

Addendum A

BRIEFING OF TECHNICAL COMMITTEES

1. The Negotiating Council agreed to establish seven Technical Committees. It is envisaged that each of these Technical Committees will facilitate discussion and the reaching of agreements in the Negotiating Council.
2. The purpose of the Technical Committees is outlined in an Explanatory Memorandum which was agreed to by the Negotiating Council on 7 May 1993. In particular we refer to paragraphs 6 and 7 of this Memorandum:

"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 and 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 that 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."

3. **The Seven Technical Committees are:**
 - 3.1 On Violence
 - 3.2 Constitutional Issues (including Form of State and Constitutional Principles, Constitution Making Body/Constituent Assembly, Transitional /Interim Constitution, Transitional Regional/Local Government, Future of the TBVC States, Self Determination)
 - 3.3 Fundamental Rights During the Transition
 - 3.4 The Independent Election Commission
 - 3.5 The Independent Media Commission and the Independent Telecommunications Authority
 - 3.6 Amendment or Repeal of Legislation Impeding Free Political Activity as well as Discriminatory Legislation
 - 3.7 The Transitional Executive Council and its Sub-Councils.

4. The issues allocated to each of the above Technical Committees arise from key elements of the negotiating process which will enable South Africa to move from the current order to a democracy. Detailed guidelines were agreed to at the Negotiating Council in respect of each of these Technical Committees. These are being made available to each Technical Committee in order to guide their work as well as provide each with an overview of the tasks entrusted to all the Technical Committees.
5. The Technical Committees, as was stated earlier, are not Negotiating Fora. It is expected that the basic working documents of each Technical Committee would be:
 - 5.1 The trilogy of documents emanating from the CODESA process, namely the Report on CODESA Agreements, the Summary of these CODESA Reports and the Consolidated Document on CODESA Reports.
 - 5.2 The proposals of the Planning Committee (the first and the second reports) which are partially derived from the Consolidated Document on CODESA Reports, and which constitute the guidelines in respect of each Technical Committee.
 - 5.3 Submissions and inputs from the participants to the current negotiating process: A special circular is being sent out by the Planning Committee to all participants inviting these submissions and setting deadlines for such submissions to be made.
 - 5.4 Discussions on any of the substantive issues which have taken place in the Negotiating Forum and the Negotiating Council before the Technical Committees were set up (these have been extracted from the relevant minutes and are included in the files being prepared for each Technical Committee).
 - 5.5 Discussions which shall take place in the Negotiating Council on the basis of the reports and documents prepared by each Technical Committee.
 - 5.6 Any other submissions which may be made to the Technical Committees by individual experts and interest groups, provided these are submitted within the time frames of the Negotiating Process
6. The basic process within which the Technical Committees shall function are as follows: Each Technical Committee shall prepare systematic documentation (which may even take the form of draft legislation) for structured discussion, amendment etc in the Negotiating Council. If no agreement has been reached on any specific issue on aspects of a Technical Committee report, such aspects would be referred back to the Technical Committee for their further development which would take into account the discussions in the Negotiating Council. The process would be repeated until participants in the Negotiating Council reach agreement.
7. In addition to the above guidelines etc we refer you to the Declaration of Intent which

was adopted by the Negotiating Council on 7 May 1993. This Declaration imposes certain time frames with regard to the work of the Technical Committees. In this context we draw your attention to the fact that the following dates have been set for meetings of the Negotiating Council during the month of May: The Negotiating Council is scheduled to meet on Tuesday 18 May, Tuesday 25 May and Friday 28 May. The meetings are preceded by meetings of the Planning Committee which are scheduled for Friday 14 May, Monday 17 May, Tuesday 18 May, Monday 24 May, Tuesday 25 May.

8. It is important that participants in the Negotiating Council and members of the Planning Committee receive reports and documentation from the Technical Committees at least 24 hours before their meetings.
9. It should be noted by the Technical Committees that the negotiations take place in the Negotiating Council. The Planning Committee is a facilitating body and has been entrusted by the Negotiating Council with the task of managing and coordinating the work of the Technical Committees. To this end the Planning Committee will use the services of a three person Sub-Committee working under the guidance of and accountable to the Planning Committee. In the context of this structural framework, the Technical Committees are committees of the Negotiating Council to whom they are accountable.

