

Agenda for the Meeting of the GAC held at the World Trade Centre on 4 May at 10H30

1. Opening Prayer
2. Opening Remarks from Chairperson
3. Adoption of Draft Agenda
4. Minutes of the GAC meeting held on 27 - 29 April
 - 4.1 Ratification of the minutes
 - 4.2 Matters Arising from the Minutes
 - 4.2.1 Rapporteurs Report
5. Adoption of proposed recommendation on the Media and Gender
6. A GAC observer at the meeting of Working Group 5 — *not seen on 05/05*
7. Joint Steering Committee meeting on 5 May
8. Discussion of the Gender Implications of the Issues raised in Working Group 2
9. Any Other Business —
10. Closure

**DRAFT AGENDA FOR THE MEETING OF THE GAC HELD AT THE WORLD TRADE CENTRE ON
5 MAY AT 09H30**

1. Opening Prayer
2. Opening Remarks by the Chairperson
3. Point 8 of the Agenda of 4 May -
 - * Discussion on the Gender Implications of the Issues Raised in Working Group 02
 - 3.1 Women's de facto equality and methods of achieving this (from the minutes of 04 May).
 - 3.2 Charter or other document - level of incorporation in the constitution
 - 3.3 Working Group 02 - Second Assignment: Constitution Making Body and Processes
4. Matters held Over from 4 May
 - 4.1 Recommendation on Sexual Harassment
 - 4.2 Land Policy
5. Discussion on the Gender Implications of the Issues Raised in Working Group 04
6. Discussion of the Gender Implications of the Issues Raised in Working Group 05
7. Any Other Business
 - 7.1 Report to the Management Committee
8. Closure

AGENDA WEDNESDAY 6 MAY 1992

Portion of Agenda held over from Tuesday 5 May 1992

1. Opening Prayer
2. Welcome and Apologies
3. Opening Remarks - Chairperson
4. Matters held over:
 - 4.1 (Item 4.2 on Agenda of 5 May 1992)
Discussion on Land Policy, (Refer WG3)
Tabling of written recommendations, if any.
 - 4.2 Submission of recommendations agreed to by GAC as extracted for MC purposes of the report by M. Sachs on Tuesday 5 May.
5. Discussion of report to MC from GAC for CODESA 2
 - 5.1 The report before hand.
 - 5.2 Covering letter/note to MC from GAC on status of report, (if needed by GAC)
 - 5.3 Rapporteur report on WG2.
6. WG 4 Gender implications
7. Any other business
 - 7.1 Other recommendations from GAC [Traditional Leaders]
8. CLOSURE
9. Date of next meeting

THESE ARE DRAFT MINUTES AS APPROVED BY THE CHAIR. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE GENDER ADVISORY COMMITTEE, ITS STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE GENDER ADVISORY COMMITTEE AT ITS NEXT MEETING.

DRAFT MINUTES OF THE MEETING OF THE GENDER ADVISORY COMMITTEE HELD AT THE WORLD TRADE CENTRE ON MONDAY TO WEDNESDAY, 4 - 6 MAY, 1992.

PRESENT (Addendum A)

APOLOGIES: Apologies were noted from the following:

The NPP advisor
The Dikwankwetla Party advisor.

1. **Opening Prayer**
2. **Opening remarks by the chairperson**
 - 2.1 The meeting noted that, as per the agreement of the GAC at their last meeting, J Kinghorn of the DP, would be substituting for G Noero, of the DP, as chairperson in order that G Noero be enabled to present the DP submission on the gender implications of the issues raised in Working Group 2.
 - 2.2 It was noted that advisors were now in attendance as requested by the GAC. In this regard it was noted that although advisors did not have speaking powers, the DMC/MC indicated that should the GAC agree on that advisors could speak, this would not be out of order.
3. **Adoption of Agenda**
 - 3.1 The agendas for the 4, 5 and 6 May were accepted without amendment. (The agendas appear in consolidated form in addendum B)
4. **Ratification of previous minutes**
 - 4.1 Noting that the minutes of the 27 -29 April had not been available to the members of the GAC before that day, the members of the GAC were given 30 minutes to study them before ratification.

- 4.2 The minutes of the meeting held on 27 - 29 April were ratified by the meeting with the following amendments:
- 4.2.1 Item 5.6 header amended to read "Women's National Coalition - Report"
 - 4.2.2 Item 6.1 header amended to indicate the reference to Working Group 1 and 3 in the content of the item.
 - 4.2.3 Item 7.8 to be omitted completely.
 - 4.2.4 An error in numbering of items 8, 9, 10 and 11 to be corrected.
- 4.3 With regards to the agreement reached in item 6.2.1.1 of the minutes of the meeting held on 27 - 29 April the South African Government indicated that it did not consider itself as having participated in the agreement (refer to item 5.4 below).

