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# **CONSTITUTIONAL ASSEMBLY**

## **MANAGEMENT COMMITTEE**

**MONDAY  
23 JANUARY 1995  
(08h00)  
V16**

***DOCUMENTATION***



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## **CONSTITUTIONAL ASSEMBLY**

### **MEETING OF THE MANAGEMENT COMMITTEE**

**Please note that a meeting of the above committee will be held as indicated below :**

**Date : Monday 23 January 1995**

**Time : 08h00 - 10h00**

**Venue : V16**

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### **AGENDA**

- 1. Opening**
  - 2. Minutes: Pages 2 - 6**
  - 3. Matters Arising: See Agenda Items Below**
  - 4. Independent Panel of Constitutional Experts: Draft Terms of Reference (Proposal): Page 7**
  - 5. Technical Committees: No Documentation**
  - 6. Theme Committees Agenda for 25 January 1995: Page 8**
  - 7. Directorate Report: Pages 9 - 20**
  - 8. Review of the Process: No Documentation**
  - 9. Any Other Business**
  - 10. Closure**
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**H EBRAHIM  
EXECUTIVE DIRECTOR  
CONSTITUTIONAL ASSEMBLY**

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**Enquiries : Ms MM Sparg, Tel 403 2274, Page 418 4616 code 6970**

## CONSTITUTIONAL ASSEMBLY

### MINUTES OF MANAGEMENT COMMITTEE MEETING MONDAY 28 NOVEMBER 1994 (AT 11H00)

#### PRESENT

RAMAPHOSA MC (CHAIRPERSON)

Chabane OC  
Eglin CW  
Mabandla BS  
Meshoe KR  
Moosa MV

Meyer R  
Sizani R K  
Van Breda A  
Viljoen C  
Wessels L

**Apologies:** W. Felgate

**In attendance:**

Ebrahim H, Zondo L, Sparg M, Grové G, Ndziba M, Powell D, Shalala E, Sithole E, and Keegan M.

#### 1. OPENING

Mr. Ramaphosa opened the meeting at 11h10. The Agenda was adopted.

#### 2. MINUTES

The Minutes of the meeting held on Monday 7 November 1994 were adopted with the following amendments:

- i. Mr. Sizani had offered his apologies to the meeting; and
- ii. "The matter would be referred" would replace "The matter was referred" in 5.3.ii.

#### 3. MATTERS ARISING

None - included in the Agenda Items below.

#### 4. WORK PROGRAMME



- 4.1 Mr. Ebrahim spoke to the separately bound document entitled "*Directorate Report: Work Programme.*"
- 4.2 Mr. Ebrahim noted that a report in *Business Day* on the Work Programme broke an agreement between the Constitutional Assembly and the journalist in question. He is currently investigating the matter. The meeting agreed that henceforth all documentation would be marked "Embargoed until time of the meeting."
- 4.3 Regarding Technical Committees, the meeting agreed to forward the following proposals to the Constitutional Committee:
- i. That the sub-committee on the Panel of Experts would be reconvened to facilitate the selection and appointment of Technical Committees; and
  - ii. That similar criteria would be used in the selection of Technical Committees as was used for the Independent Panel of Experts.
- 4.4 Mr. Ebrahim reported that a panel had been formed to consider proposals received from advertising agencies. It consisted of three members of the Administration, one member of Parliamentary Staff and the South African Communication Services. The meeting endorsed the creation of the panel and requested that it submit a short-list of agencies, including the selection criteria used and a proposed budget, for consideration by Management Committee members on Friday, 2 December 1994.
- 4.5 The meeting requested that the Directorate submit to the Management Committee a more detailed proposal on the National Constitutional Educational Programme, including which organisations would contribute and how.
- 4.5 The meeting noted several concerns that themes outlined in Theme Committee reports were not always reflected in the Recommended Work Programme on page 120. The meeting recommended the following amendments:
- i. "Character of State" would replace "Form of State";
  - ii. "Structure of Government" would replace "Form of Government";
  - iii. A full list of themes to be dealt with by the four sub-committees of Theme Committee 6 would be included;
  - iv. Clarity was needed to explain why "Separation of Powers" was included under Theme Committee 1 and 2; and



- v. "Allocation of Power" or "Distribution of Power" should be discussed by Theme Committee 3.
- 4.6 It was agreed that further concerns would be fully addressed in the Constitutional Committee meeting of 2 December 1994.
- 4.7 It was agreed that the Constitutional Committee would consider the following:
  - 1. The Catalogue of Constitutional Issues;
  - 2. The List of Outstanding Issues;
  - 3. The Organisation of Constitutional Issues per Theme Committee;
  - 4. A Position on Commissions and Subcommittees; and
  - 5. The Principle of Agency with Regard to the Public Participation Programme.

## 5. INTERNATIONAL MEDIATION

- 5.1 Mr. Ramaphosa introduced the Legal Advisor's *"Opinion: International Mediation,"* included in the documentation. The meeting expressed its regret at the absence of Mr. Felgate. It was agreed that it would not be possible to pursue the matter properly without Mr. Felgate's participation.
- 5.2 The meeting agreed that the Management Committee would consider the issue when those parties which signed the agreement report back on their discussions as requested.

## 6. PANEL OF CONSTITUTIONAL EXPERTS

- 6.1 Mr. Ebrahim spoke to the document, *"Minutes: Meeting Between Members of the Constitutional Assembly and Members of the Independent Panel of Constitutional Experts,"* included in the documentation, and Prof. J. van der Westhuizen spoke to the document, *"Memorandum,"* included in the documentation. Prof. van der Westhuizen explained that the four university-based experts would need full-time appointments to sufficiently free them to perform their duties as Panelists. Their universities needed clarification on the terms of their appointments by the end of November.
- 6.2 The meeting considered what roles the Panel could play in the constitution-making process.
  - i. There was consensus that the Panelists could play a critical



role in breaking deadlocks.

