

TO: ALL SECRETARIES OF TECHNICAL COMMITTEES  
DEADLINES FOR TECHNICAL COMMITTEES  
1% Technical Committee on Violence

A preliminary report must be prepared with recommendations for the next meeting of the Negotiating Council on Friday 28 May 1993.

Technical C - tituti % i

The Sub-Committee was requested to liaise with the Technical Committee with a view to submitting certain drafts to the Negotiating Council meeting on Tuesday 25 May 1993. Where this is not possible the drafts should be completed for the meeting of the Negotiating Council on-Friday 28 May 1993.

The Sub-Committee is to report back to the Planning Committee at its meeting on Tuesday 28 May 1993 at 09H0000.

Deadlines need to be resolved at today's meeting.

3/ Technical Committee Fundamental Human Rights during the Transition

New recommendations should be considered by the Negotiating Council on Tuesday 25 May 1993. The

Committee is awaiting further instructions.

4, \_ Technical Committee on the Independent Election Commission

## MULTI-PARTY NEGOTIATING PROCESS

23 August 1993

### FINANCIAL REPORT TO THE PLANNING COMMITTEE

1. The estimated actual expenditure on the Multi-party Negotiating Process (Multi-part Negotiating Forum, Negotiating Council, Planning Committee, Technical Committees, Commission on Regions, Administration and Security) for accounts received and verified for the first quarter (April to June 1993) is close to R10 million. The remuneration of members of Technical Committees for May and June represents one of the major items of expenditure that have led to an increase in monthly expenditure.

2. The following is an analysis of the main items of expenditure for April, May and June:

- \_ Salaries R 70 800
- \_ Administrative costs R 584 700
- \_ Stocks R 50 000
- \_ Equipment (rental) R 107 200
- 0 Professional services R 158 000
- \_ Offices and conference R 167 700
- . Rental furniture R 240 200
- s Electricity and cleaning R 122 500

Rental structures R 503 200

23 WP %03

H  
1N

SUPPORT INFRASTRUCTURE OF THE TRANSITIONAL

EXECUTIVE COUNCIL ' |

The Technical Committee on the Transitional Executive Council has recommended that the TEC should have authority to appoint staff to help the TEC in the performance of its functions; to determine their remuneration and conditions of service; and, to request the secondment of skilled personnel from any public service. The MPNP may establish a sub-committee to appoint a core group of support staff and to attend to the above matters in anticipation of the establishment of the TEC.

It is proposed that the TEC should be responsible for the appointment and discipline of the members of its administrative support staff. Such officials could be seconded from existing public services or recruited elsewhere. To facilitate uniformity and to prevent the need to formulate new regulations and rules, it is proposed that the provisions of the Public Service Act as well as all regulations, rules and codes of conduct presently applicable to the Republic of South Africa's Public Service, be made applicable to the administrative support staff.

The TEC, or an appropriate institution of it, will be responsible for appointments to the administrative support staff and the administrative support staff will receive its instructions only from the TEC or its Sub-Councils. For secondments it will liaise with the relevant public services. Appropriate knowledge and expertise shall form the basis for selecting and appointing members of the administrative support staff. A core group of the support staff will require specific skills and expertise to ensure financial and public answerability.

All officials attached to the administrative support staff will be required to perform their functions in an impartial manner. No person, institution or other body will be allowed to try to influence any such official.

The administrative support staff shall be headed by an executive director who will be accountable to the TEC as such.

For the efficient administration and functioning of the administrative support infrastructure of the Transitional Executive Council the Commission for Administration Act, 1984 (Act No 65 of 1984), the Public Service Act, 1984 (Act No 111 of 1984), the Exchequer Act, 1975 (Act No 66 of 1975) and the Auditor-General Act, 1989 (Act No 52 of 1989), including any regulation, code,

instruction issued or measure made in terms thereof, as well as any other act, regulation, instruction or measure issued or made, or to be issued or made, shall be deemed mutatis mutandis applicable to the official duties, activities and personnel of the administrative support infrastructure.

As far as financial arrangements are concerned, it is proposed that the small sub-committee of the MPNP - that would in practice liaise with the Constitutional Development Service - should draft a budget on all possible items of expenditure for the TEC.

The Accounting Officer of the TEC will allocate funds within the parameters of the budget according to the TEC's preferences and will be accountable to the TEC for the management of funds.

