

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

**MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 09h30 ON TUESDAY 7 SEPTEMBER 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**

The participants were welcomed.

**3. Ratification of the Agenda**

The agenda was ratified with no amendments.

**4. Minutes**

4.1 The minutes of the meeting of 26 August 1993 were ratified with the following amendment:

\* Item 6.1.24, the 19th asterisk refers: The word "accepted" should read "accept".

4.2 No matters arising were noted out of the minutes of the meeting of 26 August 1993.

**5. Planning Committee Reportback**

It was noted that the Planning Committee had not yet had an opportunity to meet and therefore no report was available.

## 6 Substantive Issues

### 6.1 Seventeenth Draft of the Transitional Executive Council Bill:

- 6.1.1 The Technical Committee on the TEC and its Subcouncils was welcomed. Present were Z du Toit, F Haysom, CJ Heunis and D van Wyk. Apologies were noted from E Mapheto and J Renene. It was agreed to deal with the Bill clause by clause.
- 6.1.2 The long title was agreed to as formulated.
- 6.1.3 The Technical Committee was requested to ensure that the definitions were in alphabetical order.
- 6.1.4 Definition "armed force" refers:
- \* It was suggested that the sentence should end after the word law. It was noted that the PAC would pursue this point in bilateral meetings.
- 6.1.5 It was suggested that intelligence structures should be defined.
- 6.1.6 The definitions on page 4 were agreed to as formulated with the reservation of the PAC on the definition of "armed force".
- 6.1.7 The definitions on page 5 were agreed to as formulated.
- 6.1.8 It was suggested that a definition was necessary for "peace keeping".
- 6.1.9 The definitions of "South Africa", "Special Electoral Court", "the Subcouncil" and "Subcouncil" were agreed to as formulated.
- 6.1.10 Definition "traditional authority" refers:
- \* Questions of clarity were put to the Technical Committee.
  - \* After discussion it was agreed to hold this definition over until after the tea break. The clause could possibly be reformulated taking into account the views expressed in the meeting.
  - \* It was noted that this definition should be read in terms of the clauses where the wording appeared.



- 6.1.11 It was suggested that the word "ruler" should be defined.
- 6.1.12 Definition "traditional leader" refers:
- \* It was noted that this definition would be dealt with after the tea break.
- 6.1.13 Clause 2 "Establishment of Transitional Executive Council" was agreed to as formulated.
- 6.1.14 Clause 3 "Objects of Council" refers:
- \* It was noted that the word "facilitate and" would be inserted after the words "shall be to" in the introductory paragraph of the clause.
  - \* The rest of the clause was agreed to as formulated.
- 6.1.15 Clause 4 "Constitution of Council" refers:
- \* Clause 4 (8) (a) (i) refers: It was noted that the word "persistently" should be deleted.
  - \* The PAC noted that it objected to clause 4 (9).
  - \* The rest of clause 4 was agreed to as formulated.
- 6.1.16 Clause 5 "Vacation of office, removal from office, and filling of vacancies in Council" was agreed to as formulated.
- 6.1.17 Clause 6 "Conditions of service, remuneration and allowances of members of Council" was agreed to as formulated.
- 6.1.18 Clause 7 "General powers of Council" refers:
- \* It was suggested that other clauses in the Draft Bill should be included in clause 7 (5). The Technical Committee was requested to ensure that the list was exhaustive.
  - \* It was suggested that all clauses that did not have anything to do with the objects of the Council should be deleted in clause 7 (5). Other participants did not agree with this viewpoint.
  - \* It was noted that clause 7 (5) was included as a principle and was necessary.

- \* Clause 7 was agreed to as formulated with clause 7 (5) agreed to by sufficient consensus.
  - \* The AVU, the Bophuthatswana Government and the Ciskei Government objected to clause 7 (5).
- 6.1.19 Clause 8 "Establishment of Subcouncils" was agreed to as formulated.
- 6.1.20 Clause 9 "Constitution of Subcouncils" was agreed to as formulated.
- 6.1.21 Clause 10 "Vacation of office, removal from office and filling of vacancies in Subcouncils" was agreed to as formulated.
- 6.1.22 Clause 11 "Conditions of service, remuneration and allowances of members of Subcouncils" was agreed to as formulated.
- 6.1.23 Clause 12 "General powers of Subcouncils" was agreed to as formulated.
- 6.1.24 Clause 13 "Powers in regard to certain proposed legislation and other actions" refers:
- \* The AVU noted that it had reservations with regard to clause 13 (2).
  - \* It was suggested that the provisions of 13 (2) (a) and (b) should be expanded to include anything likely to have an adverse effect on the provisions of this act and therefore the following words should be inserted after the words "objects of the Council" in clause 13 (2) (a) "likely to have a bearing on the objects of the Council ...".
  - \* It was suggested that, alternatively, a reference to clause 7 (5) could be added to 13 (2).
  - \* It was suggested that the above two proposals should be circulated and considered by participants. This clause would then be dealt with after the tea break.
- 6.1.25 Clause 14 "Powers and duties in regard to regional and local government and traditional authorities" refers:
- \* It was suggested that clause 14 (f) should be included in clause 7 (5). Other participants did not agree with this



point of view.

\* It was agreed that the word "regional" should be included in clause 14 (f).

\* Clause 14 was agreed to as amended.

6.1.26 Clause 15 "Powers and duties in regard to law and order, stability and security" refers:

\* Clause 15 (1) was agreed to as formulated.

\* It was noted that clause 15 (2) should stand over and be dealt with on a bilateral basis.

\* Clauses 15 (3), (4), (5) and (6) were agreed to as formulated.

6.1.27 Clause 16 "Powers and duties in regard to defence" refers:

\* It was noted that clause 16 (1) would be redrafted according to agreements reached in the bilateral meetings.

\* Clauses 16 (2) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) were agreed to as formulated.

\* The Bophuthatswana Government noted concerns with regard to the wording of clauses 16 (c) and (d).

\* Clause 16 (3) was agreed to as formulated.

\* It was noted that clauses 16 (4) and (9) would be dealt with after the bilateral meetings.

\* Clauses 16 (5), (6), (7), (8), (10), (11), (12), (13) and (14) were agreed to as formulated.

\* It was noted that the PAC opposed and rejected clause 16 (10).

\* It was noted that the DP objected to clause 16 (11).

6.1.28 Clause 17 "Powers and duties in regard to finance" was agreed to as formulated.

6.1.29 Clause 18 "Powers and duties in regard to foreign affairs" was

agreed to as formulated. The PAC noted that it rejected this clause as it was of the opinion that it did not level the playing fields.

