

24/05/12/17

(OR) - FAX
323-2573/6

323-2541
MORNING

8/10/95

CA meeting

Apology - Mr Ebrahim (PAC) wants
to be in

Senate Report to CC

Pahud - AHC had - workshop period
to do drafting of 1st part
Senate was dealt with
intensively

- Proposal to be made to the
CC for discussion

Greenwald - support the proposal, ask
whether they are bound to

Pahud - by Tues or Wed

Rabie - Report on NA?

CG - agreed to postpone

Steyler - ~~NA + A~~
NA + MG discussed with
Legal Advisors

Prov. Govt - IA will discuss
the draft tomorrow

Kabore - IA were to speed the
process to complete the
reports

Mahlangu - Did you encounter any
problems

Steyler - could meet so IA

Mahlangu - Chapman's memo
requested that draft
be sent directly to
IA's legal Dept

Govermald - 2 drafts is a very
embarrassing situation
if the fees for IA's
Legal Advisor to
sort this difference

Pahed - people are called to ET
for the meetings

Refusal - if its possible we
can table a report with
draft formulation on NA

TE meeting must take place
on Wed -

Mahlaugh - TE meeting on Wed of
table the report to CE
on Friday

Rabie - Request for submission
of the report by CE

Report on Electoral system
will be available by
Friday

Volkstaat by tomorrow

Genl. Amendments only the
NP

Prof W Rabie - raise the issue of
the checks of balance

Prof W Rabie - still too early to do

something about checks &
balances

Pahad - Volksstaat Report - on what
basis is going to be
produced

Rabie - The Volksstaat Road was
formed meet again

Greenwald - Shouldn't refer to it as
the Volksstaat - but
its self-determination

Steyler - @ of electoral system
can be very brief
Its difficult to fully deal
fully of various what

- can only state the basic
principles

Prof van Wyk - p 12 - Itala's invitation

Mahlangu - CG Adl needs on his
invitation

Prof Steyler - His previous work dealt
with some of voting
Is his input going
to take us and

Frutkin, his views are expressed
in his book "alternative thinking"

Greenwald - shld politely decline
this nomination

Palmer - in agm with Prof
Stuyfven. If we have
a meeting, it shld be
clear what we want
from them.

No benefit to be derived
if we all come
back to them

Greenwald - Electoral system

Prof Van Wyk - tight schedule

AOR - Senate

- How to it going to be
discussed -

const. Amendments - ANC have already
submitted

Rabie - not overworking for
anybody's dress over

Theme Committee meeting 2/08/95
Mahlangu - come back report

p1 - Prof Gyffler led the discussion

Eglin - Report to be accompanied
by the pol. party subcommittee

p3 → §(1) to be made with
other sections dealing with
filling of vacancies

→ §(2) footnote 6 will be
removed - to be revised
when dealing with §20

p4 → Why the Pres of 1st Const. Court
rather than Chief Justice
Steyler - reason - C.C. is the
body tasked with to address
const. matters.

Grosswald - Pres of 1st Const. Court is given
status of WP Judge

Pahed - TC 3 should deal with this
issue - TC 2 should leave
it at Chief Justice

§ 5+6 Handover - sentence of 12 months
why

Steyler - Arbitray also 5 yrs

Margeri - 5 yrs ~~to~~ ^{research} ~~which~~ - ~~judges~~
are capable of being
rehabilitated

Eglin - 2 of franchisees need
26 reflected in the
reports

Gerrit - Report from TCI to 26
discussed by CC on Fri
on this issue

Eglin - Pardon what it means

Pahed - This should be rephrased

7(2)(g)(iv) - ?

Gerrit's suggestion accepted

§ 7

Vacation of seats
Ptn 15 (b) should be ref
to the parties (cc) for further
discussion as to whether
or not it should be with
court or be reg by

the rules of Port.

Stephan - No to any benefit paid
out of Port if we say
how they should get it
in.

Grave - Const should recognize the
importance of leave the
days to the rules of
Port.

