

SE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE PLANNING  
MITTEE AND THE NEGOTIATING COUNCIL.

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD AT 10H3\$  
ON MONDAY 23 AUGUST 1993 THROUGH TO THURSDAY 26 AUGUST 1993 AT  
THE WORLD TRADE CENTRE

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

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

T Eloff (Administration)  
G Hutchings (Minutes)  
Moment of Prayer/Meditation

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

Welcome and Attendance

2.1 All members were welcomed.

2.2 Apologies were noted for non-attendance by SN Sigcau.

2.3 Apologies were noted for late arrival by PJ Gordhan.

2.4 Absent from the meeting were FT Mdlalose and B Ngubane (sub-committee)

Ratification of Agenda

The agenda was ratified with no amendments.

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## Minutes

It was noted that minutes would be distributed during the course of the day to be dealt with at a later stage.

### Substantive Issues

#### 5.1 Constitutional Issues:

5.1.1 It was agreed that all the following issues should be dealt with by way of bilateral and/or multilateral meetings:

Citizenship laws and SPR Citizenship

Competencies of SPR\200\231s

SPR taxes

The continuation, transfer and consolidation of existing administrative responsibility

SPR Constitutions

The name for SPR\200\231s

Definition of the National Territory

Languages

The deadlock-breaking mechanisms set out in Chapter 5

Whether the Constitutional Assembly will have the power to alter the number, boundaries and powers of SPR\200\231s described in the Constitution for the transitional period

The issue of the TBVC States (including clauses 31 and 32 of the 10th Draft of the IMC Bill)

Submission by the National Electrification Forum

The fleshing out of the adopted Constitutional Principles

The Constitutional Court - its composition and functioning

The deadlock-breaking mechanisms

The issue of boundaries

\200\234Self Determination

Confederalism

It was agreed to review the progress of the bilateral and/or multilateral meetings on Thursday 26 August 1993. If any participant of the Planning Committee had an input to make on these issues to facilitate the process, they were free to do so. The Sub-Committee was requested to notify the Technical Committee on Constitutional Issues that the above outstanding issues were being dealt with on a bilateral and/or multilateral basis.

Preamble to the Constitution - Report from the Sub-Committee:

It was noted this was included in the latest report from the Technical

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Committee and would be debated in the Negotiating Council.

Interaction between the Technical Committee and the General Council of the Bar - Report from the Sub-Committee:

5131 The Sub-Committee gave a reportback on this issue. After discussion it was agreed that the General Council of the Bar should be requested to submit its recommendations in writing. It was noted that this did not rule out the possibility of a future meeting.

It was further agreed that Judges and other interested parties should be requested to provide written inputs and depending on the nature and extent of the submissions, a decision would then be taken on how best to process the inputs.

It was agreed that C Eglin and Z Titus make informal contact with the Chief Justice and with the Chairperson of the General Council of the Bar.

It was agreed that the submissions received should be discussed in the bilateral and/or multilateral meetings.

It was agreed that the issue of Confederation, Self-Determination and the Outstanding Constitutional Principles would be discussed in the bilateral and/or multilateral meetings. These issues would, therefore, not be on the Negotiating Council agenda during the course of this week.

It was agreed that the submission from the National Electrification Forum should be forwarded to the Technical Committee on Constitutional Issues by the Sub-Committee.

It was agreed that the submission from SACOB would be noted and to convey to SACOB that its submissions would be more effective if forwarded to the National Economic Forum as it had more relevance within that structure.

It was agreed to request the United Municipal Executive of South Africa to submit its views in writing to the Multi-Party Negotiating Process.

Commission on the Demarcation/Delimitation of Regions:

5.2.1 It was noted that the Sub-Committee had not as yet made contact with F Smit.

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A reportback on the progress of the work of the Technical Support Team was given by the Sub-Committee (see Addendum A). The Sub-Committee recommended that the work programme for completion of the second phase of the Commission's report be accepted by the Planning Committee. The implementation thereof could be considered once the work programme had been adopted.

Discussion proceeded around the proposed work programme. It was noted that the Resolution on the report of the Commission on the Delimitation/Demarcation of Regions and the way forward as adopted by the Negotiating Council on 10 August formed the basis for the work programme and should be added to the work programme.

Concerns with regard to the objectives of the work programme were noted. It was suggested that the resolve portion of the resolution should be from the objectives. It was further suggested that other operational difficulties should be constructively addressed. Concerns were expressed with regard to the application of the criteria by the Commission.

It was agreed that the areas that have been identified as "sensitive" in the Negotiating Council meeting of 9 August 1993 should be set out in the work programme.

After discussion it was agreed that PJ Gordhan prepares a new draft work programme taking into account the views expressed in the meeting. The new draft should be submitted to members during the course of the day.

It was agreed that the managing of the process of the distribution of background and working documents of the Commission and submissions received by the Commission would be accommodated by the envisaged work programme.

Co-ordination and implementation of the draft Bills on the TEC, IEC, IMC and IBA:

It was agreed that this issue stands over until a future meeting of the Planning Committee.

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

It was agreed that this issue stands over until a future meeting of the Planning Committee.

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#### Commission on National Symbols:

It was agreed that this issue stands over until tea time when the Planning Committee should meet again.

#### Fundamental Human Rights during the Transition:

5.6.1 It was noted that the ad-hoc committee would be considering the report of the experts on customary law once it was received. It was noted that the word of the ad-hoc committee may be completed by Monday 30 August 1993.

It was noted that the experts had been contacted and their inputs were expected by 25 August 1993. The report would then go to the ad-hoc committee and the Technical Committee.

Recommendations contained in paragraph 4 of the Sixth Report of the Technical Committee:

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It was agreed that items 1 to 3 should be forwarded to the Constitutional Issues Technical Committee for its recommendation and attention.

It was agreed that clause 4 should fall away as measures had been taken to attempt to set up an enforcement mechanism without having those fundamental rights coming into operation before the election.

It was agreed that this issue should be reported back on in the Negotiating Council.

It was noted that the next report of this Technical Committee would only be available after the ad-hoc committee had considered the views of the experts on customary law.

#### Repeal or Amendment of Discriminatory Legislation:

It was noted that there was nothing to report as this stage.

#### Independent Electoral Commission:

5.8.1 A reportback was given by the Sub-Committee and the Administration.

5.8.2 It was agreed to recommend to the Negotiating Council that the next report of the Technical Committee be discussed and finalised on Wednesday 25 August 1993.

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Independent Electoral Commission:

It was noted that the IBA Draft Bill would be discussed on Monday 23 August 1993 and both the IBA and IMC Draft Bills would be finalised on Wednesday 25 August 1993.

Violence:

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3.10.2

It was noted that a report from the Communications Committee on what public broadcasters could do with regard to creating an awareness of the negotiating process was awaited.

It was noted that the Violence Technical Committee was proceeding with work on the proposed Peace Corps.

TEC and its Subcouncils:

3.11.1

5.11.3

It was noted that the Technical Committee would have its next report ready early this week for discussion on Thursday 26 August 1993.

It was agreed that the issue of the decision making mechanism for the TEC stands over until a future meeting of the Planning Committee.

It was agreed that the issue of establishing an NPF Command Centre be referred to the Sub-Committee for its attention.

The Ad-Hoc Committee on the TBVC States:

It was agreed that this issue should be followed up in the bilateral and/or multilateral meetings.

Practical and Effective Measure to Address Violence:

5.13.1

It was suggested that the Joint Peace Keeping Force was tied up with the establishment of an NPF Command Council. These issues were referred to the Sub-Committee for its attention.

It was agreed that a meeting of all the technical experts of the various forces should take place to start the process. It was agreed that R Meyer would initiate this process by mandating the relevant officials in the defence force.

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#### 5.14 PAC/SA Government Issue:

Z Titus, as convenor of the Ad-Hoc Committee, gave a reportback on this issue. It was noted that the Ad-Hoc Committee would be meeting during the course of the day. A reportback would be submitted to the Planning Committee on this issue. It was agreed that this matter was urgent, should be finalised as soon as possible and be given priority on the next agenda of the Planning Committee.

#### Stolen and Burnt ID Documents:

It was agreed that the Sub-Committee should give its attention to the matter and obtain the report emanating from the internal investigation in this regard from the department of Home Affairs by Tuesday 24 August 1993 and then report back to the Planning Committee. This should all be done before a resolution is suggested by the Planning Committee for tabling in the Negotiating Council.

#### Procedural Issues

##### 6.1

#### Meeting of the Panel of Chairpersons:

6.1.1 It was noted that the meeting scheduled for today was postponed.

6.1.2 It was agreed that the two additional members of the Panel of Chairpersons assist the current Chairpersons during the course of this week and only commence with their chairing duties during the course of the week commencing 30 August 1993.

6.1.3 It was agreed that the Administration should arrange another meeting of the Panel of Chairpersons at a time acceptable to all members.

#### Implementation of the decision on Liaison Committees:

6.2.1 The names of the National Economic Forum representatives, B Godsell, J Jacobs and J Naidoo, were noted. The Administration was mandated to arrange a meeting between the two liaison committees as soon as possible.

It was noted that the Administration was awaiting a response from the Local Government Negotiation Forum with regard to the names of their representatives and a possible meeting.

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Report from the Ad-Hoc Committee with regard to the legal action by the Kwazulu Government:

6.3.1 A reportback on this issue was given by Z Titus as convenor of the Ad-Hoc Committee.

6.3.2 The names of Counsel were acceptable to the meeting.

6.3.3 An urgent meeting of the Ad-Hoc Committee on this issue was agreed to.

Avstig:

6.4.1 A reportback on this issue was given to the meeting.

6.4.2 It was agreed that this issue stands over until the next meeting of the Planning Committee.

Administrative and Financial Matters

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Security, prosecutions and Goldstone recommendation:

The Sub-Committee gave a reportback on this issue which was taken note of by all members.

National Electrification Forum - Request for a meeting with the Planning Committee:

It was agreed to mandate the Administration to inform the NELF that their submission has been noted and the issue would be dealt with by the relevant Technical Committee, in bi-lateral meetings and that their submission would be circulated to the Negotiating Council members.

South African Council of Churches : Request for a meeting with the Planning Committee:

It was agreed to request the South African Council of Churches to submit a written report which would then be referred to the Violence Technical Committee. It was agreed that the Sub-Committee should have discussion with the South African Council of Churches to clarify its request.

Read Educational Trust - Request for Monday 6 September:

The request was not agreed to (see p47 of the agenda documentation).

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Contralesa:

It was agreed to deal with this issue at a future meeting of the Planning Committee (see p 49 of the agenda documentation).

Correspondence to be noted:

7.6.1 The following correspondence was noted:

National Private Pre-School Action Group  
Soweto Civic Association

Pamphlet by Cmdt BAP Naude

Port Shepstone Christian Church

Port Shepstone Secondary School

Local Government Negotiating Forum  
Brazilian Embassy

Phoenix Parents Interim Committees:

It was agreed that this letter should be forwarded to the Education Forum

National Land Committee:

During the course of the meeting the Administration received a memorandum from the National Land Committee (see Addendum B). It was agreed that the memorandum should be forwarded to the Technical Committee on Fundamental Human Rights during the Transition and that the memorandum should be distributed to the Negotiating Council participants.

Request from Kempton College for Spring Celebration:

The request was agreed to (see p67 of the agenda documentation). The

Administration was mandated to deal with the logistical arrangements in this regard.

Draft Programme and Schedule for Meetings

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8.2

It was agreed to recommend to the Negotiating Council that its meeting break for tea today at 15h30 due to logistical reasons.

It was agreed to recommend to the Negotiating Council that lunch breaks should commence from 12h00 to 13h00 over the next three days for logistical reasons.

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It was agreed to recommend to the Negotiating Council that over the next three days the meeting adjourns for tea from 17h00 to 17h30 for logistical reasons.

