

THESE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE PLANNING COMMITTEE AND THE NEGOTIATING COUNCIL.

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD AT 10H00 ON MONDAY 9 AUGUST 1993 THROUGH TO THURSDAY 12 AUGUST 1993 AT THE WORLD TRADE CENTRE

PRESENT : B Alexander
R Cronje
C Eglin
PJ Gordhan (Chairperson by rotation)
RP Meyer
MC Ramaphosa
Z Titus
M Webb

L Landers (incoming Chairperson of the Negotiating Council)

M Maharaj (Sub-Committee)
SS van der Merwe (Sub-Committee)

T Eloff (Administration)
G Hutchings (Minutes)

1. Moment of Prayer/Meditation

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

2. Welcome and Attendance

- 2.1 All members were welcomed.
- 2.2 Apologies were noted for non-attendance by FT Mdlalose, B Ngubane (sub-committee) and J Slovo.
- 2.3 Apologies for late arrival were noted by R Meyer.

3. Ratification of Agenda

The agenda was ratified with the following amendments:

- * The addition of an item 5.1.4.3 to read "Goldstone - Report back from the Sub-Committee";

- * The addition of an item 5.1.6.1 to read "Letter from the Campaign for Open Media";
- * The addition of an item 5.1.7.5 to read "Reference to Legal Bodies - Report from the Sub-Committee";
- * The addition of an item 5.2.3 to read "Goldstone - Report back from Sub-Committee";
- * The addition of an item 7.12 to read "Beacon Sweets".

4. Minutes

It was noted that the minutes would be distributed during the course of the day and dealt with at a future meeting of the Planning Committee.

5. Substantive Issues

5.1 Reports in the Negotiating Council for the week 2-5 August 1993:

5.1.1 Violence:

- 5.1.1.1 It was noted that the Report of the Violence Technical Committee had been couriered to participants on Friday 6 August 1993.
- 5.1.1.2 The recommendation in the report with regard to "communications" was noted.
- 5.1.1.3 It was further noted that the Negotiating Council was not in a position to take this issue further except on an ad-hoc basis.

5.1.2 Constitutional Issues:

- 5.1.2.1 SPR Constitutions:

It was agreed that this issue stands over until the second draft of the interim constitution had been dealt with.
- 5.1.2.2 It was noted that the Technical Committee on Constitutional Issues and the discussion of its reports were scheduled for Tuesday 10 August and Wednesday 11 August.

5.1.3 TEC and its Sub-Councils:

- 5.1.3.1 It was noted that the Report was couriered to participants on Friday 6 August 1993.
- 5.1.3.2 It was noted that the Report is scheduled for discussion in the Negotiating Council on Thursday 12 August 1993.

5.1.4 Independent Electoral Commission:

- 5.1.4.1 It was noted that a meeting of the Ad-Hoc Committee was scheduled for 9 August 1993.
- 5.1.4.2 It was noted that once the Ad-Hoc Committee had resolved the issues referred to it, the results thereof would be forwarded to the Technical Committee and to the Technical Committee on the TEC and its Sub-Councils.
- 5.1.4.3 Goldstone - Reportback from the Sub-Committee:

- * A reportback was given by the Sub-Committee. The Sub-Committee requested guidance from the Planning Committee with regard to its follow-up discussions with the Goldstone Commission.
- * It was agreed that the Goldstone Commission should be thanked for its co-operation in submitting the Report of the technical experts on violence in the run up to the Elections directly to the Multi-Party Negotiating Process.
- * The Sub-Committee is to raise the concern of public disclosure prior to the report being received by the Multi-Party Negotiating Process.
- * The Sub-Committee was requested to explore possible future overlaps and to make recommendations on how best these overlaps should be dealt with. It was suggested that, if necessary, the Planning Committee may have to meet with the Goldstone Commission on the issue of future overlaps.
- * The issue of the Joint Peace Keeping Force had also been raised by the Sub-Committee with the

Goldstone Commission in the light of its work on this issue. The above points were also applicable in this instance.

