

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

MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 15h00 ON MONDAY 18 OCTOBER 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 Apologies for the late start of the meeting were noted from the Planning Committee.

3. Ratification of the Agenda

The agenda was ratified with no amendments.

4. Minutes

4.1 Ratification of the minutes:

4.1.1 The minutes of the meeting of 29 September 1993 were ratified with no amendments.

4.1.2 The minutes of the meeting of 7 October 1993 were ratified with the following amendment:

* Item 5.1.19 to read "It was noted that the PAC was concerned about the provisions catered for in clause 35 (2) (b) with regard to the time period and, therefore, reserved its position on the whole of clause 35."

4.2 Matters arising out of the minutes:

4.2.1 No matters arising were noted out of the minutes of the meeting of 29 October 1993.

4.2.2 Matters arising out of the minutes of the meeting of 7 October 1993:

- * Item 5.2.2 refers : It was noted that a response was awaited from the South African Government.

5. **Reportback from the Planning Committee**

5.1 **S.A.D.F. Raid on a house in Umtata:**

5.1.1 The Planning Committee recommendation that the three resolutions before the Council be referred to the PAC, the South African Government and the Transkei Government with a view to establishing a common resolution that the Negotiating Council could consider was agreed to. It was noted that the three parties were scheduled to meet at 09h00 on Tuesday 19 October 1993 and the results thereof would be reported on the Council on Wednesday 20 October 1993.

5.1.2 It was further agreed that the questions that the ANC had put forward in the Negotiating Council meeting of 15 October 1993 were also referred to the three parties concerned and a progress report in this regard was awaited, possibly during the course of the day.

5.1.3 It was noted that the Planning Committee was discussing the issue whether or not the AVU did obtain permission to distribute a document in the Negotiating Council meeting of 15 October 1993 relating to the S.A.D.F. Raid on a house in Umtata. A number of proposals had emerged in the Planning Committee discussions. This issue would be given further attention and a report would be given to Council on Wednesday 20 October 1993.

5.2 **Recommendation with regard to the processing of the report from the Task Group on the Delimitation/Demarcation of Regions:**

5.2.1 The following steps were suggested by the Planning Committee to structure the debate and discussion of the Report:

- * The Council should indicate whether it agrees in principle with 9 regions;
- * The non-contentious regions should be identified and agreed to;

- * Each of the sensitive areas in the report should be considered in seriatim. Participants should indicate their concerns in respect of the sensitive areas.
- * The Council should take note of all the major opposing views and consider whether bilateral and/or multilateral meetings should occur to take care of the concerns and differences that emerged during the course of the debate. Time should be allocated for these processes to take their course.
- * If the need arose, the Planning Committee could be requested to take any further steps that might be required to facilitating the process.

5.2.2 Discussion proceeded around the recommendation of the Planning Committee.

5.2.3 It was agreed to have an open discussion on the number of regions, to proceed to deal with each region, identify the outstanding sensitive issues as they arose and deal with the issues through ad-hoc committees and/or bilateral/multilateral meetings.

5.3 **Constitutional Issues:**

It was noted that the bilateral meetings were progressing positively. It was noted that the Parliamentary session had been changed to commence on 22 November 1993 and therefore the tentative date for the completion of the work of the Negotiating Council was 5 November 1993.

5.4 **Transition Structures:**

5.4.1 It was noted that with regard to the Bills that the Negotiating Council had already approved, the Planning Committee was considering the informal setting up of the structures, i.e. the TEC, the IEC, the IBA and the IMC.

5.4.2 It was further noted that letters requesting parties to nominate members to serve on the TEC would be put to the Negotiating Council soon.

5.4.3 With regard to the IEC, the IMC and the IBA the Planning Committee was considering a number of issues.

5.4.4 It was noted that the Transition Structures would formally come into operation and be implemented after the Plenary session of the Multi-Party Negotiating Process. The Planning Committee was mandated by the Negotiating Council to only make preparatory and informal arrangements for the setting up of the Transition Structures.