- ii. The meeting could not agree on how the Panelists might advise the Constitutional Assembly on an ongoing basis. The suggestion that they advise Theme Committees, for example, was seen as problematic.
- iii. Finally, a view was expressed that the Panelists might help draft the earliest texts of the new constitution. However, concern was expressed that this would compromise their ability to independently assess the completed text.

The meeting agreed to forward the matter to the Constitutional Committee for its consideration.

- 6.3 The meeting considered whether the Panelists should be appointed on a full-time basis. This would meet the Panelists' needs. It would allow them to observe discussions in the Constitutional Assembly on an ongoing basis and enhance their ability to break deadlocks. However, there was a question as to whether the Panelists would have sufficient work to justify their full-time employment. A suggested compromise was that they be taken on full-time from March, after Theme Committees have begun to submit reports. The meeting agreed to forward the question to the Constitutional Committee for its consideration.
- 6.4 The meeting agreed that the Directorate would report back the decisions of the Constitutional Committee to the Panelists immediately after the 2 December 1994 meeting.
- 6.5 The meeting also agreed that there was a need for a further meeting between the Chairperson, the Executive Director and the Panel of Constitutional Experts shortly thereafter.

## 7. ANY OTHER BUSINESS

- 7.1 Mr. Wessels reported that the Council of Venice requested that the Constitutional Assembly join it in organising a conference. He noted that numerous organisations would be forwarding similar requests, and the Constitutional Assembly needs clarity on how to respond.
- 7.2 Various views were expressed regarding what relationship the Constitutional Assembly should establish with outside organisations offering help. Certain members advised detachment, while others advised engagement even to the point of co-option, where outside



organisations would be drawn in to assist with the public participation programme or with the collection of submissions for Theme Committees.

7.3 Although the meeting agreed that the process of constitution-making must be South African in orientation, different views were expressed regarding what role international experts might play. Views ranged from limiting the role of international experts, out of concern that they undermine the process, to drawing them into the process, for example to train parliamentarians or communities in the process of constitution - making.

7.4 The meeting agreed that it will not consider the request by Council of Venice until a formal approach with written documentation was made.

## 8. CLOSURE

The meeting closed at 14h37.



## DRAFT

### PANEL OF CONSTITUTIONAL EXPERTS: TERMS OF REFERENCE

The Panel of Constitutional Experts shall be engaged in the constitution-making process as follows:

1. Its primary function shall be to act as a conflict-resolution mechanism in accordance with its constitutional obligations in terms of section 73(3),(4) and (5) of the Interim Constitution.
2. Its other functions shall be to advise the Constitutional Assembly through its Chairperson on any matter pertaining to the CA's functions which the Constitutional Assembly, the Constitutional Committee, the Management Committee or the Chairperson may refer to it.
3. Matters which in terms of paragraph 2 above may be referred to the Panel for its advice shall include -
  - (a) guidance to the Constitutional Assembly or any of its substructures on the constitutionality of proposals to solve or avoid dead-locks or potential dead-locks between the parties;
  - (b) opinions on whether particular decisions of the Constitutional Assembly or any of its substructures, or any particular proposals, are compatible with the Constitutional Principles;
  - (c) opinions on whether particular drafted provisions reflect the decisions of the Constitutional Assembly;
  - (d) assistance in the drafting process by evaluating the technical and qualitative aspects of drafted provisions, including the consistency, intelligibility and accessibility of such provisions;
  - (e) assistance in the preparation of stated cases and considered submissions to the Constitutional Court for authoritative legal opinions in terms of the Rules of the Constitutional Court.
4. In performing its functions the Panel shall at all times act in a way consistent with its constitutional role as an independent and objective body and shall in particular refrain from engaging in any act, including the offering of advice, which may compromise, or be seen to be compromising, its conflict-resolution function in terms of section 73 of the Interim Constitution.
5. The panel shall be competent to regulate its internal affairs in any way it deems fit.



# CONSTITUTIONAL ASSEMBLY

## DRAFT AGENDAS FOR MEETINGS

### 1. CORE GROUP MEETINGS - 24 January 1995

1. Opening
2. Briefing from Chairpersons
3. Work Plan
- 3.1 Theme Committee Work Plan
- 3.2 Schedule of Meetings for First Block and Planning
4. Technical Committees
5. Community Liaison
6. Submissions
7. Preparation for Theme Committee meeting of 25 January 1995
8. General
9. Closure

### 2. Theme Committee Meeting - 25 January 1995

1. Opening
2. Minutes
3. Matters Arising
4. Core Group report
5. Theme Committee Work Plan and Schedule of Meetings
6. Technical Committees
7. Submissions
8. General
9. Closure



**DIRECTORATE REPORT TO MANAGEMENT COMMITTEE  
23 JANUARY 1994**

**1. Introduction**

This report serves to update members of the Management Committee on some of the more important developments since the last meeting of the Management Committee in December 1994.

**2. Staff**

A number of new staff members have been taken on board since December 1994. These staff have been employed to fill positions in the main in the secretariat, media and community liaison departments.

The new appointments are as follows :

**Secretariat :**

1. Bronwyn Levy : Minute Secretary ( Theme Committee Six)
2. Saaliegah Zardad : Minute Secretary ( Theme Committee Six)
3. James Nene : Managing Secretary ( Theme Committee Two)
4. Thomas Smit : Minute Secretary ( Theme Committee Two)
5. Laetitia Meter : Secretary (Secretariat )

Note that new staff have been obtained for Theme Committee Two due to a decision by the Directorate to re-assign the previous staff of this Theme Committee to other duties in the Administration.

**Media :**

6. Leonora De Souza : Public Relations Officer

**Community Liaison :**

7. Ntolezizwe Tom : Deputy Assistant Director, Community Liaison

This brings the total complement of CA staff to 50 as of 12 January 1994.



