

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

MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 11H30 ON FRIDAY 30 APRIL 1993 AT THE WORLD TRADE CENTRE

PRESENT: See Addendum A

1. Moment of Silence

A moment of silence was observed by all members.

2. Welcome and Attendance

2.1 The participants were welcomed.

2.2 Apologies were made for the late start of the meeting. This was attributed to the running over of the meeting of the Planning Committee held before this meeting.

3. Ratification of the Agenda

The agenda was adopted with no amendments.

4. Minutes

4.1 Minutes of the Meeting of the Negotiating Council of 30 March 1993

4.1.1 The minutes were adopted with no amendments.

4.1.2 No matters arising were noted.

4.2 Minutes of the Meeting of the Negotiating Council of 26 April 1993

4.2.1 The minutes were adopted with the following amendments:

- * Item 1.2 should now read "The following participants were called on by the Chairperson to express motions of condolences on behalf of the meeting:

The Konserwatiewe Party for Dr AP Treurnicht;

The Inyandza National Movement for Mr O Tambo;
The Transkei Government for Mr C Hani.

- * It was noted that the motion on behalf of the Planning Committee extending condolences to the Hani family should appear as an addendum to the minutes.

4.2.2 No matters arising were noted.

4.3 The minutes of the Planning Committee meeting of 22 and 23 April were noted.

4.4 A request to speak on matters that appeared in the media by T Langley was discussed. It was agreed that this was not the appropriate time and when the substance of these issues was discussed, members could raise their points of view.

5. Substantive Issues

5.1 Report from the Planning Committee on Constitutional Issues

5.1.1 The Explanatory Memorandum and the Report was presented and tabled on behalf of the Planning Committee by M Webb.

5.1.2 After discussion the following was noted:

- * Negotiations would not take place within the Technical Sub-Committees or within the Planning Committee but in the Negotiating Council and that the Technical Sub-Committees are not fora for negotiating substantive issues, but will facilitate the structure of discussion on the issues;
- * The principle and structure of Technical Committees was agreed to at the meeting of the Negotiating Forum on 1 April 1993;
- * The Technical Committees, when reporting to the Negotiating Council via the Planning Committee, would take into account views as discussed in the Negotiating Council and written inputs received by the Technical Sub-Committees;
- * The work of the Technical Sub-Committees would be directed by the Negotiating Council;
- * The issue of Guidelines for the Technical Sub-Committees should remain open, but the Technical Sub-Committees should

commence work with the existing Guidelines;

- * The Technical Sub-Committees would report back to the Negotiating Council (through the Planning Committee) on an on-going basis;
- * It was agreed to establish the two Technical Sub-Committees, one on Constitutional Issues and the other on the Fundamental Human Rights During The Transition (as recommended by the Planning Committee);
- * The Planning Committee was mandated to explore the advisability of creating additional Technical Sub-Committees to deal with the Constitutional Issues.
- * The process towards reaching agreement in terms of the these two Technical Sub-Committees was agreed to;
- * The Explanatory Memorandum was adopted with amendments (see Addendum B). It was noted that paragraph 6 and 7 forms the basis of the relationship between the Negotiating Council and the Technical Sub-Committees.
- * It was noted that any further possible inputs on these issues should be submitted to the relevant Technical Sub-Committees for consideration and the Technical Sub-Committees should then report back to the Negotiating Council.
- * The importance that the IFP attaches to the issue of the Form of State was noted, with a request that this issue is not submerged within the work of the Technical Sub-Committee on Constitutional Issues.

The meeting adjourned for lunch at 13h00.

The meeting reconvened at 14h30.

5.2 Violence

- 5.2.1 The proposals and recommendations from the Planning Committee as submitted to the meeting of the Negotiating Council on 26 April were resubmitted to the meeting.
- 5.2.2 The IFP requested the opportunity to present a document. After discussion and the expression of various points of view no agreement

was reached on this issue. It was then agreed that the Planning Committee meet to resolve this issue.

