

**AGENDA AND DOCUMENTATION**

for the meeting of the

**NEGOTIATING COUNCIL**

to be held at 08H30 on Tuesday

**15 JUNE 1993**

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**CONFIDENTIAL**

**STRICTLY EMBARGOED UNTIL DELIVERY/TABLING IN THE**  
**NEGOTIATING COUNCIL**

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**CONTENTS OF THE NEGOTIATING COUNCIL PACK  
FOR THE MEETING TO BE HELD ON 15 JUNE 1993 AT 08H30**

<b>Item</b>	<b>Page no</b>
1. Draft agenda for the Negotiating Council meeting to be held on 15 June 1993 at 08h30 . . . . .	1
2. Draft minutes of the meeting of the Negotiating Council of 6 June 1993 . . . . .	2
3. Report on New Participants . . . . .	27
4. Proposed Resolution on the Election Date . . . . .	32
5. Adopted Resolution on the Election Date . . . . .	34
6. Meetings Schedule . . . . .	35

**DRAFT AGENDA FOR THE MEETING OF THE NEGOTIATING COUNCIL  
TO BE HELD ON TUESDAY 15 JUNE 1993 AT 08H30  
AT THE WORLD TRADE CENTRE**

**Chairpersonship** - MJ Mahlangu assisted by FT Mdlalose

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 3 June 1993 (See Addendum A, p2-26)
  - 4.2 Matters arising out of the minutes of the meeting of the Negotiating Council of 3 June 1993
5. **Substantive Issues**
  - 5.1 SA Government/PAC Report Back
  - 5.2 Reports from the Technical Committees to be discussed (see separate volume):
    - 5.2.1 Constitutional Issues
    - 5.2.2 Violence
  - 5.3 Election Date
6. **Procedural Issues**
  - 6.1 Media Arrangements
  - 6.2 New Participants (Addendum B, p27-31)
7. **Administrative Matters**
8. **Meetings Schedule** (Addendum C, p35)
9. **Closure**

# ADDENDUM A

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

## DRAFT MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 11H00 ON THURSDAY 3 JUNE 1993 AT THE WORLD TRADE CENTRE

PRESENT: See Addendum A

### 1. Moment of Prayer/Meditation

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

### 2. Welcome and Attendance

2.1 The participants were welcomed.

2.2 Apologies were extended on behalf of the Planning Committee for the late start of meeting.

### 3. Ratification of the Agenda

The agenda was ratified with the following amendments:

- \* The addition of an Item 6.1 to read "Composition of the Planning Committee";
- \* The subsequent numbering was amended accordingly;
- \* The addition of an Item 6.4 to read "Documentation".

### 4. Minutes

4.1 The minutes of the meeting of 1 June 1993 were adopted with the following amendments:

4.1.1 Item 6.1.1.10 to read:

"A draft resolution as proposed by the Planning Committee was adopted by the meeting with sufficient consensus (see Addendum C).

In this regard the following was noted:

- \* That the IFP saw this resolution as a directive giving the Technical Committee a way in which to proceed with their work and that this did not indicate a binding commitment on behalf of the IFP to the specific wording of the resolution; That although the IFP saw this resolution as a directive they reserved their position until having consulted with their principal; Furthermore, that reservations were expressed with regard to certain words in the resolution, for example "transitional";
- \* That the Dikwankwetla Party reserved their position on the resolution until having consulted with their principal;
- \* That the Bophuthatswana Government reserved their position on certain aspects of the resolution and until having consulted with their principal;
- \* That the KP reserved all rights in this regard until having consulted with their principal; The KP further reserved their rights with regard to the issue of giving oral evidence to the Technical Committee on Constitutional Issues;
- \* That the PAC have some difficulties to effectively participate in the meeting, but that the meeting could continue along the basis of the resolution.

4.1.2 It was agreed that amendments to the attendance register should in future be made directly to the Administration.

4.2 Matters arising from the minutes of 3 June 1993:

4.2.1 It was noted that the resolution on Constitutional Issues as adopted at the meeting of the Negotiating Council on 1 June 1993 was a procedural resolution which provides for a working basis and a starting point for discussion. Furthermore, that the resolution does not tie down any participant with regard to substantive issues and that it was not the intention of the resolution to make a substantive decision in the Negotiating Council, as these issues are still to be debated and discussed in the Negotiating Council.

