

TRANSCRIPTION

NEGOTIATING FORUM: 1 APRIL 1993

Standing Rules(Point 4.1,Addendum C of minutes)

(Tape 1, Side A)

Application

Mrs Rambaran

Mr Chairman item 1, 3.1.2. I would like an amendment made to that one, 3.1.2 where it reads "four delegates at least one of whom must be a woman", if you could consider that amendment "at least". Thank you.

Chairman

I am still dealing with item 1, application, is that approved? Item 2, participants, is that approved?. Any comment? Agreed. Item 3, that is the one you made, it's very difficult to hear what participants are saying from here. Could you please repeat your point?

Mrs Rambaran

I said that item 3.1.2, reads "four delegates". I want an amendment, "at least one of whom should be a woman" to be added. Thank you.

Chairman

So, you are saying that in stead of saying one of whom must be a woman you want to say "at least one being a woman". Is there a seconder?

Mr Rajbansi

Mr Chairman I second that and my reasons for seconding is that it could be interpreted incorrectly that it is the delegation of women may be restricted to one. If we say at least one, so it's clear that any delegation must bring a woman, but they can bring more women if they desire so.

Mr B Alexander

Thank you very much Mr Chairman. The NPP cannot move and second themselves. We second their proposal. Off course the same would apply to item 3.1.3, at least one of whom must be woman. Thank you Mr Chairman.

Chairman

Do we need a long debate?

Mr Eglin

Mr Chairman just for a sake of tidiness, that particular item is going to be dealt with item 4.3, composition and structure of the Multi-Party Process and all of these matters relating to the structures will then be dealt with. This is merely the Standing Rules taking over the structures which have not yet been approved.

Chairman

Is that agreed, is that acceptable to the meeting?. This is merely the Standing Rules, but the structures are to be discussed a little bit later on. Is that acceptable? Thank you.

Mr Landers

No Mr Chairman it is not acceptable. Let us have everything correct from the very beginning. I mean while we accept that this item will be discussed at a later stage in the agenda, it doesn't detract from the fact that the wording contained in 3.1.2 and 3.1.3 needs to be amended and let the forum now make that amendment and accept those amendments.

Chairman

The suggestion is that instead of saying "one whom must be a woman", if I heard correctly, "at least one of whom would be a woman". Is that acceptable to the meeting. Can we move on?. Thank you so much. , **Item 4, agreements and decisions, any discussion? Agreed? Thank you very much.** Five, the quorum, agreed? Speeches and interventions, item 6. Agreed? Item 7, the chairing of meetings.

Mr Rajbansi

Mr Ramaphosa expanded on what is actually typed in 7.2. I am not going to propose any amendments, but of course he explained that the panel, the court, the presiding chairman will be assisted by two persons, and he even indicated that a list will be submitted to this meeting. Now, I want to propose to, through you to Mr Ramaphosa, that we don't ??? at the Forum to approve that list but leave that to the Negotiating Council. In addition to what Mr Ramaphosa said, I am sure that he will concur with me when I say that while the question of rotation will be ??? within the ranks of the panel that is going to decide it, but it was also decided by the Negotiating Council that the panel will be rotated from time to time as decided by the Negotiating Council, bearing in mind the question of continuity.

Chairman

Yes, that is correct, that is how we agreed, but these are the Standing Rules and how we appoint the people and how they rotate has been decided and is encompassed in the minutes. This is just for the meeting itself and that at the meeting the people rotate. How they are appointed is different issue. May I just for the information of the meeting just explain that we have elected a core of six chairman on a panel. They are myself, Cronjè, Dr de Villiers, Mr Gordhan, Mr Landers, Mr Mahlangu, Dr Mdlalose, and that we have decided that from members of the Negotiating Council, if that name is adopted, the Facilitating Committee, 2 people who are not members of the panel of chairman will assist, and I have with me on the far left, not politically, Mr de Jager and I have on my immediate left, chief Nonkonyana and then I have next to me Dr de Villiers who is a member of the pane and will in fact be the next chairman. Can we move on to item 8. Is number 7 adopted? Eight, number 8, someone from Bophuthatswana.

Mothibe

Mr Chairman I would like to suggest amendment of 8.2 to try and reconcile it with 4.3.3 such that it should read "the proceedings of meetings of the Negotiating Forum and Negotiating Council shall be recorded in full, but only agreements, disagreements, decisions, objections and rejections shall be minuted.

Chairman

Agreements, decisions, objections and.

Mr Mothibe

Agreements, decisions, objections and rejections shall be minuted. Thank you Mr Chairman.

Chairman

I think provision is made that anyone objects or disagrees that they can ask that it be minuted. I think that is part of it. So if someone does object and ask for it to be minuted, that would be done. Any further discussion?

Mr Mothibe

Mr Chairman what will happen if the meeting decides to say that because the rules do not make provision for that, then it should not be recorded.

Chairman

Please repeat it's very difficult to hear members from the floor here. The sound is not directed our way.

Mr Mothibe

Mr Chairman I want to suggest that this should be part of the rules, because if it is not part of the rules, the meeting may decide to refuse to record, rather to minute that disagreements, objections and rejections, basing the decisions on the rules. Thank you.

Chairman

Is there any further discussion. My understanding is it's a general rule of a meeting, if a person wants an objection to be minuted, it is minuted, and I think provision is made item 4.4 as well, and if we look at item 6.4, "the chair shall apply the standard rules applicable to meetings except as otherwise stipulated", and the standard rules of meetings does provide for that, but if there is a wish that it should be specifically detailed, there is no problem, I have no problem. How does the meeting feel?

Mr Desai

We feel that 4.4 covers the issue.

Chairman

You feel that 4.4 adequately covers it, ??? the standard rules of procedure. Any further comment.

Mr Mahlangu

It is covered Mr Chairman. I move that we proceed.

Chairman

Is the meeting satisfied that the.

Mr Kekalani

Mr Chairman I want to contend that the provision of 4.4 are amended by this 8.2 and unless in 8.2 we specifically mention and provide that if there is a disagreement and if there is an objection or a rejection that we provide that this condition also apply.

Mr Landers

Mr Chairman on a point of order, on a point of order Mr Chairman. Too much of the debate and the discussion is being lost. One because of either we have a poor PA system and two, speakers are not speaking directly into the microphone, and it is fairly obvious to us Mr Chairman that you yourself are having difficulty in listening to and hearing what speakers are trying to say.

