

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

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD AT 11H40
WEDNESDAY 1 SEPTEMBER 1993 AT THE WORLD TRADE CENTRE**

PRESENT :

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

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

- T Eloff (Administration)
- G Hutchings (Minutes)

1. Moment of Prayer/Meditation

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

2. Welcome and Attendance

2.1 All members were welcomed.

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

2.3 Apologies were noted for late arrival by RP Meyer.

3. Ratification of Agenda

The agenda was ratified with no amendments

4. Substantive Issues

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

4.2.1 Draft Resolution on the Processing of the Four accepted Bills:

- 4.2.1.1 A draft was put before the meeting. Discussion followed.
- 4.2.1.2 It was noted that implementation of the Draft Bills would not take place until the whole package was finalised.
- 4.2.1.3 It was noted that taking the Draft Bills to Parliament was a matter of procedure. Furthermore, that the Negotiating Council had the sovereign right to amend the Draft Bills.
- 4.2.1.4 It was noted that provision should be made in the Draft Bill that the State President should only sign the Draft Bills and the Draft Bills should only be enacted once the Plenary agrees.
- 4.2.1.5 It was proposed that the Draft Bills go to Parliament, that the State President does not sign the Draft Bills until the Plenary and that there should be a provision in each of the Draft Bills to reflect this position.
- 4.2.1.6 B Alexander noted that he was opposed to this process as a Plenary should take place before the Draft Bills are sent to Parliament.
- 4.2.1.7 It was agreed that the steps outlining the process with regard to the Draft Bills should be stated in the Draft Resolution.
- 4.2.1.8 It was suggested that the fundamental question with regard to the Draft Bills was the implementation, i.e. the putting into operation of the Draft Bills and it was agreed that this should only take place once the package of agreements was complete. This could be provided for by way of a resolution in the Negotiating Council or by a stipulation in a Draft Bill itself.
- 4.2.1.9 Further amended drafts were put before the meeting. The draft as amended was approved and would be put

before the Negotiating Council (see Addendum A).

4.2.1.10 M Webb gave notice to the meeting that he would speak in opposition to the resolution in the Negotiating Council.

4.2.2 Memorandum on Process and Procedure in Multi-Party Negotiating Process - Submitted by PJ Gordhan and Z Titus (distributed in the Planning Committee meeting of 30 August 1993 - further copies available on request):

4.2.2.1 PJ Gordhan and Z Titus presented the report to the meeting. Discussion and debate followed.

4.2.2.2 It was noted that this report should be used as a guideline for the process.

4.2.2.3 It was agreed that the section dealing with the procedure in the Negotiating Council should be considered as soon as possible and if appropriate a recommendation be submitted to the Negotiating Council and the Panel of Chairpersons.

4.2.2.4 It was agreed to revisit this issue at the meeting of the Planning Committee on Monday 6 September 1993.

4.3 Commission on National Symbols:

It was agreed that the Sub-Committee submits a recommendation to the Planning Committee on Tuesday 7 September.

4.4 TEC and its Subcouncils:

It was noted that the decision-making mechanism for the TEC was still under discussion in bilateral meetings.

4.5 Amendments to existing Broadcasting Legislation:

It was agreed that the Sub-Committee deals with this issue and oversee the process.

4.6 The alleged destruction of Government Files and Documents:

4.6.1 Z Titus made an input to the meeting on this issue and suggestion that a resolution should be formulated to deal with this issue.

4.6.2 Discussion and debate followed during which it was suggested that Z

Titus should draft a proposed resolution and put it before the Planning Committee. Other members suggested that this issue was part of a normal practise of any government/administration.

5. Procedural Issues

5.1 Women and the TEC:

5.1.1 C Eglin gave a progress report to the meeting on informal contact held with the women's caucus. The addition of a new sub-section (7) was proposed (see Addendum B). Discussion and debate followed.

