

MEETING OF THE FACILITATING COMMITTEE ON 5 MARCH 1993

FC/503 18H00

(tape very very faint - hard to transcript i.e. tape 1 of 2)

MR NGUBANE (CHAIR):

Thank you ladies and gentlemen, the brief is that we look at the decision making processes and agree on this so that they can present it together tomorrow and be adopted as part of the Agenda, and then we can start the debate so I just wanted to ask what is the position as far as the present process was concerned. We stopped the assessment of the present situation resolution, as far as my interpretation of it is, resolutions were being handed in, but this was not finalised, debated not settled, we are still dealing with amendments to resolution and we are dealing essentially with Transkian resolution. Thank you.

MR MEYER:

Mr Chairman may I just suggest that was part of my notion and we actually tackle first of all the question of a decision making procedure for this meeting as well as for the plenary and secondly that we then decide on the resolution suggested or proposed by General Holomisa amended as well as a separate amendment by Mr Webb.

MR GORDHAN:

I am just wondering Mr Chairperson we should give ourselves an opportunity to in a sense organically evolve the decision making process. In other words, let's discuss the resolution first. As I understand it, there are no substantive differences in the various amendments that has been put forward. And I believe that if we are actually serious about getting multi-party negotiations off the ground, multi-lateral negotiations off the ground, then we must be able within the next half an hour find each other on what is an imminently simple resolution charging with the responsibility or telling the public that we are ready to start with multi-lateral negotiations. So I urge that we first discuss the question of finding common ground on the resolutions and let's see what's the actual differences amongst us. I believe that we must actually confront the reality that we will have to learn to co-operate somewhere along the line and the decision making processes and in it's definition it is also going to require our cop-operation. So in some third time let me say it my proposal is that we inversely order if Meyer will accept that and give ourselves and opportunity to find consensus on this resolution. If we do, then we have created an interesting platform for us to move ahead, if we don't, then I believe we face a very serious crisis Mr Chairperson, because the decision about the decision making process is going to befall the same fate as this particular issue. In other words, we won't be able to decide how to decide. I think we should first give ourselves the chance to discuss the resolution and it's various amendments. Thank you.

MR NGUBANE:

Thank you.

MR DE JAGER:

Mr Chairman, I have have got trouble in discussing the resolution I've put up my name for as a speaker I've sent it forward. I haven't has the chance to address the session and I'd actually forwarded a written amendment. And I know other people forwarded their names in order to take part in the discussions I don't think we could say that the resolutions for the

amendment on the resolution could be finalised and it may even be that somebody could come with a fresh new amendment we don't know. So I don't think we can discuss the resolutions tabled at the moment and say that's final and we should see whether we can reach a consensus on that because there could be other amendments or other resolutions. I think we've the only thing that we really can discuss is the procedure and see whether we could solve the problem of decision making.

MR LANGLEY:

Mr Chairman, I think the thing I want to say first I think that is when we had this meeting this morning we agreed on the agenda and there was a point on the resolution. I kept quiet because as far as I was personally concerned on that point that my delegation would have abstained there and we would have said it in the plenary session that we did not that but I thought I was an absolute minority there so I didn't state that point. So I think that we must to have just to agree here amongst ourselves that as far as the agenda is concerned we have that point on the agenda resolution. Now, I don't agree with Mr Gordon if he says that this is a very simple resolution and that we should meet each other there. It has got nothing to do with the resolution. As far as I am concerned I don't want to discuss the resolution now, that's one point the content of the resolution to decide on that at this stage. I, on the point of procedure if I can start right at the beginning, I mentioned that I took the point in the plenary session. I do not even think that the Chairman can entertain the resolution if the mechanism has not been determined in which way the resolution will be dealt with. In which way the resolution (mumble) that is point no.1. Point No. 1 is Mr Chairman as far as the mechanism is concerned, we're looking for a mechanism not only with this resolution, but with all the others. Secondly, as far as this resolution is concerned as far as I am concerned Mr Chairman it almost contains a declaration of intent. And I'm not going to be drawn into a declaration of intent at this stage Mr Chairman that's point 2. Point no. 3, is as far as this resolution is concerned, it is actually anticipating tomorrow's agenda and I don't want to participate in tomorrow's and I don't want to be part of an action which anticipates an agenda. As far as I'm concerned we must go through the agenda and at the end of that agenda Mr Chairman, we can pass the resolution. And I say with due respect I know I offended General we have known each other since for a long time we're actually friends but he is a mischievous chap Mr Chairman, he is and I am not going to let him get me by means of a fank stock and tie my stout tie myself to his plans Mr Chairman we are wide apart as far as our approaches to the dispensations of South Africa is concerned. So that is my point, I think there should have been (mumble) _____ straight forward Mr Chairman, I have problems (mumble) we have to dissolve things as they come I cannot, this is my problem with the resolution and I have a principle problem with the solutions that take place.

MR RAJBANSI:

Sorry, just one point of clarification Mr Langley would you therefore say you are challenging that point on the agenda item resolution.

MR LANGLEY:

As far as I'm concerned Mr Chairman and I want to say this now in fairness to this committee, I perhaps slipped this morning. We were a bit new and and and not acquainted with everything. I should have taken the point and that resolution was on the wrong point as far as the agenda was concerned. I would've preferred it right at the end. I can show you actually notes I made where I took the resolution right down to the end of the paper. The

point I am trying to make gentlemen, is, in fact then you are amending the agenda (mumble)
I think there are separate (mumbles) and I am sure we can get on
(mumbles)_____.

MR LANDERS:

Chairman, this panel met this morning and at this morning's meeting this panel took certain decisions, important decisions. Now we must ask ourselves how did we take those decisions which need a mechanism. We took decisions this morning, I could have I could have said this on the phone and you would have disagreed. You don't disagree so what we have to ask ourselves how did we take those decisions at this mornings meeting of this meeting. By consensus, I believe it was by sufficient consensus.

SPEAKER:

Alright fine let's, let's leave it there for now. Okay,...

SPEAKER:

Please I'm still in the chair.

