

MEETING OF CORE GROUP 10-11 Monday 20 March

apology: from Essop.

present: Ndlovu, Groenewald, Ralie, M J Mahabane,
chair

Onesora from Com. Prov. Gov:

+ Tedi Adv. Adv. Mokhele

Minutes 1st present. Groenewald.

6.2.1.k. 3 April 1995.

iv
M. Ndlovu.

p. 10. Chairman.

technical advisers met → said report will be finished today.

3. In-house workshop Scheduled 27/3

Supplementary report on block 1

Mokhele - asked to do it, will complete by end of day today.

- problem also → provided with further

MT → - as people submit, cannot reject, but cannot forever accept.

say by 1 July...

- what we have now → block 1, will not receive any further submissions later than today.

Ndlovu - not put ourselves at jeopardy.
what say to public...

Thank you for your subm.

Tomer we set cut-off date, that has already been extended.

∴ as far as block 1 is concerned, today is final cut-off date... ~~we~~ keep it, may be ^{as such} significant.

Rahie Do not think we need to comm. that to public.

MT No transparency?

Naloni opening window again → what Greenwood said
no "other" sub submissions.

Gene. at next TC meeting → suggest to TC
press also present 0%
transparent.

Naloni why not take to TC → make it that day

Rahie ask them to rectify decision today

Naloni is afraid.

Rahie ~~take~~ take cue from CC, CA.

we take today as cut-off ✓

James do with those subm?

Then need these too ✓

James have ~3000 subm. already on elect. system,
or super. of powers already sent to them a week/so ago.

Motimela: difficulty is that some subm. duplicate.

if cut-off date ... not heat ... has to ~~be~~ kept with
report again.

Mallory: take Man. secr. quietly (ask) at subm. dept.
week-end of week → submit to techn. com

cut-off date -

3. In-house Workshop 2 7 March 1995

Tech. experts - difficulty with that... could not answer what errors.

When tabulated... then dealt with checks & delays
leg. // ex // judiciary.
∴ assume $C \approx b$ = in relation to structures of gov.

Rahie: diff is with just united with leg. & exec.,
- but did not flesh out.

Wilson: q = what is in words " $C \approx b$ "

Motnell: Senate = form of $C \approx b$ in...
Richard said certain, did not have unicameral,
with its own $C \approx b$.

Mallory: ^{workshop} only dealt with bizarrerie.

Greenwald: Can't see problem.

- focus was primarily on structures, not $C \approx b$'s
the you point (Mot.)

- $C \approx b$ should not only lie in other chambers,
but what are our choices.

- still then it is necessary.

Wilson - body of what was left behind with first
workshop.

Green Yes. ∴ if have biz → these are $C \approx b$
if have unic → these are $C \approx b$.
∴ give people all choices.

Mallory: not problem with Groeneveld,
we would like ..

Mosimile: cannot live ..

exec. cheds on bc.
leg. cheds on ex.

= going back, doing same workshops, perhaps
with diff. emphasis.

3rd April Trad. leaders' in-house workshop.
had ~~diff.~~ structure & format.

∴ thought if we try that on 27th. — ties in.

Rakie: that workshop = not about substance.
basically requested --- to see what mandate

^{the letter}
= programme tabled at last meeting
— to get clarity techn. experts to talk to
Niklajo.

Mosimile — Dora is mandated to speak to them
must face that workshop to deal with these issues.

Nalora: ?

27th got very limited time

deal with these issues.

Mallory → Mosimile says perhaps coordinate with
Nalora workshop on 27th.
∴ deal with one item on 27th.

met on 3rd deal with substance ... relationship

∴ as we say techn. experts → man. secr.
on Monday → get what we deal with





at meeting on 3rd.

Greenwald: do you have time 27 — 3rd to prepare for workshop on trad. leaders.

MT techn. ad hoc.
Our techn. experts TC 2 also have interest
∴ while.

MA. Management: principle? should techn. experts
ad hoc → not consult with others.

Rahie But ours can be easier since they attached.
they just operate on trad leaders.

Dlora ^{metropole} → Ntllapo ...
∴ find out.

∴ request techn. experts they to admin
to contact ad hoc. → to
work out programme of 3rd ∴ in our
favour.

MA. no longer floating.
all techn. experts to meet? to draw programme
for 3rd ^{to} report.
to CG at next
meeting



Rahie what happens 27th?
start really with admin. on 27th?

+Uch.
Dlora will explain, but 27th will go on
Matucle agreed againt..

to compare micromulsion / microneedling.

Motivell (have workshop ex / leg. both unit. + bic. but emphasis on $\Sigma \approx b$)

Rahie no one, as far as I recall has introduced microneedling

Grenenard: Amongst AWC, it does not seem to have been resolved yet.

Ndlovu: if permit bic. / unit. debaters ... at end of the day on that info choose.

Rahie: Yes, but no one has introduced.

MT: not reason to agree ... right at outset said = contentious Σ look at it. no harm in that.

Motivell / bic. did not deal with unit. do we deal with it.

someone will introduce ... in solution ... but...

4 submissions.

MT need to take position not debate yet

AWC skitted today this morning

FF with typists - today / sooner.

IFP don't know, can submit ~~any~~ two; but my problem - at end of day ... if decide withdraw from CA.

But not ready this week. quality of late submission on that

Palme - but asked fresh mandate / extension
did not have anything to do with submit.

Wolke but contribution
NB that all parties submit.

Wolke: will submit ✓

Palme: suggest that start:

0 0 3 .

7 recess — 18th.

24th. is next.

18 - 21st.

status ———> WP program adopted (

status ———> p 33
guided by workshops.
can start discussions on 3rd
or 18th.

CPG.

has doc's ready by way of preliminary solutions
on components of provincial.
... Senate.

workshops.

the way maintain workshops financ. $\frac{1}{2}$ fiscal tel.
* 20 + 21st April on track: enough.
will be sending committees ———> will primarily be going to
TC 2. in Pretoria

... p. 23.

Wdown what CPG expect from TC's.

10 - 15 members of CA.

expect active participation, + certainly to later to
mutis gain on

et... of pur, state depts, some experts

... workshops meant not just info, but
to active participation.

already answered: technical experts? already invited

3 ~~1st~~ April workshop. of one.

by 20 + 21st April

possible to get some of the techn. experts.
here on 3rd →

Dr Aaron.

co-ordinate techn. experts. ✓

2 letters.

* not happy that people just replaced...
never been discussed with us, we have
part forward others ✓
unilaterally.