Funds will be allocated to the TEC by the Constitutional Development Service (CDS) according to the budget drafted for the TEC and its administrative support infrastructure (see par 7 above). The Director-General of CDS

remains, according to existing regulations and procedures that apply to

government departments in the Republic of South Africa, the accounting officer in respect of funds allocated. He or his duly authorised representative may attend meetings of the Council or Sub-Councils ex officio when matters arise with financial implications that have not been budgeted for by the TEC.

ldpuor08

GEHEIM

Kopie Error! Reference source not found. van 6 kopieÃ©

NOGENDA VIR HOOFBESTUUR  
1993-08-03 en 1993-08-10  
Kamer 502 om 08:00 tot 09:30

1. VERWELKOMING  
NGENDE SAKE:

3. FINANSIELE AANGELEENTHEDE :

4. TASO-VOORLIGTINGS: Vasstelling van temas  
4. VERSLAG OOR VORIGE BESLUITES  
M  
ITEM DATUM BESKRYWINGS/VERSLAE /BESLUITE PERSONE /STATUS  
93/37 18-05-93 Uitvoerende Oorgangsraad DR FOURIE  
MNR DU PLOOY

v

Kennis word geneem van die gesprek wat

HDA op 17 Mei met die Tegniese Komitee

oor die Uitvoerende Oorgangsraad gehad

het. Word besluit dat HSD, AHS en HDA

so gou as moontlik met die

Staatkundige Raadgewer 'n gesprek oor  
(- | die aangeleentheid sal voer. |  
mã\200\234n' 01-06-93 Na aanleiding van AHS se kommer oor

die rigting wat deur die Tegniese  
Komitee ingeslaan word, sal hy 'n  
dringende gesprek met dr Jan Heunis  
oor die aangeleentheid voer. Indien  
nodig sal die aangeleentheid by 'n  
spesiale Topbestuursvergadering  
hanteer word.

W 15-06-93 Die aangeleentheid sal deur  
dr Barnard en Fourie verder gevoer

W word met die betrokkenes.

Wl 22-06-93 HSD rapporteer dat gesprek met ANC sal  
plaasvind sodra 'n datum gevind kan  
LN word. AHS moet intussen voortgaan om

individuele gesprekke met ander partye

aan te lÃ©.

29-06-93 Hoofbestuur is ten gunste van 'n  
" sigbare simboliese instelling van die  
UOR by die vroegs moontlike

geleentheid. HSD sal dit so by die  
â\200\230 BGH invoer.

W 03-08-93 Hoofbestuur neem Kkennis van die  
gesprekke oor die implementering van  
W| die UOR deur 'n komitee waarop die ANC  
en SOD verteenwoordig is.

Terugvoering oor die gesprekke moet  
aan die BGH en tydens bi-laterale  
gesprekke gegee word.

Die verteenwoordigers van SOD het 'n  
GEHEIM

Kopie Error! Reference source not found. van 6 kopieÃ©

NOGENDA VIR HOOFBESTUUR  
1993-08-03 en 1993-08-10

Kamer 502 om 08:00 tot 09:30

i VERWELKOMING

NGENDE SAKE:

3. FINANSIELE AANGELEENTHEDE:

4. TASO-VOORLIGTINGS: Vasstelling van temas

4. VERSLAG OOR VORIGE BESLUIE

1T

BESKRYWINGS/VERSLAE /BESLUIE PERSONE /STATUS

18-05-93 Uitvoerende Oorgangsraad DR FOURIE  
MNR DU PLOOY

i

Kennis word geneem van die gesprek wat HDA op 17 Mei met die Tegniese Komitee oor die Uitvoerende Oorgangsraad gehad het. Word besluit dat HSD, AHS en HDA so gou as moontlik met die Staatkundige Raadgewer 'n gesprek oor die aangeleentheid sal voer.

01-06-93 Na aanleiding van AHS se kommer oor die rigting wat deur die Tegniese Komitee ingeslaan word, sal hy 'n dringende gesprek met dr Jan Heunis oor die aangeleentheid voer. Indien nodig sal die aangeleentheid by 'n spesiale Topbestuursvergadering hanteer word.

15-06-93 Die aangeleentheid sal deur drr Barnard en Fourie verder gevoer word met die betrokkenes.

22-06-93 HSD rapporteer dat gesprek met ANC sal plaasvind sodra 'n datum gevind kan word. AHS moet intussen voortgaan om individuele gesprekke met ander partye aan te sluit.