- 6.1.30 Clause 19 "Powers and duties in regard to the status of women" was agreed to as formulated.
- 6.1.31 Clause 20 "Powers and duties in regard to intelligence" refers:
- \* It was noted that the Bophuthatswana Government had reservations with regard to clause 20 (2).
  - \* The clause as formulated was agreed to.
- 6.1.32 Clause 21 "Application of Act" was agreed to as formulated.
- 6.1.33 Clause 22 "Procurement of information" refers:
- \* It was noted this clause would be dealt with after the tea break.
- 6.1.34 Clause 23 "Resolution of disputes" was agreed to as formulated.
- 6.1.35 Clause 24 "Meetings and office-bearers" was agreed to as formulated.
- 6.1.36 Clause 25 "Decisions" refers:
- \* Clause 25 (1) was agreed to as formulated.
  - \* It was noted that clause 25 (2) was being dealt with at a bilateral level and would be returned to.
- 6.1.37 Clause 26 "Administrative support staff and accounting" was agreed to as formulated.
- 6.1.38 Clause 27 "Legal proceedings against Council" was agreed to as formulated.
- 6.1.39 Clause 28 "Amendment of Act" was agreed to as formulated.
- 6.1.40 Clause 29 "Duration" was agreed to as formulated.
- 6.1.41 Clause 30 "State bound" refers:
- \* It was suggested that the word "State" should be defined



in the definitions.

- \* It was suggested that this clause should be consistent with the other Draft Bills.
- \* It was agreed to revisit this clause after the tea break.

6.1.42 Clause 31 "Short Title and Commencement" was agreed to as formulated.

The meeting then adjourned for lunch and for the bilateral and/or multilateral meetings at 12h00.

The meeting reconvened at 18h30.

6.1.43 The Technical Committee submitted a supplementary report to its seventeenth draft (see Addendum B). It was noted that the State Law Adviser had joined the Technical Committee at this point. Discussion followed on this report.

6.1.44 Definition "intelligence service" was agreed to as formulated.

6.1.45 Definition "intelligence structure" was agreed to as formulated.

6.1.46 Definition "traditional authority" was agreed to as formulated in the seventeenth draft and not as formulated in the supplementary report.

6.1.47 Definition "traditional leader" was agreed to as formulated in the seventeenth draft and not as formulated in the supplementary report.

6.1.48 Clause 13 "Powers in regard to certain proposed legislation and other actions" refers:

- \* It was agreed to add the following words in clause 13 (1) (b) after "proposed legislation" : "of any Government or Administration".
- \* It was agreed to add the following words to clause 13 (2) (a) after "the Council shall" : "subject to the other provisions of this Act".
- \* It was agreed to add the following word to clause 13 (2) (b) after "subject to the" : "other".

6.1.49

Clause 16 "Powers and duties in regard to defence" as drafted in the supplementary report refers:

- \* It was noted that the following words should be inserted in 16 (4) (c) after the words "paragraph (a)": "are unable to reach such agreement".
- \* It was suggested that consultation as referred to in clause 16 (4) (a) should occur with the commanders of all armies.
- \* The PAC noted that it objected to clause 16 (4) (a).
- \* It was suggested that the following words should be inserted at the end of the opening phrase of clause 16 (9) "and monitor".
- \* The clause as drafted in the supplementary report was agreed to as formulated.

6.1.50

Clause 22 "Procurement of information" refers:

- \* Clause 22 (1) as drafted in the seventeenth report was agreed to.
- \* Clause 22 (2) as drafted in the supplementary report was agreed to.
- \* Clause 22 (3) (a) as drafted in the seventeenth report was agreed to.
- \* Clause 22 (3) (b) as drafted in the seventeenth report was agreed to.
- \* It was agreed that the words "need or necessity for" should replace the words "interest in" in clause 22 (3) (b) (i). The rest of the formulation should remain as in the seventeenth report.
- \* Clauses 22 (3) (b) (ii) and (iii) were agreed as formulated in the seventeenth report.
- \* Clause 22 (3) (b) (iv) as formulated in the supplementary report was agreed to.
- \* Clauses 22 (3) (c), (d), (e), (f), (g), (h), (i) and (j) were agreed to as formulated in the seventeenth report.



- \* Clauses 22 (4) (a), (b), (c), (d) and (e) as formulated in the seventeenth report were agreed to.
- \* It was noted that the DP's objection to clause 22 (4) (b) was with regard to the veto that the military forces and policing agencies held and not the percentage.
- \* Clauses 22 (4) (f) and (g) were agreed to as formulated in the supplementary report.
- \* Clauses 22 (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) as drafted in the seventeenth report were agreed to.

6.1.51 Clause 24 (6) "Meetings and office-bearers" as formulated in the supplementary report was agreed to, with the proviso that it should correspond with clause 24 (7) of the seventeenth report.

6.1.52 Clause 15 (2) "Powers and duties in regard to law and order, stability and security" refers:

- \* It was noted that due to time constraints the proposal put to the Negotiating Council could not be drafted in writing.
- \* It was agreed that once the proposed principle had been approved by the Negotiating Council, the Technical Committee would draft the proposed principle of the clause under the supervision of the Planning Committee.
- \* It was agreed that the State President or the functionary will be able to declare a state of emergency in terms of clause 15 (2) after consultation with the TEC, but that the Transitional Executive Council can revisit the matter after such a declaration and would be able to review the decision with the support of 80% of the members of the TEC.
- \* It was agreed that the powers of the State President and the Minister should be separated with regard to the declaration of a state of emergency.
- \* The PAC rejected the whole notion of a state of emergency with regard to clause 15 (2).

6.1.53

Clause 25 (2) refers:

- \* It was agreed by sufficient consensus that in the event of there not being total consensus in respect of any decision, a decision which has the support of at least 75% (seventy five percent) of the members of the TEC, shall be deemed to be the decision of the Council, as the case may be.
- \* It was agreed by sufficient consensus that in the event of there not being total consensus in respect of any decision, a decision which has the support of at least 75% (seventy five percent) of the members of the Subcouncils on law and order, stability and security, defence and intelligence, shall be deemed to be the decision of the Subcouncils, as the case may be. The number of members of these Subcouncils should be eight.
- \* It was agreed by sufficient consensus that in the event of there not being total consensus in respect of any decision, a decision which has the support of at least two thirds of the members of the Subcouncils on status of women, finance, regional and local government and traditional authorities and foreign affairs, shall be deemed to be the decision of the Subcouncils, as the case may be. The number of members of these Subcouncils should be six.
- \* The AVU, the Ciskei Government, the DP objected to these agreements. The Ciskei Government stated that the Negotiating Council will rue the day it took these decisions.
- \* It was agreed to mandate the Technical Committee to draft the applicable legislation for the Transkei in this regard.