MEETING OF TL2:

In-house Workshop
C & B between Organs of Gov.
(Particulars) (to Exec. and Leg.
(Nat. level)

27/3

- apologies
- Mr Mandambara
- Alsom
- Mr Ndlovu late

Mr Wessels Dep. Chair

Elin
Greenwood

Δ in programme: Dora's input by Van Wyle (not expect paper.
procedure... of clarification; then panel. ^{suppose to do without revisiting}
legit. & executive.

1. Introduction to System of C & B Van Wyle.

Intro, 9 points, repetition. broad framework of system in
~~which~~ which C & B works.

= American - SOP.

public submission - # of members of public
not find specific suggestion
apart from "exec should be controlled by
Couts/pol: " etc.

to quality strict reputation of 7/e/1.

- 9 listed - become interest + important part of Am. (constitutionalism)
- ministerial responsibility
- P(IV) (VII) (IX) (XIV)

clear American, than English 'incidental' system C & B

- objective Acc, resp, openness
- ① - dilt. ... + "able to be explained"
- ② - ... + clearly ... than just respond.
- ③ - ... + ready to entertain new ideas.

∴ preliminary conclusions of C & B
→ cannot be mere mechanism
- system of balances involving in involving Court.

- argued certain of class. C & B lost in putance — ^{unprecedented}
- both examples — dismissal of state pres + ministerial corp — in our const
- q of efficiency already in our c.
- would C & B respect notion of SOP

questions

Dr Ranchard

- in .. no reference to questions as form of control.
- how q time not effectively used due from of control on gov.
- S 200 — points of q's without notice to be asked of head of gov.
- my personal view —> q time often un-give off. For pol. to put q + that they have to reply.
- > unfortunately convention developed from Westminster system. —> very little that presiding officer can do in order to elicit reply

Mr Lebona

- Whether state is unitary / not.
- + how effect 3 tier level.

Raine

- mentioned US Council system
- how, is that example applicable?

Agenda

- q about q's: details when byrd. by exec.
- q's in parliament to ministers = good example of C & B's
- but next q is, is it effective / not. You say perhaps not.
- My suggestion: how do we ensure that... the Court will have to look at rules of parliament.

each C & B assess: historical + conceptual test.

Don't see fact that state is the
at horizontal level.

If dealt with effectively: with view to achieving

Court principle says:

Without repres. ...

Q: repeat q's R (4) Revised items (3).

Wessels.

Ultimate The Judiciary is an important part of a system
of C & B's

Fundamentals. — what is ... we hope to prevent.
or what is good we hope to achieve

nature of man. power corrupts + abs. power corrupts absolutely + power
must vest in someone. ∴ law + just. →

deal with Judiciary — → put in perspective Sol. as const. p.
why necessary to separate powers = 1 form of C & B.

Industrially (C, J). other functions diff to classify

∴ quasi-judicial + quasi-admin (semi-exe)
in certain jurisdiction ... to solve problem have admin courts
if have not ...

init. diff. to classify like tax crt, water crt. ∴ refer to Judiciary
in classical sense.

1st — principles which evolve over years, called rules of nat. justice
rule for/against impartiality + law

how long at content of deliberations, will look at procedure

way inquiry was conducted.

Restraint, freed to do this, if done in that manner ... fair results will
be accomplished.

Another instance: Courts (not). (USA - Supreme Ct + India - SC)

2 approaches: Countries referred to as const. countries... check whether abuse of power.
Countries where not or qualified like UK... rule of law exists in basis upon which not checks. Admin decision.

system of judicial review

US + problems occasioned by judicial review - times when very undemocratic.

US Congress & House of Senate... have democracy + institution must support that.

9 men (include) appoint BA + individual Senate: appointed to life... but may argue - undemocratic - both initiate legislation. Once Congress passed legislation... but can overturn will of people entire US may want law, but if those 9 people want...

∴ is it not legislative... decide which legislative laws to make.
∴ as we talk of the C & B's

What is good we hope to achieve + understand we hope to prevent

All these within intended

quote: Const. of country is organic instrument... debates... by whom... doc. intended to endure for reasonable period of time...

statesman with sense & history.

however learned, erudite, well learned... problems differently

Genuine needs by requirements of people.

∴ here debate C & B's is what.

questions 15 minutes given.

Lehrer never understood judiciary in C & B's as important or independent body or this is already element of pre-supremacy element of pre-supremacy... (no matter how good).

Horowitz Any checks... do all 9 have to concur, on simple majority

Sizani - problem is that he usually talks about C & B... but how
how effective it is.
hard in SA laws, but judiciary not effective.
what makes judiciary tick?

Wanabe (response)
1st + 3rd q.
2nd q = whether need law/supreme act = 5. m., but
in matters of nat. importance ^{US SC} line always tried to give
consensus decision.
US SC works more through pol. lobbying. Judges & clerks, etc.
see growing develop, market, at end security will write
1st + 3rd q's.
true that in interpreting anything... Shanghai woman ^{lockdown} ^{vs} ^{example}.
Calvinist look in eye, clasp hand.
later will say not look in eyes; but actually utmost respect
with Ankin at Court. Lot: mischief trail to prevent,
want to infuse CC + make it sensitive to feelings of others.

Mr. Byers: remade

when I make statement, it is without fear or fear.

Chair: is protected.

Byers: what said

made up you die word in
did not use those words, but said you are lying pol. activist
now, not technician.

Mr. Maklauge.

Chair avoid words please.

Notorn

Mr. Swells can SA judiciary in this light... C & B's
people must have faith in judiciary.

Normalo SDW 1st time understand C₂ b, esp. when comes to
judicizing. Conclusion that we had laws, no one checked
upon, except minority, making those laws, not checked by anybody.
∴ we need these C₂ b so that we can also not go wrong
= matter of being honest.

Comment when take right way, abide to it.

Mr Ramisa In a constitutional construction when Comm. is in danger.
Vision is good to be promoted + kind working to avoid
in divided Community

Aditya what will happen if have strong, unitary, centralist gov.
that will turn closer to dictatorship.
Who will check that system?

Mohammed R is a common good, humans are survivalist
∴ when lead to state where comes close to destroying us,
∴ will prevail → ~~we~~ ~~one~~ never everyone ahead.
= divided society.

N it depends. if p appoints J's; are they appointed for
life ... man have sense of destiny. Not get corrupt & slow.
would getting smaller & smaller...

if these checks are not in place ... has held on them
whether unitary/federal → if law not matter.

— not only here of the ...

but also independent!

(i. appoint, what period, salary)

Follow up

Rajeev Adv. has said that ... Pas. has determined salaries of
members of const. Ct.
do not know facts - he just approved?