5.2.3 A recommendation by the Planning Committee was adopted by the meeting as an interim measure (see Addendum C). It was noted that the IFP and the Kwazulu Government accepted this recommendation only as an interim measure and without prejudice.

5.2.4 In accordance with this recommendation it was agreed that a Technical Sub-Committee on Violence be immediately established with a view to:

- * Analyse the causes of violence;
- * Establish further steps and mechanisms to deal with these causes;
- * Interact with the Negotiating Council to deal with the problem of violence in the most effective and constructive way;
- * Make reports and recommendations to the Negotiating Council on an ongoing basis.

5.2.5 It was suggested that the Planning Committee immediately liaise with Mr John Hall in this regard and report back to the next meeting of the Negotiating Council on Friday 7 May 1993. It was further suggested that Regional Peace Committees be contacted for their input and briefed by the National Peace Committee.

5.2.6 It was agreed that all participants be given the opportunity to submit to the Administration, not later than Tuesday, suggestions regarding the composition of the Technical Sub-Committee. The composition should be finalised at the next meeting of the Negotiating Council. The Planning Committee is to submit a recommendation to the Negotiating Council.

5.2.7 It was agreed to defer further discussion on the Proposals submitted to the Negotiating Council by the Planning Committee on Violence to the next meeting of the Negotiating Council on Friday 7 May 1993.

5.2.8 A Resolution on Violence with regard to journalists was adopted by the meeting (see Addendum D).

5.3 Recommendations by the Planning Committee on The Negotiating Process

5.3.1 It was agreed in principle that Technical Sub-Committees be established. It was noted that this agreement does not mean that the issue of Technical Sub-Committees is closed.

5.3.2 It was agreed to refer the matter to the Planning Committee to deal with and to submit a firm proposal to the next meeting of the

Negotiating Council on Friday 7 May 1993. It was noted that the Planning Committee would recommend the composition of the Technical Sub-Committees to the Negotiating Council for a decision.

5.3.3 Every participant was encouraged to submit recommendations in respect of the composition of the Technical Sub-Committees. The deadline for such submissions is 17h00 on Wednesday 5 May 1993.

5.3.4 It was noted that these in principle decisions are getting the process started and they do not constitute the order of priority.

5.3.5 It was noted that the recommendation of the establishment of Technical Sub-Committees on The Strengthening of the National Peace Accord and the Peace Corps was deferred to the next meeting of the Negotiating Council in line with a request by the IFP.

5.3.6 It was noted that the setting up of the Technical Sub-Committees on:

- * The Independent Elections Commission;
- * The Independent Media Commission;
- * The amendment or repeal of legislation impeding free political activity and discriminatory legislation; and
- * The TEC and its Sub-Councils

does not constitute structures of the TEC but deals with some constitutional issues in the process. It was further noted that the establishment of these Technical Sub-Committees does not mean agreement on the implementation of the TEC.

5.3.7 Reservations were noted by Bophuthatswana and the Ciskei with regard to references to the TBVC States in the Terms of Reference of the Technical Sub-Committees.

5.3.8 It was further noted that the Konserwatiewe Party reserves their position with regard to the establishment of the aforementioned Technical Sub-Committees.

5.4 An Election Date

5.4.1 The Declaration of Intent (see Addendum E) was submitted by the Planning Committee to the Negotiating Council for its approval.

5.4.2 Reservations from within the Planning Committee in this regard were noted by R Cronje, FT Mdlalose and M Webb.

5.4.3 Due to time constraints this issue was referred to the next meeting of the Negotiating Council to be held on Friday 7 May 1993.

6. **Procedural Issues**

Due to time constraints all the issues under Item 6 were referred to the next meeting of the Negotiating Council on Friday 7 May 1993.

7. **Meetings Schedule**

This issue was deferred until the next meeting of the Negotiating Council on Friday 7 May 1993.

