

AGENDA AND DOCUMENTATION

for the meeting of the

PLANNING COMMITTEE

to be held at 08H30 on Friday

28 MAY 1993

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PLANCOMM/AGENDA/AGEN2805

27 May 1993

DRAFT AGENDA FOR THE MEETING OF THE PLANNING COMMITTEE
TO BE HELD AT 08H30 ON FRIDAY 28 MAY 1993 AT
THE WORLD TRADE CENTRE

Chairperson : FT Mdlalose
Moment of Prayer/Meditation
Welcome and Attendance
Ratification of Agenda

Minutes

4.1 Minutes of the meeting of 24 May 1993 (see Addendum A, p2 - 12)
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Substantive Issues

5.1 Receipt of Supplementary Reports from the Technical Committees (see separate volume):
5.1.1 Violence
5.1.2 Constitutional Issues
5.1.2.1 Report
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Regions/Provinces/States - Report from the Sub-Committee
5.1.2.3 Terms of Reference of the Commission
Fundamental Human Rights during the Transition
Independent Election Commission (no report available)
Independent Media Commission (no report available)
Amendment or repeal of legislation impeding free political activity and discriminatory
legislation (no report available)
a. L. TEC and its Sub-Councils
5.2 Election Date

Procedural Issues

6.1 Structuring of the discussion of Reports from Technical Committees in the Negotiating
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6.2 Media Arrangements

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the Transition (see Addendum D, p18)

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Closure

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

DRAFT MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON MONDAY 24 MAY 1993 AT 11H40 AT THE WORLD TRADE CENTRE

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)

Moment of Prayer/Meditation

A moment of prayer/meditation was observed by all members.

Welcome and Attendance

All members were welcomed.

Ratification of Agenda

The agenda was ratified with the following amendments:

- 3.1 The addition of an Item 5.8 to read "Election Date";
- 3.2 The addition of an Item 6.3 to read "New Participants - Progress Report";
- 3.3 The addition of an Item 7.2 to read "Report with regard to the Couriers".

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Minutes

4.1 Minutes of the meeting of 14 May 1993:

4.1.1 The minutes were adopted with the following amendments:

e Item 4.1.2, the word "resubmitting" to read "resubmission";

Item 5.1.3.1, the second sentence, the word "informed" to read "informal";

Item 5.1.4.1, the word "general" to read "print".

4.1.2 Matters Arising:

4.1.2.1 It was noted that the Proposed Resolution from the

Planning Committee to the Negotiating Council on Violence had been submitted to the Technical Committee on Violence.

The issue of whether the Technical Committee on Violence had considered how the Goldstone Commission can liaise with the Multi-Party Negotiating Process was raised. Administration will report back in this regard.

Minutes of the meeting of 17 May 1993:

4.2.1 The minutes were adopted with no amendments.

4.2.2 No matters arising were noted.

Minutes of the meeting of 18 May 1993:

4.3.1 The minutes were adopted with the following amendment:

* Item 3, first sentence, the word "three" to read "four".

4.3.2 No matters arising were noted.

Substantive Issues

5.1 Receipt of Second Reports from the Technical Committees:

5.1.1 General Issues:

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The Sub-Committee provided the Planning Committee with an overview with regard to the Technical Committees and their reports.

It was agreed that the Planning Committee should assist the Negotiating Council in dealing with the reports and submit recommendations with regard to each report.

It was agreed that each report should be taken as read in the meeting of the Negotiating Council. Furthermore, each report should be dealt with separately and in its entirety.

It was suggested that co-ordination is needed between the drafting processes. It was further suggested that the Sub-Committee be mandated to interact with the Technical Committees in this regard.

Technical Committee on Violence:

3.1.2.1

3.1.2.3

After discussion it was agreed to put forward the following recommendations of the Technical Committee to the meeting of the Negotiating Council on Tuesday 25 May 1993:

L All parties at the Multi-Party Negotiating Process must sign the National Peace Accord;

Participants should be requested to make submissions with regard to the proposed Peace Corps;

It was further agreed to recommend that the Negotiating Council instructs the Technical Committee to prepare a preliminary report and recommendations on the issues as identified for the next meeting of the Negotiating Council on Friday 28 May 1993. This would ensure that the third report from the Technical Committee was of a substantive nature.

