

**INKATHA FREEDOM PARTY REACTION TO THE FINAL REPORT OF THE
TECHNICAL COMMITTEE ON THE REPEAL OF DISCRIMINATORY LEGISLATION****DEADLINE : 17h00 : JUNE 8, 1993**

1. The IFP wishes to congratulate the Technical Committee for the excellent and creative work it has performed.
2. At the outset, the IFP wishes to endorse the proposal of the Technical Committee to establish a sort of a shadow constitutional court to deal with matters related to the repealing and amendment of discriminatory legislation or legislation impeding free political activity.
3. The IFP believes that this is the correct approach because only through the actual practices of conflict resolution is it possible to identify those provisions of law which interfere with fundamental rights.
4. However, the IFP believes that the terms of reference of this Tribunal should be extended to encompass all recognised fundamental human rights. The IFP submits and maintains that any and all legislation which violates human rights would impede free political activity. Therefore, the IFP insists on the fact that all legislation which violates a recognised and extensive Bill of Rights, such as the one contained in the Constitution of the State of KwaZulu/Natal, should be used as a parameter of legitimacy and validity of any existing or future legislation in force up to the time when a new Constitutional Court comes into operation.
5. The IFP wishes to refer the Technical Committee to its written submission made to the Technical Committee on Human Rights During the Transition with special regard to the observations related to the office of the ombudsman and the criteria related to the Constitutional Court.
6. The Tribunal suggested by the Technical Committee should operate in close connection with the participants in this process and this should be reflected in the criteria used for the appointment of the members of the Tribunal.
7. The IFP wants to stress the fact that any legislation affecting the powers, functions and autonomy of the self-governing territories should not be repealed or amended outside the concomitant creation of new territorial autonomies such as member states of a federation.
8. Moreover, any type of legislative activity affecting the powers, functions and autonomy of the self-governing territories should be adopted only with their consent and after consultation. A contrary approach would create unpredictable tensions and would deprive large masses of South Africans of important areas of self-determination and collective autonomy through which they are used to perceive and express their political freedom. Therefore, such actions would be counter-productive for the establishment of a climate of free political activity.

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