### 3. Premises

As reported earlier, the CA Administration has been relocated to Regis House on the corner of Church and Adderley Street, where it is accommodated on the 9th, 10th, 11th and 12th floors.

Our previous premises in Church Square will be retained for the use of the Technical Committees, pending the availability of further office accommodation in Regis House itself. The Independent Panel of Constitutional Experts can be accommodated in Regis House where the necessary space has been allocated for this purpose.

### 4. Finance

The 1994/95 Budget for the CA is still in the process of being finalised. A total figure of R24, 559, 179 .00 has been requested for the remainder of the current financial year. The attached Budget outline ( See Annexure One) will be presented to the Department of State Expenditure on 19 January 1995.

Our expenditure to date stands at R2, 382, 664 .00 as at 12 January 1994. The breakdown of this amount is as follows :

Personnel	R1, 298, 968 .00
Administrative	R 255, 110 .00
Stores and Livestock	R 37, 838 .00
Equipment	R 726, 080 .00
Professional Services	R 64, 668 .00

### 5. Media

There has been a great deal of activity and much achieved by the media department over the festive period.

The first issue of a news bulletin, "Constitutional Talk", has been published. The first issue of this bulletin was inserted into major national weeklies on 15 January 1995. A calendar has also been produced and was also published as an insert on 15 January 1995.

The bulletin will be published on a fortnightly basis. It is hoped that it will serve as an important forum for discussion, information and education on CA matters.



An editorial board consisting of Deputy Executive Director Louisa Zondo, members of the media department, secretariat and other departments in the administration, a member of the Parliamentary Secretariat and a member of South African Communication Services (SACS) will oversee the production of the bulletin.

The media department have also, in conjunction with SACS, produced a brochure for the CA in the form of a folder which will be used to distribute important documents to international guests and other visitors.

The first "burst" of a multi-media advertising campaign also got underway on the week-end of 14 and 15 January 1995. This campaign was launched at a special press conference addressed by the Chairperson in Johannesburg on Friday 13 January 1995.

Discussions have also been held with SABC and plans are being finalised to ensure live coverage of CA sittings on both radio and television.

## **6. Community Liaison**

A detailed programme for community liaison is still being finalised with SACS and a programme will be presented to Management Committee on 27 January 1995 and to the Constitutional Committee on 30 January 1995 for consideration. SACS conducted a national workshop for all their staff involved in the programme in early December 1994 and regional offices of SACS are presently preparing proposals which will be consolidated into one programme.



# DIRECTORATE REPORT: ANNEXURE 1

## Programme 4

### CONSTITUTIONAL ASSEMBLY BUDGET 94/95

Budget  
Notes

Personnel	No	Annual	Total
Receptionist Secretary	8	39045	78090
Documents Clerk	4	48420	48420
Senior Typist	4	58185	58185
Personal Secretary	6	58185	87278
Section Administrator	2	58185	29093
Senior Documents Clerk	1	58185	14546
Database Technician	1	58185	14546
Office Administrator	1	69510	17378
Journalist	1	81114	20279
Public Relations Officer	1	81114	20279
Network Manager	1	91683	22921
Regional Co-ordinators	15	91683	343811
Minute Secretary	10	91683	229208
Managing Secretary	7	103185	180574
Deputy Assistant Director	6	111687	167531
Assistant Legal Adviser	2	111687	55844
Assistant Director	5	126411	158014
Deputy Executive Director	2	136863	68432
Executive Director	1	162057	40514
<b>Salary Personnel</b>	<b>78</b>		

R1,654,939

1, 2

Medical Aid	78	97500
Vehicle Allowance		52148
UIF Contributions	78	10000
<b>Seconded Staff</b>		
Assistant Director Media Liais	1	66667
Housing Allowance- R7200 pa	78	187200
Overtime		10000
Pension Fund- 8% X2.74834	78	0
<b>Total: Personnel Expenditure</b>		

R423,515



**Administrative Expenditure**

Transport - Staff			10000	9
Subsistence Staff	<b>618</b>		309000	10
Transport & Flights Staff	<b>618</b>		927000	
Accomod & S&T Members	<b>567</b>	500	283500	11
Transport- Flights Members	<b>567</b>	1500	850500	
Car hire	<b>700</b>		350000	12
Transport for Delegates			500000	13
Telephone	<b>3</b>		100000	14
Advertisements			5080000	15
Internal Training			50000	16
Training for Trainers- Constitutional Education			150000	
Entertainment- Office			15000	17
Postage and Courier			150000	18
Staff Hire and relocation			100000	19
Video Conferencing			500000	20
Conferences- Sectors			500000	21
Constitutional Education Programme			362000	22
Workshop Programme			400000	
Live Broadcast- SABC			100000	
<b>Total Administrative Expenses</b>			<b>R10,737,000</b>	



**Stores and Livestock**

<b>Printing</b>	<b>3800000</b>	<b>R3,800,000</b>	<b>23</b>
<b>Stationery : general</b>	<b>250000</b>	<b>R250,000</b>	<b>24</b>
<b>Stationery Computers</b>	<b>100</b>	<b>R100,000</b>	<b>25</b>
Computer software			
General	<b>10000</b>	<b>R10,000</b>	<b>26</b>
Pettycash expenses			
<b>Total Stores and Livestock</b>		<b>R4,160,000</b>	



<b>Equipment</b>			
<b>Equipment General</b>			
Member Conference rooms	1	67000	<b>67000</b>
Optiplan	5	7000	<b>35000</b>
Armchairs and Couches	3	2000	<b>6000</b>
Coffee Tables	3	400	<b>1200</b>
Conference rooms- Furniture	2	6500	<b>13000</b>
Binders	1		<b>5000</b>
Shredders	1		<b>5000</b>
Television- Resource Centre	2	2000	<b>4000</b>
VCR- Resource Centre	3	2000	<b>6000</b>
Recording Equipment	12	5000	<b>60000</b>
Dictaphones- with transcriber u	6	1500	<b>9000</b>

