

[]

**MINUTES OF THE FIRST MEETING OF THE AD HOC COMMITTEE ON
FUNDAMENTAL RIGHTS DURING THE TRANSITION HELD ON MONDAY,
26 JULY 1993**

PRESENT: Mrs S Camerer (Convenor)
Prof H Cheadle
Mr D Gibson
Mr S G Mothibe

MINUTES: Miriam Cleary (Administration)

Apologies: Mr P Maduna

1. Agenda:

This was the first meeting of this Ad Hoc Committee to discuss the Terms of Reference arising out of the Negotiating Council's meeting regarding the Technical Committee's Sixth Report. As the Planning Committee had not provided an Agenda, discussions would take place around the issues set out in Addendum A.

2. The Committee wished it recorded that, although being given specific instructions from the Planning Committee, they were not given prior notice of the date and time of this meeting and, because of this, have not had sufficient time to confer with their respective principals. Subsequently the Committee felt that they were not in a position to resolve the issues at this first meeting, with no one being bound by these until they had come back from their principals with decisions. In the meantime, a way would be found amongst those present to form options and mechanisms of the issues set out in Addendum A.

Prof. Cheadle had been given authority from his principals to work out mechanisms and to endorse them.

3. Issues Under Consideration from the Sixth Report:

3.1 Equality - Item 2(2):

After discussion the following options were set out:

3.1.1 The clause as it stands.

3.1.2 The alternative, on page 5 of the Report.

3.1.3 A full stop after the words "...on any grounds whatsoever" in clause 2(2).

3.1.4 Remove the words in clause 2(2) "on any grounds whatsoever and" and then include the list as suggested in the alternative clause on page 5 (third paragraph).

After discussion the following option preferences were recorded:

- * **Mrs Camerer:** Agreed with 3.1.1 and would go along with 3.1.4 but rejected 3.1.2
- * **Prof Cheadle:** Agreed with 3.1.4 and agreeable with 3.1.2 with reservations
- * **Mr Gibson:** Agreed with 3.1.3 and agreeable with 3.1.2 with reservations

3.2 Life - Items 3(1), 3(2) and 3(3):

After discussion the following options were set out:

3.2.1 Item 3(1) on its own.

3.2.2 Items 3(1), 3(2) and 3(3) but remove the word "finally" in 3(3).

After discussion the following option preferences were recorded:

- * **Mrs Camerer:** 3.2.1 on its own.
- * **Prof Cheadle:** 3.2.1 on its own.
- * **Mr Gibson:** 3.2.2 with possible technical redrafting.
- * **Mr Mothibe:** 3.2.2 with possible redrafting except to leave 3.2.1 as stated.

3.3 The Right of Prisoners to have the Vote:

This was raised under Item 19(1)(d) in the Report.

The Committee felt it was premature to discuss this as it had actually been a point which the Negotiating Council agreed to refer to the Technical Committee on the Independent Electoral Commission.

3.4 Eviction - Item 20: (Not Item 30 as stated in Addendum A)

After discussion the following options were set out:

3.4.1 Delete clause here entirely.

The Committee in setting out this option wished it recorded that none present believed that persons should be evicted from their homes and all endorsed the ruling of Judge Goldstone in this regard.

3.4.2 The clause should be limited to vertical operation and the words "which may be included" replace the word "including".

After discussion it was unanimously agreed that the option 3.4.1 be adopted.

4. Date of Next Meeting:

The next meeting would take place on Tuesday, 27 July 1993, at 16h00.

5. Closure:

The minute taker would fax these minutes to the Committee as soon as possible.

The meeting closed at 18h45.