

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 14h25 ON MONDAY 8 NOVEMBER 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 A special welcome was afforded to E Pahad on his rejoining the Negotiating Council after being incapacitated.

3. Ratification of Agenda

The agenda was ratified with the following amendment:

* The addition of an item 6.3 to read "Participation of the Traditional Leaders at various levels of government".

4. Minutes

It was noted that minutes would be distributed during the course of the meeting for ratification at the next meeting of the Negotiating Council.

5. Planning Committee Reportback

5.1 An apology was made to participants for the late start of the Negotiating Council meeting. This was attributed to the production problems around reports to be considered by Council at its meeting today. It was further noted that the Draft Electoral Bill would be distributed during the course of the afternoon.

5.2 The Burning down of B Alexander's Home:

It was noted that petrol bombs had been thrown at B Alexander's home and a report in this regard was made to the meeting. It was agreed that the Planning Committee be entrusted to consider all the circumstances and the facts around this issue. It was further agreed that the Planning Committee be mandated to submit an appropriate recommendation to Council in this regard.

5.3 Constitutional Issues:

It was noted that the deadline for the work of the Council still remains Thursday 11 November 1993. The following issues were specifically dealt with:

- * It was noted that the Planning Committee had been requested by Council to consider the question of the seats to be allocated to an SPR legislature. The question of where exactly voters in SPR's will vote was also considered. The Planning Committee recommended to Council that this whole issue should be referred to the Technical Committee on Constitutional Issues to work in tandem and consultation with the Technical Committee on the Draft Electoral Bill. It was noted that the Technical Committees would make recommendations to the Council. The recommendation of the Planning Committee was agreed to.
- * The Planning Committee had been requested by Council to consider clause 119 of the Draft Constitution. It was noted that clause 119 provided for a bridging mechanism and rationalisation process. It was further noted that participants, although requested, had not made any submissions on clause 119 and transitional provisions to the Technical Committee on Constitutional Issue. Furthermore, these issues were still under consideration in bilateral meetings. Participants were once again urged to make submissions to the Technical Committee on Constitutional Issues.
- * Issues pertaining to local government were also considered by the Planning Committee. It was noted that four issues were identified during the course of the Negotiating Council debate on 5 November 1993 as areas of dispute (Chapter 10 of the Constitution for the Transition refers). It was further noted that the Negotiating Council at its meeting of 5 November 1993 had mandated the Planning Committee to consider the setting up an Ad-Hoc Committee to resolve the areas of dispute. The Planning Committee noted that at this point the areas of dispute were still under discussion in bilateral meetings. The Planning Committee noted that it would revisit this issue and the possible setting up of an Ad-Hoc Committee after assessing the progress of the bilateral meetings when it met on Wednesday 10

November 1993.

- * It was noted that the Local Government Transition Bill had been circulated to Council members on Friday 5 November 1993. It was further noted that Council would have to consider the contents of the Bill. The Planning Committee requested all participants in the Negotiating Council to submit to the Technical Committee on Constitutional Issues submissions on the Draft Bill by not later than Wednesday 10 November 1993. Submissions should also be made by Wednesday with regard to any identified disputed clauses. Consideration could then be given to the possible setting up of Ad-Hoc Committee to resolve points of dispute. It was further noted that the Draft Bill was the subject of intensive bilateral discussions. A report would be provided to Council on what emerged therefrom.
- * The Planning Committee had given consideration to when a plenary session should be held. It was noted that the Planning Committee was not yet in a position to make a recommendation to the Negotiating Council on this issue.
- * The Planning Committee had also given consideration to the future of the Negotiating Council once the Plenary had been held. A recommendation, to ensure that there was no breakdown in the process as a whole, would be submitted to a future meeting of the Negotiating Council.
- * It was noted that the ANC and the South African Government had given consideration to the chapters of the Draft Constitution for the Transition dealing with the public services and finances. It was further noted that submissions on these issues would be forwarded to the Technical Committee on Constitutional Issues for its consideration.

