

214/6/5/1/6

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 6.3

SPECIALISED STRUCTURES OF GOVERNMENT

18 APRIL 1995

E305

DOCUMENTATION

Entire document embargoed until 14:00 on 18/4/95

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CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO: ALL MEMBERS OF SUBTHEME COMMITTEE 6.3
FROM: BRONWEN LEVY (SECRETARIAT)
DATE: 13 APRIL 1995
RE: SCHEDULE OF MEETINGS FOR SUBTHEME COMMITTEE

What follows is the schedule of meetings of the Subtheme Committee for the week of 18 April to 24 April 1995.

DATE	SUBJECT	VENUE	TIME
Tuesday - 18 April	<u>Subtheme Committee meeting</u> 1. Input by Technical Committee on the Human Rights Commission	E305	14:00
Wednesday - 19 April	<u>Subtheme Committee meeting</u> 1. Political Party Submissions on the Human Rights Commission. Parties are required to speak to their submissions.	E305	9:00

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Republic Of South Africa

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<p>Thursday - 20 April</p>	<p><u>Subtheme Committee meeting</u></p> <p>1. Public Hearings on the Human Rights Commission:</p> <p>1.1 Black Lawyers Association 1.2 Lawyers for Human Rights 1.3 NADEL</p>	<p>E305</p>	<p>15:00 - 18:00</p>
<p>Friday - 21 April</p>	<p><u>Subtheme Committee meeting</u></p> <p>1. Public Hearings on the Human Rights Commission continued:</p> <p>1.4 Legal Resource Centre 1.5 Centre for Human Rights 1.6 Human Rights Committee 1.7 Black Sash 1.8 Association of Law Societies</p>	<p>E305</p>	<p>9:00 - 14:00</p>
<p>Monday - 24 April</p>	<p><u>Subtheme Committee meeting</u></p> <p>1. Public Hearings on the Human Rights Commission continued:</p> <p>1.1 National Land Commission</p> <p>2. Progress report from Technical Advisors re: Party Submissions and Public Hearings</p>	<p>E305</p>	<p>14:00</p>

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

18 April 1995

AGENDA

1. Opening and Welcome
2. Adoption of minutes of 5 April 1995
3. Input by Technical Advisors on the Human Rights Commission
 - 3.1 Discussion
4. Public Hearings on the Human Rights Commission
5. Party Submissions on the Human Rights Commission
6. Workshop on Traditional Authorities 20/21 April 1995
7. Theme Committee consultation with the business sector
8. Any other business
9. Closure

Hassen Ebrahim
Executive Director

Enquiries Ms B Levy 245 031 ext 324 or 403 2182

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

5 April 1995

Present

Kgositsile B (Chairperson)

Cupido PW
Malan TJ
Mompoti R
Nkadimeng JK

Apologies: Camerer S, Louw L, Turok M, Van Zyl ID

Levy B and Nyoka N were in attendance.

1. Opening and Welcome

Ms Kgositsile opened the meeting at 13:15 and welcomed the members.

2. Adoption of minutes

2.1 The minutes of 27 March were adopted.

3. Work Programme (annexure 'A')

3.1 Gender Workshop

-
- 3.1.1** *The meeting agreed to the proposed date for the Gender Workshop. It was suggested that Workshop commence on 26 May 1995.*
- 3.1.2** *The meeting agreed that the Gender Workshop should be held in Cape Town.*
- 3.1.3** *With regard to participants it was agreed that only umbrella organisations such as the National Women's Coalition should be invited.*
- 3.2 Land Workshop**
- 3.2.1** *The meeting agreed that the Land Workshop should be held on the weekend of 9 June 1995.*
- 3.3 Public Hearings**
- 3.3.1** *The meeting agreed that the secretariat should organise Public Hearings on the Human Rights Commission for the Subtheme meetings of the 20 and 21 April.*
- 3.3.2** *In addition to stakeholders already contacted for submissions it was suggested that the following organisations/individuals should be approached: Federale Vroueraad, Dr Mamphela Ramphele and the South African Law Commission.*
- 3.4 Political Party Submissions on the Human Rights Commission**
- 3.4.1** *The secretariat reported that submissions on the Human Rights Commission had only been received from the Freedom Front.*
- 3.4.2** *It was agreed that Political Parties would need to ensure that their submissions are submitted to the administration.*
- 4. Any other business**
- There was no further business.
- 5. Closure**
- The meeting rose at 13:50.

