

THESE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE NEGOTIATING COUNCIL.

**MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD ON MONDAY 26 APRIL 1993 AT 10H30 AT THE WORLD TRADE CENTRE**

PRESENT: See Addendum A

**1. Moment of Silence and Motions of Condolences**

- 1.1 A moment of silence was observed by all members.
- 1.2 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.

A moment of silence was observed by all members in this regard.

- 1.3 A motion on behalf of the Planning Committee extending condolences to the Hani family was adopted by general consensus. (See Addendum E)

**2. Welcome and Attendance**

- 2.1 All members were welcomed.
- 2.2 A special note of welcome was extended to women members and media representatives, as this was the first meeting they had attended.
- 2.3 It was noted that L Landers assisted the Chairperson because he would be chairing the next meeting of the Negotiating Council.
- 2.4 Apologies were noted from the Administration for the late or non-arrival of documentation. The Administration is to obtain reasons from the couriers as to why this happened. A report will be submitted to the Negotiating Council in this regard.

## **Ratification of the Agenda**

3.1 The agenda was ratified with the following amendments:

- \* The addition of an item 6.3 under Item 6 to read "A date for an election";
- \* The addition of an item 7.5 under Item 7 to read "Planning Committee and Resolutions Committee".

3.2 It was noted that the Form of State and any other constitutional issues could be discussed under item 6.1 or 6.2.2.

## **4. Media Documentation**

It was agreed that all documentation distributed to the Negotiating Council should also be distributed to the media.

## **5. Minutes**

5.1 The minutes of the Negotiating Council, Planning Committee and the Negotiating Forum were noted.

5.2 It was further noted that the minutes of the meeting of the Negotiating Council of 30 March 1993 would be ratified and adopted at the next meeting of the Negotiating Council on Friday 30 April 1993.

## **6. Procedural Issues**

### **6.1 Agreement on Administration:**

6.1.1 A report from the Planning Committee recommending that the "Record of Agreement concerning the Administration for the Multi-Party Negotiating Process" be accepted as the basis of the contract/agreement between the Multi-Party Negotiating Process and the Administration was presented.

6.1.2 After discussion and the raising of various concerns it was agreed to refer the Agreement back to the Sub-Committee to submit a further agreement taking into account the views and concerns raised.

6.1.3 When the meeting reconvened after the afternoon tea break it was agreed to adopt the "Record of Agreement concerning the Administration for the Multi-Party Negotiating Process" as amended

(see Addendum B).

**6.2 Criteria for New Participants:**

- 6.2.1 It was noted that the Planning Committee was not in a position yet to submit a recommendation to the Negotiating Council in this regard.
- 6.2.2 It was noted that the Planning Committee should deal with this issue as a matter of urgency and treat it as a priority.
- 6.2.3 It was noted that the Planning Committee would submit a recommendation to the next meeting of the Negotiating Council on Friday 30 April 1993.

**6.3 Name of the Process:**

- 6.3.1 It was noted that the Planning Committee was unable to submit a recommendation to the Negotiating Council in this regard.
- 6.3.2 It was agreed to refer this issue back to the Planning Committee for further discussion.

**6.4 Role of International Community:**

It was noted that the Planning Committee was unable to submit a report in this regard but would do so at a future meeting of the Negotiating Council.

**6.5 Planning Committee and Resolutions Committee:**

- 6.5.1 Dr B Ngubane tabled a resolution with the meeting (see Addendum C).
- 6.5.2 With regard to the issue of media briefing by the Planning Committee, the following proposed guidelines were adopted:
  - \* The media may be advised of items discussed after a meeting, but no details or positions are to be given;
  - \* Items upon which proposals were made can be identified;
  - \* The spirit of the meeting can be described;
  - \* It should be emphasised that the Planning Committee is not a decision-making body, but a sub-committee of the Negotiating Council;
  - \* Whatever is said, should not pre-empt or appear to pre-empt a debate or a decision of the Negotiating Council.

6.5.3 In the light of these guidelines, the motion was withdrawn.

6.5.4 With regard to the issue of the status of the Resolutions Committee, the following was noted:

- \* That there is no Resolutions Committee in operation or in existence;
- \* That there should be some modus operandi where the opportunity to verbalise a resolution should be balanced with efficiency of running the meeting. It was agreed to refer the issue of this process to the Planning Committee for a recommendation to be submitted to the Negotiating Council.