Chairman

I must say the microphones are directed in such a way that it's impossible to hear what speakers are saying, but it could help if we could ask speakers to speak directly in the microphone please. There is a wish that apart from the fact that 6.4, in terms of normal procedures does provide for objections to be minuted, should that be requested, and 8.2, it is suggested that it should be made part of the rules and procedures. That is the suggestion that is being made, specifically in 8.2.

Next Speaker

Yes, because chairman unless we do that, 8.2 really recents and overrides 8.4.

Dr Ngubane

I would like to support Mr Mothibe on mr Kekelane's point, because 8.2 specifically says but only agreements. This is the problem we are raising, it says only agreements and we are saying objections as well must be recorded.

Chairman

Would it really harm if objections are minuted, if requested that it be minuted. It's part of normal procedure, is it not. Can we then agree to it that it comes in at 8.2, specifically stated.

Agreed. Thank you.

MR Wessels

I am speaking to 9. Mr Chairman I am speaking to 9 as it stands I give you an interpretation of the matter as I understand it and i would like to suggest something. Point 9.1 as I understand it, the Forum meetings are open. They are always open. Point 9.2 I would just like to maybe advocate that the resolution taken at the council meeting be more embodied in this particular subclause to reflect the position clearly. In other words I am making a case in favour of greater clarity and to ensure that there will not be any misunderstanding in the future. The way I recall the decision taken at the council meeting, it was stipulated that the Forum, pardon me, that the Council meetings depart from the point of view that they are open. The procedure adopted was that a proposer and a seconder would then request that the meeting or a specific point of agenda be discussed in Committee. That discussion should then take place in Committee. In other words the proposer and seconder would promote their case in Committee. The Council would resolve and will decide whether it was a prevalence matter, whether it was a matter with substance and resolve whether it should be open or closed, and I believe it would...(Tape 1, Side B)

(Inaudible)

Point 6 on the Agenda

Chairman

If you look at your agenda for today. The Planning Committee has recommended certain changes which would help to facilitate our discussions which I would like to put to you. If you could look at item 6 and item 7 of the agenda. The recommendation of form the Planning Committee is that item 6.1 remains as it is. Item 6.2 remains as it is, but that item 7 becomes item 6.3 and in turn the previous item 6.3 becomes item 7. The reason and motivation for this change, ladies and gentleman, is that the way forward is very much part of the presentations that will happen under 6.1 and 6.2 and that the role of the international community should stand as a separate item, and we believe that with the assistance of the draft resolution which will be circulated to you shortly, we would be able to complete items 6.1, 6.2 and the previous item 7, on the way forward, as one part of the session, and then move on to the role of the international community.

Dr Ngubane

In that case then Mr Chairman what we wanted to raise earlier becomes ???? in terms of the arrangement of these items here. Therefore we have no choice but to insist that the form of state becomes 6.1 and the rest follows.

Chairman

I don't really follow your argument Dr Ngubane.

Dr Ngubane

Mr Chairman we argued that the form of state was the key of our dealing with the old tradition period, the phases of the transition then we were told that we could discuss this either under item 6 or item 7. Now when we integrate item 7 into other things then we want the prominence that we were asking for to be dealing with the form of state and ???? treat it as 6.1.

Chairman

Dr Ngubane I must ask you for your forbearance, as I understand it the form of state we had agreed previously, would be raised either under item 6.1 or 6.2 or 7. Now whether item 7, I would like you to give me hearing please, whether item 7 is numbered 7 or is numbered 6.3 is really irrelevant, because the item and the heading will still be given attention independently, ???? So, I must please ask you for your patience and co-operation. I give you the assurance that the state or the form of state is obviously a matter of concern and will certainly be canvassed, but it doesn't necessarily have to appear here. Thank you very much. Ladies and gentleman can I put to you these amendments be accepted. Is there consensus on that? Thank you very much. The manner in which we will now deal with this, ladies and gentleman is that the Sub-Committee or Mr van der Merwe and Mr Maharaj will make a presentation in respect of item 6.1 and item 6.2, thereafter we will ??? for a period of clarification, that is where you might require something to be explained or additional information to be provide, then we will give consideration under item 6.3 to a draft resolution put to you by the Resolution Committee and on the basis of that we can then discuss the way forward. Mr Maharaj on behalf of Mr van der Merwe and Mr Maharaj will now present a report to us on item 6.1.

Mr Maharaj

Mr Chairperson this report was tabled at the Planning Committee and the basis of its recommendations taken to the Negotiating Council and therefore comes to toy with the approval of the Negotiating Council. We were asked to report on the Codesa agreements and make recommendations how those agreements can be used as a constructive basis for the resumed Multi-Party Negotiations Forum. From the point of view of the Codesa agreements we have presented firstly, a volume containing all the agreements and the different stages at which they had reached in the Codesa process. They are in a bound volume which was provide d to all participants. (inaudible) That summary is in your reports and documentation for todays' meeting on pages 12 to 24. I will speak to that report rather than take your time going through each part of that report paragraph by paragraph. As you will notice in the full documentation you are provided with the terms of reference of the Working Groups that were set up in Codesa. You are also provided with full copies of the agreements reports, even the state of discussion at the Working Group levels and the Steering Committee and Technical

Committee levels. From the point of view of Working Group one and there, if I may refer you to the pages, I think it appears earlier on page 13 or 14. On page 13 you have the report of the Working Groups starting with Working Group one. Working Group had made substantial progress on the matters that it was charged. There are still matters that it had not attended to. It had tabled a report to Codesa II. So, that report is available. Working Group 2 was a Working Group that did not file a report. I will return to that Working Group shortly. Working Group 3, on transitional arrangements had discussed matters fairly exhaustively and tabled a report at Codesa II. That summary is on pages 6 and 7. Working Group 4 which was charged with the future of the TBVC states made substantial progress, but more in general terms rather than specific terms. A summary of its report that it tabled at Codesa II appears on page 19. Mr Chairperson I think it is necessary at this stage to dwell a bit on the work of Working Group 2, where a deadlock arose and where no reports could be filed to the Codesa Plenary Session. In that case the management Committee met on the 15th June and commissioned the chairperson of Working Group 2 and the secretary to prepare a report on the status of the discussions in Working Group 2. That report is also in the bound volume, but I would like in summary to refer to the key parts of that memorandum. Those appear on page 16 of your documentation. On the basis of the memorandum it should be noted that with regard to its first assignment, namely general constitutional principles, the Working Group Steering Committee had filed a document to the Working Group. That document contained areas of commonality including the (inaudible) central, regional and local government and the question of participation of political minorities. I shall return later in full to the general constitutional principles that were agreed upon in the Steering Committee. Its second assignment concerned the question of the CMB or Process. In the case the Steering Committee of that Working Group filed a report to the Working Group on the 13th of May. In its report it defined three phases for the (Inaudible).....(**Tape 5, Side A**). Some had been discussed at the Steering Committee level of the Working Group and reported onto the Working Group. None of these for the resumed process should be treated as binding. They naturally we due to come to Codesa Plenary for the participants at the principal level to address them, and therefore what we have suggested is firstly the documentation that we have provided, the bound volume containing the agreements. secondly, the summary that has been prepared and thirdly, that a consolidated should now be prepared which would cut (Inaudible) and put them together in terms of the