The Sub-Committee was mandated to offer guidance to the Technical Committee.

Technical Committee on Constitutional Issues:

70 B A |

After discussion it was agreed that the report did not fully comply with the instructions given to the

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Technical Committee at the last meeting of the Negotiating Council on 18 May 1993. Furthermore, the report was not in a form to take decisions.

It was therefore agreed to recommend to the Negotiating Council that, as a result of the need to have more pointed discussion in the Negotiating Council, the Technical Committee be encouraged to submit drafts on:

e Various constitutional principles; including

The constitutional principle/s on states/regions/provinces.

Where differences existed, the Technical Committee would prepare drafts on each option and may even propose a draft compromise position.

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 was not possible the drafts should be completed by Thursday 27 May 1993 at 14h00 for the meeting of the Negotiating Council on Friday 28 May 1993.

It was agreed that the Planning Committee would meet on Tuesday 28 May 1993 to receive a report from the Sub-Committee in this regard.

5:1.3.3 FT Mdlalose noted that he was not happy with the fast pace at which the process was working. :

Technical Committee on Fundamental Human Rights During the Transition:

5.1.4.1 After discussion it was agreed that there is a need to clarify the definition of "Fundamental Human Rights during the Transition". It was suggested that the Chairperson of the Negotiating Council guide discussion in the meeting with a view to achieving this clarity.

It was agreed to put forward the following recommendations of the Technical Committee to the meeting of the Negotiating Council:

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Item 5.1 of the Technical Committee Report refers : That comments are invited from the Negotiating Council on the various rights and freedoms in the first and second categories with a view to give the Technical Committee some feedback on their proposals;

Item 5.2 of the Technical Committee Report refers : That the Negotiating Council accepts the principle of justiciability and that discussion be invited with regard to the relevant institution;

Item 5.3 of the Technical Committee Report refers : That the Technical Committee be instructed to submit formulations;

Item 5.4 of the Technical Committee Report refers : That discussion on the third category be continued.

5.1.5 Technical Committee on the Independent Election Commission:

3.1.5.1

After discussion it was agreed that the report be tabled and that the Planning Committee recommend that the

Negotiating Council agree in principle with the report.

Furthermore, that all participants be requested to submit inputs with possible amendments and/or additions to the draft legislation by Thursday 27 May 1993 at 14h00. These will be forwarded to the Technical Committee.

It was noted that the Technical Committee should present a further report to the meeting of the Negotiating Council on Tuesday 1 June 1993.

Technical Committee on the Independent Media Commission:

5.1.6.1

After discussion it was agreed that, as a result of the fact that the sixth and relevant draft of the proposed legislation would only be circulated at the meeting of the Negotiating Council on Tuesday 25 May 1993, the Planning Committee recommends that the Negotiating Council notes the report, subject to its wishes.

It was further agreed that all participants be requested to submit inputs with possible amendments and/or additions to the draft legislation by Thursday 27 May

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1993 at 14h00. These will be forwarded to the Technical Committee, who will table an amended report on Friday 28 May 1993.

It was agreed that this issue be dealt with at the meeting of the Negotiating Council on Friday 28 May 1993 as a matter of priority.

Technical Committee on the Amendment or Repeal of Legislation impeding Free Political Activity and Discriminatory Legislation:

It was noted that a report will only be received for the meeting of the Negotiating Council on 1 June 1993 as per the instructions of the Negotiating Council at its last meeting.

Technical Committee on the TEC and its Sub-Councils:

After discussion it was agreed to recommend:

= That the Technical Committee should continue drafting;

Where there are different views on a particular issue, the Technical Committee should submit drafts on each view;

This drafting should be completed by Wednesday at 14h00 for consideration at the meeting of the Negotiating Council on Friday 28 May 1993.

Commission on Regions:

8.21

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The Sub-Committee presented a proposal to the Planning Committee for their consideration. Various names were suggested.

After discussion and the expression of various views, it was agreed that the Sub-Committee consider this issue further and submit a further recommendation to the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00. Furthermore, the Sub-Committee was mandated to consider names outside those nominated, if so required to take into account the concerns and views expressed.

A recommendation from the Sub-Committee on the Chairpersonship of the Commission should also be included. It was agreed to informally canvas the issue of Chairpersonship.