6.5.5 In this light, it was agreed that the resolution would be withdrawn.

The meeting adjourned at 12h00 to give delegates and advisers an opportunity to read the documentation and have lunch.

Before the meeting adjourned, the Chairperson briefly took participants through the documentation.

The meeting reconvened at 13h50.

## 7. Substantive issues

7.1 Before the presentation and tabling of the Consolidated Document proceeded, it was agreed that, as a general guideline, an input by a member be limited to 5 minutes. It was noted that if any member felt that more time was needed for an input, the Chairperson should be approached and some understanding reached.

7.2 The Consolidated Document was tabled and presented on behalf of the Planning Committee, by the Sub-Committee (consisting of M Maharaj, B Ngubane and SS van der Merwe). Furthermore, the proposed recommendations were outlined.

7.3 With regard to the status of the Consolidated Document, the following was noted:

The Negotiating Forum at its meeting of 1 April 1992 agreed on the following with regards to the transition process:

- \* That a Consolidated Document be drafted and together with the document of the CODESA Agreements (already distributed to

participants) and the summary of the CODESA Agreements (already distributed to participants) form a trilogy of documents to facilitate the work of the Negotiating Council. Furthermore, the trilogy of documents enables all participants to address the issues in full.

- \* That the Resolution on The Transition Process (Addendum K of the documentation distributed) indicated that the Consolidated Document should give an overview of the CODESA Reports and the Reports of the Gender Advisory Committee, as well as the issues flowing therefrom. Furthermore, the Consolidated Document should be tabled at the Negotiating Council.
- \* That the Consolidated Document shall be without prejudice to all participants and that the Document shall not be binding.
- \* That the Negotiating Council consider and report on all matters arising from the Consolidated Report, including inter alia the constitutional matters as listed in Addendum K of the distributed documentation.
- \* That, in pursuance of the above decisions of the Negotiating Forum, and as mandated by the Negotiating Forum, the Planning Committee instructed the Sub-Committee to prepare the Consolidated Document, isolate the issues arising therefrom and make proposals on the Technical Sub-Committees that will be required (see Planning Committee minutes of 1 April 1993).
- \* That the Consolidated Document flows from the document on CODESA Agreements and the summary of CODESA Agreements. This takes the process one stage further in that instead of presenting the reports in the form of Working Group Reports, they are now isolated and put together in terms of topics. It was further noted that the wording in the Consolidated Report is the same as in the document on CODESA Agreements and as in the summary of the CODESA Agreements.
- \* That the usage of the word "agreement" on page 16 of the documentation distributed reflects the title of the document.

7.4 A further report was presented by the Sub-Committee on the issue of violence and a resolution encompassing recommendations on violence was tabled (see Addendum D). In this regard the following was noted:

- \* That this resolution does not in anyway pre-empt discussion by any participants in the Council; and
- \* That participants were urged to make submissions on this issue or amendments to the draft resolution should they so wish. Submissions

would be received until Thursday 29 April at 17h00.

- \* That discussion and adoption of the draft resolution was deferred to the next meeting of the Negotiating Council on Friday 30 April 1993.
- 7.5 It was noted that the proposed Technical Sub-Committees would enable all participants to address the issue at hand, whether they were in the CODESA process or not.
- 7.6 It was noted that the persons to be appointed to the proposed Technical Sub-Committees should be appointed in their own right and because of their expertise.
- 7.7 With regard to the establishment of and the suggested guidelines of the proposed Technical Sub-Committees, the following was agreed:
- \* That the establishment of the proposed Technical Sub-Committees stand over until the next meeting of the Negotiating Council on Friday 30 April 1993;
  - \* With regard to guidelines, any participants wishing to submit recommendations or viewpoints are requested to do so before 17h00 on Thursday 29 April. The Sub-Committee would then formulate a set of guidelines to present for adoption as Terms of Reference to the meeting of the Negotiating Council on Friday 30 April 1993.
  - \* That the Sub-Committee present to the meeting of the Planning Committee on Thursday 29 April 1993 a report and recommendations on the outstanding Constitutional Issues as identified by the meeting of the Negotiating Forum on 1 April 1993 in the Resolution on The Transition Process. This will be done at a time mutually agreed to by the Sub-committee and the Planning Committee. The Planning Committee would then submit by fax a report with the recommendations to participants by 17h00 on Thursday 29 April 1993. In this way the package could be dealt with in its entirety.
  - \* The Planning Committee will meet on Thursday at a time which will enable it to do the work that the Negotiating Council has instructed it to do.
- 7.8 It was noted that the concept/structure of Technical Sub-Committees was adopted at the meeting of the Negotiating Forum on 1 April 1993.
- 7.9 It was noted that a document circulated by the IFP has no status with the meeting.