5.1.5 Repeal or Amendment of Discriminatory Legislation:

- 5.1.5.1 The Sub-Committee gave a reportback on the work of this Technical Committee. It was noted that with regard to the questions of mechanisms, the "Higher Code", implications thereof, etc. this Technical Committee, the Technical Committee on Fundamental Human Rights during the Transition, the Technical Committee on Constitutional Issues and the Technical Committee on the Independent Electoral Commission were meeting jointly on 10 August 1993 in order to arrive at a common position on these issues.
- 5.1.5.2 It was noted that the Sub-Committee would report back to the Planning Committee on the joint meeting of the Technical Committees.
- 5.1.5.3 It was noted that the Sub-Committee would meet with this Technical Committee on 10 August 1993 with regard to its initial instructions from the Negotiating Council. The Sub-Committee would also report back to the Planning Committee in this instance.

5.1.6 Independent Media Commission and IBA:

- 5.1.6.1 It was noted that the Technical Committee will, during this week, give a date when it will be ready with its next report.
- 5.1.6.2 Letter from the Campaign for Open Media:
 - * After discussion it was agreed that no member of a Technical Committee, as per a decision in the Negotiating Council, may comment on their work publically.
 - * The Sub-Committee was requested to take this issue up with D Dison.

5.1.7 Fundamental Human Rights during the Transition:

5.1.7.1 It was noted that the Ad-Hoc Committee was scheduled to meet on 9 August 1993. The Technical Committee could only proceed with its work once it had received a report from the Ad-Hoc Committee after its deliberations.

5.1.7.2 It was noted that the Technical Committee was meeting on Tuesday 10 August 1993 and a report would be ready on Thursday 12 August for distribution.

5.1.7.3 Referral to Legal Bodies with regard to the enforcement mechanisms and implementation of the Bill of Rights - Report from Sub-Committee:

It was noted that the Sub-Committee would discuss this issue at the joint meeting of the Technical Committees on Tuesday 10 August 1993 and report back to the Planning Committee. It was suggested that the Law Commission should also be considered.

5.1.8 Commission on the Delimitation/Demarcation of Regions:

5.1.8.1 It was noted that the report would be discussed on Monday 9 August 1993 and Tuesday 10 August 1993. The Technical Staff of the Commission would sit in on the debate.

5.1.8.2 The meeting then proceeded to discuss the structuring of the debate in the Negotiating Council on the report of the Commission.

5.1.8.3 After discussion the following was noted:

- * The Report of the Commission was a preliminary report and should be treated as a first step in the process of evolving firmer boundaries for South Africa;
- * The purpose of the debate in the Negotiating Council on 9 August 1993 was to identify the areas of difficulties and once this had been done, the focus would be on these;
- * In the process to firm up the boundaries, the mechanisms of submissions from within and

outside the Negotiating Council and local hearings should be utilised in respect of the areas of difficulty;

- * The Sub-Committee was requested to explore with the Commission its availability for further work. If the Commission was available, the Sub-Committee should formulate Terms of Reference for the continuing work. The Technical Support Staff would also be made use of;
- * Time frames was also an issue to be considered;
- * The Sub-Committee was requested to contact the Co-Chairpersons of the Commission to get clarity on their viewpoint with regard to Section 4 of the report.

5.1.8.4 It was suggested that a resolution on the report should be put forward for the consideration of the Negotiating Council at the end of the debate to facilitate the way forward on this issue.

5.1.8.5 It was agreed that the Planning Committee meets over the afternoon tea break to assess the debate and formulate a resolution to be put forward for the Negotiating Council.

5.1.8.6 The letter from the KP on this issue was noted (see Addendum A).

5.2 Violent Deaths of People on the East Rand:

5.2.1 The Sub-Committee gave a reportback on this issue to the Planning Committee. The Sub-Committee would submit a recommendation to the Planning Committee after it had received a further report with regard to security during the course of the day.

5.2.2 The Sub-Committee noted that it was considering other practical and effective measures to address the issue of violence and was not giving the issue of a Joint Peace Keeping Force its attention. This was due to the fact the Joint Peace Keeping Force was being addressed in the latest report of the Technical Committee on the TEC and its Subcouncils and in a report of the Goldstone Commission (this report would reach Planning Committee members by Wednesday 11 August 1993).

5.2.3 Goldstone - Report from the Sub-Committee:

It was agreed that this issue had been dealt with under Item 5.1.4.3 above.

5.3 PAC/SA Government Issue:

It was noted that the PAC was ready to meet with the ad-hoc committee on this issue. Once the meeting had taken place, a report back would be made to the Planning Committee.

