

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

MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 10h30 ON WEDNESDAY 21 JULY 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. Procedural Issues

4.1 Sub-Committees to facilitate the processing of the different Draft Bills:

4.1.1 The Planning Committee recommended that ad-hoc committees of the Negotiating Council be appointed to assist with the processing of the legislation, to deal with issues of difference that have been identified, to liaise with the Technical Committees and to then report back to Planning Committee, who in turn would report back to Negotiating Council. This recommendation was agreed to.

4.1.2 The appointment and composition of the following ad-hoc committees was agreed to:

4.1.2.1 An ad-hoc committee dealing with issues related to the IEC composed of:

- * K Andrew (Convenor)
- * B Desai
- * P Maduna

- * SG Mothibe
- * D Schutte.

4.1.2.2 An ad-hoc committee dealing with issues related to the IMC composed of:

- * J Netshitendze
- * D Schutte
- * M Webb (Convenor)

4.2 **Meetings Schedule:**

4.2.1 The revised meetings schedule as proposed by the Planning Committee was agreed to (see Addendum B).

4.2.2 It was agreed that lunch would be available for participants on Fridays after the close of business, i.e. at 13h30.

4.3 **Sufficient Consensus:**

All participants were requested to forward submissions (if any) with regard to the first draft report from the ad-hoc committee on sufficient consensus to the Administration by Friday 23 July at 16h00.

4.4 **State Legal Advisors:**

4.4.1 It was noted that four State Legal Advisors had been appointed to the relevant Technical Committees.

4.4.2 A list of the Advisors would be distributed to the Negotiating Council.

5. **Substantive Issues**

5.1 **Technical Committee on Fundamental Human Rights during the Transition:**

5.1.1 The Technical Committee was welcomed. Present were H Corder, LM du Plessis, G Grove and Z Yacoob. Apologies were noted from S Nene.

5.1.2 The Technical Committee presented an overview of its report to the meeting. The Technical Committee requested further submissions on outstanding issues and any further issues as identified during the course of debate from the Negotiating Council.

5.1.3 It was agreed to go through the report section by section.

Furthermore, background information would be given by the Technical Committee on each section, where necessary. Questions of clarity were also put to the Technical Committee. During the course of the discussion the following was noted:

5.1.3.1 Section 2, the title "Fundamental Rights and Freedoms" refers: It was suggested that the Technical Committee should consider the addition of the word "responsibilities" to the end of the title of Section 2.

5.1.3.2 "Enforcement" Item 1 refers:

* Item (1) (b) refers: After the stating of various points of view, it was agreed that this item remain as is, subject to further submissions.

* Item (1) (c) refers: It was suggested that the word "principle" be deleted and replaced with "principles of liberty and".

* Item (2) refers: That the Technical Committee would deal with the issue of Indigenous Law in its next report. The Technical Committee requested submissions from participants on this issue. The Technical Committee would also take into account the views expressed in the meeting.

* Item (3) refers:

○ It was suggested that the Technical Committee reformulates this item to include the rights and freedoms as recognised by indigenous law.

○ The Technical Committee was requested to take into account the concerns expressed on this issue with regard to the inclusion of the so-called "Homelands". Furthermore to take into account other views expressed in the meeting on this issue.

* Item (4) refers:

○ It was suggested that the word "may" be replaced by "shall".

○ The Technical Committee requested

participants to make submissions on "Enforcement Mechanisms and Procedures".

* It was agreed that Item (5) be deleted.

* Item (7) refers:

- It was suggested that the words "and made subject to the obligations" be inserted after the word "freedoms".
- It was suggested that the item be reformulated to read "All natural persons shall be entitled to the rights and freedoms contained in this chapter unless expressly otherwise stated in this chapter."
- After discussion and the putting forward of various points of view, it was agreed that there was a link between this item and item (1) (b) and that all participants, if they so wished, should make submissions to the Technical Committee on this issue. Submissions were also requested from participants with regard to the question of the extent to which this chapter would operate horizontally.
- Participants were requested to make submissions on entitlements and rights applicable to corporations.