It was agreed to recommend to the Negotiating Council that its meeting of Tuesday 24 August adjourns at 17h00 for logistical reasons and that Constitutional Issues be discussed until 16h00.

It was agreed to recommend to the Negotiating Council that its meetings on Thursdays adjourn at 18h00.

It was noted that the draft programme and meetings schedule would be updated accordingly.

The meeting adjourned at 13h50. It was agreed to reconvene at 15h30.

The meeting reconvened at 16h15.

#### Commission on National Symbols

9.1 A list of names were submitted to the Planning Committee (see Addendum C). It was agreed that participants who had nominated the above persons should be contacted and requested to supply CVs of the nominees. The Administration was requested to ensure that the Sub-Committee had a complete name list of all persons nominated.

It was agreed that the commission should consist of 10 persons.  
The following criteria were agreed upon:

Heraldry

Gender

Race

Ethnicity

Divergent Political Viewpoints

Language Groups

Historians

Experts on Customs and Tradition

Sports

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#### 10. Work Programme of Commission on Regions Report

10.1 An amended draft work programme was put to the meeting (see Addendum D). Discussion and debate followed.

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It was noted that the Sub-Committee had had a discussion with F Smit and that there was a possibility of him becoming involved on a limited basis. It was further noted that the Sub-Committee would be meeting with F Smit at 17h00 on Tuesday 24 August with the envisaged work programme.

It was agreed that it would be necessary to put a notification in the Government Gazette on this issue. It was noted that the advertisements should be formulated sensitively.

It was noted that the Draft Constitution should be before the Standing Committee of Parliament by 21 October 1993. It was suggested that it would be only possible to put the Bill on the Draft Constitution to Parliament once the demarcation process was completed. R Meyer noted that he would establish whether the Standing Committee of Parliament would be able to discuss the Bill on the Constitution without the clause on the demarcation being finalised, i.e. the rules of parliamentary procedure would be clarified. It was agreed that the Co-Chairpersons of the Commission should be made aware of the issue of legislating.

It was noted that the dates as set out in the work programme were guidelines.

It was agreed that the work programme should be put before the Negotiating Council on Wednesday 25 August 1993. This would allow for any amendments to the work programme after the Sub-Committee had met with F Smit.

#### History Archives

It was agreed that copies of the audio tapes of the proceedings be made available for archival purposes only at a cost.

The meeting adjourned at 17h00.

The meeting reconvened at 13h20 on Tuesday 24 August 1993. Absent from the meeting were B Alexander, FT Mdlalose and B Ngubane (Sub-Committee). L Landers was also present as the current Chairperson of the Negotiating Council.

12

#### Time Frames

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The whole issue of the time frames with regard to the process was discussed and debated with the various viewpoints of participants being expressed.

It was noted that the IEC, the IMC, the IBA and the TEC Draft Bills

should be completed timeously for submission to the September session of Parliament. It was suggested that proper planning was needed to ensure the meeting of the time frames envisaged by the process.

It was suggested that time was not being constructively utilised in the Negotiating Council meetings due to the procedures of the meeting. It was further suggested that stricter procedures should be enforced with regard to speaking opportunities and the time allocated to speakers in the Negotiating Council.

It was suggested that clauses that had been approved of and dealt with in the Negotiating Council should not be revisited when the draft Bills appeared before the Council again for debate. It was further suggested that Chairpersons should have tighter control and exercise firmness over the meetings of the Negotiating Council.

It was noted that a meeting of the Panel of Chairpersons was scheduled for 16h00 today. These issues should be raised in the meeting for the attention of all the Chairpersons.

After further discussion, it was agreed that Z Titus and PJ Gordhan should be mandated to prepare a schedule of all the work, that needed to be completed. This schedule should be updated periodically. This schedule could be seen as an overall management of the process.

It was suggested that a few Planning Committee members should be appointed as mediators in order to facilitate the process by finding common ground between Council participants as and when necessary. This principle was agreed to.

It was suggested that the Draft Bills on the IEC, the IMC, the IBA and the TEC should all be put to the Negotiating Council for formal adoption at one of its meetings. It was suggested that this should take place at the meeting of the Negotiating Council on Monday 30 August 1993.

Further discussion followed with references being made to the Explanatory Memorandum as adopted by the Negotiating Council on 30 April 1993 with regard to the implementation of the Draft Bills on the IEC, the IMC, the IBA and the TEC. More discussion and debate followed.

12.10 Due to time constraints it was agreed to adjourn the meeting at 13h55.

The meeting reconvened at 09h00 on Thursday 26 August 1993. Absent from the meeting were FT Mdlalose and B Ngubane (Sub-Committee). MJ Mahlangu was present as the

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i.)ming Chairperson of the Negotiating Council.

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The Independent Electoral Commission Draft Bill

13.1

The Sub-Committee requested that the Planning Committee meets to discuss the problems related to the Draft Bill on the Independent Electoral Commission. The Sub-Committee gave a report back to the meeting.

The Sub-Committee recommended that:  
e The ad-hoc committee be reactivated.

A task group be appointed to identify problems and possibly ways of resolving the problems. The task group should liaise with the ad-hoc committee (which should be in permanent session) and make recommendations on how the Bill should be redrafted to improve it and resolve the points of difference. The ad-hoc committee should then take a decision on the recommendations. Once the ad-hoc committee had taken a decision with regard to the recommendations of the task group, the task group should redraft until consensus had been reached in the ad-hoc committee. The ad-hoc committee could consequently report to the Negotiating Council, where no disputes need arise.

The participants in the Negotiating Council should be requested to indicate in writing, without debate or motivation, where problems arose with regard to the Draft Bill on the IEC. The relevant clauses should be identified. These concerns would be taken into account by the task group.

The Technical Committee would be brought into the process once the political differences had been resolved and the relevant clauses redrafted.

It was noted that the acceptance of the recommendation of the Sub-Committee did not indicate a vote of no confidence in the Technical Committee and the task group should be seen as a dispute resolving mechanism.

The recommendation of the Sub-Committee was agreed to and would be recommended to the Negotiating Council. Furthermore, the following composition of the task group would be put forward to the Negotiating Council for its acceptance:

M Mabharaj

SS van der Merwe  
R Rosenthal

D Davis

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- o J Bruwer
- o A Tredoux.

13.5 It was noted that M Webb and the current Planning Committee Chairperson would report back on this recommendation in the meeting of the Negotiating Council.

#### Proposed Demonstrations

It was noted that two demonstrations were scheduled to take place during the day on behalf of the people of Kwandebele and SADTU.

The meeting was adjourned at 09h55.

The meeting reconvened at 13h10.

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The work programme of the further work of the Commission on the Demarcation/Delimitation of Regions

15.1 The Sub-Committee gave a reportback to the meeting.

15.2 The proposed work programme, an invitation to parties to make written and oral submissions, a letter from F Smit in which he approved the work programme but gave notice that he would be unable to serve and a fax message from B Nomvete, who had agreed to serve and who commented on the work programme were referred to.

It was noted that the Sub-Committee had met with F Smit.

The Sub-Committee recommended that:

= The proposed work programme subject to some of the comments made by B Nomvete, be approved and forwarded to the Negotiating Council for final approval.

The invitation taking B Nomvete's comments on board should be approved by the Planning Committee and sent out as soon as possible. It was noted that B Nomvete was expected back in the country around 5 September 1993.

\* It holds further discussions with F Smit.

It was agreed that the Sub-Committee holds further discussions with F Smit.

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It was agreed to principle that if F Smit was not available to serve, one of the other Commissioners should, serve as a Co-Convenor on this next phase. The Sub-Committee was mandated to deal with this issue.

The work programme and the invitation as amended were approved of (see Addendum E).

It was agreed that the work programme and the invitation should be tabled in the meeting of the Negotiating Council.

#### Commission on National Symbols

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It was agreed to defer this issue until Monday 30 August 1993.

It was noted that not all of the outstanding CVâ\200\231s had been received.

#### Input from Technical Committee on Constitutional Issues

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The Planning Committee met with the Technical Committee on Constitutional Issues at its request.

The members of the Technical Committee outlined various personal difficulties with the continuing of its work full time after the end of September.

It was noted that after September the members could be available on a part time basis.

It was agreed to programme the work of the Negotiating Council in advance, once the other Draft Bills had been dealt with, to broadly accommodate the Technical Committee, its work programme and the upcoming Parliamentary session.

It was noted that the Constitution should be finalised by the end of September.

It was noted that the Planning Committee was in the process of trying to design processes which would expedite the way in which the Negotiating Council dealt with the Draft Bills.

The Technical Committee raised the issue of consultation with the judiciary and the legal professions. It was noted that the Planning Committee had dealt with this issue and its decision in this regard was conveyed to the Technical Committee.

The Technical Committee raised the issue of the involvement of consultants

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on the drafting of special legislation dealing with the rationalisation of citizenship in the run up to the election. It was noted that the principle of the involvement of consultants, etc. had been agreed upon in the Negotiating Council. After discussion it was agreed to refer this issue to the Sub-Committee to come up a combination of individuals from the Technical Committees to assist with this issue. It was suggested that this proposed committee should also deal with the issue of the identification of voters in a particular area.

The Technical Committee raised the issue of problems relating to financial matters in the run up to the elections and the transformation and rationalisation of the whole process. The Technical Committee suggested the establishment of a special technical group to deal with issues such as the financial implications in the run up to the elections, the question of assets, liabilities, etc. The group should be appointed as technical experts on an apolitical basis. It was noted that the Technical Committee would draft the legislation but required the technical input. The issue was referred to the Sub-Committee to submit a recommendation to the Planning Committee in this regard. The Sub-Committee is to liaise with the Technical Committee on Constitutional Issues on this issue.

The Technical Committee raised the issue of Traditional Leaders in the transitional dispensation. It was noted that the submission from the Traditional Leaders as forwarded to the Technical Committee on Constitutional Issues had been referred to the Planning Committee for its attention to suggest a mechanism to deal with the issue.

The Technical Committee on Constitutional Issues was then excused from the meeting.

A call to Campaign for Peace in South Africa

The request as noted was agreed to (see Addendum B of the agenda documentation of 26 August 1993).

Reportback on bilateral and/or multilateral meetings

It was noted the meetings were still continuing. A further progress report would be received on Tuesday 31 August 1993. If insufficient progress was noted, the Planning Committee would reconsider the issue.

TEC

20.1 Decision-Making Process:

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It was agreed that this issue should be dealt with on a bilateral basis.  
National Peace-Keeping Force:

It was agreed that this issue should be dealt with on a bilateral basis.  
Information about new financial agreements:

It was agreed that this issue should be dealt with on a bilateral basis.

The meeting adjourned at 14h25.

These minutes were ratified at the meeting of the Planning Committee of 18 October 1993 and  
the amended

version signed by the Chairperson of this meeting on 395, //0 ..... 1993.

CHAIRPERSON

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@COMMISSION ON THE DEMARCATION/DELIMITATION OF SPRâ\200\231S  
1ALTION K VRITTEN AND ORAL SUBV :

The Commission on the Demarcation/Delimitation of SPRâ\200\231s which was appointed by the Negotiating Council of the Multi-Party Negotiation Process on May 28, 1993 has completed its report. The report was debated by the Negotiating Council on Monday, August 9, 1993, and a resolution mandating the two Co-Chairpersons, with the assistance of members of the Commission and its Technical Support Team, to carry out further work on "sensitive areasâ\200\235  
was passed. This resolution is attached.

UMMARY OF COMMISSIONâ\200\231S REP

The Commission in carrying out its task, took into account the following:

- a. The Constitutional Principles agreed upon by the Negotiating Council;
- b. The criteria for the demarcation/delimitation of SPRâ\200\231s provided by the Negotiating Council;
- Oral and written submissions made by interested groups and individuals; and
- d. Various research information on the subject of regional demarcation.

