

24/6/2/1/2

**CONSTITUTIONAL ASSEMBLY
SECRETARIAT REPORT
ON THE SECOND MEETING
CORE GROUP
THEME COMMITTEE 6
SPECIALISED STRUCTURES OF GOVERNMENT
THURSDAY 20 OCTOBER 1994 (15H00)**

1. INTRODUCTION

The Core Group held its second meeting on 20 October 1994 and the agenda of the meeting was as follows:

- 1.1 Opening and Welcome;
- 1.2 Preparations for the Theme Committee meeting to be held on 24 October, 1994.
 - 1.2.1 Consideration of minutes of the previous meeting of the Core Group; and
 - 1.2.2 Consideration of the proposed agenda of the forthcoming Theme Committee meeting.
- 1.3 Parties Submissions - Report from the Secretariat.
- 1.4 Development of a Work Programme for the Theme Committee.
- 1.5 Closure.

In this report, an effort will be made to avoid a regurgitation of the minutes, but the writer will only highlight important subjects discussed in the course of the said Core Group meeting.

2. ESTABLISHMENT OF SUB-THEME COMMITTEES

- 2.1 A concern was noted that the establishment of Sub-Theme Committees will stretch to limit the capacities of smaller parties.

- 2.2 The Core Group recommended that the issue of representation of Parties in Sub-Theme Committees be considered by the Theme Committee.
- 2.3 The Core Group also emphasised the need to be sensitive towards the participation of smaller parties in Sub-Theme Committees to ensure that the constitution-making is broadly representative.

3. TRADITIONAL AUTHORITIES

- 3.1 The Core Group once more noted that discussions on the subject of Traditional Authorities would possibly overlap with similar discussions in Theme Committees 2 and 5.
- 3.2 The Sub-Theme Committee on Public Administration will look into the most effective way of dealing with this topic.

4. SOUTH AFRICAN ELECTIONS COMMISSION

A concern was once more expressed over the inclusion of this topic as a subject for discussion in Theme Committee 6.

Two solutions were proposed as means that could be utilised to resolve this situation:

- 4.1 Theme Committee members should seek clarity, for the inclusion of the topic South African Election Commission as a subject for discussion in the Theme Committee, from their principals in the Constitutional Assembly's Management Committee.
- 4.2 The Sub-Theme Committee on Public Administration must investigate the appropriateness or otherwise of this topic as a subject for discussion.

4. DEVELOPMENT OF A WORK PROGRAMME FOR THE THEME COMMITTEE

- 4.1 The Core Group decided that the Work Programme for the Theme Committee should be the product of discussions and reports from Sub-Theme Committees.
- 4.2 Sub-Theme Committees have been tasked to work on their own

programmes, in accordance with the Constitutional Committee guidelines, and are expected to present their reports to the Theme Committee by the 31st October 1994.

5. AGENDA FOR THEME COMMITTEE MEETING

The Core Group proposed the following agenda for Theme Committee meeting to be held on 24 October 1994:

- 5.1 Opening and Welcome
- 5.2 Tabling of Minutes of the previous meeting
- 5.3 Tabling and discussion of the Core Group report and establishment of Sub-Theme Committees.
 - 5.3.1 Submission of nominees for Sub-Theme Committees by parties
 - 5.3.2 Participation of parties in the Sub-Theme Committees
- 5.4 Development of a Work Programme for the Theme Committee
- 5.5 Any other business
- 5.6 Closure

6. CONCLUSION

- 6.1 The Core Group is still preoccupied with process as opposed to substance and it is still difficult, for one, to comment on the ability of the Group to deal with the topics entrusted to it.
- 6.2 The point needs to be made, though, that the powers, functions and duties of both the Theme Committee and Core Group would have to be defined with some measure of precision, lest we open the floodgates to ad hoc, spontaneous and sporadic decision-making with a possible negative spin-off in the long term.

I am not in any way trying to suggest that our Theme Committee or Core Group has in some instances, especially those that are not clearly defined in either the constitution or the rules, overstepped the mark. But a pattern is beginning to emerge whereby decisions are taken on an ad hoc basis, e.g, the decision on the representation of

parties in Sub-Theme Committees. We should try to nip this practice in the bud, at this early stage of the constitution-making process.