

FIFTH REPORT TO THE NEGOTIATING COUNCIL BY THE TECHNICAL COMMITTEE ON THE INDEPENDENT ELECTORAL COMMISSION

29 JUNE 1993

1. The Technical Committee notes that the first draft of its proposed Independent Electoral Commission Act was considered in some detail by the Negotiating Council at its meeting on Monday 28 June 1993. The Committee has been instructed by the Council to proceed as expeditiously as possible with the preparation of a second draft, with due regard to the concerns and instructions expressed during the course of the debate, and in the light of some 33 written submissions which have been received from various parties.
2. Regrettably, the Technical Committee was not present during the debate, as its members were not informed that the matter would be placed on the agenda until a few hours before the debate was scheduled to commence. In the circumstances, the Committee is reliant for its instructions upon the availability of a transcript of the debate which, at the time of preparation of this report, is not yet available.
3. It is, however, apparent that significant amendments will be required to accommodate issues raised in the course of the debate and in the written representations, and to incorporate also certain alternative formulations which the Committee has itself developed since the tabling of its initial draft.
4. The Committee is also now mandated by the Council to take under review the existing provisions of the Electoral Act, with a view to their amendment in order to harmonise with the envisaged new dispensation. It must also be borne in mind, that these Acts will have to be drafted in the light of decisions which have yet to be finalised, with reference to a future constitution, and in particular the proposed Transitional Executive Council.
5. Accordingly, it will not be practicable for the Technical Committee to table a new draft of the Independent Electoral Commission Act, as requested, by Wednesday 30 June 1993, since this would imply finalisation of the draft within a few hours of receiving the awaited transcript. The Committee will, however, proceed as a matter of urgency with the preparation of such further draft, in order to ensure that it is available for the further consideration of the Negotiating Council at the very earliest possible opportunity.