

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

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE (OF THE NEGOTIATING COUNCIL) HELD ON 26 MARCH 1993 AT 09H00 AT THE WORLD TRADE CENTRE

PRESENT: B Alexander
R Cronje
C Eglin
PJ Gordhan (Chairperson by rotation)
FT Mdlalose
RP Meyer
MC Ramaphosa
J Slovo
Z Titus
M Webb

T Eloff (Administration)
G Hutchings (Minutes)

1. Chairpersonship and Welcome

1.1 Due to an unavoidable late arrival of C Eglin, it was agreed that PJ Gordhan assume the role of the Chair for this meeting. C Eglin would chair the next meeting of the Planning Committee.

1.2 The members were welcomed.

2. Ratification of Agenda

The agenda was ratified with no amendments.

3. Minutes of the meeting of 18 March 1993

The minutes were adopted with the following amendment:

Item 4.4.2, the third line from the bottom of the paragraph, refers - "further look at the need for" be replaced with "draft".

Substantive Issues

4.1 CODESA Agreements:

4.1.1 A report in this regard was tabled and presented by the sub-committee appointed by the Planning Committee.

4.1.2 In the course of the discussion after the presentation of the report, it was noted that within the CODESA Agreements the following was agreed within Working Group 2:

"3.8 Provisions regarding a set of constitutional principles:

3.8.1 CODESA shall agree on a set of general constitutional principles to be enshrined in the final constitution and which shall not be contradicted by any provision of the final constitution.

3.8.2 The transitional/interim constitution shall contain an entrenched provision prescribing that the final constitution shall give effect to paragraph 3.8.1 and shall establish an independent mechanism which will be the only body to determine that the general constitutional principles have been enshrined and not contradicted in the final constitution; which determination may only be initiated by a party in the NA."

This was fundamental to all agreements of Working Group 2 of CODESA.

4.1.3 It was noted that with regard to issues in Working Group 2, possible omissions in the present document would be rectified as the process unfolds.

4.1.4 The report was adopted with the following amendments to the pictorial overview of the transitional phases:

4.1.4.1 The addition of the concept of an "Interim Constitution" under Phase 1;

4.1.4.2 The addition of "Phase 2" above "Governance";

4.1.4.3 The addition of a concept "preparing for Phase 2" under "Purpose" of Phase 1.

4.1.5 The recommendations of the sub-committee were adopted. In this regard the following was noted:

- 4.1.5.1 The Summary (as presented by the sub-committee at this meeting) should be presented to the Negotiating Council. (See Agenda of that meeting.)
- 4.1.5.2 Following the comments emerging in this regard from both the Negotiating Council and the Negotiating Forum, certain drafting processes would need to be undertaken.
- 4.1.5.3 It was agreed to recommend to the Negotiating Council that a drafting sub-committee be established consisting of M Maharaj, B Ngubane and SS van der Merwe as a core. The sub-committee remains these three people and this sub-committee would co-ordinate the drafting. Other sub-groups may be created on an ad hoc basis to deal with specific tasks. This allows for flexibility. The Negotiating Council may constitute other sub-committees if necessary.
- 4.1.5.4 That a without prejudice Consolidated Document be drafted by the drafting sub-committee for presentation to the Planning Committee and the Negotiating Council;
- 4.1.5.5 The drafting sub-committee should take into account the precise form of agreements, the level of the agreements and what the status of the agreements were. The sub-committee should furthermore draw out the gaps, outstanding matters and take into account the different points of view of the participants as discussed within CODESA.
- 4.1.5.6 It was noted that this Consolidated Document would form the basis for accommodating the views of all parties/organisations/delegations, especially those that were not in CODESA, to make their submissions and enable their views to be taken into account.
- 4.1.5.7 That the Consolidated Document form part of a trilogy of documents, i.e.

* The Primary Source document (presented by the sub-committee to the Planning Committee at its meeting of 18 March 1993 and to the Negotiating Council at its meeting of 18 March 1993);

* The Summary (presented by the sub-committee

- at this meeting);
- * The Consolidated Document (still to be drafted).

These documents would form the basis for discussion, facilitated by the Consolidated Document itself.

- 4.1.5.8 The sub-committee of the Planning Committee was complimented on their work.

The meeting adjourned for tea from 10h30.

The meeting recommenced at 11h15.