* Item (8) (b) refers:

- The Technical Committee was requested to consider the addition of the words "authorised by" or an appropriate equivalent to this item for purposes of clarity. Other participants did not support this view.
- After discussion it was agreed that the item remain as is.

* Item (9) (a) refers:

- It was agreed that the word "scrutinised" be replaced by either "interpretation" or "interpreted".

- It was suggested that the proviso in this item was meaningless and should be deleted.
- The concept of strict scrutiny would be spelt out in greater detail by the Technical Committee.
- It was suggested that the right as regards political rights should be clearly stated.
- It was agreed that this item be reformulated. The Technical Committee was requested to take note of the views expressed in the meeting.

* Item (9) (b) refers:

- It was suggested that the word "and" be replaced by "in which event" or "in which case".
- It was suggested that the formulation of this item was clumsy and the following amendment was put forward "No law shall be constitutionally invalid solely by reason of the fact that such law limits the rights and freedoms in this Chapter".
- It was also suggested that this item should be formulated as follows "Any law or action in contravention of this Bill shall be to the extent of the contravention invalid".
- After discussion it was agreed that participants make further submissions to the Technical Committee on this item.
- It was agreed that Item (9) (a) and (b) should reside in the latter section on the Limitations.

5.1.3.3 "Equality" Item 2 refers:

- * It was suggested the Item 2 (1) was sufficient to cover the whole aspect of equality.
- * The Cape Traditional Leaders reserved its position in approving clause 2 until such time as the Technical Committee had provided some formulation to cater for the concerns of the Traditional Leaders. It was agreed that the Traditional Leaders would submit specific

formulations to the Technical Committee.

- * It was suggested that with regard to Item 2 (2), a full stop should be inserted after the word "whatsoever" and the rest of the sentence deleted.
- * It was suggested that the word "unfairly" should be deleted from Item 2 (2).
- * After extensive debate it was agreed to refer Item 2 (2) back to the Technical Committee for reformulation. Participants were requested to make submissions to the Technical Committee indicating preference for the extended clause, the alternate version or the stricter version under 2 (2). On the basis of the submissions and taking into account the discussion in the meeting, the Technical Committee could possibly put two alternate formulations before the Negotiating Council for consideration.
- * It was suggested that a full stop be inserted after the word "discrimination" in Item 2 (3).
- * It was suggested that with regard to Item 2 (3) the Technical Committee should consider phrasing this item in such a manner that it did not allow past discrimination and the consequences thereof to be forgotten. It was further suggested that the concept of future discrimination should also be considered by the Technical Committee.
- * The question of the implementation of Item 2 (3) was raised.
- * It was suggested that the following words be added to the end of Item 2 (3) : "provided such measures shall not be to the detriment of others".
- * It was suggested that in Item 2 (3) the word "enjoyment" be deleted and replaced with "benefit".

5.1.3.4 "Life" Item 3 refers:

* It was suggested that Item 3 (2) be deleted. Other participants did not agree with this view.

* Extensive debate proceeded around this item after which it was agreed to refer this item and any other points of difference that arose from the debate to the Planning Committee to suggest a mechanism to attempt to resolve the issues concerned.

5.1.3.5 No comments were noted on Item 4 "Human Dignity" or Item 5 "Freedom and Security of the Person".

5.1.3.6 "Servitude and Forced Labour" Item 6 refers:

* It was agreed to include this right.

5.1.3.7 "Privacy" Item 7 refers:

* The Technical Committee was requested to ensure that this item did not prevent reasonable steps from being taken to prevent domestic violence and abuse, particularly against women and children in the private sphere of the home.

5.1.3.8 "Religion and Belief" Item 8 refers:

* It was suggested that Item 8 (2) be deleted. Other participants did not support this view. It was agreed to defer further discussion on this item until after lunch.