Olaf - suggest the same

again - if the court says
~~that~~ we come in a Port
can't decide the card
for the expulsion of
members

Pahad - There are other issues
other than what already
port for each port
from Port - we can't
~~act~~ act. all these.

Robbie - 15 days work to be with
court

Pahad - Principle accepted not
15

Height - foundation to read -

108 | 109

Suprema - 11 (1) should be 10 days
after the result of the election
has been declared free & fair

Govt - this assumes that some
body will have to declare the
election free & fair

Manager - Somebody will have to
declare the election
free & fair

Oliphant

Hendrickse - 11 (1) depends on whether
or not we have a
to have an electoral
Commission

Englin - Q is whether or not we
make provision for the
Electoral Commission

Suggestion "in the city of"
after an election that
take place 10 days
after the declaration

of the result of such an
election.

Mohrman - Is 2 suggested adequate

TC 2 - yes

Pahad - This will be in conflict
with S (3) - asking
the TA of LA LA to
look at this issue

"(2)

pl\$

S 15

Styler - test of comm should
be included

Pahad - wanted why should we
include this in the end
why the summary of
witnesses "joint
subpoena"
My personal feeling
is that it should not
be there.

Grove - @ of Committee + subcommittee
of Com is covered by
S 15 (1) read with 16 (3)

Steyth → add power of an
16 (3)

Mahler → any removed +
agreed in Steyth
suggestion

16 (3)

Reminded 21 (1) → 14

whether — Pres has to satisfy
himself

(3) Eglin — if (1) is go to Part

(1) If he is unhappy — refer it
to C.C.

21 (3) 26 divided into sub
sections

Verdick — Is there a time limit
for the Pres to assent

Mlengai — suggest 3 months

Eglin — forthwith

patrod — support forthwith

Mahler — Agreed

Rancho - procedural Min's sign is needed
Matteru - Thanks, NA done

NA

Pahad - guy should be removed

Beyers - can't ignore the IFF suggestion

Pahad - Beyers is out of order
side of ftn 3

Rancho - take drop the details

p16-17

no amendment

p18

s (2)

Prof Egin - what if Poul is dissolved

Pahad - 2 of items - should remain open

ftn 12 - add "unless there is a motion of no confidence."

63(b)(d) - 2b revisited when
dealing with a number
of no confidence

Rabine - Why?

Mahlyan - 2b revisited
towards the end
of his draft p 27

Eglin - 63(b) - delegation of
powers

Grave - If possible suggest
look at fn 22

Eglin - I'd check w/ bhr
2 men of the SP

Grave -

Steyler - ratification by Parl
does it make it a
law

Grave - we should fn this is the
delegation of powers
ratification of such
agmt by the HRA

Morgan - procedure has to be that
the vote an agree + the
Parl do ratify it then

Greene - (K) Puro to act in consult
with the cab

Pahad - for 27 replaced

Greene - Yes it should be in
7 (2)

p 21 - 22

105 (2) League - Speaker can act

Morgan - While he is acting as
Pres - who takes his pos

Stuyler - performs both since the
acting is temporary

Morgan - If he acting for a while
year

Greene - Open to Parl to work
a law

Pahad - We should off - resolution
in for 31

10/10/00) CC will be to look at
this case

Raboin - Acting position is taken
in sub-papers with over
pass -

Mahley - Agreed

Oglin - 120
Mahley Agreed

p25

Oglin - Min Annual's review
on the C of conduct

Mahley - that can be covered

Raboin -

Grove - SQO referred - defers
the work

p27

Arbitrase - Much not what is in
the lines - Consh but
exch 3

Pahad - 20(1) is not correct as
it stand now.

Score - 93 (a) + (b) 26 added

TC meeting

- 1) Hwedannet
- 2) Lebona
- 3)

Report on self-deb ready - but
members would like to consult
before discussing this report. No
meeting on this.

