

MINUTES OF MEETING OF THE ANC CONSTITUTIONAL COMMITTEE HELD IN JOHANNESBURG ON 08/05/1993

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1. PRESENT:

Zola Skweyiya, Dullah Omar, Albie Sachs, Bulelani Ngcuka, Kader Asmal, Arthur Chaskalson, Pius Langa, Essa Moosa, Fink Haysom (of Constitutional Committee).

Paul Benjamin, Mac Maharaj, Billy Corbett, Sandile (of other structures).

2. APOLOGIES:

George Bizos, Louis Skweyiya.

3. DOCUMENT:

- 3.1 Multi-Party Negotiating Process
- 3.2 Transition to Democracy Act
- 3.3 Memorandum by ANC to Technical Sub-Committee on Constitutional Issues, dealing with the following:

- 3.3.1 Form of State
- 3.3.2 Constitutional Principles
- 3.3.3 Constitution-making Body / Constituent Assembly
- 3.3.4 Transitional / Interim Constitution
- 3.3.5 Transitional / Regional / Local Government
- 3.3.6 Future of the TBVC States
- 3.3.7 Self Determination

4. BRIEFING

- 4.1 Comrade Mac Maharaj briefed the meeting on the Multi-Party Forum by taking the meeting through the document entitled "Multi-Party Process". Mac Maharaj stated that we need to prepare the following schedules:

- 4.1.1 Repression Laws which need to be repealed in toto both in South Africa and the TBVC states.
- 4.1.2 Repression sections of the Laws which need to be amended.
- 4.1.3 Laws which discriminate on grounds of race, gender and political formation.

Mac Maharaj gave the proposed dates for meetings of the Technical Committees, Planning Committee and the Negotiating Forum.

- 4.2 Comrade Dullah Omar briefed the meeting on the memorandum by the ANC submitted to the Sub-Committee on constitutional issues.
  - 4.2.1 We should have a position on self-determination.
  - 4.2.2 We need to formulate a detailed clause on property.
  - 4.2.3 We should have interim symbols like the flag, etc., for the interim period.
  - 4.2.4 The TDA to be amended to include the above proposals.

5. TASKS

The following tasks were allocated:

- 5.1 Kader to do explanatory notes on Electoral Law.
- 5.2 Kader to do submissions on self-determination.  
(These documents to be made available by 10/5/93)
- 5.3 Kader confirms that document on Independent Electoral Commission is ready and available.
- 5.4 Maduna to complete documents on TEC and sub-Councils.
- 5.5 Albie to complete TDA for submission and to include Fundamental Human Rights.

6. REPEAL OF LEGISLATION

On repeal of discriminatory legislation. The following to form the basis:

- 6.1 A document prepared by Maduna.
- 6.2 A document worked on by Kader at Codesa.
- 6.3 A detailed document prepared by Fink.

Positive legislation might also be required in addition to repeal.

It was proposed that an Omnibus Law could be drafted. This could be strong on free political activity but weak on repeal of legislation.

The meeting terminated at 16h00.

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