Mohammed

Paul Stapler Legislature as a Co-Executive \approx J.

in classical theory - pol. should be one inst. \approx any system of C&D.

- \therefore invest leg. with capacity to be effective \approx b.
- \therefore sensible formulation of policies:

#s of pol. controlling devices

① motion of no confidence
disincentive

- not popular, because leads to dismissal of govt.

② use ab. in other...

parliament can scrutinise: ...
linked to it... right to call for interrogations

- not being able to compel answer

- think would then have to give text...

- 2nd form of scrutiny.

Select by Standing Committees of parliament
may...

in committees expertise developed, knowledgeable
asked + answers given can be good.

s 58(1) committees may be established.

don't want to centralise the committees.

Why not vote in court; for very... , not in committee

s 58(2) standing committee has power - in Campbell patch
of doc's \approx information

major duties pertaining to executive...
- office of parliament, auditor general, etc.

∴ pal. as supreme & ...

(3) + some role in controlling judiciary.
limited
supp. & dismissal of J's

In fact — are appointed — but
not power to dismiss, but very clear, precise grounds require
capacity, competence = not clearly spelled out,
but more than merely differing.

(4) Attorney General (= new development)

they made partly accountable to parliament

Att's have been given by outgoing gov. — placed
under control of parliament. dismissal is its hands.

+ this unit report annually about their activities
relationship not fully developed yet

- will have to see how this accountable relationship will
develop in future.

= in theory mainly.

when handling exec/legislative.

emphasis of cross parties within strict disciplines...
prospect of a at a combination over a theory

(5) Competition for power

were one party abs. maj.

how can balance of multi party be sustained
(in effect...)

by making pol. function as multi-party entity.

... increase + competition...
function mechanism

How can parliament be made competitive

... include all shades of pol. opinion in it.
appointments to pol. should be by people + not other body.
electoral systems play no part.
prop. repres. with low threshold for public should
be joined.

members of ruling party should not be directly

Crucial danger of corrupt parliament is that
present rule - bare seat → should be examined.

Discretion of pol. not in hands of outside body (exec.)
by court.

Salaries - by pol. itself.
should be outside.

Rule should be unbreakable...

Pol. can appoint officers

Public protector (ombud)
in Sweden developed as parliamentary officer

Who to vote
2nd order basis of pol. =

Human Rights Com

also advise... content of legislation.
... adherence to pol.

Auditor Gen.

scrutinizing manner admin of exec. → other of parliament
accountable to public

Strategy... to make carpet. Indeed...
= shared down. of power to complete ... e.g. select. pol. com-
mitment of officers of pol. should rely party effort.
Officers — inability to inform others of...
One method ... wanted.

present precedes for appointments.

Putnam vs extra tuition as C & L.

Question.

spoke later.)

Mr L. notice imbalance of fear.

not come to grasp... Party of democr. culture.

fear that too much of dem. is also not good for etc.

Musharraf's party faced...

concern about any input... in any given situation.

Dr Rowland etc

If strong cabinet, unlikely to be doing C & B... likely to be directly
involved.

ability of par. itself to form some kind of exec.

Strengths of main parties = ... singly access to information
... open gov... etc.

often also in interests of ruling party to have central party
because it can rectify problems + produce better admin.
which will stand more party in good stead.

46 In some African countries indeed appointed by P. under more effective

Dr Ransford

Prison seem right - elected rep., but unable to
elect gov. from Min.
are in fact good pol.'s read ...

Ramni Senate by Nat. Assembly. What ideal position between
Exec. & two houses ...

How can we make our present

Chief P. xinals

Steyler gov. of gov's. strongly that tradition of part simply cannot
stand, should be able to demand answer.
It comes there + not just - they have existing no power
to a subpoena

At least write into Const. that any member ought to go...

R.

Senate in part single collection of jobs = no C & B
would not, unless separate way of app. + composition
is significant element + given specific power.

last q? no

Tea break 11/15

4/130

4. C & B by the Executive

Van Wyk

If we think about Sup & C & B clinically - have 3...
exercising mutual control + check over each other.

In practice, completely diff. situation.

Exec is where things happen, hands on, pulse

Judic is slower, more aloof.

Legisl. is more numerous body... openly def. public body.

↳ = place where easiest to get openness + account.

called

response is quickest of 3 branches... can act almost on spur
of moment.

Exec = in poss. of power

unintentionally affect

= would like to C & B because

left to own devices... flip side... controls over exec.

1. Judic. + exec. In part very incomplete control.

1962 AD said in the Group Areas Act... accept + accept
but Act of parliament

Certain... beyond control of crt.

note Safeguard + upheld cont.

§ 24 Chapter III

Power of Exec... foreign affairs.

2. Controls over J by exec.

who appoints Judges? P or other body... Karpman Pahl
Post for debate

Exec not quite trusted in its own.

not single check, but check by another check/balancing factor.

3. Legislative by exec. Part of system given insights
Pres / Pres. system.

not directly checked, influence that is pol. system.
where does check come in... under laws... + requires
input by president.

Pres. in USA has limited veto.
leg. + exec. almost forced to negot. compromise.
fears that pres. Clinton doomed now

essentially much more responsiveness/open. in system.

// exec. drawn from legislature: Need confidence of maj. of lg.

Minist-erial Responsibility.

The min. indiv. is coll. responsible for their depts

highly divergent systems — smaller... led to resignation of
- here, accountability + part of ^{in min.} Min. responsibility in part
not led to resign.
- here min. is irresponsible.

∴ on paper looks like good thing, but in practice may
not be such a strong check on the exec.

∴ depends on pol. culture of country.

∅ not member of P, but elected by P.
Ministers, however, are not of P.

Here drawn of C's in SA system

Pres. not by name responsible to parliament
but indiv. pol. check on P.

because P has to perform functions in consultation with Cab

Effectively in agreement...

Q: how effective is this control.

Pres. system - only effective .. veto.
in Parl. system is diff. matter.

exec. is in effective control of parl.

- needs support of majo of parl. to get legial. through.

As rule laws control. by Min's
Anachronism public bill procedure.

- Role of pub. parties in whole system of gov.

- Exact role of notion of gov. of nat unity.

- Returns to

OTHER C & B.

- Constitutional Commissions ... unclear to go with const. setup

- Conclusion:

unless there is awareness + culture of checks & balancing,
they should be directed at open ... etc.

the inst. may be (not) efficient that we
intend them to be.

- Exa:

Quintin

Patte

we have traditional. that some of's not ideal.
satisfied members ... outside parliament ... raised there

Hendricks

Q: ... Can pres. veto legislation.

... other than revolt of M of UC; financial.

