

2/4/6/5/1/95

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 6.3

SPECIALISED STRUCTURES OF GOVERNMENT

21 AUGUST 1995

14:00

E305

DOCUMENTATION

Entire document embargoed until 14:00 on 21/8/95

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 6.3

TRANSFORMATION, MONITORING AND EVALUATION

21 August 1995

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

Date: 21 August 1995
Time: 14:00
Venue: E305, New Assembly

AGENDA

- 1. Opening and Welcome**
 - 2. Adoption of minutes**
 - 2.1 Minutes of the meeting of 3 August 1995**
 - 3. Commission on Land**
 - 3.1 Report from Technical Committee on information processed**
 - 3.2 Discussion**
 - 3.3 Process towards the finalisation of the draft report**
 - 4. Next meeting of the Subtheme Committee**
 - 5. Any other business**
 - 6. Closure**
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HASSEN EBRAHIM
EXECUTIVE DIRECTOR

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CONSTITUTIONAL ASSEMBLY
SUBTHEME COMMITTEE THREE
TRANSFORMATION, MONITORING AND EVALUATION
OF
THEME COMMITTEE SIX
SPECIALISED STRUCTURES OF GOVERNMENT
3 AUGUST 1995

PRESENT
Mbete - Kgositsile B (Chairperson)

Camerer S
George M
Malan TJ
Moatshe P
Mokoena LM
Mompoti R
Netshimbupfe MA
Nkadimeng JK
Nqwemesha KW
Tshabalala ME
Turok M
Van Wyk A
Van Zyl ID
Zitha DA

Apologies: Louw L

Claasens A, Gildenhys A, Levy B, Njobe F and Nyoka N were in attendance.

1. Opening and Welcome

The Chairperson opened the meeting at 14:00 and welcomed members.

2. Adoption of Minutes

The minutes of 26 June 1995 were adopted with the following change to para 3.1:

" The NP calls for the constitutionalisation of a commission the terms of reference, powers and functions of which should be broadly framed. Although initially its focus would be on gender issues this could be extended to include other disadvantaged groups ".

3. Commission on Land

3.1 Land Rights and Constitution Workshop

Ms Camerer raised concern that much of the debate held at the workshop of Theme Committee 6.3 focused on the issue of the property clause which was germane to the work of Theme Committee 4.

The Committee noted Ms Camerer's concern. However the Chairperson pointed out the following:

3.1.1 At a meeting of Theme Committee 6 held on the 14 February 1995 it was agreed that the Subtheme should approach its work from a broad land rights perspective as opposed to its original narrow brief which limited the work of the Committee to the Commission for the Restitution of Land Rights.

3.1.2 The Theme Committee is a processing and not a negotiating forum. Any information processed by the six Theme Committee's of the CA would ultimately be considered by the CC, which will decide on how best to deal with matters of overlap.

3.1.3 That the information received from the workshop would also be passed on to Theme Committee 4.

3.2 Role of Technical Advisors

Ms Camerer raised concern with regard to the extent to which Dr Njobe and Ms Claasens would be able provide neutral technical advice on the land rights matter as they had asserted political positions at the Workshop on Land Rights and the Constitution.

The following issues were raised with regard to the above concern:

3.2.1 The Secretariat referred to the process of the selection of technical advisors. The selection of advisors was done by a committee consisting of Party representatives as mandated by the Management Committee. The committee's brief was to assess the expertise of the different names put forward by Political Parties and make recommendations to the Management Committee in terms of which experts should be appointed. Thus if there were any problems with the process these need to be taken up with the Management Committee.

3.2.2 Members felt that as with the previous Technical Committee, the role of the advisors should be to draw up a report that would process the information from the workshop as well as submissions received into areas of agreement, disagreement and further clarity. As with all previous reports the report would need to be ratified by the Committee as a correct reflection of the information processed by the Committee.

3.3 Process towards finalisation of draft report

The Committee agreed to the following:

3.3.1 *The Technical Committee should draw up the report based on information from both the workshop and submissions received into areas of agreement, disagreement and further clarity.*

3.3.2 *The Technical Committee should submit one report.*

3.3.3 *The report from the Workshop should be based on the following areas; property rights, restitution, redistribution and tenure reform. In addition it should also examine the practical solutions that were put forward by participants.*

3.3.4 *The transcript of the proceedings would be made available to both the Technical Committee and Political Parties as soon as it has been completed.*

3.3.5 *The report would be tabled for discussion at the meeting of 21 August 1995. The Technical Committee would endeavour to complete the report in such time as to enable that members peruse the document prior to the meeting of the 21 August.*

3.4 Party Submissions

The meeting agreed to the following:

3.4.1 *The deadline for Party submissions is 15 August 1995. These submissions should be directed to the Secretariat who would pass them on to the Technical Committee for incorporation in to the report.*

3.4.2 *Party submissions should amongst other issues should consider the necessary constitutional mechanism to give effect too as well as manage the land reform process within the broader debate of land rights.*

4. Proposed programme of meetings

It was agreed that the next meeting of the Committee would be held on the 21 August 1995 to consider the draft report from the Technical Committee.

5. Draft formulations on the Commission for Gender Equality

The Secretariat reported that the draft formulations were in the process of being completed.

The meeting agreed that the draft formulations would be forwarded to the Parties for comment on their completion. Party comments would be incorporated into the footnotes, and the draft formulations would then be passed on to the Constitutional Committee where parties could make any additional remarks.

6. Any other business

6.1 " Beijing Agender " report

Ms Malan maintained that she shared Prof Erwee's concerns that the article that appeared in the April issue of the " Beijing Agender " on the Commission for Gender Equality may be viewed as preempting the discussion of the Theme Committee.

The Committee noted Ms Malan's concerns.

7. Closure

The meeting rose at 15:30.