freedom Party

Delegate: FT Mdlalose VJ Matthews WS Felgate FX Gasas
Advisers: MF Cassim MGR Oriani-Ambrosini

Intando Yesizwe Party

Delegate: NJ Mahlangu AP Laka N Mtsweni
Advisers: C Ntuli Q Vilankulu

Inyandza National Movement

Delegates: SS Ripinga MS Gininda FS Baloi EN Ginindza
Adviser: KK Mahlaba BJ Nobunga

Konserwatiewe Party

Delegates: T Langley F Hartzenberg FJ Le Roux
Advisers: DS Pienaar CP Mulder

KwaZulu

Delegate: BS Ngubane SH Gumede DRB Madide H Ngubane
Advisers: M Jiyane

Labour Party

Delegates: IM Richards L Landers PAC Hendrickse Y Bassier/P
Lategan
Advisers: E Samuels D Lockey/T Abrahams

Natal Indian Congress/Transvaal Indian Congress

Delegates: PJ Gordhan C Saloojee F Cachalia H Warsi
Advisers: R Shaik

National Party

Delegate: DJ de Villiers L Wessels J Rabie
Advisers: O van Zyl P Coetzer

National People's Party

Delegates: A Rajbansi S Ismail M Govender A Rambarran
Advisers: BP Jaglal A Hurbans

Orange Free State Delegation of Traditional Leaders

Delegate: RH Mopeli MB Mota MA Molefe
Advisers: R Ramasiea ET Phoofolo

Pan Africanist Congress

Delegates: B Alexander W Seriti D Desai J Serdile
Advisers: M Lithero E Mothopeng

Solidarity Party

Delegate: JN Reddy Y Moolla N Singh
Advisers: C Pillay S Razak

South African Communist Party

Delegates: J Slovo T Mtintso S Shilowa
Advisers: E Pahad Z Kota

South African Government

Delegate: RP Meyer HJ Kriel JT Delpont A Routier
Advisers: SJ Schoeman LD Barnard

Transkei Government

Delegate: HB Holomisa Z Titus N Jajula
Advisers: M Titus JT Madiba M Mpahlwa

Transvaal Delegation of Traditional Leaders

Delegate: NM Malekane MA Netshimbhupfe MM Khumalo J Kekana
Advisers: W Mabunda ME Mabena

United People's Front

Delegate: MJ Mahlangu RJ Dombo SJ Maake (subs MI Moroamoche)
Advisers: ME Mapheto A Tshabalala

Venda Government

Delegate: SE Moeti GM Ligege KB Magwaba A Masehela
Advisers: MP Nthabalala NE Mulaudzi

Ximoko Progressive Party

Delegates: EE Ngobeni JC Ackron PT Shilubane
Advisers: KR Myakayaka TB Shibambu

FOREIGN OBSERVERS: HEADS OF MISSION

* indicates a substitute delegate

F Escalona
Counsellor of the Embassy of Argentina

R Burns
Ambassador of Australia

A Moebius
Ambassador of Austria

C Gudenus
Austrian Embassy (*)

F de Sutter
Counsellor of the Belgian Embassy

CT Modise
Assistant Representative of Botswana

LA Fachini-Gomes
Counsellor of the Embassy of Brazil

C Westdal
Ambassador of Canada

B Burton
Political Counsellor Embassy of Canada (*)

A Silva
Counsellor of the Embassy of Chile

I-cheng Loh
Ambassador of the Republic of China

Tai Feng
Political Counsellor of the Embassy of the Republic of China

P Bruckner
Representative European Community (Ambassador of Denmark)

P Hansen
Minister Counsellor of the Embassy of Denmark

B Ekblom
Ambassador of Finland

JMP Bourgois
Ambassador of France

C Masset
First Counsellor of Embassy of France (*)

H-Ch Ueberschaer
Ambassador of the Federal Republic of Germany

A Petri
First Counsellor of the Federal Republic of Germany

A Gergely
The Ambassador of Hungary

Z Maris
First Secretary of Hungarian Embassy (*)