Advantage of franchise (f-3) cc ref this
to AC 2

Self - Franchise = ownership + age
not a structure of govt

Egin - Originally some of franchise
was allocated to TC
TC mandate is to electoral
system - Me 26 reg
to ref it back to PAK

NR

Block 2 Skyeed

Styler → of fixed term for
Pent to be provided for
in the NA/E report

Block 3 Egin
Age should be ref to 100

Herhike - Age shouldn't be determined
by the court.

Egin - ICE should report on this

Block 4

Mahlangu - a on 1 difference
between some voters and
reg of voters

Egin - present one is a
hybrid one - until
there is a local govt

Block 5 - Styler - comment when
one not over

Herhike - no priority on the
wants of group/court,
ask for the withdrawal

of the early principle

Agree - all party agree on
the party principle
Conferences - except 1
MP which went on
election 1st + then
constitutions.

Should fill the CI that
a combination of hard
Party list should form
part of this reform.

To be revisited when
dealing with draft
foundations.

Block 6

Agree - required to put in the
cost principles that
gov. Nat/Pool

Block 7

Deal with by TCB

Block 8

also by the
electoral

Eglin

Mahlangu - recommended that TEC
should deal with this
issue

2/3

Submissions

Seen Congratulated

Draft Formulations

Constituencies have 26 combined
with party lists in order
to achieve PR

Hlonipane - Const Price is 1/2 weight
of the ranking

Seyffer - Results not reflect the
voters' choice

Re: etc

~~Eglin's~~ suggestion accepted
but a footnote should be
added to say that a
reference to party lists does
not exclude constituencies.

(2) Me should decide whether (1)
any - footnote

Eglin - mandate - who is going
to draw up the second
Act for 1999

Herbicide - 1999 elections will be
based on new words
drawn by Panel.

Wahlkampf - discussion completed

CEG - to work all it takes
if goes to C

10/08/95

TC MEETING

1.2

2 Issues - not nec impacting but
might = potential impact

2.8 Incrementally

FF - ① substantial no of Africans
are omitted to vote, idea
② Satisfaction of Afrik. speaker

① Office outside - Westat field
control this without rights

P 7 "A"

FF's

Mahlangu → C.P. 34 performers has to prove
to CA that there is a need
for a SO - Prove the
same to the epg

→ epg report

→ Report on Westat - no
inter final report, @ how
do we deal with these
things in a piecemeal

→ Not if TC is in a better position
to highlight the EC

→

Ranchhod → support Mahlangu
suggestion. Ranchhod enters
is used as determinant
of who is a member
of the Westat
→ TC should refrain from
pos in the light of
submissions being

made

2/18/80

Greenwald - Reg wants to read FI
input carefully.

- Ask the TA to consider
what's required to

eg - to decide when the report
will come back to tel

14/08/95

TC Meeting

1) of i, welcome

2) Feedback on reports to be
All reports/draft formulations
were discussed

3) Const. Amendment → tabular
special procedures

Pahed - Report submission irrelevant
- NP's suggestion that i.e.,
beyond amendment - should
be put under new column
if shall be contentious

Beyers - NP to submit further on
issues that are beyond
amendments

Sethema - Report

Margini - Rep to come back

Sethema - No

Andriksa - To eq d, cc

Rabois - agreed

Trad Auth Rep

Alhaji - enba = 104 (ndwe + org)

Issues

- 1) No main line = indigenous
- 2) cultural rights linked to religious issues
- 3) Check of balance on Trad Auths.

p22

Becker - part 3 under comment of
to be placed under agreement

Adomson - part I shld stay sandy
about recogn. of Trad Auth
through the Indigenous
law

ANC wld recommend a
commission to look at
the issue of authority
of Trad leaders

- pta 2 what does it mean

Athlafa - Const Principle 13

Pahad - "like any other town"
agreed to

p 27

Abuse of position =

should go under court

Rabire → agreed

Becker → can Port decide on the price
on trad leaders

Pahad → Any change to 1 Const
Demand - supply at all
level

→ Trad leaders - Pol parties
agreed that they will
play a role in all
level, i.e., Nat, prov,
local

Adonisa → power of trad leaders might
be diminished or expanded

Athlafa - for consider his position

Pahad - Other person shld be placed under comment

p 28

word "only" shld be deleted

p 29

Agm = (3)

HA

when a leader (ind) becomes a pol. party of evasive - not when they give local govt as ex-officio members

p 29

Malati → can't recogn. inst of Ind leadership without authority that goes along with it.