THEME COMMITTEE 6
Draft Workplan
27 March 1995 - 1 July 1995

Block	Date	Event	Time	Venue
5	27/03/95	TC6.3 Meeting: Debate: Public Protector report. Submissions: Deadline: Parties' submissions on the Human Rights Commission (HRC)	09:00-12:00	E305
	03/04/95	TC6 Meeting: Debate: Reports on the Public Protector, SARB, AG and BP TC6.3 Meeting: Processing submissions on the HRC.	09:00-09:45	E249
10:00-12:00			E305	
6	04/04/95	CC report: Public Protector report submitted to MC. Submissions: Deadline: Public submissions on the HRC		
	07-17/04/95	Recess		
	18/04/95	Core Group Meeting: TC6.2 Meeting: Processing submissions on the HRC.	14:00-14:45 15:00-17:30	E340 E305
	19/04/95	Public Hearing: Stakeholders: National Land Committee (NLC), Legal Resources Centre (LRC), the Human Rights Committee (HRC).	09:00-12:00	E305
	20/04/95	Public Hearing: Stakeholders: Black Lawyers' Association (BLA), National Association of Democratic Lawyers (Nadel) and Association of Law Societies	09:00-12:00	E305
	21/04/95	Public Hearing: General Council of the Bar, Black Sash and the Lawyers for Human Rights (LHR).	09:00-12:00	E305
	24/04/95	TC Meeting: Debate: Public Service report. TC6.3 Meeting: Technical advisors table report on HRC.	14:00-14:45 15:00-17:30	E249 E305
7	08/05/95	TC6.3 Meeting: Debate: HRC report.	09:00-12:00	E305
	15/05/95	TC6 Meeting: Debate: HRC report. Submissions: Deadline: Parties' and Public submissions on Commission on Gender Equality.	17:30-18:15	E249
8	22/05/95	TC6 Meeting: Debate: FFC and HRC report.	09:00-09:45	E249
	23/05/95	CC Report: Submission of HRC report to MC.		

	27-28/05/95	Workshop: National Machinery for Women.		
	29/05/95	TC6 Meeting: Debate: Election Commission report. TC6.1 Meeting: Processing submission on CGE.	14:00-14:45 15:00-17:30	E249 E305
9	01/06/96	Technical advisors submit report on CGE to secretariat.		
	05/06/95	TC6.3 Meeting: Debate: CGE report. Submissions: Deadline: Parties' and Public submissions on Land Commission.	09:00-12:00	E305
	12/05/95	TC6 Meeting: Debate: CGE report. TC6.3 Meeting: Processing submissions on CGE.	14:00-14:45	E249
	13/06/95	CC report: CGE report submitted to MC.		
10	17-18/06/95	Workshop: Land Commission.		
	19/06/95	TC6.3 Meeting: Assessment of workshop resolutions and submissions.		
	26/06/95	TC6 Meeting: Debate: Public Enterprise report. TC6.3 Meeting: Debate: Land Commission report.	14:00-14:45	E249
	27/06/95	TC6.3 Meeting: Debate: Land Commission report.	10:00-13:00	E305
	28/06/95	TC6.3 Meeting: Debate: Land Commission report.	09:00-12:00	E305
	30/06/95	TC6 Meeting: Debate: Land Commission. CC Report: Land Commission report submitted to MC.	14:00-14:45	E249



CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO: All Political Party Chief Whips
FROM: Baleka Kgositsile
Chairperson, Theme Committee 6.3
DATE: 7 April 1995
RE: Party Submissions on the Human Rights Commission

