

2/4/2/2/1/14

**CONSTITUTIONAL ASSEMBLY**  
**THEME COMMITTEE 2**  
**STRUCTURE OF GOVERNMENT**  
**CORE GROUP MEETING**

**9 NOVEMBER 1994 : 10H00 - 12H00**

**ROOM V226**

**DOCUMENTATION**

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# CONSTITUTIONAL ASSEMBLY

## THEME COMMITTEE 2 STRUCTURE OF GOVERNMENT

### CORE GROUP

Please note that a meeting of the Core Group will be held as indicated below:

Date: Wednesday 9 November 1994

Time: 10h00 - 12h00

Venue: V226, Old Assembly Building, 2nd Floor

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### AGENDA

1. Opening and Welcome
2. Core Group Minutes (2/11/94)
3. Theme Committee 2 Minutes (7/11/94)
4. Matters Arising
5. Questionnaire and Survey
6. Finalisation of Work Plan
7. Any other business
8. Closure

## **CONSTITUTIONAL ASSEMBLY**

### **THEME COMMITTEE 2 STRUCTURE OF GOVERNMENT**

#### **MINUTES OF THE FOURTH MEETING MONDAY 7 NOVEMBER 1994 (AT 08H00)**

#### **PRESENT**

**JM Mahlangu (Chairperson)**

Ackerman C  
Badenhorst MJ  
Beyers AS  
Bester BC  
Dexter P  
Diale N  
Doidge GQ  
Ebrahim AG  
Foster JA  
Groenewald PH  
Mabudafhasi RT

Mars I  
Marshoff FB  
Mashile NL  
Mohlamonyane GM  
Msomi M  
Ndlovu VB  
Nwedamutswu MJ  
Pahad EGH  
Sekgobela PS  
Sethema BEE  
Shabangu S

#### **APOLOGIES**

Eglin CW  
Holomisa SP  
Ligege MG  
Louw SK  
Maduna P  
Steenkamp PJ  
Tolo J

N Cetywayo, P Fahrenfort and T Mngadi-Kgosiditsi were in attendance

**1. MINUTES**

The minutes of 31 October 1994 were adopted subject to the following corrections:

- Apologies were tendered for Messrs AS Beyers and GM Mushwana at the meeting on 31 October 1994 and were not recorded.

**2. CORE GROUP MINUTES (2/11/94)**

Noted.

**3. MATTERS ARISING FROM MINUTES**

None.

**4. SUBMISSIONS**

The meeting accepted the received submissions of names. It was agreed that the parties that have not made submissions be given time to do so by Monday 7 November 1994 and that these submissions be considered in the next core group meeting. It was further agreed that the Core Group rationalise the names.

**5. CORE GROUP REPORT**

a) *Theme Committees 2, 5 and 6 Core Groups*

The meeting noted the minutes of joint core group meeting held on 3 November 1994 proposing that a joint commission be established before the end of this year. It was further noted that the joint core group meeting with Theme Committee on Provincial and Local Government did not materialise and that the Core Group will still pursue it.

b) *Work Plan*

The meeting adopted the Work Plan. It was agreed that the core group finalise it.

**6. FURTHER BUSINESS**

The meeting was requested that it be noted that members were experiencing transport problems and that Management Committee investigate the matter.

**7. CLOSURE**

The meeting rose at 09h02.

# CONSTITUTIONAL ASSEMBLY

## THEME COMMITTEE 2 STRUCTURE OF GOVERNMENT

### MINUTES OF THE FIFTH CORE GROUP MEETING WEDNESDAY 2 NOVEMBER 1994 : 08H00

#### PRESENT

**MJ Mahlangu (Chairperson)**

Ebrahim G  
Eglin CW  
Groenewald PH  
Rabie JA

#### APOLOGIES

Ndlovu VB

#### ABSENT

Pahad EGH

N Cetywayo and P Fahrenfort were in attendance

#### 1. OPENING AND WELCOME

The meeting was opened and chaired by Mr Mahlangu.

#### 2. MINUTES

The minutes of 27 October 1994 were adopted.

#### 3. MATTERS ARISING

None.

#### 4. WORK PLAN AND SUBMISSIONS

##### 4.1 Theme Committee 2 : Work Plan Report

The Core Group had before it a revised version of Theme Committee 2 Work Plan Report submitted by Mr Eglin. That is, items A to F were revised and items G to J remain as is. What follows is the revised version as adopted by the Core Group. It was agreed that it be placed on the agenda for Monday's meeting.

