

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

**MINUTES OF THE MEETING OF THE NEGOTIATING COUNCIL HELD AT 13h30 ON WEDNESDAY 28 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. Minutes**

The minutes of the meetings of the Negotiating Council of 21 July and 26 July 1993 were distributed at the meeting and would be dealt with at the meeting of 29 July 1993.

**5. Substantive Issues - Constitutional Issues:**

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

5.2 It was restated that the issue of Confederalism would be discussed on Thursday 29 July 1993.

5.3 It was agreed that the issue of the TBVC States would be discussed later and that there should be a concrete recommendation from Planning Committee on Thursday 29 July 1993.

- 5.4 It was agreed that the meeting goes through the Eighth Report, giving preliminary comments, identifying different perspectives and where commonalities and differences lie in general terms. It was furthermore agreed to look for guidance from the Planning Committee with regard to bi-laterals and multi-laterals over differences, with a view to finding common ground and to bridging differences, before extensive discussion is held in the Council.
- 5.5 The Eighth Report of the Technical Committee of the Technical Committee on Constitutional Issues was discussed. Extensive debate, questions to and answers from the members of the Technical Committee followed. During the debate the following issues of difference/concern and importance emerged or were agreed upon:
- 5.5.1 Item 1.1.1 refers: The Technical Committee was requested to keep the matter of overlaps between its own work and that of the Technical Committee on the Independent Election Commission in mind and to have discussions with the latter on this issue.
  - 5.5.2 Item 1.1.3 refers: It was suggested that a clearer definition of the functions and powers of regions was necessary and that this should be clearly stated.
  - 5.5.3 Item 1.2 refers: It was suggested that the process between the present time and the elections should be spelt out step by step; and that as the elements become clearer, mechanisms should be identified to facilitate this process.
  - 5.5.4 Item 4 refers: It was agreed to refer the issue of national symbols and languages to the Planning Committee for a recommendation on how to deal with this important issue.
  - 5.5.5 Item 5 refers: The Technical Committee was requested to consider the difficult issue of national and possible regional citizenship, with specific regard to residence, voting rights and access to welfare and health services. should be done.
  - 5.5.6 Item 7 refers: With regard to the composition and functioning of the elected Constitution-making Body, it was noted that possible overlaps with the Technical Committee on the Independent Electoral Commission (with specific reference to the electoral system and the it is dealt with in the Electoral Act) will have to be dealt with in a coordinated way between the two Technical Committees.
  - 5.5.7 Item 7.1.1 refers: Different delegations of traditional leaders noted that they were absent from the structure of the Constitution-making Body and that there was no reference to them in the draft Constitution.

It was noted that these leaders will make submissions, and the Technical Committee was requested to consider and address this sensitive issue. It was noted that consultations on a broad basis could be essential in this regard.

The meeting adjourned for tea and coffee at 15h30.

The meeting reconvened at 16h10.

- 5.5.8 Item 7.2.2 refers: The Technical Committee was requested to bear in mind concerns about the literal translation of the words "total revision".
- 5.5.9 Item 7.2.3 refers: It was agreed to refer the name of constitution-making body and the issue of the term to be used for SPR's to the Planning Committee.
- 5.5.10 Item 7.2.4 refers: The Technical Committee was requested to resolve the differences emerging around the issue of whether the Constitutional Court should endorse the Constitution.
- 5.5.11 Item 7.2.6 refers: The Democratic Party noted that it was not satisfied with the deadlock breaking mechanisms and suggested that there should be a serious revision of this issue. After discussion and noting concerns from Bophuthatswana and Ciskei, it was agreed that the present time frames were acceptable as a working basis.
- 5.5.12 The Technical Committee was, in summary, requested to clarify the following issues:
- \* Which parts of the constitution should be adopted before the elections;
  - \* National and regional citizenship, as well as the relationship between residency and voting;
  - \* The role and position (if any) of traditional leaders in the National Assembly;
  - \* The issue of total revision of the Constitution;
  - \* The role of the Constitutional Court; and
  - \* The electoral system to be used (in liaison with the Technical Committee on the IEC).

5.6 The Chairperson thanked the Technical Committee for their work.

The meeting adjourned at 17h45.

These minutes were ratified at the meeting of the Negotiating Council of 3 August 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 28 July 1993:

PJ Gordhan : Chairperson  
D de Villiers : Assistant to the Chairperson

Organisation	Delegates	Advisers
ANC	C Ramaphosa B Kgosisile	MV Moosa M Manzini
AVU	M Mentz C Kruger	AJJ van Rensburg JR de Ville
Bophuthatswana	R Cronje R Mangope	SG Mothibe BE Keikelame
Cape Trad. Leaders	M Nonkonyana SN Sigcau	DM Jongilanga GD Gwadiso
Ciskei	M Webb	TM Bulube SM Faku
DP	C Eglin D Smuts	K Andrew PG Soal
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	L Landers CC August	T Potgieter PAC Hendrickse
NIC/TIC	K Mayet	
NP	D de Villiers TJ King	L Wessels SJ Schoeman
NPP	A Rajbansi S Naidoo	N Rajaram EG Pillay

FS Trad. Leaders	M Moroke MB Mota	RH Mopeli MA Molefe
PAC	P de Lille B Alexander	B Desai R Sizani
Solidarity	JV Iyman	AS Razak P Naidoo
SACP	J Slovo L Jacobus	E Pahad
SA Government	RP Meyer LR Brink	J Kruger
Transkei	Z Titus N Jajula	
TVL Trad. Leaders	LM Mokoena FF Kekana	MA Netshimbupfe NE Ngomane
UPF	MJ Mahlangu A Chabalala	RJ Dombo J Maake
Venda	SE Moeti AK Masehela	GM Ligege S Makhuvha
XPP	PT Shiluvana EE Ngobeni	MH Matjokana

T Eloff	:	Administration
G Hutchings	:	Minutes
R Vittee	:	Administration
P Lelaka	:	Administration