5.4 Transition Structures:

- 5.4.1 It was noted that invitations for participation in the TEC had been distributed. It was further noted that a letter had been set out to the Traditional Leaders and the contents thereof had been discussed with the Traditional Leaders prior to the sending out of the letters to them. The Traditional Leaders had not yet been issued with invitations for participation as there was a technical problem to be resolved in that regard. The Planning Committee had mandated Z Titus to resolve all the problems relating to the participation of the Traditional Leaders on the TEC. Z Titus would be meeting with the Traditional Leaders during the course of the afternoon on this issue.
- 5.4.2 With regard to the staffing of the TEC, the IEC and the IMC, advertisements had appeared in newspapers and applications were

being received. Discussion proceeded after which it was agreed in principle to mandate the Planning Committee to appoint a core staff to the TEC. The Council also reached an agreement on the mandate of the Planning Committee with regard to the staff of the IEC and the IMC (see Addendum B).

5.5 Commissions:

5.5.1 Delimitation/Demarcation of Regions:

It was noted that in line with the resolution adopted by the Negotiating Council on 4 November 1993, the Planning Committee recommended that the Administration kept a register on being advised by parties of bilateral meetings and, if necessary oversee these. Furthermore, that the Ad-Hoc Committees should meet to deal with the issues in tandem with the bilateral meetings. This would ensure exclusivity in the process. It was noted that the deadline of 11 November 1993 was still applicable in this regard.

5.5.2 National Symbols:

It was noted that the Planning Committee was still considering the further process around this issue. A recommendation in this regard would be made to the Negotiating Council on Wednesday 10 November 1993.

5.6 Task Group dealing with the Repeal or Amendment of Discriminatory Legislation:

It was noted that the Task Group was making good progress. A further report would be before the Council on Wednesday 10 November 1993.

5.7 Composition of the Multi-Party Interim Elections Sub-Committee:

It was noted that the Terms of Reference for this Sub-Committee had been accepted by the Negotiating Council at its meeting of 4 November 1993. The Planning Committee recommended that this body not be composed along party political lines but persons serving in their individual capacities. This would ensure that the structure was not politicised. Furthermore, the body should be kept as small as possible. The recommendation was agreed to by the Council. It was noted that this agreement did not exclude Council participants from participating in this structure. The Planning Committee was mandated to submit a recommendation to the Negotiating Council on the composition of the Multi-Party Interim Elections Sub-Committee.

5.8 Issuing of Identity Documents:

It was noted that the Planning Committee had been requested by the Negotiating Council to consider the question of the issuing of identity documents to ensure that all persons who qualified to participate in the election did in fact participate. The Planning Committee recommended that this issue be referred to the Multi-Party Interim Elections Sub-Committee. This recommendation was agreed to.

5.9 Voter Education and Monitoring:

It was noted that the Planning Committee had met with representatives of the Democracy Education Broadcast Initiative (DEBI) and the Independent Forum for Electoral Education (IFEE). The Planning Committee put forward the following recommendations emerging from the meetings:

- * It was noted that it was necessary to ensure that co-ordination occurred at all times between IFEE, DEBI and what was emerging from the Multi-Party Negotiating Process. The recommendation in this regard was that the Multi-Party Interim Elections Sub-Committee be mandated to explore all the relevant mechanisms relating to co-ordination. This recommendation was agreed to.
- * With regard to democracy and voter education programmes, it was noted that IFEE and DEBI were involved in these programmes and required funding. The recommendation in this regard was that it should be agreed in principle that all bodies involved in these programmes should be funded but that the process does not take any decisions as to funding per say. Furthermore, the question of the mechanisms relative to funding be referred to the Multi-Party Interim Elections Sub-Committee. These recommendations were agreed to.
- * It was noted that IFEE and DEBI were involved in an initiative called "Know your Constitution". A further initiative was a campaign to explain to the people of South Africa all the agreements reached at the Multi-Party Negotiating Process. The request from IFEE was that the Multi-Party Negotiating Process should encourage and approve of these initiatives. This was agreed to by the Council. It was noted that the IEC would deal with the question of funding.
- * It was noted that IFEE and DEBI were involved in the development of a democracy and voter education charter. The recommendation in this regard was that the Council agrees in principle that such a charter is essential and that the Multi-Party Interim Elections Sub-Committee should take this issue forward. This recommendation was agreed to.
- * The Planning Committee recommended that the Multi-Party Interim

Elections Sub-Committee give consideration to a proposal from IFEE and DEBI with regard to a conference which they were planning to have in December 1993. The Multi-Party Interim Elections Sub-Committee should be mandated to liaise with DEBI and IFEE with regard to the organisation of the conference and to give consideration to questions such as the actual convening of the conference. This recommendation was agreed to.

