

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

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD AT 09H30 ON MONDAY 2 AUGUST 1993 AT THE WORLD TRADE CENTRE

- PRESENT :
- B Alexander
 - R Cronje
 - C Eglin (Chairperson by rotation)
 - PJ Gordhan
 - RP Meyer
 - MC Ramaphosa
 - J Slovo
 - Z Titus
 - M Webb
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- M Maharaj (Sub-Committee)
 - SS van der Merwe (Sub-Committee)
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- T Eloff (Administration)
 - G Hutchings (Minutes)

1. Meeting with the National Economic Forum Process Committee

1.1 B Godsell (Process Committee Convenor, Business), leader of the delegation, introduced the delegation from the National Economic Process Committee. Present were:

- * D Brink (Business)
- * A Erwin (Business)
- * D Graaff (SA Government)
- * J Jacobs (Process Committee Convenor, SA Government)
- * J Kastner (SA Government)
- * D Krogh (SA Government)
- * D Marsden (Secretariat)
- * J Naidoo (Process Committee Convenor, Labour)
- * D Ncube (Business)
- * R Parsons (Business)
- * E Patel (Labour)

1.2 C Eglin introduced members of the Planning Committee.

1.3 B Godsell gave a background report on the National Economic Forum encompassing its structures, operations and progress achieved so far. Potential areas of overlap between the National Economic Forum and the

Multi-Party Negotiating Process were referred to, as well as potential constructive linkages between the two processes. It was stated that the National Economic Forum was concerned about developing a positive relationship with the TEC Sub-Council on Finance.

- 1.4 C Eglin gave a report on the structures, procedures and progress of the Multi-Party Negotiating Process. It was noted that the Multi-Party Negotiating Process does not formulate policies, but is focusing on the Constitution-Making process.
- 1.5 Questions of clarity were put to members of the National Economic Forum.
- 1.6 After discussion of the issue of the relationship between the National Economic Forum and the Multi-Party Negotiating Process, it was agreed to form an informal liaison committee to attend to all matters to be addressed. This committee will consist of three persons from each side and will report back to the National Economic Forum and the Multi-Party Negotiating Process respectively, when necessary. It was agreed that both the Planning Committee and the Process Committee will decide who the respective representatives will be, in order to set a date for a first meeting.
- 1.7 The National Economic Forum Process Committee was thanked for their work and for coming to the meeting at the World Trade Centre, after which they were excused.

2. Moment of Prayer/Meditation

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

3. Welcome and Attendance

- 3.1 All members were welcomed.
- 3.2 Apologies were noted for non-attendance by FT Mdlalose and B Ngubane (sub-committee).

4. Ratification of Agenda

The agenda was ratified with no amendments.

Minutes

It was noted that the minutes of the week 21 July through to 23 July and the minutes of the week 26 July through to 30 July would be distributed during the course of the day to be ratified at the next meeting of the Planning Committee.

6. Substantive Issues

6.1 Reports in the Negotiating Council for the week 2-5 August 1993:

6.1.1 Violence:

- 6.1.1.1 The question of the minority report attached to the violence report and whether or not it should be distributed was raised. Discussion followed.
- 6.1.1.2 The Sub-Committee gave a reportback on this issue. It was agreed to delay a decision on the distribution of the report until the Sub-Committee had had an opportunity to meet with H Vilakazi.
- 6.1.1.3 It was suggested that H Vilakazi should submit his report to the Peace Structures.
- 6.1.1.4 It was noted that in the initial brief to Technical Committees it had been stated that the Technical Committees should speak with one voice in the meetings of the Negotiating Council no matter what differences were experienced internally. It was therefore agreed that minority reports attached to Reports from Technical Committees should not be permitted.

6.1.2 Constitutional Issues:

- 6.1.2.1 It was noted that the last sections of the Draft Outline of the Constitution, as well as the outstanding Constitutional Principles would be discussed at today's meeting of the Negotiating Council.
- 6.1.2.2 It was noted that the next report of the Technical Committee would be available for distribution on Thursday 5 August 1993.