The meeting adjourned for lunch at 13h00.

The meeting reconvened at 14h20.

* As a result of informal discussion on this item held over lunch, it was agreed to defer taking a decision on this issue to a future meeting of the Negotiating Council. Participants were requested to make submissions to the Technical Committee on this issue.

5.1.3.9 "Freedom of Expression" Item 9 refers:

- * It was suggested that a provision dealing with diversity of the expression of opinion in the media should be included.
- * The Technical Committee stated that items 9, 10 and 15 were all subject to possible reformulations.
- * It was agreed that the Technical Committee on the IMC/ITA should be informed about this item for incorporation in its Draft Bill should they so wish.

5.1.3.10 "Assembly, Demonstration and Petition" Item 10 refers:

- * It was agreed that this item should be referred to the Technical Committee on the IEC.

5.1.3.11 "Freedom of Association" Item 11 refers:

- * It was suggested that the limitation applicable to this item (see Item 28 (2)) should be clearly stipulated.
- * It was suggested that the words "or gender" should be added to the end of the sentence of Item 11 (2).
- * It was agreed that the word "unfair" should be inserted between the words "permit" and "discrimination" in Item 11 (2).
- * It was agreed that the Technical Committee reformulates Item 11 (2) taking into account the views expressed in the meeting.

5.1.3.12 No comments were noted on Item 12 "Freedom of Movement".

5.1.3.13 "Residence" Item 13 refers:

- * It was agreed to include this right.

5.1.3.14 No comments were noted on Item 14 "Citizen's Rights", Item 15 "Political Rights" and Item 16 "Access to Court".

5.1.3.15

"Access to Information" Item 17 refers:

- * The question of "horizontal" was raised.
- * It was suggested that the following words be inserted between the words "access" and "to" : "with due expedition".

5.1.3.16

"Administrative Decisions" Item 18 refers:

- * It was suggested that the word "substantially" be inserted between the words "lawful" and "and" in Item 18 (1).
- * It was suggested that the word "reasonable" be inserted after the word "lawful" in Item 18 (1). The DP stated that they would make submissions on this issue to the Technical Committee for consideration.
- * As the Negotiating Council was unable to resolve this issue at this point, it was suggested that the Technical Committee provides both an analysis of the implications and the options on which the Negotiating Council would have to decide.
- * It was suggested that the words "in writing" be inserted after the word "furnished" in Item 18 (2). The Technical Committee was requested to take the views expressed in the meeting into account when considering a reformulation of this item.

5.1.3.17

"Detained, Arrested and Accused Persons" Item 19 refers:

- * It was suggested that provision for customary courts should be made in Item 19 (1).
- * It was agreed that the whole of Item 19 be reformulated to clearly state that it is not possible to have detention without trial, specifically focused on those who are arrestees and trial awaiting prisoners. Submissions were requested from participants in this regard.

- * It was suggested that reference to items like reading materials, access to media and educational facilities should occur under conditions listed in Item 19 (1) (b).
- * It was suggested that the Technical Committee considers how the rights concerning arrested and accused persons relate to children.
- * The Technical Committee was requested to consider the problem of adequate nutrition according to one's religious needs.
- * It was suggested that the words "as soon as reasonably possible but not later than 48 hours after" be inserted after the word "law" in Item 19 (2) (b).
- * It was suggested that an additional right be included under item 19 (2), namely the right to vote. It was agreed that the Technical Committee considers this and discuss it with the Technical Committee on the IEC. It was suggested that submissions be made on this issue to the Technical Committee.
- * The Technical Committee was requested to consider the implications of Item 19 (3) (c) with regard to the criminal procedure as provided for by implication under Item 22 and 28.
- * It was suggested that the word "sufficiently" be inserted after the word "she".

