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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 THURSDAY 3 JUNE 1993 AT 08H45 AT THE WORLD TRADE CENTRE

- PRESENT:
- B Alexander
 - R Cronje
 - C Eglin
 - PJ Gordhan
 - FT Mdlalose
 - RP Meyer
 - MC Ramaphosa
 - J Slovo
 - Z Titus (Chairperson by rotation)
 - M Webb
- L Landers (as incoming Chairperson of the Negotiating Council)
- 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 the late arrival of B Alexander and R Meyer.

3. Ratification of Agenda

The agenda was ratified with the following amendment:

- * The addition of an Item 5.4 to read "Reports of Technical Committees to be Tabled in the Meeting"; the subsequent numbers were accordingly amended.

4. Minutes

It was agreed to note the minutes and deal with them at the next meeting of the Planning Committee on Monday 14 June 1993.

5. Substantive Issues

5.1 SA Government/PAC Reportback:

It was agreed that this issue stand down as the bi-lateral meeting was still in session. It was noted that a reportback would be given in the meeting of the Negotiating Council.

5.2 Reports from the Technical Committees:

5.2.1 Structuring and order of the discussion of the Reports of the Technical Committees:

5.2.1.1 It was agreed that the Technical Committee on Constitutional Issues should be dealt with first.

5.2.1.2 It was noted that there was a possibility that various participants in the Negotiating Council meeting were going to propose the revisitation and suggested amendments of the resolution on Constitutional Issues as adopted by the Negotiating Council at their meeting of 1 June 1993. To deal with this possible problem in a constructive way it was agreed to deal immediately with Constitutional Principles and to note the following with regard to the resolution:

- * That the resolution provided a working basis and a framework for discussion on substantive issues;
- * That substantive issues still had to be debated and the resolution was a procedural one;
- * That the adopted resolution was not binding on any participant with regard to substantive issues.

5.2.1.3 It was noted that issues such as the Constitution-Making Body would be debated until finality was reached.

5.2.1.4 Once the debate on Constitutional Principles was finished, the Negotiating Council will move on to

discuss the Fourth Report of the Technical Committee on Constitutional Issues.

5.2.1.5 After the closure of the debate on Constitutional Issues the Report of the Technical Committee on Violence would follow.

5.2.1.6 The order of the reports would therefore be as follows:

- * Constitutional Issues
- * Violence
- * Independent Electoral Commission
- * TEC and its Sub-Councils
- * Independent Media Commission
- * Amendment or Repeal of Discriminatory Legislation Impeding Free Political Activity and Discriminatory Legislation
- * Fundamental Human Rights during the Transition.

5.2.1.7 It was noted that the Technical Committees require clear instructions on how to proceed with their work to have substantive reports ready for the next meeting of the Negotiating Council.

5.3 Reports from Technical Committees:

5.3.1 It was noted that the Technical Committee on Constitutional Issues had already been dealt with.

5.3.2 Technical Committee on Violence:

5.3.2.1 It was noted that the Report from the Technical Committee provided a structured way in which to discuss each item identified.

5.3.2.2 It was suggested that the Planning Committee assist the Chairperson to work towards a resolution that could be tabled at the meeting and to assess at which point of the meeting the resolution could be tabled.

5.3.2.3 It was suggested that there is a need to conclude the debate on violence with decisions emerging out of the Negotiating Council.

5.3.2.4 It was suggested that participants who support the minority report should deal with it in the context of the

main report where the issues arise.

- 5.3.2.5 It was agreed that as no participant had read the report, the Negotiating Council at some point should be given the time to read the report. The Planning Committee should meet briefly afterwards and then decide on a recommendation to the Negotiating Council as to how the meeting should proceed.

5.3.3 Technical Committee on the Independent Electoral Commission:

- 5.3.3.1 It was noted that the Planning Committee would recommend the acceptance of the establishment of the IEC in principle to the meeting of the Negotiating Council.

- 5.3.3.2 It was agreed that Z Titus as the current Chairperson of the Planning Committee table the report. It was, therefore, not necessary for the Technical Committee to be present at the meeting of the Negotiating Council.

5.3.4 Technical Committee on the TEC and its Sub-Councils:

- 5.3.4.1 It was suggested that the issue of whether a TEC is needed or not should be addressed by the Negotiating Council and a decision in this regard should emerge. Once this decision has been taken and if the decision is that a TEC is needed, all participants should be given a time limit in which to make submissions on the detailed aspects of a TEC, which the Technical Committee would take into account in the drafting of what the TEC's powers should be.