5.10 Proposed Technical Committee on the Independent Telecommunications Authority:

The Planning Committee requested a mandate from the Negotiating Council to see to the composition of a Technical Committee for the Independent Telecommunications Authority. This was agreed to by Council. It was noted that the Planning Committee would submit a recommendation to the Negotiating Council with regard to the composition of the Technical Committee.

5.11 S.A.D.F. Raid in Umtata:

It was noted that this issue was still under consideration in the Planning Committee.

5.12 Parliamentary Schedule:

It was noted that the South African Government will submit the Schedule to the Planning Committee during the course of the week.

5.13 Fundamental Rights during the Transition:

It was noted that this matter was still under consideration by the Technical Committee and the Ad-Hoc Committee. The Planning Committee was in the process of ensuring that a report on this issue would be placed before the Negotiating Council on Thursday 11 November 1993.

5.14 COSATU:

It was noted that the National Manpower Commission was meeting again to consider the Labour Relations clause in the Draft Bill of Rights. No further report was available.

5.15 Panel of Chairpersons:

It was noted that a meeting of the Panel of Chairpersons had been held to ensure that all further meetings of the Negotiating Council would proceed smoothly.

5.16 The Agenda of the Negotiating Council:

It was noted that participants had only just received copies of the Twenty First Report of the Technical Committee on Constitutional Issues and that an opportunity should be provided for participants to read the report.

6. Substantive Issues

6.1 Twenty First Report of the Technical Committee on Constitutional Issues:

- 6.1.1 The Technical Committee on Constitutional Issues was welcomed. Present were A Chaskalson, GE Devenish, D Moseneke, B Ngoepe, M Olivier, W Olivier and F Venter. Apologies were noted from M Wiechers. It was noted that a working draft of the complete Constitution had been prepared by the Technical Committee and had been distributed to participants. It was further noted that the draft was embargoed until further notice. The Technical Committee stressed that the document was only a working document.
- 6.1.2 The Technical Committee at this point requested that Council initially deal with the Fourth Supplementary Report before it dealt with the Twenty First Report. This would facilitate debate on the Twenty First Report. The Technical Committee proceeded to present its Fourth Supplementary Report to the Council following which the Twenty First Report was presented to Council. Questions of clarity were put to the Technical Committee with regard to the new issues introduced and on the reformulated principles.
- 6.1.3 With regard to the term "Ombudsman" it was noted that this issue had been considered in the Planning Committee but due to a breakdown in communication, the recommendation of the Planning Committee in this regard had not been forwarded to the Technical Committee on Constitutional Issues. It was noted that the Planning Committee had been of the view that the term "Ombudsman" was not suitable and that the Technical Committee should make further suggestions to the Negotiating Council for its consideration. It was suggested that the Technical Committee should make use of the Shorter Oxford Dictionary for the definition of the term "Ombud". It was suggested that the Technical Committee should consider the terms "Defender of the People" or "Public Defender". After discussion, it was agreed to refer this issue back to the Planning Committee for a firm recommendation.
- 6.1.4 The Technical Committee was requested to reconsider Constitutional Principle Number 20 taking into account the debate in the Negotiating Council. It was noted that the ANC would make a submission to the

Technical Committee in this regard.

- 6.1.5 It was noted that the ANC would be making a submission to the Technical Committee to suggest a further Constitutional Principle to provide for the recognition of personal family law based not on custom but on religion. The submission would also be circulated to all participants.
- 6.1.6 It was noted that this issue would be revisited at a future meeting of the Negotiating Council. It was further noted that the Planning Committee would recommend when the issue of the Constitutional Principles would be further dealt with in the Negotiating Council.
- 6.1.7 The Technical Committee was thanked for its work so far completed.

The meeting adjourned for tea at 16h30.

The meeting reconvened at 17h45. It was noted that the Fourth Version of the Draft Electoral Bill was in the process of being copied and would be prepared while the Council participants were having dinner. A plea was made to participants to convene timeously after dinner.