The proposed Terms of Reference for the Commission were distributed and would be considered at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

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Election Date:

It was agreed that this item should remain on the agenda of the Planning Committee and the Negotiating Council.

6. Procedural Issues

6.1

6.2

6.3

Structuring of the discussion of Reports from Technical Committees in the meeting of the Negotiating Council:

6.1.1

6.1.2

6.1.3

The reports should be taken as read.

It was agreed that no discussion should be entered into with the Technical Committees. Only questions of clarity or information should be addressed to the Technical Committee, and the spokesperson for each Technical Committee would respond, after having highlighted various issues in the report.

It was agreed to confirm this approach at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

Media Arrangements:

A report was presented by the Administration and the following was noted:

6.2.1

6.2.2

The SABC would cover the proceedings of the meeting of the Negotiating Council of 25 May 1993 as no permanent contractor had yet been engaged.

A memorandum would be distributed to all members of the media laying out the arrangements with regard to the payment of Multi-Party Negotiating Process document. Furthermore, the documentation received by the media for the last meeting of the Negotiating Council (18 May 1993) would be paid for by the media.

New Participants:

6.3.1

A progress report was presented by the Administration and the following was noted:

6.3.1.1 Only one response had been received so far.

6.3.1.2 The newspaper survey was complete.

6.3.1.3 Furthermore, the Administration would process the

responses and the survey, forward the information to

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the Sub-Committee for further processing and making recommendations on to the Planning Committee.

It was agreed that the Administration formulate a report with regard to the above for the meeting of the Negotiating Council of Tuesday 25 May 1993.

With regard to the Traditional Leaders the following was noted:

6:3.2:1 That the Orange Free State Traditional Leaders had resolved the internal problems they were experiencing;

6.3.2.2 That the Cape Traditional Leaders were still holding a series of meetings to resolve their internal problems;

6:3.2.3 That the Transvaal Traditional Leaders had discussed informally with various participants a compromise solution to their internal problems. It would be suggested informally to these Traditional Leaders that they submit their proposal formally to the Negotiating Council.

With regard to the issue of the Natal Traditional Leaders, a progress report could possibly be made to the next meeting of the Planning Committee on Tuesday 1 June 1993.

Administrative and Financial Matters

7.1

Correspondence to be noted:

7.1.1 The correspondence was noted.

7.1.2 In this regard it was agreed that M Jordaan not be allowed to address the Negotiating Council other than submitting his views on paper.

Financial Report:

7.2.1 It was noted that this report is still outstanding and should as a matter of priority be submitted to the next meeting of the Planning

Committee.

7.2.2 It was agreed that this item remain on the agenda of the Planning Committee.

Report from the Couriers:

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It was agreed to note the report and deal with it at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

Report to and Agenda of the Negotiating Council

8.1 It was agreed to deal with the report to the Negotiating Council further at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

8.2 It was agreed that the current Chairperson of the Planning Committee report back to the meeting of the Negotiating Council where relevant.

8.3 The agenda as amended was agreed to (see Addendum A).

Meetings Schedule

It was agreed to consider the Meetings Schedule at the meeting of the Planning Committee on Tuesday 25 May 1993 at 09h00.

Closure

10.1 It was agreed that the Planning Committee meet on Tuesday 25 May 1993 at 09h00 to deal with outstanding issues.

10.2 The meeting was closed at 17h30.

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These minutes were ratified at the meeting of the Planning Committee of 1993 and the amended

versions signed by the Chairperson of this meeting on

CHAIRPERSON

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27 May 1993

Addendum A

DRAFT AGENDA FOR THE MEETING OF THE NEGOTIATING COUNCIL
TO BE HELD ON TUESDAY 25 MAY 1993 AT 10H00

Chairpersonship - R Cronje assisted by D de Villiers
Moment of Prayer/Meditation
Welcome and Attendance
Ratification of Agenda
Minutes

4.1 Adoption of the minutes of the meeting of the Negotiating Council of 18 May 1993

4.2 Matters arising out of the minutes of the meeting of the Negotiating Council of 18 May 1993

Substantive Issues

9.1 Second Reports from the Technical Committees (See separate volume)

5.1.1 Violence

5.1.2 Constitutional Issues:

< I8 Report from Technical Committee

5.1.2.2 Proposed composition of the Commission on the
Delimitation of Regions/Provinces/States

5.1.2.3 Terms of Reference of the Commission

Fundamental Human Rights during the Transition

Independent Election Commission

Independent Media Commission

Amendment or repeal of legislation impeding free political activity and
discriminatory legislation