## **A Date for an Election**

- 8.1 It was agreed to refer this matter to the Planning Committee to submit a recommendation to the next meeting of the Negotiating Council on Friday 30 April 1993.
- 8.2 It was suggested that the Planning Committee propose a date before the end of April 1994.

## **9. Administrative Announcements**

A report was presented to the Negotiating Council encompassing the following items:

- 9.1 Names of delegates, advisers, support staff and bodyguards for meetings of the Negotiating Council:

It was noted that the Administration, unless otherwise notified, should keep the list as per the names received for this meeting.

- 9.2 Participants were requested to furnish Administration with their correct telephone and fax numbers.
- 9.3 All participants were requested to sign the attendance register. This would facilitate the payment of claims submitted to the Financial Administration.
- 9.4 It was noted that the process of claiming would be speeded up.
- 9.5 Participants were requested to make travel and accommodation arrangements in advance. If transport is required from the airport to the World Trade Centre notification to the travel office is required. (This only applies if the transport booking is not done through the office of the Multi-Party Negotiating Process.)
- 9.6 Participants were requested to have only one body guard per delegate.
- 9.7 It was noted that a full report on the problem with the courier will be submitted at the next meeting of the Negotiating Council on Friday 30 April 1993.

## **10. Suggested Meetings Schedule**

- 10.1 It was suggested that the proposed meeting schedule does not reflect adequately the urgency of the process and that this schedule should be revisited at the next meeting of the Negotiating Council on Friday 30 April 1993. The Planning Committee is to submit a further proposed meeting

schedule taking into account sentiments expressed within the meeting.

10.2 The following meetings were agreed to:

- \* The Planning Committee is to meet at a time agreed amongst themselves on Thursday 29 April 1993.
- \* The Negotiating Council is to meet at 11h00 to 18h00 on Friday 30 April 1993.
- \* The Planning Committee is to meet at 10h00 to 18h00 on Monday 3 May 1993.
- \* The Planning Committee is to meet at 08h30 to 13h00 on Tuesday 4 May 1993.
- \* The Negotiating Council is to meet at 09h15 to 17h00 on Friday 7 May 1993.

10.3 It was noted that, although there is only one meeting of the Negotiating Council scheduled for the week commencing 3 May 1993, the Planning Committee was mandated to convene another meeting of the Negotiating Council if the Planning Committee deem it necessary. This recommendation could only be decided upon after the meetings of the Planning Committee scheduled for Monday 3 May and Tuesday 4 May 1993.

## 11. Closure

The meeting closed at 17h10.



## Addendum A

The following delegates and advisers were present at the meeting of the Negotiating Council on Monday 26 April 1993:

<b>Organisation</b>	<b>Delegates</b>	<b>Advisers</b>
ANC	C Ramaphosa B Kgosisile	M Maharaj M Manzini
AVU	CD de Jager J Gouws	JJC Botha MJ 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 TM Bulube
DP	C Eglin M Finnemore	K Andrew P Soal
Dikwankwetla	JSS Phatang	SOM Moji
IFP	FT Mdlalose FX Gasa	VJ Matthews WS Felgate
IYP	NJ Mahlangu S Mahlangu	AP Laka Q Vilankulu
KP	F Le Roux T Langley	CP Mulder
INM	SS Ripinga FS Baloi	MS Gininda JM Matsana
Kwazulu	BS Ngubane H Ngubane	SH Gumede
Labour Party	P Lategan PAC Hendrickse	E Samuels

IC/TIC	K Mayet F Hajaij	B Pillay
NP	DJ de Villiers E Ngcobondwane	L Wessels SJ Schoeman
NPP	A Rajbansi A Rambarran	S Naidoo S Ismail
OFS Trad. Leaders	ME Sekhoto RH Mopeli	MB Mota MA Molefe
PAC	B Alexander M Molete	M Shinnars G Ebrahim
Solidarity	DS Rajah Y Moolla	JN Reddy
SACP	J Slovo L Jacobs	E Pahad
SA Government	RP Meyer D Govender	T Delpont SS van der Merwe
Transkei	Z Titus	N Jajula
TVL Trad. Leaders	NM Malekane MA Netshimbupfe	
UPF	MJ Mahlangu A Chabalala	J Maake RJ Dombo
Venda	SE Moeti TJ Tshivhase	S Makhuvha GM Ligege
XPP	EE Ngobeni PT Shiluvana	TB Shibambu
PJ Gordhan	:	Chairperson
L Landers	:	Assistant to the Chairperson
T Eloff	:	Administration
G Hutchings	:	Minutes
K Morgan	:	Administration
L Letsoala	:	Administration
M Radebe	:	Administration
G Briggs	:	Administration