- 5.3.4.2 It was agreed that two Draft resolutions should be prepared, i.e. one for the event of a decision that there is a need for a TEC and one for the event of a decision that there is no need for a TEC. The Sub-Committee were mandated to prepare the drafts.

- 5.3.4.3 It was agreed that the Planning Committee revisit this issue after the debate on Constitutional Issues had been completed.

5.3.5 Technical Committee on Independent Media Commission:

- 5.3.5.1 It was agreed that the Seventh Report be formally tabled and that it be recommended by the Planning Committee

that the principle of an Independent Media Commission be accepted. The Sub-Committee was mandated to produce a draft resolution in this regard. M Webb noted his opposition in this regard.

5.3.5.2 It was noted that the Draft Bill dealing the Independent Telecommunications Authority would only be ready for the next meeting of the Negotiating Council.

5.3.5.3 It was noted that the Report should be tabled by the current Planning Committee Chairperson, Z Titus. It was, therefore, not necessary for the Technical Committee to be present at the meeting of the Negotiating Council.

5.3.6 Repeal of Discriminatory Legislation:

5.3.6.1 It was agreed that the Report be formally tabled.

5.3.6.2 It was noted that the Report should be tabled by the current Planning Committee Chairperson, Z Titus. It was, therefore, not necessary for the Technical Committee to be present at the meeting of the Negotiating Council.

5.4 Commission on the Delimitation/Demarcation of Regions:

5.4.1 It was noted that Judge Kumalo was unable to accept his appointment on the Commission.

5.4.2 It was agreed that the number of Members on the Commission should be kept at sixteen and the two vacant places on the Commission be filled by women.

5.4.3 Due to time constraints, it was agreed that this issue should be revisited later and that the Sub-Committee should come with a recommendation to the Planning Committee.

5.5 Election Date:

5.5.1 It was noted that no date for an election had been agreed upon by Mr Mandela and Mr de Klerk and that media reports stating that this had been done were incorrect.

5.5.2 It was suggested that a resolution should be drafted putting the election date as a recommendation to the Negotiating Forum as a tentative position for confirmation by the Negotiating Forum, bearing in mind

the Declaration of Intent as adopted by the Negotiating Council on 7 May 1993. J Slovo was mandated to prepare the tentative draft. It was noted that this was not an acceptance that the resolution would be presented in the Negotiating Council.

5.5.3 It was agreed to revisit this issue later once the debate on Constitutional Issues was complete.

6. **Agenda of the Negotiating Council**

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

7. **Administrative and Financial Matters**

7.1 **Demonstration/Request by the AWB:**

7.1.1 It was agreed that the demonstration should comply with the guidelines as adopted by the Negotiating Council. It was noted that the guidelines had been distributed to participants in the demonstration.

7.1.2 It was noted that the Administration had received a document from the AWB.

7.1.3 After discussion it was agreed that the Administration convey to the AWB the views expressed in the Planning Committee, who in turn should receive a report from the Administration with regard to the reaction of the AWB. This issue would then be taken further if necessary.

7.1.4 A concern was expressed about the fact that the demonstrators were armed. R Meyer was requested to notify the police and the appropriate measures be taken to ensure that nothing untoward took place.

7.1.5 It was agreed that all demonstrations should be handled in the same manner.

7.2 A request from the Kwazibantu Ministers Conference to hand over a petition to two political leaders was agreed to. The Administration was mandated to liaise with Planning Committee members as to who would accompany the Administration to receive the petition.

8. **Meetings Schedule:**

- 8.1 It was agreed that the Planning Committee meet on Monday 14 June 1993 at 14h00 till 18h00 and the Negotiating Council meet on Tuesday 15 June 1993 from 08h30 to 18h00.
- 8.2 It was agreed that a proposed amended meetings schedule be distributed to Planning Committee members for comments in the meeting of the Negotiating Council.

The meeting adjourned at 10h50 to join the meeting of the Negotiating Council and it was agreed to meet again as a Planning Committee at lunch time.

The meeting reconvened at 13h55.