SPEAKER:

Mr Chairman there's an item on the agenda and you already pointed out to this meeting that the agenda has been accepted and adopted. The item on the agenda is the first item, the meeting will address tomorrow morning. It reads: Preparation for the resumption of multi-party negotiations. Now, if we look at the resolution tabled by General B. Holomisa, it deals precisely with this Doesn't deal with anything else it is as clear as crystal so the question I ask myself down on the floor there what seems to be the problem. Now, perhaps we should just go ahead and decide once and for all that we will now decide and take decisions based on sufficient consensus or as somebody rejected consensus. Let's get that out of the way so that can know whether we are going progress at this forum or whether we've gone right back to our meeting in May last year. So that, or even before leave this forum and then say to the meeting we've gone nowhere, that we've gone nowhere.

MR LANDERS:

Mr Chairman, just because people's stomachs might give them problems and think and I am just saying that food should be kept warm so that I don't have to worry about that, we have something kept for us (mumbles).

MR GORDHAN:

All I want to say Mr Chairperson I agree with Mr Landers
(mumble)_____.

Sorry I am suggesting that uum uum I am putting forward that I would draw my earlier suggestions that resolutions be discussed first. I agree that let's discuss the decision making mechanisms first and get to the heart of the matter so to speak. Thank you.

MR RAMAPHOSA:

Chairman I rise and speak on the question of _____ taking decisions uuh it does seem like

we have to decide on how we are going to arrive at decisions. It is a appropriate time to discuss this because we sought to take the decision that we were not able to uuh for a whole range of reasons but more importantly because we hadn't developed or evolved a method you take decisions. In my input I did say that ordinarily it would take decisions on the basis of consensus. That is general consensus like we did this morning when we met here we all agreed that we are we should come a facilitating committee and we all agreed that the agenda that we have adopted should be the agenda. Everybody agrees so there is no problem, now if we were to adopt this resolution on the basis of general consensus, we wouldn't have any problem, but obviously you cannot always agree, even in a family in a committee of an organisations, there comes a time when we don't agree. Generally in our committees, executive committees and so forth decisions are taken by general consensus but sometimes you don't agree. So you then have to develop a method of taking decisions. It will be instructive to state here that negotiations that have preceded this meeting, we did decide that we will take decisions on the basis of sufficient consensus. But what is sufficient consensus means. Sufficient consensus means that there is an absence of general consensus, so you then say uum is there sufficient consensus for us to take this decision or that decision. But it also means that once you arrive at sufficient consensus you are essentially saying there is sufficient consensus for us to take this decision and to go on despite the disagreement the reservation that people maybe expressing. So, in a process we are involved in, we would need to say what does sufficient consensus mean. I would say sufficient consensus should mean that if for instance the process is able to to on because we are involved in the process. If the process can go on, with the support of those who support a proposal. We should say there is sufficient consensus to go on. But then again you also need to take into account those who do not agree and I believe that uum you should have appended to your sufficient consensus mechanism provision or recording the disagreement on the reservations of those who do not agree i.e. if people don't agree and they are not convinced of the proposal they should be able to say we are not convinced and we do not agree and we hereby wish to record verbally our disagreement. Let me put practical examples and I'm sorry I'm going to use uuh maybe a specific point which will relate to say for instance Bophuthatswana. We have agreed that we would it was desirable to have uuh the TBVC state reincorporated to form the new South Africa. They said no, we wish to reserve our position. Now, sufficient consensus mechanism allows that to happen that we reserve our position. We are not walking out, but we are reserving it because we are an independent state, and in reserving it we are saying to you that we note the decision that you have taken but we reserving it. That means that you accept that you will not always agree. Of course they reserved it in a particular way when they said we will want to see the outcome and so forth. But nonetheless they made they sent a clear signal to all of us that they are reserving their position. What it did not mean was not that because they don't agree, you cannot agree to the corporation of the TBVC's. It didn't meet uuh it meant that the process yes can continue, but they are reserving their position and indeed there are many other examples very better ones that one can cope uuh where you find that in a situation like today's resolution if you find that you know uuh it is supported and the same as the Webb's proposal is not really you know does not enjoy the support overwhelmingly. Without even counting heads, the Chairperson would be able to say I detect that there is sufficient consensus and I am not going to count but the sufficient consensus and the process can go on with regard to adopting this resolution and it would be that. Of course we also have the right to challenge the Chairperson fully and if we challenge it then that challenge can then be debated and then the situation can be clarified. What all this means is that you accept that in a forum like this you cannot vote what is your

vote worth. In my executive committee the ANC, I can vote. I can. My President can divide the house, because we are all equal and the method of electing all of us was equal and uuh we arrived at the National Executive Committee through the same route, but we haven't arrived here in the same route and we therefore have to use a different method of taking decisions uuh in the absence of general consensus and frankly with each new phase the matter if the process of transforming our country can go on if it can go on and I know that can be very subjective, but if it can move on without a support of say the government, without the support of uuh of any other party then we must accept that it must move on because we will not always agree on a proposal. I give another example, not everyone in the ANC for instance accepted that we should suspend the arms struggle, but there was sufficient agreement that we should proceed to suspend the arms struggle. So you can go through a whole range of life experiences uuh to finally find that the method of taking decisions in a forum like this, good and bad examples can be put forward and I may not have put the best examples, but you need to have a method which excludes voting because we haven't arrived here through the same approach. So I will propose therefore Mr Chairman that we take decisions on the basis of full consensus and we try everything we can to have full consensus uuh in the way I think we were already attempting to do because we are dealing amendments and trying to motivate why uuh so and so amendment should be accepted and why so and so had change their changed their minds with a view for rising at full consensus. But if full consensus fails, we should accept that we should have a method called sufficient consensus, but at the same time we should allow those who don't agree to be able to put forward their reservation and their objections. But in the process we move on we should accept that there is sufficient support consensus to move on. Thank you sir.