6.1.54

Clause 30 "State bound" was agreed to as formulated in the seventeenth report.

6.1.55

It was noted that the various language and technical amendments would be attended to by the Technical Committee.

6.1.56

The total Draft Bill of the TEC as amended was agreed to by sufficient consensus. This ruling was accepted by all participants as the participants opposed to the acceptance of the



Draft Bill were not materially affected.

- 6.1.57 The AVU noted that it reserved its position on the acceptance of the Draft Bill (see Addendum C).
- 6.1.58 The Bophuthatswana Government opposed the acceptance of the Draft Bill (see Addendum D).
- 6.1.59 The Ciskei Government opposed the acceptance of the Draft Bill (see Addendum E).
- 6.1.60 It was noted that the PAC abstained from being party to the decision of the acceptance of the Draft Bill until further consultation with its principals.
- 6.1.61 The Technical Committee was thanked for its work completed.

**6.2 Proposed Draft Resolution on the Processing of the Accepted TEC Bill put to the Negotiating Council on 7 September 1993:**

- 6.2.1 The draft resolution was circulated, put to the meeting and adopted by sufficient consensus (see Addendum F).
- 6.2.2 It was noted that the AVU, the Bophuthatswana Government and the Ciskei Government were opposed to the adoption of the resolution.

**6.3 Proposed Draft Resolution on the Commission on National Symbols put to the Negotiating Council on 7 September 1993:**

- 6.3.1 The draft resolution was circulated and put to the meeting.
- 6.3.2 Discussion followed. It was agreed that the Sub-Committee of the Planning Committee should have a discussion with the members of the Commission and in consultation with them ascertain how soon they would be in a position to submit a recommendation. The Planning Committee would report back to the Negotiating Council in this regard.
- 6.3.3 It was noted that not all of the nominees had as yet been approached to form part of the composition of the Commission.
- 6.3.4 The resolution was adopted by general consensus (see Addendum G).

## 7. Schedule of Meetings and Draft Programme

The schedule of meetings and the draft programme was agreed to as amended (see Addendum H).

## 8. Closure

8.1 A minute of silence was observed by all participants in commemoration of the people who died a year ago in the Bisho massacre.

8.2 The meeting was adjourned at 21h00.

These minutes were ratified at the meeting of the Negotiating Council of 28 September 1993 and the amended version signed by the Chairperson of the original meeting on .....7/10/1993.....

  
.....  
CHAIRPERSON



**Addendum A**

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

D de Villiers : Chairperson  
M Finnemore : Assistant Chairperson

<b>Organisation</b>	<b>Delegates</b>	<b>Advisers</b>
ANC	C Ramaphosa B Kgosisile	MV Moosa
AVU	C Kruger	AJJ van Rensburg
Bophuthatswana	R Mangope R Cronje	BE Keikelame SG Mothibe
Cape Trad. Leaders	M Nonkonyana SN Sigcau	GD Gwadiso DM Jongilanga
Ciskei	TM Bulube VT Gqiba	AC Cilliers
DP	C Eglin M Finnemore	KM Andrew
Dikwankwetla	SOM Moji JSS Phatang	K Ngwenya
IFP		
IYP	NJ Mahlangu NS Mtsweni	AP Laka Q Vilankulu
KP		
INM	SS Ripinga ND Mokoena	MS Gininda GG Zama
Kwazulu		
Labour Party	L Landers CC August	K Lategan PAC Hendrickse
NIC/TIC	PJ Gordhan F Seedat	
NP	D de Villiers TJ King	SJ Schoeman L Wessels
NPP	A Rajbansi S Naidoo	AA Koobair BP Jaglal

● Trad. Leaders	MA Molefe MT Moroke	MB Mota
PAC	P de Lille B Alexander	B Desai
Solidarity	DS Rajah	K Moodley
SACP	J Slovo L Jacobus	S Shilowa
SA Government	RP Meyer LR Brink	TJ Kruger
Transkei	Z Titus N Jajula	R Nogumla
TVL Trad. Leaders	MA Netshimbupfe	NE Ngomane
UPF	A Chabalala J Maake	NM Tsheole
Venda	SE Moeti AK Masehela	S Makhuvha GM Ligege
XPP	ST Mona MH Matjokana	GNK Hetisani EE Ngobeni

T Eloff	:	Administration
G Hutchings	:	Minutes
P Lelaka	:	Administration
M Radebe	:	Administration



**RESOLUTION ON THE PROCESSING OF THE  
ACCEPTED TEC BILL  
ADOPTED BY THE NEGOTIATING COUNCIL  
ON 7 SEPTEMBER 1993**

This Negotiating Council meeting on Tuesday 7 September 1993 at the World Trade Centre in Kempton Park:

**Notes with acclaim**

1. That the Transitional Executive Council Bill has been adopted by sufficient consensus by this Council.

**Noting further**

1. That the following are the steps that are to be followed:
  - 1.1 Agreement on Bill in the Negotiating Council
  - 1.2 Passage of Bill through Parliament
  - 1.3 Promulgation of the Act in Gazette
  - 1.4 Putting into operation of the Act
2. That the Bills passed through Parliament will not be put into operation until an explicit decision to that effect has been taken by the Plenary of the Multi-Party Negotiating Process having approved the total package of agreements, that is the Independent Electoral Commission, the Independent Media Commission, the Independent Broadcasting Authority, the Transitional Executive Council and the Constitution for the transitional period including fundamental rights and the constitutional principles.

**Believing**

That this Bill must now be introduced in Parliament as soon as possible and that an agreement in the Negotiating Council to this effect will boost confidence in the negotiating process.

**Therefore resolves**

That this Negotiating Council requests the South African Government to introduce this Bill in Parliament for attention during the Parliamentary session starting on 13 September 1993.