transition process that was emerging, so that instead of parties addressing the issues as if they are new (inaudible) with a clear grasp that the purpose of the Multi-Party Forum remains the same namely, how to take our country from the present situation to democratic order. Those remain and therefore the consolidated document properly structured according to the transition process and put together in a way that would facilitate all parties to make their inputs particularly the parties that were not in Codesa. It has been agreed at the Negotiating Council that such a consolidated document will be without prejudice to any of the participants. It has been put together in a structured form to facilitate the discussion and not to preempt discussion. We envisaged that by that process one of the tasks that was agreed to in the declaration of Codesa, which we believe all parties would still agree with, is that the end result should be that the Multi-Party Forum will come to agreements which will ??? in a legislative form so that the current South African parliament shall pass into law. So that consolidated document takes the process a stage further along that ??, but enable each participant to address them in full. The Negotiating Council in this regard received a recommendation from the Planning Committee, in particular the recommendation was that ????? this consolidated document should be drawn up under the co-ordinating committee which will be composed of Mr Fanie van der Merwe, Ben Ngubane and Mac Maharaj. It was also agreed that on these recommendations and under the supervision of the Planning Committee various sub-structures Technical Committee could be created to facilitate the process so that we have the consolidated document in an effective and structured form as soon as possible. That is the basic recommendation that has emerged. (Inaudible). It is not binding on any of the parties it is merely a facilitating instrument that is the consolidated document will facilitate that matter. Mr Chairperson I would like to conclude the report by saying that there were also reports from the Gender Advisory Committee. You will notice that in the summary no mention so far has been made of it, but the consolidated document will help to ???? and in the same manner as it address the agreements that emerged from the Working Groups, it would have to incorporate the recommendations of the Gender Advisory Committee. That is the proposal that the Negotiating Council has accepted and the way forward from the point of view of procedure and of how it could take the Codesa agreements as a constructive basis for further discussion. Thank you.

Chairman

Ladies and gentlemen on your behalf may I thank Mr van der Merwe and Mr Maharaj for a very clear piece of work that they have put before us and which would certainly assist us in our deliberations in the future. We are now going to allow for a few minutes of clarification before we go onto receiving inputs from yourselves on the basis of the draft resolution that has been distributed to you. Before we do that can I reiterate a point that Mr Maharaj has already mentioned and that is that the presentation that was seen by you now, and heard by you was merely a overview of what has occurred in the past, firstly. Secondly, that on the basis of this we will have a consolidated document put to the Negotiating Council, together with issues that you will have an opportunity to raise today and then the Negotiating Council will afford an opportunity to all organisations, parties and administrations to make their input into this particular process and then come to whatever decision they so wish. I'd like us to keep this discussion in perspective and see it in that context. Can I then inviting the floor, any questions of clarification that you might want to raise at this stage. Dr Ngubane.

Dr Ngubane

Thank you Mr Chairman I must also join you in congratulating Mr van der Merwe and Mr Mac Maharaj of doing a splendoured job of consolidating volumes and volumes of paperwork, minutes, decisions that were reached in Codesa. I would like to of course point out that unfortunately the slide that was presented here, particularly referring to the transitional constitution, does not incorporate the major sentiments regarding agreement about the second phase of the transition. We shall remember Mr chairman that the work of Working Group 3 was dealing with the first part of the transition, that is the first phase, but that the implementation of that first phase was contingent upon agreements being reached on the second phase, which was the work of Working Group, the Constitution Making Body and the constitutional Principles. The negotiations on Working Group 2 reached an amicably point where parties could compromise and find common ground precisely because to be entrenched in the transitional constitution, which e\was going to be drawn up by Codesa where the definitions of the borders and boundaries of regions, the definition of the powers, duties and function of regional governments and these being entrenched in the transitional constitution which would be legislated into law by the South African Parliament, will then

form a basis for constitutional continuity and constitutional government. In other words we could then move to elections into a constitution making phase. However, the other important point in regard giving to this regional compromise in this regard was the fact that there would be ??? with you on a national basis and ?? on a regional basis. Then the delegates on the regional ?? in the National assembly would be have to concerned to any amendments that were to be made to the boundaries and to the functions and powers of regional governments. These ?? was accepted that both option either unitary state or e federal state were being adequately provided for. I just wish to point this out, because it was very crucial to the compromise that was reached in Working Group 2. Thank you.

Chairman

Thank you for that clarification. Any other speakers?

Mr Rajbansi

Mr Chairman firstly I want to also compliment Mr van der Merwe and Mr Mac Maharaj. I fully concur with what Dr Ngubane has stated. I am not going to deal with the details this two clarification. In the first phase I do recall there was extensive discussion on matters that will have an impact on the levelling of the playing fields especially social factors, I wonder whether Mr Maharaj could comment on that and also on page 21, this report suggests that the Negotiating Forum would thereafter determine when such agreed legislation is to be enacted. In this respect what would be the role of the plenary. Will this stop at the level of the Negotiation Forum or will the agreements that are going to be reached at the Forum will be referred to the plenary.

Mr Maharaj

Mr Chairperson the full reports of Working Group 1 is in the bound volume. It is correct they addressed many issues affecting the levelling of the playing field and it effected also included socio-economic matters, but what we have presented here is a summary and the consolidated document will ensure that those are included wherever they were agreed upon. Matters that were just referred upon, of course the Negotiating Council has agreed that ??? would not be featuring in the consolidated document. What would future was the agreements.