The Commission received and considered 304 written submissions and heard 80 oral submissions at various centres around the country. Nonetheless, the Commission noted its concern that there was inadequate local community involvement in the process. This was due to a number of factors such as: (i) the limited time that was allowed to complete the work; (ii) the lack of capacity of many communities to respond, either orally or in written form; and (iii) the limited number of people and organisations that the notification of the Commissionâ\200\231s brief was able to reach. '

The criteria for demarcation which the Commission was directed to-use are: historical boundaries, including provincial, â\200\224magisterial and district boundaries and infrastructure:administrative consideration including availability or non-availability of infrastructure and nodal points of service; the need or otherwise to rationalise existing structures ( including TBVC States, self-governing territories and regional governments; th  
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necessity of limiting financial and other costs as much as is reasonably possible; the need  
to  
minimise inconvenience to the people; the need to minimise the dislocation of services; demographic considerations; economic viability; development potential; and cultural and language realities.

The Commission having taken all the above indicated information into account, recommended that there be nine regions as shown on the map. These regions are: (i) Northern Transvaal, (ii) Pretoria-Witwatersrand-Vereeniging, (iii) Eastern Transvaal, (iv) KwaZulu/Natal, (v) Orange Free State, (vi) North West, (vii) Northern Cape, (viii) Western Cape, and (ix) Eastern Cape. hi,

TECCOMM/DOCS/SUMMARY.RPT

26 August 1993  
FIRST DRAFT

## @\N INVITATION FOR WRITTEN AND ORAL SUBMISSIONS

In its deliberations, the Negotiating Council members highlighted "sensitive areas,"<sup>200</sup>  
<sup>235</sup> in which there is need to obtain further submissions and receive oral evidence. These areas are:

a. Eastern Transvaal - whether this region should include Pretoria, KwaNdebele, Bronkhorstspuit, Middleburg, and Witbank. The position of the Kruger National Park.

Pretoria-Witwatersrand-Vereeniging - whether this region should exclude Sasolburg and the parts of Bophuthatswana located in it.

Orange Free State - whether this region should be combined with the North West region

Eastern Cape Whether this region should be one or two regions.

Western Cape - Whether this region should be combined with the Northern Cape to make one region.

Northern Transvaal - whether this region should include Pretoria, Groblersdal, Pilgrims Rest, and Hammanskraal. The position of the Kruger National Park.

Northern Cape - whether the northern boundary of the region should include Kuruman and Postmasburg, and exclude Namaqualand.

KwaZulu/Natal - whether the Umzimkhulu/Mount Currie area be included in this region

## WORK PROGRAMME FOR COMPLETION OF TASKS

1. Written submissions in response to the above issues are being solicited. Submissions - must be received by the Commission secretariat no later than Friday, September .  
24 .

The following issues should, inter alia, be addressed in the written submissions  
(i) Region(s) at issue, (ii) name of organisation making submission, (iii) type of organisation, (iv) whether members of the organisation making the submission were consulted and approve of the proposed boundaries, (V) whether they are satisfied to be in a particular region and reasons to substantiate this, (vi) the degree to which the regions satisfies the criteria used by the Commission on SPR<sup>200</sup><sup>231</sup>s.

The Commission will hold hearings on the sensitive areas identified from Monday, September 20 - Thursday, October 1, 1993. Applications for submission of oral evidence must be received

Kindly send written submissions and applications for oral submission to:

Dr. Renosi Mokate (Technical Secretary)

Commission on the Demarcation/Delimitation of Regions  
P.O. Box 307

[sando

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TEL: (011) 397-2059/2184

FAX: (011) 397-2211

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# Open Letter to the Multi-party Negotiators

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A Call for More Discussion on a (o O  
Property Clause in the Bill of Rights

We, the rural and landless communities participating in

the Back to the Land Campaign, have borne the brunt of  
discriminatory land policies. Together with the service  
organisations we work with and other supporters, we bring

We say that:

We strongly object to the inclusion of a property clause in the transitional bill of rights,  
Property rights are too important to be rushed through the inaccessible processes at the World  
Trade Centre. Instead, they should be dealt with by all South Africans after an election.  
It is not clear how long transitional property rights will last but they will prevent any redistribution  
of land from taking place during that time. We believe that land restoration  
needs to be tackled urgently, and we demand that it is completed within the next five years.  
Because of the discriminatory laws and policies in South Africa, our country is now owned by white  
people. The Land and Group Areas Acts prohibited us, as blacks, from owning land up until 1991,  
and our property rights were flagrantly disregarded through the policy of forced removals.  
The proposed clause sets out that black rights to land that was stolen from them are "dependent on  
feasibility" 200\235.  
A property clause in this context will protect white power and privilege.

We note with deep concern that:

If property rights for existing owners are guaranteed in the constitution, without sufficient provision  
for land restoration and redistribution, then a land claims court or a land reform policy will be  
vulnerable to challenge or review. It will enable whites to challenge any laws and policies aimed at  
restitution on the basis that they conflict with their constitutional rights.

As affected communities, we have not been thoroughly consulted, and especially not by parties such  
as the National Party and the Democratic Party.

Extra-parliamentary organisations and certain parliamentary organisations like the Progressive  
Federal Party (now the Democratic Party) have a proud history of resisting forced removals.  
Attempts to "de-constitutionalise" the restoration issue only in the face of this history and could  
prevent the restoration of our land.

We hereby demand that:

the proposed property clause, be either scrapped, or be drastically changed in order to ensure that  
those who have been unjustly deprived of their land have a right to restitution;

all affected parties, particularly the landless and rural people, be given the time and opportunity to  
make submissions on the matter,

thereafter, the issue be openly and thoroughly debated in the multi-party negotiating forum;  
and  
this debate should be broadcast in full on radio and television, for all South Africans to hear.

To each delegate at the forum, we say:

There can be no freedom without land, and there can be no peace until the emotional issue of land is settled. The multi-party forum needs to commit itself to restoration and land reform before a new constitution is drawn up.

We are concerned that the property clause, which is due to be finalised at the World Trade Centre,

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under the rights: of people who were forcibly removed from their land and who have been denied access to land. :

we fully support the protection of security of tenure. However, the clause which the negotiators are

proposing legitimises rights that were obtained through statutory discrimination of the past. It prejudices those who have already lost their security of tenure and works in favour of those who now

own land.

The Bill of Rights is an important document with far-reaching implications for all South Africans. We expect it to guarantee the return of our land, or the granting of access to the land. If it does not do that, it will have no legitimacy in the eyes of landless and rural communities. We will then have no option but to return to our land by force, whatever the consequences.

Submitted on behalf of the Back to the Land Campaign. A campaign of over 70 rural and landless communities, supported by the National Land Committee and affiliates.

The following communities and National Land Committee affiliates are involved in the campaign:

Communities: Amahiubi, Alcockspruit, Camden, Compensation, Crammond, C-lemen, Baynestfield. Weenen, Charicstown. llinge. Lweleuinya, Ciitsa, Moan's Bay, Potsdam, Moniptaas. Meongo/ Macleanlow, Necds Camp. Kwasi denge, Kwelers,

Newlands/ Nxarhuni, Thotnyill/Merino Walk, Tyolomaa, Mgwali Mteng: v | sitsikammat, Suie 30 t Caat, llenkey, Megagnanr, Doornkop, Bakubung. Bâphiring. Barolong, Baphalane, Mogopa. Wwilverdiend, Mampuni. Eliasds kraal, Mashabela, i-\201uha. Dinkwaayane, Botshabelo, Driefontain, Daggakrasl. KwaNgema, Dirkiesdorplabour tenants. Wakk erstcoom labour tenants. Drakensberg Farmers Union, Tsetse, Moletedi, Mashilane, Mogare and Molâiele, Mbangwen. Zik uba, Cwebhe. Mendwane, Mt Ayliff, Ntothovivane, Mfenta' Masakhane, Mzonuuda Communitis Protect, Lupgoko, Kwa-Movana. Buisplazs. Ricmvasmask, Elandsloof. Bojeiskgori, Majen Dithakwaneng, Gathlose, Khosis. Schinidisdrijf, Kono, Loepeng , MetsMataiale, Skyfontem, Bethany, Blesbokfontein; Herschel.

Nations! Luid Camm Affiliates: Assncintion for Rural Advancement, Border Rural Committee, Eust Cape Land Committee . Farmworkers Research Resources Project, Orange Free State Rural Committees, Soutisii Cape Land Committee. Surplus People Project, Transkei Land Service Organisation and the Transvaal Rural Action Committee.

Supported by the 1âtnlng individuals ...

rev. Frank Chikaae (South African Council of Churches), Bishop Wilfred Napier, Dr Beyers Na



ude, Ina Perlman (Operation Hunger), Peter Storey (Bishop of the Methodist Church of Southern Africa). Blade Nzimande (Deputy-chairperson African National Congress Regional Executive Committee), Njsoulo Ndebele (Rector University of the North. Geoff Budlender (Director Legal Resource Centre). Bill Jardine (National Olympic Sports Council), Father Smargalis Mkhathwa, David Cooper (Land and Agriculture Development Centre), John Aitchison (Director Centre for Adult Education University of Natal - Pietermaritzburg), Gordon Crysiel (Rural Advice Centre - Durban), Charles Neupen (Director of Independent Media Service of South Africa). Rao Dyer (Rural Advice Centre - atsl manager), Stan Sangwedi (African National Congress spokesperson on environmental affairs and Director School of Rural Community Development), Peter Kerchhot (co-ordinator Pietermaritzburg Agency for Christian Social Awareness), Tessa Cougins (Chair Natal Midlands Rural Development Network), Matie Klemmenberg, Idela Fouche, Marie Dyer. Joanne Fedler, Pat Mertst (all Black Sash Natal Midlands), Phumcisni Bukashe (Black Sash Eastern Cape), Roban Persad (Cosatu Natal), Cobs Pillay (Numsa Education), Mpume Chamane (Cosatu), Gareth Coleman (Cosatu). AS Chetty (chairperson ANC PMB Beach), Alf Karrim (Natal Forum secretary), Jeffrey Vilane (Natal Forum chairperson), Mtongeni Ngema (MD Commitad Artists, Mike Mabuyakiwlu (Cgsaiu Northern Natal), Sam Zwane (Cosatu Northern Natal), John Msbuyakhu (acting regional secretary Cosatu Northern Natal), Fbiwe Zibane (Cosatu Northern Natal), Magrapes Mashwayo (Numsa South Africa. Natal regional secretary), Rauri Alcock (Church Agricultural project), Mphahlele Maseko (Church Agricultural Project), Solomon Zuma (Sarmcol Workers Group), Kandy Cfontzen (Director Centre for Development Studies) Gearth Sirachan (Director Education Resource Information Project).

... and ombudsman 2020-2021:

Lawyers for Human Rights. Legal Resources Centre Durban, Community Law Centre, Centre for Rural Legal Studies, Black Sash, Kagiso Trust. O Masikkane for the Homeless, Farmers Support Group, Planact, Development Action Group, Centre for Adult Education University of Natal Pietermaritzburg, Pietermaritzburg Agency for Christian Social Awareness.

TOTAL P.63

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- 12.

Prof Elize Botha  
FG Brownell

Prof Lynda Gilfillan  
Bill Jardine

Prof PHM Kapp  
Mrs PGP Maluleka  
Barbara Masekela

Dr C Pama

CJ Reinecke

Prof Mala Singh  
Prof Themba Sirayi

Dr Musa Xulu

SA Govt  
BOP/SA Govt  
ANC/Venda  
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6 Seprember 1993

. : SECOND DRAFT

PROPOSED WORK PROGRAMME FOR FURTHER WORK ON THE  
DELIMITATION/DEMARCATIION OF REGIONS.

The Negotiating Council adopted a Resolution on the report of the Commission on the Delimitation/Demarcation of Regions and the way forward on 10 August 1993 which notes the report of the Commission on Delimitation/Demarcation of Regions and sets out the steps to be pursued following the discussion of the report in the Negotiating Council.