9. **Further Discussion and Decisions on the Technical Committee's Reports**

9.1 **Constitutional Issues:**

When the Planning Committee reconvened at 13h55, it assessed the meeting of the Negotiating Council and after discussion the following was noted:

9.1.1 To propose that the Negotiating Council, as guided by the Chairperson, goes through each Constitutional Principle and try and reach agreement on all in the following way:

- * Participants should indicate opposition to the principle;
- * If no opposition was noted, then amendments should be dealt with;
- * Amendments, if any, should be motivated briefly;
- * Support for the amendment in the meeting should be ascertained; if no support can be established, then amendment falls away;
- * If the amendments are agreed on or have enough support, the meeting should then move to the next amendment and so on;
- * Finally once all amendments had been received, the Technical Committee would be responsible for reformulating the principle for further submission to the Negotiating Council for final agreement.

- 9.1.2 It was agreed to recommend that the fourth report of the Constitutional Issues Technical Committee be noted.
- 9.1.3 It was agreed that acting Chairpersons should, when summarising, clearly state the position as decided on by the Negotiating Council. Furthermore, that all Chairpersons should be familiar with the Rules of Procedure.
- 9.1.4 It was agreed that the Sub-Committee be mandated to assist the Technical Committees in the coming week.
- 9.1.5 It was agreed to recommend that the Technical Committee on Constitutional Issues should be requested to work on Items 2 (to draft further points for discussion or instruction from the Negotiating Council with a view to eventually draft the interim constitution), 3.2, 3.3 and 3.4 of the resolution on Constitutional Issues as adopted by the Negotiating Council on 1 June 1993.
- 9.1.6 It was agreed that all participants can make further submissions to all Technical Committees by 17h00 on Tuesday 8 June 1993.
- 9.1.7 It was agreed to recommend that a suggested resolution by the AVU should not be tabled until the meeting was at a stage to formulate a resolution in this regard.

9.2 **Violence:**

It was noted that the Report from the Technical Committee on Violence was structured in such a way that the concrete proposals could be put to the meeting for a decision. It was agreed that the current Planning Committee Chairperson, Z Titus, present this issue to the Negotiating Council.

9.3 **Proposed Amendments to the Agenda:**

Due to time constraints, it was agreed to recommend to the Negotiating Council that the Reports of the Technical Committee on the Independent Election Commission and the Independent Media Commission be tabled, accepted in principle, the TEC and its Sub-Councils be dealt with at the next meeting of the Negotiating Council and the Reports from the Technical Committees on the Amendment or Repeal of Legislation Impeding Free Political Activity and Discriminatory Legislation and Fundamental Human Rights during the Transition be tabled only.

9.4 **Commission on the Delimitation/Demarcation of Regions:**

When the Planning Committee reconvened at 13h55, it was noted that the Sub-Committee had not formulated a recommendation as yet on the additional

women to be added to the Commission.

9.5 Election Date:

When the Planning Committee reconvened at 13h55 it was noted that a proposed resolution was not yet ready, but would be drafted and distributed to Planning Committee members for comments in the meeting of the Negotiating Council.

The meeting adjourned at 14h30 to join the meeting of the Negotiating Council.

The meeting reconvened at 16h45.

10. Further Issues

10.1 Further Assessment of the Negotiating Council Meeting:

When the Planning Committee reconvened at 16h45, a further assessment of the Negotiating Council meeting was held. After discussion the following was agreed:

10.1.1 To recommend to the Negotiating Council that the debate on Regional Constitutional Principles be dealt with at the next meeting of the Negotiating Council, allowing sufficient time for a constructive debate in this regard;

10.1.2 To recommend, therefore, that the discussion on Constitutional Principles be suspended and the meeting move onto the Report of the Violence Technical Committee allocating thirty minutes to this discussion;

10.1.3 That a resolution on Violence, to be addressed by the meeting, was in the process of being prepared which encompassed all the concrete proposals; This could serve as a proposal to structure the debate but discussion would be allowed;

10.1.4 That following this report, those on the IEC, the IMC, the Election Date and finally the SA Government/PAC reportback should be attended to; It was noted that the Planning Committee would suggest the amendment to the agenda;

10.1.5 That each delegation should be limited to one speaker.

10.2 Commission on the Delimitation/Demarcation of Regions:

10.2.1 When the Planning Committee reconvened at 16h45, a recommendation was submitted to members from the Sub-Committee. It was agreed to meet briefly after the meeting of the Negotiating Council on this issue.

10.2.2 It was agreed to mandate the Sub-Committee to interact with the Commission to supply direction.

10.3 Election Date:

When the Planning Committee reconvened at 16h45, it was agreed after discussion and as no agreement could be reached on a date for the election, to take the draft resolution as amended (see Addendum B) to the Negotiating Council for a decision. The resolution would be introduced by J Slovo noting that there was no agreement in the Planning Committee on the date for the election.