10. **Relations with the media:**

It should be further noted that persons serving in the Technical Committees do so in their individual capacities and not as representatives of any party/organisation. It should be expressly understood that neither the Technical Committees nor individuals serving on any of these Technical Committees are to make statements or comments to the media on matters relevant to the work of the Technical Committee on which they are serving.

11. **Submissions and inputs to Technical Committees:**

Submissions by participants, interest groups and experts shall be made to the Technical Committees in writing. These shall be received by the Administration and forwarded to the three person Sub-Committee for transmission to the respective Technical Committees. No oral evidence shall be entertained.

12. **Reports of the Technical Committees**

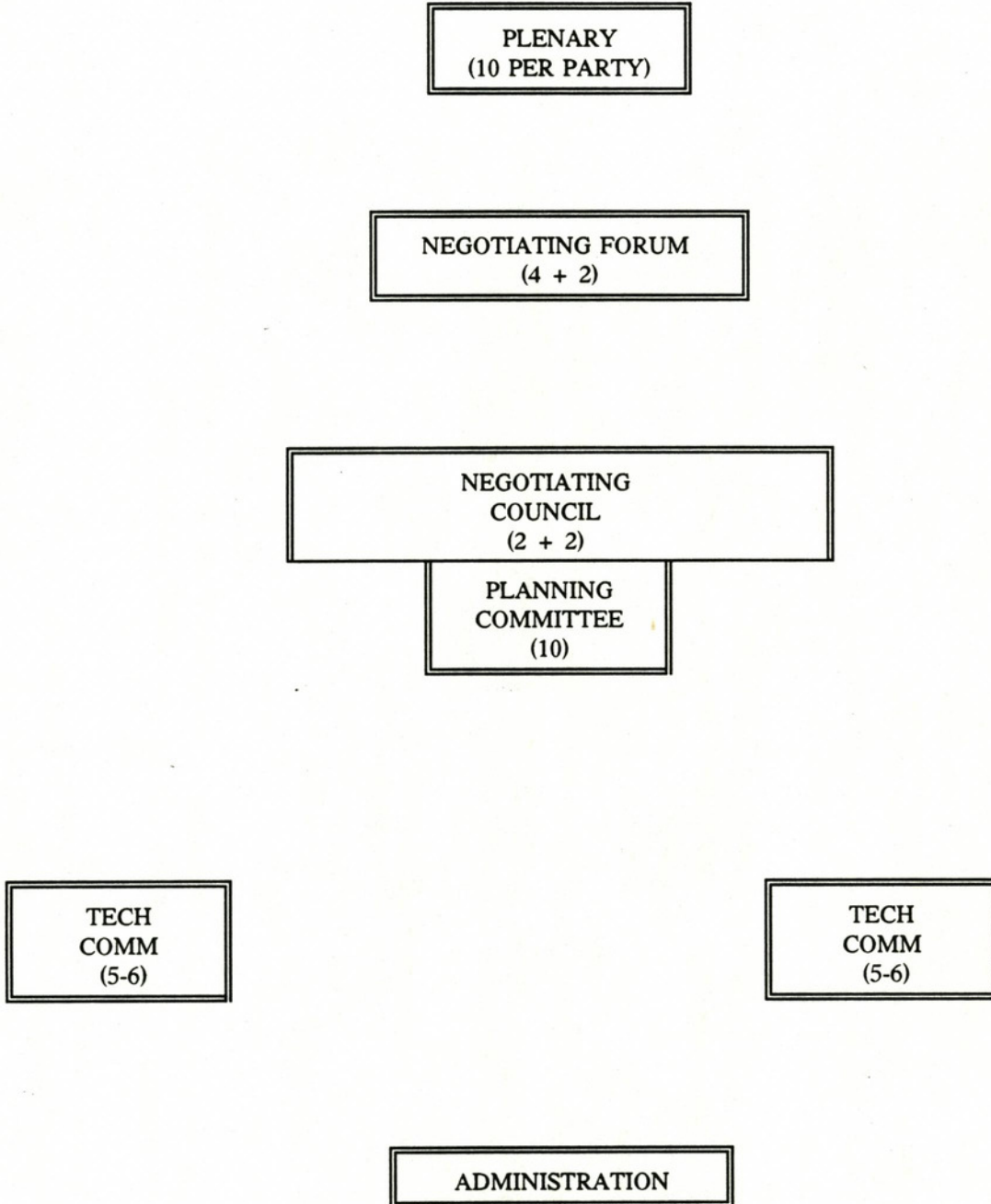
These shall be made available in the first instance to the Planning Committee, through its Sub-Committee, for submission to the Negotiating Council.