5. Matters arising from previous meeting

5.1 The GAC Office

Keys were made available for the GAC office during the course of meeting.

5.2 Press Statement

The Steering Committee drafted a Press Statement, which was ratified by the meeting, to be submitted to the DMC/MC for inclusion in the weekly CODESA press statement (Addendum C). It was agreed that those administrations/organisations/parties which had agreed to include their GAC delegates in their delegations to CODESA II would be explicitly mentioned in the press statement.

5.3 Facts pertaining to Gender Discriminatory Legislation

It was noted that, due to the voluminous nature of such facts (refer to item 6.1.1 of minutes, 27 - 29 April), the individuals who would provide them should attempt to divide legislation into Acts which immediately affect the period of transition and those which are generally gender discriminatory but which do not have immediate relevance.

5.4 Amendment to Working Group 1 Terms of Reference

Noting that the South African Government had indicated that it did not regard itself as having participated in the agreement on an amendment to Working Group 1 Terms of Reference (refer to item 4.3 above) and had objections to the formulation agreed to (as reflected in item 6.2.1.1 in the Minutes of 27 - 29 April) the meeting agreed that the proposed amendment to Item 1.1.4 (c) of the aforementioned document would instead read:

"The amendment and/or repeal of any remaining laws militating against free political

activity including the elimination of racial and gender discriminatory legislation."

5.5 A Definition of Sexual Harassment

5.5.1 The NIC/TIC and DP delegations submitted proposals on the reformulation of the definition of sexual harassment (refer to item 6.3.2 of the minutes of the meeting held on 27 April).

5.5.2 Noting the need to propose a general and concise definition the meeting agreed on the following formulation:

"Sexual harassment, in general terms, is defined as sexual advances without express consent, including innuendos or language of a defamatory or offensive nature, in all spheres, including political, social and economic life and in the media."

5.6 Proposal on the Media and Women

Noting inputs from various delegations on a recommendation regarding the media and women, the meeting agreed on a recommendation (Addendum D, Item 1).

5.7 Observer at Working Group 5 Meeting

Noting the urgent and pressing nature of the work facing the GAC, the meeting agreed not to send any observers to the Working Group 5 Meeting held on 4 May.

5.8 Land and Women

After the delegates had consulted their principals on the issue, no consensus could be reached on two proposals (Addendum E).

6. Discussion on the Gender Implications Raised in Working Group 2

6.1 The DP and SACP delegations presented submissions on General Constitutional Principles and the Constitution Making Body/Process which were distributed to the delegates present.

6.2 Discussion ensued on the principles and gender implications of:

- * An equality clause in the Constitution and Bill of Rights
- * The qualification of the proposed equality clause
- * "Affirmative action" and the Constitution and Bill of Rights
- * A charter or other document enshrining women's rights in the Constitution and Bill of Rights.
- * The Constitution Making Body/Process

- 6.3 The meeting agreed on a set of recommendations to Working Group 2 regarding Constitutional Principles and the Constitution Making Body/Process(Addendum D, Item 2).

7. Discussion on the Gender Implications of the Issues Raised in Working Group 4

- 7.1 The NPP presented a verbal submission on the developments in Working Group 4 and their gender implications.
- 7.2 The DP presented a submission on the gender implications of the issues raised in Working Group 4 which were given to the delegates present.
- 7.3 The Final Draft of the Report of the Task Group of Working Group 4 (5 May) was noted. This document was used as a basis for discussion on the issue.
- 7.4 It was noted that all recommendations made by the GAC concerning other Working Groups would apply to the TBVC states until the time of their reincorporation.
- 7.5 It was noted that a discussion on the TBVC states should recognise that each of these states had particular characteristics.
- 7.6 It was agreed that, due to time constraints, a full discussion on the gender implications of the issues raised in Working Group 4 would take place at the next meeting. In this regard it was noted that although the outcome of such a discussion could not be included in the report to the DMC/MC for CODESA II, it would, in any case, be useful to the delegates for such a discussion to take place.
- 7.7 It was agreed that a discussion on the gender implications of traditional leaders and their participation in CODESA might be incorporated into the discussion on Working Group 4 at the next meeting. In this regard delegates were advised to consult their principals on the issue in order to expedite discussion at the next meeting.