●  
**And further resolves**

1. That, in terms of clause 6 of the Explanatory Memorandum adopted by the Negotiating Council on 30 April 1993 and quoted hereunder, the Council will expressly determine the date when each agreement arrived at by the Council and passed by Parliament and after their passage through Parliament will be implemented; and
  - "6. It is expressly understood by all participants that each of the above proposals and the documentation emanating from such technical committees shall be discussed in the Negotiating Council with the view to arriving at an agreement on these matters. Furthermore that as when agreement is reached on each of these matters the Council shall expressly determine when and how the specific agreement shall be implemented. This provision is made so as to ensure participants have a clear understanding of the package of agreements which would constitute the key elements of the transition process."
2. That the Planning Committee shall plan for the implementation and practical application of this Bill, including informal preparations for the operation of the structures provided for in the Bills, in order to facilitate their implementation.



**RESOLUTION ON THE COMMISSION ON NATIONAL SYMBOLS  
ADOPTED BY THE NEGOTIATING COUNCIL ON  
7 SEPTEMBER 1993**

1. **Whereas** in the deliberations concerning a constitution for the transitional period, the question of national symbols will have to be addressed;
2. **And** whereas this is an extremely emotional issue that will have to be dealt with with the utmost sensitivity;
3. **But** whereas cultural, artistic and technical aspects are also to be taken into account;
4. **We**, the Negotiating Council, hereby appoint :

Prof Elize Botha as Chairperson

Mrs P G P Maluleka as Vice Chairperson, and

Mr F G Brownell

Prof Lynda Gilfillan

Mr Bill Jardine

Prof P H M Kapp

Ms Barbara Masekela

Dr C Pama

Prof C J Reineke

Prof Themba Sirayi

Dr Musa Xulu

Prof Fatima Meer

Ms Rosette Nothemba Mlonzi

as members of a Commission on National Symbols to make recommendations before the end of October 1993 to us, the Negotiating Council, or to any body that might at that time have replaced the Negotiating Council, on a national flag, a coat of arms, a seal and an anthem for the Constitution for the transitional period.

5 ● **The Commission is requested to -**

- 5.1 invite proposals from all interested persons or parties and to allow at least one month for submissions to be made;
- 5.2 take into account the diversity of the South African population but concentrate on the unifying function that national symbols must serve;
- 5.3 and in its recommendations submit at least four alternative flags and coats of arms.



**AVU Statement**

The AVU finds itself in a rather difficult position in making a decision on supporting the TEC Bill.

We are fully aware of the realities and the need for a body such as the TEC to prepare for the transition to a new democratic order in South Africa.

Our problem is that this process has not yet produced anything of substance regarding the accommodation of the Afrikaner, as a people, in a future South Africa. We have heard some promising ideas expressed in informal and bilateral discussion, but as yet no firm commitment's have been received.

Agreeing to the TEC Bill without knowing what the constitution, nor the SPR boundaries and powers and functions of SPR's would be like signing a blank cheque on behalf of our people.

We entered the negotiating process in the belief that our voice would be a prophetic voice. Should we now support the TEC Bill and later fail to persuade this Council to meet the reasonable aspirations of the Afrikaner people, we may well have become the Afrikaners' judas goat, instead.

We therefore reserve our position on this Bill and we sincerely hope that, at the conclusion of the negotiating process, we will be able to give our full support to the TEC Bill and can become constructive participants in the TEC.

**CISKEI GOVERNMENT STATEMENT**

The Government of Ciskei opposes the adoption of this Draft Bill because, if applied to the Ciskei Government the Bill would place the Government in an impossible situation. The TEC is an essential element of a two-phase process. If, in that process, a set of constitutional principles were approved as the basis for a new constitution which would enable Ciskei to participate in elections with a view to amalgamation with South Africa after such elections, and Ciskei decided to participate in such elections, the present Draft Bill would require the Ciskei Government to surrender critical aspects of its sovereignty even before amalgamation took place.

Ciskei did not wish to be forced from the constitutional process. Bilateral discussions were and are held in an attempt to resolve disagreements with the Draft Bill. As presently framed, this Draft Bill makes it impossible for Ciskei to participate in the TEC. It may well exclude Ciskei from participation in an election. We now have to note that the whole matter might have to be revisited after the Constitution is finalised. We therefore oppose it.



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 09h30 ON TUESDAY 7 SEPTEMBER 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**

The participants were welcomed.

**3. Ratification of the Agenda**

The agenda was ratified with no amendments.

**4. Minutes**

4.1 The minutes of the meeting of 26 August 1993 were ratified with the following amendment:

\* Item 6.1.24, the 19th asterisk refers: The word "accepted" should read "accept".

4.2 No matters arising were noted out of the minutes of the meeting of 26 August 1993.

**5. Planning Committee Reportback**

It was noted that the Planning Committee had not yet had an opportunity to meet and therefore no report was available.

## 6 Substantive Issues

### 6.1 Seventeenth Draft of the Transitional Executive Council Bill:

- 6.1.1 The Technical Committee on the TEC and its Subcouncils was welcomed. Present were Z du Toit, F Haysom, CJ Heunis and D van Wyk. Apologies were noted from E Mapheto and J Renene. It was agreed to deal with the Bill clause by clause.
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  - \* After discussion it was agreed to hold this definition over until after the tea break. The clause could possibly be reformulated taking into account the views expressed in the meeting.
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  - \* It was noted that clause 7 (5) was included as a principle and was necessary.

- \* Clause 7 was agreed to as formulated with clause 7 (5) agreed to by sufficient consensus.
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  - \* It was suggested that the provisions of 13 (2) (a) and (b) should be expanded to include anything likely to have an adverse effect on the provisions of this act and therefore the following words should be inserted after the words "objects of the Council" in clause 13 (2) (a) "likely to have a bearing on the objects of the Council ...".
  - \* It was suggested that, alternatively, a reference to clause 7 (5) could be added to 13 (2).
  - \* It was suggested that the above two proposals should be circulated and considered by participants. This clause would then be dealt with after the tea break.
- 6.1.25 Clause 14 "Powers and duties in regard to regional and local government and traditional authorities" refers:
- \* It was suggested that clause 14 (f) should be included in clause 7 (5). Other participants did not agree with this



point of view.

\* It was agreed that the word "regional" should be included in clause 14 (f).

\* Clause 14 was agreed to as amended.

6.1.26 Clause 15 "Powers and duties in regard to law and order, stability and security" refers:

\* Clause 15 (1) was agreed to as formulated.

\* It was noted that clause 15 (2) should stand over and be dealt with on a bilateral basis.

\* Clauses 15 (3), (4), (5) and (6) were agreed to as formulated.

6.1.27 Clause 16 "Powers and duties in regard to defence" refers:

\* It was noted that clause 16 (1) would be redrafted according to agreements reached in the bilateral meetings.