5.5 Commission on National Symbols:

- 5.5.1 It was noted that the report would be tabled and presented to the Negotiating Council on Wednesday 20 October 1993.
- 5.5.2 It was noted that the debate and discussion of the report would occur on Thursday 21 October 1993.
- 5.5.3 It was noted that all the Commissioners had been invited to attend the presentation, debate and discussion on Wednesday 20 October 1993 and Thursday 21 October 1993. Participants were urged to not engage Commissioners in political debate and discussion.

5.6 Draft Electoral Bill:

It was noted that the Planning Committee was considering the composition of the ad-hoc committee as mandated by the Negotiating Council.

5.7 Constitutional Proposals put forward by the Traditional Leaders:

- 5.7.1 It was noted that the Planning Committee had formed a Task Group to look into the proposals of the Traditional Leaders, synthesise and analyse them scientifically and come forward with clear and concise proposals.
- 5.7.2 It was noted that a final report in this regard had been circulated to the Traditional Leaders. The said report would be presented to the Planning Committee on Thursday 21 October 1993.
- 5.7.3 It was noted that the Negotiating Council would have to have a debate on this issue. The Planning Committee was considering the meetings schedule and when a discussion on this issue could be scheduled.

5.8 Fundamental Rights during the Transition:

- 5.8.1 It was noted that the Sub-Committee of the Planning Committee had been mandated to go into the progress of the Ad-Hoc Committee with regard to the outstanding issues on fundamental rights. Once the Planning Committee had received the report, this item would appear on the agenda of the Negotiating Council.
- 5.8.2 It was suggested that the Planning Committee should consider the advisability of the panel of experts on customary law appearing before the Negotiating Council when fundamental rights was dealt with. Furthermore, the Planning Committee should indicate to Council if a report was received from the panel of experts and whether the report should be distributed to participants.

5.8.3 The Planning Committee indicated that a report from the experts on customary law had been received by the Ad-Hoc Committee containing their proposals. It was noted that the Planning Committee would look into whether or not the comments of the experts on customary law had been made available to the Negotiating Council. Furthermore, the Planning Committee would give consideration to the above suggestion (item 5.8.2 refers).

6. Substantive Issues

6.1 Discussion and debate on the Report dealing with the Delimitation/Demarcation of Regions:

6.1.1 F du Preez (Technical Support Staff) and R Mokate (Secretary of the Commission) were welcomed.

6.1.2 A general discussion proceeded on the proposed number of regions.

- * Various participants suggested that nine regions could serve as a starting point for the discussion.

- * It was suggested that the whole issue of regions should be dealt with by the Constitutional Assembly.

- * It was suggested that soft boundaries could be adopted until after the election and that this issue could be finalised then.

- * It was noted that this issue had to be resolved to form part of the Constitution and that the target deadline for the work of the Council to be finished was 5 November. It was further noted that compromise by all participants was necessary with regard to this issue.

- * It was suggested that ad-hoc committees should be established to deal with sensitive and problem areas identified during the course of the debate on the regions. Furthermore, the ad-hoc committee should report back to the Negotiating Council.

6.1.3 The meeting proceeded to deal with the regions as indicated in the report.

6.1.4 The Western Cape:

- * It was suggested the area as demarcated was acceptable. Furthermore, the Northern Cape should form one region.

- * It was also suggested that the Western Cape should be combined with the Northern Cape to form one region.
- * It was suggested that the magistral districts of Gordonia, Kenhardt, Prieska, Hay, Hopetown, Herbert, Kimberley, Barclay West and Warrenton should be incorporated into the North West and the remainder of the Northern Cape should be combined with the Western Cape.
- * It was suggested that most of Northern Cape region should be incorporated in the Western Cape region with the Orange River as the northern boundary and the eastern border as it stands in the proposal.

6.1.5 North West/Orange Free State:

- * It was suggested that the North West should be combined with Orange Free State.
- * It was suggested that the magistral districts of Hartswater, Kuruman and Postmasburg should be included in the Northern Cape Region.
- * It was suggested that Sasolburg should form part of the Orange Free State.
- * It was suggested that part of the Northern Cape should form part of the North West and the rest of the region should form part of the Western Cape.
- * It was suggested that Orange Free State should remain as is and the North West should form a separate region.