4.2.2 It was further noted that although various participants may in respect of a resolution or document note reservations, sufficient consensus could still be declared if there was broad/general agreement with regard to the particular motion before the meeting.

4.3 The minutes of the Planning Committee of 24 May 1993 were noted.

## 5. Substantive Issues

### 5.1 SA Government/PAC Report Back:

5.1.1 A proposal that this issue be deferred until after lunch was agreed to.

5.1.2 This issue was returned to after discussion on the Election Date was completed, just before the adjournment of the meeting. The following was noted:

- \* A document as distributed by the South African Government had no status in the meeting;
- \* It was agreed that this issue stand over until the next meeting of the Negotiating Council on Tuesday 15 June 1993 and be dealt with as a matter of priority;
- \* The Negotiating Council appealed to both the SA Government and the PAC to attempt to resolve their differences before the next meeting of the Negotiating Council on Tuesday 15 June 1993.

### 5.2 Constitutional Issues - Report from the Technical Committee:

5.2.1 The members of the Technical Committee on Constitutional Issues were welcomed. Members present were F Cachalia, A Chaskalson, GE Devenish, B Ngoepe, M Olivier, W Olivier, F Venter and E Moseneke. Apologies were noted from M Wiechers.

5.2.2 This item was introduced by the current Chairperson of the Planning Committee, Z Titus and the following proposal on the structuring of the debate was put before the meeting on behalf of the Planning Committee:

- \* That the debate should be confined to the general constitutional principles and the specific constitutional principles pertaining to regions;
- \* That the Negotiating Council only then proceeds to consider the fourth report from the Technical Committee;
- \* That, when considering the above points, participants are free to have recourse to the concerns and reservations expressed with regard to the resolution on Constitutional Issues taken on

1 June 1993.

- 5.2.3 After discussion it was agreed to not accept the proposal in its entirety, but to proceed with the debate and discussion on the General Constitutional Principles.
- 5.2.4 It was agreed to discuss and debate each proposed general Constitutional Principle as per the Third Report from the Technical Committee. In the course of the discussion it would be decided whether to amend or adopt the principle under discussion. It was noted that in the course of discussion on this issue the First, Second and Third Reports of the Technical Committee could be referred to.
- 5.2.5 The Technical Committee was requested to take careful note of the discussion and debate.
- 5.2.6 It was agreed that the proposed amendments be forwarded to the Technical Committee for redrafting. In the redrafting process the Technical Committee, after hearing all proposals for amendments, should see how best the suggested amendments (amendments that were acceptable to the Negotiating Council) can be accommodated. A final decision on the draft principles would only be taken after reformulation and tabling before the Negotiating Council.
- 5.2.7 Participants who had amendments to specific paragraphs, were requested to put forward their proposed amendments to the Technical Committee.
- 5.2.8 It was noted that the list of general Constitutional Principles was not exhaustive or complete. The meeting then proceeded to deal with each proposed general Constitutional Principle.
- 5.2.9 **Debate on general Constitutional Principles:**

5.2.9.1 **The constitution of South Africa shall provide for the establishment of a single sovereign state with a democratic system of government and a common South African citizenship:**

The above principle was put to the meeting. Discussion followed.

The following suggested amendments were noted:

- \* After the word "sovereign" the following be added "non-sexist, non-racial" and the rest of the sentence remain the same.

- \* If the above amendment is accepted the word "non-exploitative" should also be added.
- \* The word "united" be added after the word "single".
- \* The following words to be added after the word "citizenship" : "and on the proviso that the Form of State has not been decided upon and this meaning the Form of State or the future constitutional dispensation does not exclude a confederation". No support for this amendment was noted in the Negotiating Council.

The following reservations were noted:

- \* That the AVU's acceptance of this principle is dependent on what powers and functions are given to regions and that the AVU reserved their position.
- \* That the Ciskei agreed with the sentiments as expressed by the AVU and also reserved their position.
- \* That the KP opposed the principle as it stands, but would consider the redrafted principle. Furthermore, the KP stated that the Form of State should be agreed upon before general Constitutional Principles are decided upon.

#### 5.2.9.2

**The constitution shall be the supreme law of the land, shall be binding on all organs of government, shall prohibit racial and all other forms of discrimination and promote racial and gender equality and national unity:**

The above principle was put to the meeting. Discussion followed.