MR CRONJE:

On this matter, I fully agree with Mr Ramaphosa has said, but I want to take it even further the search for consensus and sufficient consensus goes even beyond the methodology. It goes to the climate in which we need the attitude in which we need, I think we all realise one way or another our country is desperately in need for a solution. We must as leaders solve these problems in in the shortest possible time. We argue today why it is necessary. So we have all committed ourselves, and I am delighted to see so many participants here who have never been before meeting around this table. I think that is a very encouraging development. We have even reached consensus over a period of time to allow participants on who's presence here we argued in the past, so the fact that we have accepted that we can only solve our problems through a process of negotiations, also means if we are serious that we will have to compromise and every party every delegation organisation are saying by participating in the process I will have to give up some of my views. Certainly on principles one accept a party or a organisation who will come forward to say that is as far as I can go. I can go no further. But I think Mr Chairman in that spirit and without repeating what Cyril has said we need to seek solutions in a positive constructive manner not counting heads not trying to force our way our view down the throats of others but looking at how we can achieve the kind of consensus that will not only take our process forward, but that will encourage the confidence of the people of this country in the meeting of leaders here. I think it is important that we uuh set an example of how people can negotiate and how we can progress without glossing over differences we will certainly have hard and difficult debates on many issues dividing us. But certainly we come to the motion or the the problem we are dealing with whether there is a desire to continue multi-party negotiations or whether there's a desire to continue multi-party negotiations or whether there's a desire to get on to get to multi-party

negotiations I think implicitly we all said yes this morning when we approved the draft agenda. We all said yes so it's merely a question of finding the right words and if a particular word is for some reason or another disturbing to a delegate or let us look in a spirit of of a spirit in which we seek solutions to find a way out. I don't think this is really a major problem we can overcome it easily and must look at the wording. Let us spell out our desire to go forward, to get together in a forum where we can negotiate as soon as possible uuh to take our country out of the position we're in and to find lasting solutions and on that basis on that principle let us say consensus is the yardstick. We will seek consensus sufficient consensus if we can't get it, we continue seeking it and work it out here and will compromise and we will find that consensus to take us forward. And if eventually and true negotiations we collide head on well we will deal with it then. But for the moment I really don't think that what we have in front of us is of such a nature that it should hold us back. Thank you.

SPEAKER:

Thank you, Mr Chairman. I think it is common knowledge that where negotiation the only principle is consensus and no any other method. Otherwise the moment you come to voting the question of consensus should be the rule and sufficient consensus is discussed. I think we don't even have to waste time to recommend this is the rules for decision making that's that. I don't think we should crack our skull and say what should be the rules. I mean this is negotiation and being negotiations just because you know having consensus allows any person who is different come up and review and perhaps just recording that that if he is not feeling very strong and his spirit is not happy that is (mumbles) it might be that objecting seriously but if he would have put it otherwise. I mean if we are serious with negotiation then what we have decided the question not taking grievances well not grievances in the sense of being grievant but certain matters which are very subsidiary they don't damage your main views they are really just perhaps they would have brought a slight (mumbles) of your points. If the main thing you're main thing is there and we must agree that we cannot allow that. I would propose at this stage that we adopt the question of that we decide by general consensus the alternative sufficient consensus that we adopt that and I suggest we move on. Thank you Mr Chairman.

SPEAKER:

Mr Chairman, I don't want to repeat what the others have said but if it's submerging at this meeting at what Mr Ramaphosa is saying and what Dr De Villiers is saying it appears that the consensus uuh of this meeting I want to endorse their point of view. I just want to state Mr Chairman that if you look at CODESA 1 & 2, there were many difficult moments but in the end decisions were able to be reached again through the spirit of compromise and also consensus. What we have to bear in mind at all times is a spirit of the exercise and the purpose of the exercise. The fact that diverging political groups, we can obviously mean that there is going to be differences of opinion, there is going to be disagreements, there is going to be conflicts and it is entirely for this purpose that we need to thrash out the fairest possible sub agreements which can have a greatest acceptance and ultimately we got to judge the decision on the impact we have on the community. If that decision enjoys or has a impact of providing the greatest good for the community, then that decision must stand the test of time and that decision must be accepted. And compromise sometimes very often the word itself implies that you cannot always get what we want. And some where along the way we have to give in here and there. One way Mr Chairman of I want to suggest of getting out

of the difficulty of rebuffing the solution is that we should have instead of the resolutions coming from the floor, because very often we mix up the message and we tend sometimes to look at the not at the content of the resolution but the source of the resolution and I want to suggest that you form a little resolution committee where we invite resolutions from the floor. Let the resolutions then be examined, refined, thrashed out. Let that resolution come out of the resolution committee and not be tagged to any particular party etc., and let that then that resolution be debated openly in the forum. In that way to some extent we take away the political heat from the debate and we can look at a resolution merely on the merits of the resolution and of the contents of the resolution and I go along that unless we compromise and we accept it the very fact that we sit here that there is going to be compromise and also implied that there is going to be consensus on some issues we can get 100% consensus on some issues we may not get a 100% we might get 78% consensus. But if there is sufficient consensus and it is difficult here to prescribe who exactly is sufficient consensus that is again to be judged by the mood and the feeling and also the exact differences of opinion sometimes you might not differ on a minor point and that the party might want to maintain its a 10 point control over the particular issue which will not make any major impact. We can understand that parties also have nothing to go that far and further and therefore they could register their reservation and uuh ultimately it is the interest not to walk away from the process but compromise and build in as far as possible safe guards as far as the (mumble) is concerned. I go along and we must take decision on the basis of sufficient consensus and examine that decision on the impact it has on the community but I am going to suggest also that we form a small committee (mumble).

SPEAKER:

Mr Chairman, much has been said and I wouldn't like to belabour the issue. I think from various speaker we have heard a number of very constructive ideas and suggestions. It appears to me that we have general consensus that that is the best way to resolve the decision making process. And I want to say something else, Mr Ramaphosa has referred to the fact that come from different constituencies and and different backgrounds and it is inevitable because we don't have the regular contact with each other that we have certain perceptions and certain ideas. I think one very important thing that Dr Rajah had said is the fact that sometimes the mere personality or the group for which a specific person comes, clouds ones evaluation of the merit of the proposal that is (mumble) that is unfortunate and I don't think that any of us would've been here around this table. None of us would have been around this table if there was not a genuine and a sincere wish to end the difficulties and problems that is facing Southern Africa today. And let us accept that there are concerns and that there are sensitivities and let us have the patience to accept that and not just make a down and force our way through. Because I think if we can do at the spirit and have a little bit of understanding, I think that would help because not only do you want a solution, but we want a solution with which the peoples can identify and support and do it in such a way that we don't antagonise but that we group and that we join and we unite the people together. We also have to accept Chairman, that when we pass resolutions we must make those resolutions as brief as possible because the more flowery it becomes the more the likelihood that there is some phrase or some word that is going to cause a difficulty to someone to some constituency or to some problem. Maybe in the end, the resolution itself the decision you take is acceptable to all. But whether we think its stupid that that should be so, doesn't remove the fact that it is a human reality. Call it a frailty call it a weakness. So what is important is the resolution. The fact that there is a need and what all the problems in the

country are for instance is well known to us we all repeated it today. We well aware of it the country knows it because we are living their experiencing it every day. What they want is the resolution and the solution to the particular problems and if we can do it in that particular spirit and with that particular attitude then I think we will make a great deal of progress a lot quicker than any other way. I support there are other issues I wish to speak to but it is not on the agenda now and I support the proposal the suggestion that it is resolved by the process of consensus.