29-06-93 Hoofbestuur lis ten gunste van 'n sigbare simboliese instelling van die UOR by die vroege moontlike geleentheid. HSD sal dit so by die BGH invoer.

03-08-93 Hoofbestuur neem kennis van die gesprekke oor die implementering van

die UOR deur 'n komitee waarop die ANC  
en SOD verteenwoordig is.  
Terugvoering oor die gesprekke moet  
aan die BGH en tydens bi-laterale  
gesprekke gegee word.

Die verteenwoordigers van SOD het 'n  
GEHEIM



LIL

vryhand om die aangeleentheid te  
bestuur in daardie aangeleenthede wat  
nie politieke wuitklaring nodig het  
nie.

Gesprekvoering met ander partye moet  
op dieselfde basis ook aandag kry.

GEHEIM

ITEM

mimwT

DATUM

BESKRYWINGS/VERSLAE /BESLUIITE

PERSONE /STATUS

(N Wi  
93/47

01-06-93

BN 15-06-93

22-06-93

29-06-93

w1

03-08-93

Sosiale geleentheid vir oud-  
funksionarisse

Die moontlikheid wvan 'n funksie vir  
oud-funksionarisse in die Noorde  
gedurende die tweede helfte van die  
jaar sal oorweeg word.

'n Datum moet vir diÃ© doel bepaal  
word.

Word besluit dat 'n datum in Augustus  
bepaal en die funksie in die Gastehuis  
gereÃ©l word.

HDA en HDK moet 'n naamlys van  
amptenare wat na die funksie genooi  
word met HSD bespreek.

HDA en HDK moet 'n geskikte Woensdag  
in Oktober vind vir die funksie.

DR BARNARD

MNR DU PLOOY  
MNR KLEYNHANS

93/58

03-08-93

[T

1

1A

Departementele Inspeksies:  
il tot 30 Junie 1993

DR BARNARD  
ALMAL

93/59

03-08-93

Departementele Toekennings en  
Beoordelings: 1993

MNR DU PLOOY

93/60

03-08-93

Navorsingsonderwerpe rakende die  
demokratiseringsprosesse in  
Afrika

KYK BYLAE B

DR HP FOURIE



AANGELEENTHEDE WAT TYDENS DIE VERGADERING OP 3 AUGUSTUS 1993  
AFGEHANDEL IS EN NOU SLEGS TER WILLE VAN DIE VOLLEDIGHEID VAN  
DIE NOGENDA AANGEBIED WORD

LIRS  
ITEM DATUM BESKRYWINGS/VERSLAE /BESLUIITE PERSONE /STATUS

GEHEIM



T

ITEM DATUM BESKRYWINGS/VERSLAE /BESLUIITE PERSONE /STATUS

i T T

die data van  
Departement geen  
regsaspekte van

2dphfb08



nt

RECOMMENDATIONS REGARDING THE SECRETARIAT OF  
(Â\$HE TRANSITIONAL EXECUTIVE COUNCIL

1. The Technical Committee on the Transitional Executive Council has recommended that the TEC should have authority to appoint staff to assist the TEC in the performance of its functions; to determine their remuneration and conditions of service; and, to request the secondment of skilled personnel from any public service.

2: It is proposed that the TEC should be responsible for the appointment and discipline of the members of its "secretariat". Such officials should be recruited or seconded from existing public services but in order to facilitate uniformity and to obviate the need to formulate new regulations and rules, it is proposed that the provisions of the Public Service Act as well as all regulations, rules and codes of conduct presently applicable to the Republic of South Africaâ\200\231s Public Service, be made applicable to the "secretariat".

3. The TEC, or an appropriate institution thereof, will be responsible for appointments to the "secretariat" and the ' "secretariat" will receive its instructions only from the TEC or its Sub-Councils. For the purpose of secondments it will have to liaise with the relevant public services. In this regard it should be pointed out that knowledge and expertise rather than political considerations should form the basis for selecting and appointing members of the "secretariat". Whatever the position, a core group of the support staff will require specific skills and expertise to ensure financial and public answerability.

4, All officials attached to the "secretariat" would be required to be neutral and no person, institution or other body will be allowed to try to influence any such official.