The meeting adjourned at 17h30 to join the meeting of the Negotiating Council.

The meeting reconvened at 20h45.

11. Commission on the Delimitation/Demarcation of Regions:

When the Planning Committee reconvened at 20h45, it was decided to recommend to the Negotiating Council that B Malefo and H Ngobese be appointed to the Commission, while R Mokate serve as Technical Secretary.

12. Closure

The meeting adjourned at 20h55.

These minutes were ratified at the meeting of the Planning Committee of 21 June 1993 and the amended version signed by the Chairperson of this meeting on/6/..... 1993.


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CHAIRPERSON

**DRAFT AGENDA FOR THE MEETING OF THE NEGOTIATING COUNCIL
TO BE HELD ON THURSDAY 3 JUNE 1993 AT 10H00**

Chairpersonship - L Landers assisted by MJ Mahlangu

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 1 June 1993
 - 4.2 Matters arising out of the minutes of the meeting of the Negotiating Council of 1 June 1993
 - 4.3 Minutes to be noted
5. **Substantive Issues**
 - 5.1 SA Government/PAC Report Back
 - 5.2 Reports from the Technical Committees to be discussed:
 - 5.2.1 Constitutional Issues (Fourth report available in the meeting)
 - 5.2.2 Violence (Fourth report available in the meeting)
 - 5.2.3 Independent Election Commission (Second Report already made available, Third Report available at the meeting)
 - 5.2.4 TEC and its Sub-Councils (Third and Fourth Reports already made available)
 - 5.2.5 Independent Media Commission
 - 5.3 Reports from the Technical Committees to be tabled:
 - 5.3.1 Amendment or Repeal of Legislation Impeding Free Political Activity and Discriminatory Legislation
 - 5.3.2 Fundamental Human Rights during the Transition
 - 5.4 Election Date
6. **Procedural Issues**
 - 6.1 Media Arrangements
 - 6.2 New Participants
7. **Administrative Matters**
8. **Meetings Schedule**
9. **Closure**

This Negotiating Council meeting on Thursday 3 June 1993 at the World Trade Centre:

Noting:

1. The Declaration of Intent on the Negotiating Process adopted on 7 May 1993;
2. The expectation of all South Africans that the Negotiating Process is concluded constructively, urgently and peacefully;

Further Noting:

1. That the Resolution on Constitutional Issues adopted on 1 June 1993 provides a facilitating framework for discussion on these issues;
2. The progress made by -
 - 2.1 the tabling of generally acceptable proposals emanating from the Technical Committee on Violence;
 - 2.2 agreeing to a substantial number of general constitutional principles;
 - 2.3 establishing the commission on boundaries of regions which will commence its work shortly;
 - 2.4 receiving proposals on the powers, functions and structures of regions in the transition;
 - 2.5 the acceptance in principle of the Fundamental Rights mentioned in paragraph 5.1 and 5.2 of the Second Report of the Technical Committee on Fundamental Rights during the Transition;

Believing:

1. That the setting of a date for the elections will send a ray of hope and optimism throughout the country;
2. That it is vital to inject confidence in the negotiating process;

Therefore resolves that:

1. The Negotiating Council recommends to the Negotiating Forum of 25 June 1993 that the date of the election shall be 27 April 1994; however, should a final settlement be reached at an earlier date to enable an election to be held earlier, the Negotiating Council should set an earlier date; while the period over which the election is to be held will have to be decided upon in co-operation on with the Independent Electoral

Commission;

2. Participants wishing to consult with their principals on this matter may do so and report to the Negotiating Forum meeting of 25 June 1993 on their position;

We further resolve:

1. To move towards finality in our negotiations on the constitutional issues referred to in the resolution of 1 June 1993 before the meeting of the Negotiating Forum on 25 June 1993;
2. To work towards the achievement of those goals that will allow for an adequate time-frame for the implementation of decisions on binding constitutional principles, the constitutional framework and the constitution making process and procedures for elections, for the election to take place on that date; and
3. To work towards the creation of conditions conducive to free and fair and peaceful elections;

We Commit Ourselves -

1. To refrain from the use of violence against anyone as a means of attaining political objectives;
2. To reject actions like the above and pronouncements designed or likely to be conducive to a climate of violence;
3. To take effective steps against anyone within our organisations who transgresses in these respects; and
4. To actively and visibly promote a climate conducive to peace, harmony and goodwill among all.