SPEAKER:

Chairman, I want to deal with the (mumble) matter of the (mumble) (mumble)

SPEAKER:

A bit closer to the mike please.

MR MATTHEWS:

Can you hear me now. Now Mr Chairman we have said 1. General Consensus - that's how we try to arrive at decisions, then we have said if not sufficient consensus I dislike the expression myself because consensus means sufficient consensus it is a bit of a totology. But it's an invention of the South African Negotiating culture and there it has crept into the language and even if it does no good with the correct english usage I think it's now acceptable. What however, I would have liked to add is a kind of institutional fall back position if we cannot achieve consensus or sufficient consensus both of which are really rulings by our Chairman, would it not be possible for us to provide a return to the Facilitating Committee as a means of endeavouring to create consensus in other words I am trying to say that we should always provide we should in these things provide for a fall back. We didn't have the fall back at Codesa and that was a mistake that when we had deadlock we then didn't have a fall back position as to what happens when there's a deadlock so I would just add that no necessarily as a kind of form but as part of trying to find consensus that we should be able to go from plenary back to facilitating committee to try to find consensus. All of the other matters of the resolution I would just like to say this, for some of us the issue is as simple as it seems uuh portrayed. The uuh has been quite a long period of uuh 9 to 10 month (mumble) end of CODESA during which we have told people over and over again that before multi-party negotiations are resumed certain things would have to be put right would have to decide on the status of CODESA agreements we will have to decide all deadlock breaking mechanisms we will have to decide on various methods which were regarded not necessarily as conditions, but we should in its obstacles do the resumption. What I am afraid of here we take a resolution, everybody shouts hurrah we've at least started on the first resolution and then we get the next day a series of (mumble) of all those matters which people feel should be disposed of before we can resume our multi-party negotiations. (mumble) sour the whole uuh apparent consensus that was achieved or a resolution we said we have committed to say resumption of multi-party negotiations. Well it's a risk that perhaps we uum have to take but I just draw attention the that fact that we will pass a resolution and then find that we are faced with all kinds of conditions which are being attached to the resumption of multi-party negotiations. This would have overcome if in fact we were going to have all the resolutions grouped together at the end so that they form a package deal. But the way the agenda is going at the moment, appears to suggest that at the end of the discussion of the current situation we have a resolution and all that I would say that it is not the end of the resolution, there are other resolutions which some of us

(mumble), but for the moment I would say that we have (mumble, mumble)

SPEAKER:

Thank you very much Mr Chairman I have listened very carefully to the various persons who spoke here (mumble) in a sense (mumble) various multi-lateral forum or CODESA (mumble) people have spoken (mumble) hindsight from experience that's why I didn't want to speak right at the beginning I first wanted to hear what they say for they have such experience which I don't have (mumble, mumble) that you should always try to put the idea of the general consensus upfront cause the moment you come with a percentage upfront we can try to lobby and just get that percentage and don't care about the rest what the rest say is I I think that I will be able to push my idea too on the right percentage. That is not good and that has implications for the atmosphere of the meeting itself. If you put your idea of a general consensus there you are giving the Chairman of the meeting the Chairperson of the meeting very clear indication that you would like it to consider everybody view and try to reconcile its views therefore you also give everybody in the meeting a very clear signal that they should try and listen carefully and attentively to what the other person saying cause at the end of the day the Chairman will try and reconcile all your views, very good. Then of course if you cannot reach that you come to the question then of what we call here sufficient consensus. Only problem that I have here and here I will first pause and ask the question again maybe another implications of their disagreement may not may be of such weight really that the country would be set back and the whole process. The question arise then the criteria as to how do you arrive at that because if Mr Matthews tell me that he represents a very significant constituency and they will not take kindly to this and that will really put the whole thing back in the country. Somebody else might say no I don't think so. So we must (mumble) the criteria by which we can substantiate now that really these guys are really uuh it is very important that we must be carried along for the future of the country so that I just need to be clarified from the experience of people here so that I can get a very clear indication then I want to come back once I've got their it's their explanation. Ok. Thank you.

SPEAKER:

Mr Chairman, surprisingly enough I wanted to support Mr Ramaphosa and Dr De Villiers Uum if fact I was going to ask the question whether there is anybody against it against consensus sufficient consensus because I was of the opinion that the house was at one with that information Mr Alexander has raised a point perhaps I should leave it to (mumble) can this reality of sufficient consensus (mumble) indicate itself plus maintaining (mumble).

MR EGLIN:

Mr Chairman, I have no doubt that the consensus sufficient consensus with all its defects is the only one that can work an issue a numerical thing which you can say each vote what a certain value and come to the decision so it has to be the only way in which we can move forward. I must make very clear I don't believe that consensus or sufficient consensus can work unless there is a common purpose. It assumes a common purpose and within that common purpose you can have degrees of difference. If there isn't a common purpose forget it it won't work. I just say that I think in respect of this conference and the way ahead we actually wanted to find a common purpose. I want to come to General Holomisa's resolution and where I am totally supportive as a resolution I think I must jump the gun to the extent that it wasn't an assessment of the colour situation it was where we go from here and