5.4 The Ad-Hoc Committee on the TBVC States:

It was noted that this Ad-Hoc Committee was scheduled to meet after the adjournment of the meeting of the Negotiating Council on 9 August 1993.

5.5 National Symbols:

The recommendation of the Sub-Committee was approved of and would be submitted to the Negotiating Council (see Addendum B). It was agreed that the concept of a seal should be catered for. The dates as specified were acceptable to members.

5.6 The name of the Constitution-Making Body:

After discussion it was agreed that the name "Constitutional Assembly" should be submitted to the Negotiating Council as the recommendation from the Planning Committee in this regard.

5.7 The names for SPR's:

After discussion it was agreed that this issue stands over. It was further agreed that informal discussion was needed on this issue between participants.

5.8 The Attack on the Technical Committee and individual members of the Technical Committee's in the media:

After discussion it was agreed to not take this issue further.

5.9 Standing Committees of Parliament and draft legislation on the IEC, TEC IMC and the IBA:

It was agreed that this issue stands over and the Sub-Committee reports back to the Planning Committee at a future meeting of the Planning Committee.

● **5.10 Ad-Hoc Committees:**

- 5.10.1 Concerns were expressed with regard to the progress of the work of the Ad-Hoc Committees.
- 5.10.2 It was agreed that if two thirds of the members of the Ad-Hoc Committee were available, the meeting should proceed.
- 5.10.3 It was noted that an appeal should be made in the Negotiating Council for all Ad-Hoc Committees to proceed expeditiously with their work.
- 5.10.4 It was agreed that the Sub-Committee should notify all Ad-Hoc Committee members that they should meet on or before Wednesday 11 August 1993.

6. Procedural Issues

6.1 Report from the Ad-Hoc Committee with regard to the Legal Action by the Kwazulu Government:

A reportback was given on this issue by PJ Gordhan. It was noted that the first application had been withdrawn but that new papers had been served.

6.2 Avstig - Report from the Sub-Committee:

A reportback was given on this issue by the Sub-Committee. After discussion it was agreed that Avstig be requested to make a further submission to the Planning Committee, if they so wished and that all submissions by Avstig should be made available to Planning Committee members after which a decision should be made on this issue.

6.3 Follow-up on the meeting held with the National Economic Forum and the Local Government Negotiating Forum:

It was agreed to defer this issue until a future meeting of the Planning Committee. All members should apply their minds to this issue and in particular the question of what mechanisms should be created to cater for the issues raised in both meetings. (See Item 7.6 for the meeting of the Planning Committee with the LGNF.)

7. Administrative and Financial Matters

7.1 Security (Reportback from the Sub-Committee):

It was noted that there was nothing to report with regard to this issue.

7.2 Prosecutions after 25 June 1993 (Reportback from the Sub-Committee and the Administration):

7.2.1 It was noted that the Sub-Committee had nothing to report on this issue.

7.2.2 T Eloff gave a reportback on his meeting with the representatives of the Attorney General's office and the SAP. The Planning Committee would be kept informed of progress/developments in this regard.

7.3 Implementation of the recommendations of the Goldstone Commission Report:

It was agreed that the Sub-Committee follows up on this issue with the Departments involved.

7.4 Correspondence:

7.4.1 Memorandum of the ANC Youth League, Mafikeng:

The memorandum was noted (see p14 of the agenda documentation).

7.4.2 Joint resolution of staff and students of the University of Bophuthatswana:

The memorandum was noted (see p15 of the agenda documentation).

7.4.3 Interim Committee of the National Returnees Forum:

The letter was noted (see p17 of the agenda documentation).

7.5 Arbor Day:

It was noted that the Tree Planting Ceremony would now take place on Thursday 12 August 1993 at 17h00. A cocktail party would be held for participants and staff after the Ceremony.

