

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 08H30 ON TUESDAY 28 SEPTEMBER 1993 AT THE WORLD TRADE CENTRE

PRESENT : R Cronje
 C Eglin
 PJ Gordhan
 C Kruger
 RP Meyer
 MC Ramaphosa
 S Sigcau
 J Slovo
 Z Titus
 M Webb (Chairperson by rotation)

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 Absent from the meeting were B Alexander, FT Mdlalose and B Ngubane (sub-committee).

3. Ratification of the Agenda

The agenda was ratified with no amendments.

4. Minutes

The minutes of the Planning Committee meetings of 23 through to 26 August, 30 August, 31 August, 1 September, 6 through to 7 September, 13 September and 14

September 1993 were distributed during the course of the meeting and would be dealt with at a future meeting of the Planning Committee.

5. Substantive Issues

5.1 Constitutional Issues:

- 5.1.1 It was noted that the bilateral meetings were progressing positively.
- 5.1.2 It was suggested that the bilateral meetings should focus on all matters relating to SPR's in general, including the TBVC States and Confederalism. Furthermore, that there should be an attempt to deal with these issues in the Negotiating Council during the course of the week commencing 5 October 1993.
- 5.1.3 It was noted that there was agreement amongst all participants on the issue of the definition of the National Territory and therefore this issue was removed from the list of issues to be dealt with at the bilateral meetings.
- 5.1.4 It was suggested that the Liaison Committee dealing with local government issues should meet with the National Electrification Forum on behalf of the Planning Committee to deal with its requests and concerns.
- 5.1.5 It was noted that the outstanding submissions with regard to the 12th Report of the Constitutional Issues Technical Committee were still awaited from the judiciary and the General Council of the Bar. It was suggested that the report should not be dealt with in the Negotiating Council meeting of 28 September.
- 5.1.6 It was noted that the General Council of the Bar had requested a meeting with the Technical Committee on Constitutional Issues (see Addendum J of the agenda documentation). Discussion followed.
- 5.1.7 It was agreed that C Eglin and Z Titus should indicate to the General Council of the Bar that it should prepare its submission in writing in the next few days for submission to the Technical Committee. Furthermore, the Technical Committee would meet with the General Council of the Bar if it so wished for approximately an hour to only receive its submission in writing. The Sub-Committee was requested to communicate the views of the Planning Committee on this issue.

- 5.1.8 It was noted that the issue of the Constitutional Court remained an issue to be dealt with on the level of bilateral meetings.
- 5.1.9 It was agreed that item 6.2 of the Negotiating Council agenda should deal with guidance and clarification by the Technical Committee on Constitutional Issues relative to the Chief Justice's Report with regard to the 12th Report of the Technical Committee. The 12th Report of the Technical Committee may also be discussed by participants for clarification.
- 5.1.10 It was agreed that the Traditional Leaders' issue should be removed from the list of issues to be dealt with on the level of bilateral meetings as the Planning Committee had been mandated to meet with representatives of the Traditional Leaders.
- 5.1.11 The procedure/process for the drafting of citizenship legislation:
It was noted that the Sub-Committee had communicated with the Technical Committee on this issue and had given it names of technical people to assist with the drafting. This issue could now be removed from the agenda of the Planning Committee.
- 5.1.12 It was agreed that items 5.1.3, 5.1.4 and 5.1.5 of the agenda should be held over until the contents of clause 119 of the Interim Constitution had been finalised. If any further guidance was necessary the Sub-Committee would come forward to the Planning Committee with a recommendation.
- 5.1.13 Local Government : Multi-Party Co-operation:
It was noted that the liaison committee was scheduled to meet informally with Local Government Negotiating Forum (LGNF) representatives. It was noted that a recommendation with regard to the informal setting up of the Subcouncil on these issues was still awaited. It was noted that the LGNF had received the 13th report dealing with local government. It was noted that a formal meeting would be scheduled between the liaison committee and the LGNF as soon as possible.