Mr Mathews

Thank you Mr chairman. I think that it is true the Committee has done a considerable amount of work, but it is necessary to say that the use of the word "agreements" is tendentious. It is quite clear from the report itself that a different status is being accorded to different aspects of the document, and therefore one cannot speak in a consolidated form of agreements as if there is a package of agreements which were adopted or which were in fact accorded that status by Codesa itself. Codesa itself had laid out a procedure by which agreements would be regarded as adopted and there was in fact a working group ??? one of whose jobs was to scrutinise the work of the other Working Groups and to certify the case where any agreements or consensus had been reached. So, I think first of all we must be accurate in the use of words and shouldn't give the impression that there were agreements in any kind of legal sense. I would have preferred the use of the word materials, that we have got Codesa materials and that those materials are of different valuations. Some are materials in which a high degree of consensus was reached. Some were suggestions. Some were matters on which there was breakdown. In other words we really cannot speak as if we have got a package of Codesa agreements and I would say that any delegation whether they were at Codesa or not are entitled to make use of the Codesa material in whatever way they wish, and we should not use words such as binding or agreements in that kind of sense. If of course we are speaking politically and we say that there was some sort of political understanding on certain aspects that is another matter, but the word agreement I think is too definitive to be accepted as it is being presented there, and I would say sir, that speaking for the IFP we regard ourselves as completely free to take from the codesa agreements or to reject any aspects that are contained in those agreements, and this is not being negative at all. It is an accurate reflection of the historical reality of what happened and I think we should stick to the historical facts and not endeavour to alter what in fact took place there. We would also say this that the process that is described is not one which we can accept. The process of transitional arrangements, interim government, constituent assembly and so on. As far as we are concerned is contingent upon other matters which are preliminary and which ought to be disposed of before. I will not elaborate on those at this stage, but certainly we don't consider that the process that has been outlined is the only or the best process that can be entered into in our constitutional development. I think myself that it would best serve the Negotiating Forum if we don't give the impression of any rigid

approach on the question of what took place at Codesa. I regard them as materials which are kind of treasurehouse which we can look at and those which are of use we can use and those which have been overtaken by history we can discard.

Chairman

May I say Mr Mathews that what you have said is absolutely accurate > it is reflected in the documentation here, page 13 in particular and I think members of the Negotiating Council will agree that there was absolute clarity on the purpose of this exercise and that is that this would merely serve to facilitate future discussions, and you correctly point out is certainly not binding on anyone and all organisations, parties and administrations are free to make their own inputs as the opportunity arises. Are there any further questions or points of clarification to be raised? If not we are going to move on to item 6.3.

Mr Mentz

Mr Chairman may I just raise one question, that is on the draft resolution, if it is appropriate now.

Chairman

Can I come back to that in a minute? Are there any other issues, points of clarification that you would like to raise? If not, with your agreement ladies and gentlemen we move on to item 6.3, the way forward. You have a draft resolution before you, formulated by the Resolutions Committee. I would like to suggest that where you have already formulated amendments to this resolution, if you could please submit them in writing to the Resolutions Committee sitting behind me. That would assist us in reformulating this resolution in line with the amendments that you have. In addition if you have any issues that you want to include under section 2 of the draft resolution, please submit that in writing as well and that can be incorporated. In the meantime can we take your point sir, under 6.3.

Mr Mentz

Mr Chairman I am going to make use of the suggestion that we hand this into the gentlemen at the Back.

Chairman

Thank you very much. Ladies and gentlemen I will now invite presentations and comments on the draft resolution and any additions that you might have. Bearing in mind that any major amendments and suggestions that you have should please also be submitted in writing to the Resolutions Committee.

Chief Nonkonyana

Sorry Mr Chairman I just want you to clarify one thing. Are we dealing with 6.2 or 6.3.

Chairman

We are dealing with 6.3 now. The new 6.3.

Chief Nonkonyana

No Mr Chairman the 6.3 before me is the phases of transition.

Mr Chairman

No Chief Nonkonyana we are discussing the 6.3 which is the way forward and instructions to the Negotiating Council. While you sort that out can I go to Dr Ngubane.

Dr Ngubane

Thank you Mr Chairman. I am sorry that I must keep hopping on what I raised earlier in the day, but Mr Chairman, I have a reason for having asked you to consider the form of state as one of the most urgent considerations this meeting had to give. As we convene here today, committed to resume negotiations for a new democratic constitutional dispensation for South Africa, we owe it to the people of our country to make the greater effort in facing the harsh realities of these negotiations so that we can solve problems rather than avoid them. What we all collectively seek is a democratic system of representation at all levels of government as well as a mechanism to prevent the abuse of power in the future. We all know that the most fundamental and yet controversial issue of these negotiations is related to the form of state which is to say whether the new South Africa should be established and organised in a federal or confederal state. The resolution of this issue will condition any type of constitutional negotiation. The KwaZulu government has taken the position that it is not

reasonable to negotiate the process of transitional the constitution for a new South Africa unless we have preliminarily determined what type of constitution we want to draft and what type of country we envision coming out of this process of transformation. The determination on the form of state is both politically as well as conceptually a preliminary issue to any further negotiations related to the transition process, including a possible transitional constitution, a government of national unity and a constituent assembly and it is related to the fundamental principles which gives the ??? the future constitution of South Africa. We owe it to ourselves and to the country to seek clarity and political and intellectual honesty on the fundamental issue of the form of state. Therefore the Negotiating Council, we are asking should be instructed to address this issue and seek an agreement among all the parties as the first and preliminary matter of his concern. I have on for this reason submitted earlier in the day a draft resolution, Mr Chairman, which I am afraid has not really been incorporated into the draft resolution presented to us. I would like therefore what I had in mind, "That we the parries/organisations/ administrations assembled in the multi-Party Negotiating Forum resolve as follows...

Chairman

Dr Ngubane may I interrupt you. I would like to follow the precedent that we had in the previous section that substantial alternate resolutions or amendments were first processed via the Resolutions Committee. May I courteously invite you to come forward, have a discussion with the Resolutions Committee on that resolution. I think the essential point, the form of state, has been incorporated. You might well be right that other sentiments have not been. Would you like to please discuss this first before we take it any further in the Plenary.

Dr Ngubane

Well Mr Chairman I would like co-operate with you very much, but my problem is early morning we submitted our draft resolution, and I spoke to you personally about our concerns, but now the present draft resolution presented to this Forum does in no way even starts to incorporate what you are saying.

Chairman

Can you discuss that first with the Resolutions Committee and let's see if we can meet your concerns?

Dr Mdlalose

I wanted to make an input relevant to the discussion that is going on now.

Mr Chairman

We have Mr Ramaphosa before you.

Mr Ramaphosa

Mr Chairman I am willing to defer to Dr Mdlalose and I can come in after he has spoken.