1. As per the memo directed to Political Party Whips dated 13 March 1995 from the Chairperson of Subtheme Committee 6.3, Political Parties were requested to submit their submissions on the Human Rights Commission by 27 March 1995.
2. As yet the Committee has not received submissions from Political Parties on the Human Rights Commission.
3. In order to proceed with the Work Programme of the Subtheme Committee, these submissions are required.
4. The Committee would thus like to request the following:
 - 4.1 All Political Parties should submit their submissions on the Human Rights Commission by Tuesday 18 April.
 - 4.2 The DP, ACDP and PAC are requested to send a representative to the meeting of the Subtheme Committee, on 19 April to speak to their submissions, as the above parties have not participated in the deliberations of the Subtheme Committee thus far.
 - 4.2.1 The details of the Subtheme Committee meeting where parties are requested to speak to their submissions on the Human Rights Commission are the following:

DATE: Wednesday 19 April 1995

TIME: 9:00

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VENUE: E305

5. Enclosed is a copy of a report from the Subtheme Committees seminar programme on the Human Rights Commission which has isolated some of the central issues for debate. We would appreciate it if your submission could take in to account the questions raised as well as identify other areas which the Committee needs to consider.
6. Please could you direct your submissions to Ms B Levy Subtheme Committee 6.3, room 1018, Regis House.
7. Your co-operation in this regard would be greatly appreciated.

Enquiries Ms B Levy 245 031 ext 234 or 403 2182.

cc Prof H Ngubane

Ms V Smith

Ms TJ Malan

Mr J Selfe

Mr J Baard



CONSTITUTIONAL ASSEMBLY

6 April 1995

To Theme Committee Chairpersons - II, III, IV, V, VI

Re: CPG workshop on Traditional Authorities : 20 - 21 April 1995

Please find attached a copy of the workshop programme from the CPG on Traditional Authorities as per their workshop schedule issued to all Theme Committees.

15 persons from the Constitutional Assembly have been invited to participate. I therefore propose the following delegation subject to Theme Committee approval:

Theme Committee II: 3 Theme Committee members
Theme Committee III: 2 Theme Committee members
Theme Committee IV: 2 Theme Committee members
Theme Committee V: 2 Theme Committee members
Theme Committee VI: 2 Theme Committee members
Technical Advisors: 2 from the Ad-Hoc Committee on Traditional Authorities
2 staff members from the Secretariat working with the Ad-hoc Committee.

I would appreciate it if I could receive feedback and confirmation as to whom would be attending from each Theme Committee by not later than 18 April 1995.

Thanking you.

Hassen Ebrahim
Executive Director

Enquiries: L Meyer (4032264)
Room 903 Regis House or
T Kgosidintsi (4032264)
Room 904 Regis House

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COMMISSION ON PROVINCIAL GOVERNMENT

Established in terms of section 163 of Act 200, 1993

260 Walker Street Sunnyside Private Bag X887 Pretoria 0001
Telephone (012) 44-2297 Fax (012) 341 8452

1995-03-30

The Chairperson
Constitutional Assembly
P O Box 15
CAPE TOWN
8000

Dear Sir

INVITATION TO PARTICIPATE IN A WORKSHOP ON TRADITIONAL LEADERS AND THE NEW SOUTH AFRICAN CONSTITUTION: 20-21 APRIL 1995, PRETORIA

The Commission on Provincial Government is arranging a workshop on ways in which the new Constitution might deal with the question of traditional authorities, specifically with regard to their powers and functions including their relationship with all the three levels of government.

The workshop is supported financially by the Commission on Provincial Government and the Development Bank of Southern Africa and will be held in Pretoria at the Sammy Marks Convention Centre. It will run from 13:00 on Thursday 20 April to 16:30 on Friday 21 April.

The Commission was established by the Interim Constitution to facilitate the establishment of provincial government, and is tasked inter alia with making recommendations to the Constitutional Assembly on the development of a constitutional dispensation with regard to provincial systems of government (including local government). This includes matters such as the allocation of powers, traditional leaders and intergovernmental relations.

