

**NOTES ON THE DISCUSSION OF THE NEGOTIATING COUNCIL ON THE
REPORT OF THE TECHNICAL COMMITTEE ON THE REPEAL OF
DISCRIMINATORY LEGISLATION**

1. The first part of the Final Report concerning the repeal of legislation, discriminatory laws etc, was put to the Negotiating Council.
 - 1.1 An inquiry was made as to when the proposed discriminatory laws, as listed, would be repealed. The effect of such laws on structures such as the selfgoverning territories-, Constitution Act etc, was raised.
 - 1.2 It was noted that there seemed to be an overlapping between the work of the Technical Committee and that of Technical Committee on Fundamental Rights. It was noted that, in practical terms, the Bill of Fundamental Rights would only come into operation at a different stage as a result of that, and that the two Technical Committees should give consideration to that. Furthermore, when studying other proposed legislation, in particular legislation pertaining to the election, the Electoral Act as well as the act that will set up an Electoral Commission, it became clear that they would set up a code of conduct, monitoring, adjudicating as well as administrating it. It was noted that the Committee referred to setting up an electoral tribunal dealing with more or less the same matters. Those matters should be discussed with the Technical Committee on the TEC.
 - 1.3 The Council decided that the Committee should liaise with the other Committees on issues that might be overlapping.
 - 1.4 The Planning Committee was requested to set up a mechanism for better coordination between Technical Committees.
2. The "Higher Code"
 - 2.1 Reference was made to point 5.4.1 and it was suggested that a Code of Conduct for an Election should be dealt with by the Technical Committee on the IEC.
 - 2.2 Point 5.4.2 was also identified for reference to the Technical Committee on the IEC.
 - 2.3 The political nature of a tribunal, as stated in paragraph 5.5.3 was questioned. The Negotiating Council decided to refer the matter back to the Technical Committee in order for them to reconsider the powers of a tribunal.
 - 2.4 It was noted that more detail was needed on the functioning of clause 5.5.3. This matter was referred back to the Technical Committee to

deal with it in consultation with the relevant Technical Committees.

- 2.5 In terms of the IEC, there would be a tribunal who would deal with issues relating to the election. Reference was made to clause 5.5.5 and it was noted that this clause should refer to the same tribunal.
- 2.6 It was noted that when CODESA dealt with the TEC it also dealt with a Sub-Council which could in its opinion deal with any matter that has an impact on the levelling of the playing field. The question of political matters should be separated and be dealt with by a Sub-Council of the TEC.
- 2.7 Reference was made to clause 5.10.3.2.1 re the assumption that there would be a voters role. It was noted that the assumption should not necessarily be made. Voting could be done by way of registration or by a decision that everybody who has an ID document would be entitled to vote.
- 2.8 The insertion of the words "After consultation" to replace the words, " On the advice of the TEC", clause 5.10.10, was raised.
- 2.9 In clause 5.10.12.1 reference is made to ten regions. Clarity was needed on whether it was referring to the establishment of regions and if it was bound up with the number of regions.