USA type criticism (compare to Westminster); where going parties.

Widdows
Baroni

2. q of expertise in parliament itself.
- co-opt) people not in pub.

Executive appointed / elected.

mutual, bills etc... is it best way to practice
American way of doing things...
exp. when necessary ... don't refer to trust.

Vanlyga

1st of
number of party... human phenomenon, part of system.
interest... from GB - members of par. belong to
party... party... - public career at stake... not active
too much. Stand in Westminster.

Don't think parliamentarian system...

adv. central of 3 - unless caucus system
to be abolished.

to members allowed to operate on free system.

∴ no phenomenon is inherent through kind of
parl. system we have.

new thing - members as critical outside parliament.
relates also to q. That party has developed
role of criticism - may have pos. impact on way they
behave inside par.

29

Modernity of popular will? p...
= perhaps operative secret: disproportionately elected

P Clinton can still say... Accommodation...

Good example of compromise politics

Final vote (by.) in Congress → can override...

Autonomous.

All matters of public finance.

expensive. from outside... those should be in pol. system.

∴ avoid to purchase, rather than none at all.

think we have in SA esp. pol. gov... rather diff. to implement
(if Namibia example anything to go by ...)

Handwritten → existing system SA - can't veto, override it.

Current laws, provide → regularly passed... less to be
planned by P.

if prudential regulations... but it's not, etc.

national court, provides (CP 32 :) except for spec.

provision

may not be an electric util.

whether have pol or strategic resources

Panel

Dr Bahad

- comment list - what really want to do is that monetary policies
have some say in committees

- problem with discussion in ... with text reference

- no relationships < parliamentary
to the parliamentary ag's

- ∴ dependent upon how they organize forces outside parliament,
not just committee.

Sometimes appoint people to compromise, very hot best part
∴ it this kind of check... very hard up with least
person.

What
Ratched by Rabin used = not really for unit, but for
rules committee.

because
problem — that q's asked... basically used as part of Estball
∴ open doors, but can be abused.

too many q's posed is also problem. ∴ examine
way it operates → really is matter for pol. rules com.

No such thing as "pure" form of Club / dem.
∴ ask in SA what is most like

Tanzanian — one party system sometimes effective.
∴ can learn from other systems. ∴ not duty bound to
learn always from USA, etc.

Dr Ratchford.

broadly speaking by. check on ex.
now we're in transition of ex.

Pal's pure business is extremely limited
other point = situation where ministers comment on
issues beyond those designated to them.

Committee play more active role in new part.
Could impact on classic situation where min. involved

perhaps don't have extra part. — sitting with doc. → for most possible

- scenario

- no protect system... pol. acty as pol, not completely parties
and etc. owned by whole parliament.

- gov in parliament → is to encourage party, advice
own position... parties are gov to
use it if they get bad answer.

- ∴ politics conducted in that way

- importance of pro signing: tradition simply, values
in deep procedural represent
later - notion of trying into operation
of gov.
non-signing = indirect control.

Motivale

- interference / involvement should be encouraged.

= problem of debates - it kept in mind that in country elected

= party forms both leg. & exec.

single mandate from single source.

Vanhulpe

- technically on paper not need approval of pres.. Should
not look only at trad. models (gree with Pöhl)

instead to look models, but our aim not to align ourselves
with what is in other country, but that is effect of a st.

Motivale

in contrast. If P not diff mandates than P, then

Nidow 2 sorts of mandates? -

Motivale not certain understand app, but answer lies in principle

Wicks-Mandate is still the NP

Wicks

Wicks is WP?

Wicks it some not prevent precedent to give mandate
comes from diff. sources.

Wicks court can answer it academically.
unless pos. has diff. source, eg Pres. of Congress still
in leader of opposition.
Some is diff → then can talk about veto.

Wicks

Mr. Rabin's? - how do we prevent cabinet members making
statements outside house when not initially made in
parl?

My simple answer would have been. that pol. parties
have thresholds within themselves...

Any person who goes public ... looking for trouble ...
party for expulsion have party
Cabinet should also help.

Prof. Stuyler q-to: he said necessary for prop. repr.
but public outside parl. say introduction of
proportionality outside.

Wicks gov. of national unity. Can it really work?

Stuyler prop. repr. destructive of parliament?

it has threshold, at 5% / 3% -- rather wide
you normally get most signif. opinions in

Wicks Does it destroy the constituency system?
~~Stuyler~~ checked system. Wicks's or
1. Can't proceed
2.
3.

Payms. - after adjustment Admin meet with

(Faint mirrored text from reverse side)
... it some of great ...
... were done last ...
... can't remember it ...
... when he had ...
... the ...
... there can talk about ...

(Faint mirrored text from reverse side)
... the ...
... the ...
... the ...
... the ...
... the ...
... the ...
... the ...

(Faint mirrored text from reverse side)
... but ...
... but ...
... but ...

(Faint mirrored text from reverse side)
... you ...
... you ...
... you ...
... you ...
... you ...

27/3/95 14h30 Bradshaw Joint meeting in Workshop 3/4

Opening & Welcome UB Malone

background — arises from meeting of 6 March.

then TC 2 programme set followed 2/3 — Trad Act.

→ workshop 3 April

also Techn. C. — part. Programme

Came here today 2 things { programme suits
that previous group
reports are there.

Morrell ~~had~~ drafted programme which would improve
this one

~~TC 2~~

TC 2 felt necessary to have workshop on trad. leaders.

Mbele BM
apology letters

transformation of units, etc. 6 (subcom)

how trad. leaders work with TC structure.

spec. issues raised

→ involvement in provin. public protection.

→ how far to fund.

→ as far as they are concerned trad leader
themselves supported to be public protection.

Van Wye

logistical.

already 7 topics

6 substantive
overloaded?

Mhlayo

programme, which was always draft. (originally for 17/19)

Huesen

In line with precedent TC 2 really
developed to deal with issues, parameters

when conceived at joint meeting, meant not to deal with issues, but what are the q's + issues when CF comes to BIR
∴ not to deal with substance + in depth arguments.

preceding the substantive discussion of matter.

Hayler 3 sep. TC's dealt with (shunter)

1

2 Exec. + leg. powers.

3. Judiciary

not certain about item 6.

Chair 3 item - - -

Motmale need to make distinction propose following.

look at Speakers. — sub-headings can be fused.
e.g. 5 & 7: can they not be fused.

~~5 & 7~~

then

Status of Cust. law & Duality. Malayo.

∴ can be dealt with under
... as Judicial Officers

then next 2 & 3

Status of cust. law & Duality.

then

Nhlapo originally idea was in-house
we have not (1) considered issue of outside help
(2) no problem with Δ topics.