Dr Mdlalose

Mr Chairman I think it is very important that we become sensitive to these issues. This issue has surfaced during the course of discussion in the Negotiation Council, it has been argued there for quite some time, because many of us feel that the issue of the form of state is very very important and takes precedence to all other considerations with regard to the way forward. we have also felt that it is so important that we should submit a resolution such as has come before the Chairman today. we also feel that it is so important that in terms of the draft resolution here that form of state ought never to have appeared in the order in which it has been put just now. I would wish that we will become sensitive to this. I would like to backup the motion by the leader of KwaZulu Government here and say that that should come as an item by itself before we consider the constitutional principles, CMB, transitional constitution or whatever, because it is only ??? ???? a form of state that we can have a very clear idea in our minds what sort of CMB, what sort of transitional constitution or whatever may follow, but to burry it in this manner that this draft resolution buries it. I think it is being unkind to what has really been put before this Forum and what has n\been put before the Negotiating Council.

Chairman

Thank you Dr. At the moment Dr Ngubane is having a discussion with the Resolutions Committee. Let's give them a few minutes to find some understanding on this. If there is a need to discuss it again we will certainly to that.

Mr Ramaphosa

Thank you Mr Chairman. Dr Mdlalose is right in terms of the way this matter has been raised on a number of occasions. They have raised it in the Negotiating Council. They wanted it to be permanently set out in the agenda and it was with their deep understanding that they finally agreed that it should not appear on the agenda as a special item, and I think Mr Chairman, in keeping with the spirit that is beginning to prevail in this negotiations we should respond in a way that will enhance this process that is unfolding here sensitively and enable the IFP to have the satisfaction that this matter will receive the attention that they would like it to receive. They would like this matter to be addressed as one of the very first issues and Mr chairman there can be nothing wrong in us allowing the IFP or giving them an opportunity of putting forward their position. We may not agree with their position. Then again we may agree with their position and all that needs to happen, Sir, is that they be given the opportunity of putting their case across, and indeed you will find that many others will want to have full opportunity of putting forward their case with regard to the CMB, the transitional regional government and so forth. So, this is like setting an agenda or a shopping list and as far as we are concerned it matters very little where it is, and I would like to propose in terms of being sensitive to the views that Dr Mdlalose has put forward, that the question of form of state be put quite high on the list of issues that have been identified. We would propose that we should look at the question of constitutional principles first and thereafter immediately deal with the question of the form of state, and deal with these with the proviso that if need be we can move from one to other and see how best all these issues can be addressed. That is the proposal that I put forward. It is being sensitive to the position put forward by the IFP. In addition to that Mr chairman I would like to propose that under Transitional Executive Council and Sub-Councils we should add the other two independent Commissions. We should add IEC as well as the IMC. What is pleasing with your list is that says inter alia, so this is not a conclusive list, but it merely highlight those issues which many parties would regard as being important. There may well

be many others that are not set out here. I shall now be pleased to get an indication from Dr Mdlalose if he is satisfied with the sensitivity we have displayed to the question that he raised. Thank you mr chairman.

Dr Mdlalose

I really appreciate mr Ramaphosa's flexibility, understanding and co-operation, but I do like to point out that as of now this resolution that has been suggested by the leader of the KwaZulu, Dr Ngubane, I wonder whether he has anything to say here. From my part I feel quite satisfied, but then I was not the prime mover today of this resolution, so we defer it to Dr Ngubane to comment on.

Chairman

I have been informed by the Resolutions Committee that in discussion with Dr Ngubane, this is the understanding that they have come to an ??? to see whether Mr Ramaphosa and Dr Mdlalose and Dr Ngubane would agree with this.

Mr Ramaphosa

Mr Chairman Dr Ngubane has decided to cross the floor. He is now an ANC.

Chairman

It is not my task to comment on party political matters. Can I put this proposal to you ladies and gentlemen and see if we can move beyond this point. Can I put this proposal and then you can perhaPS comment on that. The proposal is that in the first line we would say "the constitutional principles, inter alia those determining the form of state". That is the proposal from the Resolutions Committee after consultation with Dr Ngubane. Once he gets to his microphone I am sure he will be able to indicate publicly his support for this.

Dr Ngubane

Mr Chairman...

Chairman

Can I quickly just before you comment Dr Ngubane. Sorry about that. "Constitutional principles, inter alia, those determining the form of state". I have a list of speakers the PAC, Mr Le Roux and Mr Webb can I ask you for your patience while we sort this particular issue out and I will certainly revert to you in a moment.

Dr Ngubane

Mr Chairman we don't want to deal with the process here. All we want is a fair process. I am satisfied and our delegation is satisfied that we are achieving that aim, that objective. However I just wish to point out that it will be problematic in future if one submits an original resolution, then it gets replaced by one from the Resolutions Committee. I think we must be careful about this.

Chairman

Can we discuss that procedural issue elsewhere.

Dr Ngubane

Anyway I am not about to cross with the ANC.

Chairman

Thank you. Can I invite the speaker from the PAC, is that Mr Seriti?

Mr Seriti

Thank you Mr Chairman. Firstly as we all know that we were not part of Codesa and that we don't want to create any problems by raising our views in this point an time about a Codesa agreement, but then we have a simple proposal to make or a simple request to make and the request is that we have a document wherein we drafted the ??? as we see them, and our request is that this document should form part of the documentation that is going to be sent to the Negotiating Council in order to see how far our proposal be accommodated in their discussions. That will be my first point. My second is as far as the draft resolution is concerned, even here the amendment we want to propose at this point in time is a very minor amendment and the amendment is that the CMB, we should leave it as it is but then

have stroke Constituent Assembly.

Mr Slovo

Chair are we discussing the amendment which has been proposed, Dr Ngubane's proposal or are we now going onto something else, because if we are discussing that amendment I would like to say something.

Chairman

Can I come back to that in a minute. Sir you raised two issues the first is an alternative concept CMB/Constituent assembly. I will ask the Resolutions Committee to take account of that. In the first point that you have made you have raised the issue of phases of the transition, I will also ask them to take account of that in relation to the list of items that we have. Can I suggest that in relation to ??? it might be more opportune to do so at the first Negotiating Council meeting we you have your representatives and perhaps it can be circulated at that point in time. will that be in order?

Mr Seriti

There is nothing wrong what that suggestion Chairperson, but I was making that suggestion simply because we have already circulated that document now.