These minutes were ratified at the meeting of the Negotiating Council of 30 April 1993 and the amended version signed by the Chairperson of the original meeting on .....*7 May 1993*.....

  
.....  
CHAIRPERSON

**ADMINISTRATION: CONTRACT**

**REPORT TO THE NEGOTIATING COUNCIL**

1. The Sub-committee of the Planning Committee was asked to prepare a draft contract with the CBM to include financial arrangements and operating guidelines.
2. The elements concerning operating guidelines to be included in the contract were approved by the Negotiating Council on 30 March 1993.
3. Payments in respect of services rendered are made direct from state funds to the CBM according to arrangements to be approved by the Negotiating Council.
4. The Negotiating Council has no legal personality and capacity to enter into financial contracts. It is accordingly suggested that the financial and administrative operating guidelines be agreed upon and recorded in a document with a copy for each party.
5. A draft record of the agreement is attached.

## RECORD OF AGREEMENT CONCERNING THE ADMINISTRATION FOR THE MULTI-PARTY NEGOTIATING PROCESS

It was agreed as follows:

### 1. Administrative operating guidelines

- 1.1 The Consultative Business Movement (CBM) will set up a separate component at the World Trade Centre to act as the Administration for the Multi-Party Negotiating Process.
- 1.2 The Administration will be directly responsible to and perform its functions under the directions of the Planning Committee as mandated by the Negotiating Council.
- 1.3 The Administration at the World Trade Centre will function separately from other activities of CBM.
- 1.4 In the event of any problem arising in this regard, the Planning Committee, as mandated by the Negotiating Council, will have the power to intervene and deal with such an issue appropriately.
- 1.5 The Negotiating Council will review the activities of the Administration from time to time.
- 1.6 It is a condition of this agreement that Dr Theuns Eloff personally heads the Administration on a full time basis.
- 1.7 The Planning Committee will have full and direct access to Dr Eloff and other appropriate members of the Administration.
- 1.8 The Administration will at all times maintain strict impartiality and objectivity and will render services to all participants in the Multi-Party Negotiating Process on the same level.
- 1.9 No member of the Administration will hold an official position or have a public profile in any political organisation or movement.
- 1.10 Members of the Administration will limit outside and public activities to the minimum so as to ensure the proper profile for these administrative functions. No member of the Administration will speak on the contents of the Multi-Party Negotiating Process in any public forum.
- 1.11 The Planning Committee and the Negotiating Council will be able to

intervene if it is of the opinion that the actions of any staff member impacts negatively on the objectivity and impartiality of the Administration.

- 1.12 The Administration will perform all such services as may be decided by the Planning Committee. These will at least include administration, secretarial services, travel and accommodation arrangements, logistical arrangements and financial administration.

2. **Financial and logistical arrangements**

Whereas the CBM is a non-profit organisation, the financial arrangements will be as follows:

- 2.1 All expenses (direct and indirect) incurred by the CBM in connection with the Administration in respect of remuneration packages, travel and subsistence expenses, will be reimbursed to it by the South African Government.
- 2.2 The CBM will be furnished with all the necessary office supplies and equipment by the South African Government.

6.5.2 It was agreed that before chairing a meeting of the Negotiating Council, the relevant member of the Panel of Chairpersons should be invited to attend the relevant meeting of the Planning Committee. This would facilitate the smooth running of meetings of the Negotiating Council.

6.5.3 It was noted that as per the decision of the Negotiating Forum that the assistants to the Chairpersons will be chosen from amongst the delegates of the Negotiating Council by the Negotiating Council. Furthermore, it was noted that the Planning Committee had recommended that this be done in alphabetical order.

#### **6.6 Participation of Non-South Africans in the Negotiating Process**

6.6.1 A report was presented by the Planning Committee and adopted by the meeting.

6.6.2 It was noted that the IFP reserve their position in this regard.

#### **6.7 Procedures on Resolutions in the Negotiating Forum**

A report was presented by the Planning Committee and adopted by the meeting.