\* Clauses 16 (2) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) were agreed to as formulated.

\* The Bophuthatswana Government noted concerns with regard to the wording of clauses 16 (c) and (d).

\* Clause 16 (3) was agreed to as formulated.

\* It was noted that clauses 16 (4) and (9) would be dealt with after the bilateral meetings.

\* Clauses 16 (5), (6), (7), (8), (10), (11), (12), (13) and (14) were agreed to as formulated.

\* It was noted that the PAC opposed and rejected clause 16 (10).

\* It was noted that the DP objected to clause 16 (11).

6.1.28 Clause 17 "Powers and duties in regard to finance" was agreed to as formulated.

6.1.29 Clause 18 "Powers and duties in regard to foreign affairs" was



agreed to as formulated. The PAC noted that it rejected this clause as it was of the opinion that it did not level the playing fields.

6.1.30 Clause 19 "Powers and duties in regard to the status of women" was agreed to as formulated.

6.1.31 Clause 20 "Powers and duties in regard to intelligence" refers:

\* It was noted that the Bophuthatswana Government had reservations with regard to clause 20 (2).

\* The clause as formulated was agreed to.

6.1.32 Clause 21 "Application of Act" was agreed to as formulated.

6.1.33 Clause 22 "Procurement of information" refers:

\* It was noted this clause would be dealt with after the tea break.

6.1.34 Clause 23 "Resolution of disputes" was agreed to as formulated.

6.1.35 Clause 24 "Meetings and office-bearers" was agreed to as formulated.

6.1.36 Clause 25 "Decisions" refers:

\* Clause 25 (1) was agreed to as formulated.

\* It was noted that clause 25 (2) was being dealt with at a bilateral level and would be returned to.

6.1.37 Clause 26 "Administrative support staff and accounting" was agreed to as formulated.

6.1.38 Clause 27 "Legal proceedings against Council" was agreed to as formulated.

6.1.39 Clause 28 "Amendment of Act" was agreed to as formulated.

6.1.40 Clause 29 "Duration" was agreed to as formulated.

6.1.41 Clause 30 "State bound" refers:

\* It was suggested that the word "State" should be defined

in the definitions.

\* It was suggested that this clause should be consistent with the other Draft Bills.

\* It was agreed to revisit this clause after the tea break.

6.1.42 Clause 31 "Short Title and Commencement" was agreed to as formulated.

The meeting then adjourned for lunch and for the bilateral and/or multilateral meetings at 12h00.

The meeting reconvened at 18h30.

6.1.43 The Technical Committee submitted a supplementary report to its seventeenth draft (see Addendum B). It was noted that the State Law Adviser had joined the Technical Committee at this point. Discussion followed on this report.

6.1.44 Definition "intelligence service" was agreed to as formulated.

6.1.45 Definition "intelligence structure" was agreed to as formulated.

6.1.46 Definition "traditional authority" was agreed to as formulated in the seventeenth draft and not as formulated in the supplementary report.

6.1.47 Definition "traditional leader" was agreed to as formulated in the seventeenth draft and not as formulated in the supplementary report.

6.1.48 Clause 13 "Powers in regard to certain proposed legislation and other actions" refers:

\* It was agreed to add the following words in clause 13 (1) (b) after "proposed legislation" : "of any Government or Administration".

\* It was agreed to add the following words to clause 13 (2) (a) after "the Council shall" : "subject to the other provisions of this Act".

\* It was agreed to add the following word to clause 13 (2) (b) after "subject to the" : "other".



6.1.49

Clause 16 "Powers and duties in regard to defence" as drafted in the supplementary report refers:

- \* It was noted that the following words should be inserted in 16 (4) (c) after the words "paragraph (a)": "are unable to reach such agreement".
- \* It was suggested that consultation as referred to in clause 16 (4) (a) should occur with the commanders of all armies.
- \* The PAC noted that it objected to clause 16 (4) (a).
- \* It was suggested that the following words should be inserted at the end of the opening phrase of clause 16 (9) "and monitor".
- \* The clause as drafted in the supplementary report was agreed to as formulated.

6.1.50

Clause 22 "Procurement of information" refers:

- \* Clause 22 (1) as drafted in the seventeenth report was agreed to.
- \* Clause 22 (2) as drafted in the supplementary report was agreed to.
- \* Clause 22 (3) (a) as drafted in the seventeenth report was agreed to.
- \* Clause 22 (3) (b) as drafted in the seventeenth report was agreed to.
- \* It was agreed that the words "need or necessity for" should replace the words "interest in" in clause 22 (3) (b) (i). The rest of the formulation should remain as in the seventeenth report.
- \* Clauses 22 (3) (b) (ii) and (iii) were agreed as formulated in the seventeenth report.
- \* Clause 22 (3) (b) (iv) as formulated in the supplementary report was agreed to.
- \* Clauses 22 (3) (c), (d), (e), (f), (g), (h), (i) and (j) were agreed to as formulated in the seventeenth report.



- \* Clauses 22 (4) (a), (b), (c), (d) and (e) as formulated in the seventeenth report were agreed to.
- \* It was noted that the DP's objection to clause 22 (4) (b) was with regard to the veto that the policing forces held and not the percentage.
- \* Clauses 22 (4) (f) and (g) were agreed to as formulated in the supplementary report.
- \* Clauses 22 (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) as drafted in the seventeenth report were agreed to.

6.1.51 Clause 24 (6) "Meetings and office-bearers" as formulated in the supplementary report was agreed to, with the proviso that it should correspond with clause 24 (7) of the seventeenth report.

6.1.52 Clause 15 (2) "Powers and duties in regard to law and order, stability and security" refers:

- \* It was noted that due to time constraints the proposal put to the Negotiating Council could not be drafted in writing.
- \* It was agreed that once the proposed principle had been approved by the Negotiating Council, the Technical Committee would draft the proposed principle of the clause under the supervision of the Planning Committee.
- \* It was agreed that the State President or the functionary will be able to declare a state of emergency in terms of clause 15 (2) after consultation with the TEC, but that the Transitional Executive Council can revisit the matter after such a declaration and would be able to review the decision with the support of 80% of the members of the TEC.
- \* It was agreed that the powers of the State President and the Minister should be separated with regard to the declaration of a state of emergency.
- \* The PAC rejected the whole notion of a state of emergency with regard to clause 15 (2).