8. The GAC's Report to the Management Committee for CODESA II

- 8.1 The two GAC delegates to the Joint Steering Committee Meeting held on 5 May reported that the DMC/MC had indicated the following points regarding reports for CODESA II.
- 8.1.1 CODESA II would not be opened with speeches as was the case with CODESA I, but instead there would be a progress report.
- 8.1.2 The reports from the Working Groups and Committees should be in written form.
- 8.1.3 The reports should outline (a) areas where agreement had been reached, (b) areas where no agreement had been reached and (c) the way forward.
- 8.1.4 The reports should be submitted to the Secretariat no later than 7 May.

8.1.5 The report presented to CODESA II may be an ombud report covering all the Working Group and Committee reports in one package.

8.2 It was agreed that the report should reflect the areas where the GAC had reached no consensus as well as the recommendations that had been agreed upon. With regard to areas of no consensus it was agreed that the full proposals on which consensus could not be reached would be included in the report.

8.3 The draft report presented to the meeting was amended and adopted.

9. General

9.1 It was noted that, as requested by the DMC/MC a list of delegates who would be available to attend the CODESA II plenary as part of the representatives of Steering Committees and Committees had been submitted (Addendum F)

10. Next Meeting

9.1 It was agreed that the GAC would meet at 09H30 on Monday 11 May.

11. The meeting closed

Addendum A

The following people signed the attendance register:

ANC	M Manzini
ANC Advisor	N Zuma
Ciskei Government	SN Sonjica
Democratic Party	G Noero
Domocratic Pty Advisor	S Botha
Dikwankwetla Party	K Ngwenya
Inkatha Freedom Party	Z Kumalo
IFP Advisor	D Bjorkman
Intando Yesizwe Party	FT Sithole
IYP Advisor	NN Maseko
Inyandza National Movement	G Nkambule
Labour Party	SM Saunders
LP Advisor	P Lategan
NIC/TIC	E Ramgobin
NIC/TIC Advisor	P Pillay
National Party	J Hunter
National People's Party	A Rambarren
Solidarity Party	M Reddy
Solidarity Party Advisor	D Moodley
South African Communist Party	Z Kota-Mthimunye
SACP Advisor	J Quince
South African Government	A Routier
SA Govt. Advisor	CI Roscher
Transkei Government	LN Jajula
Transkei Govt Advisor	AN Tsewana
United People's Front	MM Chueu

UPF Advisor

OBM Mamabolo

Ximoko Progressive Party

LB Kubay

Chairperson: J Kinghorn/G Noero

Secretary: T Chikane

Minute-taker M Sachs

Addendum B

Agenda for the Meeting of the GAC held at the World Trade Centre on 4 - 6 May

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2. Opening Remarks by Chairperson
3. Adoption of Draft Agenda
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5. Adoption of proposed recommendation on the Media and Gender
6. A GAC observer at the meeting of Working Group 5
7. Joint Steering Committee meeting on 5 May
8. Discussion of the Gender Implications of the Issues raised in Working Group 2
9. Discussion of the Gender Implications of the Issues Raised in Working Group 4
10. Discussion of report to MC from GAC for CODESA II
11. Any Other Business
12. Closure

Addendum C

GAC PRESS STATEMENT 5 MAY 1992 (WORLD TRADE CENTRE)

The GAC of the MC at CODESA has met frequently over the last three weeks. GAC's role is to advise working groups and the Management Committee on issues that will arise in the process of transition with regards to gender implications. Consensus was reached by the GAC on a number of issues;

- (a) That all Gender discriminatory legislation in South Africa should be repealed in order that all women will be able to participate fully in the process of change and transition.
- (b) When the Interim Government is formed, the GAC recommends that women should be included in its composition and have their concerns addressed by this Interim body, as well as by the future constitution and Bill of Rights.
- (c) GAC is concerned about incidents of violence against women, both generally, and also where this violence is used to prevent women from participating in the political process other recommendations made by the GAC concerning women and sexual harassment and the image of women in the public media.
- (d) The NIC/TIC, SACP, NPP, IFP, NP, XPP, LP and the DP participants have agreed to include GAC members in their delegations to CODESA 2.
- (e) GAC is seeking to ensure that there is greater representation of women at Codesa 2.