B Shmuel
Embassy of Israel

M Piersigilli
Ambassador of Italy

K Sezaki
Ambassador of Japan

Y Naito
Third Secretary: Political Affairs, Embassy of Japan (*)

C Stephan
Consul-General in charge of the interests of Lebanon in South Africa

SP Kachipande
Deputy Ambassador of Malawi

Choo Eng Guan
Manager Government Affairs Malaysia

MI Dossa
Consul-General of Mauritius

MS Benryane
Head of Mission of Embassy of Morocco

Th.JM van Oorschot
First Secretary of the Embassy of the Netherlands

J Otterbech
Ambassador of Norway

A Franco
First Secretary of the Embassy of Paraguay

J Ritto
Ambassador of Portugal

J da Camara
Secretary of the Embassy of Portugal (*)

D Nistor
Minister-Counsellor of the Embassy of Romania

E Goussarov
Ambassador of the Russian Federation

B Timokhov
Counsellor: Political Affairs, Embassy of the Russian Federation (*)

F Bararwerekana
Consul-General of Rwanda

V Mathews
Consul of the Republic of Singapore

F Dlhopolcek
Ambassador of Slovakia

R Aguirre de Carcer
Minister Counsellor of the Embassy of Spain

I Stjernberg
Envoy of the Legation of Sweden

C Hammar
Counsellor of the Legation of Sweden (*)

F Jorgenson
Second Secretary of the Legation of Sweden (*)

M Schweizer
Charge d'Affaires of the Swiss Embassy

S Saicheus
Counsellor of the Embassy of Thailand

SC Onaran
Consul-General of Turkey

N Haywood
Deputy Consul-General of the UK Consulate-General

C Wright
Vice-Consul of the UK Consulate-General (*)

F Pittier
Ambassador Uruguay

MdH Arcaus
Third Secretary of the Embassy of Uruguay (*)

T Pflaumer
First Secretary of the US Embassy /

SH Comberbach
Zimbabwe Trade Commissioner

N Sommer
International Committee of the Red Cross

P Karani
Chief of Mission of the United Nations High Commission for Refugees

S Kimaryo
Team Leader UNICEF Mission

A de Paoli
Apostolic Delegation in Southern Africa

C Lowe-Morna
Commonwealth Secretariat and Observer Mission

S Mubako
Head of Mission of the COMSA (*)

Z Anwar
COMSA (*)