6.1.6 Eastern Cape/Kei:

- * It was suggested that the Eastern Cape and the Kei should form two separate regions.
- * It was suggested that the western boundary of the Eastern Cape should include Murraysburg, Richmond, Hanover, Noupoort and Colesberg and the eastern boundary should run along the Fish River and swing up via Tarkastad, Steynsburg and Venterstad. Furthermore, the Kei region should be a separate region.
- * It was suggested that the Eastern Cape and Kei should form one region.

- * It was suggested that with regard to East Griqualand, the boundary as suggested by the Commission should apply.

6.1.7 Kwazulu/Natal:

- * It was suggested that East Griqualand, Umzimkulu and Mount Currie should be incorporated into the Kwazulu/Natal region.
- * It was suggested that this region should remain as presently demarcated.
- * The AVU noted its strong objection to the lack of attention given to its request for a demarcation of the Northern Natal into an area that was dominantly Afrikaans.
- * It was suggested that soft boundaries for electoral purposes should be maintained in this region as the question of where Umzimkulu should fall could not be decided upon at this stage.
- * It was suggested that as the issues surrounding this region were sensitive, the views of the people there should be considered.

6.1.8 Northern Transvaal:

- * It was suggested that Pretoria should not be included in this area.
- * It was suggested that Groblersdal should remain in the Northern Transvaal.
- * It was suggested that the Kruger National Park should fall into the Northern Transvaal.
- * It was suggested that Pietersburg should be included within the Northern Transvaal.
- * It was suggested that Bushbuck Ridge should fall into the Northern Transvaal.
- * It was suggested that the boundaries should remain as per the original report of the Commission.
- * It was suggested that the Kruger National Park should be entrenched as a national asset and entrenched in the Constitution.
- * It was suggested that Moretele should form part of the

Northern Transvaal. Various participants did not agree with this view.

- * It was suggested that Ellisras, Waterberg, Thabazimbi and Warmbaths should remain in the Northern Transvaal.
- * It was suggested that the Pilgrims Rest and Lydenburg area should form part of the Eastern Transvaal.
- * It was suggested that Ellisras, Waterberg, Thabazimbi, Warmbaths and Pietersburg should form sub-regions.

6.1.9 Eastern Transvaal:

- * It was suggested that an ad-hoc committee should be established to deal with all the concerns raised with regard to this region. It was further suggested that the ad-hoc committee should consider how criteria were applied in respect of other regions and this region.
- * It was suggested that the Negotiating Council must address the issue of self-determination of the Afrikaner.
- * It was suggested that Pretoria, KwaNdebele and Bronkhorstspuit should form part of the Eastern Transvaal.
- * It was suggested that Pretoria should remain part of the PWV.
- * It was suggested that KwaNdebele should form part of the Eastern Transvaal.
- * It was suggested that the Negotiating Council should consider the concept of sub-regions on the following basis:
 - That the sub-region will remain a third level of government;
 - That there will be no domination;
 - That there would be no sovereignty.
- * It was suggested that KwaNdebele should form part of the PWV region.

6.1.10 PWV Region:

- * It was suggested that Pretoria should form part of the

PWV region.

- * It was suggested that Pretoria should not form part of the PWV Region but part of the Eastern Transvaal region.

6.1.11 It was agreed to mandate the Planning Committee to form an ad-hoc committee or ad-hoc committees to deal with the concerns and sensitive issues identified in the course of the debate and find solutions to the issues raised. When composing the ad-hoc committee or ad-hoc committees the Planning Committee should consider who the affected and contending parties were.

7. Revised Schedule of Meetings and Programme

The revised schedule of meetings and the draft programme was agreed to (see Addendum B and Addendum C).

8. Closure

The meeting adjourned at 18h30.