therefore perhaps if we had more time to think about it and cast away which was less styled towards the general that we would want it to be we might have found common ground. I want to put this in a positive way that the facilitating committee is not here merely to resolve problems. The Facilitating Committee is here to take positive action to see that the objectives of this conference are achieved, not just here to salvage the wrecks we are actually here to guide the conference. To that extent I believe that a (mumble) tomorrow when we are dealing with the way ahead, there has to be a resolution and I will take the very minimum core out of General Holomisa's resolution to resolve to commit ourselves to the resumption of multi-party negotiations within next month that's the Government's suggestions in order to move as speedily as possible to cause the drafting and the adoption of the new constitution. To my mind is what this conference is all about and in fact if you can't get agreement that that is what we really want to do, then we won't get consensus on all the details. I would suggest that this committee either collectively agree with the Drafting Committee must first of all draft their single line commitments to the purpose of this congress conference. And secondly, there should be another resolution in draft form to say in order to achieve this, the following steps should be taken. And the steps that have got to be taken in order to achieve this should be outlined not as final steps but as a basis for framework for discussion. Perhaps you can allow some free discussion first of all and at a very early stage tomorrow to give structure to the conference, I believe there has got to be a decision in principle and we want a multi-party conference as soon as possible to get on with the negotiation process. And after that, we have got to start talking about what are the practical steps that should be taken to be of effect and I don't believe that that can be left to well meaning generals who come along with resolutions or well meaning lawyers it is actually the function of this committee to see that those resolutions are available. (mumble) what was the point? (mumble) so you are about to say this also deals Joe Matthew's problems in CODESA we had to back positions everyday. Boy, we came for plenary sessions to the Management Committee to Working Groups to Technical Committees to whatever they were and they we resolved it, we went up and up and up and in the end it collapsed. And I must say the final breakdown I don't have a view that this was capriciousness on either side. I actually believe the breakdown had to take place, I don't think the level of trust against the background of the violence and what was happening in the country was sufficient to strike a deal that was going to stick. That's my view and it was at point in which how ever hard you worked, given the time constraints you weren't going to reach agreement. Be that as it may, the effort you've gone through these fall back positions. The test of whether sufficient consensus ruling is correct is whether the process continues. The fact, it isn't an argument from the Chair if the process continues and in fact the ruling was right, then the process doesn't continue that the ruling was wrong and that's an assessment and I'd say that if in certain circumstances key organisations specially in areas which are special concern to them then they cannot continue in the process and then the process becomes aborted. So the test of whether the Chairman was right or wrong is actually whether the process continues or not.

MR ALEXANDER:

Can I just say something quickly? I hear what was said by Mr Eglin that the (mumble) is whether the process continues so you go for you you have a breakdown and the breakdown proves that uuh you uuh you were wrong. But we cannot afford to have a system that works like that. We breakdown in you proof right to the breakdown and then you have to restart again I'm sure maybe somebody else can clarify me, but better than Mr (mumble)

SPEAKER:

Mr Chairman, can I try?

MR EGLIN:

Mr Chairman you asked me for an explanation on sufficient consensus. I would argue you must always see that it doesn't break down.

MR CHAIRMAN:

Sorry, we still have other speakers, so this issue is still going to be (mumble).

MR MEYER:

Can I say something on a point of order in this regard Mr Chair?

MR CHAIRMAN:

Ok, alright.

MR MEYER:

Just as a response just to try and help at this point. May I suggest as far as Mr Alexander's question is concerned whether we should not accept the principle of sufficient consensus and in the time leading up to the start of the multi-party forum actually discuss this further and work out if possible a clearer definition that will satisfy us all in terms of what it really means. Because if we are going to or if we have to elaborate on the details of this tonight we are going to spend all the time on that and I would suggest that is not profitable.

MR CHAIRMAN:

With due respect Mr Meyer you know the Chairperson presence tomorrow we have a problem if their differences are on the floor. I am just saying from that point of view I'd hope that would be under sedate it sufficiently (mumble, mumble)

MR ALEXANDER:

Something on a point of order Mr Chairman. The point of order what I thought we would be doing here is look for a mechanism for reaching agreement in this planning conference. First of all we my still uuh uuh we mention that it is good enough for the planning conference and maybe it's not good enough for the multi-lateral conference and we can still look into how we will run the multi-lateral conference. Let us get through this planning conference, I'm looking at I'm looking at this mechanism agreed upon here it was for this purpose of this meeting primarily was if we are going to look at the question of the of the multi-lateral conference then we have to go into some of the issues of that conference so it might be too much for us to do that at the moment.

MR GORDON:

Mr Chairperson, on a point of order (mumble). I am just wondering that this is a fairly pivotal issue and if you can we ask your indulgence to hold on with your list of speakers and let's help each other clarify this if you'd agreed. Can I just speak briefly from my own experience and that is that in addition to saying that sufficient consensus means that the process goes on, I think we need to accept that there's a quantitative and a qualitative element to it. And secondly, there's a contextual element to it uuh tied to the quality. Let me explain what I mean. In the first instance quantitative means what's the numbers looking

like? Uuh and sometimes that's sufficient to say there is sufficient consensus. Yet at other times, more often than not we have to look at the quality of the decision we are taking the quality of the consensus that we actually have and whether that will time the process forward and you can't attach numbers to it and then reinforced by my third point, which is that it depends on the contents in which you are going to judge on this matter. It depends on what is the kind of position you are taking, what is the kind of issue that you are debating and with what's the next step that you are likely to go into. And taking giving having regard having regard for all those factors, the Chairperson will have to uuh give guidance to a meeting and say yes sufficient consensus or it's not time for sufficient consensus it's time for a tea break and where you can hope to get more consensus before you can get on with the matter. Now, we can illustrate this privately for Mr Alexander, but I think for me those are some of the elements of this whole process.

MR CHAIRMAN:

Thank you Mr Gordon, Mr Alexander?

MR ALEXANDER:

uum I understand what he says, there must be discretion that's what he says in actual fact. But discretion itself has boundaries and what I am saying that I would have liked maybe the other people understand better that's why I'm I'm calling on this house to be patient with me because we don't have the experience that you have and we are saying that even discretion even legally discretion has boundaries and you can even say that a person is not using his discretion properly. But I want to know that uuh from precedent that uum you experience I want so that I am able to to to report our comrades very clearly on this matter as to uum why. I know that you can't have a hard and fast rule for example, in the PAC itself when we take decisions on certain issues we say, well you just need a simple majority. When it comes to another issue such a meaning of constitution we say 75% majority but we don't we are not hard and fast on every issue. Look at the issue, what is it how much do you need and so on. Obviously you would probably say that you would follow that type of approach.