5. Procedural Issues

5.1 Composition of panel of Chairpersons:

- 5.1.1 It was agreed to propose the following panel to the meeting of the Negotiating Council on 30 March 1993:

- * R Cronje
- * D de Villiers
- * PJ Gordhan
- * L Landers
- * MJ Mahlangu
- * FT Mdlalose

- 5.1.2 The Chairpersonship for the Negotiating Council will be alphabetically rotated after every meeting according to surnames.
- 5.1.3 In meetings of the Negotiating Forum, the Chairpersonship will rotate alphabetically after sessions, as decided by the Panel. Assistance to the Chairperson by other members of the Negotiating Council will be rendered in a form to be decided by the Negotiating Council.

5.2 Composition of Planning Committee:

It was agreed to recommend to the Negotiating Council that the present Planning Committee continue with its work up to the first Plenary meeting.

5.3 Administration:

- 5.3.1 A report was tabled by the sub-committee of the Planning Committee.
- 5.3.2 After discussion it was agreed to defer a decision on this matter until the sub-committee submits to the Planning Committee guidelines,

procedures and a draft contract for the Administration.

- 5.3.3 It was agreed that the Planning Committee briefly meet before the meeting of the Negotiating Council on 30 March 1993 to consider the further report of the sub-committee and on that basis it would be decided if the Planning Committee was in a position to submit recommendations to the Negotiating Council.
- 5.3.4 The sub-committee were requested to explicitly refer to the issue of the "impartiality of the Administration" within their recommendations. Furthermore the sub-committee is to look at the suggestion of an International Observer within the Administration.

5.4 **Standing Rules:**

- 5.4.1 A report was tabled by the sub-committee of the Planning Committee.
- 5.4.2 In reporting back, it was noted that the sub-committee took into account all submissions made to it.
- 5.4.2 The report was adopted with amendments.

5.5 **New Participants:**

- 5.5.1 A report and recommendations was tabled by the sub-committee of the Planning Committee.
- 5.5.2 Z Titus noted a reservation with regard to Item 7.1.1 in respect of the issue of the participation of the Kwazulu Government.
- 5.5.3 FT Mdlalose noted a reservation on behalf of the IFP with regard to Item 7.1.3.2 within the report.
- 5.5.4 C Ramaphosa raised the view that the criteria should be such that all participants, present and future, should conform to them.
- 5.5.5 After discussion and the raising of various points of view it was agreed to defer this matter to the next meeting of the Planning Committee.
- 5.5.6 It was agreed that the Planning Committee would report to the Negotiating Council that recommendations of the sub-committee were tabled, but that the Planning Committee is not yet in a position to make recommendations in this regard.
- 5.5.7 It is recommended, though, that after the meeting of the Negotiating Council on 30 March 1993, a letter should be sent to all applicants informing them that the issue is still under consideration.

5.5.8 It was noted that the Christian Democratic Party formally requested the suspension of their application for participation.

5.5.9 It was noted that Items 7.1.5 and 7.1.6 of the report as tabled were adopted as proposals to put forward to the Negotiating Council. (See Agenda Document of that meeting.)

5.6 Agenda and Functioning for the meeting of the Negotiating Forum (1 & 2 April 1993):

The Administration was requested to prepare a draft agenda for the next meeting of the Planning Committee of 30 March 1993 for recommendation to the Negotiating Council and was given the following guideline:

- * Moment of silence
- * Opening Statement by Chairperson
- * Confirmation of Agenda
- * Standing Rules
- * Violence
- * CODESA Agreements
- * Transitional Process - Stages
- * Structures and Name of Forum
- * Role of the International Community
- * The way forward encompassing the approval of the formal structures and the admissions of further participants.

5.7 Media Arrangements for the meeting of the Negotiating Forum (1 & 2 April 1993):

It was agreed to recommend that the meeting is open to both the printed and electronic media.

5.8 Meeting of women representatives to be held at 14h00 on 26 March 1993:

5.8.1 It was agreed that the Administration convene the meeting of women representatives and present relevant background information and terms of reference for the meeting.

5.8.2 It was agreed that the meeting itself should elect a Chairperson.

5.9 Name of Process:

5.9.1 It was agreed to form a sub-committee to submit recommendations to the meeting of the Planning Committee on 30 March 1993.

5.9.2 The composition of the sub-committee is as follows:

- * B Alexander

- * J Slovo
- * M Webb

6. Administrative and Financial Matters

6.1 Daily allowance for delegates and advisers:

It was agreed to recommend that no per diem allowance be paid to organisations/parties/delegations, and where an organisation/party/delegation believes that it requires such an allowance to be paid, an application needs to be made to the Negotiating Council through the Planning Committee.