THESE DRAFT MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE PLANNING COMMITTEE AND THE NEGOTIATING COUNCIL. THEY ARE STILL TO BE RATIFIED AT THE NEXT MEETING OF THE PLANNING COMMITTEE.

DRAFT MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY 3 JUNE 1993 AT 08H45 AT THE WORLD TRADE CENTRE

PRESENT:

- B Alexander
- R Cronje
- C Eglin
- PJ Gordhan
- FT Mdlalose
- RP Meyer
- MC Ramaphosa
- J Slovo
- Z Titus (Chairperson by rotation)
- M Webb

L Landers (as incoming Chairperson of the Negotiating Council)

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 the late arrival of B Alexander and R Meyer.

3. **Ratification of Agenda**

The agenda was ratified with the following amendment:

- * The addition of an Item 5.4 to read "Reports of Technical Committees to be Tabled in the Meeting"; the subsequent numbers were accordingly amended.

Minutes

It was agreed to note the minutes and deal with them at the next meeting of the Planning Committee on Monday 14 June 1993.

5. Substantive Issues

5.1 SA Government/PAC Reportback:

It was agreed that this issue stand down as the bi-lateral meeting was still in session. It was noted that a reportback would be given in the meeting of the Negotiating Council.

5.2 Reports from the Technical Committees:

5.2.1 Structuring and order of the discussion of the Reports of the Technical Committees:

5.2.1.1 It was agreed that the Technical Committee on Constitutional Issues should be dealt with first.

5.2.1.2 It was noted that there was a possibility that various participants in the Negotiating Council meeting were going to propose the revisitation and suggested amendments of the resolution on Constitutional Issues as adopted by the Negotiating Council at their meeting of 1 June 1993. To deal with this possible problem in a constructive way it was agreed to deal immediately with Constitutional Principles and to note the following with regard to the resolution:

- * That the resolution provided a working basis and a framework for discussion on substantive issues;
- * That substantive issues still had to be debated and the resolution was a procedural one;
- * That the adopted resolution was not binding on any participant with regard to substantive issues.

5.2.1.3 It was noted that issues such as the Constitution-Making Body would be debated until finality was reached.

5.2.1.4 Once the debate on Constitutional Principles was finished, the Negotiating Council will move on to

discuss the Fourth Report of the Technical Committee on Constitutional Issues.

5.2.1.5 After the closure of the debate on Constitutional Issues the Report of the Technical Committee on Violence would follow.

5.2.1.6 The order of the reports would therefore be as follows:

- * Constitutional Issues
- * Violence
- * Independent Electoral Commission
- * TEC and its Sub-Councils
- * Independent Media Commission
- * Amendment or Repeal of Discriminatory Legislation Impeding Free Political Activity and Discriminatory Legislation
- * Fundamental Human Rights during the Transition.

5.2.1.7 It was noted that the Technical Committees require clear instructions on how to proceed with their work to have substantive reports ready for the next meeting of the Negotiating Council.

5.3 Reports from Technical Committees:

5.3.1 It was noted that the Technical Committee on Constitutional Issues had already been dealt with.

5.3.2 Technical Committee on Violence:

5.3.2.1 It was noted that the Report from the Technical Committee provided a structured way in which to discuss each item identified.

5.3.2.2 It was suggested that the Planning Committee assist the Chairperson to work towards a resolution that could be tabled at the meeting and to assess at which point of the meeting the resolution could be tabled.

5.3.2.3 It was suggested that there is a need to conclude the debate on violence with decisions emerging out of the Negotiating Council.

5.3.2.4 It was suggested that participants who support the minority report should deal with it in the context of the

main report where the issues arise.

5.3.2.5 It was agreed that as no participant had read the report, the Negotiating Council at some point should be given the time to read the report. The Planning Committee should meet briefly afterwards and then decide on a recommendation to the Negotiating Council as to how the meeting should proceed.

5.3.3 Technical Committee on the Independent Electoral Commission:

5.3.3.1 It was noted that the Planning Committee would recommend the acceptance of the report in principle to the meeting of the Negotiating Council.

5.3.3.2 It was agreed that Z Titus as the current Chairperson of the Planning Committee table the report. It was, therefore, not necessary for the Technical Committee to be present at the meeting of the Negotiating Council.