### **7. Administrative Matters**

#### **7.1 Report on the problem with the Couriers**

A report was presented on behalf of the Planning Committee and adopted by the meeting.

#### **7.2 Guidelines for Demonstrations**

7.2.1 The Guidelines as recommended by the Planning Committee were adopted as amended. (See Addendum E)

7.2.2 It was noted that the Administration, as mandated by the Planning Committee, is to have a meeting with the local SAP officer with regard to security arrangements. A full report in this regard will be submitted by the Planning Committee to the Negotiating Council.

7.2.3 It was suggested that every participant who is aware beforehand of planned demonstrations, inform the Peace Committee so that monitors may be sent to attend the demonstrations.

7.3 It was noted that participants would like to be seated in the same place for

every meeting of the Negotiating Council.

7.4 It was agreed that a proposed resolution submitted by the IFP be tabled, circulated and forwarded to the Planning Committee for further action.

8. **Meetings Schedule**

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

9. **Closure**

The meeting closed at 17h30.

These minutes were ratified at the meeting of the Negotiating Council of 18 May 1993 and the amended version signed by the Chairperson of the original meeting on *27 May 1993*.

  
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CHAIRPERSON



**Addendum A**

The following delegates and advisers were present at the meeting of the Negotiating Council on Friday 7 May 1993:

<b>Organisation</b>	<b>Delegates</b>	<b>Advisers</b>
ANC	C Ramaphosa B Masekela	M Maharaj M Manzini
AVU	CD de Jager J Gouws	JJC Botha MJ Mentz
Bophuthatswana	R Cronje R Mangope	BE Keikelame SG Mothibe
Cape Trad. Leaders	GD Gwadiso	DM Jongilanga
Ciskei	M Webb VT Gqiba	C Vale TM Bulube
DP	C Eglin M Finnemore	K Andrew P Soal
Dikwankwetla	TJ Mohapi K Ngwenya	SOM Moji JSS Phatang
IFP	VJ Matthews FX Gasas	WS Felgate
IYP	NJ Mahlangu N Mtshweni	AP Laka Q Vilankulu
KP	T Langley M Jacobs	FJ Le Roux CP Mulder
INM	SS Ripinga NV Nelani	MS Gininda PMH Maduna
Kwazulu	BS Ngubane H Ngubane	SH Gumede DRB Madide
Labour Party	L Landers P Lategan	E Samuels PAC Hendrickse
NIC/TIC	PJ Gordhan V Sewpershad	K Mayet C Saloojee
NP	DJ de Villiers MM Gabriels	L Wessels SJ Schoeman
NPP	A Rajbansi A Rambarran	N Rajanam S Ismail

• OFS Trad. Leaders	RH Mopeli M Moroke	MB Mota MA Molefe
PAC	B Alexander M Molete	J Seroke G Ebrahim
Solidarity	DS Rajah Y Moolla	JN Reddy AS Razaki
SACP	J Slovo L Jacobs	
SA Government	RP Meyer S Camerer	T Delpont SS van der Merwe
Transkei	Z Titus N Jajula	LL Mtshizana M Mphahlwa
TVL Trad. Leaders	LM Mokoena MC Maraba	MA Netshimbupfe NM Ngomane
UPF	MJ Mahlangu A Chabalala	J Maake RJ Dombo
Venda	SE Moeti TJ Tshivase	S Makhuvha GM Ligege
XPP	EE Ngobeni PT Shilubana	MH Matjokana JC Ackron
MJ Mahlangu	:	Chairperson
FT Mdlalose	:	Assistant to the Chairperson
T Eloff	:	Administration
G Hutchings	:	Minutes
K Morgan	:	Administration
L Letsoala	:	Administration
M Radebe	:	Administration
G Briggs	:	Administration

**THE COMPOSITION OF THE TECHNICAL COMMITTEES**

NB. Each of the Technical Committees should be mandated to consult with experts on any issue they might consider necessary.