This resolution indicates the objectives of the programme of additional work to be done:

21 "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.â\200\235

"That the Co-Chairpersons of the Commission will work out the modalities for carrying out the undermentioned tasks in consultation with the Planning Committee and invite members of the Commission and the Technical Support Team to assist them to:"

~

2.2.1 "Receive oral evidence in respect of the sensitive areasâ\200\235;  
222 "Analyze these submissionsâ\200\235;

2.2.3 "Prepare a Technical Report which indicates the application of the criteria and the reasons for and against the options in respect of the different recommended regionsâ\200\235;

"Evaluate and report on the information available to it with a view to assisting the Negotiating Council to take a decision on boundaries to be incorporated into the Constitution for the transitional period."

This work programme will be informed by the debate in the Negotiating Council on 9 August 1993 which clearly identified the "sensitive areasâ\200\235 which require further investigation. These range from the location of a specific area on one or other side of a proposed boundary to the actual delimitation of a region as in the case of the Eastern Cape.

PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
13 September 1993

... Method

The assessment will be done in three phases. Phase 1: Submissions are solicited;

Phase 2: Oral hearings in the problem areas are undertaken; Phase 3: Analysis and Drafting of Report.

Phase 1: Submissions in response of the SPRâ\200\231s demarcated (August 23 - September 24)

Mechanism:

a. Publication of summary of proposals made by the Commission, in various languages, using a variety of media and distribution of forms through churches, schools, post offices, universities etc.

b. An indication of particular issues to be dealt with in the responses solicited:

(i) name of region, (ii) name of organisation, (iii) type of organisation, (iv) number of people represented by the organisation (iv) whether members of the organisation submitting the questionnaire were consulted and approve of the proposed boundaries, (v) whether they are satisfied with a particular region and reasons to substantiate their response, (vi) the degree to which the region is perceived to satisfy the criteria used by the Commission on SPRâ\200\231s.

Phase 2: Oral Hearings (September 20 - October 1)

Having completed Phase 1 (collecting and analysing submissions), the Task force will hold oral hearings in problem areas. The purpose of the hearings will be (i) to gain an in depth understanding of the problem; and (ii) to facilitate discussions among the people on the SP Râ\200\231s demarcated.

Phase 3: Analysis and Drafting of Report (October 4 - October 15)

Having received submissions from organisations, individuals and the participants at the Negotiating Council and having heard oral evidence from problem areas, a technical report will be prepared. This report will indicate the application and reasons for and against the options in respect of the proposed regions and also evaluate any other relevant information that will assist the Negotiating Council to take a decision on boundaries to be demarcated.

PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
13 September 1993

â\200\230Vpï¬\201 of organizations to be targeted in the announcement

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Members of the Multi-Party Negotiating Process  
Religious groups

Civic Organisations

Womenâ\200\231s organisations

Stokvels

Local NGOs

Local CBOs

Trade Unions/Labour Associations  
Local business groups

Local authorities

Traditional leaders  
Local/Regional/National Forums  
Taxi associations

Burial Societies

Sporting bodies

Other relevant organisations

PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
13 September 1993

PROPOSED WORK PROGRAMME FOR FURTHER WORK  
ON THE DELIMITATION/DEMARCATIION OF SPRs

AN INVITATION FOR WRITTEN AND ORAL SUBMISSIONS

PROPOSED WORK PROGRAMME FOR FURTHER WORK ON THE  
DELIMITATION/DEMARCATIION OF REGIONS.

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This resolution indicates the objectives of the programme of additional work to be done:

2.1 "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."

"That the Co-Chairpersons of the Commission will work out the modalities for carrying out the undermentioned tasks in consultation with the Planning Committee and invite members of the Commission and the Technical Support Team to assist them to:"

k.1 "Receive oral evidence in respect of the sensitive areas";

2B1 "Analyze these submissions";

2.2.3 "Prepare a Technical Report which indicates the application of

the criteria and the reasons for and against the options in respect of the different recommended regions";

"Evaluate and report on the information available to it with a view to assisting the Negotiating Council to take a decision on boundaries to be incorporated into the Constitution for the transitional period."

This work programme will be informed by the debate in the Negotiating Council on 9 August 1993 which clearly identified the "sensitive areas" which require further investigation. These range from the location of a specific area on one or other side of a proposed boundary to the actual delimitation of a region as in the case of the Eastern Cape.

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-

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PLANCOMM/DOCUMENTS/CDDR WORK.PRG

Â© 30 August 1993



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.. Members of the Multi-Party Negotiating Process  
Religious groups

Civic Organisations

Womenâ\200\231s organisations

Stokvels

Local NGOs

Local CBOs

Trade Unions/Labour Associations  
Local business groups

Local authorities

Traditional leaders  
Local/Regional/National Forums  
Taxi associations

Burial Societies

Sporting bodies

Other relevant organisations

PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
30 August 1993

The Commission on the Demarcation/Delimitation of SPRâ\200\231s which was appointed by the Negotiating Council of the Multi-Party Negotiation Process on May 28, 1993 has completed its report. The report was debated by the Negotiating Council on Monday, August 9, 1993, and a resolution mandating the two Co-Chairpersons, with the assistance of members of the Commission and its Technical Support Team, to carry out further work on "sensitive areasâ\200\235

was passed. This resolution is attached.

#### SUMMARY OF COMMISSIONâ\200\231S REPORT

The Commission in carrying out its task, took into account the following:

- a. The Constitutional Principles agreed upon by the Negotiating Council;
- b. The criteria for the demarcation/delimitation of SPRâ\200\231s provided by the Negotiating Council; '
- e Oral and written submissions made by interested groups and individuals; and
- d. Various research information on the subject of regional demarcation.

The Commission received and considered 304 written submissions and heard 80 oral submissions at various centres around the country. Nonetheless, the Commission noted its concern that there was inadequate local community involvement in the process. This was due to a number of factors such as: (i) the limited time that was allowed to complete the work; (ii) the lack of capacity of many communities to respond, either orally or in written form; and (iii) the limited number of people and organisations that the notification of the Commissionâ\200\231s brief was able to reach. ;

The criteria for demarcation which the Commission was directed to use are: historical boundaries, including provincial, ~magisterial and district boundaries and infrastructure; administrative consideration including availability or non-availability of infrastructure and nodal points of service; the need or otherwise to rationalise existing structures ( including TBVC States, self-governing territories and regional governments; th  
e  
necessity of limiting financial and other costs as much as is reasonably possible; the need to  
minimise inconvenience to the people; the need to minimise the dislocation of services; demographic considerations; economic viability; development potential; and cultural and language realities.

The Commission having taken all the above indicated information into account, recommended that there be nine regions as shown on the map. These regions are: (i) Northern Transvaal, (ii) Pretoria-Witwatersrand-Vereeniging, (iii) Eastern Transvaal, (iv) KwaZulu/Natal, (v) Orange Free State, (vi) North West, (vii) Northern Cape, (viii) Western Cape, and (ix) Eastern Cape/Transkei/Ciskei.

In its deliberations, the Negotiating Council members highlighted "sensitive areas,"<sup>200</sup>  
<sup>235</sup> in which

there is need to obtain further submissions and receive oral evidence. These areas are:

a. Eastern Transvaal - the proposed borders, with reference to the question of whether this region should include Pretoria, KwaNdebele, Bronkhorstspuit, Middelburg, and Witbank. The position of the Kruger National Park.

Pretoria-Witwatersrand-Vereeniging - whether this region should exclude Sasolburg, Pretoria and the parts of Bophuthatswana located in it. Secondly, whether Pretoria should be located in the Witwatersrand-Vereeniging region.

Orange Free State - whether this region should be combined with the North West region. 3

Eastern Cape/Transkei/Ciskei - whether this region should be one or two regions and the boundaries thereof.

Western Cape - whether this region should be combined with part of the Northern Cape to make one region.

Northern Transvaal - whether this region should include Pretoria, Groblersdal, Pilgrims Rest, and Hammanskraal. The position of the Kruger National Park.

Northern Cape - whether the northern boundary of the region should include Kuruman and Postmasburg, and whether Namaqualand should be excluded from the region. .

KwaZulu/Natal - whether the Umzimkhulu/Mount Currie area be included in this region :

#### WORK PROGRAMME FOR COMPLETION OF TASKS -

Written submissions in response to the above issues are being solicited. Submissions must be received by the Commission secretariat no later than Friday, September 24, 1993.

The following issues should, inter alia, be addressed in the written submissions (i) Region(s) at issue, (ii) name of organisation making submission, (iii) type of organisation, (iv) whether members of the organisation making the submission were consulted and approve of the proposed boundaries, (V) whether they are satisfied with a particular region and reasons to substantiate this, (vi) the degree to which the regions satisfies the criteria used by the Commission on SPR<sup>200</sup><sup>231s</sup>.

The Commission will hold hearings on the sensitive areas identified from Monday, September 20 - Thursday, October 1, 1993. Applications for submission of oral evidence must be received no later than September 13, 1993,

Kindly send written submissions and applications for oral submission to:

Dr. Renosi Mokate (Technical Secretary)

Commission on the Demarcation/Delimitation of Regions  
P.O. Box 307

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1600

TEL: (011) 397-2059/2184  
FAX: (011) 397-2211

Regions as proposed by the CDDR

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RESOLUTION ON THE REPORT OF  
THE COMMISSION ON THE DELIMITATION/DEMARCATIION OF REGIONS  
AND THE WAY FORWARD

'~ ADOPTED BY THE NEGOTIATING COUNCIL ON 9 AUGUST 1993

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

L.

Noting the various discussions on the Report of the Commission on the  
Delimitation/Demarcation of SPRâ\200\231s;

Confirms that the Report of the Commission provided a useful starting point to the  
discussion on the delimitation/demarcation of SPRâ\200\231s.

Takes note of a number of areas of agreement and some areas of disagreement on  
the Report identified by the Negotiating Council.

Emphasises that the people and communities who would be directly affected by the  
boundaries of SPRâ\200\231s, 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 SPRâ\200\231s, 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, notwithstan  
ding  
the extreme limitations of time and opportunity to consult more broadly.

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

L.

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.

That the Co-Chairpersons of the Commission will work out the modalities for  
carrying out the undermentioned tasks in consultation with the Planning Committee  
and invite members of the Commission and the Technical Support Team to assist  
them to:

2.1 Receive oral evidence in respect of the sensitive areas;

2.2 Analyse these submissions;

PLANCOMM/DOCUMENTS/COMMISS. WFR  
11 August 1993

- Prepare a Technical Report which indicates the application of the criteria and the reasons for and against the options in respect of the different recommended regions;

Evaluate and report on the information available to it with a view to assisting the Negotiating Council to take a decision on boundaries to be incorporated into the Constitution for the transitional period.

That the Planning Committee recommends appropriate time frames for this process in consultation with the Commission.



