

**MINUTES OF THE MEETING OF THE AD HOC COMMITTEE ON THE
INDEPENDENT ELECTORAL COMMISSION ACT HELD AT 08H00 ON
TUESDAY 10 AUGUST 1993 AT THE WORLD TRADE CENTRE**

Present: K.M. Andrew (Convenor)
D Schutte
P Maduna
SG Mothibe
B Desai
M Emmett (Minutes)

1. Outstanding Issues

It was noted that Items 7, 16 and 17 are outstanding

2. Minutes

The Minutes of the Meeting of the Committee held at 15H15 on Tuesday 3 August with the following amendments:

- 2.1 Item 4. 1: " law society " to read: " Law Society".
- 2.2 Item 3.3: to read "distributed" instead of "issued"
- 2.3 Item 4.4: The word "courts" has been incorrectly spelled.

3. Composition of the Commission (Item 7.1 on Page 8)

- 3.1 **It was agreed** that the priority should be to focus on the 7-11 South African members to be appointed. The decisions as to when and under what circumstances persons drawn from the international community may be appointed and their status does not have to be made at this stage. If and when such persons from the international community are appointed the issue as to whether they should be appointed as individuals or as international community nominees needs to be considered.

The nature and extent of the involvement of the international community in the structures and work of the Independent Electoral Commission and its directorates is a complex issue. Decisions made in this regard may be premature or unworkable if the attitude of the international community has not been ascertained in advance.

It is therefore recommended that the Planning Committee and/or the I.E.C. Technical Committee hold discussions with representatives of the United Nations, the Organisation of

African Unity, the European Community and the Commonwealth to ascertain under what conditions and to what extent they are willing and able to become involved.

After this information has been obtained, discussions should be held leading to decisions as to the provisions that should be made in the I.E.C. Bill in respect of the involvement of the international community.

Subject to the outcome of the discussions with the international community recommended above, the Committee is of the provisional opinion that nominees of the international community may well be a more appropriate way of international involvement than selecting individuals as suggested in Clause 7.1.

3.2 **It was agreed** that persons in judicial office and academics should not be disqualified from serving on the Independent Electoral Commission.

3.3 Item 7.2.2: The Committee could not agree on what changes if any should be made to 7.2.2. Two variations were suggested in respect of the first two lines:

3.3.1 The first proposal was that Item 7.2.2 should read as follows:

That they shall be **available** to serve in a full-time capacity, to the exclusion of any other **active** employment or occupation...

The second proposal was that the first sentence of Item 7.2.2 should be deleted from: " That they shall serve..... or occupation, and..." The paragraph should begin with the words: "That they shall not during the term of office..."