The aim of the workshop is to draw from experiences of other African countries with a view to:

- developing a conceptual and practical framework for traditional leadership in the South African context
- exploring the Constitutional provisions regarding traditional leaders
- exploring proposals for constitutional provisions and other necessary or desirable arrangements

International experts from a number of African countries will provide key inputs at the workshop. The emphasis will be on active participation, discussion and debate.

The workshop should be attended by representatives of provincial governments and the provinces' constitutional committees, local government bodies, members of the Constitutional Assembly's Constitutional Committee and relevant theme committees, representatives from the provincial Houses of Traditional Leaders, and the Commission on Provincial Government, key departments of the national government, and representatives of other bodies and organisations closely concerned with traditional leadership issues affecting provincial and local government.

On behalf of the Commission, I cordially invite you to nominate and arrange for 15 persons from the Constitutional Assembly (to be drawn from the Constitutional Committee and the relevant theme Committees) and in addition, the relevant technical experts, to participate in the workshop.

On the basis of discussion at the workshop, and other submissions, the Commission will prepare draft proposals to be submitted to the Constitutional Assembly, and to provincial governments and other interested parties for further comment.

Lunch and tea will be provided at the workshop. The Commission will be responsible for their own accommodation and transport although transport will be arranged to and from Jan Smuts Airport if required.

A draft programme and reply form are enclosed. Please fax or phone your response by 7 April, 1995.

Directions to the Convention Centre will be sent to you on receipt of your reply form.

We look forward to hearing from you.

Yours sincerely

THOZAMILE BOTHA
CHAIRPERSON

nd536

DRAFT PROGRAMME
TRADITIONAL LEADERS AND THE NEW SOUTH AFRICAN CONSTITUTION
Thursday 20 April
Session 1

13:00 Registration and tea.

13:30 Welcome, Aims of workshop and constitutional provisions.
Mr Thozamile Botha: Chair of the Commission on Provincial Government.

Historical background to traditional leadership.
Prof. Tom Lodge: Political Studies Department, University of Witwatersrand.

An update on Houses of traditional leaders.
Adv. A. Mangena (Northern Transvaal) and Adv.M. Mabilletsa (Northwest).

Questions.

Experiences from other countries:

Nigeria.
Prof. O. Aborisade: Obafemi-Awolowo University, Department of Public administration.

Uganda.
Dr A.S. Wamala: University of the North, Department of Public Administration.

Tea

Tanzania
Prof K. Miti: Political Studies Department, University of Venda

Namibia
Mr C.J. Keulder: Namibian Economic Policy Research unit

Questions and Discussion

Close 18:00

**Friday 21 April
Session 2**

7:30 Tea

Experiences from other countries cont.

8:15

Botswana

Ms P. Venson: Managing Director, Institute for Local Government and Development.

Swaziland

Prof. L.P. Vorster/Whelpton: Department of Indigenous Law, University of South Africa.

Questions/Discussion

Session 3

Key issues

Prof. P. Zulu: University of Natal, Centre for Social Development Studies.

(Subdivide into three groups)

Questions and Debate

***What lessons can be drawn from other African countries about the status and role of traditional leaders in politics?**

***What should the official status of traditional leaders be in the Constitution. Why?**

***Should this be provided for in the National or Provincial Constitution?**

***How should this be provided for in the National and Provincial Constitution?**

Lunch Break

Session 4

Report by groups

Discussion

Conclusion

Mr Thozamile Botha: Chair of the Commission on Provincial Government.

14:30 Close

REPLY FORM - PARTICIPANTS

**Commission on Provincial Government
Fax: 012 - 341 8452**

Attention: Cathy Meiklejohn

**TRADITIONAL LEADERS AND THE NEW SOUTH AFRICAN CONSTITUTION
WORKSHOP: 20 & 21 APRIL 1995**

NAME: _____
ORGANISATION: _____
PHONE: _____
FAX: _____

I accept/decline the invitation to participate in the workshop.

I will be present on 20 April _____

21 April _____

I will be present for Lunch (21 April) _____

(Tick where appropriate)

Special dietary requirements:

Note to Organisations: Please fill in separate reply forms for each individual attending the workshop.