DRAFT AGENDA FOR THE CONTINUED MEETING OF  
THE PLANNING COMMITTEE  
TO BE HELD AT 12H00 ON WEDNESDAY 28 JULY 1993 AT  
THE WORLD TRADE CENTRE  
Chairperson : R Cronje

Moment of Prayer/Meditation  
Welcome and Attendance  
Ratification of Agenda

Substantive issues

4.1 Agendas for, and structuring and ordering of Reports in the Negotiating  
Council for the rest of this week and for the week 2-6 August (Addendum A,  
p1):

4.1.1 Violence

Constitutional Issues

TEC and its Sub-Councils

Independent Electoral Commission

Repeal or Amendment of Discriminatory Legislation

Independent Media Commission and IBA

.1.7 Fundamental Human Rights during the Transition

.1.8 Commission on the Delimitation/Demarcation of Regions

4.2 PAC/SA Government Issue

4.3 Future of the TBVC States (Addendum B, p2)

Procedural issues

5.1 Report on Sufficient Consensus (already distributed)

5.2 Report of the Ad-hoc Committees on:

5.2.1 IEC (Addendum C, p3)

5.2.2 IMC

5.2.3 Fundamental Human Rights during the Transition (Addendum D, p5)

5.2.4 Repeal or Amendment of Discriminatory Legislation (Sub-Committee)

5.3 Report of Commission

5.4 Traditional Leaders (Reportback from the Administration)

Administrative and Financial matters

6.1 Security (Reportback from the Sub-Committee)

6.2 Media Embargoes (Addendum F, p7)

6.3 Correspondence to be noted (Addendum G, p8)

Negotiating Council Agenda (Addendum H, p9)

Meetings Schedule (Addendum I, p10)

Closure

PLANCOMM/AGENDA/AGEN2807  
21 October 1993

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â\200\231-â\200\231JSE DRAFT MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE NPANNING COMMITTEE AND THE NEGOTIATING COUNCIL. THE MINUTES ARE STILL TO BE RATIFIED AT THE NEXT MEETING OF THE PLANNING COMMITTEE.

DRAFT MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD  
AT 10H35 ON MONDAY 23 AUGUST 1993 THROUGH TO THURSDAY 26 AUGUST  
1993 AT THE WORLD TRADE CENTRE

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

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

T Eloff (Administration)  
G Hutchings (Minutes)

Moment of Prayer/Meditation

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

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 SN Sigcau.

2.3 Apologies were noted for late arrival by PJ Gordhan.

Ratification of Agenda

The agenda was ratified with no amendments.

PLANCOMM/MINUTES/MIN2308  
13 September 1993

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## Minutes

It was noted that minutes would be distributed during the course of the day to be dealt with at a later stage.

### Substantive Issues

#### 5.1 Constitutional Issues:

5.1.1 It was agreed that all the following issues should be dealt with by way of bilateral and/or multilateral meetings:

Citizenship laws and SPR Citizenship

Competencies of SPR\200\231s

SPR taxes

The continuation, transfer and consolidation of existing administrative responsibility

SPR Constitutions

The name for SPR\200\231s

Definition of the National Territory

Languages

The deadlock-breaking mechanisms set out in Chapter 5  
Whether the Constitutional Assembly will have the power to alter the number, boundaries and powers of SPR\200\231s described in the Constitution for the transitional period

The issue of the TBVC States (including clauses 31 and 32 of the 10th Draft of the IMC Bill)

Submission by the National Electrification Forum

The fleshing out of the adopted Constitutional Principles

The Constitutional Court - its composition and functioning  
The deadlock-breaking mechanisms

The issue of boundaries

Self Determination

Confederalism

It was agreed to review the progress of the bilateral and/or multilateral meetings on Thursday 26 August 1993. If any participant of the Planning Committee had an input to make on these issues to facilitate the process, they were free to do so. The Sub-Committee was requested to notify the Technical Committee on Constitutional Issues that the above outstanding issues were being dealt with on a bilateral and/or multilateral basis.

Preamble to the Constitution - Report from the Sub-Committee:

It was noted this was included in the latest report from the Technical

PLANCOMM/MINUTES/MIN2308

13 September 1993

S

Committee and would be debated in the Negotiating Council.

Interaction between the Technical Committee and the General Council of the Bar - Report from the Sub-Committee:

3.1.1 The Sub-Committee gave a reportback on this issue. After discussion it was agreed that the General Council of the Bar should be requested to submit its recommendations in writing. It was noted that this did not rule out the possibility of a future meeting.

It was further agreed that Judges and other interested parties should be requested to provide written inputs and depending on the nature and extent of the submissions, a decision would then be taken on how best to process the inputs.

It was agreed that C Eglin and Z Titus make informal contact with the Chief Justice and with the Chairperson of the General Council of the Bar.

It was agreed that the submissions received should be discussed in the bilateral and/or multilateral meetings.

It was agreed that the issue of Confederation, Self-Determination and the Outstanding Constitutional Principles would be discussed in the bilateral and/or multilateral meetings. These issues would, therefore, not be on the Negotiating Council agenda during the course of this week.

It was agreed that the submission from the National Electrification Forum should be forwarded to the Technical Committee on Constitutional Issues by the Sub-Committee.

It was agreed that the submission from SACOB would be noted and to convey to SACOB that its submissions would be more effective if forwarded to the National Economic Forum as it had more relevance within that structure.

It was agreed to request the United Municipal Executive of South Africa to submit its views in writing to the Multi-Party Negotiating Process.

Commission on the Demarcation/Delimitation of Regions:

5.2.1 It was noted that the Sub-Committee had not as yet made contact with F Smit.

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A reportback on the progress of the work of the Technical Support Team was given by the Sub-Committee (see Addendum A). The Sub-Committee recommended that the work programme for completion of the second phase of the Commission's report be accepted by the Planning Committee. The implementation thereof could be considered once the work programme had been adopted.

Discussion proceeded around the proposed work programme. It was noted that the Resolution on the report of the Commission on the Delimitation/Demarcation of Regions and the way forward as adopted by the Negotiating Council on 10 August formed the basis for the work programme and should be added to the work programme.

Concerns with regard to the objectives of the work programme were noted. It was suggested that the resolve portion of the resolution should be from the objectives. It was further suggested that other operational difficulties should be constructively addressed. Concerns were expressed with regard to the application of the criteria by the Commission.

It was agreed that the areas that have been identified as "sensitive" in the Negotiating Council meeting of 9 August 1993 should be set out in the work programme.

After discussion it was agreed that PJ Gordhan prepares a new draft work programme taking into account the views expressed in the meeting. The new draft should be submitted to members during the course of the day.

It was agreed that the managing of the process of the distribution of background and working documents of the Commission and submissions received by the Commission would be accommodated by the envisaged work programme.

Co-ordination and implementation of the draft Bills on the TEC, IEC, IMC and IBA:

It was agreed that this issue stands over until a future meeting of the Planning Committee.

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

It was agreed that this issue stands over until a future meeting of the Planning Committee.

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#### Commission on National Symbols:

It was agreed that this issue stands over until tea time when the Planning Committee should meet again.

#### Fundamental Human Rights during the Transition:

5.6.1 It was noted that the ad-hoc committee would be considering the report of the experts on customary law once it was received. It was noted that the word of the ad-hoc committee may be completed by Monday 30 August 1993.

It was noted that the experts had been contacted and their inputs were expected by 25 August 1993. The report would then go to the ad-hoc committee and the Technical Committee.

Recommendations contained in paragraph 4 of the Sixth Report of the Technical Committee:

Â¢ It was agreed that items 1 to 3 should be forwarded to the Constitutional Issues Technical Committee for its recommendation and attention.

It was agreed that clause 4 should fall away as measures had been taken to attempt to set up an enforcement mechanism without having those fundamental rights coming into operation before the election.

It was agreed that this issue should be reported back on in the Negotiating Council.

It was noted that the next report of this Technical Committee would only be available after the ad-hoc committee had considered the views of the experts on customary law.

#### Repeal or Amendment of Discriminatory Legislation:

It was noted that there was nothing to report as this stage.

#### Independent Electoral Commission:

5.8.1 A reportback was given by the Sub-Committee and the Administration.

5.8.2 It was agreed to recommend to the Negotiating Council that the next

report of the Technical Committee be discussed and finalised on Wednesday 25 August 1993.

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Independent Electoral Commission:

It was noted that the IBA Draft Bill would be discussed on Monday 23 August 1993 and both the IBA and IMC Draft Bills would be finalised on Wednesday 25 August 1993.

Violence:

5.10.1 It was noted that a report from the Communications Committee

on what public broadcasters could do with regard to creating an awareness of the negotiating process was awaited.

5.10.2 It was noted that the Violence Technical Committee was proceeding with work on the proposed Peace Corps.

TEC and its Subcouncils:

9:11:d It was noted that the Technical Committee would have its next report ready early this week for discussion on Thursday 26 August 1993.

It was agreed that the issue of the decision making mechanism for the TEC stands over until a future meeting of the Planning Committee.

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3.1.3 It was agreed that the issue of establishing an NPF Command Centre be referred to the Sub-Committee for its attention.

The Ad-Hoc Committee on the TBVC States:

It was agreed that this issue should be followed up in the bilateral and/or multilateral meetings.

Practical and Effective Measure to Address Violence:

2.13:1 It was suggested that the Joint Peace Keeping Force was tied up with the establishment of an NPF Command Council. These issues were referred to the Sub-Committee for its attention.

It was agreed that a meeting of all the technical experts of the various forces should take place to start the process. It was agreed that R Meyer would initiate this process by mandating the relevant officials in the defence force.

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â\200\230 5.14 PAC/SA Government Issue:

Z Titus, as convenor of the Ad-Hoc Committee, gave a reportback on this issue. It was noted that the Ad-Hoc Committee would be meeting during the course of the day. A reportback would be submitted to the Planning Committee on this issue. It was agreed that this matter was urgent, should be finalised as soon as possible and be given priority on the next agenda of the Planning Committee.

Stolen and Burnt ID Documents:

It was agreed that the Sub-Committee should give its attention to the matter and obtain the report emanating from the internal investigation in this regard from the department of Home Affairs by Tuesday 24 August 1993 and then report back to the Planning Committee. This should all be done before a resolution is suggested by the Planning Committee for tabling in the Negotiating Council.

Procedural Issues

6.1 Meeting of the Panel of Chairpersons:

6.1.1 It was noted that the meeting scheduled for today was postponed.

6.1.2 It was agreed that the two additional members of the Panel of Chairpersons assist the current Chairpersons during the course of this

week and only commence with their chairing duties during the course of the week commencing 30 August 1993.

6.1.3 It was agreed that the Administration should arrange another meeting of the Panel of Chairpersons at a time acceptable to all members.

Implementation of the decision on Liaison Committees:

6.2.1 The names of the National Economic Forum representatives, B Godsell, J Jacobs and J Naidoo, were noted. The Administration was mandated to arrange a meeting between the two liaison committees as soon as possible.

It was noted that the Administration was awaiting a response from the Local Government Negotiation Forum with regard to the names of their representatives and a possible meeting.

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Report from the Ad-Hoc Committee with regard to the legal action by the Kwazulu Government:

6.3.1 A reportback on this issue was given by Z Titus as convenor of the Ad-Hoc Committee.

6.3.2 The names of Counsel were acceptable to the meeting.

6.3.3 An urgent meeting of the Ad-Hoc Committee on this issue was agreed to.

Avstig:

6.4.1 A reportback on this issue was given to the meeting.

6.4.2 It was agreed that this issue stands over until the next meeting of the Planning Committee.

Administrative and Financial Matters

7.1 Security, prosecutions and Goldstone recommendation:

The Sub-Committee gave a reportback on this issue which was taken note of by all members.

National Electrification Forum - Request for a meeting with the Planning Committee: .

It was agreed to mandate the Administration to inform the NELF that their submission has been noted and the issue would be dealt with by the relevant Technical Committee, in bi-lateral meetings and that their submission would be circulated to the Negotiating Council members.

South African Council of Churches : Request for a meeting with the Planning Committee:

It was agreed to request the South African Council of Churches to submit a written report which would then be referred to the Violence Technical Committee. It was agreed that the Sub-Committee should have discussion with the South African Council of Churches to clarify its request.

Read Educational Trust - Request for Monday 6 September:

The request was not agreed to (see p47 of the agenda documentation).

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Contralesa:

It was agreed to deal with this issue at a future meeting of the Planning Committee (see p 49 of the agenda documentation).

Correspondence to be noted:

7.6.1 The following correspondence was noted:

National Private Pre-School Action Group  
Soweto Civic Association

Pamphlet by Cmdt BAP Naude

Port Shepstone Christian Church

Port Shepstone Secondary School

Local Government Negotiating Forum  
Brazilian Embassy

Phoenix Parents Interim Committees:

It was agreed that this letter should be forwarded to the Education Forum

National Land Committee:

During the course of the meeting the Administration received a memorandum from the National Land Committee (see Addendum B). It was agreed that the memorandum should be forwarded to the Technical Committee on Fundamental Human Rights during the Transition and that the memorandum should be distributed to the Negotiating Council participants.