13. The relevant Technical Committee shall attend meetings of the Negotiating Council when its report/s are under consideration. From time to time a Technical Committee

or its rapporteur/convenor may be requested to attend specific meetings of the Planning Committee as and when necessary.

14. The three person Sub-Committee shall be available on a day to day basis to clarify any matters relating to the guidelines outlining the tasks of specific Technical Committees. On matters that go beyond these guidelines the Sub-Committee shall bring the matter to the attention of the Planning Committee for guidance.
15. The Administration shall provide each Technical Committee with a secretary. The secretary shall also facilitate contact between the Technical Committee and the Administration for production of documents and all administrative needs. Each Technical Committee is being provided with an office/ working space at the World Trade Centre by the Administration. Each Technical Committee is free to structure itself in a manner that will enable it to function effectively. To this end they may appoint a convenor/rapporteur from amongst themselves as they see fit.
16. Attached hereto is an organogram of the structures of the Multi-Party Negotiating process.

SUMMARY OF STRUCTURES



MULTI-PARTY NEGOTIATING PROCESS

Telephone (011) 397-1198 Fax (011) 397-2211

URGENT

To : All Participants in the Multi-Party Negotiating Process
From : The Planning Committee
Date : 11 May 1993
Re : Written Inputs from Participants to Technical Committees

1. On Friday, 7 May 1993, the Negotiating Council appointed seven Technical Committees and identified the experts to be asked to serve on them. Attached is a list of the Technical Committees and the names of the experts who have agreed to serve.
2. The Negotiating Council decided that the Technical Committees should not be negotiating forums and that, for purposes of their reports, they should take into account the discussions in the Negotiating Council and the submissions received from participants in the Council.
3. The Planning Committee requests the participants to make their initial written submissions on the substantive issues to each of the Technical Committees as soon as possible, but to reach the Administration preferably by 17h00 on Thursday 13 May 1993. If this is not possible, then a framework of intended submissions (heads of arguments) should reach the Administration not later than Thursday 13 May 1993 at 17h00 and the detailed submissions not later than Wednesday, 19 May 1993 at 12h00.
4. Submissions received by the Administration at the World Trade Centre not later than 17h00 on Thursday, 13 May 1993, together with the first reports of the Technical Committees, will be made available to participants timeously for discussion by the Negotiating Council on Tuesday, 18 May 1993.

PLANNING COMMITTEE

THE COMPOSITION OF THE TECHNICAL COMMITTEES

NB. Each of the Technical Committees should be mandated to consult with experts on any issue they might consider necessary.

1. Violence

In addition to four representatives from the National Peace Committee the following:

- * Mr V Ntsubane
- * Prof P Oosthuisen
- * Prof A Seegers
- * Prof H Vilakazi

2. Constitutional Matters:

- * Mr F Cachalia
- * Adv A Chaskalson
- * Prof GE Devenish
- * Adv E Moseneke
- * Adv B Ngoepe
- * Prof W Olivier
- * Dr F Venter
- * Prof M Wiechers

3. Fundamental Rights During the Transition

- * Prof H Corder
- * Prof LM du Plessis
- * Mr G Grovè
- * Ms D Nene
- * Adv Z Yacoob

4. Transitional Executive Council

- * Ms Z du Toit
- * Prof F Haysom
- * Dr JC Heunis
- * Mr ME Mapheto
- * Adv J Renene
- * Prof D van Wyk

5. Independent Media Commission and Independent Telecommunications Authority

- * Ms A Armstrong
- * Dr B de Villiers
- * Adv D Dison
- * Mr EJ Mabuza
- * Adv P Pretorius

6. Independent Electoral Commission

- * Prof D Davis
- * Adv HR Laubscher
- * Mr SK Ndlovu
- * Mr RB Rosenthal

7. Repeal of Discriminatory Legislation

- * Prof J Dugard
- * Prof MG Erasmus
- * Adv P Langa
- * Adv P Moroka-Motlana
- * Adv J de Bruyn (ex officio, Department of Justice)