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CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2 STRUCTURE OF GOVERNMENT

30 JANUARY 1995

ROOM M46

9H00

DOCUMENTATION

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CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2

STRUCTURE OF GOVERNMENT

Please note that the meeting of the Committee will be held as indicated below:

Date: Monday 30 January 1995

Time: 9h00 - 13h00

Venue: Room M46

AGENDA

1. Opening and Welcome
2. Theme Committee Minutes (25/01/95)
3. Matters Arising
 - 3.1 None
4. Submissions
5. Any other business
6. Closure

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2

MINUTES OF COMMITTEE MEETING
WEDNESDAY 25 JANUARY 1995

8H30-13H00

PRESENT

Ndlovu VB (chairperson)

Ackerman C
Badenhorst MJ (Alt)
Beyers AS
Bester B
Daile N (Alt)
Eglin CW
Foster JA
Groenewald PH
Hendrickse PAC (Alt)
Holomisa SP
Lebona HJP (Alt)
Ligege MG
Louw SK
Lucas E (Alt)
Mahlangu MJ
Mars I
Mlangeni A
Moloto CP (Alt)

Msomi M
Mutsila I
Nerahoo H (Alt)
Olifant D
Pahad EGH
Phakathi NE (Alt)
Ramusi MC (Alt)
Shabangu S
Steenkamp PJ
Taunyane DP (Alt)
Tolo LJ
Mohlamonyane GM (Alt)
Sekgobela PS (Alt)
Sethema BEE

APOLOGIES

Mabudafasi RT
Maduna P
Rabie JA

ABSENT

Doidge GQ
Ebrahim AG
Marshoff FB
Mushwana GM
Nwedamutsu MJ
Nxumalo SDW

Ebrahim H, Meyer L, Nene J, and Smit T, were in attendance

1. OPENING AND WELCOME

- 1.1. Reassigned Managing and Minute Secretaries, James Nene and Thomas Smit, were introduced and welcomed.

2. THEME COMMITTEE MINUTES

- 2.1. The minutes of the previous meeting were approved, subject to the following corrections:
(i) Phakathi NE (Alt) was present; and,
(ii) Phakathi NE was spelt incorrectly.

3. MATTERS ARISING

- 3.1. The report from the workshop held on 28-30 November 1994 was

adopted.

4. CORE GROUP REPORT

- 4.1. The managing role of the chairperson and Core Group, and the importance of expediting reports were noted.
- 4.2. The Core Group had emphasised the need to prioritise the Work Plan. Although the first block is set, the other blocks are more flexible. It was noted that a revision of the Work Programme will shortly be tabled before the Constitutional Committee.
- 4.3. In respect of submissions the following matters had been identified as requiring attention:
- (i) synopses of submissions;
 - (ii) the tardiness of submissions by some political parties in respect of block one;
 - (iv) the general need to receive submissions timeously; and,
 - (v) the processing of submissions.

5. BRIEFING DOCUMENT

The briefing document was noted and summarised by the Executive Director.

6. WORK PLAN AND SCHEDULE OF MEETINGS

6.1. SCHEDULE OF MEETINGS

- 6.1.1. The meeting decided that morning meetings which are scheduled for 8h30, shall be held at 9h00.

6.2. THEME COMMITTEE WORK PLAN

- 6.2.1. The Work Programme has not been finalised, except for block one. The meeting noted that the Work programme is a broad framework; it is flexible within the constraints of cohesion and time.
- 6.2.2. It was also noted that a first revision of the "shorthand" Work Programme will be tabled at the next meeting of the the Constitutional Committee. This revision will contain greater detail of each block.
- 6.2.3. Two issues that need attention are:
- (i) what to do in the Theme Committee in respect of the agenda items falling within a block.

For example, when addressing the issue of separation of powers, it should be examined whether the approach covers all that is required.

(ii) what to do in respect of receipt of submissions pertaining to different blocks.

6.2.4. In respect of (i), the meeting noted that the block 2 in respect of structure of government may take up considerable time.

6.2.5. The meeting then looked at the following blocks:

- (a) block 3: Traditional Authorities
- (b) block 4: Volkstaat
- (c) block 5: Electoral System

6.2.6. The meeting then addressed the question whether and when the following commissions shall be established:

- ELECTORAL COMMISSION
- COMMISSION IN RESPECT OF TRADITIONAL AUTHORITIES

6.2.7. With respect to the latter proposed commission, it should also consider whether such proposed commission be set up jointly by Theme Committees 2,3, and 4. Decisions about commissions were deferred.

6.2.8. It was decided to concentrate on the technical input, which is envisaged alongside the political one. However, as the Technical Committees are not yet in place, it was decided as follows:

6.2.9. In respect of TRADITIONAL AUTHORITIES:

A request shall be made to the Secretariat to facilitate a meeting of the Core Groups of all the Theme Committees which are affected. It was noted that it may become necessary to contact the Council of Traditional Leaders and that this should then be done as a co-ordinated effort.

6.2.10. In respect of the ELECTORAL SYSTEM:

A request shall be made to the Secretariat to produce and make available information relating to electoral systems on a national level in states internationally which may have relevance and bearing on this block. Theme Committee 2 was understood only to be concerned with the national electoral system.

6.2.11. Upon receipt of this general information, political parties would then be better informed about how to proceed, and whether to have a workshop dealing with electoral systems or ask the Technical Committee (when appointed) to address the matter. Furthermore, whether there may be a further need to appoint a Sub-committee or Commission.