R211,200

<b>Sound Equipment</b>			
Microphones	1		<b>7500</b>
AN4 Cassette Recorder	4		<b>22400</b>
NAD systems for Committee ro	2	6650	<b>13300</b>
Conference rooms	2	6500	<b>13000</b>
Optiplan	5	6720	<b>33600</b>

R89,800

<b>Computers</b>			
Computer Stands	50	330	<b>16500</b>
Computers	50	6000	<b>300000</b>
Printers HP 4L	10	3500	<b>35000</b>
Laserjet IV	25	10000	<b>250000</b>
Fast Desktop Publishing			<b>48000</b>
A3 Laser Printer			<b>22000</b>
Notebook	8	10000	<b>80000</b>
Modems	4	2000	<b>8000</b>
Scanners	10	8000	<b>80000</b>
Tape Streamer	1	15000	<b>15000</b>
Overhead Projectors	4	2500	<b>10000</b>
Overhead Projectors- LCD Scre	1	4500	<b>4500</b>
Braille Printer	1	20000	<b>20000</b>

**Equipment: Printing and Bind**

R889,000

27

<b>Equipment Renting</b>			
Photocopiers- Big Machines			<b>150000</b>
Stand alone copiers			<b>20000</b>
Pager hire	70		<b>35000</b>
Publications Library			<b>300000</b>

R505,000

**Total Equipment**

R1,695,000



<b>Professional Services</b>				
<b>Technical Contractors</b>				
Constitutional Panel	7	806400	R806,400	28
Tecnicl Committees	27	2332800	R2,332,800	29
Part Time Constitutional Education Trainers		362000	R362,000	30
Translation		75000	R75,000	31
Public Relations		25000	R25,000	31
Briefing and press conferences		20000	R20,000	31
<b>Administration contractors</b>				
Database- Computers		500000		32
Network- Contractors		150000	R650,000	33
Consultants- Reseach		500000	R500,000	34
Constitutional Education Prog- Research		390000	R389,800	35
<b>Total Professional Services</b>			<b>R5,161,000</b>	



	Total Jan- Mar	Expenditure to dat	Total
<b>Total: Personnel Expenditure</b>	<b>R423,515</b>	<b>R1,298,968</b>	<b>R1,722,483</b>
<b>Total Administrative Expenses</b>	<b>R10,737,000</b>	<b>R255,110</b>	<b>R10,992,110</b>
<b>Total Stores and Livestock</b>	<b>R4,160,000</b>	<b>R37,838</b>	<b>R4,197,838</b>
<b>Total Equipment</b>	<b>R1,695,000</b>	<b>R726,080</b>	<b>R2,421,080</b>
<b>Total Professional Services</b>	<b>R5,161,000</b>	<b>R64,668</b>	<b>R5,225,668</b>
<b>TOTAL BUDGET</b>	<b>R22,176,515</b>	<b>R2,382,664</b>	<b>R24,559,179</b>



# Constitutional Assembly 1994 Budget Notes

## Personnel.

1. Fifty three Staff members have been appointed to date.
2. It is envisaged that all staff should be appointed by January 1994.

## Personnel Expenditure.

3. Medical Aid allowance is based on 53 members for December and 78 for Jan-Mar.
4. Portion of the Annual Motor Vehicle allowance for the directorate.
5. Seconded Staff - portion of annual total.
6. Housing Allowance 53 times 600 for December. 78 times 600 for Jan-Mar.
7. Overtime contingent for junior staff.
8. Pension fund salary total times pension formula.

## Administrative Expenditure.

9. Transport Staff cost of transporting staff who work overtime.
10. Directorate X 3 times 8 trips 24  
Panel X 9 times 12 trips 108  
Staff travel Forums 4 staff times 81 forums 324  
Technical Committee 27 times 6 162  
Total 618
11. 81 Forums x 7 members 567
12. 600 units @ R500, members would be expected to attend hearings in urban areas, this will require extensive car hire.
13. Transport for delegates- Constitutional Education Programme, particularly in rural areas.



- |     |   |         |
|-----|---|---------|
| 14. | Telephone 73 Staff times R200   | 43800   |
|     | Technical Committee and Panel R500  | 54000   |
| 15. | As per figures from Media Department  |         |
|     | Print Media   | 1600000 |
|     | Electronic  | 2000000 |
|     | Outdoor   | 900000  |
|     | Production of Adverts   | 580000  |
| 16. | Internal Training Staff based on R600 per staff member.   |         |
| 17. | Entertainment Office-   |         |
|     | Chairpersons X 2  | R4000   |
|     | Directorate, X 3  | R6000   |
|     | Media and Community Liaison   | R5000   |
| 18. | Postage Courier documents to all members of CA  |         |
| 19. | Hire of 20 new staff, 9 members of the Constitutional Panel and 27 members of the Technical Committee relocation costs based on 20 times 5000.                                    |         |
| 20. | Video Conference.   |         |
| 21. | Conferences sectors- 3 sector meeting arranged by universities @ R100000 per conference.  |         |
| 22. | Constitutional Education Programme, Cost of Venues, food, sound equipment, administrative costs ( Putting up posters, in local areas use of office facilities of advice offices.) |         |

### Stores and Livestock

#### 23 Printing

Bulletin	R1 600000
Brochure	R 200000
Resources	
Training Manual	R 150000 - 1500 manuals
Booklet	R1400000- 500000 copies
Leaflet	R 350000- 2 million copies
Exhibition materials	R 500000

R600 per kit for post offices

Figures obtained from SACs for resource material



24. Stationery R250000  
Paper, office stationery, specialised stationery
25. Computer software 100 software packages for computers @ R1000 per package.
26. Pettycash expenses @ R2500 per month.
27. The increase in staff and appointment of the Constitutional Panel as well as the Technical experts means that we will have to purchase more computer equipment.
28. 7 members of the Constitutional Panel at the rate approved by cabinet.
29. 27 members of the technical committees at the rate approved by cabinet.
30. Constitution education trainers will employed in all areas to facilitate the education programme, these trainers will be paid per workshop conducted as well as expenses incurred.
31. Translation  
Public relations  
Briefings and press briefings  
Amounts as provided by media department.
32. Database- Computers  
  
Initial setting up of database for research department, to manage submissions.
33. Network Contractors  
  
Cost of setting up a network at the Constitutional Assembly administration
34. Consultants Research- use of consultants as commissioned by the Panel and Technical Committee in conjunction with the research department.
35. Research for the Constitutional Education Programme to determine where workshop should be held, assessments, use of focus groups etc. Figures obtained from SACS.