7.6 Meeting with Local Government Negotiation Forum:

7.6.1 The members of the Local Government Negotiation Forum (LGNF) were welcomed. The Planning Committee members were introduced. The members of the Local Government Negotiating Forum introduced themselves. Present were:

* Non Statutory:

A Boraine
J Momberg
S Manie
M Mayekiso
V Mayekiso
M Motshekga
L Tsenoli (Co-Chairperson)

* Statutory:

A Cornelisen
I Davidson
J Makda (Co-Chairperson)
N Mandy
J Sadie
D Schoeman

7.6.2 A briefing on the background, constitution and membership of the LGNF was given by the Co-Chairpersons.

7.6.3 An outline of the Multi-Party Negotiating Process was given by PJ Gordhan, the current Planning Committee Chairperson.

7.6.4 Discussion followed and questions of clarity were put to Planning Committee members by LGNF members. Various overlaps between the two processes were taken note of:

- * Local government is referred to in the Constitutional Principles that have been adopted by the Negotiating Council. The Administration was requested to provide the LGNF members with copies of the Constitutional Principles.
- * Provision is made for local government in the Transitional Constitution. The Administration was requested to make copies of the Second Draft Bill available to the LGNF members.
- * With regard to the SPR's, local government is one of the functional areas.
- * The Transitional Executive Council has a local and regional government Subcouncil through which provision had been made for liaison with the LGNF.
- * The TBVC States was an issue that was being addressed by an Ad-Hoc Committee which had been established by the Negotiating Council. This Ad-Hoc Committee would submit recommendations to the Negotiating Council which would

encompass the local government issue.

- 7.6.5 The Planning Committee requested that the LGNF provides copies of the Interim Draft Bill that the LGNF is proposing. The question was raised as to how to link the Draft Bill to the package of agreements that the Multi-Party Negotiating Process was in the process of establishing.
- 7.6.6 Time frames was an issue that was identified as an area of concern. It was noted that the process had a target date of the second week of September.
- 7.6.7 It was noted that the following potential contributions from the LGNF were important:
- * The TEC and its Subcouncil on Local and Regional Government;
 - * The provisions for the creation of a Secretariat for the SPR's in the period that the TEC operates;
 - * Chapter 10 of the Transitional Constitution;
 - * The functional areas of SPR's and any other relevant areas in the Transitional Constitution;
 - * The issue of the TBVC States.
- 7.6.8 It was agreed that an exchange of documentation was important to keep both processes informed and a mechanism should be set up to ensure this exchange takes place regularly.
- 7.6.9 It was agreed that the Planning Committee should apply its mind to what mechanism could be set-up with regard to the substantive content of the issues under discussion in both processes. The Planning Committee would submit suggestions to the LGNF in this regard. It was noted that the Technical Committee would be made aware of the meeting and recommendations could also be received from the Technical Committees in terms of how best to effect liaison with the LGNF with regard to the substantive content of the documentation and Draft Bills that are being prepared in the negotiating process.
- 7.6.8 It was noted that a joint general statement would be released to the media with regard to the meeting between the Planning Committee and the LGNF. The statement would not be released before the Planning Committee had reported back to the Negotiating Council on the meeting. It was further noted that the LGNF members would prepare a statement and submit it to the Planning Committee for approval before it was released.
- 7.6.9 The LGNF members were thanked for the meeting and were also

congratulated on its work so far achieved.

7.7 Request from M Finnemore on Questionnaire:

7.7.1 After discussion it was agreed to treat this request as an informal matter between M Finnemore and the women delegates themselves.

7.7.2 It was agreed to inform M Finnemore that she could discuss the questionnaire with the women delegates on an informal basis. The women delegates could comply with the request on a voluntary basis.

7.7.3 It was agreed that this item be removed from the Planning Committee agenda. If a need arose for the Planning Committee to discuss this item again, it could then be reintroduced on to the agenda.

7.8 Financial Fact Sheet:

This was not available for the meeting yet.

7.9 Finances:

7.9.1 M Markowitz:

After discussion it was agreed to refer this issue to the Sub-Committee for its attention and to submit a recommendation to the Planning Committee.

7.9.2 P Soal:

It was noted that P Soal was claiming the cost, for damages to his car during the Attack on the Negotiating Process. This request was not agreed to.

7.10 Extra copies of documents to participants:

After discussion it was agreed that participating organisations should all be limited to the copies of documents that they are furnished with.