5.3.4 Technical Committee on the TEC and its Sub-Councils:

5.3.4.1 It was suggested that the issue of whether a TEC is needed or not should be addressed by the Negotiating Council and a decision in this regard should emerge. Once this decision has been taken and if the decision is that a TEC is needed, all participants should be given a time limit in which to make submissions on the detailed aspects of a TEC, which the Technical Committee would take into account in the drafting of what the TEC's powers should be.

5.3.4.2 It was agreed that two Draft resolutions should be prepared, i.e. one for the event of a decision that there is a need for a TEC and one for the event of a decision that there is no need for a TEC. The Sub-Committee were mandated to prepare the drafts.

5.3.4.3 It was agreed that the Planning Committee revisit this issue after the debate on Constitutional Issues had been completed.

5.3.5 Technical Committee on Independent Media Commission:

5.3.5.1 It was agreed that the Seventh Report be formally tabled and that it be recommended by the Planning Committee that the principle of an Independent Media Commission

be accepted. The Sub-Committee was mandated to produce a draft resolution in this regard. M Webb noted his opposition in this regard.

5.3.5.2 It was noted that the Draft Bill dealing the Independent Telecommunications Authority would only be ready for the next meeting of the Negotiating Council.

5.3.5.3 It was noted that the Report should be tabled by the current Planning Committee Chairperson, Z Titus. It was, therefore, not necessary for the Technical Committee to be present at the meeting of the Negotiating Council.

5.3.6 Repeal of Discriminatory Legislation:

5.3.6.1 It was agreed that the Report be formally tabled.

5.3.6.2 It was noted that the Report should be tabled by the current Planning Committee Chairperson, Z Titus. It was, therefore, not necessary for the Technical Committee to be present at the meeting of the Negotiating Council.

5.4 Commission on the Delimitation/Demarcation of Regions:

5.4.1 It was noted that Judge Kumalo was unable to accept his appointment on the Commission.

5.4.2 It was agreed that the number of Members on the Commission should be kept at sixteen and the two vacant places on the Commission be filled by women.

5.4.3 Due to time constraints, it was agreed that this issue should be revisited later and that the Sub-Committee should come with a recommendation to the Planning Committee.

5.5 Election Date:

5.5.1 It was noted that no date for an election had been agreed upon by Mr Mandela and Mr de Klerk and that media reports stating that this had been done were incorrect.

5.5.2 It was suggested that a resolution should be drafted putting the election date as a recommendation to the Negotiating Forum as a tentative position for confirmation by the Negotiating Forum, bearing in mind the Declaration of Intent as adopted by the Negotiating Council on 7

May 1993. J Slovo was mandated to prepare the tentative draft. It was noted that this was not an acceptance that the resolution would be presented in the Negotiating Council.

5.5.3 It was agreed to revisit this issue later once the debate on Constitutional Issues was complete.

6. Agenda of the Negotiating Council

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

7. Administrative and Financial Matters

7.1 Demonstration/Request by the AWB:

7.1.1 It was agreed that the demonstration should comply with the guidelines as adopted by the Negotiating Council. It was noted that the guidelines had been distributed to participants in the demonstration.

7.1.2 It was noted that the Administration had received a document from the AWB.

7.1.3 After discussion it was agreed that the Administration convey to the AWB the views expressed in the Planning Committee, who in turn should receive a report from the Administration with regard to the reaction of the AWB. This issue would then be taken further if necessary.

7.1.4 A concern was expressed about the fact that the demonstrators were armed. R Meyer was requested to notify the police and the appropriate measures be taken to ensure that nothing untoward took place.

7.1.5 It was agreed that all demonstrations should be handled in the same manner.

7.2 A request from the Kwazibantu Ministers Conference to hand over a petition to two political leaders was agreed to. The Administration was mandated to liaise with Planning Committee members as to who would accompany the Administration to receive the petition.

8. Meetings Schedule:

8.1 It was agreed that the Planning Committee meet on Monday 14 June 1993 at

14h00 till 18h00 and the Negotiating Council meet on Tuesday 15 June 1993 from 08h30 to 18h00.

- 8.2 It was agreed that a proposed amended meetings schedule be distributed to Planning Committee members for comments in the meeting of the Negotiating Council.

The meeting adjourned at 10h50 to join the meeting of the Negotiating Council and it was agreed to meet again as a Planning Committee at lunch time.

The meeting reconvened at 13h55.