**RECOMMENDED WORK PROGRAMME**

No	TC 1	TC 2	TC 3	TC 4	TC 5
1.	1. Democracy 2. Character of State	1. Separation of Powers	1. The Nature of the Provincial System and Local Government	1. Constitutional Principle II	1. The Relationship between different levels of the Court 2. A Single or Split Judiciary
2.	3. Single Sovereign State 4. Supremacy of the Constitution	2. Structure of Government	2. Allocation of Powers 3. Legislative Competence	2. Equality 3. Human dignity 4. Privacy 5. Freedom and Security of the Person 6. Life 7. Religion, Belief and Opinion 8. Freedom of Expression	3. Constitutional Court 4. Other Court Structures
3.	5. Separation between Church and State 6. Economic Constitution 7. International law	3. Traditional Authorities	4. Provincial Legislative Authority (excluding electoral system)	9. Freedom of Association 10. Freedom of Movement 11. Assembly, Demonstration and Petition 12. Citizen's Rights	5. Traditional Authorities and Customary Law
4.	8. Representative Government	4. Volkstaat	5. Provincial Executive Authorities	13. Political Rights 14. Language and Culture 15. Residence 16. Environment	6. Structures dealing with Appointments (Judicial Service Commission & Magistrates Commission)
5.	9. Accountable Government 10. Equality	5. Electoral System	6. Local Government	17. Servitude and Labour 18. Economic Activity 19. Property 20. Labour Relations	7. Other Judicial Institutions (eg AG and State Attorney)
6.	11. Freedom of Information	6. Amendments to Constitution (National Second Chamber)	7. Electoral System of Provincial Government	21. Administrative Justice 22. Access to Information 23. Access to Courts 24. Legal Representation	8. General (Court Language, Interpretation of Laws & Amnesty)
7.	12. Suffrage 13. Citizenship			25. Children 26. Education	9. Transitional Arrangements
8.	14. Language		8. Financial and Fiscal Relations	27. State of Emergency 28. Suspension and Limitation of Rights	10. Legal Education 11. Legal Profession
9.	15. Name and Symbols			29. Customary and Traditional law 30. Group & Minority Rights	
10.	16. Preamble				



<b>THEME COMMITTEE 6 - SUB-THEMES</b>				
<b>No</b>	<b>Public Administration</b>	<b>Financial Institutions &amp; Public Enterprise</b>	<b>Transformation &amp; Monitoring</b>	<b>Security Apparatus</b>
1.	1. Public Service	1. Financial and Fiscal Commission 2. Financial Institutions and Public Enterprise	1. Commission on Gender Equality	1. Supremacy of the Constitution, Accountability and Control of the Security Forces 2. Conduct in the National Interest
2.				
3.			2. Public Protector	2. Police
4.	2. Election Commission	3. Auditor-General, Reserve Bank, the Budget Procurement and National Revenue Fund		
5.			3. Human Rights Commission	3. Correctional Services
6.				
7.			4. Commission on Restitution of Land Rights	4. Defence
8.				
9.				5. Intelligence
10.				



**CONSTITUTIONAL ASSEMBLY SCHEDULE**  
**23 JANUARY - 6 JULY 1995**

<b>Date</b>	<b>Event</b>	<b>Time</b>	<b>Venue</b>
Monday 23 January	<b>Management Committee</b> Chairpersons meet with all Chairs of Theme Committees <b>Opening of Parliament</b> <i>Final deadline for Submissions for Block One</i>	08h00 - 10h00 10h30 - 13h00  14h15	V16 M515
Tuesday 24 January	Core Group Meetings Constitutional Assembly	08h30 - 12h00 14h00 - 18h00	
Wednesday 25 January	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Thursday 26 January	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Friday 27 January	<b>Management Committee</b> Core Group Meetings Party Caucuses	08h00 - 10h00 10h30 - 13h00 14h00 - 16h00	V16
Saturday 28 January	Public Participation Event		
Sunday 29 January	Public Participation Event		
Monday 30 January	Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Constitutional Committee</b> Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h15 - 16h00 16h30 - 21h00 16h30 - 21h00 16h30 - 21h00	M515 M46 E249 M46 M46 M515 E249
Tuesday 31 January	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249



Wednesday 1 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6 <b>Deadline for Drafting of Reports for Constitutional Committee</b> <b>Deadline for Submissions for Block Two</b>	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Thursday 2 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Deadline for Submission of Reports for Constitutional Committee</b>	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Friday 3 February	<b>Management Committee</b> Core Group Meetings Party Caucuses	8h00 - 10h00 10h30 - 13h00 14h00 - 16h00	V16
Saturday 4 February	Free		
Sunday 5 February	Free		
Monday 6 February	<b>Management Committee</b> <b>Constitutional Committee</b> <b>- END OF BLOCK ONE -</b>	08h00 - 10h00 10h30 - 18h00	V16 M46
Tuesday 7 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Wednesday 8 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Thursday 9 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Friday 10 February	<b>Management Committee</b> Core Group Meetings Party Caucuses	08h00 - 10h00 10h30 - 13h00 14h00 - 16h00	V16