7.11 Resolutions of the Communications Committee: (see Addendum J, p32 of the agenda documentation)

7.11.1 After discussion on the resolutions it was agreed that:

- * At this stage the Planning Committee could not recommend that a Multi-Party Mechanism be established as the source of public comment and information from this Forum;

* The Planning Committee is not averse to any initiative, particularly by the SABC, to keep the public informed about what is happening in the process and such initiative should be encouraged;

* At this stage the Planning Committee could not recommend the acceptance of most of the resolutions.

The Sub-Committee was requested to convey the views of the Planning Committee to the Communications Committee with regard to its resolutions.

7.11.2 It was suggested that, subject to the meeting of the Sub-Committee with the Communications Committee, the Communications Committee be disbanded.

7.12 Beacon Sweets:

A request from Beacon Sweets to base an advertisement on the fact that delegates use Beacon Sweets in Council meetings was not agreed to.

8. Draft agenda for the meeting of the Negotiating Council of 9 August 1993

The agenda was approved of (see Addendum C).

9. Meetings Schedule and Programme

The Administration and the Sub-Committee were requested to amend the schedule and the programme taking into account the views expressed in the meeting.

The meeting adjourned at 13h45.

The meeting reconvened at 17h00.

10. Statement from the LGNF

The Planning Committee approved of the draft statement as submitted by the LGNF. It was noted that the statement had not yet been distributed to the media, but would be.

Legal Action by the Kwazulu Government

A letter to the legal firm acting on behalf of the process confirming that new papers had been served and that the relevant action should be taken was approved of (see Addendum C).

12. Resolution on the Report of the Commission on the Delimitation/Demarcation of Regions

The proposed draft resolution, as amended, was approved of and would be submitted to the Negotiating Council (see Addendum D).

13. Report from the Sub-Committee with regard to the Co-Chairpersons of the Commission on the Delimitation/Demarcation of Regions

13.1 It was noted that the Sub-Committee had had a discussion with F Smit on Chapter 4 of the Report. Discussion followed.

13.2 After discussion the following was noted:

- * It was suggested that the Technical Staff be requested to prepare a technical report to flesh out the recommendations section of the Report. The technical report should address how the criteria were applied and how relevant they were.
- * It was agreed to recommend to the Negotiating Council that the Co-Chairpersons, with the assistance of the Technical Support Staff, be mandated to go to the "sensitive" areas, have local hearings, analyse any further submissions and present the Negotiating Council with a further report, subject to the time frames set by the Negotiating Council. The further report should reflect the verbal and written evidence heard on each of the "sensitive" areas and make recommendations. Ultimately it was the Negotiating Council who would take a decision on this issue, based on the evidence and recommendations before it.

14. Follow up on the meeting held with the National Economic Forum and the Local Government Negotiating Forum

14.1 It was agreed that the following Planning Committee members should liaise with the National Economic Forum on relevant issues:

- * C Eglin
- * J Slovo

* M Webb.

14.2 It was agreed that the following Planning Committee members should liaise with the Local Government Negotiation Forum on relevant issues:

* R Cronje
* PJ Gordhan
* Z Titus.

15. Visit to the East Rand

The Sub-Committee reported back on this issue. It was noted that the situation was such that the Negotiating Council could visit the area either on Tuesday 10 August or Wednesday 11 August 1993. It was agreed that the Planning Committee meets on Tuesday 10 August 1993 at 08h45 to get a report from Security and to discuss logistical arrangements for the visit. It was agreed not to announce the visit to the Negotiating Council until the meeting of the Planning Committee scheduled for 10 August 1993 had been held and the final details resolved.

16. M Markowitz

The Sub-Committee recommendation that M Markowitz be remunerated for his work completed, was agreed to. It was noted that a general notice should be forwarded to all Technical Committees stating that before such action is taken, approval should be sought.

17. Goldstone Commission

17.1 The Sub-Committee gave a further report to the Planning Committee with regard to the report of the panel. It was noted that the Goldstone Commission would submit the findings of the panel to the Multi-Party Negotiating Process on Wednesday 11 August or Thursday 12 August 1993.

17.2 It was agreed that the Technical Committee on the Independent Electoral Commission reads the report of the panel and if it had a need to consult with any of the experts, it was free to do so.

The meeting adjourned at 17h45.

The meeting reconvened at 09h10 on Tuesday 10 August 1993. Apologies for non-attendance was noted from FT Mdlalose, B Ngubane (Sub-Committee), C Ramaphosa and J Slovo. D de Villiers was present at the meeting as the incoming Chairperson of the Negotiating Council.

