

THIRD PROGRESS REPORT

TO THE PLANNING COMMITTEE OF THE TASK GROUP ON THE IDENTIFICATION AND REPEAL OF LEGISLATION IMPEDING FREE POLITICAL ACTIVITY AND DISCRIMINATORY LEGISLATION

25 October 1993

1. Since the submission of the first two progress reports, the members of the overall Task Group and the sub-groups have continued to work.
2. The convenor has since been notified that the Bophuthatswana Government did not deem it prudent to contribute to the Task Group's work under the present circumstances. Earlier a member of the Task Group visited Mmabatho, after previous arrangements had been made with Mr G Mothibe, but was informed on his arrival that members of the administration had been instructed not to co-operate with him.
3. From the KwaZulu administration no response to several telefaxed letters has been received.
4. On Wednesday 20 October 1993 a meeting of the members of the overall Task Group and sub-groups, including representatives of all the relevant regions, took place at the World Trade Centre. Substantial draft reports were presented and discussed.
5. At the meeting it was agreed with Dr T Eloff of the MPNP administration that a **first substantial report** will be made available for distribution on **Friday 29 October 1993** (instead of 22 October, as agreed earlier).
6. During the discussion two questions emerged, on which guidance from the Planning Committee would be most helpful:
 - 6.1 In view of the Task Group's mandate, as well as the earlier work of the Technical Committee on Discrimination, the identification of specific legislation for the purposes of repeal or amendment is indeed regarded as the most urgent matter and is receiving attention. However, the idea of once again proposing a 'higher code' to serve as a "safety net" mechanism is being contemplated by some members. Is the "higher code" concept still a viable option at all, as far as the negotiators are concerned, and to what extent should the

Task Group proceed to investigate this possibility, as addition to the first aspect?

- 6.2 The Task Group's initial mandate dealt with South Africa and the TBVC territories. in the First Progress Report an extension to KwaZulu was requested. After this had been agreed by the Planning Committee, a subgroup was appointed and very substantial progress has been made by a Durban lawyer. However, the decision to concentrate in quite considerable detail on KwaZulu, but not on other self-governing territories, may be open to criticism. Therefore it is suggested that the possibility to extend the Task Group's mandate to include one or more of the other self-governing territories deserves consideration, on the longer term. Alternatively, the reasoning behind a distinction between KwaZulu and the other territories may need some reflection. In view of the fact that a considerable amount of work has already been done regarding KwaZulu, it is suggested that information and recommendations on KwaZulu be included in the First Substantial Report, together with either an undertaking that other territories will also receive attention, or some explanation as to KwaZulu's 'special' treatment.
7. Some feedback on 6 will be appreciated.

Johana van er Westhuizen
Convenor: Overall Task Group

25.10.93