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

- 5.2.1 It was noted that the Commission was scheduled to meet with the AVF to receive its oral submission on Saturday 2 October 1993.
- 5.2.2 It was noted that A du Plessis had accepted his appointment as Co-Chairperson of the Commission.

● 5.3 **The implementation and practical application of the four Bills, (including the National Peace Keeping Force) and informal preparation for the operation of the structures:**

The Sub-Committee gave a reportback on this issue and would report further to the Planning Committee on Thursday 30 September 1993.

5.4 **The role of the international community, including definition and present role in other structures:**

It was agreed to defer this issue until a future meeting of the Planning Committee.

5.5 **The processing of the four Draft Bills through Parliament:**

5.5.1 Z Titus on behalf of the Task Group gave a report to the meeting on the processing of the four Draft Bills through Parliament.

5.5.2 It was noted that the Draft Bills on the TEC, the IEC, the IMC and the IBA had been passed by Parliament.

5.5.3 It was noted that the State Law Advisors made various technical amendments to the Draft Bills.

5.5.4 It was noted that there were two outstanding queries to follow up with the State Law Advisors with regard to the Draft Bill on the IBA, particularly with regard to an amendment of the definition of "election".

5.5.5 It was suggested that a mechanism was necessary to keep the Multi-Party Negotiating Process informed/updated by way of a schedule dealing with Draft Bills to be passed in the November session of Parliament. This would enable the Multi-Party Negotiating Process to take note and be aware of Draft Bills to be passed by Parliament that may have a bearing on any agreements by the Multi-Party Negotiating Process. This suggestion flows from the deletion of a clause contained in the General Law Fifth Amendment Bill which had an impact on the TEC Bill.

5.5.6 It was noted that the Task Group would have to meet to deal with the outstanding issues pertaining to the Draft Bill on the IBA.

5.6 **Commission on National Symbols:**

5.6.1 The Administration gave a progress report on this issue to the meeting.

5.6.2 It was noted that the Commission was meeting on 28 September 1993.

5.6.3 It was noted that there was still a problem to access the Education Departments of Bophuthatswana and Ciskei to request schools to make submissions.

5.7 Fundamental Human Rights during the Transition:

5.7.1 The Sub-Committee gave a progress report to the meeting.

5.7.2 It was noted that the Sub-Committee was due to meet the Ad-Hoc Committee during the course of the morning. The work programme of the Ad-Hoc Committee and of the Technical Committee was outlined to the meeting.

5.7.3 It was noted that K Coetzee was not part of the Ad-Hoc Committee. Furthermore, the ad-hoc committee would meet with K Coetzee on Thursday 30 September 1993 on the issues of horizontality and verticality and the property clause.

5.8 Repeal or Amendment of Discriminatory Legislation:

It was noted that nominees were still awaited from the Departments of Justice of the TBVC States to assist the Task Group.

5.9 Violence:

5.9.1 It was noted that the Technical Committee on Violence was meeting on 28 September to work on a further report.

5.9.2 It was noted that LV Ntsubane had given notice to the process with regard to his continued involvement in the work of the Violence Technical Committee. He had gone abroad and would only return towards the end of the year.

5.10 PAC/SA Government Issue:

5.10.1 Z Titus as convenor of the ad-hoc committee gave a progress report to the meeting.

5.10.2 It was noted that the passing of the Draft Bill on the TEC by Parliament had overtaken the events pertaining to this issue. After discussion it was agreed that the issue would arise again once the invitations for nominations to the TEC were distributed.

5.11 The Kwazulu Government Court Case:

It was noted that the relevant files had been submitted to the Multi-Party

Negotiating Process and would be filed. Furthermore, the process had been furnished with a copy of the judgement and copies thereof would be made available to the Negotiating Council. It was agreed that this issue could now be removed from the agenda.