6.2 Monthly allowance for participating parties/organisations/delegations:

6.2.1 It was agreed to recommend that from 1 April 1993 an ex gratia maximum monthly subsidy of R2 500 per party/organisation/delegation will be paid in respect of expenses.

6.2.2 It was noted that parties/organisations/delegations can pool secretarial resources at the World Trade Centre, in possible liaison with the Administration.

6.3 Travel and Accommodation Arrangements:

6.3.1 It was agreed that travel and accommodation arrangements for delegates and advisers can only be made on a prepaid basis through any of the travel agencies accredited for this purpose or the travel office in the World Trade Centre.

6.3.2 It was agreed that when accommodation is necessary on the night before and/or after meetings, supper should be included.

6.4 Contact with other Negotiating Fora:

It was agreed that this issue remains on the agenda of the Planning Committee and would be further discussed on the receipt of a report from the Administration. Possible recommendations could then be made to the Negotiating Council.

6.5 Correspondence:

The correspondence was noted and would be dealt with at the next meeting of the Planning Committee.

6.6 Draft Agenda for the meeting of the Negotiating Council on 30 March 1993:

6.6.1 The draft agenda was approved.

6.6.2 The meeting of the Negotiating Council be chaired by C Eglin until the recommended Panel of Chairpersons has been accepted by meeting, upon which DJ de Villiers will take the Chair (in light of the fact that R Cronje chaired the previous meeting).

7. **Media Statement**

It was agreed that the Chairperson of this meeting brief the media on the following:

- * The status of the Planning Committee as a sub-committee of the Negotiating Council with no decision making powers;
- * What the agenda items were, without going into content;
- * To point out that recommendations will be made to the Negotiating Council meeting of 30 March 1993.

8. **Meetings Schedule**

It was agreed to defer this issue to the next meeting of the Planning Committee.

9. **Further Meetings**

9.1 Planning Committee : 30 March 1993 at 08h30 - 09h15.

9.2 Planning Committee : 31 March 1993 at 16h00 - 20h00.

10. **Closure**

The meeting closed at 13h00.

These minutes were ratified at the meeting of the Planning Committee of 26.03.93 1993 and the amended version signed by the Chairperson of the original meeting on 22/04/93


.....
CHAIRPERSON

● THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE PLANNING COMMITTEE AND THE NEGOTIATING COUNCIL. THE DRAFT MINUTES ARE STILL TO BE RATIFIED AT THE NEXT MEETING OF THE PLANNING COMMITTEE.

DRAFT MINUTES OF THE MEETING OF THE PLANNING COMMITTEE (OF THE NEGOTIATING COUNCIL) ON 26 MARCH 1993 AT 09H00 AT THE WORLD TRADE CENTRE

PRESENT: B Alexander
R Cronje
C Eglin
PJ Gordhan (Chairperson by rotation)
FT Mdlalose
RP Meyer
MC Ramaphosa
J Slovo
Z Titus
M Webb

T Eloff (Administration)
G Hutchings (Minutes)

1. Chairpersonship and Welcome

1.1 Due to an unavoidable late arrival of C Eglin, it was agreed that PJ Gordhan assume the role of the Chair for this meeting. C Eglin would chair the next meeting of the Planning Committee.

1.2 The members were welcomed.

2. Ratification of Agenda

The agenda was ratified with no amendments.

3. Minutes of the meeting of 18 March 1993

The minutes were adopted with the following amendment:

Item 4.4.2, the third line from the bottom of the paragraph, refers - "further look at the need for" be replaced with "draft".

Substantive Issues

4.1 CODESA Agreements:

4.1.1 A report in this regard was tabled and presented by the sub-committee appointed by the Planning Committee.

4.1.2 In the course of the discussion after the presentation of the report, it was noted that within the CODESA Agreements the following was agreed within Working Group 2:

"3.8 Provisions regarding a set of constitutional principles:

3.8.1 CODESA shall agree on a set of general constitutional principles to be enshrined in the final constitution and which shall not be contradicted by any provision of the final constitution.

3.8.2 The transitional/interim constitution shall contain an entrenched provision prescribing that the final constitution shall give effect to paragraph 3.8.1 and shall establish an independent mechanism which will be the only body to determine that the general constitutional principles have been enshrined and not contradicted in the final constitution; which determination may only be initiated by a party in the NA."

This was fundamental to all agreements of Working Group 2 of CODESA.

4.1.3 It was noted that with regard to issues in Working Group 2, possible omissions in the present document would be rectified as the process unfolds.