8. **Closure**

The meeting adjourned at 18h20.

These minutes were ratified at the meeting of the Negotiating Council of 7 May 1993 and the amended version signed by the Chairperson of the original meeting on18/5/93.....



J. Gauders.

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CHAIRPERSON

Addendum A

The following delegates and advisers were present at the meeting of the Negotiating Council on Friday 30 April 1993:

Organisation	Delegates	Advisers
ANC	C Ramaphosa B Kgosisile	M Maharaj M Manzini
AVU	CD de Jager J Gouws	JJC Botha M Mentz
Bophuthatswana	R Cronje R Mangope	BE Keikelame SG Mothibe
Cape Trad. Leaders	M Nonkonyana	GD Gwadiso DM Jongilanga
Ciskei	M Webb VT Gqiba	SM Faku C Vale
DP	C Eglin M Finnemore	K Andrew P Soal
Dikwankwetla	TJ Mohapi KS Ngwenya	SOM Moji JSS Phatang
IFP	FT Mdlalose FX Gasa	VJ Matthews WS Felgate
IYP	NJ Mahlangu S Mahlangu	AP Laka Q Vilankulu
KP	T Langley	FJ Le Roux CP Mulder
INM	SS Ripinga MS Gininda	GG Zama JM Matsana
Kwazulu	BS Ngubane H Ngubane	SH Gumede DRB Madide
Labour Party	P Lategan PAC Hendrickse	E Samuels MYK Bassier

● C/TIC	PJ Gordhan K Mayet	F Hajaj C Salojee
NP	DJ de Villiers E Ngcobondwane	L Wessels SJ Schoeman
NPP	A Rajbansi A Rambarran	O Ganie S Ismail
OFS Trad. Leaders	EM Sekhoto MB Mota	RH Mopeli MA Molefe
PAC	B Alexander M Molete	M Shinnars G Ebrahim
Solidarity	DS Rajah JN Reddy	Y Moolla
SACP	J Slovo L Jacobus	E Pahad
SA Government	RP Meyer D Govender	T Delpont SS van der Merwe
Transkei	Z Titus N Jajula	LL Mtshizana M Mphahlwa
TVL Trad. Leaders	NM Malekane MA Netshimbupfe	MC Maraba NE Ngomane
UPF	MJ Mahlangu A Chabalala	J Maake RJ Dombo
Venda	SE Moeti AK Masehela	S Makhuvha GM Ligege
XPP	EE Ngobeni NB Hlaisi	HM Matjokana
L Landers	:	Chairperson
MJ Mahlangu	:	Assistant to the Chairperson
T Eloff	:	Administration
G Hutchings	:	Minutes
K Morgan	:	Administration
L Letsoala	:	Administration
M Radebe	:	Administration
G Briggs	:	Administration

EXPLANATORY MEMORANDUM TO BE ACCEPTED BY ALL PARTICIPANTS IN THE MULTI-PARTY PROCESS RELATING TO PROPOSALS ARISING FROM THE MULTI-PARTY FORUM RESOLUTION ON THE NEGOTIATION PROCESS.