Addendum D

Recommendations Agreed upon by the GAC at their Meeting on 4 - 5 May

1 The Media in the Transition (Recommendation to Working Groups 01 & 03)

The GAC recommends that Working Group 1 and Working Group 3 agree upon a politically neutral Independent Communications Authority which shall:

- * include gender conscious persons;
- * facilitate media access for women;
- * monitor and discourage sexist programmes, articles and advertising;
- * encourage non-sexist, non-discriminatory publications;
- * ensure the participation of women on all media bodies, at all levels;
- * organise that radio and television programmes which educate women about the democratic process and their right to participate therein without fear of intimidation, are prepared as a matter of urgency

2 Constitutional Principles

The GAC advises that:

- 2.1 It fully supports a Justiciable Bill of Fundamental Human Rights to be attached to the constitution.
- 2.2 It fully supports the concept of a qualified Equality Clause in the Bill of Rights and the Constitution.
- 2.3 It recommends that Working Group 2 address the problem of redressing and eliminating gender inequalities.
- 2.4 It recommends to WG 2 that they take note of the desirability of a document containing a set of ideals regarding gender issues, which should be accepted by a future Constitution Making Body as a document to be used by the courts to assist women in claiming and exercising their rights under the constitution and Bill of Rights to ensure gender equality.
- 2.5 The GAC further recommends to Working Group 02 that the Bill of Rights include some form of rights and protection for children.

Constitutional Language:

- 2.6 The GAC recommends that the terms "men and women" and "men, women and children" be used wherever respectively appropriate, in the drafting of the Constitution, in place of the terms "people" or "persons".

On Agreements Reached Regarding Constitutional Principles:

- 2.7 Regarding the "Provisional Areas of Commonality that Already Exist" in Working Group 02 as adopted by the Steering Committee of WG 02 on 27 April, the GAC recommends the following (refer to Document prepared by the Steering Committee of Working Group 2 on 27 April):
- 2.7.1 Item 1.1.3 should be amended to read "The diversity of languages, cultures and religions will be acknowledged, within the non-racial and non-sexist principles of the Constitution."
 - 2.7.2 Item 1.1.7.1 should be amended to read "A judiciary that will be independent, non-racial, impartial, gender sensitive and inclusive of women."
 - 2.7.3 Item 1.1.7.2 should be amended to read "An entrenched and justiciable Bill/Charter of Fundamental Rights, which will protect the rights of women and children."
 - 2.7.4 Item 1.2.2 should read "At each level there shall be democratic representation, consistent with non-racial and gender sensitive principles."
 - 2.7.5 Item 1.3.1 should read "A new constitution shall provide for effective participation of minority political parties consistent with democracy, non-racialism and non-sexism"

Constitution Making Body/Process:

- 2.8 The GAC recommends that when drawing up the electoral procedures, methods should be sought to encourage full participation of women. This should apply to both encouraging women to exercise their political rights to campaign and stand for election as well as to vote. These provisions would include, among others, education programmes, elimination of sexual harassment (refer to item 1.3), drawing up of electoral lists and giving women reasonable exposure in the media.
- 2.9 The GAC strongly recommends that all parties include a fair proportion of women in their electoral lists. It is essential that women are evenly distributed within the lists, to ensure their inclusion in the elected body.
- 2.10 The GAC recommends that any committees set up by the Constitution Making Body must contain an adequate number of women.
- 2.11 The GAC recommends that the Constitution Making Body should consider a sub-committee to monitor and raise gender issues in the drafting of the Constitution and the Bill of Rights.
- 2.12 The above 4 proposals should apply to future elections at a local, regional and national government level.

Addendum E

Proposals regarding the Land and Women Presented at the GAC Meeting on 4 - 6 April

Proposal 1: That Working Group 3 suggest an urgent Commission of Enquiry into legislation which prevents women's access to land ownership in South Africa and the TBVC states, and that the results of such an enquiry be immediately embodied in legislation.

Proposal 2: That Working Group 3: (1) look into those laws which prevent/inhibit women's ownership of or access to land in South Africa and the TBVC states, with the intention of amending or repealing those laws and (2) that there should be an immediate moratorium on the sale and transferral of all state property to private or corporate individuals and organisations.

Addendum F

GAC DELEGATES TO APPEAR ON THE PLATFORM OF CODESA II PLENARY

- | | | |
|----|--------------------|---------------------|
| 1. | Mavivi Manzini | ANC |
| 2. | Anne Routier | SAG |
| 3. | Gill Noero | DP |
| 4. | Nomsa Jalula | Transkei Government |
| 5. | Zou Kota-Mthimunye | SACP |
| 6. | Joan Hunter | NP |
| 7. | Faith Sithole | IYS |

All these people are available to be selected.