**1. Violence**

In addition to four representatives from the National Peace Committee the following:

- \* Mr V Ntsubane
- \* Prof P Oosthuisen
- \* Prof A Seegers
- \* Prof H Vilakazi

**2. Constitutional Matters:**

- \* Mr F Cachalia
- \* Adv A Chaskalson
- \* Prof GE Devenish
- \* Adv E Moseneke
- \* Adv B Ngoepe
- \* Prof W Olivier
- \* Dr F Venter
- \* Prof M Wiechers

**3. Fundamental Rights During the Transition**

- \* Prof H Corder
- \* Prof LM du Plessis
- \* Mr G Grovè
- \* Ms D Nene
- \* Adv Z Yacoob

**4. Transitional Executive Council**

- \* Ms Z du Toit
- \* Prof F Haysom
- \* Dr JC Heunis
- \* Mr ME Mapheto
- \* Adv J Renene
- \* Prof D van Wyk

**5. Independent Media Commission and Independent Telecommunications Authority**

- \* Ms A Armstrong
- \* Dr B de Villiers
- \* Adv D Dison
- \* Mr EJ Mabuza
- \* Adv P Pretorius

**6. Independent Electoral Commission**

- \* Prof D Davis
- \* Adv HR Laubscher
- \* Mr SK Ndlovu
- \* Mr RB Rosenthal

**7. Repeal of Discriminatory Legislation**

- \* Prof J Dugard
- \* Prof MG Erasmus
- \* Adv P Langa
- \* Adv P Moroka-Motlana
- \* Adv J de Bruyn (ex officio, Department of Justice)

**DECLARATION OF INTENT ON THE NEGOTIATING PROCESS**

This meeting of the Negotiating Council, held on 7 May 1993 at the World Trade Centre

1. **Noting That There Is An Urgent Need To:**
  - 1.1 Inspire confidence in the negotiating process and our ability to resolve our problems peacefully;
  - 1.2 Offer a clear vision of the major milestones in the negotiating and transition process;
  - 1.3 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:**
  - 3.1 To reach agreements on binding constitutional principles, the constitutional framework and the constitution-making process in terms of which elections will be held;
  - 3.2 To provide for an adequate time-frame for the implementation of decisions on these matters and procedures for elections; and
  - 3.3 To ensure that the negotiating process moves forward sufficiently over the next four weeks at which stage to set the exact date for an election that should take place not later than the end of April 1994, subject to 3.1 and 3.2.

**PROCEDURAL ISSUES - REPORT FROM THE PLANNING COMMITTEE**

**1. New Participants**

**1.1 Recommended Criteria and Process for New Participants**

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

**1.1.1 Political Parties or Organisations to qualify, must show:**

1.1.1.1 That it is indeed a political party or organisation intending to participate as such (in the political party or organisation's own name) in the first election under a transitional/new constitution;

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

1.1.1.3 That its admission will enhance the peaceful negotiating process.

**1.1.2 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.

**1.1.3 Other Applicants**

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

1.1.4 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.

**1.2 Process**

The following process for dealing with applications of political parties or

organisations is proposed:

- 1.2.1 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);
- 1.2.2 Administration should cause a newspaper survey over the preceding year to be conducted to establish the type of press coverage every applicant has received;
- 1.2.3 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.

## **2. Name of the Process**

It is recommended that this issue is removed from the agenda until the Planning Committee is in a position to submit a recommendation to the Negotiating Council.

## **3. 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.

## **4. Media Arrangements**

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

- 4.1 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;
- 4.2 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;
- 4.3 That recommendations of the Communications Committee from the Negotiating Forum be dealt with at a later stage;
- 4.4 That Administration take note of the last part of the report.

### **5. 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 not 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.

### **6. Participation of Non-South Africans in the Negotiating Process**

- 6.1 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;
- 6.2 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;
- 6.3 However, 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.

### **7. 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:

- 7.1 The right of participants to speak on all relevant matters, should at all times be acknowledged;
- 7.2 The Chairperson has the responsibility and the right to guide the meeting in



a constructive and facilitating manner;

- 7.3 Every proposed resolution should have a proposer and a seconder;
- 7.4 Each resolution should initially come before the meeting of the Negotiating Forum;
- 7.5 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

**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, vehicles or any other property 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 of 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 a memorandum.

PROPOSED SCHEDULE OF MEETINGS

Planning Committee	Monday 10 May 1993	10h00 - 18h00
Planning Committee	Friday 14 May 1993	09h00 - 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
<b>NEGOTIATING FORUM</b>	Thursday 3 June 1993	10h00 - 18h00

**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 negotiation 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; while there are other participants in the current Multi-Party Forum who have specifically indicated that they do not consider themselves bound by the said agreements; 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.