

● 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 FRIDAY 14 MAY 1993 AT 09H30 AT THE WORLD TRADE CENTRE**

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

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 Apologies were noted for Z Titus.

**3. Ratification of Agenda**

The agenda was ratified with the following amendment:

- \* The addition of an Item 6.4 to read "To give consideration in the Planning Committee to the events surrounding J Slovo - the attempt upon his life and subsequent events".

## Minutes

4.1 The minutes of the meeting of 10 May 1993 were adopted with the following amendments:

4.1.1 Item 5.1.9, the addition of a further sentence to read "It was agreed to request members of Technical Committees to keep in mind the concept of socially responsible fees";

4.1.2 Item 5.1.13 to read "It was agreed to defer the resubmission of the Draft Resolution on Violence to the Negotiating Council to a later date at an appropriate time".

4.2 Matters arising out of the minutes of the meeting of 10 May 1993:

The ad hoc sub-committee (consisting of FT Mdlalose, R Meyer, C Ramaphosa and M Webb) reported on the meeting held with J Hall and A Gildenhuys from the National Peace Committee and the National Peace Secretariat. The following was noted:

- \* It was agreed that W Felgate, P Hatty, S Mafumadi and G Myburg would represent the peace structures (i.e. the National Peace Committee and the National Peace Secretariat) on the Technical Committee on Violence;
- \* That submissions to the Technical Committee on Violence would be received from the National Peace Committee and the National Peace Secretariat; and
- \* That the Technical Committee may not always be able to report back to their parent structures in detail.

## 5. Substantive Issues

### 5.1 Technical Committees - Receipt of first reports:

5.1.1 The Sub-Committee (consisting of M Maharaj, B Ngubane and SS van der Merwe) presented an overview of the Technical Committee reports which encompassed items such as attendance in the Technical Committees, any problems experienced by the Technical Committee, items requiring action/attention by the Negotiating Council, etc. It was further noted that all the Technical Committees had all had at least two meetings;

#### 5.1.2 Technical Committee on Violence:

It was noted that the first report from the Technical Committee on Violence was not substantive but that the second report would be. It was agreed that the Sub-Committee, in consultation with the Technical Committee, establish a date as to when a substantive report will be received.

#### 5.1.3 Technical Committee on the TEC and its Sub-Councils:

5.1.3.1 It was noted that the initial report from the Technical Committee on the TEC and its Sub-Councils was too pro-active in its stated view of the desirability of a TEC. It was agreed that the Sub-Committee should have an informal discussion with the Technical Committee, recommending that the introduction to the report be amended accordingly.

5.1.3.2 It was further noted that only the Negotiating Council could decide on whether a TEC is needed or not and that the Technical Committee should therefore not be perceived to be pre-empting this decision of the Negotiating Council.

#### 5.1.4 Technical Committee on the Independent Media Commission:

5.1.4.1 It was agreed to notify participants that whoever wished to submit inputs concerning the responsibility and objectivity of the print media (not only the electronic media), could do so.

5.1.4.2 It was agreed that the Sub-Committee is to submit a recommendation with regard to the possible substituting of C Nöffke for B De Villiers in the IMC Technical Committee to the next meeting of the Planning Committee on Monday 17 May 1993.

#### 5.1.5 Technical Committee on the Amendment or Repeal of Legislation impeding free political activity and Discriminatory Legislation:

It was agreed to recommend to this Technical Committee (via the Sub-Committee) to use the direct route as recommended in the first report (Option 1.1 of the first report). The Technical Committee would be assisted in this regard by the seconded members from the relevant justice departments, i.e. from the South African and TBVC States Department of Justice.

5.1.6 Technical Committee on Constitutional Issues:

5.1.6.1 It was agreed that with regard to the report on the advisability of a regional committee/commission, the Sub-Committee submit a recommendation to the next meeting of the Planning Committee on Monday 17 May 1993. The possible composition of such a committee/commission should be included within the proposed recommendation. This report would facilitate the Planning Committee to make a recommendation to the meeting of the Negotiating Council on 18 May 1993. This issue should be dealt with in the Negotiating Council after the report from the Technical Committee on Constitutional Issues.

5.1.6.2 It was suggested that the Sub-Committee or the Technical Committee on Constitutional Issues present to the Planning Committee an overall picture of the differing scenarios with regard to the Phases of the Transition/Negotiation Process emerging from the reports of the Technical Committees.

5.1.7 Other issues with regard to the Technical Committees:

5.1.7.1 It was agreed that on the issue of gender in the Technical Committees, the Sub-Committee is to submit a recommendation with regard to the Technical Committees which do not have women in their composition (i.e. Constitutional Issues and IEC) to the next meeting of the Planning Committee on Monday 17 May 1993.

5.1.7.2 It was agreed that if, for any reason, it was necessary to add further members to any Technical Committees, it should be stressed that the addition of another member must not delay the work of the Technical Committee. New members should be allowed to express their views within the Technical Committee, but when reporting to the Negotiating Council, the Technical Committee should present a united view.

5.1.7.3 The Technical Committees should identify all the views and issues contained in submissions from participants that should be debated in the Negotiating Council. All Technical Committees should be mindful of the fact that they are not negotiating fora and that their reports are the basis for discussion in the Negotiating Council.

5.1.7.4 It was noted that due to time constraints, not all submissions had been considered for the initial reports, but would be considered for the second reports.

5.1.7.5 It was agreed that after this meeting, the Planning Committee meet with the Technical Committee members to thank them for their work so far and inform them of the process for structuring the presentation and discussion of the reports in the meeting of the Negotiating Council.

