

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE TECHNICAL COMMITTEE ON FUNDAMENTAL RIGHTS IN THE TRANSITIONAL EXECUTIVE COUNCIL IN THE MULTI-PARTY FORUM.

A M E N D E D

MINUTES OF THE FIRST MEETING OF THE TECHNICAL COMMITTEE ON FUNDAMENTAL RIGHTS HELD ON 10 MAY 1993 AT THE WORLD TRADE CENTRE.

PRESENT: Hugh Corder
Lourens du Plessis
Gerrit Grove
Sbongile Nene
Zac Yacoob

MINUTES: Miriam Cleary (Administration)

1. **Mr Mac Maharaj** joined the meeting to briefly discuss the issues which this Committee should address, the main items being which basic rights should be guaranteed in the Transition Period.

2. **Agenda**

No fixed agenda was discussed as this meeting would be held on an informal basis.

3. **Convenor**

It was unanimously agreed that Lourens du Plessis act as Convenor.

4. **Categories of Fundamental Rights**

4.1 **It was agreed** that the basic Fundamental Rights could be addressed in four categories:

4.1.1 Essential or minimum rights.

4.1.2 Desirable rights.

4.1.3 Rights subject to further debate.

4.1.4 Rights which ought not to be in the Interim Constitution.

4.2 The **members present agreed** that documentation would be obtained on fundamental rights, and each member would study these in preparation for the First Interim Report. This Report would have to be ready before Friday, 14th May 1993. At this meeting the essential or minimum fundamental rights would be discussed and reported on.

5. **Background Documents made available by Members of the Committee**

- 5.1 Gerrit Grove submitted schedules prepared by a private consultant.
- 5.2 "A Charter for Social Justice" published by the Department of Law, University of Cape Town, December 1992 was submitted.
- 5.3 Sbongile Nene said that there were three Bills dealing with Women's Rights and the Secretariat would request documentation from the relevant Women's Groups.

6. **Meeting Schedule**

- 6.1 The **committee agreed** that, due to various circumstances, the meeting to discuss the First Report would have to take place in Cape Town on Thursday, 13h May, 1993.
- 6.2 The following meetings were scheduled to be held at the World Trade Centre:
- | | | |
|-----------|----------|-------|
| Tuesday | 18th May | 10h00 |
| Wednesday | 19th May | 08h00 |
| Thursday | 20th May | 08h00 |

7. **Documentation**

- 7.1 Each member of the committee was provided with a comprehensive set of submissions to date. Addendum "A".

8. **Closure.**

I N D E X

Section		Pages
I	AFRICAN NATIONAL CONGRESS : Fundamental Rights During the Transition	1 - 20
II	DEMOCRATIC PARTY : Securing Fundamental Rights During Transition : Freedom Under the Rule of Law : Advancing Liberty in the New South Africa.	1 - 24
III	SOUTH AFRICAN GOVERNMENT : MINISTRY OF JUSTICE : Government's Proposals on a Charter of Fundamental Rights.	1 - 22
IV	HLUVUKANI DEVELOPMENT AGENCY : Statement on Behalf of Rural Women on Fundamental Rights During the Transition.	1 - 9
V	TRANSITIONAL PROCESS : TECHNICAL COMMITTEES	
	- Solidarity Party : Criteria for Participation in the Multi-Party Negotiating Process	1.
	- Inyandza National Movement : Input on the Negotiating Process	4.
	- Conservative Party of South Africa : Appointment of Technical Sub-Committees	6.
	- Pan African Congress : Submissions to the Sub-Committee on Substantive Issues	7.
	- Dikwankwetla Party of South Africa : Submission of Criteria for Admission to Participation in the Multi-Party Negotiation Process	20.
	- MPF : Constitution-Making Process	21.
	- Democratic Party : Recommendation to Ad Hoc Sub-Committee in respect of Standing Rules	22.
	- Venda Government : Position Paper on Violence	23.
	- United Peoples Front : Recent Violent Attacks on Journalists	25.

Section	Pages
- South African Government :	
- Amendment to Proposal One: Independent Election Commission	30.
- Amendment to Proposal Two: Regulation and Promotion of Broadcasting and Telecommunications and Monitoring of the Electronic Media	34.
- Azania National Youth Unity (PAC) of Azania : Azanyu Position on the Pace of your Process	38.

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE TECHNICAL COMMITTEE ON THE TRANSITIONAL EXECUTIVE COUNCIL IN THE MULTI-PARTY FORUM. THEY ARE SUBJECT TO RATIFICATION AT THE NEXT MEETING OF THE TECHNICAL COMMITTEE.

DRAFT MINUTES OF THE FIRST MEETING OF THE TECHNICAL COMMITTEE ON FUNDAMENTAL RIGHTS HELD ON 10 MAY 1993 AT THE WORLD TRADE CENTRE.

PRESENT: Hugh Corder
Lourens du Plessis
Gerrit Gerhard Grove
Sibongile Sibongile Nene
Zac Yacoob

MINUTES: Miriam Cleary (Administration)

1. **Mr Mac Maharaj** joined the meeting to briefly discuss the issues which this Committee should address, the main items being which basic rights should be guaranteed in the Transition Period.

2. **Agenda**

No fixed agenda was discussed as this meeting would be held on an informal basis.

3. **Convenor**

It was unanimously agreed that Lourens du Plessis act as Convenor.

4. **Categories of Fundamental Rights**

4.1. **It was agreed** that the basic Fundamental Rights could be addressed in four categories:

4.1.1. Essential or minimum rights.

4.1.2. Desirable rights.

4.1.3. Rights ^{*subject to further*} ~~in respect of debates and disputes.~~

4.1.4. Rights which ought not to be in the Interim Constitution.

4.2. The **members present** agreed that documentation would be obtained on fundamental rights, and each member ~~to~~ ^{would} study these in preparation for the First Interim Report. This Report would have to be ready before Friday, 14th May 1993. At this meeting the essential or minimum fundamental rights would be discussed and reported on.

Background documents were available.

5. Submissions by Members of the Committee

Gerrit
5.1. ~~Gerhard~~ Grove submitted schedules prepared by a private consultant.

5.2. ~~Hugh Corder~~ submitted "A Charter for Social Justice" published by the Department of Law, University of Cape Town, December 1992. ~~He is one of the contributors to this publication.~~ *was submitted.*

5.3. Sibongile Nene said that there were three Bills dealing with Women's Rights and she would request documentation from the relevant Women's Groups.

the Secretary

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