→ a common terminology shld be recommended

Pahad - Outstanding leader - 9 of Ind Authorities shld be dealt with - the "

under comment

Malati - Seniority is not reflected in the name "Ind leaders"

Pahad - If the senator (Malabari)
Abdullah tried to examine
how the hierarchy can
be reflected in the cash

Admission - recogn of T mad Monad
in the 2nd cash, esp.
the lower level Madal

common column shld
reflect the name of
Monarchies

21/08/95

Te meeting

Rep. on Self-Determination

p 10 - ref to div TE 6 (e)

Discussion

+

Engin TC suppose to highlight differences + diagram - not to suggest solutions.

Order

↓

Done in terms of all Me's guidelines

Pahad

+

Schematic → very NB - propose

"Support"

↓

Pahad should come under outstanding block

Self-determination

Engin - where do we fit the issue of cultural self-determination if we use culture as a basis of territorial self det. There is a lot diagram.

There are other forms

Caplin - recommendations on the end process

Perhad - reason - shld go under comment

- separate paper - shld also go to committee

Beyero - satisfied with the formula as it is - prefers that it shld (again) shld be binding

Carder - was tried to very specific language - was found redounding to a rejection by the ITC.

- Principle 34 - gives no guarantee that self-defence will be in the final contribution.

- technically Principle 34 - is binding on the EA but not binding on the future contribution

Pahad - If we refer the 1st
para - act as a guide
to the Const. committee
again - This comment goes for
beyond the Const.
Principle.

Hlonisa - "To the satisfaction of
those aspiring to state
- Only one party - can't
commit the govt to
do this

Condor - Delete all the para to
to

CG meeting

Draft Formulation -

Const. Amend

Eglin - CP 18

- DP believe that CP
shd be entrenched

Graham - Senate / Provincial Structures

will be sorted out

Pahed Indigene should be expanded
EP 18 to be included there
to bring the attention of
the EC to it

Indigenous leadership

Greenwald - Certain aspects are quite
emphasized - need to
deal with the like
S-D

Pahed → schematic report is
consistent with what
Eo discussed.

→ 2(b) what does it
mean

Athlago → recogn of trad. leadership
shd also indicate the
relationship b/w monarch
& chieftains.

Rabie → Pervert the situation
NW (as eg) -

Pahad - "shall not disrupt" - is
a concern - can we put
this as a footnote

Mtshapo - It's a cautious route - possible
can put it as a footnote
for cc

eghin - "Indigenous leadership"
- suggest that we add under
1.10 + "The institution of
indigenous leadership" as
constituted under indigenous
law

Pahad -

CC Sub-committee

NE

24/08/25

Term i: vacation of office + filling of casual vacancies

5(2) proposal = 2 terms - for a discussion at a CC level / meeting - for discuss

Power & functions

6(3)

Fin. R

Do we need these prerogatives previously in the hands of the RA or arch?

TA to work at this q

NP covered in 6(2)

6(2)(h) - proposed (AP) - should fall under category 6(2) i.e. done in consultation
→ Removed from (H) 26 under 6(2) but it will not be stated

6(3)(i) → is left out - doesn't arise until the issue of an external SNU is settled

6(3)(a)

Regin - TCS to give a report
Toreen offers to provide a memo.

TCS still dealing with the
issue.

6(3)(b) - Stads over for a
discussion on foreign

Confidentiality of each act of SP

7(1) exposed deleted

7(3) deleted

Remuneration

8(2) to take to SIC of change the
wording of SIC "members of
cabinet of Deputy ministers in

Deputy SP/PM

59 - An to attached particularly
the ~~SP's~~ ~~submitters~~ Pol. party
submitters

- to reported, PML AP (ACOP
NP ADK) position revealed.