Chair A Constitute 2 & 3 (affects 5)

B then came up with one topic for Prof Nhlapo.
Status + Application of Customary Law
(trad leaders as judging officers)

4 5+7 Bill of Rights with particular reference to Gender Applications

Pahad kept it there then up relationship...
put 2 together
has spec. application --- gender: will help.

2 4th of tradit. Auth in
Morobe Thrive played exec. + legislative functions (more Prov. local Monarchies)

Chair Speakers must know Monarchies not left behind.

Pahad ask Nhlapo then to say that Gen of Monarchies etc.

Hassan met item 6 \rightarrow TC 3 deals with interaction of diff. structures.

\therefore develop 3 clear subjects.

\therefore item 6 where we put

Where add Public Protector. in item 6.

Rel. between Trad. Authority and all other kinds of
Court & specialised Structures of government.

Motivale? does that mean we leave speakers.

2. Status of Cust-Law Nkhaya

3. Myeke Myeke.

4.

⑥ suggestion on (4), depends on Myeke's ...
split in 2

Exec // legislative role.

Nkhaya → logistics.

Chair → do we agree that we separate ...
Noel merely briefing session.

Speaker necess. to divide up.
legislative → legs in Houses of Trad. A.
= diff. from legislative ...

Dr T Malua

Chair he felt a bit see that not perfect ...

Chair 2 points of view: transverse domain

Husserl untangle

= really preliminary brief, not designed to deal with substantive issues.

∴ identify ... relevant

invad phenomena by parameters

rather than substance, where they want to divide into future categories.

∴ once comes identified — ~~to~~ the pull.

Chair 2.

Myde.

3. (5+7)

Ms Madonsala.

4.

Allyce

Chair speaks for whole ^{team} 40, think it needs more thought

Husserl —

leave to ad hoc own ✓

time-frame
∴ tomorrow

time 9 — 13h00

Chair speaks to side to time

Chairperson

Technical experts to produce: framework document

25/6

submissions from public →

action items

6 March. ^{next week Monday}	Motiwell
Workshop on ^{next week Monday:} <u>incineration / incineration</u> report	Dora co-ordina
overlapping TC 1 / 2. = survey of techn. experts. 13 Made. Now advise no need to shift blades. CC Admin experts to not do away. checked out overlap co-ordination -	
CC	

Wednesday

→ Working lunch Monday ⁴ techn. experts, ⁷ CG, ³ Admin.
 small + private

8 May

M201

CG meeting this week

Program

Workshop 3

Electrical System Workshop

Wednesday 9-11 Technical Experts

Steyler

Preparation for Theme (air)

memo

1. CG meeting Wednesday 9-11. Agenda.
2. Prep Monday's Workshop.
3. Prep TC meeting 19. to

- 10 mins, speak doc centre. T ✓
- Venue + catering: T ✓
Café.

2. Vane Carey Programme
discuss planning. Practical arrangements -
Tandi Carey Foster.

T ✓
C.A banner.
tell medica to cover
+ take pictures - J

T talk to Tays.
Pat Gormley.
talk to Admin Sec we found.
suggestion on way forward.

T ✓ how divide up.
minutes way forward.

T talk to Man Sec
+ phone Patohile
every letter.

3. Thursday latest paper

Chumain boots ✓ +
CA file + papers ✓ T

making lunch.
lunch time

venue ✓
Lualaba ✓
Thomson
agenda.

Chair
President Ndlovu, Malunga M.J., Rakhe Pabud

~~Executive~~
Ex-Officio: ~~Chairman~~, Crookall, Fyfe
In attendance:

Minutes of CG meeting ²⁰ ~~20~~ 3/95

adopted

Programme Workshop on
Traditional Authorities and Indigenous Law

3.1. The Chairman reported that a meeting of the Core Groups of TC's ^{and Technical Advisors} had taken place on Monday 27 March. ^{There was no meeting} The meeting agreed that the workshop is not intended to deal with substance, but is aimed at ^{the} identifying the issues and the allocation of issues to different TC's.

The ^{delegates} ~~chairman~~ ^{reported that} ~~the~~ ^{workshop} ~~was~~ ^{adopted} the following programme for the workshop.
The meeting noted that ~~there~~ ^{it} also approves of the programme

Workshop on Electoral Systems

4.1. The Technical Committee selected a draft programme for a workshop on Electoral Reforms. Prof. Sanyal presented the programme to the committee. ^{Chairman}

4.2. The committee expressed ^{especially concerns} ~~reservations~~ about items (1) and (3), although ^{it} was in agreement that the workshop ^{should} ~~be~~ ^{held} on 8 May. ^{It was agreed that the} ~~workshop~~ ^{programme} ~~should~~ ^{shall} be held at the TC in order to give ^{participants} ~~the~~ ^{the} opportunity to provide ^{the} ~~programme~~ ^{input}.

4.3. The meeting ^{expressed} ~~agreed~~ that the names of Prof. Alford ^{and} ~~be~~ ^{be} added to speakers under ~~the~~ ^{the} ~~workshop~~ ^{workshop}. Furthermore, papers were invited to present further names of speakers to the Core Group.

CG meeting 29/3/95

Chair Wilson

Minutes: adopted.

gr. Prof Nova → Trad. leaders.

Controversia.

Revis 2nd time happened CG → TC meeting.

Adv. Motinule had said were unhappy.
not preliminary discussion but affect TC's.

now opposite is stipulated.

∴ have get technical committee to advise us about
what happens in CA, because confuses a power.

?

Adv. Motinule said they were unhappy about programme
They said you can't deal with... because deals with
substance. I (Revis) had said... then substance

Motinule had said differently. How parameters, not

∴ who listen to

do we interpret decisions of Management Com,
or do we listen to technical advisers.

Chair Monday had special meeting. other TC's were reprs.
Some issues do not fall within our TC
Only one topic directly. ∴ us. this one not
deal with substance...

Mohit Singh

They had not met with ad hoc committee,
They also have to be involved.

∴ duty of CG, when there is dispute
confusion between Admin & Techn. Com., then
we need to clarify.

Rakhi: ∴ We deal with matter finally, Min

Pulak: Rakhi = right; decision of TC.

Techn. Expts have to be guided by CG and
TC. We need to establish that principle again.
When diff. between our TAs and TAs from
other TC, then CG can intervene.

Rakhi: Satisfied.

Prog Workshop 3 April

Rakhi: before he discuss, suggest to TAs that
certain expertise we want — in general,
do they check with us.

no problem with programme.