Saturday 11 February	Public Participation Event		
Sunday 12 February	Public Participation Event		
Monday 13 February	<b>Management Committee Constitutional Assembly</b>	08h00 - 10h00 10h15 - 18h00	V16
Tuesday 14 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3 <b><i>Deadline for Drafting of Reports for Constitutional Committee</i></b>	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Wednesday 15 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6 Deadline for Submissions for Block Three	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 E249 E249 M46 M515 M46
Thursday 16 February	<b>Management Committee Party Caucuses <i>Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK TWO -</i></b>	08h00 - 12h00 14h00 - 16h30	V16
Friday 17 February	President's Address to Parliament		
Saturday 18 February	Public Participation Event		
Sunday 19 February	Public Participation Event		
Monday 20 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 <b>Management Committee Constitutional Committee</b> Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 12h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Tuesday 21 February	<b>Debate on President's Address</b>		
Wednesday 22 February	<b>Debate on President's Address <i>Deadline for Submissions for Block Four</i></b>		
Thursday 23 February	<b>Management Committee Party Caucuses Debate on President's Address</b>	08h00 - 10h00 10h15 - 13h00 14h00	V16



Friday 24 February	Debate on President's Address		
Saturday 25 February	Public Participation Event		
Sunday 26 February	Public Participation Event		
Monday 27 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Management Committee</b> <b>Constitutional Assembly</b> Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16  M46 M515 E249
Wednesday 1 March	<i>Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK THREE -</i>		
Thursday 2 March	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 4 March	Public Participation Event		
Sunday 5 March	Public Participation Event		
Monday 6 March	Theme Committee 4 Theme Committee 5 Theme Committee 6 <b>Management Committee</b> <b>Constitutional Committee</b> Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 9 March	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 11 March	Public Participation Event		
Sunday 12 March	Public Participation Event		
Monday 13 March	Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Management Committee</b> <b>Constitutional Assembly</b> Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16  M46 M515 E249



Wednesday 15 March	<b>Budget Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK FOUR - Deadline for Submissions for Block Five</b>		
Thursday 16 March	<b>Management Committee Party Caucuses</b>	08h00 - 10h00 10h15 - 13h00	V16
Saturday 18 March	Public Participation Event		
Sunday 19 March	Public Participation Event		
Monday 20 March	Theme Committee 4 Theme Committee 5 Theme Committee 6 <b>Management Committee Constitutional Committee</b> Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 23 March	<b>Management Committee Party Caucuses</b>	08h00 - 10h00 10h15 - 13h00	
Saturday 25 March	Public Participation Event		
Sunday 26 March	Public Participation Event		
Monday 27 March	Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Management Committee Constitutional Assembly</b> Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M515 E249
Wednesday 29 March	<b>Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK FIVE - Deadline for Submissions for Block Six</b>		
Thursday 30 March	<b>Management Committee Party Caucuses</b>	08h00 - 10h00 10h15 - 13h00	V16
Saturday 1 April	Public Participation Event		
Sunday 2 April	Public Participation Event		



Monday 3 April	Theme Committee 4 Theme Committee 5 Theme Committee 6 <b>Management Committee</b> <b>Constitutional Committee</b> Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 6 April	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 8 April	Public Participation Event		
Sunday 9 April	Public Participation Event		
Monday 10 April	<b>Management Committee</b> <b>Constitutional Assembly</b>	08h00 - 10h00 10h15 - 18h00	V16
Tuesday 13 - 23 April	<b><i>Easter Recess</i></b>		
Monday 24 April	Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Management Committee</b> <b>Constitutional Committee</b> Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 22h30 18h00 - 22h30 18h00 - 22h30	M515 M46 E249 V16 M46 M46 M515 E249
Thursday 27 April	<b><i>Freedom Day</i></b>		
Saturday 29 April	Public Participation Event		
Sunday 30 April	Public Participation Event		
Monday 1 May	<b><i>Workers Day</i></b>		
Wednesday 3 May	<b><i>Deadline for Submission of Reports for Constitutional Committee - END OF PART SIX - Deadline for Submissions for Block Seven</i></b>		
Thursday 4 May	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 6 May	Public Participation Event		
Sunday 7 May	Public Participation Event		



Monday 8 May	Theme Committee 4 Theme Committee 5 Theme Committee 6 <b>Management Committee</b> <b>Constitutional Committee</b> Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 22h30 18h00 - 22h30 18h00 - 22h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 11 May	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 13 May	Public Participation Event		
Sunday 14 May	Public Participation Event		
Monday 15 May	Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Management Committee</b> <b>Constitutional Assembly</b> Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 22h30 18h00 - 22h30 18h00 - 22h30	M515 M46 E249 V16  M46 M515 E249
Wednesday 17 May	<b><i>Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK SEVEN - Deadline for Submissions for Block Eight</i></b>		
Thursday 18 May	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 20 May	Public Participation Event		
Sunday 21 May	Public Participation Event		
Monday 22 May	Theme Committee 4 Theme Committee 5 Theme Committee 6 <b>Management Committee</b> <b>Constitutional Committee</b> Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515E2 49 V16 M46 M515 M46 E249
Thursday 25 May	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 27 May	Public Participation Event		
Sunday 28 May	Public Participation Event		



Monday 29 May	Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Management Committee</b> <b>Constitutional Assembly</b> Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16  M46 M515 E249
Wednesday 31 May	<b><i>Deadline for Submission of Reports to Constitutional Committee - END OF BLOCK EIGHT - Deadline for Submissions for Block Nine</i></b>		
Thursday 1 June	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 3 June	Public Participation Event		
Sunday 4 June	Public Participation Event		
Monday 5 June	Theme Committee 4 Theme Committee 5 Theme Committee 6 <b>Management Committee</b> <b>Constitutional Committee</b> Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 8 June	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 10 June	Public Participation Event		
Sunday 11 June	Public Participation Event		
Monday 12 June	Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Management Committee</b> <b>Constitutional Assembly</b> Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249  M46 M515 E249
Wednesday 14 June	<b><i>Deadline for Submission of Reports to Constitutional Committee - END OF BLOCK NINE - Deadline for Submissions for Block Ten</i></b>		
Thursday 15 June	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 17 June	Public Participation Event		