6.2.12. In respect of the item VOLKSTAAT on the Work Programme, the meeting decided that the matter should be held pending a report from

the Volkstaat Council. It had been noted that a report of the Volkstaat Council is expected at the end of February.

6. TECHNICAL COMMITTEES

- 6.1. The meeting noted that the Sub-committee responsible for dealing with the technical committees had their first meeting on 23 January 1995. They have yet to complete their task and the committees have to be appointed.

7. SUBMISSIONS

- 7.1. It was agreed that submissions by political parties should be submitted as a matter of urgency. The deadline for submissions in respect of block one has already been reached, and further delay in submitting outstanding submissions for this block will make it difficult for the Secretariat to perform their tasks effectively.
- 7.2. It was noted that it would furthermore assist the Secretariat if parties made their submissions in addition on computer disk, for which they would be reimbursed.
- 7.3. Due to the large number of submissions received, it cannot be expected that each theme committee member reads every document. For this reason a synopsis has been provided for members. The synopsis format was adopted subject to reassessment.
- 7.4. It was agreed that the Core Group will begin to process the submissions for the attention of the Theme Committee.

8. ANY OTHER BUSINESS

- 8.1. The meeting noted that the Community Liaison Department would inform the Theme Committees of their general programme. This Committee would then be able to raise their specific needs.

9. CLOSURE

- 9.1. The meeting rose at 10h40.

Signed by Chairperson 

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2

MINUTES OF CORE GROUP MEETING TUESDAY 24 JANUARY 1994

PRESENT

Ndlovu VB (chairperson)

Eglin CW

Mahlangu MJ

Ndlovu VB

Pahad EGH

Rabie JA (Beyers AS attended as alt)

APOLOGIES

Rabie J

ABSENT

Ebrahim EG

Groenewald PH

Ebrahim H, Meyer L, Nene J, and Smit T, were in attendance

1. OPENING AND WELCOME

- 1.1.** Reassigned Managing and Minute Secretaries, James Nene and Thomas Smit, were introduced and welcomed.

2. THEME COMMITTEE MINUTES

- 2.1.** The minutes were approved.

3. MATTERS ARISING

- 3.1.** The Workshop Report was noted.

4. BRIEFING DOCUMENT

- 4.1.** The leadership role of the chairpersons and core group was affirmed, especially in respect of the preparation of reports.
- 4.2.** The drafting of reports is the responsibility of the Theme Committee. The Secretariat will provide administrative assistance.
- 4.3.** Two mechanisms are provided in respect of research:
(i) technical experts; and,
(ii) general research.

In respect of the latter, a Research Department has been established. In this regard, a distinction may be drawn between:

- (i) access to information; and,
(ii) requests for research.

In respect of the latter, research will have to be requested by political parties to the Theme Committee and channelled through the Secretariat.

5. WORK PLAN AND SCHEDULE

- 5.1.1.** The Work Programme is not final, except for block one. Issues on the agenda within a block need to be attended to and brought to some point of finality. But the table of the work programme is flexible within the constraints of cohesion and time.

- 5.1.2.** Two issues that need attention are:

(i) what to do in the Theme Committee in respect of the agenda items falling within a block.

For example, when addressing the issue of separation of powers, it should be examined whether the approach covers all that is required.

(ii) what to do in respect of receipt of submissions pertaining to different blocks.

5.1.3. It needs to be examined what mechanism be established to synthesise submissions.

5.2.1. Submissions should be submitted as a matter of urgency. The deadline for submissions in respect of block one has already been reached, and further delay in submitting outstanding submissions for this block will make it difficult for the Secretariat to perform their tasks effectively.

5.2.2. It would furthermore assist the Secretariat if parties made their submissions in addition on computer disk for which they would be reimbursed.

5.2.3. Due to the large number of submissions received, it cannot be expected that each theme committee member reads every document. For this reason a synopsis has been provided for members. The synopsis format was approved.

5.2.4. The Committee needs to address the question whether and when the following commissions be established:

- ELECTORAL COMMISSION
- COMMISSION IN RESPECT OF TRADITIONAL AUTHORITIES

With respect to the latter proposed commission, it should also consider whether such proposed commission be set up jointly by Theme Committees 2,3, and 4.

5.2.5. In respect of the item Volkstaat on the Work Programme, the Committee needs to address whether it is feasible to deal with the matter as noted in block 4, or whether the matter should be held pending a report from the Volkstaat Council.

5.2.6. It should also be taken into account that the Constitutional Committee is presently discouraging the immediate establishment of Commissions. The Committee may need to address whether to make a recommendation to the contrary to the Management Committee for tabling before the Constitutional Committee.

6. TECHNICAL COMMITTEES

- 6.1. The Sub-committee responsible for dealing with the technical committees had their first meeting on 23 January 1995, and have yet to complete their task. Therefore the Technical Committees are not of immediate assistance to Theme Committees.

7. COMMUNITY AND MEDIA LIAISON

- 7.1. Community liaison shall have to take into consideration the specific needs in respect of community participation required by the Theme Committee and not catered for in the general Public Participation Programme.

- 7.2. However, it would be impossible to organise programmes separately for each Theme Committee. A specific topic on the work programme may be dealt with in the work programme of different Theme Committees, hence a need for convergence of the programmes of different Theme Committees within the Public Participation Programme.

- 7.3. The Committee should address the question whether the media campaign is satisfactory.

8. PREPARATION FOR THEME COMMITTEE FOR 25 JANUARY

- 8.1. The draft agenda contained in the Secretariat documentation pack was approved.

9. CLOSURE

- 9.1. The meeting rose at 10h25.

Signed by Chairperson