A King
Chief of UN Observer Mission

I Steiner
Deputy Chief of UN Observer Mission

M Ndulo
Political Adviser of UN Observer Mission

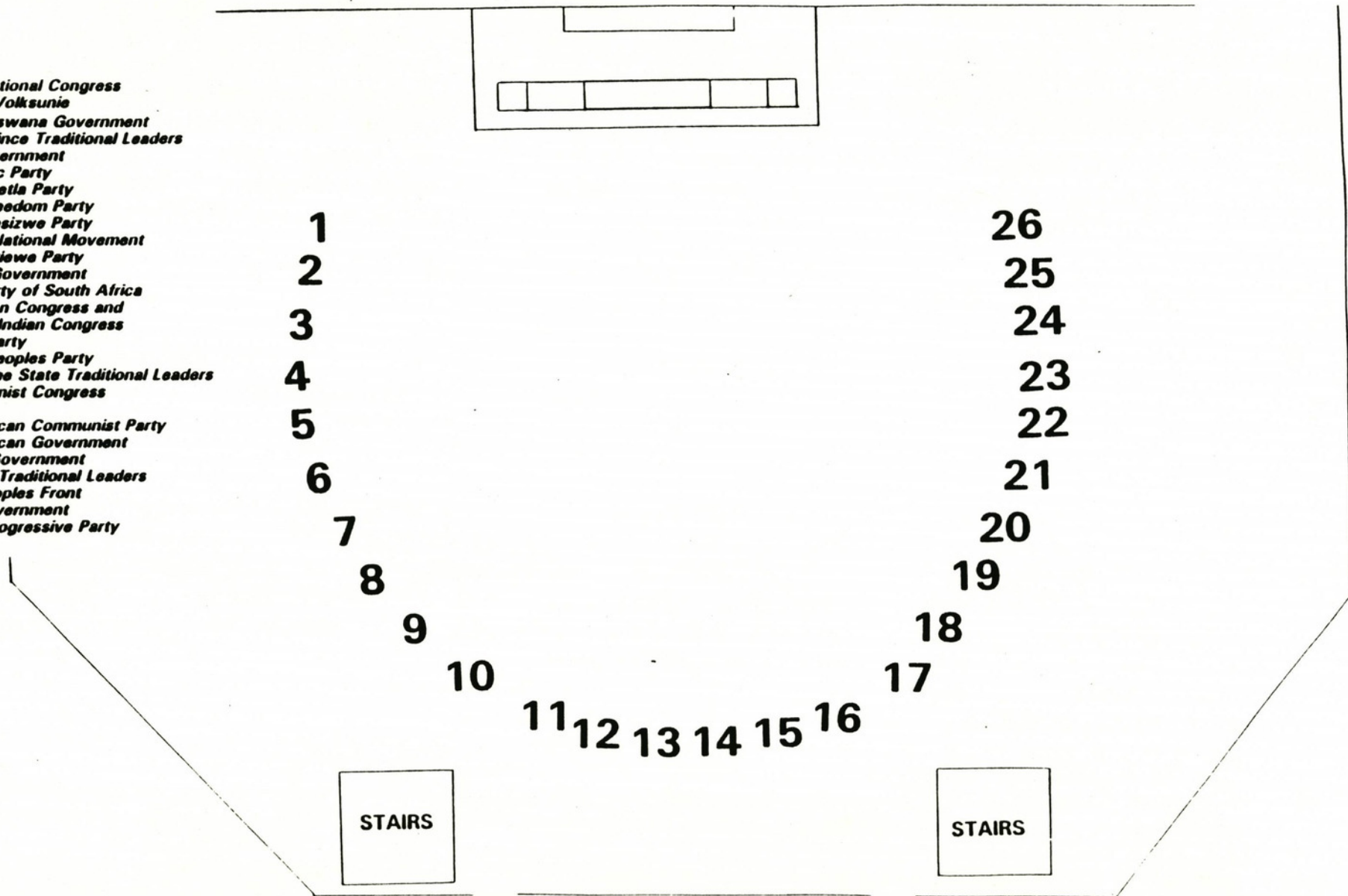
HE Legwaila
Head of OAU Observer Mission

S Ibok
Political Adviser of OAU Observer Mission (*)