The meeting adjourned for dinner at 17h55.

The meeting reconvened at 19h00.

6.2 The Fourth Version of the Draft Electoral Bill by the Technical Committee on the Electoral Bill

- 6.2.1 The Technical Committee on the IEC was welcomed. Present were J Bruwer (state law adviser), D Davis, F Ginwala, SK Ndlovu and RB Rosenthal. Apologies were noted from HR Laubscher. Discussion proceeded on the report. Questions of clarity were put to the Technical Committee during the course of the debate.
- 6.2.2 "Definitions" refers:

It was agreed to defer discussion on the definitions until the Draft Bill had been completed.
- 6.2.3 Clause 2 "Application of Act" refers:

* The clause as formulated was agreed upon.

- 6.2.4 Clause 3 "Act binding on State and State President" refers:
- * The clause as formulated was agreed upon.
- 6.2.5 Clause 4 "Administration of Act" refers:
- * The clause as formulated was agreed upon.
- 6.2.6 Clause 5 "Party liaison committees" refers:
- * Clause 5 (1) was agreed to as formulated.
 - * Clause 5 (1) (a) was agreed to as formulated.
 - * Clause 5 (1) (b) was agreed to as formulated.
 - * Clause 5 (2) was agreed to as formulated.
 - * Clause 5 (3) was agreed to as formulated.
 - * It was agreed to insert the words "or other authorised representative" after the words "national agents" in clause 5 (3) (a). The clause as amended was agreed to.
 - * Clause 5 (3) (b) was agreed to as formulated.
 - * With regard to clause 5 (4), it was agreed to replace the word "attempt" with the word "appoint". The clause as amended was agreed to.
 - * It was agreed that the word "appoint" should be deleted in clause 5 (4) (a). The clause as amended was agreed to.
 - * Clause 5 (4) (b) as formulated was agreed to.
 - * Clause 5 (5) was agreed to as formulated.
- 6.2.7 Clause 6 "Functions of party liaison committees" refers:
- * The clause was agreed to as formulated.
- 6.2.8 Clause 7 "Appointment and control of electoral officers and staff" refers:
- * The clause as formulated was agreed to.

- 6.2.9 Clause 8 "Powers, duties and functions of regional electoral officers" refers:
- * The clause was agreed to as formulated.
- 6.2.10 Clause 9 "Powers, duties and functions of district electoral officers" refers:
- * The clause was agreed to as formulated.
- 6.2.11 Clause 10 "Powers, duties and functions of presiding officers during voting" refers:
- * The clause was agreed to as formulated.
- 6.2.12 Clause 11 "Powers, duties and functions of voting officers at voting stations" refers:
- * The clause was agreed to as formulated.
- 6.2.13 Clause 12 "Powers, duties and functions of counting officers" refers:
- * The clause 12 was agreed to as formulated.
- 6.2.14 Clause 13 "Appointment and powers, duties and functions of party election and voting agents" refers:
- * The clause was agreed to as formulated.
- 6.2.15 Clause 14 "Declaration of secrecy" refers:
- * The clause was agreed to as formulated.
- 6.2.16 Clause 15 "Persons entitled to vote" refers:
- * It was noted that this clause was still under consideration by the Ad-Hoc Committee.
- 6.2.17 Clause 16 "Persons not entitled to vote" refers:
- * It was noted that this clause was still under consideration by the Ad-Hoc Committee.
- 6.2.18 Clause 17 "Voters' cards" refers:
- * Clause 17 (1) as formulated was agreed to.

- * It was agreed that the concept of "under oath" would be inserted into clause 17 (1) (a). The principle of the clause was agreed to.
- * Clauses 17 (1) (b) (i) and (ii) were agreed to as formulated.
- * Clause 17 (2) as formulated was agreed to.
- * Clause 17 (3) as formulated was agreed to.
- * It was agreed to insert the words "or if the said number has not yet been allocated" after the words "(Act No. of 1986)" in clause 17 (3) (i). The clause as amended was agreed to.
- * Clauses 17 (3) (ii), (iii) and (iv) were agreed to as formulated.
- * Clause 17 (4) as formulated was agreed to.