6.1.53

Clause 25 (2) refers:

- \* It was agreed by sufficient consensus that in the event of there not being total consensus in respect of any decision, a decision which has the support of at least 75% (seventy five percent) of the members of the TEC, shall be deemed to be the decision of the Council, as the case may be.
- \* It was agreed by sufficient consensus that in the event of there not being total consensus in respect of any decision, a decision which has the support of at least 75% (seventy five percent) of the members of the Subcouncils on law and order, stability and security, defence and intelligence, shall be deemed to be the decision of the Subcouncils, as the case may be. The number of members of these Subcouncils should be eight.
- \* It was agreed by sufficient consensus that in the event of there not being total consensus in respect of any decision, a decision which has the support of at least 66.6% (sixty six point six percent) of the members of the Subcouncils on status of women, finance, regional and local government and traditional authorities and foreign affairs, shall be deemed to be the decision of the Subcouncils, as the case may be. The number of members of these Subcouncils should be six.
- \* The AVU, the Ciskei Government, the DP objected to these agreements. The Ciskei Government stated that the Negotiating Council will rue the day it took these decisions.
- \* It was agreed to mandate the Technical Committee to draft the applicable legislation for the Transkei in this regard.

6.1.54

Clause 30 "State bound" was agreed to as formulated in the seventeenth report.

6.1.55

It was noted that the various language and technical amendments would be attended to by the Technical Committee.

6.1.56

The total Draft Bill of the TEC as amended was agreed to by sufficient consensus. This ruling was accepted by all participants as the participants opposed to the acceptance of the



Draft Bill were not materially affected.

6.1.57 The AVU noted that it reserved its position on the acceptance of the Draft Bill (see Addendum C).

6.1.58 The Bophuthatswana Government opposed the acceptance of the Draft Bill (see Addendum D).

6.1.59 The Ciskei Government opposed the acceptance of the Draft Bill (see Addendum E).

6.1.60 It was noted that the PAC abstained from being party to the decision of the acceptance of the Draft Bill until further consultation with its principals.

6.1.61 The Technical Committee was thanked for its work completed.

**6.2 Proposed Draft Resolution on the Processing of the Accepted TEC Bill put to the Negotiating Council on 7 September 1993:**

6.2.1 The draft resolution was circulated, put to the meeting and adopted by sufficient consensus (see Addendum F).

6.2.2 It was noted that the AVU, the Bophuthatswana Government and the Ciskei Government were opposed to the adoption of the resolution.

**6.3 Proposed Draft Resolution on the Commission on National Symbols put to the Negotiating Council on 7 September 1993:**

6.3.1 The draft resolution was circulated and put to the meeting.

6.3.2 Discussion followed. It was agreed that the Sub-Committee of the Planning Committee should have a discussion with the members of the Commission and in consultation with them ascertain how soon they would be in a position to submit a recommendation. The Planning Committee would report back to the Negotiating Council in this regard.

6.3.3 It was noted that not all of the nominees had as yet been approached to form part of the composition of the Commission.

6.3.4 The resolution was adopted by general consensus (see Addendum G).



**7● Schedule of Meetings and Draft Programme**

The schedule of meetings and the draft programme was agreed to as amended (see Addendum H).

**8. Closure**

8.1 A minute of silence was observed by all participants in commemoration of the people who died a year ago in the Bisho massacre.

8.2 The meeting was adjourned at 21h00.

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

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

D de Villiers : Chairperson  
M Finnemore : Assistant Chairperson

Organisation	Delegates	Advisers
ANC	C Ramaphosa B Kgosisile	MV Moosa
AVU	C Kruger	AJJ van Rensburg
Bophuthatswana	R Mangope R Cronje	BE Keikelame SG Mothibe
Cape Trad. Leaders	M Nonkonyana SN Sigcau	GD Gwadiso DM Jongilanga
Ciskei	TM Bulube VT Gqiba	AC Cilliers
DP	C Eglin M Finnemore	KM Andrew
Dikwankwetla	SOM Moji JSS Phatang	K Ngwenya
IFP		
IYP	NJ Mahlangu NS Mtsweni	AP Laka Q Vilankulu
KP		
INM	SS Ripinga ND Mokoena	MS Gininda GG Zama
Kwazulu		
Labour Party	L Landers CC August	K Lategan PAC Hendrickse
NIC/TIC	PJ Gordhan F Seedat	
NP	D de Villiers TJ King	SJ Schoeman L Wessels
NPP	A Rajbansi S Naidoo	AA Koobair BP Jaglal



● Trad. Leaders	MA Molefe MT Moroke	MB Mota
PAC	P de Lille B Alexander	B Desai
Solidarity	DS Rajah	K Moodley
SACP	J Slovo L Jacobus	S Shilowa
SA Government	RP Meyer LR Brink	TJ Kruger
Transkei	Z Titus N Jajula	R Nogumla
TVL Trad. Leaders	MA Netshimbupfe	NE Ngomane
UPF	A Chabalala J Maake	NM Tsheole
Venda	SE Moeti AK Masehela	S Makhuvha GM Ligege
XPP	ST Mona MH Matjokana	GNK Hetisani EE Ngobeni

T Eloff	:	Administration
G Hutchings	:	Minutes
P Lelaka	:	Administration
M Radebe	:	Administration

ADDENDUM B.  
TO MINUTES. TUES.  
07/09/93.

**TRANSITIONAL EXECUTIVE COUNCIL BILL**

**SUPPLEMENTARY REPORT**

**SEVENTEENTH DRAFT**

**OUTSTANDING CLAUSES FOR DISCUSSION  
IN THE NEGOTIATING COUNCIL**

- Section 1** Definition of "intelligence", "traditional authority" and "traditional leader"
- Section 13** Subsection (1)(a) and (b) **page 16**  
Subsection (2)(a) and (b)
- Section 15** Subsection (2)(a), (b), (c), (d) **held over for further discussion  
page 19**
- Section 16** Subsection (1)(a) and (b) **addition pages 21, 22, 24 and 25**  
(2)(f) and (j) **deletions pages 22 and 23**  
(3)(a) and (b) **additional wording in (b)**  
(4)(a), (b) and (c) **held over for further discussion,  
amendment to (b) and addition of (i)  
and (ii) in (b) since distribution of  
fifteenth draft.**  
(9)(a) and (b) **amendment page 25**
- Section 22** Entire section still to be discussed by the Negotiating Council. **Amendments  
to subsection (2)(a) and (b) the latter is an additional subsection,  
(3)(b)(iv), (3)(f) and (g). Pages 35 and 36**
- Section 24** (6) **additional subsection**



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Section 1 **Definitions**

"intelligence service" means any intelligence service of any Government, established by or under any law;

"intelligence structure" means any intelligence structure not established by or under any law and which is under the authority and control of or associated with and promotes the objectives of a participant in the Council;

"traditional authority" means any authority which, in terms of indigenous law or any other law, administers the affairs of any tribe, or group of indigenous people; and

"traditional leader" means any person who, in terms of indigenous or any other law, is in charge of, or exercises control over, a traditional authority.