Sunday 18 June	Public Participation Event		
Monday 19 June	Theme Committee 4 Theme Committee 5 Theme Committee 6 <b>Management Committee</b> <b>Constitutional Committee</b> Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 12h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515E2 49 E249 V16 M515 M46 E249 E249
Thursday 22 June	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15- 13h00	V16
Saturday 24 June	Public Participation Event		
Sunday 25 June	Public Participation Event		
Monday 26 June	Theme Committee 1 Theme Committee 2 Theme Committee 3 <b>Management Committee</b> <b>Constitutional Assembly</b> Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 12h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M46 M515 E249
Wednesday 28 June	<b><i>Deadline for Submission of Reports to Constitutional Committee - END OF BLOCK TEN -</i></b>		
Thursday 29 June	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 1 July	Public Participation Event		
Sunday 2 July	Public Participation Event		
Monday 3 July	<b>Constitutional Committee</b>	10h00 - 18h00	M46
Thursday 6 July	<b>Management Committee</b> Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Friday 7 July - 7 August	<b><i>Mid - Year Recess</i></b>		
Monday 10 July	<b>Constitutional Assembly</b>	10h00 - 17h00	



## **BRIEFING DOCUMENT FOR JOINT MEETING OF CHAIRPERSONS OF THEME COMMITTEES**

**23 JANUARY 1995**

### **1. Introduction**

This document is intended to serve as a basis of discussion and a guideline for Chairpersons and Core Groups. It is concerned with the Work Programme of the Constitutional Assembly as agreed to by the Constitutional Committee of 2 December 1994.

The main purpose of the document is to look at the role of Core Groups and Chairpersons in ensuring that the work of the Constitutional Assembly progresses within the framework agreed to, and that the final deadline of May 1996 is adhered to.

### **2. Work Programme**

The Constitutional Committee endorsed the enclosed Work Programme as a broad framework for 1995. The meeting emphasised the need for flexibility and stressed that the programme was a framework and should not be seen as a rigid time-table. It was agreed that ongoing evaluation and adjustment would take place within this framework as work proceeded.

The Work Programme is the culmination of the collective efforts of members of the CA and its structure. In particular, it is a product of several months of rigorous debate by Theme Committees who have produced work plans in accordance with the terms of reference as set out in the Resolution of 5 September 1994.

These work plans have been compiled into a comprehensive work programme for the CA as a whole, taking into account both the work plans of Theme Committees themselves, and a technical survey of the constitutional issues noted by Theme Committees. The programme also took into account the need for a developed programme of public participation including media and community liaison.

The overriding consideration in compiling the Work Programme of course has been time constraints. Sec 73(1) of the Constitution requires the Constitutional Assembly to complete the process of drafting the new constitutional text by no later than May 1996. The Constitutional Committee meeting of 31 October 1994 resolved to produce a draft text of the new Constitution by 14 July 1995. In this regard the Theme Committees are required to complete their reports and the major part of their work by 30 June 1995.



In an attempt to ensure that the CA does abide by the final deadline of May 1996 for completion of its task, it has been opportune to devise a Work Programme which has divided the work of each Theme Committee into ten major "blocks". Each "block" represents a cycle of meetings of the various structures of the CA, culminating each time in a meeting of the Assembly itself as the supreme decision-making body. During each of these "blocks" it has been suggested that Theme Committees deal with specified subjects or aspects of their particular constitutional theme.

The Constitutional Committee has also agreed to the enclosed Schedule of Meetings for the first half of 1995. Once again this schedule is regarded as a framework which will be adjusted when required.

This schedule has however been carefully planned to allow Theme Committees to receive submissions, process these and prepare reports timeously for the Constitutional Committee, which in turn reports to the Constitutional Assembly. It is important that this schedule is adhered to as closely as possible to avoid unnecessary delays .

It is important, as outlined above, that the schedule is looked at as a whole. Any adjustment will have to take into account the necessary cycle of meetings to ensure that the CA process flows smoothly and that all structures are afforded the necessary time to play their part.

It should be noted that the Constitutional Committee accepted the four sub-committees of Theme Committee 6 and further agreed that the question of establishing other sub-committees would be considered later. It was also agreed to that all joint meetings of Theme Committees would be centrally co-ordinated by the Secretariat.

### **3. Management**

This Work Programme and Schedule of Meetings will require careful management if it is to achieve its objective of ensuring a new constitution by May 1996.

The role of the Management Committee is spelled out in detail in the CA Resolution of 5 September 1994. The Management Committee is charged in brief with co-ordinating the work of all Theme Committees, and preparing the agenda and reports to be presented to the Constitutional Committee.

The major task of ensuring that deadlines are adhered to and that the work programme proceeds according to plan, however will fall to Theme Committees themselves.

To this end, each Theme Committee, has a Core Group and Chairpersons responsible for managing and co-ordinating the work programme of the Theme Committee.



#### 4. Role of Core Groups

The Core Group consists of 7 - 8 members. Its composition is as follows  
2 ANC; 1 NP; 1 PAC; 1 DP; 1 FF; 1 IFP.

The Core Group is the managing Committee of the Theme Committee and deals with process matters on behalf of the Theme Committee. Its task is to ensure that the work of the Theme Committee proceeds smoothly.

The Core Group manages the Theme Committee in the following way :

- a) prepares agenda for Theme Committee meetings;
- b) prepares reports for Theme Committee consideration;
- c) co-ordinates the activities of the Theme Committee;
- d) attends other meetings on behalf of the Theme Committee; and
- e) ensures that Theme Committee tasks and decisions are dealt with accordingly.