6.2.19 Clause 18 "Registration for purposes of election" refers:

- * It was agreed that this clause stands over until clause 20 had been agreed upon.
- * It was noted, on the one hand, the Technical Committee on Constitutional Issues should consider what happened to candidates if alliances broke up after the elections.
- * It was noted, on the other hand, the Technical Committee on the Draft Electoral Act should consider the registration of those alliances if they broke up after the elections.

6.2.20 Clause 19 "Application for registration for purposes of election" refers:

- * It was agreed that this clause stands over until clause 20 had been agreed upon.

6.2.21 Clause 20 "Registration of alliances of parties" refers:

- * It was noted that this clause was still under consideration by the Ad-Hoc Committee.

- 6.2.22 Clause 21 "Notice of registration in Gazette" refers:
- * The clause as formulated was agreed to.
- 6.2.23 Clause 22 "Determination of voting day and hours of voting" refers:
- * The clause as formulated was agreed to.
- 6.2.24 Clause 23 "Submission of lists of candidates to Chief Director" refers:
- * Clause 23 (1) as formulated was agreed to.
 - * Clause 23 (2) as formulated was agreed to.
 - * Clause 23 (3) as formulated was agreed to. It was noted that the DP reserved its position on clause 23 (3).
 - * Clause 23 (4) as formulated was agreed to.
 - * Clause 23 (5) as formulated was agreed to.
 - * Clause 23 (6) was agreed to with the concept of "in consultation with parties" included.
 - * Clause 23 (7) as formulated was agreed to.
- 6.2.25 Clause 24 "Publication of lists of candidates" refers:
- * It was noted that the DP reserved its position on clause 24 (1).
 - * The clause as formulated was agreed to.
- 6.2.26 Clause 25 "Voting stations" refers:
- * It was agreed that clause 25 (1) be referred to the Task Group for its further consideration taking into account the debate in the Negotiating Council.
 - * Clauses 25 (2), (3), (4), (5), (6) and (8) were agreed to as formulated.
 - * It was agreed that the words "as he or she may consider necessary and practicable" should be deleted from clause 25 (7). The clause as amended was agreed to.

- 6.2.27 Clause 26 "Foreign voting stations" refers:
- * With regard to clause 26 (1), it was suggested that it should be stated that there should be voting stations at all missions outside the country. Other participants did not agree with this view. It was noted that Council would revisit this clause.
 - * Clause 26 (2) as formulated was agreed to.
- 6.2.28 Clause 27 "Supplying of voting materials" refers:
- * It was suggested that each voting station should have a different stamp and that each voting station should have a different stamp for each day of voting. Furthermore, this should be provided for in the Act.
 - * Clause 27 (1) as formulated was agreed to.
 - * Clause 27 (2) as formulated was agreed to.
- 6.2.29 Clause 28 "Voting compartment and ballot box" refers:
- * The clause as formulated was agreed to.
- 6.2.30 Clause 29 "Ballot box" refers:
- * The clause as formulated was agreed to.
- 6.2.31 Clause 30 "Ballot paper" refers:
- * It was noted that this clause was still under consideration by the Ad-Hoc Committee.
- 6.2.32 Clause 31 "Commencement and closing of vote at voting stations" refers:
- * The clause as formulated was agreed to.
- 6.2.33 Clause 32 "Place of voting" refers:
- * It was noted that this clause was still under consideration by the Ad-Hoc Committee.
- 6.2.34 Clause 33 "Number of votes per voter" refers:
- * The DP's objection to the exclusion of the agreement

reached on this clause by the Ad-Hoc Committee was noted. Various other participants expressed concerns in this regard. The Planning Committee was requested to follow up on this issue and report back to the Negotiating Council.

- * It was agreed to allow the Task Group more time to consider this clause and reach agreement. The Task Group should take into account the debate in the Negotiating Council.

6.2.35 Clause 34 "Voting to be in secret" refers:

- * The clause as formulated was agreed to.

6.2.36 Clause 35 "Identification" refers:

- * The clause as formulated was agreed to.