5.1.7 TEC and its Sub-Councils

Election Date

Procedural Issues - Report of the Planning Committee

6.1 Media Arrangements

6.2 New Participants

Administrative Matters

Meetings Schedule

Closure

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27 May 1993

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BUSINESS FORUM

P O Box 2352, Johannesburg, 2000
(t) 011 614 2251 (f) 011 618 2079

The Negotiating Council
Multi-Party Negotiating Process
World Trade Centre

Kempton Park

(fax) 011 397 2211

24 May 1993

Dear Negotiating Council members

BUSINESS FORUM STATEMENT FOR TABLING AT THE NEGOTIATING
COUNCIL MEETING ON TUESDAY, 24 MAY 1993

Attached please find a statement from the Business Forum for attention of all participants in the Multi-Party Negotiating Process. It is our intention to release this statement to the media, once it has been placed before the Negotiating Council meeting of Tuesday, 25 May 1993.

Yours sincerely

DAVE BRINK
BUSINESS FORUM CHAIRMAN

STATEMENT TO THE PARTICIPANTS
IN THE MULTI-PARTY NEGOTIATING PROCESS
FROM THE BUSINESS FORUM

The Business Forum, being widely representative of the business community in South Africa, considers that the transformation process in South Africa is at a critical stage. Although recent reports are positive, the negotiation process appears to remain vulnerable and fragile. This has been exacerbated by persistent violence and the education crisis. Unless the resumed political negotiations succeed, the impact on employment and the economy - which is in its fifth year of recession - will be devastating. It is clear that the economy and the country cannot afford another setback of the kind that occurred with the breakdown of Codesa II.

The business sector is the engine of the country's economic performance. It is the principal employer of labour, the major contributor to the national wealth, and the prime generator of new jobs. It cannot fulfil these functions in a climate of uncertainty, instability, disorder and violence - to which the basic answer must be a realistic and rapid political settlement. South Africa desperately needs a political solution acceptable to most South Africans and the international community, and which will stand the test of time.

The Business Forum stresses that another political impasse will lead to more business closures, the withdrawal and withholding of investment, a further flight of capital and skilled manpower and further loss of job opportunities. Business confidence, already at a very low level, will suffer another blow. A successful transitional agreement on the other hand, will provide the climate for the economy to grow and for South Africa to address comprehensively the problem of poverty.

The Business Forum has a vision of a prosperous non-racial democratic South Africa and remains committed and anxious to help in attaining that goal. But every political party has a heavy burden of responsibility to create conditions - especially regarding the promotion of peace - in which that vision can be attained. Business believes that the political leadership of our country is equal to the task, provided that a statesmanlike approach is adopted towards the gravity of the situation.

The Business Forum therefore appeals to all the participants in the current negotiations to make every effort to ensure a successful outcome to these discussions. Business hopes that all political players will show the necessary flexibility, ability to compromise and realism to keep the negotiations on track - and to ensure that the process underway reaches early conclusions which are as inclusive as possible.

24 May 1993

Enquiries Dave Brink (Business Forum chairman)
Tel : 011 455 1410

Enquiries Debra Marsden (Business Forum secretariat)
Tel] 011 614 2213

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The following business organisations constitute the Business Forum :

Afrikaanse Handelsinstituut

Building Industries Federation South Africa

Chamber of Mines

Council of Southern African Bankers

Foundation for African Business and Consumer Services

Islamic Business Chamber

National African Federated Chamber of Commerce and Industry
South African Agricultural Union

South African Chamber of Business

South African Employers's Consultative Committee on Labour Affairs
South African Federation of Civil Engineering Contractors
South African Property Owners Association

Steel Engineering Industries Federation of South Africa

The Life Offices's Association of South Africa

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MEDIA LIAISON OFFICER

Val Pauquet
344 Vine Avenue
Ferndale

2194

PEAGE IN OUR LAND

Tel: (011) 886-0717 Fax: (011) 886-0084

OPEN LETTER TO THE PEOPLE OF SOUTH AFRICAN AND ITS POLITICAL
LEADERS

South Africans must stop killing each other. It is unthinkable that a country whose political leaders are locked into sophisticated and serious negotiations to bring peace and stability to this country, can tolerate the violence sweeping the country and threatening to destroy us all.