These minutes were ratified at the meeting of the Negotiating Council of 28 October 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 Monday 18 October 1993:

DJ de Villiers : Chairperson
 B Kgositsile : Assistant Chairperson

Organisation	Delegates	Advisers
ANC	T Botha M Manzini	
AVU	S Burger C Kruger	AJ Horn
Bophuthatswana		
Cape Trad. Leaders	M Nonkonyana SN Sigcau	GD Gwadiso DM Jongilanga
Ciskei		
DP	KM Andrew	H Bester E Trent
Dikwankwetla	JSS Phatang RT Ramasia	TJ Mohapi K Ngwenya
IFP		
IYP	NS Mtsweni NJ Mahlangu	AP Laka Q Vilankulu
KP		
INM	SS Rippinga ND Mokoena	GG Zama
Kwazulu		
Labour Party	L Joseph L Landers	I Richards D Lockey
NIC/TIC	PJ Gordhan	K Mayet C Salojee
NP	L Wessels MM Gabriels	
NPP	A Rajbansi S Naidoo	DM Govender G Chetty
OFS Trad. Leaders	MB Mota	BS Rajuili

●
PAC

B Alexander

B Desai
ER Sibeko

Solidarity

DS Rajah

T Palan
N Singh

SACP

L Jacobus
E Pahad

SA Government

A Fourie
LR Brink

Transkei

Z Titus
N Jajula

R Nogumla

TVL Trad. Leaders

LM Mokoena
MA Netshimbupfe

NE Ngomane
NE Ngomane

UPF

A Chabalala
MJ Mahlangu

Venda

NE Mulaudzi
AK Masehela

S Makhuvha
GM Ligege

XPP

EE Ngobeni
GNK Hetisani

MH Matjokana
PT Shilubana

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

DRAFT PROGRAMME FOR MEETINGS

18 OCTOBER 1993

Monday 18 October 1993	Discussion:	*	Delimitation/Demarcation of Regions (14h00-20h00)
Tuesday 19 October 1993	Bilateral Meetings		
Wednesday 20 October 1993	Discussion:	*	Draft Electoral Bill
		*	Constitutional Issues (discussion of the 16th Report on the election of the President and the 17th Report on Finances)
	Distributed : Report of Commission on National Symbols (afternoon)		
Thursday 21 October 1993	Discussion:	*	Constitutional Issues (if necessary)
		*	Report of the Commission on National Symbols
Friday 22 October 1993	Discussion:	*	Draft Electoral Bill
Monday 25 October 1993	Discussion:	*	Delimitation/Demarcation of Regions
Tuesday 26 October 1993	Discussion:	*	Constitutional Issues
Wednesday 27 October 1993	Discussion:	*	Constitutional Issues
Thursday 28 October 1993	Discussion:	*	Constitutional Issues
Friday 29 October 1993	Discussion:	*	Draft Electoral Bill and Electoral Code of Conduct

REVISED PROPOSED SCHEDULE OF MEETINGS

18 OCTOBER 1993

Planning Committee	Monday 18 October 1993	11h30-14h00
Negotiating Council	Monday 18 October 1993	14h00-20h00
Bilateral Meetings	Tuesday 19 October 1993	08h30-17h00
Negotiating Council	Wednesday 20 October 1993	13h00-20h00
Negotiating Council	Thursday 21 October 1993	09h00-20h00
Negotiating Council	Friday 22 October 1993	08h30-14h00

Planning Committee	Monday 25 October 1993	09h30-13h00
Negotiating Council	Monday 25 October 1993	14h00-20h00
Bilateral Meetings	Tuesday 26 October 1993	08h30-13h00
Negotiating Council	Tuesday 26 October 1993	14h00-20h00
Bilateral Meetings	Wednesday 27 October 1993	08h30-13h00
Negotiating Council	Wednesday 27 October 1993	14h00-20h00
Bilateral Meetings	Thursday 28 October 1993	08h30-13h00
Negotiating Council	Thursday 28 October 1993	14h00-20h00
Negotiating Council	Friday 29 October 1993	08h30-14h00

Planning Committee	Monday 1 November 1993	09h30-13h00
Negotiating Council	Monday 1 November 1993	14h00-20h00
Bilateral Meetings	Tuesday 2 November 1993	08h30-13h00
Negotiating Council	Tuesday 2 November 1993	14h00-20h00
Bilateral Meetings	Wednesday 3 November 1993	08h30-13h00
Negotiating Council	Wednesday 3 November 1993	14h00-20h00
Bilateral Meetings	Thursday 4 November 1993	08h30-13h00
Negotiating Council	Thursday 4 November 1993	14h00-20h00
Negotiating Council	Friday 5 November 1993	08h30-14h00

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.