**5.2 Structuring of the discussion of Reports from the Technical Committees in the meeting of the Negotiating Council:**

5.2.1 The following process was agreed to:

- \* The reports and submissions will be couriered to all participants to reach them not later than the evening of 15 May 1993;
- \* The reports will be tabled in the meeting of the Negotiating Council and taken as read;
- \* Each Technical Committee will have one spokesperson who would highlight issues and/or present an overview of the report; the entire Technical Committee and the Secretary would be present when the report was presented and discussed in the Negotiating Council;
- \* The other Technical Committee members would be able to view the proceedings of the Negotiating Council from the media overflow room;
- \* Inputs and questions of clarity would be invited from the floor. Technical Committee members would not be required to participate in the general debate.

5.2.2 It was agreed that the Sub-Committee be mandated to prepare a document highlighting issues that require decision or guidance from the Negotiating Council as arising from the reports of the Technical Committees.

5.2.3 It was agreed that for all subsequent reports of the Technical Committees, an executive summary of the report should be attached.

## **Procedural Issues**

### **6.1 New Participants:**

- 6.1.1 It was agreed that only International Organisations and Embassies be granted observer status to meetings of the Negotiating Forum.
- 6.1.2 It was noted that letters had been sent to all new applicants. It was agreed that the responses to these letters should be processed by the Administration, forwarded to the Sub-Committee, who in turn would submit recommendations to the Planning Committee.
- 6.1.3 It was agreed to defer the issue of Administrations/Governments to a future meeting of the Planning Committee.

### **6.2 Media Arrangements:**

- 6.2.1 The report as presented was agreed to and would be presented to the Negotiating Council.
- 6.2.2 It was agreed that media representatives should pay for copies of the official papers of this process. The Administration was mandated to work out the cost of the relevant documentation and make the necessary arrangements.
- 6.2.3 It was noted that if media representatives require copies of submissions by participants, they should contact the relevant participant.

### **6.3 Events surrounding J Slovo - the attempt upon his life and subsequent events:**

- 6.3.1 It was agreed that PJ Gordhan draft a resolution for discussion at the next meeting of the Planning Committee on Monday 17 May 1993, encompassing the following issues:
  - \* Political Tolerance;
  - \* Discouraging assassinations in any way;
  - \* Specifically expressing solidarity with J Slovo and others in this regard;
  - \* To call on the authorities to do whatever is necessary to protect the lives of political leaders;
  - \* To have those known to have this intention acted against within the legal framework of South Africa;

6.3.2 With regard to the dispute about J Slovo not having been informed by the SAP about the plot to take his life, it was noted that R Meyer will make contact with the Minister of Law and Order and this issue should remain in abeyance until a meeting had been held between Mr Kriel and Mr Slovo.

**7. Administrative and Financial Matters**

7.1 Report on the meeting with the SAP:

The report as presented was agreed to.

7.2 The correspondence was noted.

7.3 It was agreed that documents for delegates and advisers be couriered to the delegates, and that delegates be requested to forward the documentation to their advisers.

7.4 It was agreed that all documentation for the meeting of the Negotiating Council be embargoed until 12h00 on Tuesday 18 May 1993.

**8. Report to and Agenda of Negotiating Council**

8.1 The agenda as amended was agreed to (see Addendum A).

8.2 It was agreed that the current Chairperson report back to the Negotiating Council on behalf of the Planning Committee where necessary.

**9. Meetings Schedule**

The schedule as amended was agreed to (see Addendum B).

**10. Closure**

The meeting closed at 19h10.

These minutes were ratified at the meeting of the Planning Committee of ..... 1993 and the amended versions signed by the Chairperson of this meeting on ..... 1993.



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CHAIRPERSON



**DRAFT AGENDA FOR THE MEETING OF THE NEGOTIATING COUNCIL  
TO BE HELD ON TUESDAY 18 MAY 1993 AT 10H30**

**Chairpersonship - FT Mdlalose assisted by R Cronje**

- 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 7 May 1993
  - 4.2 Matters arising out of the minutes of the meeting of the Negotiating Council of 7 May 1993
  - 4.3 Other minutes to be noted:
    - 4.3.1 Planning Committee of 3 May
    - 4.3.2 Planning Committee of 10 May
- 5. Substantive Issues - First Reports from the Technical Committees**
  - 5.1 Violence
  - 5.2 Constitutional Issues:
    - 5.2.1 Report from Technical Committee
    - 5.2.2 Report on the advisability of a commission/committee on regions (recommendation from Planning Committee)
  - 5.3 Fundamental Human Rights during the Transition
  - 5.4 Independent Election Commission
  - 5.5 Independent Media Commission
  - 5.6 Amendment or repeal of legislation impeding free political activity and discriminatory legislation
  - 5.7 TEC and its Sub-Councils
- 6. Procedural Issues - Report of the Planning Committee**
  - 6.1 New Participants
  - 6.2 Media Arrangements
- 7. Administrative Matters**
- 8. Meetings Schedule**
- 9. Closure**

**PROPOSED SCHEDULE OF MEETINGS**

Planning Committee	Friday 14 May 1993	09h00 - 13h30
Planning Committee	Monday 17 May 1993	17h00 - 19h00
Planning Committee	Tuesday 18 May 1993	Time still to be decided upon
Negotiating Council	Tuesday 18 May 1993	10h30 - 18h00 or until the completion of the agenda
Planning Committee	Tuesday 18 May 1993	After completion of the meeting of the Negotiating Council
Planning Committee	Monday 24 May 1993	10h00 - 18h00
Negotiating Council	Tuesday 25 May 1993	10h00 - 18h00
Planning Committee	Tuesday 25 May 1993	18h00 - 20h00
Negotiating Council	Friday 28 May 1993	10h00 - 18h00
Planning Committee	Tuesday 1 June 1993	10h00 - 18h00
<b>NEGOTIATING FORUM</b>	Thursday 3 June 1993	10h00 - 18h00