Request from Kempton College for Spring Celebration:

The request was agreed to (see p67 of the agenda documentation). The Administration was mandated to deal with the logistical arrangements in this regard. '

Draft Programme and Schedule for Meetings

8.1 It was agreed to recommend to the Negotiating Council that its meeting break for tea today at 15h30 due to logistical reasons.

8.2 It was agreed to recommend to the Negotiating Council that lunch breaks should commence from 12h00 to 13h00 over the next three days for logistical reasons.

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It was agreed to recommend to the Negotiating Council that over the next three days the meeting adjourns for tea from 17h00 to 17h30 for logistical reasons.

It was agreed to recommend to the Negotiating Council that its meeting of Tuesday 24 August adjourns at 17h00 for logistical reasons and that Constitutional Issues be discussed until 16h00.

It was agreed to recommend to the Negotiating Council that its meetings on Thursdays adjourn at 18h00.

It was noted that the draft programme and meetings schedule would be updated accordingly.

The meeting adjourned at 13h50. It was agreed to reconvene at 15h30.

The meeting reconvened at 16h15.

#### Commission on National Symbols

9.1 A list of names were submitted to the Planning Committee (see Addendum C). It was agreed that participants who had nominated the above persons should be contacted and requested to supply CVs of the nominees. The Administration was requested to ensure that the Sub-Committee had a complete name list of all persons nominated.

It was agreed that the commission should consist of 10 persons.  
The following criteria were agreed upon:

Heraldry

Gender

Race

Ethnicity

Divergent Political Viewpoints

Language Groups

Historians

Experts on Customs and Tradition

Sports

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#### 10. Work Programme of Commission on Regions Report

10.1 An amended draft work programme was put to the meeting (see Addendum D). Discussion and debate followed.

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It was noted that the Sub-Committee had had a discussion with F Smit and that there was a possibility of him becoming involved on a limited basis: It was further noted that the Sub-Committee would be meeting with F Smit at 17h00 on Tuesday 24 August with the envisaged work programme.

It was agreed that it would be necessary to put a notification in the Government Gazette on this issue. It was noted that the advertisements should be formulated sensitively.

It was noted that the Draft Constitution should be before the Standing Committee of Parliament by 21 October 1993. It was suggested that it would be only possible to put the Bill on the Draft Constitution to Parliament once the demarcation process was completed. R Meyer noted that he would establish whether the Standing Committee of Parliament would be able to discuss the Bill on the Constitution without the clause on the demarcation being finalised, i.e. the rules of parliamentary procedure would be clarified. It was agreed that the Co-Chairpersons of the Commission should be made aware of the issue of legislating.

It was noted that the dates as set out in the work programme were guidelines. It was agreed that the work programme should be put before the Negotiating Council on Wednesday 25 August 1993. This would allow for any amendments to the work programme after the Sub-Committee had met with F Smit.

#### History Archives

It was agreed that copies of the audio tapes of the proceedings be made available for archival purposes only at a cost.

The meeting adjourned at 17h00.

The meeting reconvened at 13h20 on Tuesday 24 August 1993. Apologies were noted from B Alexander, FT Mdlalose and B Ngubane (Sub-Committee). L Landers was also present as the current Chairperson of the Negotiating Council.

#### 12 Time Frames

12:1 The whole issue of the time frames with regard to the process was discussed and debated with the various viewpoints of participants being expressed.

It was noted that the IEC, the IMC, the IBA and the TEC Draft Bills

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should be completed timeously for submission to the September session of Parliament. It was suggested that proper planning was needed to ensure the meeting of the time frames envisaged by the process.

It was suggested that time was not being constructively utilised in the Negotiating Council meetings due to the procedures of the meeting. It was further suggested that stricter procedures should be enforced with regard to speaking opportunities and the time allocated to speakers in the Negotiating Council.

It was suggested that clauses that had been approved of and dealt with in the Negotiating Council should not be revisited when the draft Bills appeared before the Council again for debate. It was further suggested that Chairpersons should have tighter control and exercise firmness over the meetings of the Negotiating Council.

It was noted that a meeting of the Panel of Chairpersons was scheduled for 16h00 today. These issues should be raised in the meeting for the attention of all the Chairpersons.

After further discussion, it was agreed that Z Titus and PJ Gordhan should be mandated to prepare a schedule of all the work, that needed to be completed. This schedule should be updated periodically. This schedule could be seen as an overall management of the process.

It was suggested that a few Planning Committee members should be appointed as mediators in order to facilitate the process by finding common ground between Council participants as and when necessary. This principle was agreed to.

It was suggested that the Draft Bills on the IEC, the IMC, the IBA and the TEC should all be put to the Negotiating Council for formal adoption at one of its meetings. It was suggested that this should take place at the meeting of the Negotiating Council on Monday 30 August 1993.

Further discussion followed with references being made to the Explanatory Memorandum as adopted by the Negotiating Council on 30 April 1993 with regard to the implementation of the Draft Bills on the IEC, the IMC, the IBA and the TEC. More discussion and debate followed.

12,107 Due to time constraints it was agreed to adjourn the meeting at 13h55.

The meeting reconvened at 09h00 on Thursday 26 August 1993. Apologies were noted from FT Mdlalose and B Ngubane (Sub-Committee). MJ Mahlangu was present as the

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â\200\230)ming Chairperson of the Negotiating Council.

### 13 The Independent Electoral Commission Draft Bill

13.1 The Sub-Committee requested that the Planning Committee meets to discuss the problems related to the Draft Bill on the Independent Electoral Commission. The Sub-Committee gave a report back to the meeting.

The Sub-Committee recommended that:

- \* The ad-hoc committee be reactivated.

A task group be appointed to identify problems and possibly ways of resolving the problems. The task group should liaise with the ad-hoc committee (which should be in permanent session) and make recommendations on how the Bill should be redrafted to improve it and resolve the points of difference. The ad-hoc committee should then take a decision on the recommendations. Once the ad-hoc committee had taken a decision with regard to the recommendations of the task group, the task group should redraft until consensus had been reached in the ad-hoc committee. The ad-hoc committee could consequently report to the Negotiating Council, where no disputes need arise.

The participants in the Negotiating Council should be requested to indicate in writing, without debate or motivation, where problems arose with regard to the Draft Bill on the IEC. The relevant clauses should be identified. These concerns would be taken into account by the task group.

The Technical Committee would be brought into the process once the political differences had been resolved and the relevant clauses redrafted.

.3 It was noted that the acceptance of the recommendation of the Sub-Committee did not indicate a vote of no confidence in the Technical Committee and the task group should be seen as a dispute resolving mechanism.

The recommendation of the Sub-Committee was agreed to and would be recommended to the Negotiating Council. Furthermore, the following composition of the task group would be put forward to the Negotiating Council for its acceptance:

M Maharaj

SS van der Merwe  
R Rosenthal

D Davis

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\* J Bruwer  
% A Tredoux.

13.5 It was noted that M Webb and the current Planning Committee Chairperson would report back on this recommendation in the meeting of the Negotiating Council.

#### Proposed Demonstrations

It was noted that two demonstrations were scheduled to take place during the day on behalf of the people of Kwandebele and SADTU.

The meeting was adjourned at 09h55.

The meeting reconvened at 13h10.

15. The work programme of the further work of the Commission on the Demarcation/Delimitation of Regions

15.1 The Sub-Committee gave a reportback to the meeting.

15.2 The proposed work programme, an invitation to parties to make written and

oral submissions, a letter from F Smit in which he approved the work programme but gave notice that he would be unable to serve and a fax message from B Nomvete, who had agreed to serve and who commented on the work programme were referred to.

It was noted that the Sub-Committee had met with F Smit.

The Sub-Committee recommended that:

n The proposed work programme subject to some of the comments made by B Nomvete, be approved and forwarded to the Negotiating Council for final approval.

The invitation taking B Nomvetes comments on board should be approved by the Planning Committee and sent out as soon as possible.

It was noted that B Nomvete was expected back in the country around 5 September 1993.

Â» It holds further discussions with F Smit.

15.5 It was agreed that the Sub-Committee holds further discussions with F Smit.

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15.6 It was agreed to principle that if F Smit was not available to serve, one of the other Commissioners should, serve as a Co-Convenor on this next phase. The Sub-Committee was mandated to deal with this issue.

15.7 The work programme and the invitation as amended were approved of (see Addendum E).

15.8 It was agreed that the work programme and the invitation should be tabled in the meeting of the Negotiating Council.

#### Commission on National Symbols

16.1 It was agreed to defer this issue until Monday 30 August 1993.

16.2 It was noted that not all of the outstanding CVâ\200\231s had been received.

#### Input from Technical Committee on Constitutional Issues

17.1 The Planning Committee met with the Technical Committee on Constitutional Issues at its request.

17.2 The members of the Technical Committee outlined various personal difficulties with the continuing of its work full time after the end of September.

It was noted that after September the members could be available on a part time basis.

It was agreed to programme the work of the Negotiating Council in advance, once the other Draft Bills had been dealt with, to broadly accommodate the Technical Committee, its work programme and the upcoming Parliamentary session.

Tt was noted that the Constitution should be finalised by the end of September.

It was noted that the Planning Committee was in the process of trying to design processes which would expedite the way in which the Negotiating Council dealt with the Draft Bills.

The Technical Committee raised the issue of consultation with the judiciary and the legal professions. It was noted that the Planning Committee had dealt with this issue and its decision in this regard was conveyed to the Technical Committee.

The Technical Committee raised the issue of the involvement of consultants

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on the drafting of special legislation dealing with the rationalisation of citizenship in the run up to the election. It was noted that the principle of the involvement of consultants, etc. had been agreed upon in the Negotiating Council. After discussion it was agreed to refer this issue to the Sub-Committee to come up a combination of individuals from the Technical Committees to assist with this issue. It was suggested that this proposed committee should also deal with the issue of the identification of voters in a particular area.

The Technical Committee raised the issue of problems relating to financial matters in the run up to the elections and the transformation and rationalisation of the whole process. The Technical Committee suggested the establishment of a special technical group to deal with issues such as the financial implications in the run up to the elections, the question of assets, liabilities, etc. The group should be appointed as technical experts on an apolitical basis. It was noted that the Technical Committee would draft the legislation but required the technical input. The issue was referred to the Sub-Committee to submit a recommendation to the Planning Committee in this regard. The Sub-Committee is to liaise with the Technical Committee on Constitutional Issues on this issue.

The Technical Committee raised the issue of Traditional Leaders in the transitional dispensation. It was noted that the submission from the Traditional Leaders as forwarded to the Technical Committee on Constitutional Issues had been referred to the Planning Committee for its attention to suggest a mechanism to deal with the issue.

The Technical Committee on Constitutional Issues was then excused from the meeting.

A call to Campaign for Peace in South Africa

The request as noted was agreed to (see Addendum B of the agenda documentation of 26 August 1993).

Reportback on bilateral and/or multilateral meetings

It was noted the meetings were still continuing. A further progress report would be received on Tuesday 31 August 1993. If insufficient progress was noted, the Planning Committee would reconsider the issue.

TEC

20.1 Decision-Making Process:

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It was agreed that this issue should be dealt with on a bilateral basis.

National Peace-Keeping Force:

It was agreed that this issue should be dealt with on a bilateral basis.

Information about new financial agreements:

It was agreed that this issue should be dealt with on a bilateral basis.

The meeting adjourned at 14h25.