MR RAJBANSI:

Mr Chairman, I'm very thankful to Mr Eglin and Mr Gordon. Uuh I was also thinking of the consensus for qualitative and quantitative point of view. To a certain extent I'm may disagree with what Mr Rampahosa had indicated. Of course he touched on the value of each parties (mumble). We all know uuh CODESA 1 and CODESA 2 the Government indicated that if they don't agree at CODESA they don't feel abound. Let's be practical if the ANC doesn't support a decision you can get sufficient consensus but it effects the process. If the IFP doesn't agree it affects the process. The Government has agreed in my opinion it affects the process, so it depends on certain factors. Now I want to very strongly what Mr Eglin had indicated for the sake of progress. Firstly I support that there should be sufficient consensus. I think Mr Eglin pointed out in a way that in respect of today's resolution summing up today's deliberation, what General Holomisa motion is actually dealing with tomorrow's discussion and I support what Mr Eglin had indicated that we just need a simple statement, and he is uuh one of the few nice men we have around here. And we can suggest to him to give us a draft. Secondly, Advocate De Jager De Jager Advocate De Jager indicated that there is a likelihood that more amendments are too follow tomorrow, and I want to take the suggestion of Dr Rajah where there was a different version from Dr Matthews, is that we cannot go to the floor of the house tomorrow and start debating

amendments where we we'll definitely not be able to complete our task, and my proposal Mr Chairman is that in the absence of the Drafting Committee, the best forum to deal with the different amendments that can't wait to be proposed is the Facilitating Committee. Now I did listen to Dr Matthews very carefully and he gave a very important signal that is why it is important that the Facilitating Committee must examine all proposals, especially in respect of tomorrow's deliberation because I want to quote him. He indicated that there was the view that certain obstacles will have to be addressed before multi-party talks are going to be resumed. Right, that is the signal I received, then I believe that there is a need for intense discussion and the only forum where we can have the intense discussion is to give the Facilitating Committee tomorrow also the role of being a Drafting Committee. Thank you.

MR SLOVO:

Mr Chairperson, I think we've got full consensus on sufficient consensus and I think we ought to dispose of that question uuh I think it is there so I don't want to add my own support for this idea. I think we should just issue rule now it's an example of how we reached consensus, but I I haven't finished. I I want to come then because I then want to say something about Colin Eglin's point on the resolution so I don't want to mix it up. Let's let's dispose of this. Have we disposed of this?

MR CHAIRMAN:

I have listened to other people talking about a resolution not working. Ok, I've listened to other people mixing the concerns as well as the Draft Resolution, and I've also listened to Mr Matthews and other parties. I feel that there might be some issues which they like to raise which leads us to the fact that perhaps we have a defect in the whole agenda. Because when we drafted this resolution it's not that our items were alone, but we look at the resolution and then the next the topic preparation with the resumption of multi-party negotiations so if the people now feel that they are still are (mumble) then we need to examine that. We saw that we were jumping the gun we purely based our resolution on the fact that the next one the preparation having the same (mumble) various (mumble). That's what I think that (mumble) (mumble) that perhaps we are discussing the topic here on the wrong item. Do we need resolution after this today preparation the question we must ask ourselves. We are at one now about we talking about adopting sufficient consensus and consensus is accepted. Now there is the issue raised by the General whether in fact the resolution should have come at this stage. Anyone.

MR SLOVO:

Mr Chairperson, I was in the middle dealing with that, if I just could just continue because I believe there unless it's on the question of consensus. No. Well then

MR ALEXANDER:

I just wanted to house put it on the record that that in the PAC we heard what was said so far, but we are not yet happy that we don't have clear defined boundaries for discretion in regards to contextual qualitative and quantitative uuh aspects of the issues before us so that the Chairperson's must have and the house must be clear on this matter. UUh I just wanted to mention that because we feel very strongly although we look at CODESA from a distance Mr Chairman, we feel that it failed on this one of the important aspects on which it collapsed. Thank you Mr Chairperson and I just to put a further note I sense that everybody agrees with it but I say that aspect has not been clarified (mumble).

MR CHAIRMAN:

I was going to say to him can't we take the fact that we have discussed so long to get to consensus that in fact that is the most important element in the time available for discussions. If we do things under pressure it will be even more difficult to reach sufficient consensus but given time sufficient time we can actually get consensus. I, I just (silence).

SPEAKER:

As I was thinking to our comrade the feelings of PAC that although it is not stated in normal procedures when followed when there is a battle or perhaps a party feeling very strong on a point why the others (mumble) The question of having a bi there is normally there bi-laterals in other words the matter can be adjourned and then bi-laterals be held with the party which is having a difficulty with the point or parties concerned. Only after all those mechanisms bi-laterals, or even sub-committees talking about it a lot of things being done and then if there are still difficulties then the (mumble) can say did that. In other words not only that Chairman just decided that it is a qualitative or quantitative matter and don't disregard it, but it will still go in other words if the party depending on the feeling of the party conduct particular aspects they feel strong about it then will go to bi-lateral and sub-committee and whatever mechanism which might be of help perhaps try and bring facts together. Thank you.

MR SLOVO:

Mr Chairperson I understood this issue had been settled and I think we should note uuh Mr Alexander's need to have further clarification but for the moment I think you've ruled as I understand it. Can I then go on on this question of how we emerge from today's input. Seven minutes from each us, who's purpose it is to uuh it was in the case of all of us to relate to what we came here for and that is a planning conference, planning for what? Planning to get negotiations going whatever you call it whether it is resumption or commencement we've all come to this conference for that purpose and it is impossible to conceive Mr Chairperson of us emerging from the discussion today without some resolution which uuh says we must begin the negotiation process on a multi-party basis within a certain time. Uum, I feel that we've got to go beyond what Colin has suggested uuh I feel that because we are not just talking to ourselves we are talking to the country and uum it is true we can just say well we have decided that there be a multi-party conference to discuss negotiations and that would encapsulate the main element of the of the decision. But I think that we have got to bear in mind as I've said that we are talking to the country as a whole and if you look at the resolution that was uum tables by General Holomisa I'm not stuck to every word in it, but I don't believe there is a single person here that disagrees with paragraph 2 - 6 certainly from the inputs that have been put in that that were put in today. The first second paragraph just says that we are individually and collectively we regard ourselves as bearing responsibility for the wellbeing our our country. We all accept this, we want sec third paragraph say that the problems of our country should be resolved peacefully through a process of negotiation we all accept that and the fourth paragraph says realising that the economic upliftment of the country depends on the peaceful resolution of the country's problems particularly the constitutional inpass. We all accept that, we agree the next paragraph that the resources of the country need to be preserved, to be developed and improved for the benefit of all people in this country and for future generations. We all agree with that. And then we all accept the next paragraph, that all the people of this country and the whole community of nations will look at us to move the country forward