1. The Negotiation Process involves reaching agreement on a number of key elements. Discussion around any particular element gives rise to suspicion and fears that agreement on it would lead to that agreement being implemented before agreement has been reached on ALL the key elements that constitute a package around the negotiating process.
2. Such fears were addressed in the CODESA process in Working Group 3 whose report appears in the Consolidated Document on pages 22-29. This Report states that "These agreements (that is, relating to the first stage of the transition, namely the TEC) and their implementation are dependent upon agreement being reached by CODESA in respect of the second stage of the Transition, including an Interim Constitution, and general Constitutional Principles". (cf clause 4 of the Agreement on page 22).
3. Mindful that the above proviso is contained in the CODESA Agreements which are treated in the Multi-Party Forum as points of reference, and not as binding agreements; mindful also that some of the participants in the current Multi-Party Forum have specifically indicated that they consider themselves bound by the agreements reached in CODESA; it therefore becomes necessary that participants in the Multi-Party Forum should commit themselves to a similar type of provision so that the proposals based on the Multi-Party Resolution on the Negotiation Process may be addressed in a manner that removes any fears that agreement on any particular proposal necessarily implies agreement on their implementation.
4. The proposals contained in the first report of the Sub-Committee deals with the need for the setting up of technical committees on the following aspects:
 - 4.1 The Independent Elections Commission
 - 4.2 The Independent Media Commission and the Independent Telecommunications Authority
 - 4.3 The Amendment or repeal of legislation impeding free political activity and discriminatory legislation
 - 4.4 On the TEC and its Sub-councils with the proviso that the question of security forces and all armed formations shall be given priority attention.
 - 4.5 On strengthening the National Peace Accord
 - 4.6 On the Peace Corps

The second report of the Sub-Committee on other constitutional matters proposes two more technical committees;

5.1 On fundamental rights in the Transition

5.2 On other constitutional matters namely, Form of State and Constitutional Principles, Constitution Making Body/ Constituent Assembly, Transitional/Interim Constitution, Transitional Regional Government, the Future of the TBVC States and Self Determination.

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.

7. Technical committees are not fora for negotiating substantive issues. They are instruments of the Negotiating Council in order to produce systematic documentation to facilitate discussion and negotiating in the Negotiating Council. Documentation produced by each of these technical committees shall be discussed at the Negotiating Council and on the basis of those discussions sent back to the technical committees for further development. This process would be repeated until agreement is reached in the Negotiating Council on a final document on the issue in question.

RECOMMENDATION BY THE PLANNING COMMITTEE

1. It should be emphasised that it is the recommendation by the Planning Committee that the issue of violence will at all times receive priority attention by inter alia;
 - * ensuring that it is constantly on the agenda of the Negotiating Process;
 - * that all parties are invited to make submissions on an ongoing basis regarding the causes of violence and steps and mechanisms to deal with it.

2. A Technical Sub-Committee on violence of this Negotiating Council should be established immediately in line with paragraph 3.2.2 of the Proposal on Violence before the Negotiating Council.

3. The IFP should table the document, be noted by the Negotiating Council, and immediately be considered together with other inputs by the Technical Sub-Committee with a view to:
 - * analyse the causes of violence; and
 - * establish further steps and mechanisms to deal with these causes;
 - * interact with the Negotiating Council to deal with the problem of violence in the most effective and constructive way and make reports and recommendations to the Negotiating Council on an ongoing basis.

**RESOLUTION ON ATTACKS OF JOURNALISTS
30 APRIL 1993 TO THE NEGOTIATING COUNCIL**

- * Noting the disturbing and unwarranted increase in the violent attacks on journalists and thereby on freedom of the media and on the right of the public to know the facts;

- * Hereby resolve to embark upon an extensive programme of mass education on the importance and relevance of the media and to strive as far as possible to offer journalists protection against violent attacks.

DECLARATION OF INTENT ON THE NEGOTIATING PROCESS

This meeting of the Negotiating Council, held on 30 April 1993 at the World Trade Centre

1. Noting That There Is An Urgent Need To:

- * Inspire confidence in the negotiating process and our ability to resolve our problems peacefully;
- * Offer a clear vision of the major milestones in the negotiating and transition process;
- * Create conditions which eliminate violence in South Africa;

2. And recognising wide acceptance of the need for democratic elections in South Africa;

3. Therefore Commit Ourselves:

- * To reach agreements on binding constitutional principles, the constitutional framework and the constitution-making process within which an election will be held;
- * To provide for an adequate time-frame for the implementation of decisions on these matters and procedures for elections; and
- * To ensure that the negotiating process moves forward over the next five weeks to set the exact date for an election that should take place not later than the end of April 1994.