The Core Group, as outlined above, has a major role to play in *planning* the work of its particular Theme Committee and ensuring that all necessary documentation and reports are compiled and received according to deadline.

#### 5. Role of Chairpersons of Theme Committees

In addition to the Core Group, the Chairpersons of Theme Committees have a pivotal role to play in managing the work of Theme Committees.

Their principal role is to conduct the proceedings of both the Core Group and Theme Committee meetings, and thus also *direct* the proceedings of both these bodies. The importance of this role cannot be over-emphasised. The Chairpersons will be relied upon to keep meetings, and the Theme Committee, on target and ensure that they achieve their objectives.

The extremely tight time frames of the CA process as a whole, will make the work of Chairpersons more demanding than usual. It is essential that Chairpersons keep these time frames in mind at all times and that they remind Theme Committee members that work must proceed according to schedule.

Both Chairpersons and Core Groups will also play a key role in monitoring and evaluating the work of the Theme Committee, and thus suggesting adjustments to the schedule when required.



Other duties of the Chairpersons will include :

- a) attending to the ratification and approval of all minutes and reports; ( It was agreed at the Constitutional Committee meeting of 2 December 1994, that minutes of Theme Committee meetings would be available for the Chairperson to sign within 24 hours. They would be circulated to members at the start of the next meeting.)
- b) ensuring that Theme Committee members sign the attendance register;
- c) ensuring that Theme Committee members table written apologies; and
- d) consulting the Secretariat on procedural and administrative issues during Theme Committee meetings.

Most members of the CA have very demanding individual schedules. Because of the time frames of the CA process, it is necessary for this reason alone, that the process receives the highest priority and this will demand the commitment of all members of the CA. Chairpersons and members of the Core Group will need to play an exemplary role to ensure the fullest participation of all members of Theme Committees in the work of the CA.

## **6. Role of Secretariat**

Each Theme Committee has attached to it, a Managing and Minute Secretary to provide the necessary administrative support and back-up it requires to work efficiently and effectively.

These staff are part of a larger collective, the Secretariat, which is one of the key departments of the CA Administration as a whole. The Secretariat is also the key liaison point between the Theme Committees and other departments in the Administration.

The Management Committee has agreed that all requests for research and any other assistance from the Administration should therefore be channelled through the Secretariat. It should be noted that requests from Theme Committees, or Technical Committees on behalf of Theme Committees, for research and/or other opinion or assistance should all be directed to the Administration where the final decision will be taken, in consultation with the Management Committee, whether an outside agency or person(s) be commissioned or contracted for the job.

The Secretariat is purely an administrative body and will not engage in the political process of the Constitutional Assembly.

It is essential that Chairpersons maintain close links with the Secretariat and with their Managing Secretary in particular. This will ensure that the Secretariat is able to keep abreast of developments and provide the Theme Committee with all relevant assistance.



It is important to note however, that members of the Secretariat, as with all staff of the CA Administration, account to the Executive Director and not directly to members of the CA itself.

## **7. Theme Committee Reports**

The entire Work Programme depends to a great extent on the timely production and circulation of reports by Theme Committees.

The Constitutional Committee of 2 December 1994 agreed to the following :

- i) the reports would be presented to the Constitutional Committee for debate at the Constitutional Assembly as and when a particular constitutional issue identified within the work plan schedule has been processed by a Theme Committee;
- ii) these reports would include details of contentious and non-contentious issues and suggested approaches;
- iii) Theme Committee reports would be drafted by Theme Committee members with the administrative assistance of the Secretariat;
- iv) should political parties be unhappy with the format of reports, this should be discussed in their Theme Committees. The issue would only be brought to the Constitutional Committee if the Theme Committee could not resolve it.

## **8. Submissions and the role of Political Parties**

Finally, the entire Work Programme and Schedule of Meetings as agreed to by the Constitutional Committee, is based on the assumption that submissions will be received timeously to allow these to be processed and passed on to Theme Committees for their consideration.

Without the relevant submissions, there will be little substance for Theme Committees to consider. In fact, the existence of Theme Committees is to process submissions and views and pass these on in the form of the agreed reports to the Constitutional Committee.

It stands to reason that if the relevant submissions are not received timeously, the entire programme could be jeopardised.

It has been convenient for the CA's own internal purposes to structure itself along Theme Committee lines. It has been further necessary for each Theme Committee to devise its own detailed work plan. However, it would be unrealistic to expect civil society and the broader public to participate



according to the terms of reference and work plan of each Theme Committee.

Public participation and submissions can be expected to be much more general. To expect anything else would be imposing academic constraints which would in fact serve to inhibit rather than encourage public participation. It will of course be possible to solicit public views and submissions on particular controversial subjects. In general however, even the more organised sectors of society will undoubtedly make a single general contribution to the CA. These submissions will also not necessarily be staggered along the lines of the adopted work programme.

Public interest will increase as the work of the CA proceeds. A major advertising campaign early in 1995 will seek to arouse public interest, and invite submissions. However, it can be expected that the majority of public submissions will arrive later on in the process once momentum begins to gather force.

The upshot of all the above, is that political parties represented in the CA, will need to ensure their submissions to the Theme Committees are made timeously and early on in the process in order to ensure that Theme Committees have some substance to deal with in the first few months of this year. This point needs to be borne in mind by all political parties in the CA in planning their party agendas for 1995.

The Constitutional Committee agreed to the following procedure regarding the receipt of submissions :

- i) all submissions should be tabled through the Administration;
- ii) as far as possible, all authors of submissions would be asked to provide executive summaries; and
- iii) ideally, all Theme Committee members would receive copies of submissions received for that particular Theme Committee, unless these are too bulky for reproduction. Summaries of lengthy submissions would be provided at the discretion of Core Groups.











