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**CONSTITUTIONAL ASSEMBLY**

**MANAGEMENT COMMITTEE  
THURSDAY  
10 OCTOBER 1996  
V16**

**DOCUMENTATION**



# **CONSTITUTIONAL ASSEMBLY**

## **MANAGEMENT COMMITTEE**

### **NOTICE OF MEETING**

Please note that a meeting of the Management Committee will take place as indicated below:

**Date :** Thursday, 10 October 1996

**Time :** 08:00

**Venue :** V16

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#### **Agenda**

- 1 Opening and welcome**
- 2 Minutes (pages 1-4)**
- 3 Preparations for Constitutional Assembly debate and Resolution**
- 4 Any other business**
- 5 Closure**

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**Hassen Ebrahim  
Executive Director**

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**CONSTITUTIONAL ASSEMBLY**  
**MINUTES OF MANAGEMENT COMMITTEE MEETING**  
**THURSDAY, 3 OCTOBER 1996**

**Present**

**MC Ramaphosa (Chairperson)**  
**L Wessels (Deputy Chairperson)**

S De Beer  
PJ Gordhan  
P Marais  
MV Moosa  
P Smith

C Eglin  
L Green  
B Mbete-Kgositsile  
M Myakayaka-Manzini  
C Viljoen

Apologies: A van Breda, R Meyer, K Meshoe

**1 OPENING**

The Chairperson opened the meeting at 08:20.

**2 MINUTES**

The minutes were adopted.

**3 TABLING AND DISCUSSION**

**3.1 Technical refinements**

It was agreed that as per the resolution of 7 May 1996 the language and technical errors contained in the new text would be rectified. The document entitled "proposed technical refinement" included in the documentation for the meeting, contained the suggested changes.

It was agreed that the technical advisors of political parties should consider this document and hold discussions with the Constitutional Assembly's technical advisors.

It was agreed that technical changes should be ratified by the Constitutional Committee.



### 3.2 Subcommittee reports

#### i. **Subcommittee 1**

Ms Myakayaka-Manzini, the Chairperson of subcommittee 1, reported that:

- The table of non-derogable rights contained in section 37 had been agreed to.
- Section 23 dealing with labour relations had not been finalised.
- The removal mechanism for the Auditor General and the Public Protector had been agreed to but there was no agreement on appointments.
- A new draft on the Public Service Commission was still to be discussed.
- Parties had agreed that section 241 be deleted.
- Parties were still considering options provided by the technical advisors regarding the Truth and Reconciliation Commission.
- The IFP had raised several issues that fell outside of the mandate given to the subcommittee including proposed amendments to the bill of rights.

#### ii. **Subcommittee 2**

Mr Gordhan, the Chairperson of Subcommittee 2, reported that:

- Agreement had been reached on Constitutional Amendments.
- There was no agreement on provincial powers. The NP and ANC had held bilateral meetings but no agreement had been reached particularly in the area of police powers. The ANC and the IFP were also holding bilateral meetings on provincial powers.
- Agreement had been reached in the local government chapter on categories of municipality and procedures for passing by-laws.
- Tentative agreement had been reached on fiscal powers and a new formulation was being prepared.



- There was no agreement on decisions in Council and whether provision should be made for an executive mayor.

Mr Smith of the IFP said that they had tabled their submissions in the subcommittees. Although the issues with which they were concerned did not fall strictly within the ambit of matters raised by the Court, they were germane to the judgment. Mr Smith emphasised that the IFP were serious about their participation and would like to see a settlement in a package.

It was agreed that the terms of reference of the Subcommittees would not be revised, but discussions would continue between parties on a bilateral and multi-lateral basis. It was agreed that the Chairperson and Deputy Chairperson would assist in this regard.

### **3.3 Constitutional Committee meeting - 7 October 1996**

It was agreed that the Constitutional Committee meeting planned for 7 October would take place. A composite document including the formulations agreed to by the subcommittees and the technical changes would be tabled.

### **3.4 Constitutional Assembly meeting - 11 October 1996**

It was agreed that the Constitutional Assembly meeting planned for 11 October 1996 would take place. This meeting would pass an amendment to the document adopted on 8 May 1996.

### **3.5 Proposal on process**

The proposal on process contained in the documentation for the meeting was adopted.

## **4 ANY OTHER BUSINESS**

### **4.1 Submissions**

It was noted that submissions suggesting amendment to the new text had been received from:

- Nedlac
- Department of Land Affairs; and
- Pan South African Language Board.

Mr Eglin of the DP said that the immediate task of the Constitutional Assembly was to rectify sections of the Constitution as required by the Court and to make necessary technical changes. Care should be taken not to embark on the first constitutional review.



This approach was agreed to and the technical advisors were mandated to study these submissions and advise how they be dealt with.

**5 CLOSURE**

The meeting closed at 09:20.