4.1.4 The report was adopted with the following amendments to the pictorial overview of the transitional phases:

4.1.4.1 The addition of the concept of an "Interim Constitution" under Phase 1;

4.1.4.2 The addition of "Phase 2" above "Governance";

4.1.4.3 The addition of a concept "preparing for Phase 2" under "Purpose" of Phase 1.

4.1.5 The recommendations of the sub-committee were adopted. In this regard the following was noted:

- 4.1.5.1 The Summary (as presented by the sub-committee at this meeting) should be presented to the Negotiating Council. (See Agenda of that meeting.)
- 4.1.5.2 Following the comments emerging in this regard from both the Negotiating Council and the Negotiating Forum, certain drafting processes would need to be undertaken.
- 4.1.5.3 It was agreed to recommend to the Negotiating Council that a drafting sub-committee be established consisting of M Maharaj, B Ngubane and SS van der Merwe as a core. The sub-committee would expand on an ad hoc basis as and when necessary as directed by the Negotiating Council. This allows for flexibility. The Negotiating Council may constitute other sub-committees if necessary.
- 4.1.5.4 That a without prejudice Consolidated Document be drafted by the drafting sub-committee for presentation to the Planning Committee and the Negotiating Council;
- 4.1.5.5 The drafting sub-committee should take into account the precise form of agreements, the level of the agreements and what the status of the agreements were. The sub-committee should furthermore draw out the gaps, outstanding matters and take into account the different points of view of the participants as discussed within CODESA.
- 4.1.5.6 It was noted that this Consolidated Document would form the basis for accommodating the views of all parties/organisations/delegations, especially those that were not in CODESA, to make their submissions and enable their views to be taken into account.
- 4.1.5.7 That the Consolidated Document form part of a trilogy of documents, i.e.
- * The Primary Source document (presented by the sub-committee to the Planning Committee at its meeting of 18 March 1993 and to the Negotiating Council at its meeting of 18 March 1993);
 - * The Summary (presented by the sub-committee at this meeting);

* The Consolidated Document (still to be drafted).

These documents would form the basis for discussion, facilitated by the Consolidated Document itself.

4.1.5.8 The sub-committee of the Planning Committee was complimented on their work.

The meeting adjourned for tea from 10h30.

The meeting recommenced at 11h15.

5. Procedural Issues

5.1 Composition of panel of Chairpersons:

5.1.1 It was agreed to propose the following panel to the meeting of the Negotiating Council on 30 March 1993:

- * R Cronje
- * D de Villiers
- * PJ Gordhan
- * L Landers
- * MJ Mahlangu
- * FT Mdlalose

5.1.2 The Chairpersonship for the Negotiating Council will be alphabetically rotated after every meeting according to surnames.

5.1.3 In meetings of the Negotiating Forum, the Chairpersonship will rotate alphabetically after sessions, as decided by the Panel. Assistance to the Chairperson by other members of the Negotiating Council will be rendered in a form to be decided by the Negotiating Council.

5.2 Composition of Planning Committee:

It was agreed to recommend to the Negotiating Council that the present Planning Committee continue with its work up to the first Plenary meeting.

5.3 Administration:

5.3.1 A report was tabled by the sub-committee of the Planning Committee.

5.3.2 After discussion it was agreed to defer a decision on this matter until the sub-committee submits to the Planning Committee guidelines, procedures and a draft contract for the Administration.

5.3.3 It was agreed that the Planning Committee briefly meet before the meeting of the Negotiating Council on 30 March 1993 to consider the further report of the sub-committee and on that basis it would be decided if the Planning Committee was in a position to submit recommendations to the Negotiating Council.

5.3.4 The sub-committee were requested to explicitly refer to the issue of the "impartiality of the Administration" within their recommendations. Furthermore the sub-committee is to look at the suggestion of an International Observer within the Administration.

5.4 **Standing Rules:**

5.4.1 A report was tabled by the sub-committee of the Planning Committee.

5.4.2 In reporting back, it was noted that the sub-committee took into account all submissions made to it.

5.4.2 The report was adopted with amendments.

5.5 **New Participants:**

5.5.1 A report and recommendations was tabled by the sub-committee of the Planning Committee.

5.5.2 Z Titus noted a reservation with regard to Item 7.1.1 in respect of the issue of the participation of the Kwazulu Government.

5.5.3 FT Mdlalose noted a reservation on behalf of the IFP with regard to Item 7.1.3.2 within the report.

5.5.4 C Ramaphosa raised the view that the criteria should be such that all participants, present and future, should conform to them.

5.5.5 After discussion and the raising of various points of view it was agreed to defer this matter to the next meeting of the Planning Committee.