9. Further Discussion and Decisions on the Technical Committee's Reports

9.1 Constitutional Issues:

When the Planning Committee reconvened at 13h55, it assessed the meeting of the Negotiating Council and after discussion the following was noted:

9.1.1 To propose that the Negotiating Council, as guided by the Chairperson, goes through each Constitutional Principle and try and reach agreement on all in the following way:

- * Participants should indicate opposition to the principle;
- * If no opposition was noted, then amendments should be dealt with;
- * Amendments, if any, should be motivated briefly;
- * Support for the amendment in the meeting should be ascertained; if no support can be established, then amendment falls away;
- * If the amendments are agreed on or have enough support, the meeting should then move to the next amendment and so on;
- * Finally once all amendments had been received, the Technical Committee would be responsible for reformulating the principle for further submission to the Negotiating Council for final agreement.

9.1.2 It was agreed to recommend that the fourth report of the Constitutional Issues Technical Committee be noted.

- 9.1.3 It was agreed that acting Chairpersons should, when summarising, clearly state the position as decided on by the Negotiating Council. Furthermore, that all Chairpersons should be familiar with the Rules of Procedure.
- 9.1.4 It was agreed that the Sub-Committee be mandated to assist the Technical Committees in the coming week.
- 9.1.5 It was agreed to recommend that the Technical Committee on Constitutional Issues should be requested to work on Items 2 (to draft further points for discussion or instruction from the Negotiating Council with a view to eventually draft the interim constitution), 3.2, 3.3 and 3.4 of the resolution on Constitutional Issues as adopted by the Negotiating Council on 1 June 1993.
- 9.1.6 It was agreed that all participants can make further submissions to all Technical Committees by 17h00 on Tuesday 8 June 1993.
- 9.1.7 It was agreed to recommend that a suggested resolution by the AVU should not be tabled until the meeting was at a stage to formulate a resolution in this regard.

9.2 **Violence:**

It was noted that the Report from the Technical Committee on Violence was structured in such a way that the concrete proposals could be put to the meeting for a decision. It was agreed that the current Planning Committee Chairperson, Z Titus, present this issue to the Negotiating Council.

9.3 **Proposed Amendments to the Agenda:**

Due to time constraints, it was agreed to recommend to the Negotiating Council that the Reports of the Technical Committee on the Independent Election Commission and the Independent Media Commission be tabled, accepted in principle, the TEC and its Sub-Councils be dealt with at the next meeting of the Negotiating Council and the Reports from the Technical Committees on the Amendment or Repeal of Legislation Impeding Free Political Activity and Discriminatory Legislation and Fundamental Human Rights during the Transition be tabled only.

9.4 **Commission on the Delimitation/Demarcation of Regions:**

When the Planning Committee reconvened at 13h55, it was noted that the Sub-Committee had not formulated a recommendation as yet on the additional women to be added to the Commission.

9.5 Election Date:

When the Planning Committee reconvened at 13h55 it was noted that a proposed resolution was not yet ready, but would be drafted and distributed to Planning Committee members for comments in the meeting of the Negotiating Council.

The meeting adjourned at 14h30 to join the meeting of the Negotiating Council.

The meeting reconvened at 16h45.

10. Further Issues

10.1 Further Assessment of the Negotiating Council Meeting:

When the Planning Committee reconvened at 16h45, a further assessment of the Negotiating Council meeting was held. After discussion the following was agreed:

- 10.1.1 To recommend to the Negotiating Council that the debate on Regional Constitutional Principles be dealt with at the next meeting of the Negotiating Council, allowing sufficient time for a constructive debate in this regard;
- 10.1.2 To recommend, therefore, that the discussion on Constitutional Principles be suspended and the meeting move onto the Report of the Violence Technical Committee allocating thirty minutes to this discussion;
- 10.1.3 That a resolution on Violence, to be addressed by the meeting, was in the process of being prepared which encompassed all the concrete proposals; This could serve as a proposal to structure the debate but discussion would be allowed;
- 10.1.4 That following this report, those on the IEC, the IMC, the Election Date and finally the SA Government/PAC reportback should be attended to; It was noted that the Planning Committee would suggest the amendment to the agenda;
- 10.1.5 That each delegation should be limited to one speaker.

10.2 Commission on the Delimitation/Demarcation of Regions:

- 10.2.1 When the Planning Committee reconvened at 16h45, a recommendation was submitted to members from the Sub-

Committee. It was agreed to meet briefly after the meeting of the Negotiating Council on this issue.