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Section 16 **Defence**

**Powers and duties in regard to defence**

16. (1) (a) Each military force shall, **at the same time or as soon as possible after the submission of the commitment, undertaking and renunciation contemplated in section 4(1)(b) or 4(5)(a), as the case may be, by notice in writing to the Negotiating Council or the Council -**
- (i) **associate itself with that commitment, undertaking and renunciation; and**
  - (ii) **acknowledge the authority of the Council and the Subcouncil for the purpose of achieving the objects of this Act.**

- (b) Any military force which fails to comply with paragraph (a), shall not be regarded as an armed force, a defence force or a military force, **as the case may be**, for the purpose of this section.
- (2) (f) to undertake or to commission research into any relevant matter, including, but not limited to, the parliamentary control, composition, manpower policy (including conscription), organization and executive command of a future South African defence force, the policy **in regard to armed forces which are not under the authority and control of a participant in the Council**, and the future of the arms and related industries;
  - (j) to establish a co-ordinating council comprised of the commander, or a person designated by the commander, of every military force, which shall -
    - (i) liaise with all military forces in order to promote the objects of the Council; and
    - (ii) report and make recommendations to the Subcouncil as and when required concerning any matter relating to its functions; and
- (3) For the purpose of subsection (2)(k) no person shall be considered a member of an armed force as defined in section 1 unless -
    - (a) that person was a registered member of such armed force at the commencement of this section and qualifies in terms of the requirements referred to in subsection (2)(k);
    - (b) that person's name and other particulars are included in a certified personnel register, **which register will be submitted by such armed force to the Subcouncil within 21 days after the commencement of this section or, in the case of a participant referred to in section 4(5), within 21 days after the publication of the relevant proclamation referred to in section 4(5)(a) and shall be updated monthly.**
- (4) (a) The Council shall, in consultation with the Minister of Defence, make regulations -
    - (i) governing the deployment of any defence force unit in crime-prevention or peacekeeping operations; and



- (ii) the relationship and interaction between such unit and any other unit of a defence force, the National Peacekeeping Force or any policing agency involved in such operations,

and any such deployment **and the discontinuance of such deployment** shall take place only in accordance with such regulations and with the concurrence of **both** the said Minister **and the Subcouncil**.

- (b) Until such regulations have been promulgated, a defence force unit may be deployed or continue to be deployed in crime-prevention and peacekeeping operations in terms of existing laws governing such deployment: Provided that -

- (i) in respect of any deployment which took place before the commencement of this section, the Subcouncil may review such deployment and, in consultation with the Minister of Defence, order the discontinuance of such deployment;

- (ii) in respect of any deployment which takes place after the commencement of this section, such deployment and the discontinuance of such deployment shall take place only with the concurrence of both the Minister and the Subcouncil.

- (c) In the event of the Council and the Minister being unable to reach agreement on **the matters dealt with in this subsection or in the case of the regulations contemplated in paragraph (a)**, within one month of the appointment of the members of the Subcouncil, the matter shall be referred to the Special Electoral Court for determination.

- (9) The Subcouncil shall have the responsibility to ensure -

- (a) the audit and effective supervision of the arms **and armaments** of any military force, **by that force**; and
- (b) the identification of the personnel of any military force, for which purpose every military force shall submit a certified personnel register to the subcouncil within the relevant period specified in subsection (3)(b), **and shall update such register on a monthly basis**.

## Procurement of information

- (2) (a) Notwithstanding this section or any other provision of this Act, no military force, policing agency or intelligence service or structure shall be obliged to disclose any information or document in its possession or under its control **in a form which could reveal the identity of any source of such information** if that information or document was provided under an express or implied assurance of confidentiality: Provided that this subsection shall not prevent the disclosure of the remaining parts of information or a document if the parts which could reveal the identity of the source can be separated from the rest thereof.
- (b) **In the event of a dispute arising from the provisions of this subsection as to whether the disclosure of any information or document in the possession or under the control of a military force, policing agency, intelligence service or structure may reveal the identity of any source of information such dispute shall be determined by a committee composed of the head of the relevant military force, policing agency, intelligence service or structure and a member of the Committee referred to in subsection (4) appointed by the Committee in consultation with the said head.**
- (3) No provision of this Act shall be interpreted as entitling the Council or a subcouncil to any information or document -
- (b) (iv) **would be likely to pose a substantial threat to the security of the State;**
- (f) The **Committee** shall designate two members of its members as a subcommittee to deal with all requests in terms of subsections (8) and (9) relating to any information or document compiled by or in the possession or under the control of any military force, policing agency or intelligence service or structure, excluding requests in respect of information or documents relating to the special or secret accounts referred to in subsection (3)(i), and the said members shall exercise the Committee's powers in respect thereof.
- (g) The **other two members** of the Committee shall act as a subcommittee to deal with all requests in terms of subsections (8) and (9) relating to the special or secret accounts referred to subsection (3)(i) and any information or document other than that contemplated in paragraph (f), and the said members shall exercise the Committee's powers in respect thereof.



- (6) The leader of any political party, or of any organization participating in the Council, or a person designated by such leader, shall, when requested to do so by the Council or a subcouncil, attend any meeting of the Council or the Subcouncil at which a matter relating to any activity or conduct of that party or organization which has a bearing on the objects of the Council is to be discussed, and shall at such a meeting, subject to the provisions of this Act, furnish such information or document or explanation in connection with such matter as may be required by the Council or subcouncil.

**AVU Statement**

The AVU finds itself in a rather difficult position in making a decision on supporting the TEC Bill.

We are fully aware of the realities and the need for a body such as the TEC to prepare for the transition to a new democratic order in South Africa.

Our problem is that this process has not yet produced anything of substance regarding the accommodation of the Afrikaner, as a people, in a future South Africa. We have heard some promising ideas expressed in informal and bilateral discussion, but as yet no firm commitment's have been received.

Agreeing to the TEC Bill without knowing what the constitution, nor the SPR boundaries and powers and functions of SPR's would be like signing a blank cheque on behalf of our people.