18. Resolution on the Report of the Commission on the Delimitation/Demarcation of Regions

- 18.1 Discussion proceeded on this issue around the areas of difficulty as identified in the meeting of the Negotiating Council of 9 August 1993.
- 18.2 After discussion, it was agreed to amend the draft resolution, on the basis of the concerns expressed in the Negotiating Council and the views expressed in the Planning Committee. The amended resolution would be put before the Negotiating Council for adoption.

19. Proposed Resolution on Walvis Bay

- 19.1 Discussion proceeded on this issue. After discussion it was agreed that further bilaterals and/or multilaterals are needed on this issue.
- 19.2 After further discussion, it was agreed to refer this issue to the Technical Committee on Constitutional Issues, which will take into account the different viewpoints and should attempt to find a formulation which recognises the interstate status of Walvis Bay. This should also recognise the UN Resolution in respect of Walvis Bay and the current status of negotiations between the South African Government and the Namibian Government. This would be an interim solution and then the Interim Government should finally resolve this issue.
- 19.3 The draft resolution that had been placed before the Negotiating Council would, therefore, be withdrawn. It was agreed that the Sub-Committee be mandated to draft a resolution along the basis of Item 19.2 above to put before the Negotiating Council.
- 19.4 It was agreed that PJ Gordhan, as the current Planning Committee Chairperson, would report back on this issue to the Negotiating Council.

20. Visit to the East Rand

- 20.1 The Sub-Committee gave a reportback on this issue.
- 20.2 It was agreed to recommend to the Negotiating Council that the visit to the East Rand takes place on Wednesday 11 August 1993. The Sub-Committee and the Administration were mandated to take care of the logistical arrangements. Furthermore, the Sub-Committee and the Administration were requested to submit a recommendation to the Planning Committee with regard to the time of the visit and any other related issues.

● meeting adjourned at 09h45.

The meeting reconvened at 13h55. C Ramaphosa was present at this part of the meeting.

21. Proposed Resolution on Walvis Bay

Discussion proceeded around the issue and the further proposed resolution. After lengthy discussion, no agreement could be reached on this issue and it was agreed to defer the discussion to a meeting of the Planning Committee on Thursday 12 August 1993. It was suggested that further informal discussion on this issue was needed.

The meeting was adjourned at 14h25

The meeting reconvened at 14h40 on Thursday 12 August 1993. Apologies for non-attendance were noted from FT Mdlalose, B Ngubane (Sub-Committee) and J Slovo. Apologies for late arrival were noted from R Meyer.

22. Proposed Resolution on Walvis Bay

Discussion proceeded on this issue. R Meyer requested that the issue stands over until Monday 16 August 1993. This would allow adequate time for necessary consultations. After further discussion, it was agreed that R Meyer should put forward his request and motivation thereof in the Negotiating Council meeting for acceptance. The Chairperson of the Negotiating Council should allow R Meyer the opportunity to put forward his request.

The meeting adjourned at 14h45.

These minutes were ratified at the meeting of the Planning Committee of 6 September 1993 and the amended version signed by the Chairperson of this meeting on ~~28/9/~~..... 1993.



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CHAIRPERSON

ADDENDUM A.

CC
TE**DIE KONSERWATIEWE PARTY VAN SUID-AFRIKA**

Hoofleier/Leader:
Dr. A.P. Treurnicht
Hoofsekretaris:
Dr. J.A.L. Theron

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THE CONSERVATIVE PARTY OF SOUTH AFRICA**URGENT**

9 August 1993

ATTENTION : DR THEUNS ELOFF

MULTI-PARTY NEGOTIATING COUNCIL
P O Box 307, Isando, 1600 Fax 011-397-2211

We understand the Council is discussing the Report on Demar-
ation/Delimitation today.

Herewith our strongest objection to any discussion of the contents
of the report as submitted to the Council.

We regard this Report as directly contravening; alternatively out-
side the ambit of the Resolutions accepted by the Negotiating
Council and Forum by which the mandate of the Commission had been
established.

Attached our arguments for objection.