6.1.3 TEC and its Sub-Councils:

It was noted that the deadline for the receipt of the Technical Committee's next report is Wednesday 4 August 1993 for discussion in the week of 10 August.

6.1.4 Independent Electoral Commission:

6.1.4.1 It was noted that the deadline for the next report from the Technical Committee is Wednesday 4 August 1993 for discussion on Thursday 5 August 1993.

6.1.4.2 The Interim Report by the Technical Committee on the IEC was noted (see p5 of the agenda documentation).

6.1.4.3 It was noted that the Sub-Committee was still in the process of dealing with the recommendations to the Planning Committee as listed in the report of the Ad-Hoc Committee (see p11 of the agenda documentation). The Sub-Committee would report back to the Planning Committee as soon as possible.

6.1.4.4 It was noted that the Negotiating Council had requested the IEC Technical Committee to draft an Electoral Act.

6.1.5 Repeal or Amendment of Discriminatory Legislation:

6.1.5.1 Concerns were expressed that the Technical Committee was overemphasising the issue of the "Higher Code". The question of what progress the Technical Committee had made with regard to the identification of laws that need to be repealed or amended was raised.

6.1.5.2 It was suggested that a political decision restating the above instruction to the Technical Committee was needed.

6.1.5.3 It was noted that a meeting between the convenors of the Technical Committees on Constitutional Issues, the TEC and its Sub-Councils and this Technical Committee was scheduled for 2 August 1993 at 15h00 to deal with the issue of the "Higher Code" and enforcement mechanisms.

6.1.6 Independent Media Commission and IBA:

It was noted that both the above Reports would be distributed at

today's meeting of the Negotiating Council for discussion on Tuesday 3 August 1993.

6.1.7 Fundamental Human Rights during the Transition:

- 6.1.7.1 It was noted that the present report would be further discussed at today's meeting of the Negotiating Council.
- 6.1.7.2 Concerns were expressed with regard to the way the debate on this report proceeded on Friday 30 July 1993.
- 6.1.7.3 It was agreed that unnecessary revisiting of clauses already "pigeon-holed" should be discouraged and no debate should take place between the Technical Committee and participants in the Negotiating Council. It was suggested that if a participant had a problem with a particular clause, she/he should move an amendment to the clause.
- 6.1.7.4 It was agreed to recommend to the Negotiating Council that the Ad-hoc Committee dealing with issues relating to this Technical Committee should be expanded to include a Traditional Leader. The individual should be decided upon by the Traditional Leaders.
- 6.1.7.5 It was agreed that the Terms of Reference of the Ad-hoc Committee should be expanded to address the issues of horizontality and verticality as applicable to the Draft Bill.

6.1.8 Commission on the Delimitation/Demarcation of Regions:

- 6.1.8.1 Discussion ensued on how the Report should be discussed in the Negotiating Council. It was agreed that the two Chairpersons, assisted by the Technical Secretary, should table the Report in the meeting of the Negotiating Council at 15h00. Participants would have the opportunity to put questions of clarity to the Commission later this week. The Negotiating Council would discuss the Report in full during the week of 9 August 1993, after participants had had the opportunity to study the report in depth.
- 6.1.8.2 With regard to the minority reports of A Bernstein and K Reynecke, it was agreed that any Commissioner had the right to file a minority report, and the Commission would have the right to comment on such a minority

report in its majority report.

6.1.8.3 It was further agreed that A Bernstein's request to have further documents distributed in the Negotiating Council, should not be agreed to. The Sub-Committee was mandated to communicate this to her.

6.1.8.4 The Sub-Committee was further mandated to draft a statement for the Negotiating Council meeting as a response to the Report of the Commission and the minority reports. The Sub-Committee was requested to report back during a meeting after lunch.

6.1.8.5 The Sub-Committee was further instructed to communicate to the Chairpersons of the Commission and the writers of the two minority reports that the Planning Committee advises all Commissioners not to engage in public debate about the Report.

6.1.8.6 The Planning Committee would at a future meeting decide on how further debate on the Report would take place and what processes should be instituted.

6.1.8.7 It was agreed that, against this background, the Report should be discussed in a preliminary fashion, with questions of clarity being put to however many members of the Commission may be available.