We entered the negotiating process in the belief that our voice would be a prophetic voice. Should we now support the TEC Bill and later fail to persuade this Council to meet the reasonable aspirations of the Afrikaner people, we may well have become the Afrikaners' judas goat, instead.

We therefore reserve our position on this Bill and we sincerely hope that, at the conclusion of the negotiating process, we will be able to give our full support to the TEC Bill and can become constructive participants in the TEC.



**Submission by the Bophuthatswana Government:**

We are fundamentally opposed to the introduction of the TEC on the following grounds:

1. Some have described this Council as an "illegitimate, unrepresentative, undemocratic structure" that cannot draw up the final constitution. We are opposed that such a body assume the responsibilities as envisaged in the proposed TEC Draft Bill.
2. In our view the staff that will be required, the structures, accommodation and expenditure to set it up and administer it for a short period leading up to the election are unjustified and unwarranted.
3. We are not aware of any similar procedure used anywhere else in the world.
4. We are opposed to its establishment on political grounds. It will impact on the constitutional and legal responsibilities in sensitive areas and important aspects of the work of the respective governments.

We therefore oppose.

**CISKEI GOVERNMENT STATEMENT**

The Government of Ciskei opposes the adoption of this Draft Bill because, if applied to the Ciskei Government the Bill would place the Government in an impossible situation. The TEC is an essential element of a two-phase process. If, in that process, a set of constitutional principles were approved as the basis for a new constitution which would enable Ciskei to participate in elections with a view to amalgamation with South Africa after such elections, and Ciskei decided to participate in such elections, the present Draft Bill would require the Ciskei Government to surrender critical aspects of its sovereignty even before amalgamation took place.

Ciskei did not wish to be forced from the constitutional process. Bilateral discussions were and are held in an attempt to resolve disagreements with the Draft Bill. As presently framed, this Draft Bill makes it impossible for Ciskei to participate in the TEC. It may well exclude Ciskei from participation in an election. We now have to note that the whole matter might have to be revisited after the Constitution is finalised. We therefore oppose it.



**RESOLUTION ON THE PROCESSING OF THE  
ACCEPTED TEC BILL  
ADOPTED BY THE NEGOTIATING COUNCIL  
ON 7 SEPTEMBER 1993**

This Negotiating Council meeting on Tuesday 7 September 1993 at the World Trade Centre in Kempton Park:

**Notes with acclaim**

1. That the Transitional Executive Council Bill has been adopted by sufficient consensus by this Council.

**Noting further**

1. That the following are the steps that are to be followed:
  - 1.1 Agreement on Bill in the Negotiating Council
  - 1.2 Passage of Bill through Parliament
  - 1.3 Promulgation of the Act in Gazette
  - 1.4 Putting into operation of the Act
2. That the Bills passed through Parliament will not be put into operation until an explicit decision to that effect has been taken by the Plenary of the Multi-Party Negotiating Process having approved the total package of agreements, that is the Independent Electoral Commission, the Independent Media Commission, the Independent Broadcasting Authority, the Transitional Executive Council and the Constitution for the transitional period including fundamental rights and the constitutional principles.

**Believing**

That this Bill must now be introduced in Parliament as soon as possible and that an agreement in the Negotiating Council to this effect will boost confidence in the negotiating process.

**Therefore resolves**

That this Negotiating Council requests the South African Government to introduce this Bill in Parliament for attention during the Parliamentary session starting on 13 September 1993.

●  
**And further resolves**

1. That, in terms of clause 6 of the Explanatory Memorandum adopted by the Negotiating Council on 30 April 1993 and quoted hereunder, the Council will expressly determine the date when each agreement arrived at by the Council and passed by Parliament and after their passage through Parliament will be implemented; and  
  
"6. It is expressly understood by all participants that each of the above proposals and the documentation emanating from such technical committees shall be discussed in the Negotiating Council with the view to arriving at an agreement on these matters. Furthermore that as when agreement is reached on each of these matters the Council shall expressly determine when and how the specific agreement shall be implemented. This provision is made so as to ensure participants have a clear understanding of the package of agreements which would constitute the key elements of the transition process."
  
2. That the Planning Committee shall plan for the implementation and practical application of this Bill, including informal preparations for the operation of the structures provided for in the Bills, in order to facilitate their implementation.



**RESOLUTION ON THE COMMISSION ON NATIONAL SYMBOLS  
ADOPTED BY THE NEGOTIATING COUNCIL ON  
7 SEPTEMBER 1993**

1. **Whereas** in the deliberations concerning a constitution for the transitional period, the question of national symbols will have to be addressed;
2. **And** whereas this is an extremely emotional issue that will have to be dealt with with the utmost sensitivity;
3. **But** whereas cultural, artistic and technical aspects are also to be taken into account;
4. **We**, the Negotiating Council, hereby appoint :

Prof Elize Botha as Chairperson

Mrs P G P Maluleka as Vice Chairperson, and

Mr F G Brownell

Prof Lynda Gilfillan

Mr Bill Jardine

Prof P H M Kapp

Ms Barbara Masekela

Dr C Pama

Prof C J Reineke

Prof Themba Sirayi

Dr Musa Xulu

Prof Fatima Meer

Ms Rosette Nothemba Mlonzi

as members of a Commission on National Symbols to make recommendations before the end of October 1993 to us, the Negotiating Council, or to any body that might at that time have replaced the Negotiating Council, on a national flag, a coat of arms, a seal and an anthem for the Constitution for the transitional period.

5 ● The Commission is requested to -

- 5.1 invite proposals from all interested persons or parties and to allow at least one month for submissions to be made;
- 5.2 take into account the diversity of the South African population but concentrate on the unifying function that national symbols must serve;
- 5.3 and in its recommendations submit at least four alternative flags and coats of arms.



**DRAFT PROGRAMME FOR MEETINGS**

8 SEPTEMBER 1993

Thursday 9 September 1993	Bilaterals & Ad-hoc Committees	*	Various constitutional issues
Monday 13 September 1993	Bilaterals & Ad-hoc Committees	*	Various constitutional issues
Tuesday 14 September 1993	Discussion:	*	Constitution for the Transition
Wednesday 15 September 1993	Discussion:	*	Constitution for the Transition
Thursday 16 September 1993	Discussion:	*	Electoral Act
Monday 20 September 1993	Discussion:	*	Electoral Act
Tuesday 21 September 1993	Discussion:	*	Constitution for the Transition
Wednesday 22 September 1993	Discussion:	*	Constitution for the Transition