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@COMMISSION ON THE DEMARCATION/DELIMITATION OF SPRâ\200\231S  
AN INVITATION FOR WRITTEN AND ORAL SUBMISSIONS

The Commission on the Demarcation/Delimitation of SPRâ\200\231s which was appointed by the Negotiating Council of the Multi-Party Negotiation Process on May 28, 1993 has completed its report. The report was debated by the Negotiating Council on Monday, August 9, 1993, and a resolution mandating the two Co-Chairpersons, with the assistance of members of the Commission and its Technical Support Team, to carry out further work on "sensitive areasâ\200\235 was passed. This resolution is attached.

SUMMARY OF COMMISSIONâ\200\231S REPORT

The Commission in carrying out its task, took into account the following:

- a. The Constitutional Principles agreed upon by the Negotiating Council;
- b. The criteria for the demarcation/delimitation of SPRâ\200\231s provided by the Negotiating Council;
- c. Oral and written submissions made by interested groups and individuals; and
- d. Various research information on the subject of regional demarcation.

The Commission received and considered 304 written submissions and heard 80 oral submissions at various centres around the country. Nonetheless, the Commission noted its concern that there was inadequate local community involvement in the process. This was due to a number of factors such as: (i) the limited time that was allowed to complete the work; (ii) the lack of capacity of many communities to respond, either orally or in written form; and (iii) the limited number of people and organisations that the notification of the Commissionâ\200\231s brief was able to reach.

The criteria for demarcation which the Commission was directed to use are: historical boundaries, including provincial, magisterial and district boundaries and infrastructure; administrative consideration including availability or non-availability of infrastructure and nodal points of service; the need or otherwise to rationalise existing structures ( including TBVC States, self-governing territories and regional governments; the necessity of limiting financial and other costs as much as is reasonably possible; the need to minimise inconvenience to the people; the need to minimise the dislocation of services; demographic considerations; economic viability; development potential; and cultural and language realities. -

The Commission having taken all the above indicated information into account, recommended that there be nine regions as shown on the map. These regions are: (i) Northern Transvaal, (ii) Pretoria-Witwatersrand-Vereeniging, (iii) Eastern Transvaal, (iv) KwaZulu/Natal, (v) Orange Free State, (vi) North West, (vii) Northern Cape, (viii) Western Cape, and (ix) Eastern Cape. i e

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26 August 1993  
FIRST DRAFT

## @\ INVITATION FOR WRITTEN AND ORAL SUBMISSIONS

In its deliberations, the Negotiating Council members highlighted "sensitive areas," in which there is need to obtain further submissions and receive oral evidence. These areas are:

a. Eastern Transvaal - whether this region should include Pretoria, KwaNdebele, Bronkhorstspuit, Middleburg, and Witbank. The position of the Kruger National Park.

Pretoria-Witwatersrand-Vereeniging - whether this region should exclude Sasolburg and the parts of Bophuthatswana located in it.

Orange Free State - whether this region should be combined with the North West region

Eastern Cape Whether this region should be one or two regions.

Western Cape - Whether this region should be combined with the Northern Cape to make one region.

Northern Transvaal - whether this region should include Pretoria, Groblersdal, Pilgrims Rest, and Hammanskraal. The position of the Kruger National Park.

Northern Cape - whether the northern boundary of the region should include Kuruman and Postmasburg, and exclude Namaqualand.

KwaZulu/Natal - whether the Umzimkhulu/Mount Currie area be included in this region

## WORK PROGRAMME FOR COMPLETION OF TASKS

o Written submissions in response to the above issues are being solicited. Submissions must be received by the Commission secretariat no later than Friday, 24, 1993.

The following issues should, inter alia, be addressed in the written submissions (i) Region(s) at issue, (ii) name of organisation making submission, (iii) type of organisation, (iv) whether members of the organisation making the submission were consulted and approve of the proposed boundaries, (v) whether they are satisfied to be in a particular region and reasons to substantiate this, (vi) the degree to which the regions satisfies the criteria used by the Commission on SPR 200/231s.

The Commission will hold hearings on the sensitive areas identified from Monday, September 20 - Thursday, October 1, 1993. Applications for submission of oral evidence must be received no later than September 13, 1993.

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FIRST DRAFT

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Kindly send written submissions and applications for oral submission to:

Dr. Renosi Mokate (Technical Secretary)

Commission on the Demarcation/Delimitation of Regions  
P.O. Box 307

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TEL: (011) 397-2059/2184

FAX: (011) 397-2211

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Open Letter to the MUIt'i'-'party"Nego'ti;:vnâ\200\230ors

A Call for More Discussion on a >Â« &  
Property Clause in the Bill of Rights

We, the rural and landless communities participating in  
the Back to the Land Campaign, have borne the brunt of  
discriminatory land policies. Together with the service  
organisations we work with and other supporters, we bring

We say that:

We strongly object to the inclusion of a property clause in the transitional bill of rights,  
Property rights are too important to be rushed through the inaccessible processes at the World  
Trade Centre. Instead, they should be dealt with by all South Africans after an election.  
It is not clear how long transitional property rights will last but they will prevent any restoration or  
redistribution of land from taking place during that time, We believe that land restoration  
needs to  
be tackled urgently, and we demand that it is completed within the next five years.

Because of the; discriminating laws and policies in South Africa, our country is now owned by white  
people. The Land and Group Areas Acts prohibited us, as blacks, from owning land up until 1991,

and our property rights were flagrantly disregarded through the policy of forced removals.

The proposed clause sets out that black rights to land that was stolen from them are "dependent on

feasibilityâ\200\235.

A property clause in this context will protect white power and privilege,

We note with deep concern that:

If property rights for existing owners are guaranteed in the constitution, without sufficient revision  
for land restoration and redistribution, then a land claims court or a land reform policy will be  
vulnerable to challenge or review, [it will enable whites to challenge any laws and policies aimed at  
restitution on the basis that they conflict with their constitutional rights,

As affected communities, we have not been thoroughly consulted, and especially not by parties such  
as the National Party and the Democratic Party.

Extra-parliamentary organisations and certain parliamentary organisations like the Progressive  
Federal Party (now the Democratic Party) have a proud history of resisting forced removals.  
Attempts to "de-constitutionaliseâ\200\235 the restoration issue fly in the face of this history and could  
prevent the restoration of our land.

We hereby demand that:

the proposed property clause, be either scrapped, or be drastically changed in order to ensure that  
those who have been unjustly deprived of their land have a right to restitution;

all affected parties, particularly the landless and rural people, be given the time and opportunity to

make submissions on the matter, .

thereafter, the issue be openly and thoroughly debated in the multi-party negotiating forum; and  
this debate should be broadcast in full on radio and television, for all South Africans to hear.

To each delegate at the forum, we say:

There can be no freedom without land, and there can be no peace until the emotional issue of land is settled. The multi-party forum needs to commit itself to restoration and land reform before a new constitution is drawn up.

- We are concerned that the property clause, which is due to be finalised at the World Trade Centre,

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undcx';"s the rights: of people who were foreibly removed tfom their land and who have been denied o= access to land. :

we fully support the protection of security of tenure. tlowever, the clause which the negot iators are proposing legitimises rights that were obtained through statutory discrimination of the pas t. It prejudices those whg have already lost their securily of tepure and works in favour of thos e who now own land. :

The Bill of Rights ig an important document with far reaching implications for all South Af ricans. We expect it o guarantoe the return of our land, or the granting pf access 10 the land, If it does not do that, it will have no legitgmac y in the eyes of landless and rural coinmunities. We will then hav e no option but to return to our land by force, whatever the consequences.

Submitted on behalf of the Back to the Land Campaign. A campaign of over 70 rural and jandleass commurdties, supportad by the National Land Committee and affiliates. :

The following communitias and National Land Committee afflliates are Involved in the campal gn:

Communities: Amahiubi, Alcockspruit, Camden, Compensation, Crammund, C:iemen, Baynestield. Weenen, Charlestown. linge. Lweleumya, Ciatsa, horgan s Bav, Potgdam. Monintias. Meongo/ Macleantown, Necds Camp, Kwasi denge, Kwelers,

Newiands/ Nxarhuni, Thotnail/Merino Walk, Tyolomaqs, Mgwali, Micogy | sityikammat, Suie: s Cast, llankey, Magognane. Doornkop, Bakubung, Bephiring. Barolong, Baphalane, Mogopa, welverdiend, Mampuru. Eiaadskra al, Mashabela, i¬\201uha. Dinkwanyane, Botshabelo, Driefontain, Dagâ\200\230i¬\202 aal, KwaNgema, Dickiesdorplabour t enins. Wakkersiroom labour tenants, Drakensberg Farmers Union, Tsetse, Moletedi, Mashilane, Mogare and MolÂ¢lele, Mbangweni. Zi kuba, Cwebhe, Mendwane, Mt

Ayliff, Ntothovivane, Meenta'Masakhane, Mzonuuda Community Proiect, Lupgoko, Kwa-Mtwvang, B uisplazs.Ricmvasmaak, Efandskloof. Bojelakgormy, MajenF. Dithakwaneng, Gathlose, Khosis. Schinidisdrif, Kono, Loe peng, MetsiMataiale, Skyfontein, Bethany, Biesbokfontein; Hersche!.

Nations! Lund Cammittee Affiliates: Associntion for Rural Advanceiment , Border Rural Commi ttee, Enst Cape Land Commiittes . Farmworkers Rescarch ghd Resource Project, Orange Free Siate Rural Cummittee, Soutsrn Cape L and Commuttee, Surplus Pecple Project, Transkei Land Service Organisation and the Transvaal Rural Action Commitige.

Supported by the fdilowing Individuais ...

Rav. Frank Chikane (Solth African Council of Churches), Bishop Wilfred Napier, Dr Beyers Na



ude, Ina Perlman (Operation  
 Hunger), Peter Storey (Bishop of the Methodist Church of Southern Africa), Blade Nzimande (Deputy-chairperson African National Congress Regional Executive Committee), Njabulo Ndebele (Rector University of the North),  
 George Budlender (Director Legal Resource Centre), Bill Jardine (National Olympic Sports Congress), Father Smangaliso Mkhathshwa, David Cooper (Land and  
 Agriculture & Forestry Centre), John Aitchison (Director Centre for Adult Education University of Natal - Pietermaritzburg), Gordon  
 Crystal (Rural Advice Centre - Durban), Chantles Neupen (Director of Intermediation Services of South Africa), Rab Dyer  
 (Rural Advice Centre - Natal manager), Stan Sangweni (African National Congress 200\230  
 Ecosystems on Environmental affairs and  
 Director School of Rural Communities Development) Peter Kerckhoffs (co-ordinator Pietermaritzburg  
 Area for Christian Social  
 Awareness), Tessa Cougins (Chair of the Midlands Rural Development Network), Marie Kleinenberg  
 and Fouché, Marie Dyer,  
 Joanne Fedler, Pat Merpet (all Black Sash Natal Midlands), Phumclani Bukashe (Black Sash Eastern Cape), Roban Persad (Cosatu  
 Natal), Cobs Pillay (Numsa Education), Mpume Chamane (Cosatu), Gareth Coleman (Cosatu. AS  
 Chetty (chairperson ANC PMB  
 Beachy, Alf Karrim (Natal Forum secretary), Jeffrey Vilane (Natal Forum chairperson), Mbonjeni Ngema (MD Committee Artists.  
 Mike Mabuyaki (Cosatu Northern Natal), Sam Zwane (Cosatu Northern Natal), John Mabuyakhulu (acting regional secretary  
 Cosatu Northern Natal), Phiso Zibane (Cosatu Northern Natal), Magrapes Mlatshwayo (Numsa Southern  
 Natal regional secretary),  
 Rauri Alcock (Church Agricultural project), Mphahlele Masondo (Church Agricultural Project), Solomon Zuma (Sarmcol Workers  
 Union, 200\230oA«:pcm:iw.), Randy Eickman (Director Centre for Development Studies) Garth Strachan (Director Education Resource Information  
 project). .