The following suggested amendments were noted:

- \* To substitute the word "unity" with "national co-operation". There was opposition to this amendment in the Negotiating Council.
- \* To insert the following after the word "shall" :



"as it is stipulated in the constitution or constitutions of the states concerned" and the rest of the sentence remains the same. The KP, who suggested this amendment, was requested to supply the Technical Committee with a written amendment as suggested by themselves. This was agreed to.

- \* To insert the following after the word "racial" : "gender" and the rest of the sentence remains the same. There was sufficient support for this amendment in the Negotiating Council.
- \* To amend the sentence to read as follows "The constitution shall be the supreme law of the land, shall be binding on all organs of government, shall prohibit all forms of discrimination and promote racial and gender equality and national unity." This amendment was supported by the AVU, the KP and Dikwankwetla. Opposition to the proposed amendment was further noted.

No reservations were noted.

#### 5.2.9.3

**There shall be a separation of powers between the legislature, executive and judiciary, with appropriate checks and balances to ensure accountability, responsiveness and openness:**

The above principle was put to the meeting. Discussion followed.

The following suggested amendments were noted:

- \* That the word "responsiveness" be replaced by "responsibility".

No reservations or oppositions were noted, therefore, it was agreed that the Technical Committee does not have to reformulate this principle.

#### 5.2.9.4

**The judiciary shall be competent, independent, legitimate and impartial and shall have the power and jurisdiction to safeguard and enforce the constitution and all fundamental rights:**

The above principle was put to the meeting. Discussion followed.

The following suggested amendments were noted:

- \* To delete the word "legitimate" and replace it with "chosen on merit". This was agreed to by the Negotiating Council.
- \* To replace the word "constitution" by "constitutions". This was supported by the Ciskei. The majority of the Negotiating Council was opposed to this amendment.

The principle as amended was accepted by the Negotiating Council.

It was noted that the KP opposed the general formulation of the principle.

#### 5.2.9.5

**There shall be representative government embracing multi-party democracy, regular elections, universal adult suffrage, a common voters roll, and in general, proportional representation:**

The above principle was put to the meeting. Discussion followed.

The following suggested amendments were noted:

- \* An amendment as suggested by the ANC was withdrawn.
- \* The inclusion of the words "and/or constituency representation". This amendment was not supported in the Negotiating Council.

It was agreed to accept the principle as formulated.

It was noted that the KP opposed the formulation.

#### 5.2.9.6

**Provision shall be made for freedom of information so that there can be open and accountable administration at all levels of government:**

The above principle was put to the meeting. Discussion followed.

It was agreed to accept the formulation of this principle as is.

It was noted that this principle is not absolute.

It was noted that the KP opposed the formulation.

5.2.9.7 **Formal legislative procedures shall be adhered to by legislative organs at all levels of government:**

The above principle was put to the meeting. Discussion followed.

It was agreed to accept the formulation of the principle as is.

No reservations or oppositions were noted.

5.2.9.8 **The diversity of languages, cultures and religions shall be acknowledged, promoted and protected:**

The above principle was put to the meeting. Discussion followed.

The following suggested amendments were noted:

- \* The word "promoted" be deleted. This was supported by the ANC.
- \* It should be stated clearly in the principle that diversity is not being promoted.
- \* After the word "protected" insert "subject to relevant equality clauses". This was supported by the ANC, the AVU, Bophuthatswana, the INM, the IYP, the PAC, the SACP and the Transkei. This was not supported by Kwazulu and Solidarity.
- \* In conjunction with the above suggested amendment, insert after the word "protected" : "provided it does not conflict with any other rights". This amendment was supported by the DP and the IYP.
- \* The insertion of the word "peoples" before "of languages".

It was agreed to allow the Technical Committee, having taken into account all the views expressed, to come forward with a suitable reformulation.

It was noted that the KP opposed the principle as formulated.

5.2.9.9 **Collective rights of self-determination in forming, joining and maintaining organs of civil society, including linguistic, cultural and religious associations, shall, on the basis of non-discrimination and free association, be recognised and protected:**

The above principle was put to the meeting. Discussion followed.

It was agreed that discussion on this principle stand over for a future meeting of the Negotiating Council.

It was further agreed that the Planning Committee look into this matter and recommend to the Negotiating Council when it would be most suitable to discuss this principle with the proviso that ample time be allowed for discussion.

It was noted that this principle will remain as is until discussion and that this principle has not yet been accepted.

5.2.9.10 **All shall enjoy universally accepted fundamental rights, freedoms and civil liberties, protected by entrenched and justiciable provisions in the constitution:**

The above principle was put to the meeting. Discussion followed.