5.1.2 It was agreed that the concept of alternates should not apply.

5.1.3 It was agreed that C Eglin and J Slovo remain charged with this issue and the necessary amendments and informal discussions should proceed.

5.2 Request from the Communications Committee:

5.2.1 It was noted that the Communications Committee wanted to call a meeting of broadcasters, etc. and requested that the process cover the transport costs of all parties/participants involved in the meeting.

5.2.2 This request was not agreed to as the Communications Committee did not have a mandate to call such a meeting and to express itself as the voice of the Multi-Party Negotiating Process.

5.2.3 The Administration was mandated to notify the Communications Committee of the decision of the Planning Committee and the views expressed in the meeting, including the fact that the Planning Committee was of the strong opinion that the Communications Committee should only meet as and when required.

6. Administrative Matters:

6.1 Correspondence to be noted:

The following correspondence was noted (see pack of additional correspondence to be noted as distributed in the Planning Committee meeting of 30 August 1993):

- * Bewildered and Confused
- * Sipho I Dube
- * Commissioner : South African Police

- * Local Government Negotiating Forum
 - Nigel Mandy & Associates
 - Letter on Liaison Committee
- * The Hay Family

6. **Closure**

The meeting was adjourned at 13h25.

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 1993.

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CHAIRPERSON

**FINAL DRAFT RESOLUTION ON THE PROCESSING OF THE
THREE ACCEPTED BILLS
PUT TO THE NEGOTIATING COUNCIL BY THE PLANNING COMMITTEE
ON 2 SEPTEMBER 1993**

This Negotiating Council meeting on Thursday 2 September 1993 at the World Trade Centre in Kempton Park:

Notes with acclaim

1. That the Independent Media Commission Bill, Independent Electoral Commission Bill and the Independent Broadcasting Authority Bill have been adopted by general consensus by this Council.

Noting further

1. That the following are the steps that are to be followed:
 - 1.1 Agreement on Bill in the Negotiating Council
 - 1.2 Passage of Bill through Parliament
 - 1.3 Promulgation of the Act in Gazette
 - 1.4 Putting into operation of the Act
2. That the Bills passed through Parliament will not be put into operation until an explicit decision to that effect has been taken by the plenary of the Multi-Party Negotiating Process upon the approval of the total package of agreements, that is the Independent Electoral Commission, the Independent Media Commission, the Independent Broadcasting Authority, the Transitional Executive Council and the Constitution for the transitional period including fundamental rights and the constitutional principles, by the Multi-Party Negotiating Process.

Believing

That these Bills must now be introduced in Parliament as soon as possible and that an agreement in the Negotiating Council to this effect will boost confidence in the negotiating process.

Therefore resolves

That this Negotiating Council requests the South African Government to introduce these Bills in Parliament for attention during the Parliamentary session starting on 13 September 1993.

And further resolves

1. That, in terms of clause 6 of the Explanatory Memorandum adopted by the Negotiating Council on 30 April 1993 and quoted hereunder, the Council will expressly determine the date when each agreement arrived at by the Council and passed by Parliament and after their passage through Parliament will be implemented; and

"6. It is expressly understood by all participants that each of the above proposals and the documentation emanating from such technical committees shall be discussed in the Negotiating Council with the view to arriving at an agreement on these matters. Furthermore that as when agreement is reached on each of these matters the Council shall expressly determine when and how the specific agreement shall be implemented. This provision is made so as to ensure participants have a clear understanding of the package of agreements which would constitute the key elements of the transition process."
2. That the Planning Committee shall plan informally for the implementation and practical application of the three Bills, including informal preparations for the operation of the structures provided for in the Bills, in order to facilitate their implementation.

TRANSITIONAL EXECUTIVE COUNCIL

Amendment to Section 24

To insert new

Subsection 24:

The Subcouncil on the Status of Women from time to time shall nominate three persons, from amongst its members who shall be entitled to attend all meetings of the Council and to address it on any matters relevant to the Status of Women."