Dealing SP

↓
Forged

Removal of SP/DSP

Art 37 → if Pres is directly elected
need an impeachment DP

→ if the Pres is not directly
elected (by electorate) but by
NA - no need for impeachment
(ANC)

→ Matter 20 in
(Pakistan) Impeachment & No-confidence
is 2 different things

(IA to come up with a formula)

[Left in abeyance]

Cabinet

12/11/10 changes

(2)

Appointed & dismissed of me, Def

Flagged until clarity on the Senate has been achieved.

Draft of Salam Appoint

No changes

Coaction of words of extract / ^{Rep} words

16 (B) (C) → phrasology → looked at by TA
→ "Advantage"

* Public Office - "Can't say he can't hold any pub. office"

- shd be precluded from extending his job. from outside the immediate part. parameters

- TA to research meaning of the word "public office".

Reformulation

No changes

Tempo. Assignment

Agreed to - ~~Q~~ of language left as it is

Transfer of Muir's pur

agreed to

Vote of no confidence

Opp asks for reformulation

↓
Fixed term to 4 yrs term - all
other parties = 5 yrs

Muir's original suggestion 26
added in the ~~for~~, ~~revised~~

Next Sub - item

* Vote of no confidence

* Issue of Dep Pres / Prime Minister
(Consent pol. parties proposals)

Maharal Assembly

§ (1)
"continue" as included

§ (2)

26 dealt with - when dealing
Vote of no confidence

⊗ next ce sub-section

§ (3) Ptn 9

§ 7 (e) > Ptn 19 added as
(d)

7e (iii)

Legal Advisors to find more
info - At this moment accepted
and it is

Vacation of Seats

⊗ (8) as deleted & included in the
rules of Parliament

⊗ Legal Advisors to consider
this issue broadly

SP's rights - NA

14 word "sit" replaced by
"attend"

Assent to bills

S 21 (3)

Para 43

"SP having reservations/concerns. On
Procedural matters can be
ref (by SP) to the Const. Ent?"

Substantive issues to be dealt
with by Panel.

Matter referred to CA

Para 44

Safeguarding of Parl Act

S 22

2207 Const Ent / Officiate Div,

23/08/95

TRAD AUTHO

Traditional Leadership

(1) TC = preference

NP = support the view

ANC = support the view that indigenous leadership should be not called

TA → concise report on the issue
of indigeners vs traditional
MS

→ A possibility of putting (trad) Autho - of in the definition section
caption indigenous.

→ 2 Dept of Const. Affairs - should be a
requested to should look at the
q. of authenticity

(2) "and of indigenous law" should be
deleted.

Redrafting = TC & 26 consulted

Ann 3

Te meeting

28/08/25

Minutes adopted.

Report back:

Self-determination
↓

Para 6

Wtksat Council - proof of
power support

General - 6(d) minimal SO shld
also be needed.

Prof Raath's comments be kept

Robie - we are est. principles

6(a) & (g) - 1

Order - 6(d) "some form of cultural
determination may be provided
for and may ^{shld cost}
on SO - all ^{other} forms

"some form of cultural
self-determination may be
provided for"

Beyers - This appears to be an unfelby

Moerewald - suggest that the schematic report should be scrapped
- including

Seetherna - Lets deal with the issues

July - This issue is complex → issues are dependent on the others.

Schematic Report shouldn't be scrapped.

cc was informed that there was a difficulty in producing a schematic report

TA - to include the para

Report to cc agreed to

Liqeqe - Report is completed.
- suggest that the report

ie - report to wait for cc meeting

Te meeting

04/09/95

Pronounced ed

Pa I agreed to

Agreed

* Provincial legislatures

* Adm of Prov leg

↓
Margerit - propose that this shld be the work of PSC

"Inconsistency"

p 23

↓
Inclusion of the principles - need further investigation.

