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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.

**MINUTES OF THE FOURTH MEETING OF THE TECHNICAL COMMITTEE ON FUNDAMENTAL RIGHTS HELD ON 25 MAY 1993 AT THE WORLD TRADE CENTRE.**

**PRESENT:** Lourens du Plessis (Convenor)  
Hugh Corder  
Gerrit Grove  
Sbongile Nene  
Zac Yacoob

**MINUTES:** Miriam Cleary (Administration)

**1. Agenda:**

As the meeting was held to discuss the submission of the Third Progress Report at the Negotiating Council meeting **it was agreed** that the meeting would be held on an informal basis.

**2. Submissions:**

2.1. Each committee member was provided with a pack of submissions. **Addendum "A"**.

**3. Previous Minutes:**

The minutes of the First and Second Committee Meetings were read and discussed. **It was agreed that** these minutes be amended as follows:

3.1. First Meeting:

3.1.1 Spelling of two names incorrect. These should be amended to **Gerrit Grove** and **Sbongile Nene** wherever they occur.

- 3.1.2 Point 4.1.3 should read: '4.1.3 Rights subject to further debate.'
- 3.1.3 Point 5. heading should be: 'Background documents made available by Members of the Committee'
- 3.1.4 Point 5.2. should read: ' "A Charter for Social Justice" published by the Department of Law, University of Cape Town, December 1992, was submitted.'
- 3.1.5 Point 5.3. the word 'she' is to be deleted and replaced by the words 'the Secretariat'.

### **3.2. Second Meeting:**

- 3.2.1 Spelling of two names incorrect. These should be amended to **Gerrit Grove** and **Sbongile Nene** wherever they occur.
- 3.2.2 Point 4.2 added as follows: ' "A Charter for Social Justice" published by the Department of Law, University of Cape Town, December 1992, would be submitted to the Secretariat.'

### **4. Documents for Submission:**

The following were submitted to the Secretariat:

- 4.1. "Women and the Constitution: What to do When Culture Strikes Back" by Ms Thandabantu Nhlapo - Senior Lecturer in Roman-Dutch and Private Law, University of Cape Town.
- 4.2. "Preliminary Views and Proposals of the Government Regarding the Independence of the Judicial Authority" Ref. OD880593. by the Minister of Justice, Mr H J Coetsee.

### **5. Third Progress Report:**

- 5.1. Intention had been to continue on Category III but this would be set aside in order to start on the Formulations.
- 5.2. **It was agreed** that distinction be made between the rights and freedoms that can be changed from ones which cannot be changed, such as the death penalty.

- 5.3 The criteria was to decide what rights and freedoms should be put forward during the transition.

At this stage, the Planning Committee's Sub-Committee entered the meeting to advise the requirements of the Negotiating Council.

**6. Requirements of the Negotiating Council:**

- 6.1 To provide criteria for determining which fundamental rights and freedoms are to be entrenched during the transition and which are not.
- 6.2 To recommend on the means and mechanisms for the adjudication of fundamental rights and freedoms.
- 6.3 Further explanation of the criteria for the limitation and suspension of rights.
- 6.4 The Third Report was required by 12h00 on Thursday, 27 May 1993.

**7. Next Meetings:**

The Committee would meet as follows:

- 7.1 Wednesday and Thursday, 26 and 27 May 1993, to prepare the Third Progress Report. The Committee would be present on Friday, 28 May 1993 when their Report was presented to the Negotiating Council. Hugh Corder could not be present and his apologies were accepted.
- 7.2 From Tuesday to Thursday, 1 to 3 June 1993, to start work on the Fourth Progress Report. There would be no formal Committee Meeting for that week.

**8. Closure.**

**SUBMISSIONS TO THE TECHNICAL COMMITTEE ON FUNDAMENTAL RIGHTS**

**I N D E X**

**INKATHA FREEDOM PARTY** - The Constitution of the State of KwaZulu/Natal

**NATIONAL PEOPLE'S PARTY OF SOUTH AFRICA** - Property Rights - 19 May 1993

**REPUBLIC OF CISKEI** - Constitution Decree, 1990 - Schedule 6.

**UNITED PEOPLE'S FRONT** - 19 May 1993

**DEMOCRATIC PARTY** - Comments on First Progress Report - 19 May 1993

**REPUBLIC OF BOPHUTHATSWANA** - Fundamental Principles Recommended to be  
Contained in a Constitution - 19 May 1993

**TRANSKEI GOVERNMENT** - Second Input - 19 May 1993

**PAN AFRICANIST CONGRESS OF AZANIA** - Input Regarding Fundamental Rights  
- Paper One - 21 May 1993

**INYANDZA NATIONAL MOVEMENT** - 19 May 1993

**O.F.S. TRADITIONAL LEADERS** - The Role of Traditional Leaders in the New  
Dispensation