We must all thank God for the National Peace Accord. Without it, who knows where we would be. The National Peace Accord succeeds in spite of the political leadership and thanks to the work of the thousands of dedicated South Africans and international observers who labour day and night, often in life-threatening circumstances, to prevent the pot of violence from boiling over.

In signing the Peace Accord our leaders promised to stem the rising tide of the dehumanising violence and to ease the burden of the millions of South Africans living in fear. That was in September 1991. Since then more South Africans live in fear than ever before. i

The political violence is overshadowed by the rising crime rate that forces South Africans to live in fortresses - be it on the farms, in the suburbs or townships or informal settlements. The solution is political and therefore, the snails pace at which we are moving, is close to becoming a war crime in itself.

The National Peace Accord provides protection for all South Africans including politicians. A Peace Accord debased by contemptuous disregard, polarises society, increases insecurity and exposes people to the despicable acts which we now see daily on our television screens.

Enough! We demand an urgent meeting of the signatories to 're-commit themselves to the National Peace Accord and this time, regional and local leadership must sign.

Non-signatories who may have problems with the wording, must sign a peace pledge to give legitimacy to their participation in negotiations.

Security forces must be held to the Code of Conduct and private armies must be made transparent and held equally accountable. Their need for existence, must be examined with sensitivity, but, above all, with great urgency. The commanders of security forces must be responsible to the National Peace Accord structures for their adherence to their codes of conduct.

MAY 27 'S3 11:28 GEORGE CONS=* g6l P@3
MEDIA LIAISON OFFICER

Val Pauquet
344 Vine Avenue
PEACE IN OUR LAND Ferndale

2194

Tel: (011) 886-0717 Fax: (011) 886-0084

In the wording of the Accord, South Africans will find both a Constitution and Bill of Rights. How can South Africans trust politicians to honour the new constitution if the National Peace Accord is not honoured to the letter?

South Africans should be ashamed of the face of violence which they present to the world. Enough is enough!

This open letter is supported by Richard Goldstone and Antonie Gildenhuys, the church leaders, the business community and the people of South Africa. :

J.C. HALL - CHAIRMAN NATIONAL PEACE COMMITTEE

S. MOGOBA - DEPUTY CHAIRMAN NATIONAL PEACE COMMITTEE

MAY 27, 1993

Theuns Eloff 26 May 1993

Lourens du Plessis

Convenor: Technical Committee on Fundamental Rights
during the Transition.

Most of the members of this Committee, including myself, will for various logistic reasons, find it impossible to be here on Friday afternoon. = We therefore urgently request the Planning Committee to put our Report first on the Agenda for discussion by the Negotiating Council.

Thank you,

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PROPOSED SCHEDULE OF MEETINGS

Planning Committee
Negotiating Council

Planning Committee
Negotiating Council

NEGOTIATING FORUM

Planning Committee

Planning Committee

Negotiating Council

Planning Committee
Negotiating Council

Planning Committee
Negotiating Council

NEGOTIATING FORUM

Friday 28 May 1993
Friday 28 May 1993

Tuesday 1 June 1993
Tuesday 1 June 1993

Thursday 3 June 1993

Friday 4 June 1993

Friday 11 June 1993

Tuesday 15 June 1993

Tuesday 15 June 1993
Friday 18 June 1993

Monday 21 June 1993
Thursday 24 June 1993

Friday 25 June 1993

08h30 - 10n00

10h00 - 18h00 (as a

target, but definitely until
the completion of the
agenda)

10h00 - 13h00
14h00 - 18h00 (as a

target, but definitely until
the completion of the
agenda)

10h00 - 18h00

08h30 - 13h00

09h00 - 13h00

10h00 - 18h00 (as a

target, but definitely until
the completion of the
agenda)

18h00 - 20h00

10h00 - 18h00 (as a

target, but definitely until
the completion of the
agenda)

10h00 - 18h00

10h00 - 18h00 (as a

target, but definitely until
the completion of the
agenda)

10h00 - 18h00

PLANCOMM/DOCUMENT/SCHED

27 May 1993

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