6.2.37 Clause 36 "Manner of voting" refers:

- * Clause 36 (1) as formulated was agreed to.
- * Clauses 36 (2) (a) and (b) as formulated were agreed to.
- * Clauses 36 (3) (a), (b) and (c) as formulated were agreed to.
- * Clause 36 (4) (a) (i) as formulated was agreed to.
- * It was agreed that the words "or there is a religious objection thereto" be deleted from clause 36 (4) (a) (ii). The clause as amended was agreed to.
- * Clause 36 (4) (b) as formulated was agreed to.
- * Clause 36 (5) as formulated was agreed to.
- * Clauses 36 (6) (a) and (b) as formulated were agreed to.
- * Clauses 36 (7) (a), (b), (c) and (d) as formulated were agreed to.
- * Clauses 36 (8) (a) and (b) as formulated were agreed to.
- * Clause 36 (9) as formulated was agreed to.

- 6.2.38 Clause 37 "Voters who cannot read or who are incapacitated by blindness or other physical disability from voting" refers:
- * Clause 37 as formulated was agreed to.
- 6.2.39 Clause 38 "Objection to voting" refers:
- * The clause as formulated was agreed to.
- 6.2.40 Clause 39 "Sealing of ballot boxes and other election material by presiding officer" refers:
- * The clause as formulated was agreed to.
- 6.2.41 Clause 40 "Special voters" refers:
- * The clause as formulated was agreed to.
- 6.2.42 Clause 41 "Procedure of voting by special voters" refers:
- * It was agreed to revisit this clause as the Technical Committee had to reconsider this clause in the light of typographical errors.
- 6.2.43 It was noted that the concept of "tendered ballot papers" had been deleted from the Draft Electoral Bill due to agreement in the Task Group.
- 6.2.44 The Technical Committee was thanked for its work so far completed.
- 6.3 The Participation of Traditional Leaders at different levels of government:**
- 6.3.1 The Traditional Leaders presented a report to the meeting (see Addendum C). Discussion proceeded.
- 6.3.2 It was agreed that the details under the heading of "national level" should be included when the proposal was next discussed. It was agreed that the debate on this issue should occur on Wednesday 10 November 1993 to allow participants further time to consider this issue. It was agreed that the report should be forwarded to the Technical Committee on Constitutional Issues to draft in appropriate format for debate in the Council. Once agreement had been reached on the national level, the agreement should be forwarded directly to the Technical Committee on Constitutional Issues.

● **General Issues**

Before the meeting adjourned for tea, it was noted that Archbishop Trevor Huddleston was present and observing the Negotiating Council meeting. The Negotiating Council paid tribute to his presence.

8. Meetings Schedule and Draft Programme:

- 8.1 The meetings schedule and draft programme were noted by participants (see Addendum D and E).
- 8.2 A further appeal was made for punctuality.
- 8.3 It was noted that the AVU would submit a resolution to the Negotiating Council meeting of 10 November 1993 dealing with the death of 10 minors over the weekend in Natal.

9. Closure

The meeting adjourned at 21h15.

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

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CHAIRPERSON

The following delegates and advisers were present at the meeting of the Negotiating Council on Monday 8 November 1993:

B Kgositsile : Chairperson
L Landers : Assistant Chairperson

Organisation	Delegates	Advisers
ANC	P Molefe N Mokonyane	M Manzini
AVU	C Kruger	AJ Horn
Bophuthatswana		
Cape Trad. Leaders	GD Gwadiso SN Sigcau	SM Burns-Ncamoshe
Ciskei		
DP	KM Andrew D Smuts	P Soal
Dikwankwetla	MC Noge	SOM Moji TJ Mohapi
IFP		
IYP	NJ Mahlangu NS Mtsweni	Q Vilankulu
KP		
INM	SS Ripinga ND Mokoena	GG Zama
Kwazulu		
Labour Party	L Landers	CJG Leander D Lockey
NIC/TIC	C Saloojee F Chochan	K Mayet PS Govender
NP	OAW van Zyl TJ King	LH Fiek
NPP	A Rajbansi S Naidoo	G Chetty S Mudalay
OFS Trad. Leaders	MB Mota RH Mopeli	MA Molefe