**A. Which constitutional issues within the broad theme need to be attended to?**

- Separation of Powers
- Structure of Government
  - i) National including Parliament and the Executive
  - ii) Provincial
  - iii) Local
- Electoral System including participation of minority parties in the legislative process
- Traditional Authorities
- Volkstaat
- Amendments to the Constitution

**B. Which of these constitutional issues need to be dealt with as a priority?**

- Separation of Powers
- Structure of Provincial Government (Const. Sec 161)

**C. Which are the areas of overlap with each other in the Theme Committees?**

- Separation of Power
  - Judiciary (5)
  - Specialised structure of Government (6)
- Structure of Government
  - Provincial Government (3)
  - Local Government (3)
- Electoral System (1)
- Traditional Authorities (5.6)
- Volkstaat (5.6)



**D. Which constitutional issues need to be dealt with in commissions?**

- Commission  
Electoral System
- Committees  
Separation of Powers
- Structure of Government
  - i) National
  - ii) Provincial
  - iii) Local
- Traditional Authorities
- Volkstaat

**E. Which groups of constitutional issues do the committees anticipate will require separate reports?**

Each of the above (D)

**F. How many such reports are to be issued and what are the deadlines for the submission of same?**

(Deadlines to be established and especially for Separation of Powers)

**G. What are the structures and who are the role players that are to be consulted?**

- Traditional leaders (Contralessa, TTLA)
- Trade Unions (Cosatu, FEDSAL, NACTU)
- Political parties (SACP, Azapo, Unity Movement, Wosa, CP, HNP, Minority Front, XPP, AWB)
- Business (Nafcoc, Fabcos, Sacob, Business SA, AHI, Small Traders Association)
- Sectors (Sanco, Religious, Women's Coalition, Youth, Student, Rural, Professional, Traditional Healers, Academic groups, National Steering Committee for NGOs)
- Persons/Organisation who made input to Codessa and Multi-party
- Department of Constitutional Law at universities
- NGO's (HSRC, Centre for Policy Studies, Groundswell)
- Foreign Foundations and Embassies
- Statutory organisations (Volkstaat Raad, Commission for Provincial Government, Council of Traditional leaders)

- General public
- Sabra, Oranjewerkers, Avstig, Volkeenhed Komitee, Volkswag, Afrikaner Volkfront, Transvaal Munisipaleiteits Vereeniging

**H. What community and Media liaison assistance will facilitate the committee's work?**

*Media:* Electronic and print Media  
SACS  
Proposal for sub-committee to draw up media plan

*Community:* Provincial legislatures as vehicles for community liaison

**I. Who and what technical assistance will be required to support the communities?**

*Constitutional law:*

- Professor David van Wyk (Unisa)
- Professor M Erasmus (Stellenbosch)
- Professor A Raath (OFS)

*Political Science*

- Professor D Kriek (Unisa)
- Professor D Welsh (UCT)

*Fiscal Experts*

- Professor F Cloete (Western Cape Demarcation Board)
- Professor C Thornhill (Pretoria)

*General*

- R Rosenthal (Technical Committee on Electoral Act at World Trade Centre)

**J. Time Frames**

*i) General Comments*

A phased approach - three phases

***Phase 1 : 30 October - 15 November***

**Finalisation of work plan for submission to Constitutional Committee**

***Phase 11: 23 January - mid April 1995***

**January : Hearings in 3 provinces**

**February: Hearings in 3 provinces**

**March : Hearings in 3 provinces**

- National Hearing March/April in Cape Town
- Receipt of written submissions by 31 March 1995
- Processing of submissions
- Formulation of Theme items and approval
- Publication of formulation for public opinion
- Production of first draft report end of April

***Phase 111 : After Easter to June 1995***


- Internal discussion and debate
- Co-ordination and processing of public opinion
- Identification of contentious and non-contentious issues
- Evaluate draft report
- Finalisation of report and submission to Constitutional Committee

***Issue identification and Agenda***

**It was also agreed that submissions be placed on the agenda for Theme Committee 2 on Monday 7 November 1994.**

**5. CLOSURE**

**The meeting rose at 08h17.**

 M. J. MAHLANGU