It was agreed to accept the principle as is and no suggested amendments were noted.

It was noted that the KP was opposed to the formulation as is.

5.2.9.11 **The legal system shall ensure the equality of all before the law and an equitable legal process. The principle of equality before the law includes laws, programmes or activities that have as their object the**

**amelioration of the conditions of the disadvantaged, including those disadvantaged on the grounds of race, colour or gender:**

The above principle was put to the meeting. Discussion followed.

The following suggested amendment was noted:

- \* To put a full stop after disadvantaged and delete the rest of the sentence.

It was agreed to accept the principle as is.

It was noted that the KP opposed the principle as formulated.

5.2.9.12

**The status of traditional leaders shall be acknowledged and recognised in an appropriate manner in the constitution. Unless provided otherwise by legislation, indigenous law shall be applied to the extent that it is compatible with the provisions of the fundamental rights contained in the constitution:**

The above principle was put to the meeting. Discussion followed.

The following suggested amendments were noted:

- \* That the first sentence be redrafted to read "The Traditional Leaders will be directly represented in the constitution-making body and at all levels of government".
- \* After the word "status", the insertion of the following words "and rights" and the rest of the sentence remains the same.
- \* In conjunction with the second asterisk, after "recognised" the words "in an appropriate manner" be deleted. Furthermore in the second sentence delete the words "unless provided otherwise by legislation" and commence the sentence with "Indigenous law..." (the rest of the sentence remains as is).



It was noted that the issue of the implementation of the principle and the issue of the formulation of the principle are two separate issues.

It was agreed by sufficient consensus that participants be requested to submit amendments on the formulation, additional information or inputs on how this matter should be dealt with to the Technical Committee to assist the Technical Committee in reformulating this principle. Furthermore, the Technical Committee could consider other expert inputs. The Technical Committee should also take into account the views expressed in the Negotiating Council

It was further agreed by sufficient consensus that the Planning Committee consider the issue of implementation of this principle (and if a separate Technical Committee or a sub-committee of the current Technical Committee should be formed) and report back to the Negotiating Council.

It was noted that this issue is one of great importance.

No reservations or oppositions were noted.

5.2.9.13 **Provision shall be made for participation of minority political parties in the legislative process in a manner consistent with democracy:**

The above principle was put to the meeting. Discussion followed.

It was agreed to accept the principle as is and no suggested amendments were noted.

No reservations or oppositions were noted.

5.2.9.14 **Amendments to the constitution shall require special procedures involving specified majorities:**

The above principle was put to the meeting. Discussion followed.

The following suggested amendments were noted:

- \* The word "constitution" should be in the plural. This was supported by the AVU and the Ciskei.

General opposition to the amendment was noted.

It was agreed to accept the principle as is.

No reservations or oppositions were noted.

### 5.3 The Way Forward with regard to Constitutional Issues:

5.3.1 The following proposal by the Planning Committee was agreed to:

- \* To defer consideration of the constitutional principles relating to regions to the next meeting of the Negotiating Council;
- \* That the Technical Committee on Constitutional Issues formally table their Fourth Report without presenting it;
- \* To mandate the Technical Committee to proceed with the outstanding matters as noted and listed in Item 7 of the Fourth Report and to present a report on these matters at the next meeting of the Negotiating Council on 15 June 1993;
- \* That participants submit written comments on the Fourth Report to the Administration not later than Tuesday 17h00 on 8 June 1993.

5.3.2 Participants were requested to submit written representations to the Technical Committee on the general Constitutional Principles. The deadline of 17h00 on Tuesday 8 June 1993 also applied.

5.3.3 It was noted that a resolution as suggested by the AVU would be submitted to the Technical Committee on Constitutional Issues.

5.3.4 It was noted that the outstanding matter of self determination would also be discussed at the next meeting of the Negotiating Council on 15 June 1993.

5.3.5 Due to time constraints, it was noted that the agenda would not be completed. The following was proposed by the Planning Committee and agreed to by the meeting:

- \* That Items 5.2.2 (Violence), 5.2.3 (Independent Election Commission), 5.2.5 (Independent Media Commission, 5.4 (Election Date) and finally the report back from the SA Government/PAC meeting be dealt with.
- \* That the outstanding issues be deferred until the next meeting of the Negotiating Council.