∴ adopt.

3. Workshop on Electrical Systems

Programme titled by Feder. Committee; just proposal
by our Techn. Committee.

Also tabled doc from Exec. Dir about:

∴

Pabad What discussing.

Deal with proposal first

Chair Ask Prof to take us through.

Staple

+ Effect which electoral system will have on elected members of assembly, in discussion

Reason why 2 members of law faculty UWC - project

Critiques ~~from~~ on proportional repr has led to neglect of constituencies

∴ # of people putting together propos. for consultation

Dr De Ville + Prof Murray Fae made proposals.
= 2 diff views of how go about election.

Prop. that it be reduced 300 - 200.

Other than direct election — nomination.

Election of Senators.

4. How elect. system ties up with autonomy
- relationship pol. autonomy: parties centrally org.

Urennisch.

5. What really should be going into constitution

Q require more than 4 hours.
Research inputs mentioned...
... may want to expand
... to ^{CCP} more time

Palmer thank Prof Staffer for draft.

because so late, we need to take it to our parties.

∴ Don't want to run today.

personally I'm not sure what we want to get out of this
summary

it take pt 2: every part of new report. repr; don't
think any parts -- British system.

relationship between prop repr ^{in some part of} _{constituent system}

complicated Australian German, France, Irish
transferable votes, etc.

To what extent useful to have empirical analysis of
last election.

even the 2nd of ... party control
diff parties may do differently

As stands, lot of extraneous matters.

Asa Senators, but can't really discuss until
when know how Senate is concerned.

Numbers - don't think necessary ^{to Pol} to say how many...
Parties to decide.

If report. repr. → how do the other countries
use sample method for SA →

∴ not sure about ①, or ③ ⁹ unless cabinet had
right to appoint someone
who is not member of NA, or PE
∴ trans.

Rohie Do not understand why the Pakad wants to take it back
to party. As I said why across unincorporated system
is not in issue.

Here not involved with principles as such.

I do not think we must take it back to our party.

Do not think it is a principled matter.

we used to constitute one only

then we introduced prop. repr. system.

∴ we do not know constitution of 2 etc.

∴ plead with colleague that not take to party.

Fi Not principled matter, but just information, but
think necessary that this TC explore all the ways.

Pakad agree not matter of principle.

but our party may have ideas of what needs to be
discussed.

May be that other parties have.

Rohie we can always have another workshop.

Pakad then we can involve.

Prof. Staff just into

establish date - perhaps preliminary (as structure).

date + Pijj as one person.

Chair 2 things crop up

1. G M as approve Workshop

Wahlgren agree with both Pakard + Styler.

This is proposal \therefore draft proposal.

need to leave it open

Ernie felt stuff, we may want to.

but I think good job.

you're date, but my exceed more that 4 hours.

We need to see whether CA sits in afternoon. It ~~could~~ could prolong.

Rahni before adopt wanted to ask q. \therefore if we need more than 4 hours, just studying aloud.

Other parties may want to add to this.

Only block 5

FF could do more time later.

Styler need bit of certainty now.

Morou \therefore on 8th adopted. but if CA sits the CG adopts. ✓

adopt programme open, parties can add
CO-chairs can discuss.

Rahni under 2. want to propose name of Allcott Venter, as having a particular perspective on the topic ✓

Pakard in my own mind they have diff ideas
as end we should emerge with an understanding

\therefore lets take the names.

propose by ^{end of} next week come to CG: ✓

Why not put draft programme + TC on Monday?

4 Resolution for TC meeting 18 Nov 3/4

4.1 The meeting agreed that the memo ~~concerning~~ ~~regarding~~ ~~inquiry~~ requests for the establishment of Commissions be tabled at the TC meeting, and that. It was also agreed

4.2. The meeting also agreed that the Technical Committee shall draft a proposal as to how the TC can ~~begin~~ ~~continue~~ ~~the~~ make progress in respect of block 2/3. This proposal shall be ~~reviewed~~ viewed by the Chairpersons before it is tabled at the TC meeting at 18 Nov on Monday 3 April.

4.3. The meeting further agreed that the Technical Committee shall have to be extra attentive when their political parties make presentations of their extensions. It was noted that the TC's

4.4 principle task ~~is~~ is the discussion of party political and public extensions, ~~for~~ ~~the~~ ~~purpose~~ ~~of~~ ~~copying~~ ~~reports~~ ~~to~~ ~~the~~ ~~CC~~. Therefore the Techn. Comtee's proposal shall include some proposal as to the way in which the TC shall approach the decisions. It was also emphasized that where ~~conventions~~ ~~arises~~, the ~~options~~ ~~to~~ ~~be~~ ~~considered~~ ~~to~~ ~~be~~ ~~required~~ to resolve the issue in consultation also need to be reported.

5 AOB

5.1 The meeting ~~agreed~~ ~~that~~ ~~the~~ ~~minutes~~ ~~to~~ ~~a~~ ~~meeting~~ ~~with~~ ~~Westminster~~ ~~politicians~~ ~~was~~ ~~tabled~~ ~~and~~ ~~discussed~~. It was agreed that the decisions shall decide amongst themselves who shall attend.

A memo ~~concerning~~ ~~the~~ ~~offer~~ ~~to~~ ~~run~~ ~~the~~ ~~basic~~ ~~to~~ ~~run~~ ~~an~~ ~~Electrical~~ ~~Refrigeration~~ ~~system~~ which offered its services to the TC was tabled. It was noted that this offer is not connected with the workshop on Electrical systems also under discussion at the meeting, ~~and~~ ~~the~~ ~~memo~~ ~~was~~ ~~defted~~ ~~for~~ ~~late~~ ~~discussion~~ ~~by~~ ~~the~~ ~~Co-Chair~~.

Close: The meeting closed 10.15

4 Preparation meeting 18h00

Report Proposed Programme
(Drafted) (Distribute electoral system memo)

letter in pack only us to speak about commissions.

Rahad.

wait for Elin before discuss commissions, he felt
guilty about Electoral Commission.

Tindit. leaders are dealing with

Vollstratmann's input awaited.

∴ table letter p 14.

letter p 17 leave to co-chairs to decide who.
→

5. Any other business

Minutes of meeting of Fedex. Aduser.; want to see
own minutes within certain things

Hayler. ① Motuile had to do it.

Native is not Hayler aware that that off date for block 1 is 22
Meds

② Mosuile

③ overruled by CG, correctly so.

4.

5. Concurrence Δ ed

4. (Continued)

1. Electoral System Programme.

(other doc for info.)