SEATING ARRANGEMENTS ON CONVENTION FLOOR

KEY

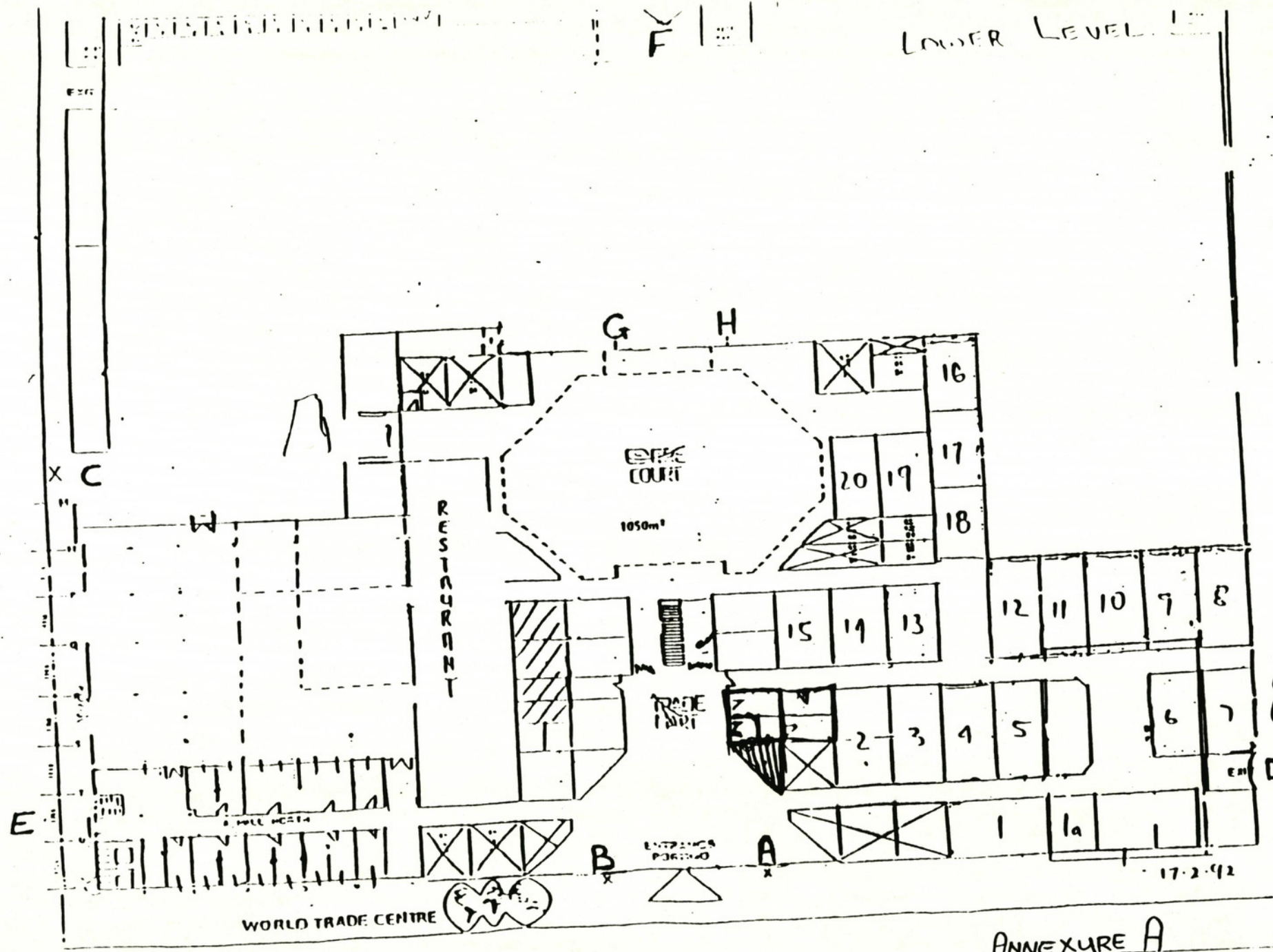
1. African National Congress
2. Afrikaner-Volksunie
3. Bophuthatswana Government
4. Cape Province Traditional Leaders
5. Ciskei Government
6. Democratic Party
7. Dikwankwetla Party
8. Inkatha Freedom Party
9. Intando Yesizwe Party
10. Inyandza National Movement
11. Konserwatiewe Party
12. KwaZulu Government
13. Labour Party of South Africa
14. Natal Indian Congress and Transvaal Indian Congress
15. National Party
16. National Peoples Party
17. Orange Free State Traditional Leaders
18. Pan Africanist Congress
19. Solidarity
20. South African Communist Party
21. South African Government
22. Transkei Government
23. Transvaal Traditional Leaders
24. United Peoples Front
25. Venda Government
26. Ximoko Progressive Party



EMERGENCY EVACUATION PLAN

IN THE EVENT OF AN EMERGENCY AND WE ALL HAVE TO LEAVE THE CONFERENCE CENTRE

1. Don't panic. Try to be calm. We have planned for such an eventuality.
2. Wait for instructions from security personnel and the health team. Follow instructions strictly.
3. If not injured, or slightly injured but able to walk, leave the conference centre via all exits EXCEPT EXIT C (See Annexure A).
4. Those on Upper Floor make use of exits 1 - 8. (See Annexure B).
5. Those on Lower Floor make use of exits A, B, D, E and F.
6. Please do so in an orderly fashion.
7. Then make your way to the helicopter pad, adjacent to the main parking area. Ensure one way flow of traffic only.
8. If you are injured, try to remain calm. Trained staff will attend to you immediately.
9. Obey instructions from security personnel and the health team implicitly. They are working in your interest.
10. No vehicles may be moved except those instructed to do so by security personnel. This is necessary in order not to disrupt evacuation procedures.



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HELIOPORT
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ANNEXURE A