towards a non-racial, non-sexist and fully democratic future. There's not a single person here who could be heard to say I don't agree with it. So maybe it's it's uuh Rowan's point that he made earlier and by the way I didn't move this resolution so the question who puts it forward, would you say sometime influences people. I'm not saying you are influenced by it. Ya, that's right or maybe I should have kept quiet, but essentially essentially I don't mind people having a look this even in preparation for tomorrow. Some people from this committee and having a look at their exact words, but he essence of it must there it is not enough just to say we the party organisations and administrations assemble now commit to the resumption of multi-party negotiations. I think we would look silly in the eyes of the country and particularly in view of the fact that the resolution has already been tabled in plenary session before the whole media and on television and then these things on which we all agree have been deleted. People are going to ask themselves a question what is this crowd doing? What can we expect from them? So there must be some kind of motivation, not a uum based on suggestions for amendments which could well be there, but on the substance the Colonel on what he said here it seems to be we must recommend as a facilitating committee that it should go it should be tabled more or less in this form. Subject to any specific amendments that people can motivate for me. Thank you Mr Chairperson.

MR LANGLEY:

Mr Chairman, it's almost just on a point of order. Can I can't we first conclude the matter of (mumble). As far as order is concerned have we now dealt completely with the matter of consensus and sufficient consensus. So are we are we are we finished because there's just I don't want to be difficult, but there are people who come along and at a certain stage they want to shove the goalposts but then they start talking about material consensus or substantial consensus. Is that all included under sufficient consensus that's one point I want to know before we get off because I I think we must try and really get clarity on this particular thing.

MR CHAIRMAN:

Mr Langley, Mr Slovo moved that we rule on this and that is what happened there was no objection. So except for Mr Alexander's reservations. I think we have disposed of that.

SPEAKER:

Agreed. No, no, Mr Chairman I was going to speak on whether it should be material or substantial but we have now agreed it is sufficient.

MR CRONJE:

Chairman, you see, I have pleaded that we make the resolution. The message to the country is that all the political organisations and parties believe there is only one way that is negotiation. If we put in all these things, you will get another group that says yes, we agree to multi-party conference. Then the recruitment must stop, training must stop, arms caches must stop, violence must stop all things must stop and subject to that we stop. We we do it and those are very important issues to many people who are involved in the process and I am not saying it is this one's fault and that one's fault and that one's fault, but you see where we go when you start qualification, qualification, qualification. We spent the whole afternoon and the best part of the morning telling the world and telling the country without exception, why believe there is a need for coming to a multi-party conference and resolving the problems. We talked about the economy, we talked about violence, we talked about tension, we talked about all things. That message went as clear as anything speaker, after

speaker, after speaker. The count the people living in the country experience it day after day that is the very reason why we are here so let's get on with the resolution saying let's have the conference and get on with it. That's all I am saying, because the more we put in, the more you'll start having objections from all people about phraseology and about words. Make it simple, make it short and let's get on with it.

MR NGOBENI:

I'm really going to be talking about this resolution, but uuh I (mumble, mumble) in terms as if I'm just trying to criticise this. I'm saying, this resolution has a lot of merit, but it also raises a number of questions here and there. I think the fact from what has come out here even in this discussion and what has come out from other discussions outside here. It is clear that there are a number of other resolutions that may still come up, so the matter cannot be easily resolved now. I think when you have got too many issues mentioned, sometimes you took it into a bit of a mess. Take for example the issue of realising that the economic upliftment of the country depends on the peaceful resolution of the country's problems, then you want to see particularly the constitutional crisis. Some other people might say well that also, but I would have thought particularly the issue of violence, particularly the issue of this that and the other. So what I am trying to say is when you have got a resolution that takes too many things in, it makes itself a little vulnerable and I believe that some people that are looking into just this, so that there can be a simpler (mumble) fairly comprehensive way forward resolution. So let it not all depend on just this resolution, further there's a lot of hesitation among the people this afternoon on what at face value (mumble) fairly simple and straight forward on which you all agree Mr Slovo has just followed, don't agree with this don't agree with that and when of course you at it face value we all agree on that, but there are these things that come out in certain people want to punch this out so can we not Mr Chairman allow ourselves just another look at this together with other resolutions that I know that are being framed outside and then could we get onto it tomorrow. Sometimes at CODESA sorry one must refer to that, sometimes at CODESA we had the problems of rushing things over and then draaaging something by the hair and then it tomorrow that difficulties but when we go still like this as we are doing now a compromise and an understanding that takes everybody for a good straight forward consensus is what we are here for and that I am sure we (mumble) tomorrow morning. Thank you.

MR CHAIRMAN:

Mr Chairman, on a point of order. This resolution was not referred to the (mumble) and really we were only asked to deal with the procedure regarding the taking of decisions.

MR MEYER:

No, Mr Chairman, I am afraid on the point of order I that was my particular proposal on the point of order that I made in the house. Namely, that the three aspects were to be referred to this Facilitating Committee and I mean the question of the procedural uuh aspect as well as the resolution of General Holomisa as it as it has been amended together with the resolve the proposal of Mr Webb and that on that basis that the house decided.

MR RAMAPHOSA:

Mr Chairman I would agree with what Mr Meyer says uum I would've thought that you know after resolving the decision making process or mechanism we would spend a little bit more time looking fairly closely at this resolution. Uum and Dr Mdlalose had a raised a

particular problem which is paragraph one, two, three, four - more economic upliftment uuh because he thinks that you may include other matters. Shouldn't we look at things like that right now. Let us look at it I believe it's important it's imperative that we should record progress tonight. We're not trying to drum it down the throats of people, but uuh I I think it would be good tomorrow we should meet fairly early and look at how the process goes forward in line with what uuh Mr Eglin said in terms of the steps that need to be taken and with your permission Mr Chairman, with your permission, I think the first thing we should do is to look at the heading what we want to call this resolution and I would think that uuh it would basically be agreed that we are looking at the need for resuming negotiations and these have been taking place in a whole variety of ways and we should agree that that should be it and thirdly the very first paragraph, we are parties we are organisations we are administrations uuh if you like we can say we are governments. We are assembled here in this multi-lateral planning conference and this is what we are deciding and we set it all out and set out the reasons why we are taking the decisions that we are taking and we are conscious of the responsibility we have for the well being of our country we wouldn't have come here if we didn't have that responsibility and I don't think there's a problem with that. There's no problem also with the third paragraph and everybody has actually endorsed that there is no problem. Resolve peaceful without violence.