2. Establishment of Commission

Revised can't just go into, it's a request. letter from Hasser. but says your comments

Wahl proposal that would lead to delegation for CG.

Hasser for 1st time on TC has possibility of discussing matters of substance.

discuss party systems. in way that will take us further.

Where there is contention \rightarrow can ask people to draft "options" with regard to how it will look in court.

So that by going to CC sufficient to enable it..

discussion on party system. If not consensus fine, but in equal weight

e.g. not agree with NP in respect of proposal report in the executive

might that we open discussion at next TC

+ Ask Tedu. Experts to be extra attentive.

1. Open for Welcome.

2. Elect.

3. Establishment

4. Discussion on Party Submissions.

Rabie: must get TC first approve whether go ahead to discuss.

Amir: If approve agenda, then start.

Rabie: Report won't come on Monday, just discussion.
Write it ourselves.

Amir: This time Tedu. experts really listen...
Do not want to be bypassed down

2 future submissions by Rabie for block 2

SADP?

Rabie: leave it up to them, remind for last time that we are starting Monday.

Rabie: maybe start → to discuss party pol. subcom.
+ public.

Technical Committee need to find coherent way
in mind. If Monday → heads
at next TC... we want to discuss.

At least for Monday, if we can have some proposal
about how to discuss.

Amir: what about way we did it in block 1?

Presentation + questions time

Richard can do that, but then still faced with how to discuss these cases.

Co-Chairs + Techn. Com.

then next meeting more organized, coherent approach.

Malaga ..

Public

then it call public --- deal with in same manner.

All party taken. Was Ass.

Speakers

Featuring Monday Chairs + Speakers + others.

10h15

2h30 - 1h00

Nelson will attend.

Malaga to chair.

10th. Documentation

Synthesis of our TC, which can then be handed over.

where we started, where we are, where we go to.

Forward name to Wessel's

arrive 10 from Duka.

Walesley on Traditional Leaders & Ind. Law 3 April 9-1300

Chair: Mchlangu

Opening. Agenda: presentation by 9.5 for clar. and gov. disc.

CPG by Amalosi welcomed.

Task - Mfo - committee - to p outline - more info than used to know.

Info - to underline - cust law - diff kinds + understand of cust. law.

at least one major diff → can oppose African trad. pract. 'official cust. practices' more subtle than. ∴ cust. law more than that by Comm. Ct. q. that we have to answer again

status of this law in current cust. dispensation what is effect → status → no → content. → Madouele

1. p 2. (1.) (C) = recognition

∴ set of normative rules; amendment

TL 2

TL ... relationship between these levels.

Conclusion

protection for cust. law in const - rather strong.

Kenya Park debate ... we do have it as part of legal system.

2. Hierarchy

s 11 fully applicable & partly applicable

Introduction

2. Chiefs' COTs set below com.'s COTs.
(Correction)

Com. J causes problems. — list of 35 offences not heard
come with strange limitation ... blade person ... compounds
effect of def. in s 35.

public law limitation - could admin. corporal punishment, yet
par. said could apparently whip, but not
named prov.

∴ system in use 1927 - 1986 2 kinds of COTs A Chief + head
of com. COT
B got teachers in trouble 1956 crisis, then tried to pass offence
∴ they went
cust. law remained fully applied only in Chief's by head's
COT.

p4 Law of Eri 45/1988

new element introduced - COTs not clear yet how apply.

means any COT in land can now apply cust. law.

∴ "moved away from Sit when only apply to blacks

2. for ordinary COTs of land, seemed to move away from
racial.

instead the Chief's COTs have not Δ.

limitation is of this grant of power to COT.

"Ascertained with sufficient clarity.

not opposed to principles of natural justice + public policy

not *loholu / loyedi* but declared unlawful.

← ISSUES → to various TC's

1. legal repr. → the fact that BOK.

2. Cap. p.

3. racial limitation.

2. - 1st one which has led to whether these are cuts at all
 oonly technical point, but may be used to frame structure
 in app. way.
- where in hierarchy - now have something below ^{MC}
 - training of personnel.
 - participation of women ^{MC}

Chair: Mr Hofmeyer
 Nkosi Ngwenzo
 Mr Egin.

Mr Hofmeyer TC5

Have look at community cuts to fair amount.
 perhaps "cuts" not approp. word.
 perhaps more approp. described as "mediation".
 have functioned properly as crim cuts now, but
 were they not in part rather indirectly that.
 actually + hang' down J's which affects people's rights

Nkosi Ngwenzo

is aim not to improve customary laws, rather
 than to ^{to} them away.

that is reason why they..

P. you know how many disp cuts there are.
 about 10 - 12 million people are being administered
 by there

Mr Egin

On basis that even ignorant people..

2 q's: doc refers to ¹ customary law by indigenous ^{law}
 to what extent are they ² legislated ^{in law}

2. traditional leaders? has it been codified, e.g. these are people who are accepted... or can anyone just say
∴ Consultation / common practice.

Ninsi Holouisa TC2.

Just as we have system of gov... const. law... etc.
In pre-colonial times was system of gov. tell us + how diff. from common law + how indigenous law diff. const. law. + what is traditional monarch?

Rakhe TC2

mention chief's acts / headmen's acts... no J, but when
of situation... justice not black.

response whether it right... admin of J... mediation?
Nhlapo Advmeze

some of diff.'s TC's will be ok, esp. 2 & 3;
for analysis... was never clear-cut separation of
powers (exec. powers)... sat under tree... aim usually
was to deal in some social healing.
∴ quite apart from punishment
effect... processes... to different end.
procedures informal, rights very long-undid
w/ technical grounds exclusion; small scale society.
at end of day people still love each other in the eye.
∴ in a sense agree with

Nyongala I did not say that const. law must be cut any
but as far as these acts are concerned I'm focused...
diff. to come up with fines.
± 4000 trad. acts, but diff to keep low

meaningful for lot of people -

∴ see if something could be done about them - to improve the quality, Retraining, more direct state support for J's emulating from them.

Eglin 1. mainly a matter of nomenclature.
it went through law faculties < diff. names.

Customs had... unit, but problems as well.

African law -- 'of Africa' but in that case anything else that has grown up here = also.

my preference = African cont. law.

2. where find. ascertainable in case, many cust. premises with sense of certainty.
2nd group of g's where ... include Blade Admin. Act.
Just. Act. < appointed (recognized by gov) & executed.

Utesi Holomisa

Nqomo... but quite clear that were governing themselves
Secondary g: law that is indigenous law.

difference - political union - Utesi is going to be gov. law

At least theoretically possible for other kind of gov. to give it diff. role.

