

THESE DRAFT MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE AD-HOC COMMITTEE, THE PLANNING COMMITTEE AND THE NEGOTIATING COUNCIL. THE MINUTES ARE STILL TO BE RATIFIED AT THE NEXT MEETING OF THE AD-HOC COMMITTEE.

DRAFT MINUTES OF THE MEETING OF THE AD-HOC COMMITTEE HELD AT 13H25 ON THURSDAY 24 JUNE 1993 AT THE WORLD TRADE CENTRE

PRESENT : PJ Gordhan (Convenor)
K Gouws
B Kgositsile
F le Roux
M Maharaj (Sub-Committee)
SS van der Merwe (Sub-Committee)
M Webb

T Eloff (Administration)
G Hutchings (Minutes)

1. Welcome and Attendance

- 1.1 The members were welcomed.
- 1.2 Apologies for non-attendance were noted on behalf of B Ngubane.
- 1.3 It was noted that the members had been mandated to meet on the issue of Sufficient Consensus by the Negotiating Council.

2. Mandate

- 2.1 Discussion proceeded on this issue.
- 2.2 The following areas for discussion were noted:
 - 2.2.1 What is the mandate of this ad-hoc committee;
 - 2.2.2 What are the problem areas and issues;
 - 2.2.3 What solutions/procedures could be put forward.
- 2.3 It was noted that the broad mandate of the ad-hoc committee was to look into the issue of sufficient consensus and report back to the Negotiating Council with recommendations.

3.

Discussion

- 3.1 It was agreed that members share their thoughts on the above aspects to obtain a listing of issues. A ways forward could then be determined.
- 3.2 It was suggested that inexperienced chairing in the meetings of the Negotiating Council could be seen as a problem area in this regard.
- 3.3 It was suggested that the principle of sufficient consensus could be applied around the various power bases in the Negotiating Council.
- 3.4 It was agreed that the Standing Rules as adopted by the Negotiating Forum on 1 April 1993 stand as the operational and legal rules of this process. Furthermore, that the Standing Rules remain the framework within which the Negotiating Council will continue operate until any change is effected.
- 3.5 It was noted that it was in the implementation of the Standing Rules that difficulties were arising and the interpretation thereof.
- 3.6 It was suggested by M Webb that the Negotiating Council should avoid taking substantive decisions by sufficient consensus until this issue had been resolved. It was further suggested that where two different views exist, the differing views should be referred to the relevant Technical Committee to submit recommendations and/or comments to the Negotiating Council who in turn would then be in a position to take a more informed decision.
- 3.7 During the course of the discussion the Ad-hoc Committee identified the following issues:
 - * The application of Sufficient Consensus as opposed to the formulation of the Standing Rules;
 - * The concept of insufficient consensus to be explored;
 - * "Constructive filibustering" was a concern;
 - * The need for systematic procedures/guidelines for Chairpersons.
- 3.8 Possible solutions noted were:
 - * A systematic procedure to guide the Chairperson.
 - * Considering power base of respective participants.

4. Way Forward in Terms of the Next Discussion

- 4.1 It was agreed that the Sub-Committee should present a report in this regard to the ad-hoc committee to facilitate substantial discussion.

4.2 It was agreed that further informal discussions with various participants be held on this issue.

4.3 It was noted that another meeting would be convened as soon as possible.

5. **Closure**

The meeting was adjourned at 14h00.