5.5.6 It was agreed that the Planning Committee would report to the Negotiating Council that recommendations of the sub-committee were tabled, but that the Planning Committee is not yet in a position to make recommendations in this regard.

5.5.7 It is recommended, though, that after the meeting of the Negotiating Council on 30 March 1993, a letter should be sent to all applicants informing them that the issue is still under consideration.

5.5.8 It was noted that the Christian Democratic Party formally withdrew their application for participation.

5.5.9 It was noted that Items 7.1.5 and 7.1.6 of the report as tabled were adopted as proposals to put forward to the Negotiating Council. (See Agenda Document of that meeting.)

5.6 Agenda and Functioning for the meeting of the Negotiating Forum (1 & 2 April 1993):

5.6.1 The Administration was requested to prepare a draft agenda for the next meeting of the Planning Committee of 30 March 1993 for recommendation to the Negotiating Council and was given the following guideline:

- * Moment of silence
- * Opening Statement by Chairperson
- * Confirmation of Agenda
- * Standing Rules
- * CODESA Agreements
- * Transitional Process - Stages
- * Structures and Name of Forum
- * Role of the International Community
- * The way forward encompassing the approval of the formal structures and the admissions of further participants.

5.6.2 It was suggested that Item 1 of the agenda should be "The issue of violence and its impact on the Negotiating Process". It was noted that with regard to the matter of violence on the agenda of the Negotiating Forum, the Negotiating Council would have to give guidance on how this issue should be approached within the Negotiating Forum.

5.7 Media Arrangements for the meeting of the Negotiating Forum (1 & 2 April 1993):

It was agreed to recommend that the meeting is open to both the printed and electronic media.

5.8 Meeting of women representatives to be held at 14h00 on 26 March 1993:

5.8.1 It was agreed that the Administration convene the meeting of women representatives and present relevant background information and terms of reference for the meeting.

5.8.2 It was agreed that the meeting itself should elect a Chairperson.

5.9 Name of Process:

5.9.1 It was agreed to form a sub-committee to submit recommendations to the meeting of the Planning Committee on 30 March 1993.

5.9.2 The composition of the sub-committee is as follows:

- * B Alexander
- * J Slovo
- * M Webb

6. Administrative and Financial Matters

6.1 Daily allowance for delegates and advisers:

It was agreed to recommend that no per diem allowance be paid to organisations/parties/delegations, and where an organisation/party/delegation believes that it requires such an allowance to be paid, an application needs to be made to the Negotiating Council through the Planning Committee.

6.2 Monthly allowance for participating parties/organisations/delegations:

6.2.1 It was agreed to recommend that from 1 April 1993 an ex gratia maximum monthly subsidy of R2 500 per party/organisation/delegation will be paid in respect of expenses.

6.2.2 It was noted that parties/organisations/delegations can pool secretarial resources at the World Trade Centre, in possible liaison with the Administration.

6.3 Travel and Accommodation Arrangements:

6.3.1 It was agreed that travel and accommodation arrangements for delegates and advisers can only be made on a prepaid basis through any of the travel agencies accredited for this purpose or the travel office in the World Trade Centre.

6.3.2 It was agreed that when accommodation is necessary on the night before and/or after meetings, supper should be included.

6.4 Contact with other Negotiating Fora:

It was agreed that this issue remains on the agenda of the Planning Committee and would be further discussed on the receipt of a report from the Administration. Possible recommendations could then be made to the Negotiating Council.

6.5 Correspondence:

The correspondence was noted and would be dealt with at the next meeting of the Planning Committee.

6.6 **Draft Agenda for the meeting of the Negotiating Council on 30 March 1993:**

6.6.1 The draft agenda was approved.

6.6.2 The meeting of the Negotiating Council be chaired by C Eglin until the recommended Panel of Chairpersons has been accepted by meeting, upon which DJ de Villiers will take the Chair (in light of the fact that R Cronje chaired the previous meeting).

7. **Media Statement**

It was agreed that the Chairperson of this meeting brief the media on the following:

- * The status of the Planning Committee as a sub-committee of the Negotiating Council with no decision making powers;
- * What the agenda items were, without going into content;
- * To point out that recommendations will be made to the Negotiating Council meeting of 30 March 1993.

8. **Meetings Schedule**

It was agreed to defer this issue to the next meeting of the Planning Committee.

9. **Further Meetings**

9.1 Planning Committee : 30 March 1993 at 08h30 - 09h15.

9.2 Planning Committee : 31 March 1993 at 16h00 - 20h00.

10. **Closure**

The meeting closed at 13h00.