●
PAC

B Desai
P de Lille

ER Sibeko

Solidarity

DS Rajah
K Moodley

T Palan

SACP

J Slovo
L Jacobus

SA Government

DPA Schutte
LR Brink

AF Tredoux
NW du Plessis

Transkei

Z Titus
N Jajula

R Nogumla

TVL Trad. Leaders

LM Mokoena
MA Netshimbupfe

NE Ngomane

UPF

A Chabalala
MJ Mahlangu

J Maake

Venda

SE Moeti

S Makhuvha
GM Ligege

XPP

GNK Hetisani

PT Shilubana

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

That the Planning Committee is mandated to:

1. Appoint a small number of persons from amongst the applicants for positions on the staff of the IEC/IMC;
2. To allow this "core staff" to assist in undertaking certain preparatory work for the IEC/IMC without prejudicing the work of or committing the IEC/IMC;
3. To appoint these persons without allocation of posts and on a purely ad-hoc temporary basis;
4. To undertake this responsibility on the understanding that it is the IEC/IMC which must finally appoint its staff in accordance with the Acts.

Role of Traditional Leaders

1. Introduction

In a future constitutional dispensations there shall be a role for traditional leaders at local, regional, and national levels.

2. Rural Local Government

- 2.1 In the rural communal areas there shall be an elected rural local government which shall take political responsibility for the provision of services in its area of jurisdiction.
- 2.2 The traditional leader/s within the area of jurisdiction of a local authority shall be ex-officio members of the local government.
- 2.3 The chairperson of local government shall be elected amongst the members of the rural local government [consisting of elected members of rural local government and traditional leaders who are ex-officio members].
- 2.4 It is important to note that Local Government should not be construed to mean the existing Traditional/Tribal Authorities.

3. Regional Authorities

- 3.1 There shall be a house of traditional leaders in each SPR where there are traditional leaders.
- 3.2 Provision should be made in the Constitution that all legislation pertaining to traditional leadership; traditional authorities; indigenous law and custom, including any other matter having a bearing thereon should be referred to the house for its consideration and comment/support.
- 3.3 After comment by the traditional leaders the legislation shall be referred to the regional legislature for further consideration if need be.
- 3.4 In the event that there should be any disagreement the legislation shall be approved by the legislative assembly after 30 days.

4. National Level

Position at this level is still under discussion.

08/11/93

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PROPOSED SCHEDULE OF MEETINGS

8 NOVEMBER 1993

Planning Committee	Monday 8 November 1993	09h30-13h00
Negotiating Council	Monday 8 November 1993	13h00-21h00
Internal Consultation	Tuesday 9 November 1993	
Bilateral Meetings	Wednesday 10 November 1993	08h30-11h00
Negotiating Council	Wednesday 10 November 1993	11h00-22h00
Planning Committee	Thursday 11 November 1993	08h00-10h00
Negotiating Council	Thursday 11 November 1993	10h00-finalisation
Negotiating Council	Friday 12 November 1993	08h30-finalisation

Please note:

The Planning Committee is still considering a date for the Plenary session

DRAFT PROGRAMME FOR MEETINGS

8 NOVEMBER 1993

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|----------------------------|-------------------------|----|--|
| Monday 8 November 1993 | Discussion: | 1. | Fourth Draft of the Electoral Bill |
| | Presentation: | 2. | Constitutional Issues (21st Report) |
| | Distribution: | | Fundamental Rights during the Transition |
| Tuesday 9 November 1993 | Internal Consultation | | |
| | Distribution (by fax) : | 1. | Constitutional Issues (22nd Report) |
| Wednesday 10 November 1993 | Discussion: | 1. | Constitutional Issues:
1.1 Civil Service
1.2 21st Report
1.3 22nd Report |
| | | 2. | Fundamental Rights during the Transition (finalisation) |
| | | 3. | Identification of Discriminatory Legislation |
| | | 4. | Traditional Leaders: Participation at various levels |
| Thursday 11 November 1993 | Discussion: | 1. | Final Draft of the Electoral Bill (clauses 15, 16, 18-20, 25 (1), 30, 32, 33, 42-68 & definitions) |
| | | 2. | Regional boundaries (finalisation) |
| | | 3. | Final Draft of the Constitution for the Transition |
| Friday 12 November 1993 | "Wrapping Up" | 1. | Finalisation of any outstanding matters |