5.3.6 It was noted that the AVU was opposed to the amendment of the agenda.

5.3.7 The Technical Committee on Constitutional Issues was excused and thanked for their work so far completed.

**5.4 Violence - Report from Technical Committee:**

5.4.1 The members of the Technical Committee were welcomed. Present were P Hatty, P Oosthuizen, M Phillips, A Seegers, S Vos and H Vilakazi. Apologies were noted from G Myburg and V Ntsubane. It was agreed that the Technical Committee take the report as read.

5.4.2 The Technical Committee tabled and presented their report, highlighting issues that require guidance and/or decision from the Negotiating Council. The concrete proposals as recommended by the Technical Committee were noted. The Technical Committee was complimented on their report. Discussion followed.

5.4.3 A draft resolution on violence, as submitted by the Technical Committee, was put to the meeting (see Addendum B). More discussion followed. It was agreed that further discussion and debate on the issue of violence and the resolution stand over until the next meeting of the Negotiating Council on 15 June 1993.

5.4.4 It was noted that the Planning Committee consider the problem of the composition of the Technical Committee and submit a recommendation to the Negotiating Council.

5.4.5 The Technical Committee on Violence was excused and thanked for their work so far completed.

**5.5 General Debate on the Agenda:**

5.5.1 It was noted that at this point it was proposed by various participants that the meeting be adjourned. It was further noted that this proposal was opposed by other participants.

5.5.2 It was suggested that the meeting immediately move on to discuss the issue of the Election Date.

5.5.3 Debate and discussion on whether the meeting should be adjourned or not followed. The discussion then flowed into dealing with the election date.

5.5.4 The Declaration of Intent on the Negotiating Process was referred to. More discussion and debate followed.



5.5.5 It was proposed that the issue of the election date, the IMC report, the IEC report and the SA Government/PAC reportback be deferred until the next meeting of the Negotiating Council on Tuesday 15 June 1993 and then be dealt with as items of priority. Various participants supported this proposal and various participants opposed this proposal.

5.5.6 At this stage a point of order was raised that the issue of whether the meeting should be adjourned or not had not been decided upon and that a ruling had not yet been made. Subsequently, the Chairperson ruled that the meeting continue with the agenda.

5.5.7 The following proposal was put to the meeting:

- \* That with regard to Items 5.2.3 (Independent Election Commission) and 5.2.5 (Independent Media Commission) of the agenda, the Negotiating Council notes the reports of the Technical Committees; and
- \* If any participants wish to make further submissions to these two Technical Committees, the deadline of 17h00 on Tuesday 8 June 1993 applies;
- \* That further reports be received from these two Technical Committees at the next meeting of the Negotiating Council on 15 June 1993.

This proposal was agreed to by sufficient consensus. It was noted that the AVU, Bophuthatswana, Ciskei, Dikwankwetla, the KP and the Kwazulu Government opposed the proposal.

As a result of the acceptance of the above proposal by sufficient consensus, the meeting formally moved to the next item on the agenda.

## 5.6 Election Date:

5.6.1 A proposed resolution as recommended by the Planning Committee was formally put before the meeting (see Addendum C). It was noted that certain members of the Planning Committee had expressed reservations with regard to the proposed resolution and therefore the resolution was not presented as a collective view of the Planning Committee. This proposed resolution had the support of various participants and was seconded.

5.6.2 Discussion and debate followed with participants expressing their views and positions on this issue.

5.6.3 An earlier proposal that all outstanding issues on the agenda be dealt

with at the next meeting of the Negotiating Council, was again put before the meeting. It was noted that this proposal had the support of various participants and the opposition of others.

- 5.6.4 The following clarificatory question was addressed to J Slovo, as the mover of the resolution, by the AVU:

"If the Negotiating Council sets the date for an election for 27 April 1994 and Items 3.1 and 3.2 of the Declaration of Intent on the Negotiating Process is not reached by 27 April 1994, must the Negotiating Council then push the date forward and is so what will the consequences then be?"

The following response from J Slovo was noted:

"The actual holding of an election is dependent on reaching agreement on Items 3.1 and 3.2 of the Declaration of Intent, but that the Council at this meeting was considering Item 3.3 of the said Declaration of Intent."

- 5.6.5 The two proposals before the house were put to the meeting. Further debate and discussion followed, with participants stating their views and positions. No agreement could be reached.
- 5.6.6 At this point a compromise resolution by the ANC was put before the meeting. The compromise resolution was adopted by sufficient consensus (see Addendum D).
- 5.6.7 It was noted that the AVU, Bophuthatswana, Ciskei, the KP and the Kwazulu Government rejected the compromise resolution, reserved all their rights in this regard and their rights to consult with their principals.
- 5.6.8 The IFP noted that they did not have any mandate to either tacitly or implicitly approve any date in April for an election although they do want to get a date as soon as possible.