ADV. T. LANGLEY MP
CONSERVATIVE PARTY OF SOUTH AFRICA

MOBILISEER VIR VRYHEID / MOBILISE FOR FREEDOM

MULTI-PARTY NEGOTIATING COUNCIL
P O Box 307, Isando, 1600 Fax 011-397-2211

6 Augusts 1993

**REPORT OF THE COMMISSION ON THE DEMARCATION/DELIMITATION
OF STATES/PROVINCES/REGIONS (SPR's)**

Minority reports

According to Reyneke, page 82:

1. The Commission did not comply to their terms of reference. They have not executed the instructions of the Negotiating Forum.
2. The Commission solved the wrong problem. He accuses the Commission of only demarcating Regions. Reyneke says that only one hour before the end of their final meeting, many references to Regions were changed to SPR's only on his request.

This is a very serious allegation and accusation. Before we can continue any further with the discussion of this document, we have the responsibility to determine the truth as well as the status of this Report.

Looking at the Report it does look suspicious and Reyneke's accusation is underlined as well as confirmed by none less than the Commission it self

On page 79 commenting on the minority opinions, under the Reyneke opinion, second sentence, the Commission confirms ...*"The Commission is satisfied that it applied the criteria for the demarcation/delimitation of REGIONS."* Not SPR's as instructed by the Council, but Regions.

Further evidence is also supplied by the Commission with the Report as such:

The Report, as it stands, with the "many 'regions already changed to SPR's" to accommodate Reyneke, still contains more or less 35 references to REGIONS.

Having a closer look at both references to SPR's as well as regions, *the Report does support Reyneke's accusation.* There are more or less 25 references to SPR's in the first two chapters and close to 40 in the front part of the Report. On the other hand, there are very few references to SPR's in the latter part of the Report whilst almost all 35 references to regions are in the latter part, from pages 26 to 39, on the contrary, hardly any references to regions appear in the first half of the Report.

First evidence thus does support Reyneke's accusation that the Commission only demarcated Regions and not States/Provinces/Regions as instructed by the Council.

The Media Statement after the first meeting of the Commission, also supports Reyneke's view and reads: "*Media statement after the first meeting of the Commission on the Demarcation/Delimitation of Regions..*"

The Media Statement further only mentions *Regions* and then *only invites evidence from parties or persons to make submissions of regions* to the Commission. This was then communicated to all editors of newspapers (national, regional and local), Media agencies, 26 parties, other negotiating fora, Provincial Administrations and Regional Services Council's Civics, organised business, agriculture and the SABC.

This is a very serious state of affairs and needs further investigation if we do consider to even carry on any further discussion of the contents of this report. **AS IT STANDS BEFORE US, IT SEEMS TO BE, WITH VERY STRONG SUPPORTING EVIDENCE, ONLY A REPORT ON REGIONS, THUS TO US WORTHLESS IF WE HAVE TO DISCUSS STATES/PROVINCES/REGIONS.**

- In this regard, I would like to refer the Council to the 2 July 1993, Reports and Recommendations from the Council to the Forum, section three, 5.2.1, "That the Forum confirms the establishment of a Commission on the Delimitation/Demarcation of SPR's, which shall report to the Council. (Resolution 12 of the Council of 28 May 1993)
- I would also like to refer the Council to Resolution 12 adopted by the Negotiating FORUM on 2 July 1993, referring to States/provinces/Regions on seven different occasions in less than two pages. References to *Regions* are none.
- In this Resolution 12 WE, THE NEGOTIATING COUNCIL appoint 15 persons as members of a Commission on States/Provinces/Regions to make recommendations to us, the Negotiating Council within six weeks, on the delimitation of States/Provinces/Regions.

In the light of the serious accusation of Reyneke with disastrous implications if we do consider accepting this Report as a report on States/Provinces/Regions, WE HAVE NO OTHER CHOICE THAN TO REJECT THIS REPORT ON EVIDENCE BEFORE US.

If however, we do consider carrying on with this Report because evidence is not yet sufficient to reject it, the Council should request from the Commission, agendas, memorandum for briefing, media statements, invitations, advertisements, notices and minutes, to determine whether it is of any use to try to change this to something that it is not. The fact is, as it stands before us, it is of no use for any discussions on contents!

It is directly contravening; alternatively outside the ambit of the Resolutions accepted by the Negotiating Council and Forum by which the mandate of the Commission had been established.

