

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 10H15 ON WEDNESDAY 30 JUNE 1993 AT THE WORLD TRADE CENTRE

PRESENT: See Addendum A

1. Moment of Prayer/Meditation

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

2. Welcome and Attendance

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 22 June 1993 were adopted with no amendments.

4.2 The minutes of the meeting of 23 June 1993 were adopted with the following amendments:

4.2.1 Item 5.2.3.18 refers; replace the word "that" in the third line of the paragraph with "there";

4.2.2 Item 5.2.3.28, the second asterisk be amended to read "That in the first line the word 'required' be substituted for the word 'important';

4.2.3 Item 5.2.3.31, the asterisk refers; the word "require" be replaced by the word "required".

4.3 No matters arising were noted out of the minutes of 22 and 23 June 1994.

5. **Substantive Issues**

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

5.1.1 The following recommendation from the Planning Committee was agreed to:

- * That no further discussion be held on the proposed draft resolution as distributed at the meeting of the Negotiating Council on 29 June 1993;
- * That the Technical Committee on Constitutional Issues present the Fourth Report to the Negotiating Council, who would then address clarificatory questions to the Technical Committee;
- * That the Negotiating Council meeting after this adjourn for bi-lateral discussions to facilitate discussion on Items 5.1.1 and 5.1.2 of the agenda.

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

5.3 The members presented the Fourth Report. Questions of clarity were put to the Technical Committee.

5.4 The meeting then adjourned at 11h30 to commence with the bi-lateral meetings.

5.5 The meeting reconvened at 16h45. It was noted that sufficient progress had been made in the bi-lateral meetings to warrant the drafting of a resolution. It was agreed to adjourn the meeting and mandate the Planning Committee to meet and draft the proposed resolution to put before the Negotiating Council.

The meeting adjourned at 17h00.

The meeting reconvened at 19h25.

5.6 The proposed resolution was put to the meeting. The proposed resolution was adopted by sufficient consensus (see Addendum B).

5.7 With regard to the adopted resolution, the following was noted:

- * The Ciskei Government reserved its position;

- * The AVU objected to the usage of the word "transitional" and therefore reserved its position;
- * The IFP reserved position until the draft constitution is placed before the meeting;
- * The KP requested that the entrenchment of SPR's, their structures, powers and boundaries be inserted into the resolution (this was not agreed to); furthermore, the KP was opposed to the resolution and reserved their right;
- * The PAC reserved its position;
- * The Kwazulu Government reserved its position until the draft constitution is placed before the meeting and until consultation with its principal.

5.8 It was noted that this adopted resolution should been seen against the background of the bi-laterals held in the course of the day.

6. Closure

- 6.1 A motion of condolences were extended to a member of the Administrative staff, P Lelaka and her family on the death of her five month old daughter.
- 6.2 It was noted that the Planning Committee would meet at 09h00 on 1 July 1993.
- 6.3 It was agreed that the meeting of the Negotiating Council commence at 10h00 on 1 July 1993.
- 6.4 The meeting was closed at 19h45.

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

Addendum A

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

PJ Gordhan : Chairperson

Organisation	Delegates	Advisers
ANC	C Ramaphosa B Kgositse	M Maharaj M Manzini
AVU	CD de Jager J Gouws	MJ Mentz
Bophuthatswana	R Cronje R Mangope	SG Mothibe
Cape Trad. Leaders	M Nonkonyana SN Sigcau	DM Jongilanga GD Gwadiso
Ciskei	M Webb VT Gqiba	TM Bulube SM Faku
DP	C Eglin M Finnemore	K Andrew
Dikwankwetla	JSS Phatang K Ngwenya	SOM Moji TJ Mohapi
IFP	VJ Matthews FX Gasa	WS Felgate
IYP	NJ Mahlangu Q Vilankulu	AP Laka
KP	T Langley	CP Mulder SC Jacobs
INM	SS Ripinga ND Mokoena	MS Gininda PMH Maduna
Kwazulu	BS Ngubane	SH Gumede
Labour Party	L Landers C August	IJ Kruger D Lockey
NIC/TIC	F Hajajj	K Mayet B Pillay
NP	D de Villiers TJ King	L Wessels SJ Schoeman

NPP

A Rajbansi
VP Ramdhany

AA Koobair
VP Rattan

OFS Trad. Leaders

M Moroke
MB Mota

RH Mopeli
AM Molefe

PAC

P de Lille
LS Makhanda

Solidarity

DS Rajah

AS Razak

SACP

J Slovo
L Jacobus

E Pahad
S Shilowa

SA Government

RP Meyer
C Schmidt

FV Heerden
SS van der Merwe

Transkei

Z Titus
N Jajula

LL Mtshizana

TVL Trad. Leaders

MA Netshimbupfe

LM Mokoena
NE Ngomane

UPF

A Chabalala

RJ Dombo
J Maake

Venda

SE Moeti

GM Ligege
S Makhuvha

XPP

PT Shiluvana
MH Matjokana

TB Shibambu

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

**RESOLUTION ON STEPS TO BE TAKEN FOR THE
PURPOSES OF ESTABLISHING A NEW CONSTITUTIONAL ORDER
ADOPTED BY THE NEGOTIATING COUNCIL ON 30 JUNE 1993**

1. The Negotiating Council agrees on the following steps to be taken for the purposes of establishing a new constitutional order:
 - 1.1 The MPNP shall adopt the Constitutional Principles, including principles of regional government, providing for both strong regional government and strong national government;
 - 1.2 The Constitutional Principles shall be binding on the Constitution-Making Body and shall be justiciable by a Constitutional Court/Tribunal;
 - 1.3 The Commission on Delimitation/Demarcation appointed by the MPNP will make recommendations to the MPNP on regional boundaries for the purposes of elections and regional government for the transitional phase;
 - 1.4 The MPNP shall agree on legislation to make provision for the following structures for the purpose of levelling the playing field and promoting conditions conducive to the holding of free and fair elections:
 - 1.4.1 A Transitional Executive Council;
 - 1.4.2 An Independent Electoral Commission;
 - 1.4.3 An Independent Media Commission and an Independent Broadcasting Authority;
 - 1.5 The MPNP shall agree on details of discriminatory legislation to be repealed;
 - 1.6 The MPNP shall agree on a Constitution for the transitional period;
2. The Negotiating Council accordingly requests the Technical Committee on Constitutional Issues to draft a Constitution for the transition which shall make provision for:
 - 2.1 The election according to a system of proportional representation of a Constitution-Making Body, legislature and national government for the transitional phase which will include a national and regional component. With regard to constitution making, this Constitution shall provide for dead-lock breaking and special majorities by which decisions will be taken;

- 2.2 The election of regional legislatures and the establishment of regional governments in the transition;
 - 2.3 The powers, functions and structures of regions for the transitional period;
 - 2.4 Fundamental human rights on a justiciable basis during the transitional period;
 - 2.5 A Constitutional Court/Tribunal to ensure the justiciability of the Constitutional Principles, of the fundamental rights and of the Constitution itself;
3. Participants are given until the 12th of July 1993, to make further inputs to the Technical Committee with regard to the above draft Constitution for the transition.
 4. This is agreed against the background of paragraph 6 of the Explanatory Memorandum adopted by the Negotiating Council on 30 April 1993.