## 6. Procedural Issues

### 6.1 Composition of the Planning Committee:

Due to time constraints, this issue was not dealt with.

### 6.2 Media Arrangements:

Due to time constraints this issue was deferred until the next meeting of the

Negotiating Council on 15 June 1993.

**6.3 New Participants:**

Due to time constraints this issue was deferred until the next meeting of the Negotiating Council on 15 June 1993.

**6.4 Documentation:**

Due to time constraints, this issue was not dealt with.

**7. Administrative Matters**

**7.1 Demonstration by the AWB and a request from the AWB to address the meeting of the Negotiating Council:**

7.1.1 The request from the AWB was put to the meeting. It was noted that the guidelines for demonstrations as adopted by the Negotiating Council were adhered to.

7.1.2 The document, as submitted by the AWB to the Administration, was distributed in the meeting. It was further noted that the document was not for discussion, but for noting.

7.1.3 It was agreed that the Planning Committee consider and recommend to the Negotiating Council on the issue of whether armed demonstrations should be permitted outside the World Trade Centre.

7.1.4 It was further agreed that the issue of threatening placards should also be considered by the Planning Committee.

7.2 Due to time constraints, further items under this issue were deferred until the next meeting of the Negotiating Council on 15 June 1993.

**8. Meetings Schedule**

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

**9. Closure**

The meeting adjourned at 20h45.

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

.....  
CHAIRPERSON

**Addendum A**

The following delegates and advisers were present at the meeting of the Negotiating Council on Thursday 3 June 1993:

L Landers : Chairperson  
 MJ Mahlangu : Assistant to the Chairperson  
 Z Titus : Assistant to the Chairperson

<b>Organisation</b>	<b>Delegates</b>	<b>Advisers</b>
ANC	C Ramaphosa B Kgotsitsile	MV Moosa M Manzini
AVU	CD de Jager J Gouws	JJC Botha MJ Mentz
Bophuthatswana	R Cronje R Mangope	SG Mothibe BE Keikelame
Cape Trad. Leaders	GD Gwadiso SN Sigcau	DM Jongilanga GSK Nota
Ciskei	M Webb VT Gqiba	TM Bulube SM Faku
DP	C Eglin M Finnemore	K Andrew P Soal
Dikwankwetla	TJ Mohapi K Ngwenya	SOM Moji JSS Phatang
IFP	FT Mdlalose FX Gasa	WS Felgate VJ Matthews
IYP	NJ Mahlangu N Mtsweni	AP Laka Q Vilankulu
KP	T Langley A Budd	FJ Le Roux CP Mulder
INM	MS Gininda FS Baloi	GG Zama PMH Maduna
Kwazulu	BS Ngubane H Ngubane	SH Gumede DRB Madide
Labour Party	PAC Hendrickse C August	E Samuels
NIC/TIC	PJ Gordhan E Gandhi	B Pillay K Mayet

19

NP	DJ de Villiers MM Gabriels	SJ Schoeman L Wessels
NPP	A Rajbansi A Rambarran	S Ismail D Chetty
OFS Trad. Leaders	MB Mota M Moroke	RH Mopeli MA Molefe
PAC	B Alexander P de Lille	M Litheko B Desai
Solidarity	DS Rajah	AS Razak K Moodley
SACP	J Slovo L Jacobus	E Pahad S Shilowa
SA Government	RP Meyer M Engelbrecht	T Delport SS van der Merwe
Transkei	LL Mtshizana N Jajula	Z Jekeqa
TVL Trad. Leaders	LM Mokoena	MA Netshimbupfe NE Ngomane
UPF	J Maake A Chabalala	RJ Dombo
Venda	SE Moeti PT Shilubana	GM Ligege S Makhuvha
XPP	EE Ngobeni PT Shilubana	MH Matjokana

T Eloff	:	Administration
G Hutchings	:	Minutes
K Morgan	:	Administration
P Lelaka	:	Administration
G Briggs	:	Administration
M Radebe	:	Administration

**FIRST DRAFT  
RESOLUTION ON VIOLENCE  
(3 JUNE 1993)**

This meeting of the Negotiating Council:

