

**REPORT PRESENTED BY THE PLANNING
COMMITTEE TO THE NEGOTIATING COUNCIL
ON 18 AUGUST 1993**

**1. APPOINTMENT OF WOMEN TO THE PLANNING COMMITTEE AND THE
PANEL OF CHAIRPERSONS**

1.1 Planning Committee

- 1.1.1 Mrs Kruger; and
- 1.1.2 Miss Sigcau

1.2 Panel of Chairpersons

- 1.2.1 Mrs Kgositsile; and
- 1.2.2 Mrs Finnemore

**2. RECOMMENDATION EMBODIED IN PARAGRAPH 4 OF THE SEVENTH
REPORT OF THE TECHNICAL COMMITTEE ON FUNDAMENTAL RIGHTS
DURING THE TRANSITION**

2.1 The Planning Committee recommends that the ninth report of the said
Technical Committee be sent for comment to :-

- 2.1.1 the Association of Law Societies;
- 2.1.2 the General Council of the Bar of South Africa;
- 2.1.3 the National Democratic Lawyers' Association; and
- 2.1.4 the Black Lawyers' Association,

who will provide the Technical Committee with their written comments within
a week of the receipt of such comments.

The Planning Committee also recommends that the Technical Committee be
authorised to engage in discussions with any of these bodies if such a need has
been identified or there is a request to that effect.

3. REFERRAL OF EQUALITY CLAUSE TO EXPERTS

The Planning Committee recommends that the equality clause appearing in the seventh report on fundamental rights be referred to the following experts for comment:-

- 3.1 Judge P. Olivier;
- 3.2 Professor C. Dlamini;
- 3.3 Professor R.B. Mqoke;
- 3.4 Dr C. Albertyn; and
- 3.5 Miss T. Madonsela,

who will provide the Technical Committee concerned with their written comments within a week after being notified of their brief.

The experts will comment on the impact and effect which the equality clause will have on the following areas of customary law:

- 3.1.1 law of succession and inheritance;
- 3.1.2 marriage / customary unions; and
- 3.1.3 succession to chieftainship, institution of chieftainship and the allocation of communal land and rights to property by chiefs and other traditional functions discharged by chiefs.

4. CHAPTER IN CONSTITUTION FOR THE TRANSITIONAL PERIOD DEALING WITH ADMINISTRATION OF JUSTICE

The Planning Committee recommends that the Technical Committee drafting this chapter be authorised to receive inputs from, and to engage in discussions with, inter alia :-

- 4.1 the judges; and
- 4.2 representative associations of the Bar and Side-Bar,

regarding the content of, and other proposals relating to, the chapter referred to.

5. **OTHER CONSTITUTIONAL ISSUES REFERRED TO THE PLANNING COMMITTEE**

5.1 The Planning Committee recommends that the Technical Committee on Constitutional Issues be mandated to present the Negotiating Council with alternative drafts of a preamble taking into account the different approaches normally adopted in the drafting of preambles to constitutional provisions.

5.2 The Planning Committee reports that only the AVU has so far provided it with written comments on the proposed exclusive and concurrent powers of SPRs.

5.3 Other constitutional issues are still being considered and will be finalised tomorrow.

6. **ACTION INSTITUTED BY THE KWAZULU GOVERNMENT AGAINST TWO CHAIRPERSONS**

The latest details on this matter appear in a letter dated 17 August 1993 and written by the attorneys handling this matter. The matter is being defended in accordance with a decision taken by the Negotiating Council earlier and the lawyers have been advised to expedite the hearing of the matter.

7. **VISIT TO TEMBISA**

After having taken into account a number of factors relating primarily to security, the Planning Committee recommends that the Negotiating Council as such should not visit the area but that individual parties or groups of parties should on their own and in terms of their own arrangements visit the area should they so wish.

8. **CEREMONIAL HANDING OVER OF A "PEACE CAKE" BY THE KEMPTON PARK TOWN COUNCIL MAYOR AND OTHERS :25 AUGUST 1993**

The Planning Committee refers you to the letter distributed to you and recommends that the cake be received by the administration on behalf of the Negotiating Council.

9. **PRESENTATION OF POSTERS DEPICTING PEACE THEME:
6 SEPTEMBER 1993**

The Planning Committee recommends that authority be given for this presentation.

10. **DRAFT MEETINGS SCHEDULE AND PROGRAMME**
(Delivery of documents on Saturdays)

11. **NEXT PLANNING COMMITTEE MEETING**

This is scheduled for Thursday the 19th of August.

N.B: Statement on further handling of each of the bills under consideration.