5.1.3.18 "Eviction" Item 20 refers:

- * It was suggested that a full stop should be inserted after the word "law" and the rest of the sentence be deleted. Other participants did not support this point of view.
- * After discussion on this issue and as no agreement could be reached, it was agreed to defer discussion/decision on this item and find a mechanism to resolve the dispute.

5.1.3.19 "Economic Activity" Item 21 refers:

- * Questions of clarity were addressed to the Technical Committee on this item.
- * It was suggested that this item was unnecessary.
- * The following amendment was suggested "Nothing in this section shall prevent legislation to improve the quality of life, economic growth, human development, social justice, reasonable measures for the regulation of property, basic conditions of employment, fair labour practices or equal opportunity for all, provided such legislation is justifiable in a free, open and democratic society based on the principle of equality."
- * It was agreed to include both the first and second formulation subject to a possible reformulation as per the above suggested amendment.
- * It was suggested that the word "principle" be deleted and replaced with "principles of liberty and".
- * It was suggested that the reference to property in the second clause of this item was inappropriate and should be accommodated in the item on "property".

5.1.3.20 "Labour Relations" Item 22 refers:

- * The inclusion of this right was agreed to.
- * The SACP noted its opposition to the right to "lock out".

5.1.3.21 "Property" Item 23 refers:

- * The Technical Committee was requested to consider the question of communal ownership in Item 23 (1).
- * It was suggested that Item 23 (1) be expanded to include moveable and immoveable property.
- * It was suggested that the words "own and

occupy" should be included in Item 23 (1).

- * It was suggested that the Technical Committee considers if the right of undisturbed usage and enjoyment could in some way be worked into Item 23 (1).
- * It was suggested that the rights with regard to Traditional Law should be accommodated. The Cape Traditional Leaders stated that they would make a submission to the Technical Committee in this regard.
- * It was suggested that in Item 23 (1) "every person" should include juristic persons.
- * It was suggested that Item 23 (2) was unnecessary. Other participants did not agree with this view.
- * It was suggested that the shortage of funds should not be a reason for denying compensation (Item 23 (2) refers).
- * It was suggested that the words "and the interest of the public and those affected" should be included in Item 23 (2).
- * It was suggested that there should be distinction between expropriation and restoration. It was agreed that restoration would be a separate matter and reconsidered by the Technical Committee. Submissions on this issue were requested.
- * It was agreed that 23 (2) would be reformulated. Submissions were requested with regard to reformulations.
- * The inclusion of Item 23 (1) and (2) were agreed to in principle.

5.1.3.22 "Environment" Item 24 refers:

- * It was suggested that this item be deleted as it did not go far enough.

- * After discussion it was agreed that this item remains included but participants could make submissions, if they so wished, to expand the item.

5.1.3.23 "Children" Item 25 refers:

- * It was suggested that the right to education should be included in this item.
- * It was suggested that this item should include family rights, the rights of parents to care for children and the rights of marriage. Other participants did not support this view.
- * The following was proposed as an addition to the item: "The best interest of the child shall be of paramount consideration". The Technical Committee was requested to consider this.
- * The Technical Committee was requested to reformulate this item, taking into account the views expressed in the meeting.

5.1.3.24 "Language and Culture" Item 26 refers:

- * The inclusion of this right was agreed to.

5.1.3.25 "Education" Item 27 refers:

- * It was suggested that in Item 27 (b) there was no need to highlight the issue of language. Other participants did not support this view.
- * It was suggested that a slightly different formulation should be found for the term "common culture" in Item 27 (c), bearing in mind the concerns expressed in the meeting. The Technical Committee was requested to reformulate Item 27 (c).
- * The inclusion of this item was agreed to.

5.1.3.26 It was suggested by the NPP that the Technical Committee considers a right relating to the freedom of movement and other social rights. It was noted that the NPP would make submissions in this regard to the

Technical Committee.