Notes that the Technical Committee on Violence has submitted its report on the conditions that should be created to eliminate violence in accordance with the "Declaration of Intent on the Negotiating Process" adopted on 7 May 1993;

Commends the Technical Committee for the comprehensive manner in which it has sought to address this question and the concrete proposals contained in its recommendations;

And hereby resolves that:

1. The National Peace Committee finalise proposed amendments to the Peace Accord as a matter of urgency so as to strengthen the Accord and increase its effectiveness;
2. The signatories to the Peace Accord meet as a matter of urgency to reaffirm their commitment to the Accord and to approve the proposed amendments to it;
3. Non-signatories sign the Peace Accord immediately;
4. Appropriate compulsory sanctions be developed by the Technical Committee on the Independent Election Commission for dealing with parties/administrations/organisations which transgress the Code of Conduct for Political Parties, but refuse to sign the Peace Accord;
5. Any party organising a public demonstration or any other form of mass action must comply with the guidelines set out in paragraph 6.2 of the Fourth Report of the Technical Committee on Violence;
6. The National Peace Committee submit proposed amendments to the Regulation of Gatherings Bill as a matter of urgency;

7. A series of phased confidence-building measures be adopted leading to the creation of impartial, legitimate and effective security forces. A distinction be drawn between statutory and non-statutory armies on the one hand and police forces on the other hand. The Technical Committee on the TEC and its Sub-Councils propose the precise mechanisms to be adopted;
8. Parties between whom conflicts exist, which have contributed to violence, in addition to participating in the MPNP, meet bi-laterally to seek joint solutions to the conflicts between them;
9. An independent peacekeeping force with a multi-party composition be established and placed under the control of the Independent Electoral Commission or under multi-party executive control;
10. Every party to the MPNP commit itself without reservation to the holding of a free and fair election and to do everything possible to ensure that the electorate and the leaders and candidates of political parties are able to conduct their election campaigns and other political activities freely without being intimidated or obstructed and without fear of being killed;
11. The Technical Committee on Violence prepare detailed proposals on the desirability, financing, establishment and composition of a Peace/Youth Services Corps.



## **Addendum C**

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.

**RESOLUTION ON AN ELECTION DATE**

The Negotiating Council recommends to the Negotiating Forum of 25 June 1993 that the date of the election shall be 27 April 1994, but however with a view to maximise consensus on this matter, the Negotiating Council decides to finalize this matter on 15 June 1993.

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 with the Independent Electoral Commission.

**REVISED PROPOSED SCHEDULE OF MEETINGS**

3 JUNE 1993

Technical Committees  
do detailed work

Monday 7 June 1993 to  
Friday 11 June 1993

Planning Committee	Monday 14 June 1993	14h00 - 18h00
Negotiating Council	Tuesday 15 June 1993	08h30 - 18h00
Negotiating Council	Thursday 17 June 1993	08h30 - 18h00
Negotiating Council	Friday 18 June 1993	08h30 - 18h00

Planning Committee	Monday 21 June 1993	14h00 - 18h00
Negotiating Council	Tuesday 22 June 1993	08h30 - 18h00
Negotiating Council	Wednesday 23 June 1993	08h30 - 18h00
Negotiating Council	Thursday 24 June 1993	08h30 - 18h00
<b>NEGOTIATING FORUM</b>	Friday 25 June 1993	10h00 - 18h00

**Please Note:**

The adjournment time as stated are target times which will only apply if the agenda has been completed, subject to the final decision of the meeting.

**REPORT OF THE PLANNING COMMITTEE TO THE MEETING OF  
THE NEGOTIATING COUNCIL OF 3 JUNE 1993**

**1. Background**

The Negotiating Council, in its meeting of 7 May 1993, agreed to the following recommendation of the Planning Committee:

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

**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:

**1.1.2** 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 to the Negotiating Council for a decision."

(cf. Minutes of the Negotiating Council Meeting of 7 May, 1993, Item 1.)

The Administration therefore embarked on the agreed process and concentrated on those applicants which professed to be political parties or organisations.