5. The "secretariat" should be headed by an executive director who will be accountable to the TEC as such.

6. For the efficient adisiration and functioning of the administrative support infrastructure of the Transitional Executive Council the Commission for

Administration Act, 1984 (Act No 65 of 1984), the Public Service Act, 1984 (Act No 111 of 1984), the Exchequer Act, 1975 (Act No 66 of 1975) and the Auditor-General Act, 1989 (Act No 52 of 1989), including any regulation, code,

instruction issued or measure taken in terms thereof, as well as any other act, regulation, instruction or measure taken in terms thereof, as well as any other act, regulation, instruction or measure issued or taken, or to be issued or taken, in order to ensure efficient administration and functioning of the Public Service of the Republic of South Africa, shall be desmeakis mutandis applicable to

the official duties and activities and also to all personnel of the administrative support infrastructure.

As far as financial arrangements are concerned, it is proposed that a small committee of the MPNP - which would in practice liaise with the Constitutional Development Service - should draft a budget for the TEC in accordance with existing regulations and procedures which apply to government departments in

the Republic of South Africa.

It is foreseen that the executive director will allocate funds within the parameters of the budget and in accordance with existing rules and regulations as well as in accordance with the TEC's preferences and be accountable to the TEC for his management of such funds.

Funds will be allocated to the TEC by the Constitutional Development Service and its Director-General will be the accounting officer in respect of such funds.

## THE COMMISSION FOR ADMINISTRATION

In the main the Commission for Administration (CFA) provides broad guidelines for the establishment, composition, tenure of office, conditions of service, powers and functions and objects of a future Commission for Administration, all of which are to be regulated by an Act of Parliament. The proposal of the Technical Committee on Constitutional Issues (TC), in its fifteenth report, on the other hand, regulates the above-mentioned in greater detail in the Constitution.

The proposal of the TC does not make provision for existing members of the CFA to continue in office after the commencement of the Constitution (see clause 4 of proposal of CFA).

The proposal of the TC does not make provision for the prevention of a reduction of the salary of a member of the CFA except by an Act of Parliament (see clause 5(1) of proposal of CFA).

The proposal of the TC does not protect members of the CFA from the provisions of any future law which might amend existing provisions relating to the retirement age of members or vacation of office. (see clause 5(2) of proposal of CFA).

The proposal of the TC does not protect members of the CFA from the provisions of any future law which might alter the pension rights and entitlements of members or former members or their spouses or dependents.

(see clause 5(3) of proposal of CFA).

## THE PUBLIC SERVICE

The proposal of the TC does not specifically stipulate that a public service shall "loyally support the relevant political office - bearers in executing the responsibilities assigned to such office-bearers" (see clause 2(d) of the proposal of the CFA).

The proposal of the TC does not require a public service to be limited in size (see clause 2(e) of the proposal of the CFA).

The proposal of the TC does not protect a public service from improper political interference in its staffing and administration (see clause 2(f) of the proposal of the CFA).

The proposal of the CFA emphasises qualifications, training, merit, efficiency and suitability of persons when appointments, promotions or transfers are made, which is absent in the proposal of the TC. (see clause 3(2) of the CFA's proposal).

The proposal of the CFA prohibits the withdrawal or reduction of labour relation rights granted to civil servants before the commencement of the Constitution (see clause 4 of the CFA's proposal) This is absent in the TC's

proposal.

The proposal of the CFA prohibits the reduction of a civil servant's salary without consent (see clause 5(1) of the proposal of the CFA). The TC's

proposal is wanting in this regard

The proposal of the CFA protects civil servants against the alteration of the age of retirement without their consent (see clause 5(2) of the CFA's proposal).

This is absent in the TC's proposal.

The proposal of the CFA protects civil servants against any prejudicial alterations of pension rights and entitlements by any future law (see clause 5(3)

of the CFA's proposal). There is no such provision in the TC's proposal.

10.

11

12,

The proposal of the CFA makes specific provision for the payment of pensions to civil servants or former civil servants and to their dependents by means of a pension fund (see clause 7(2) of the CFAâ\200\231s proposal). This does not feature in the TCâ\200\231s proposal.

The proposal of the TC does not make provision for the protection of an existing pension fund at the commencement of the Constitution if a new fund is established (see clause 7(2) of the CFAâ\200\231s proposal).

The TCâ\200\231s proposal subjects all appointments, promotions and awards of permanent benefits made between 1 October 1993 and 30 September 1994 in the Public Service to review.

The proposal of the CFA makes provision for the inclusion of an additional constitutional principle relating to the Public Service in the Constitution, which does not feature in the TCâ\200\231s fifteenth report.

R3)ioHd3