MR CHAIRMAN:

Sorry can we not have some approach to this?

MR RAMAPHOSA:

But here I would have thought we setting well general the general principles the general statements that we are talking about we want to resolve the problems of our country peacefully through the process of negotiation. Of course, of course there is the question of you know violence, uuh the recruitment and arms and so forth, but is that not detail that we will deal with during the course of the negotiation process, because the general statement what we committing ourselves to is that we will resolve we would like the problems of our country to be resolved through peaceful process of negotiation peacefully. Then once you have said that then we look at as we go on with the process of negotiation what that finally means and I would've thought that you don't want to it to through the detail and set that all out. uuh, on economic upliftment that is general everybody wants economic upliftment and that too depends on the peaceful resolution of our countries problems and what underpins everything is the peaceful resolution of the problems. And Mr Chairman I think that should be the process that we follow in terms of dealing with this resolution and uuh let us see if words that people may want to add cannot be accommodated and to this end Mr Chairman to this end, I would say that maybe what we need to do is to appoint a small resolutions committee as Mr Eglin proposed. A small resolution committee of say four people or so. They work on the resolution we go and have supper, we give them some form of punishment they can have supper as they work and once we have finished supper we reconvene and we hear their report. Sometimes it's better to work in smaller groups, we've now agreed to work in a smaller group which is the full Facilitating Committee away from mass meeting we were having. We have reached consensus and sufficient consensus. We can choose a committee in any event that's how resolutions are usually dealt with. And that committee would then take into account the views that people have to express and report back to us before we depart for the night and tomorrow morning we reconvene to deal with how we handled the day and how we handle whatever resolution may come forward and also relegate

that to a resolutions committee. That is my proposal.

MR CHAIRMAN:

Thank you Mr Ramaphosa. The only thing I would like to point out there are some resolutions here other than the Generals' resolution. Mr Webb oh Mr Alexander sorry.

MR ALEXANDER:

Thank you very much Mr Chairman, you've thrown me off balance with your last statement, so I think

MR CHAIRMAN:

Just raising it you know raising it for Mr (mumble) consideration

MR ALEXANDER:

Ok, maybe then Comrade Chairman what I was going to say uum has relation to the resolution of the General for us . If there are others too then it is better that we take them all to this sub-committee that Mr Ramapahosa proposed and I don't have to make my comments now.

SPEAKER:

I will support that Mr Chairman.

SPEAKER:

Mr Chairman, can I just ask are we dealing now with a proposal of Mr Ramaphosa because I would like to support.

MR CHAIRMAN:

Yes we will come to that and I hope that Mr Webb or Mr Eglin and Mr Cronje will address the proposal for consideration.

MR SLOVO:

W all agree?

MR CHAIRMAN:

The ratification the ratification by Dr Rajah.

DR RAJAH:

Mr Chairman, you set the procedure now for handling these three resolutions. Now I presume there are going to be more resolutions coming from the floor tomorrow.

SPEAKER:

I withdraw my amendment in favour of Mr Eglin's.

SPEAKER:

Chairman, if they address the issue I just want to also ask that that they address this issue that we cannot take three resolutions and address it out of context. You've got to take the resolutions all the resolutions and then see what we can make make out of this resolution because we cannot handle three resolutions piece meal.

SPEAKER:

Mr Chairman, are we has a sub-committee been

MR CHAIRMAN:

But there's a follow up

MR SLOVO:

Mr Chairperson, I've got a point of order. There's been a proposal that a sub-committee be appointed to work overnight on the draft resolution and any other resolutions that are placed before it we will then have an opportunity when we meet tomorrow morning to have a look at the result of that sub-committees work. We are not bound to accept and I think we should decide that one way or the other.

MR CHAIRMAN:

Well, that is the point of what is accepted. Mr Rajah, very earlier on had promised had proposed a resolutions committee. We are not going into the substance substance of that because I though there was still a lot of issues to be canvassed. That was the only reason why I was

MR CHAIRMAN:

On that issue Mr Chairman, what I was saying is Dr Rajah was asking a question that other people might come out with more resolutions tomorrow then what? But what is important is we are all here right now all parties are represented here, I mean we we can even indicate if we have some other resolution that we were to bring, if not then we deal with those which are here.

MR MEYER:

Mr Chairman, thank you I would I would more or less on the same line as Mr Mahlangu has taken now, I'd like to add to Mr Ramaphosa's suggestion that we see to it we are all here as leaders of our various delegations in this Facilitating Committee and we see to it that all possible proposals on the resolution on the subject of the resumption of whatever it may be called of multi-party negotiations. We fed into the sub-committee say before tomorrow at 8.0.clock so that a sub-committee can meet at 8.0.clock have a look at all proposals, see how they can reconcile everything and report back to us as a Facilitating Committee by 9.0.clock, but can I add to that Mr Chairman, because I think this is important if they can also look at the possibility of further procedural effects following a possible resolution. Say for instance what I am trying to say, say for instance on a basis on reconciling the various proposals there could come out of it a particular proposal that we resume multi-party negotiations whatever it is going to be called within the next month then I would suggest that the sub-committee could also possibly look at how procedural matters can be attended to as far as further progress is concerned, so that they could advise the Facilitating Committee on those, it would enhance the process and make life easier for us, it would assist the Facilitating Committee and in that regard I know that Mr Eglin already has some suggestions.

MR CHAIRMAN:

There are people on my list ladies and gentlemen consensus that this (mumble) Could I ask the people who have their names here. Mr Webb, Mr Eglin, Mr Cronje Mr Bayle what is the position.

SPEAKER:

I only wish to speak if the proposal is not carried sir.

MR EGLIN:

Mr Chairman, I was going to read out a resolution on how (mumble) into the sub-committee that's quite easy. I do wanted to say this that one thing is to say that this conference resolves wants to have a new MP or whatever it is MPC. But I think it's somehow has to say with the pick up with what Mr Meyer has said. It either has got to say these are the steps that have got to be taken to get effect of that decision or else it has got to say to charge this Facilitating Committee with the responsibility of deciding upon and implementing the steps
..... (tape ends)