Chairman

Not a problem. You are of course free to do that as the other organisations. can I return to Mr Slovo's point and that is that he wishes to address the compromise formulation that emerged from the Resolutions Committee.

Mr Slovo

I would prefer, Mr Chairman, the original formulation proposed in the sensitive treatment by Mr ramaphosa and that is that the question of the form of state should be higher up on this shopping list and the reason why I have problems the new formulation is that it pre-empts the very question as to whether the form of state is or is not a constitutional principle to be entrenched and therefore as long it is understood that the issue of whether the form of state is or is not a constitutional principle to be decided by the Multi-Party Forum, as long

as that is made clear that this new formulation does not imply that, I would be prepared to accept it, but otherwise for the sake of clarity I think it is preferable to have the form of state as a completely separate item, because the way it is formulated now, Mr Chairman, is that the whole question of, the fundamental question of which we will have to return to as who decides on the form of state, this body or an elected body. As long as that is not pre-empted Mr Chairman that is ok, but I fear that to ??? together the question of constitutional principles and the forms of state suggests some kind of pre-emption.

Chairman

I again ask for Mr le Roux and Mr Webb's patience. Can I ask Mr Ramaphosa to comment on Mr Slovo's input. Thank you Mr chairman, my concurrence to that amendment was not solicited and the one who proposes that we should put it as the second item. I have been under the impression, Sir, the IFP was saying that the form of state is a constitutional principle. They have been arguing that the issue you have to discuss first is the form of state and thereafter you can discuss a whole range of other matters, because the argument is that everything else hangs around the form of state, and it was in keeping with that understanding that we proposed that we should address the form of state on its own, but in doing so to take into account what they may say, and doing so to address it in conjunction with one or two other issues if the need arises, but the fact that it should stand on its own is what I understood they want us to have, even originally when they wanted it to be the on the agenda on its own. So I would say that Mr Slovo is right, this amendment and I am sure Dr Ngubane will agree, will not actually be in keeping with what we thought they wanted. They want it upfront or right at the top and I think we should allow that to happen. Thank you Mr Chairman.

Chairman

Mr le Roux does your contribution concern this particular issue. Can I come back to you?.
Mr webb.

Mr Webb

Mr chairman given the fact that Mr Ramaphosa has now moved that the form of state goes to the top of the list, we would support that. I would not address it any further, I think he

said it very well.

chairman

It's item 2 on the list.

Mr Webb

I thought he moved it right to the very top of the list. I was going to move an amendment then to Mr Ramaphosa's proposal, that it be placed second, because i believe that it is fundamental to any discussion, that the form of state must be determined before you get to those constitutional principles, and the is why I was asking for you for it to go to the top of the list.

Dr Delport

Mr Chairman the two issues, those of constitutional principles and of the form of state are absolutely interlinked, because inevitably your constitutional principles will determine your form of state, consequently you cannot argue the one without it having an impact on the other. Also we must bear in mind that the form of state are not confined to whether you have a federation or a union or whatever. It also concerns basic concepts such as the concepts of the Regstaat or the Constitutional state. It has bearing on other factors, the Rule of Law, the independence of the judiciary, these are all matters that in the end determine the form, the type of state that you create. Therefore whether we want, whether we put it in one sentence, as is now proposed in other words constitutional principles, inter alia those determining the form of state or whether we have it as two separate matters on the agenda. The discussions on the one will have a direct bearing on the other. Personally I think, personally I am of the opinion that as it is now proposed in the compromise proposal, in other words that we discuss constitutional principles, inter alia those determining the form of state, would merely give expression to what will in practice inevitably happen.

Mr Ramaphosa

Mr Chairman

I thought that the proposal that's on the table is the one that I'd put forward. The other one was brought in without seeking to know wether we agree or not.

Chairman

Can I just, for the record, say Mr Ramaphosa that we have two proposals now. The one is from yourself indicating that the form of state be the second item and the second proposal is the one emerging from Dr Ngubane and the Resolutions Committee which has it one line. So, can you address that issue.

Mr Ramaphosa

no, no I don't want to get into the issue that was raised by Dr Ngubane when he said the Resolutions Committee is appropriating unto itself the functions that the delegates here should be actually performing. So, I don't think we should get into that, we will deal with that at a later stage. Mr Chairman I would have thought that the proposal that I put forward that the form of state standing on its own could be discussed in conjunction, as Dr Delpont has said, with say constitutional principles would suffice because one perceives that when you deal with the one issue you may see or find that there is a need to deal with the other issue as well at the same time, and it is this end that I think we would be able to find a compromise which is broadly acceptable.

Mr Mathews

Mr Chairman actually conceptually the correct course would have been to deal with the question of the form of state as a separate item. I think the position taken by Mr Joe Slovo is correct. The suggestions by Dr Delpont perhaps confuse the form of state with form of government which is not quite the same thing and I would say that the form of state is a preliminary issue which ought to stand on its own. I am afraid that the compromise suggestions, while very constructive and very pleasing, are actually not the correct way of handling the issue. The correct way is to have the discussion of the form of state first. That's how you handle it. we are being at the moment influenced by the existence of a list. This listing of items is causing people to say well put it second or put it first and this really is not the correct way to handle the issue. what is actually the best is what Joe Slovo suggested. That you must deal with that issue of the form of state separately from the question of constitutional principles. Of course in your discussion that is another matter. Your discussion will bring in a whole host of other things such as the nature of the process, the bottom up development, regional development and so on, but we are talking here of an

item really on its own. That is how it should have been handled and we should have never have departed from what Dr Ngubane had suggested as a separate resolution.

Chairman

Ladies and gentlemen I think I need your co-operation and assistance in this regard. I think the issue here is whether the concept of the form of state, in the first instance, is read with constitutional principles....**(Tape 5, Side B)** .. the second instance appears in its own right. Now can I get agreement on the first issue. Can it appear in its own right? Let's forget about where it appears. Can it appear in its first and own right?

Mr Cachalia

Yes sir, it can appear on its own right. Mainly because I think that if we include the form of state as a separate item. I think we are going to get into semantic debates about federalism and about regionalism and all sorts of other concepts which don't necessarily assist in reaching agreement. I tend to agree with Dr Delport that there is clearly a connection, there is clearly some relationship between constitutional principles and the form of state and I think that they should be addressed together. Even if there are those on this forum who think that there is no connection. There can be no serious objection to giving some indication in the resolution that these two matters will be dealt with concurrently.

Chairman

Would you suggest a formulation that reflects your point of view.