5.1.3.27 "Limitation" Item 28 refers:

- * It was suggested that the word "demonstrably" be inserted after the word "extent" in Item 28 (1) (a).
- * It was suggested that the word "principle" be deleted and replaced with "principles of liberty and".
- * Questions of clarity were put to the Technical Committee.
- * The Cape Traditional Leaders Delegation noted its reservation with the law of general application. Traditional law should also be entrenched. The Technical Committee was requested to note the concerns of the Cape Traditional Leaders on this item and notice was given that submissions on this issue would be made to the Technical Committee.
- * It was suggested that the words "provisions of" be deleted.

5.1.3.28 "Suspension" Item 29 refers:

- * The PAC rejected this item in totality.
- * It was suggested that the authority as referred to in Item 29 (d) should be a higher authority/court. The concept of the designated authority was suggested. The Technical Committee was requested to take note of the concerns expressed in the meeting and reconsider the item.
- * It was suggested that with regard to Item 29 (4) (c) the period should be 7 days.
- * With regard to Item 29 (4) (g), it was suggested that if the detainee is released the State should not be able to redetained. The Technical Committee was requested to consider this issue.

5.1.3.29 "Duration" Item 30 refers:

- * No comments were noted on this item.

5.1.3.30 Section 3 "Enforcement Mechanisms and Procedures" refers and Section 4 "Further Recommendations" refers:

- * The Technical Committee gave a presentation on this section.
- * After discussion it was agreed to approve in principle that the Technical Committee elaborates on the powers, functions, etc. of the Ombudsperson and the Commission.
- * With regard to overlaps between this Committee and the Technical Committee on Discriminatory Legislation, discussions should continue between the two Committee's to ensure that the overlaps are catered for.
- * The recommendations were noted and participants were requested to make submissions to the Technical Committee in this regard.
- * The DP reserved its position with regard to a Constitutional Court.
- * It was suggested that a section on "Definitions" should be included.

5.1.3.31 Substantive points of difference:

- * The following points of difference were identified:
 - Item 2 (2)
 - Item 3
 - The proposal relating to the right to vote
 - The item on eviction
- * It was agreed that this issue be referred to the Planning Committee and that the Planning Committee should suggest a mechanism to resolve the differences.
- * It was suggested that the deadline for

submissions from participants should be five days from the date of this meeting.

5.1.4 The Technical Committee was thanked for its work so far completed.

5.2 Technical Committee on The Repeal or Amendment of Legislation Impeding Free Political Activity and Discriminatory Legislation:

5.2.1 The Technical Committee was welcomed. Present were MG Erasmus, K Motlana-Moroke and T de Bruyn. Apologies were noted from J Dugard and P Langa. The Technical Committee presented an overview of its report and drew the attention of the meeting to matters that needed its consideration. Questions of clarity were put to the Technical Committee.

5.2.2 Extensive discussion and debate followed on the report, after which it was agreed to refer the following issues to the Planning Committee for consideration:

- * To look into what mechanisms need to be employed or what suggestions can be made in respect of the date of implementation of the Bill of Rights.
- * To look into the issue of "verticality" and "horizontalty", pending the report from the Technical Committee on Fundamental Human Rights, and establish some mechanism to resolve these particular issues.
- * To consider the issue of the need for democratic government and the rule of law government between the present time and the elections (getting from point "A to point B").
- * To look into the issue of the uniformity of application of the Bill of Rights and the principles with regard to the elections.
- * The Technical Committee on Fundamental Rights during the Transition and the Technical Committee on the IEC have suggested or are considering a set of enforcement mechanisms. Enforcement mechanisms are also necessary for the enforcement of the Bill of Rights. The Planning Committee should apply it mind to this issue and bring various recommendations on how the overlaps could be avoided. This will give guidance to the Technical Committee on the Repeal of Discriminatory Legislation.
- * The Planning Committee should submit recommendations as to how to deal with the part of the Second report of the Technical

Committee, with regard to specific pieces of legislation.