The meeting adjourned at 10h15 to join the meeting of the Negotiating Council.

The meeting reconvened at 16h25.

5.12 Telecommunications/Cellular Telephones:

5.12.1 Lengthy discussion and debate proceeded around whether this issue should be placed on the agenda of the Negotiating Council. Agreement could not be reached on all the issues raised. It was agreed to adjourn the meeting to allow informal discussion to take place.

The meeting adjourned at 17h30.

The meeting reconvened at 18h55.

5.12.2 Discussion continued on the issue. After a lengthy debate it was agreed that the issue should be revisited at the next meeting of the Planning Committee to be held at 14h00 on Wednesday 29 September 1993 in an attempt to resolve the problem. Present at the meeting should be the two relevant ministers from the South African Government. It was noted that from the side of the ANC, technical experts would be present. Each side should make a presentation, but more importantly concrete proposals should emerge with regard to the way forward. The emphasis should be on solution and not on persuasion. It was noted that if agreement could not be reached at the said meeting, the issue would be taken to the Negotiating Council.

5.12.3 The Chairperson requested all members to consult with principals on this issue.

5.12.4 Various participants requested documentation on this issue to facilitate the meeting of Wednesday 29 September 1993.

6. ● **General Issues**

6.1 **Meeting with the Traditional Leaders:**

It was noted that the envisaged meeting with the Traditional Leaders to deal with their concerns would take place on Tuesday 5 October 1993. The Administration was requested to officially notify the Traditional Leaders.

6.2 **Meeting with the General Council of the Bar:**

6.2.1 It was noted that a meeting had occurred with the General Council of the Bar. The meeting had progressed well. A full report would be available on Wednesday 29 September 1993.

6.2.2 It was noted that the General Council of the Bar indicated that they had not received the 12th Report of the Technical Committee on Constitutional Issues from the Multi-Party Negotiating Process. The Administration was requested to supply a full report to the Planning Committee on this issue.

6.3 **Implementation of the four Draft Bills:**

It was noted that this issue would be dealt with at the Planning Committee meeting of 29 September 1993.

6.4 **Future Meetings:**

It was noted that the Planning Committee was scheduled to meet at 14h00 on Wednesday 29 September 1993.

7. **Closure**

The meeting adjourned at 19h40.

These minutes were ratified at the meeting of the Planning Committee of 18 October 1993 and the amended version signed by the Chairperson of the original meeting on

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CHAIRPERSON

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

DRAFT MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD AT 08H30 ON TUESDAY 28 SEPTEMBER 1993 AT THE WORLD TRADE CENTRE

PRESENT : R Cronje
C Eglin
PJ Gordhan
C Kruger
RP Meyer
MC Ramaphosa
S Sigcau
J Slovo
Z Titus
M Webb (Chairperson by rotation)

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 B Alexander, FT Mdlalose and B Ngubane (sub-committee).

3. Ratification of the Agenda

The agenda was ratified with no amendments.

4. Minutes

The minutes of the Planning Committee meetings of 23 through to 26 August, 30

● August, 31 August, 1 September, 6 through to 7 September, 13 September and 14 September 1993 were distributed during the course of the meeting and would be dealt with at a future meeting of the Planning Committee.

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- 5.1.7 It was agreed that C Eglin and Z Titus should indicate to the General Council of the Bar that it should prepare its submission in writing in the next few days for submission to the Technical Committee. Furthermore, the Technical Committee would meet with the General Council of the Bar if it so wished for approximately an hour to only receive its submission in writing. The Sub-Committee was requested to communicate the views of the Planning Committee on this issue.

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● 5.3 **The implementation and practical application of the four Bills, (including the National Peace Keeping Force) and informal preparation for the operation of the structures:**

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6.4 Future Meetings:

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7. Closure

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These minutes were ratified at the meeting of the Planning Committee of 1993 and the amended version signed by the Chairperson of the original meeting on

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CHAIRPERSON