

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

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD AT 15H15 ON TUESDAY 17 AUGUST 1993 AT THE WORLD TRADE CENTRE

- PRESENT :
- B Alexander
 - C Eglin
 - PJ Gordhan
 - RP Meyer
 - MC Ramaphosa
 - Z Titus (Chairperson by rotation)

 - L Landers (current Negotiating Council Chairperson)

 - M Maharaj (Sub-Committee)
 - SS van der Merwe (Sub-Committee)

 - T Eloff (Administration)
 - G Hutchings (Minutes)

1. Moment of Prayer/Meditation

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

2. Welcome and Attendance

2.1 All members were welcomed.

2.2 Apologies were noted for non-attendance by R Cronje, FT Mdlalose, B Ngubane (sub-committee), J Slovo and M Webb.

3. Ratification of the Agenda

The agenda was ratified with the no amendments.

4. Fundamental Human Rights during the Transition

4.1 The Sub-Committee gave a reportback on the issue of the concerns expressed by the Traditional Leaders with regard to customary law and the Bill of Fundamental Human Rights. The recommendation of the Ad-Hoc Committee on this issue was highlighted.

4.2 After discussion it was agreed to accept the recommendation. Therefore, it was agreed that the Seventh Report of the Technical Committee be sent to experts in customary law and be asked to comment briefly, within a week, on the impact that the Draft Interim Bill has as it stands on Customary Law. Three specific aspects would be drawn to their attention.

4.3 It was agreed that the following experts would receive the report:

- * Dr C Albertyn
- * Prof C Dlamini
- * Prof Mqeke
- * Ms T Madonsela
- * Judge P Olivier

4.4 It was agreed that the Administration, assisted by the Sub-Committee, should draft a letter to the experts.

5. Independent Electoral Commission

5.1 It was noted that the Technical Committee had been requested to prepare a document that would draw the attention of the Negotiating Council to:

- * Clauses that were unchanged and approved of;
- * Clauses that were reformulated for language and technical purposes only;
- * Clauses which had been substantially changed and required discussion;
- * Clauses where the Technical Committee had made alternative proposals to the proposals submitted by the Ad-Hoc Committee.

5.2 It was noted that the issues where the Technical Committee had deviated from the advice of the Ad-Hoc Committee would be highlighted in the report.

5.3 A recommendation by S A Government that the Ad-Hoc Committee meets on a full time basis was not agreed to (see Addendum IV, p15 of the agenda documentation). It was noted that the Sub-Committee should communicate to the convenor of the Ad-Hoc Committee that it was only to address issues referred to it by the Negotiating Council.

6. Independent Media Commission and the IBA

6.1 The Sub-Committee gave a reportback to the meeting on this Technical Committee.

6.2 It was noted that the Ad-Hoc Committee had held meetings on the basis of a quorum. The Sub-Committee was in the process of contacting all Ad-Hoc

Committee members to ascertain their acceptance and consensus around the recommendations of the Ad-Hoc Committee.

6.3 It was noted that an attempt would still be made to finalise the IMC at the meeting of the Negotiating Council on 18 August 1993.

6.4 It was noted that the IBA Draft Bill would be discussed in the Negotiating Council on Monday 23 August 1993.

7. **Fundamental Human Rights during the Transition**

7.1 The Sub-Committee gave a reportback to the meeting on the work of this Technical Committee.

7.2 It was noted that the work of this Technical Committee could only proceed once the advice from the experts on customary law had been received.

7.3 The Sub-Committee was requested to advise the Technical Committee about the decision with regard to the experts on customary law.

7.4 It was agreed that the Ninth Report of the Technical Committee would be sent to the following bodies for comment, within a week:

- * The Association of Law Societies
- * The General Council of the Bar
- * NADEL
- * The Black Lawyers Association

7.5 It was agreed that the extensive comments as submitted by the General Council of the Bar on this issue be submitted to the Technical Committee.

8. **Constitutional Issues**

8.1 It was noted that the General Council of the Bar had requested to meet with the Technical Committee on Constitutional Issues on the issue of the administration of justice.

8.2 The request for interaction was approved of. The Sub-Committee was requested to notify the Technical Committee of the Planning Committee's approval of the meeting and assist the Technical Committee in this regard. The Sub-Committee was requested to bear in mind various concerns raised in the meeting.

● **Visit to the East Rand**

- 9.1 The Sub-Committee gave a reportback to the meeting on the continued security implications of the proposed visit and recommended that the visit not take place.
- 9.2 After discussion, and a careful consideration of all the implications, it was agreed to accept the recommendation of the Sub-Committee.

10. **Commission on the Demarcation/Delimitation of Regions**

The Sub-Committee was mandated to communicate with F Smit with regard to his letter and attempt to ascertain his availability (see Addendum VI, p20 of the agenda documentation of 17 August 1993).

11. **Commission on National Symbols**

The Sub-Committee was requested to process the names with a view to making a recommendation on the composition of the commission on Thursday 19 August 1993.

12. **Future Meetings**

It was noted that the Planning Committee would next meet on Thursday 19 August 1993 at a time still to be determined.

13. **Closure**

The meeting was closed at 16h10.

These minutes were ratified at the meeting of the Planning Committee of 6 September 1993 and the amended version signed by the Chairperson of this meeting on 28/9/..... 1993.


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CHAIRPERSON