- * How the possible tribunals would work.
- * The Technical Committee was free to make any submissions to the Planning Committee on the above issue if they so wished.
- * It was suggested that the brief of the Technical Committee should be clarified.

5.2.3 The Technical Committee was thanked for its work so far completed.

5.3 **Reports from the Technical Committee on Constitutional Issues:**

5.3.1 The following reports of the Technical Committee were distributed as a combined report:

- * The Second Special Report on Confederation
- * The Fourth Supplementary Report on Constitutional Principles
- * The Draft Constitution of the Republic of South Africa
- * The Eighth Report.

5.3.2 The circulars attached to the report were approved of (see Addendum C and D).

5.3.3 The following was noted:

5.3.3.1 An appeal was made to all participants to refrain from public comment on the reports.

5.3.3.2 An appeal was made to members of the media to abide by the embargo as stated in the note attached to the combined report (see Addendum D).

6. **General Issues**

6.1 **Letter of condolences to LL Mtshizana:**

A draft letter submitted for approval to the Negotiating Council was agreed to (see Addendum E).

6.2 **Planning Committee Minutes:**

The Planning Committee minutes of 14 June, 15 June, 17, and 18 June 1993 were distributed to the Negotiating Council for noting.

7. **Closure**

7.1 The Chairperson was thanked for the way the day's proceedings were handled.

7.2 The meeting was closed at 17h40.

These minutes were ratified at the meeting of the Negotiating Council of 29 July 1993 and the amended version signed by the Chairperson of the original meeting on ...4...*AUGUST 1993*.....



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CHAIRPERSON

Addendum A

The following delegates and advisers were present at the meeting of the Negotiating Council on Wednesday 21 July 1993:

PJ Gordhan : Chairperson
 N Jajula : Assistant to the Chairperson

Organisation	Delegates	Advisers
ANC	P Maduna B Kgositsile	Z Skweyiya M Manzini
AVU	AS Beyers	M Mentz JR de Ville
Bophuthatswana	BE Keikelame R Mangope	SG Mothibe
Cape Trad. Leaders	M Nonkonyana	DM Jongilanga GD Gwadiso
Ciskei	M Webb VT Gqiba	TM Bulube
DP	KM Andrew M Finnemore	C Eglin D Gibson
Dikwankwetla	JSS Phatang K Ngwenya	SOM Moji
IFP		
IYP	NJ Mahlangu N Mtsweni	AP Laka Q Vilankulu
KP		
INM	SS Ripinga ND Mokoena	PMH Maduna MS Gininda
Kwazulu		
Labour Party	D Lockey CC August	M Loonay
NIC/TIC	C Salojee	K Mayet
NP	D de Villiers TJ King	SJ Schoeman L Wessels
NPP	A Rajbansi S Naidoo	H Pithamber AL Singh

FS Trad. Leaders	RH Mopeli	MB Mota AM Molefe
PAC	P de Lille B Alexander	E Sibeko B Desai
Solidarity	DS Rajah	AS Razak P Naidoo
SACP	J Slovo L Jacobus	E Pahad H Cheadle
SA Government	RP Meyer S Camerer	LR Bruce
Transkei	Z Titus	
TVL Trad. Leaders	MA Netshimbupfe	NE Ngomane
UPF	MJ Mahlangu A Chabalala	J Maake
Venda	SE Moeti TJ Tshivhase	GM Ligege S Makhuvha
XPP	NB Hlasi EE Ngobeni	RW Nyambi MH Matjokana

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

REVISED PROPOSED SCHEDULE OF MEETINGS

21 JULY 1993

Planning Committee	Monday 26 July 1993	09h30 - 11h00
Negotiating Council	Monday 26 July 1993	11h00 - 19h00
Negotiating Council	Tuesday 27 July 1993	09h00 - 19h00
Negotiating Council	Wednesday 28 July 1993	12h00 - 19h00
Negotiating Council	Thursday 29 July 1993	09h00 - 19h00
Negotiating Council	Friday 30 July 1993	08h30 - 13h30