6.1.9 The attack by a certain Sunday newspaper on members of the Technical Committee's and the Technical Committee's themselves, was raised. It was agreed that this be put on the agenda for the next meeting.

7. Procedural Issues

7.1 Report from the Ad-hoc Committee with regard to the legal action by the Kwazulu Government:

It was noted that discussions are going ahead in this regard.

7.2 Sufficient Consensus:

It was agreed to recommend to the Negotiating Council that this Report will be discussed in the Negotiating Council on Tuesday 3 August 1993.

meeting adjourned at 12h10.

The meeting reconvened at 14h15

8. **Draft Statement by the Negotiating Council on the Report of the Commission on the Delimitation/Demarcation of Regions:**

It was agreed that the draft statement should be recommended to the Negotiating Council (see Addendum A).

9. **Violence on the East Rand**

With regard to the general support for a visit by a delegation to the East Rand, it was agreed that the Planning Committee needs to have a proper discussion and more information before making a firm recommendation to the Negotiating Council. It was agreed to do this on Tuesday 3 August 1993.

10. **Future Meetings**


It was agreed that, due to the above issue and the others on the agenda, the Planning Committee recommends to the Negotiating Council that the Negotiating Council meets from 08h30 to 14h00 (with lunch at 14h00) and that the Planning Committee meets from 14h00 to 17h00.

11. **Closure**

The meeting was closed at 14h45.

These minutes were ratified at the meeting of the Planning Committee of 16 August 1993

and the amended version signed by the Chairperson of this meeting on 24/08/1993 1993.



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CHAIRPERSON

**DRAFT STATEMENT BY THE NEGOTIATING COUNCIL
ON THE OCCASION OF THE TABLING OF THE
COMMISSION ON THE DELIMITATION/DEMARCATON OF REGIONS
MONDAY 2 AUGUST 1993**

The Negotiating Council appointed a Commission on the Demarcation/Delimitation of Regions on May 28, 1993. The Commission commenced its work on June 8, 1993, with the instructions to table its report to the Negotiating Council in six weeks time.

We would like to take this opportunity to thank the Commission and the Co-Chairpersons in particular for undertaking and fulfilling this immense and crucial task which is integral to resolving the problems of transforming a South Africa from its current order to a democratic one.

The Commission was required to make recommendations on the demarcation/delimitation of SPR's in South Africa, realising that regional boundaries will be relevant to the electoral process, as well as to the structures of the constitution.

As the Commission report notes, the question of demarcation/delimitation of regions is a complex one. "The unique circumstances of various countries make it very difficult, if not virtually impossible, to formulate rigid and fixed norms and principles upon which the demarcation of regions should be based South Africa (also) has to approach the process of demarcation with its own particular circumstances in mind and apply international lessons creatively to local problems." (p10)

The Commission report provides a valuable point of departure which we believe will enable participants in the negotiating process to address the question of demarcation/delimitation of regions in a concrete and constructive manner. Without doubt, participants in the Negotiating Council will have their own views about this matter. We believe that the report will facilitate structured discussion and enable decisions which would move the negotiation process to arrive at a negotiated settlement.

The Negotiating Council is pleased by the ability of the wide cross-section of competent and diligent South Africans, to execute the brief of this Council with such objectivity and efficiency. In particular, we place on record our fullest confidence in the professionalism and integrity of the Commission members and of their technical staff.

The Negotiating Council notes that the Commission's report includes two minority reports, as well as the comment of the Commission on these minority reports. It is unfortunate that one of these reports disagrees with the Terms of Reference as decided by the Negotiating Council and with the process adopted by the Commission itself.

With the view to expediting a negotiated resolution of the conflict in South Africa, we urge participants and the public to focus their attention on the specific recommendations contained in the Commission's report.

With the tabling.....

With the tabling of the report at the Negotiating Council, this report now becomes available for public comment and provides a vital foundation for discussion on and conclusion of this important element of the Constitutional Process. We are confident that participants will now be able to address the recommendations in a constructive and positive manner that enables the process to resolve with optimal consensus a vital aspect of the regional question.