TRAD AUTO

abolish → 1 (2) "nat laws" subj

Self-Determination

Palad - procedurally - no need to break this different

p 39 - "Acceptance" should be
attached in the report
to the CC

Beyers - support the idea of
a addendum

Corder - "general eqm" disagree

Pahad - go to possible approval
~~paper~~ p 39 - should be
taken into account

Greenwald - "f" to be briefed up
with a ftn (p 30)

Reath - Its an elaboration
on the paper.

Eglin - After a report has been
drafted - submit by
Prof Reath

Pahad - ftn → view of the
pol can be accommodated,
but not a technical
advice.

Eglin - help shld be handed to the ce and MC shld decide what to do.

jo 39

26 included in jo 50 to state that the supported by FH + AP

Pahad → jo 39 → no ref or the state to assist with (s.d.e) people to see

→ issue not known for discoverers. If the goes to FH = acceptable

→ disagree that this contains content of FH.

Greenwald → Change shld be effected
jo 50 + 51 make provisions FH support the footnote

Pahad → jo 51 (g) critical factor if it is want to include it in a FH

Greenwald → jo consult his principals
o doc be brought in line with changes

Eglin → statement goes beyond
the principles 12 & 34
Is it an agreement
NA on substance or
on words.

Raath → conversation

Corder → agreed only in words

Report "reworded" goes to the
CC → ref to ICY

Eglin - (P) Not to 2/3 majority
but not amendable
at all.

Styler → Part / NA = old be a
matter of standard

= Const as supreme law

Greenwald - Const Amend → last to
attended

Porhad → Const Amend

Constitution

Part 2

The NP ...

The DP proposes that the provision that the Constitution is supreme law should not be subject to amendment.

Rep
12/20/11
Constitution
p 27

The DP ...
The NP ...
The DP ...

Trade

- 1) concept Trade
- 2) " Indigenous
- 3) Usage of African name
- 4)

11/09/95

Secret Report

1

Agreed to

2

DP "most other parties" - DP

Request DP's view be reformed

3 comparison + size

Other parties will be listed

Pl. parties should see the report by
it goes to 'all'

"Negotiating position"

4

Delegation / Variation / Approval

5 Approved

6 } some members needs to
redone

7

8

THIRD DRAFT - 31 AUGUST 1995

Status: Prepared by TC 2 Technical Advisers and CA Law Advisers for TC 2 discussion.

AMENDMENT TO THE CONSTITUTION

1. Parliament may by law repeal or amend any provision of this Constitution.¹ Any such repeal or amendment² shall require the approval of at least two-thirds³ of the total number of members of the National Assembly⁴

¹ Should this section not be subject to repeal or amendment, the words "except this section" must be inserted at the end of the sentence.

² The NP proposes the entrenchment of the Constitution at four levels:

- (i) absolute entrenchment of the commitment to a democratic form of state and democratic mechanisms;
- (ii) general entrenchment of the constitution by requiring a two-thirds majority for all other provisions;
- (iii) specific entrenchment of provincial matters by retaining section 62(2) of the interim Constitution; and
- (iv) 'judicial entrenchment' of the most basic fundamentals of a democratic state, articulated in a schedule to the Constitution, by requiring that the Constitutional Court certifies that any amendment is in accordance with these fundamental principles.

The DP proposes that the provision that the Constitution is the supreme law should not be susceptible to any amendment.

³ When considering this issue the CC should take cognisance of Constitutional Principle XVIII(4) which reads:

Amendments to the Constitution which alter the powers, boundaries, functions or institutions of provinces shall in addition to any other procedures specified in the Constitution for Constitution amendments require the approval of a special majority of the legislatures of the province, alternatively if there is such a chamber a two-thirds majority of a chamber of Parliament composed of provincial representatives, and if the amendment concerns specific provinces only, the approval of the legislatures of such provinces will also be needed.

⁴ This provision might have to be revisited once finality is reached on the question of the second House.

provided for in this Constitution.⁵

⁵ This number relates to total number as provided for in this Constitution, disregarding any casual vacancies.