Mr Chairman

Well you see, I think in part this debate is a little artificial, but if one said in the beginning. If the first item read constitutional principles and the form of state I would go along with that.

Chairman

I will hear a few more speakers and then we will try to reach some understanding on this issue.

Mr Ismail

Mr chairman with all due respect Mr Chairman, I wish to differ from my ?? friend Mr Cachalia, Mr Chairman. Chairman the form of state should be an item on its own, Mr Chairman. It is not a constitutional principle, Nr Chairman, but it presupposes constitutional principles. If one takes for example, Mr Chairman, we deal in constitutional principles with a balance between local, regional and central government, now this presupposes a relationship, Mr Chairman, a relationship that is dependent on the form of state. It need not.. (Inaudible)...I would suggest that we keep it as a separate item, M < r chairman and it comes in before constitutional principles Mr Chairman.

Mr Andrew

Thank you Mr Chairman. Mr Chairman I must say why I think each of these issues is of enormous importance namely the form of state and constitutional principles. I think we are making an enormous meal of something that isn't that great in terms of how you list it on a list like this, because we know very well that if we get into discussions on the Negotiating Council and we run into difficulties on one ??? an item. we then refer to it to a group to look at to try and sort out and come back, and in the end the sequence gets all muddled anyway, irrespective of how you put it on the agenda in the first place. Now, if we look at the report that Mr Maharaj presented to us from the Codesa. The general constitutional principles included the government shall be structured at national, regional and local levels and then gave a bit of details as to what the contend of that, in this document the principle was. Now, it may or may not be a principle and I don't really think that we should spend hours and hours arguing whether it is or isn't and I would like to suggest that in the proposed list of constitutional issues, if we make the first one, form of state and constitutional principles we can then handle those two simultaneously and then both get equal recognition. Some people may feel it is a principle. Other people may feel its not a principle, but there are many other things that may be argued about as being principles or otherwise. So, I would propose that for the first item we have form of state and constitutional principles and we can handle it in that way I am sure. Thank you.

Chairman

Thank you Mr Andrew. Mr de Jager.

Mr de Jager

I second that I've got nothing to add.

Chairman

Ok in the circumstances gentlemen and ladies, can we accept the formulation, "constitutional principles and form of state".

Mr de Jager

That was not the proposal. It was form of state and constitutional principles.

Chairman

One minute please. Mr Andrew.

Mr Andrew

I did actually as I said neither these are earthshattering issues to me in the order you do them, but I did actually say form of state and constitutional principles.

Chairman

Sorry I didn't hear you correctly. Is that proposal then form of state and constitutional principles, is that acceptable? Any objections? We accept that by consensus. Can we now move to Mr le Roux.

Mr le roux

Thank you mr Chairman. Considering the draft resolution in its entirety we go along completely with the very clear indication that no party or organisation is anyway bound by the provision of the codesa agreement and that it is regarded as a treasure house, as Mr Mathews has so aptly put it, for reference by the delegates. Then Mr Chairman as far as paragraph 2 is concerned, we would like to have the idea of selfdetermination to be included as one of the constitutional issues that will have to be raised. I intend submitting a resolution when we deal with the way forward under 6.3, but I suggest that it would be in order that the word selfdetermination shall also be included amongst the constitutional principles.

Chairman

Thank you Mr le Roux. I am sure that the Resolutions Committee has note your point and if you have an amendment or an alternate resolution can I ask you to discuss that with the Committee and they will give it further consideration. Are there any other contribution in relation to this Resolution on the Way Forward.

Next Speaker

I believe that the Resolutions Committee is handling this but I just wanted to bring to attention that amongst the shopping list one of then that appears as reincorporation. It should actually be the future of TBVC states, and not reincorporation.

Chairman

They are considering that suggestion and it has been agreed to by the Resolutions Committee, but will be put to you in the second draft for your approval. Are there any other contributions ladies and gentlemen? If not can you give the Resolutions Committee a few minutes to complete a second draft of this resolution which we would then read to you and put to you for your approval. Can you give us a few minutes please. Ladies and gentlemen let me read the proposals from the Resolutions Committee. If you could have your draft resolution before you and make the corrections as we go on, I am sure we will be able to make progress, "We the participants of the Negotiating Forum meeting at the World Trade Centre, Johannesburg on 1st and 2nd April have received a report from the Negotiating Council on the Codesa" and the word "agreements" is now substituted by the word "reports". So that sentence will now read "Received a report from the Negotiating Council on the Codesa reports and the transition process" 1.2, identify and introduce the words some of, "identified some of the issues concerning constitutional matters which the Negotiating Council must consider". So we are adding the words "some of" after "identified". Move on then to paragraph 2, "Resolve to instruct the Negotiating Council to consider and report on all matters arising from the Consolidated Report including", the word "inter alia" are removed, "including the following and other", the words "and other" are introduced, "constitutional issues". Let me read the second line to you again. "Arriving from the Consolidated Report, including the following and other constitutional issues". Are you with me? We then move on to the first asterisk, which would now read, "Form of state and

constitutional principles". The second asterisk reads, "Constitution Making Body". the suggestion from the PAC that we introduce the concept of constituent assembly will create other difficulties in that concepts such as the interim parliament might also have to be introduced as a stroke, but can I be guided by the house on this. Can we leave it as CMB or is there an insistence that concepts like constituent assembly and interim parliament be included.

Mr Alexander

Chairman, thank you very much. There is a particular reason an a particular conception that the PAC has on the constituent assembly which might be the same as some other people might have on the CMB which they regard as part of the parliament and therefore we are talking about two different ideas in many respects, and so therefore we would like to have the question of a constituent assembly to stand separately and to stand out clearly on the agenda. Thank you Mr Alexander.

Dr Delpont

Mr Chairman the concept of a CMB is a neutral concept and therefore we cannot support the idea that a particular term which has certain connotations and has certain implications could be accepted upfront. It is something still to be debated. CMB is neutral and therefore we would support the idea.

Chairman

Can I get some indication by show of hand for support for the notion of constituent assembly. Please I don't want long comments on this I just want some idea of whether we have **sufficient consensus** here or not, just one per delegation. Those who believe that constituent assembly needs to be incorporated?

Regrettably I must declare **sufficient consensus**...