RECOMMENDED ACCOMMODATION

We suggest that you make reservations at one of the hotels listed below. Block bookings have been made with concessionary rates at the Holiday Inn Arcadia (for 30 people) and the Pretoria Hof Hotel (for 40 people). In order to benefit from the concessions provided, please indicate when you make your reservation that you are participating in the Commission on Provincial Government workshop. Please ensure that you make your reservations by Wed 12 April so that the hotel can make the necessary arrangements.

Holiday Inn, Arcadia
Beatrix Street

Normal Tariff:

Single Room Bed: R 439

Breakfast: R 35

Group concession:

Single Room Bed: R 373 - R 393

Breakfast: R 35

Contact Person: Amanda
Phone: 012 - 341 1571
Fax: 012 - 44 7534

Pretoria Hof
Pretorius Street

Normal Tariff:

R 185 Single Room Bed and Breakfast

Group Concession:

R 180 Single Room Bed and Breakfast

Contact Person: Marné
Phone: 012 - 322 7570
Fax: 012 - 322 9481

Holiday Inn, Garden Court

Normal Tariff: Single Room Bed: R 229

Breakfast: R 22,60

Phone: 012 - 322 7500
Fax: 012 - 322 9428



CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO: All Theme Committee Members
DATE: 31 March 1995
RE: Theme Committee consultation with the business sector

Please find under cover hereof a proposed structure for a hearing with the business sector. The proposals emanate from consultations between the CA Administration and Business South Africa (BSA). Major business chambers external to BSA will also be consulted on the matter.

Your comments and suggestions on the proposed structure and agenda are requested and should be forwarded to the Secretariat by 16h00 on 06 April 1995.

**HASSEN EBRAHIM
EXECUTIVE DIRECTOR**

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Republic Of South Africa

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POSSIBLE STRUCTURE AND AGENDA OF BUSINESS HEARING ON THE CONSTITUTION

1 Proposed Structure

Purpose: A discussion between the business community and the Constitutional Assembly focusing on the constitution's relationship with the economy, growth and the alleviation of poverty; as well as a number of specific issues. An open-ended agenda is preferred.

Attendees: *From the CA:*
Preferably all Theme Committees, with a special emphasis on Theme Committees 4 (Bill of Rights) and 6.2 (Finance).
From business:
Very senior business leaders, as well as business sector specialists on the various constitutional issues.

**Proposed date
& duration:** Saturday April 22 or a weekday close to it. Duration: maximum 4 hours.

**Proposed
Format:** Breakfast
Followed by
A general presentation to all Theme Committees: two hours
(45 minutes business presentation on the constitution and the economy, general principles, and five constitutional issues of profound importance to investment and growth; followed by up to 75 minutes of discussion)
Followed by
Focused meetings with Theme Committees separately: two hours
(30 minute business presentation on particular issues; followed by up to 90 minutes of discussion)
Followed by
Lunch

2 *Provisional Agenda*

General

- Presentation:**
- 1 The constitution, the economy, and the goal of eradicating poverty
 - 2 General principles for writing a constitution for shared growth
 - 3 Business views on five crucial constitutional issues for investment and growth
 - 4 Further points raised by CA

Focused Meetings:

Meeting on Bill of Rights (Theme Committees 4 and 1)

- 1 Purpose and effects of Bill of Rights
- 2 Civil society and juristic person access to Bill of Rights
- 3 Horizontal application of the Bill of Rights
- 4 Dealing with the socio-economic goals of society
- 5 Dividing policy-making between the Courts and the Legislature
- 6 Further issues

Meeting on Managing the Economy (Theme Committees 3 and 6.2)

- 1 Effective monetary policy: Reserve Bank independence and co-ordination
- 2 Effective budget-making processes and auditing
- 3 Ensuring sound economic data and analysis
- 4 Ensuring fiscal coherence
- 5 The role of the Financial and Fiscal Commission
- 6 Managing government debt
- 7 Further issues

Note: These are provisional proposals not yet finally mandated on either side.