.. and organisations:

Lawyers for Human Rights, Legal Resources Centre Durban, Community Law Centre, Centre for Rural Legal Studies, Black Sash.  
 Kaogiso Trust. Opera Masikhane for the Homeless, Farmers Support Group, Planact, Development Action Group, Centre for  
 Adult Education University of Natal Pietermaritzburg, Pietermaritzburg Agency (for Christian Social Awareness).

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Prof Elize Botha  
FG Brownell

Prof Lynda Gilfillan  
Bill Jardine

Prof PHM Kapp  
Mrs PGP Maluleka  
Barbara Masekela

Dr C Pama

CJ Reinecke

Prof Mala Singh  
Prof Themba Sirayi

Dr Musa Xulu

SA Govt  
BOP/SA Govt  
ANC/Venda  
ANC/Venda  
AVU/SA Govt  
Inyandza  
ANC/Venda  
DP/SA Govt  
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â\200\230 SECOND DRAFT

PROPOSED WORK PROGRAMME FOR FURTHER WORK ON THE  
DELIMITATION/DEMARCATIION OF REGIONS.

The Negotiating Council adopted a Resolution on the report of the Commission on the Delimitation/Demarcation of Regions and the way forward on 10 August 1993 which notes the report of the Commission on Delimitation/Demarcation of Regions and sets out the steps to be pursued following the discussion of the report in the Negotiating Council.

This resolution indicates the objectives of the programme of additional work to be done:

2.1 "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."

"That the Co-Chairpersons of the Commission will work out the modalities for carrying out the undermentioned tasks in consultation with the Planning Committee and invite members of the Commission and the Technical Support Team to assist them to:"

-

2.2.1 "Receive oral evidence in respect of the sensitive areasâ\200\235;

2.2.2 "Analyze these submissions";

223 "Prepare a Technical Report which indicates the application of the criteria and the reasons for and against the options in respect of the different recommended regionsâ\200\235;

"Evaluate and report on the information available to it with a view to assisting the Negotiating Council to take a decision on boundaries to be incorporated into the Constitution for the transitional period."

This work programme will be informed by the debate in the Negotiating Council on 9 August 1993 which clearly identified the "sensitive areas" which require further investigation. These range from the location of a specific area on one or other side of a proposed boundary to the actual delimitation of a region as in the case of the Eastern Cape.

PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
13 September 1993

## Method

The assessment will be done in three phases. Phase 1: Submissions are solicited; Phase 2: Oral hearings in the problem areas are undertaken; Phase 3: Analysis and Drafting of Report.

Phase 1: Submissions in response of the SPRâ\200\231s demarcated (August 23 - September 24)  
Mechanism:

Publication of summary of proposals made by the Commission, in various languages, using a variety of media and distribution of forms through churches, schools, post offices, universities etc.

An indication of particular issues to be dealt with in the responses solicited:

(i) name of region, (ii) name of organisation, (iii) type of organisation, (iv) number of people represented by the organisation (iv) whether members of the organisation submitting the questionnaire were consulted and approve of the proposed boundaries, (v) whether they are satisfied with a particular region and reasons to substantiate their response, (vi) the degree to which the region is perceived to satisfy the criteria used by the Commission on SPRâ\200\231s.

-

Phase 2: Oral Hearings (September 20 - October 1)

Having completed Phase 1 (collecting and analysing submissions), the Task force will hold oral hearings in problem areas. The purpose of the hearings will be (i) to gain an in depth understanding of the problem; and (ii) to facilitate discussions among the people on the SP Râ\200\231s demarcated.

Phase 3: Analysis and Drafting of Report (October 4 - October 15)

Having received submissions from organisations, individuals and the participants at the Negotiating Council and having heard oral evidence from problem areas, a technical report will be prepared. This report will indicate the application and reasons for and against the options in respect of the proposed regions and also evaluate any other relevant information that will assist the Negotiating Council to take a decision on boundaries to be demarcated.

PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
13 September 1993

â\200\230rpes of organizations to be targeted in the announcement

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Members of the Multi-Party Negotiating Process  
Religious groups

Civic Organisations

Womenâ\200\231s organisations

Stokvels

Local NGOs

Local CBOs

Trade Unions/Labour Associations  
Local business groups

Local authorities

Traditional leaders  
Local/Regional/National Forums  
Taxi associations

Burial Societies

Sporting bodies

Other relevant organisations

PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
13 September 1993

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1. PROPOSED WORK PROGRAMME FOR FURTHER WORK  
ON THE DELIMITATION/DEMARCATIION OF SPRs
2. AN INVITATION FOR WRITTEN AND ORAL SUBMISSIONS

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PROPOSED WORK PROGRAMME FOR FURTHER WORK ON THE  
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This resolution indicates the objectives of the programme of additional work to be done:

2.1 "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."

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2.2.1 "Receive oral evidence in respect of the sensitive areas";  
2.2.2 "Analyze these submissions";

2.2.3 "Prepare a Technical Report which indicates the application of the criteria and the reasons for and against the options in respect of the different recommended regions";

"Evaluate and report on the information available to it with a view to assisting the Negotiating Council to take a decision on boundaries to be incorporated into the Constitution for the transitional period."

This work programme will be informed by the debate in the Negotiating Council on 9 August 1993 which clearly identified the "sensitive areas" which require further investigation. These range from the location of a specific area on one or other side of a proposed boundary to the actual delimitation of a region as in the case of the Eastern Cape.

PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
30 August 1993

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PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
30 August 1993



.ypes of organizations to be targeted in the announcement

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. Members of the Multi-Party Negotiating Process  
Religious groups

Civic Organisations

Womenâ\200\231s organisations

Stokvels

Local NGOs

Local CBOs

Trade Unions/Labour Associations  
Local business groups

Local authorities

Traditional leaders  
Local/Regional/National Forums  
Taxi associations

Burial Societies

Sporting bodies

Other relevant organisations

PLANCOMM/DOCUMENTS/CDDR WORK.PRG  
30 August 1993

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@ OMISSION ON THE DEMARCATION/DELIMITATION OF SPRâ\200\231S  
AN INVITATION FOR WRITTEN AND ORAL SUBMISSIONS

The Commission on the Demarcation/Delimitation of SPRâ\200\231s which was appointed by the Negotiating Council of the Multi-Party Negotiation Process on May 28, 1993 has completed its report. The report was debated by the Negotiating Council on Monday, August 9, 1993, and a resolution mandating the two Co-Chairpersons, with the assistance of members of the Commission and its Technical Support Team, to carry out further work on "sensitive areasâ\200\235

was passed. This resolution is attached.

SUMMARY OF COMMISSIONâ\200\231S REPORT

The Commission in carrying out its task, took into account the following:

- a. The Constitutional Principles agreed upon by the Negotiating Council;
- b. The criteria for the demarcation/delimitation of SPRâ\200\231s provided by the Negotiating Council; '
- e, Oral and written submissions made by interested groups and individuals; and
- d. Various research information on the subject of regional demarcation.

The Commission received and considered 304 written submissions and heard 80 oral submissions at various centres around the country. Nonetheless, the Commission noted its concern that there was inadequate local community involvement in the process. This was due to a number of factors such as: (i) the limited time that was allowed to complete the work; (ii) the lack of capacity of many communities to respond, either orally or in written form; and (iii) the limited number of people and organisations that the notification of the Commissionâ\200\231s brief was able to reach.

The criteria for demarcation which the Commission was directed to use are: historical boundaries, including provincial, magisterial and district boundaries and infrastructure; administrative consideration including availability or non-availability of infrastructure and nodal points of service; the need or otherwise to rationalise existing structures ( including TBVC States, self-governing territories and regional governments; th  
e  
necessity of limiting financial and other costs as much as is reasonably possible; the need to  
minimise inconvenience to the people; the need to minimise the dislocation of services; demographic considerations; economic viability; development potential; and cultural and language realities.

The Commission having taken all the above indicated information into account, recommended that there be nine regions as shown on the map. These regions are: (i) Northern Transvaal, (ii) Pretoria-Witwatersrand-Vereeniging, (iii) Eastern Transvaal, (iv) KwaZulu/Natal, (v) Orange Free State, (vi) North West, (vii) Northern Cape, (viii) Western Cape, and (ix) Eastern Cape/Transkei/Ciskei.

TECCOMM/DOCS/SUMMARY.RPT

28 August 1993  
3 FINAL DRAFT -

@ N INVITATION FOR WRITTEN AND ORAL SUBMISSIONS

In its deliberations, the Negotiating Council members highlighted "sensitive areas," in which there is need to obtain further submissions and receive oral evidence. These areas are:

a. Eastern Transvaal - the proposed borders, with reference to the question of whether this region should include Pretoria, KwaNdebele, Bronkhorstspuit, Middelburg, and Witbank. The position of the Kruger National Park.

Pretoria-Witwatersrand-Vereeniging - whether this region should exclude Sasolburg, Pretoria and the parts of Bophuthatswana located in it. Secondly, whether Pretoria should be located in the Witwatersrand-Vereeniging region.

Orange Free State - whether this region should be combined with the North West region. 5

Eastern Cape/Transkei/Ciskei - whether this region should be one or two regions and the boundaries thereof.

Western Cape - whether this region should be combined with part of the Northern Cape to make one region.

Northern Transvaal - whether this region should include Pretoria, Groblersdal, Pilgrims Rest, and Hammanskraal. The position of the Kruger National Park.

Northern Cape - whether the northern boundary of the region should include Kuruman and Postmasburg, and whether Namaqualand should be excluded from the region.

KwaZulu/Natal - whether the Umzimkhulu/Mount Currie area be included in this region

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Written submissions in response to the above issues are being solicited. Submissions must be received by the Commission secretariat no later than Friday, September 24, 1993.

The following issues should, inter alia, be addressed in the written submissions (i) Region(s) at issue, (ii) name of organisation making submission, (iii) type of organisation, (iv) whether members of the organisation making the submission were consulted and approve of the proposed boundaries, (v) whether they are satisfied with a particular region and reasons to substantiate this, (vi) the degree to which the regions satisfies the criteria used by the Commission on SPRâ\200\231s.

The Commission will hold hearings on the sensitive areas identified from Monday, September 20 - Thursday, October 1, 1993. Applications for submission of oral evidence must be received no later than September 13, 1993.

Kindly send written submissions and applications for oral submission to:

Dr. Renosi Mokate (Technical Secretary)

Commission on the Demarcation/Delimitation of Regions  
P.O. Box 307

[sando

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TEL: (011) 397-2059/2184  
FAX: (011) 397-2211

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28 August 1993  
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â\200\231 RESOLUTION ON THE REPORT OF  
THE COMMISSION ON THE DELIMITATION/DEMARCATIION OF REGIONS  
. AND THE WAY FORWARD  
ADOPTED BY THE NEGOTIATING COUNCIL ON 9 AUGUST 1993

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

Noting the various discussions on the Report of the Commission on the Delimitation/Demarcation of SPRâ\200\231s;

Confirms that the Report of the Commission provided a useful starting point to the discussion on the delimitation/demarcation of SPRâ\200\231s.

Takes note of a number of areas of agreement and some areas of disagreement on the Report identified by the Negotiating Council.

Emphasises that the people and communities who would be directly affected by the boundaries of SPRâ\200\231s, 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 SPRâ\200\231s, 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:

| B 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.

That the Co-Chairpersons of the Commission will work out the modalities for carrying out the undermentioned tasks in consultation with the Planning Committee and invite members of the Commission and the Technical Support Team to assist them to:

2.1 Receive oral evidence in respect of the sensitive areas; -

2.2 Analyse these submissions; .

Prepare a Technical Report which indicates the application of the criteria and the reasons for and against the options in respect of the different

recommended regions;

Evaluate and report on the information available to it with a view to assisting the Negotiating Council to take a decision on boundaries to be incorporated into the Constitution for the transitional period.

That the Planning Committee recommends appropriate time frames for this process in consultation with the Commission.