Mr Ramaphosa

Mr Chairman is that the right way of putting that though, because all the PAC is saying that there should be the word constituent assembly and sense when has a Forum are we now shy from using the stroke business. I thought that Mr Chairman, before you interrupt me, I

would have thought that if one body feels strong about a term that they feel comfortable with, what we have always done is to accommodate them and I really don't see anything wrong in saying CMB/constituent assembly. When we sit to discuss or negotiate these matters it becomes clear to all of us what we are really talking about. Earlier you said we would run into a problem of mentioning interim constitution and so forth. I don't think that is a problem. we can actually go all the way and mention all the strokes and whatever, as long as we all feel happy at the end of the day.

Chairman

No I accept that sentiment that sentiment Mr Ramaphosa. All i was trying to do is avoid more strokes there because the minute we introduce the one we will have to introduce the one we will have to introduce the others, but if that is the wish of the house, can I suggest the following, "CMB/constituent assembly/transitional parliament, but before I take that any further I want Mr Cronjè to comment on that.

Mr Cronjè

Chairman what we are doing is to put subject matters for the Constitutional Council, the Negotiating Council to consider. I do not believe that we should tell them how they should do it. We are introducing subject matter for them to negotiate on. therefore I would agree with you. If we leave it at CMB it is neutral and all the parties around these tables will have full opportunity at the Negotiating Council to put forward and to argue and to reason a particular form of state or a particular approach to the issue, and I believe that if we just simply leave it at CMB we don't spell out all the alternative which could possibly put on, it is neutral and we instruct them to deal with that issue. Whether in the end it is this body or that body or called this or called that. Otherwise I agree with you we will have to start with stroke, stroke, stroke, stroke, stroke, stroke and I don't think we will make a lot of progress. It is not for us to negotiate it here. It is for us to give that body an instruction on what issues to discuss and to negotiate.

Chairman

Of course stroking is a proud Codesa ???, so let's see if ewe can explore that further.

Mr Cachalia

I just want to indicate that we support the amendment suggested by the PAC and I would agree with the motivation of Mr Ramaphosa. I don't think there is any substance in the contentions of Mr Cronjé. Many of us think that the form of state is not an issue that should be included at all in negotiations at this stage, but it has been included out of deference to parties which we strongly about this matter. On that basis and because we think that a constituent assembly is an important notion we support Mr Alexander.

Chairman

Thank you Mr Cahcalia. Mr Andrew.

Mr Andrew

Yes, Mr Chairman, obviously having stroke this stroke that is clumsy. On the other hand we may all have strokes but we don't make progress and CMB clearly is a neutral term, but if there is a delegation that feels very strongly that having stroke constituent assembly makes them more comfortable makes them more comfortable I can see how it causes anybody a problem, because I can say my, I am attached to CMB and this is how I want it to be, somebody else is attached to constituent assembly and that is how they want it to be and i would really urge delegations on these kind of matters to be flexible and if somebody does feel very strongly about it and it doesn't preclude anything, anybody else and it doesn't ??? discussion for alternatives, that we accept it and that and move on, because in the end the substance of what we discuss and agree is important not the beautiful appearance of the agenda or otherwise.

Chairman

Thank you Mr Andrew. Accordingly can I just try this again with you ladies and gentlemen, CMB/constituent assembly, are the any other any other suggestions. Ok that is accepted, we then move on to transitional constitution. Is that accepted? We now remove form of state. That's been ??? to the first item. Transitional regional government is that accepted? Fundamental human rights during the transition? Accepted? Transitional Executive Council, its Sub-Councils, the IEC and the IMC. Is that accepted?

Next Speaker

Sorry Mr Chairman just one slight suggestion under the fourth asterisk, under the transitional regional, people can say transitional/regional/ local government or something like that, but we want, we want also local government to feature Mr Chairman.

Chairman

I am sure that will be acceptable. Transitional/ regional/ local government.

Mr Ramaphosa

Mr Chairman going on with the stroking business. On the transitional constitution we would like to have a stroke, after that which would say, "transition to democracy act", because we do feel strongly about that matter that we shouldn't have a constitution.

Chairman

Sorry, we passed that item already Ramaphosa.

Mr Ramaphosa

No, no I am going back to it we haven't ...

Mr Chairman

???? my permission first isn't it.

Mr Ramaphosa

With your kind permission.

Chairman

Is that acceptable ladies and gentlemen, "Transitional constitution/transition to democracy act.

Dr Delport

Mr Chairman I am rather surprised that Mr Ramaphosa should bring up this matter because once again when we talk about a transitional constitution or an interim constitution for that

matter, it has no specific connotation it does not indicate a particular content. We all know that the ANC has produced in fact a transition to democracy act and I do not think that it would serve the process to put a specific proposal on the table, refer a specific proposal to the Council. That is going to be very difficult to deal with, because then we must, first of all, invite all parties to put in the table a specific proposal to be dealt with under transitional or interim constitution. I would really suggest that while we are now in the stroking business that we then settle for transitional stroke interim constitution. I would really appeal to mr Ramaphosa to accede to this request.

Mr Ramaphosa

Mr Chairman in the spirit if acceding to what Dr Delpont are saying we are agreeable to say interim, although interim is not necessarily similar to the transition democracy act, which we feel very strongly about, I must say.

Chairman

The minutes will reflect your strong feelings. We now agree on..

Mr de Jager

Mr Chairman while we noted that item could we add another stroke, stroke final constitution.

Chairman

That is what this whole exercise is about Mr de Jager. the final constitution.

Mr de Jager

Someday we want a final constitution.

Chairman

Can I have the views of the house. Mr Andrew you had your hand up earlier.

Mr Andrew

Yes, well I was going to suggest something else, but once Mr Ramaphosa seemed to reach agreement I ..., but for Mr de Jagers benefit I think many of these things that this list include

sort of if any, so for example we have transition constitution/ interim constitution or whatever we have agreed to, it may be if any, because we may decide that there isn't a need for one and given the fact that the objective of the exercise is a ??? constitution, I don't think to have it in here that has to be considered at this preliminary stage is appropriate. Certainly during the course of this stage and particularly under headings of the procedures that that can be taken up there.

Mr de Jager

No I will scrap my strokes.

Chairman

So that item will read "transitional/interim constitution". We go back lower down to reincorporation, that is substituted by "future of the TBVC States". Is that agreed upon? One additional asterisk, selfdetermination. Is that agreed? Then clause three of the draft resolution, "The Negotiating Council shall present reports on progress made on the above issues to the Negotiating forum":, is that agreed to? Can I have a mover for this resolution? Dr de Villiers, a seconder, Chief Nonkonyana. Can I declare general consensus on this Resolution, ladies and gentlemen? any decent? No, thank you very much, we then move to the new item 7 on the agenda.