10.2.2 It was agreed to mandate the Sub-Committee to interact with the Commission to supply direction.

10.3 Election Date:

When the Planning Committee reconvened at 16h45, it was agreed after discussion and as no agreement could be reached on a date for the election, to take the draft resolution as amended (see Addendum A) to the Negotiating Council for a decision. The resolution would be introduced by J Slovo noting that there was no agreement in the Planning Committee on the date for the election.

The meeting adjourned at 17h30 to join the meeting of the Negotiating Council.

The meeting reconvened at 20h45.

11. Commission on the Delimitation/Demarcation of Regions:

When the Planning Committee reconvened at 20h45, it was decided to recommend to the Negotiating Council that B Malefo and H Ngobese be appointed to the Commission, while R Mokate serve as Technical Secretary.

12. Closure

The meeting adjourned at 20h55.

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 THURSDAY 3 JUNE 1993 AT 10H00**

Chairpersonship - L Landers assisted by MJ Mahlangu

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 1 June 1993
 - 4.2 Matters arising out of the minutes of the meeting of the Negotiating Council of 1 June 1993
 - 4.3 Minutes to be noted
5. **Substantive Issues**
 - 5.1 SA Government/PAC Report Back
 - 5.2 Reports from the Technical Committees to be discussed:
 - 5.2.1 Constitutional Issues (Fourth report available in the meeting)
 - 5.2.2 Violence (Fourth report available in the meeting)
 - 5.2.3 Independent Election Commission (Second Report already made available, Third Report available at the meeting)
 - 5.2.4 TEC and its Sub-Councils (Third and Fourth Reports already made available)
 - 5.2.5 Independent Media Commission
 - 5.3 Reports from the Technical Committees to be tabled:
 - 5.3.1 Amendment or Repeal of Legislation Impeding Free Political Activity and Discriminatory Legislation
 - 5.3.2 Fundamental Human Rights during the Transition
 - 5.4 Election Date
6. **Procedural Issues**
 - 6.1 Media Arrangements
 - 6.2 New Participants
7. **Administrative Matters**
8. **Meetings Schedule**
9. **Closure**

This Negotiating Council meeting on Thursday 3 June 1993 at the World Trade Centre:

Noting:

1. The Declaration of Intent on the Negotiating Process adopted on 7 May 1993;
2. The expectation of all South Africans that the Negotiating Process is concluded constructively, urgently and peacefully;

Further Noting:

1. That the Resolution on Constitutional Issues adopted on 1 June 1993 provides a facilitating framework for discussion on these issues;
2. The progress made by -
 - 2.1 the tabling of generally acceptable proposals emanating from the Technical Committee on Violence;
 - 2.2 agreeing to a substantial number of general constitutional principles;
 - 2.3 establishing the commission on boundaries of regions which will commence its work shortly;
 - 2.4 receiving proposals on the powers, functions and structures of regions in the transition;
 - 2.5 the acceptance in principle of the Fundamental Rights mentioned in paragraph 5.1 and 5.2 of the Second Report of the Technical Committee on Fundamental Rights during the Transition;

Believing:

1. That the setting of a date for the elections will send a ray of hope and optimism throughout the country;
2. That it is vital to inject confidence in the negotiating process;

Therefore resolves that:

1. The Negotiating Council recommends to the Negotiating Forum of 25 June 1993 that the date of the election shall be 27 April 1994; however, should a final settlement be reached at an earlier date to enable an election to be held earlier, the Negotiating Council should set an earlier date; while the period over which the election is to be held will have to be decided upon in co-operation on with the Independent Electoral

● Commission;

2. Participants wishing to consult with their principals on this matter may do so and report to the Negotiating Forum meeting of 25 June 1993 on their position;

We further resolve:

1. To move towards finality in our negotiations on the constitutional issues referred to in the resolution of 1 June 1993 before the meeting of the Negotiating Forum on 25 June 1993;
2. To work towards the achievement of those goals that will allow for an adequate time-frame for the implementation of decisions on binding constitutional principles, the constitutional framework and the constitution making process and procedures for elections, for the election to take place on that date; and
3. To work towards the creation of conditions conducive to free and fair and peaceful elections;

We Commit Ourselves -

1. To refrain from the use of violence against anyone as a means of attaining political objectives;
2. To reject actions like the above and pronouncements designed or likely to be conducive to a climate of violence;
3. To take effective steps against anyone within our organisations who transgresses in these respects; and
4. To actively and visibly promote a climate conducive to peace, harmony and goodwill among all.