## 2. The Process so far

- 2.1 Fifteen organisations applied to join the Multi-Party Process.
- 2.2 All applicants were requested in writing to supply particulars in support of their applications. These particulars were specified by the Negotiating Council on 7 May, 1993 and forwarded to the applicants on 11 May, 1993.
- 2.3. As at 1 June, 1993, six of those who had applied had not responded to the questionnaire. They are:
  - 2.3.1 People's Democratic Christian Party
  - 2.3.2 United Federal Party
  - 2.3.3 Sindawonye Progressive Party
  - 2.3.4 Reform Party of South Africa
  - 2.3.5 Insika National Party
  - 2.3.6 National Forum

A study of the press coverage for the past year shows no reports in the press about the above six parties in terms of reportage about their activities. There have been reports that the application of the Reform Party of South Africa and of the Insika National Party were rejected at Codesa.

In the light of the above we would **recommend** that their applications be rejected.

2.4 The following applied and have responded in some measure to the questionnaire:

2.4.1 African Democratic Movement

2.4.2 Christian Democratic Party

2.4.3 People's Progressive Party

2.4.4 Merit People's Party

2.4.5 National Seoposengwe Party

2.4.6 Afrikaner Freedom Foundation

2.4.7 Volks Unity Committee

2.4.8 Third Force Nationalist Party

2.4.9 Green Party of South Africa

### 3. **Recommendations on applications received**

3.1 The **Volks Unity Committee** telephonically informed the Administration that it was withdrawing its application. Accordingly there is no need to take a decision on this matter.

#### 3.2 **The Third Force Nationalist Party**

Its written response is a photostat copy. It is signed "T.F. Central Committee Collective Leadership". No individual name appears on it and it is not signed by any person. This document was received on 26 May, 1993 and there has been no further documentation received. A study of the press coverage shows no reports covering their activities or their existence. It is impossible to determine whether they really exist, where they are based, at what address they can be contacted, etc.

The Planning Committee **recommends** that their application be turned down.

#### 3.3 **Green Party of South Africa**

Their response was received on 27 May, 1993. There has been no press coverage of their activities. They submit a copy of their constitution. But in their response to the questionnaire there is no information indicating when and where they may have held a national congress to elect their current national executive as per their constitution. They claim a membership of 13,500 and

that they have held a number of meetings. There is no indication of the existence of any of the organisational structures reflected in their constitution. In their response they say they only have offices in Cape Town.

The Planning Committee **recommends** that this application is turned down.

#### 3.4 **The Merit People's Party**

No press coverage save that its application was turned down at Codesa. Its activities are confined to Lenasia. In its response it states that it has two members in the House of Delegates; and that in the 1989 elections the Party contested three seats in Lenasia and won all three. It should also be noted that in this regard, in its response to the Codesa questionnaire it replied somewhat differently; while repeating the statement that three candidates were returned in the 1989 election it went on to say "two members have since joined Solidarity. There is an understanding that independent members of the House of Delegates will be included in the Merit People's Party delegation to Codesa."

In its response to the present questionnaire it also states "estimated membership throughout South Africa (as no efforts are made to sign up members) is at least 10,000 persons." While its activities are Lenasia-based it also claims that it has membership throughout Natal and the Transvaal.

The Planning Committee **recommends** that its application should not be accepted.

#### 3.5 **Afrikaner Freedom Foundation (AVSTIG)**

To date AVSTIG has claimed that it is not a political party. During Codesa it was recognised as an interest group and as such was enabled to make written submissions without enjoying participant status.

In its current response it motivates why it should be accepted as a political organisation intending to participate in the first election. We quote: "Ideally we would thus most certainly take part in elections at the first possible occasion: as a state founding body it would be on state level and in facilitating capacity. But whenever it seems possible to attain or substantially promote these objectives, we would consider positively to take part in elections in another capacity and on other levels" (Our emphasis).

It is **recommended** that the Planning Committee enters into a discussion with this organisation to acquire more information.

#### 3.6 **African Democratic Movement of the Ciskei, the Christian Democratic Party of Bophutatswana, the People's Progressive Party and the National Seoposengwe Party**



All the abovementioned parties have submitted responses. The Planning Committee is aware that the Administrations of Ciskei and Bophutatswana are participating in the process.

The ADM has supported its application with a comprehensive set of press cuttings.

The People's Progressive Party and the National Seoposengwe Party both of which claim to operate in Bophutatswana and had their applications considered by Codesa. These two have responded to the questionnaire and have been publicly campaigning for inclusion.

It is **recommended** that the Planning Committee further explores the applications of these parties.

#### 4. **Conclusion**

Due to the fact that the meeting of the Negotiating Forum has been postponed, there is adequate time to further investigate the applications of the abovementioned parties. Other applicants should be informed of these decisions.

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:**

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