Planning Committee	Monday 2 August 1993	09h30-11h00
Negotiating Council	Monday 2 August 1993	11h00-19h00
Negotiating Council	Tuesday 3 August 1993	09h00-19h00
Negotiating Council	Wednesday 4 August 1993	12h00-19h00
Negotiating Council	Thursday 5 August 1993	09h00-19h00
Negotiating Council	Friday 6 August 1993	08h30-13h30

Negotiating Council	Monday 9 August and following days	Finalisation of Constitution
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Please note :

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

DRAFT PROGRAMME FOR MEETINGS

21 JULY 1993

Negotiating Council	Monday 26 July 1993	Const. Issues
Negotiating Council	Tuesday 27 July 1993	Const. Issues
Negotiating Council	Wednesday 28 July 1993	Disc Leg & FHR (finalise) Constitutional Issues
Negotiating Council	Thursday 29 July 1993	TEC IMC (finalise) IBA (finalise)
Negotiating Council	Friday 30 July 1993	TEC Constitutional Issues

**NOTE ACCOMPANYING THE COMBINED REPORT
OF THE TECHNICAL COMMITTEE ON
CONSTITUTIONAL ISSUES
DATED 26 JULY 1993**

**TO: ALL PARTICIPATING ORGANISATIONS IN THE MULTI-PARTY
NEGOTIATING PROCESS - 21 JULY 1993**

The Negotiating Council, at its meeting on Wednesday 21 July, decided to implore and appeal to all participating organisations not to discuss in public or comment publicly on the Combined Report, (including comments to the media) before it is tabled and presented by the Technical Committee in the Negotiating Council meeting on Monday 26 July 1993. Participating Organisations are obviously free and encouraged to discuss the report internally.

The status of the report is that it has been distributed, but not yet tabled. The embargo is therefore in force until Monday 26 July at 14h00.

**NOTE ACCOMPANYING THE COMBINED REPORT
OF THE TECHNICAL COMMITTEE ON
CONSTITUTIONAL ISSUES
DATED 26 JULY 1993**

TO: ALL MEMBERS OF THE MEDIA - 21 JULY 1993

The Negotiating Council, at its meeting on Wednesday 21 July, decided to implore and appeal to all participating organisations not to discuss in public or comment publicly on the Combined Report, (including comments to the media) before it is tabled and presented by the Technical Committee in the Negotiating Council meeting on Monday 26 July 1993. Participating Organisations are obviously free and encouraged to discuss the report internally.

The status of the report is that it has been distributed, but not yet tabled. The embargo is therefore in force until Monday 26 July at 14h00.

The Negotiating Council therefore earnestly appeals to all members of the media to respect the embargo in force until Monday 26 July 1993 at 14h00. The Negotiating Council is of the opinion that it is in the interest of the Negotiating Process that this very important document should first be discussed in the Negotiating Council before being reported and commented on in the media and in public.

Your continued cooperation and support will assist the process to be successful. In view of the sensitivity and vital importance of this report to the Negotiating Process, if this embargo is broken by a member of the media, the Negotiating Council will, unfortunately, have no alternative but to consider disciplinary measures akin to those usually applied in Parliament.

MULTI-PARTY NEGOTIATING PROCESS

Tel (011) 397-1198 Fax (011) 397-2211

21 July 1993

Mr LL Mtshizama
Transkei Delegation

Dear Louis,

The Negotiating Council has been informed by the Transkeian Delegation that your son, Linda, passed away on the 13th of this month.

The council wishes to extend to you and your family its deepest condolences.

We all share in your loss and we trust that you will be able to resume your duties in the Council in the not too distant future.

Kind regards,



PJ GORDHAN
CURRENT CHAIRPERSON
OF THE NEGOTIATING COUNCIL