**PLANNING COMMITTEE RECOMMENDATION TO THE
NEGOTIATING COUNCIL ON 10 AUGUST 1993**

The Planning Committee recommends that a Commission be appointed to make recommendations to the Negotiating Council on the national symbols for the Constitutions for the transitional period. It is proposed that -

1. the terms of reference for such a commission could be those contained in the attached draft resolution;
2. at least ten but not more than fifteen people be appointed on the commission;
3. participating parties be asked to lodge nominations for appointments on the commission to the Administration on or before Tuesday 17 August 1993;
4. and that the Planning Committee should make recommendations on the composition of the Commission to the Council on or before Thursday 19 August 1993.

DRAFT RESOLUTION

ON A COMMISSION ON NATIONAL SYMBOLS: 10 AUGUST 1993

1. **Whereas** in the deliberations concerning a constitution for the transitional period, the question of national symbols will have to be addressed;
2. **And** whereas this is an extremely emotional issue that will have to be dealt with with the utmost sensitivity;
3. **But** whereas cultural, artistic and technical aspects are also to be taken into account;
4. **We**, the Negotiating Council, hereby appoint

as members of a Commission on National Symbols to make recommendations before the end of October 1993 to us, the Negotiating Council, or to any body that might at that time have replaced the Negotiating Council, on a national flag, a coat of arms, a seal and an anthem for the Constitution for the transitional period.

5 **The Commission is requested to -**

- 5.1 invite proposals from all interested persons or parties and to allow at least one month for submissions to be made;
- 5.2 take into account the diversity of the South African population but concentrate on the unifying function that national symbols must serve;
- 5.3 and in its recommendations submit at least four alternative flags and coat of arms.

**DRAFT AGENDA FOR THE MEETING OF THE NEGOTIATING COUNCIL
TO BE HELD ON MONDAY 9 AUGUST 1993 AT 13H30**

Chairpersonship - L Landers assisted by DJ de Villiers

1. **Moment of Prayer/Meditation**
2. **Welcome and Attendance**
3. **Ratification of Agenda**
4. **Minutes will be distributed for ratification later in the week**
5. **Reportback from the Planning Committee**
6. **Substantive Issues**
 - 6.1 **Report of the Commission on the Demarcation/Delimitation of Regions:**
7. **Administrative and Financial Matters**
8. **Meetings Schedule and Draft Programme**
9. **Closure**

**DRAFT RESOLUTION ON THE REPORT OF THE COMMISSION ON THE
DELIMITATION/DEMARCATON OF REGIONS AND THE WAY FORWARD
9 AUGUST 1993**

This Negotiating Council meeting on 9 August 1993 at the World Trade Centre in Kempton Park:

1. **Noting** the various discussions on the Report of the Commission on the Delimitation/Demarcation of SPR's;
2. **Confirms** that the Report of the Commission provided a useful starting point to the discussion on the delimitation/demarcation of SPR's.
3. **Takes note** of a number of areas of agreement and some areas of disagreement on the Report identified by the Negotiating Council.
4. **Emphasises** that the people and communities who would be directly affected by the boundaries of SPR's, should have a further opportunity to contribute to the process of regional delimitation/demarcation, particularly in respect of a more detailed consideration of the boundaries of SPR's, including those highly sensitive areas identified by the Negotiating Council.

Therefore resolves:

To convey its sincere gratitude to the Commission for its valiant effort to prosecute the extremely difficult and strenuous brief given to it by the Negotiating Council, notwithstanding the extreme limitations of time and opportunity to consult more broadly.

And further resolves that the process be taken further through the following steps:

1. That further submissions are invited from participants in the Negotiating Council and from people and organisations in the sensitive areas identified in the debate in the Negotiating Council.
2. That the Co-Chairpersons of the Commission, with the assistance of the Technical Support Team are mandated to:
 - 2.1 Analyse the submissions;
 - 2.2 Receive oral evidence in respect of the sensitive areas;

- 2.3 Prepare a report on the above and make recommendations to the Negotiating Council, which will finally decide on the boundaries.
3. That the Planning Committee recommends appropriate time frames for this process.
4. That the Co-Chairpersons of the Commission and the Technical Support Team are requested to prepare a Technical Report which indicates the application of the criteria and the reasons for the different recommended regions.