Rakhi 2 sections .. black power members of Utesi indij. group.

subs(1) all sorts of decisions.

∴ pu

(2) repealed

(10)

MCaps Motswana

a SA Common law - .. no such thing.

g whether restricting Const. law to utz.

more of's for later.

q Dlamini

before colonialism during apartheid era... are we going to allow
communities to... heal itself

Some const. laws... relegate

word "chief" means king. / amakosi

British did not want to accept that.

ukhosi / amakosi -

q

comment about the chiefs & headmen's case

cases where wrong?

allow women to put up case... in laws treated unfairly.

women not only heads.

headmen:

Davis

Principle B of CP's.

another word

"subject to fundamental rights"...

entire key subject to audit.

Chair - Can Judge. law add. value to legal order.

Chair: suspicion African Wald view has nothing to

contribute: Specialised CP's

impression that subs. (1)... try to work as close to that
situation.

q of deposed / illegitimate chiefs... part is surrounding app. & check
some way needs to be found to get back to more
legitimate one.

Commission ... way to tackle the issue.

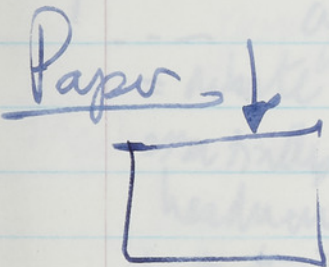
Commission to look into by of illegitimate chiefs.

women ... (Madagascar)

Chief means 'king'; how was politically correct to Δ?
who are headmen ... don't know it correct to say cuts
of headmen ... put ... whether not look more seriously ...
rules relating to access / appearance / capacity ...
headmen technically an 'Fulani' in charge of parts district.
geographically — sections headed by 'headmen' helps to Fulani
cuts ... in addition to Fulani, these could hold cut.

Chair Prof. M. G. G. G. to 3+2.

rule to put out = essentially democratic, need to decide
SOP not know — Aug ...



Chair G's
15P
Senator ...

Correct ... what have you in interim const. = Botswana g'dia
which does not give trad. leaders power
= dog without teeth.

Ms. ...
rule to demarcation ... protectorates (Lesotho, N.C. etc.)

Case Mjwari
defining, put chiefs (members) isihina or headmen; who is the
most powerful.

Admit male ... surprised ... consultation; people had significant role in process.

18/11/20
Nkomo

What is tradit. made

Mr Kamosi

in contrast to this a place where we have had a frequent and
diff. transition from old times to new times, where in trouble actually occurs
Kameludi q. where does chief derive. in the authority from.
the new elite and old elites and their schemes and agendas
in minds of people over which they have J.
relationship between local gov. // old rulers.
Shogun q. looking at past but taking part with us to present.
how do they... chief dies, wife, (interview to uncle)

Response Ugohe

- ... agree that we seem to keep for Botswana option.
- = debate of successful accommodation.
- essentially because of new active part. : q of democratization of leaders.
- headmen .. what is now called head men = really chiefs' council
but their appointment diff.
- part — chief appoint younger brother.
- with advent of white rule — in some areas people called upon to
elect headmen...
- Historical before advent of white rule ... limited provided
chief had to consult. : eas. consultative democracy.
- ... tranquil transition?
- Suspicion → NLM was suspicious of system as manipulated
in old
- ... succession. even before transition, women accommodated
were not active participation. No.
- Home system.
- not always depend on seniority
lot of factors at play; refer to particular tribes... women in.

local govt level.

~~deposition~~

de Ncker q. where does a king originate, how become king.
Matibela division of power

∴ 17 local govt systems.

rural areas -- virtually no admin., besides chief.

How can people on ground participate in Δ system without interacting with admin. rep. of chiefs

McMadama

How far do we as rural women ... confidence, undecisive chiefs accountable to P.W. Botha... We need to go back.

Eglin ^{foot} introduced Botswana option

evaluation ∴ 27 years. Some tradition // dem. society. people remain dissatisfied.

Ngche response

king - all institutional developments (com's, chief./chieftes) based on hereditary.

distribution of power ... chief does not function as magistrate, merely pronounces on behalf of people. not have influential role, he cannot: cuts as democratic people themselves... dissatisfaction who thou above.

evaluation ^{Botsw.} → not have ready answer, but great deal of unhappiness; chiefs received raw deal... way system manipulated by white.

Weni Holanisa

provision in Constitution ... limited to matters pertaining to custom & tradition.

majority of schools, education, etc. what is expected of (use of) Tradition, leaders, how to do with issues pertaining to chief, etc. not development.

4/14/40

Ms Madrusla

Hybrid of ordinary citizens + new class w/ it -- impact

1. contextual framework.
- 2.
3. application of fundamental rights

enormous pol. vet., disruptions, transition... a political & legal framework.
+ grant people ^{equal} access to justice, etc.

uncertainty initially whether B12 applies to const. law. → distinguished
ultimately worked out: Indian Const. applies, but still final B12's

tradit list by leaders...

agrees also hold their own ideas... accountable to state pres. & other. ∴ potential for conflict

Framework for resolving

1. Trad. auth → tradit. of gov.

(but want to ensure rights indiv)

∴ rule of const. law... unequal as historical position

At present inter. bill of rights ≠ focus.

Principle no II (CP) says everyone should enjoy universality
accepted int'l's

Other: 3 areas ... UDHR 1948; ICESCR; African Charter.
Judicially applies.

(CP 5, 32.)

right to
entrusting + democracy.

Trad. leaders (P 13)

isome: to try to create framework
cust. law by fund. lead.

Panel UDHR - right to be ^{recognized.} ... as person.

- right to adequate std. of living

- also right equal rights of legit. children.

A13. what is problem:

at moment it has little to do with (the) as laid out

by people = unconstituted

* e.g. people in urban areas to be governed by customary law

* Principles such as self-det.
equality before the law

labla...

- provision for corporal punishment.

distortion of cust. vills.

* fertility \approx autonomy

interability = ground for divorce.

consistent human dignity.

Prof De Villiers

development - urban African.

2 parties in art cases - One party brings in

part of law courses.

payment at diff. education levels, additional years of study
and/or

Panel of 4.

questions

2nd step.

Mr. P... → "sexual" land allocation

Ms. M... → 1. Ms. M... should be purveyor of govt to allocate
resources to trad. teacher.
2. Efficiency Inducement - e.g. Grikwa's, Brers' Votchedes.

Mr. S...
Ms. S...

Ms. S... would like to get four panelists whether they think
we should accept what is perceived as Western concept of law
or take best from all legal system.

How could we accommodate all these interests.
regulation of relationship between genders: principle of justice
account.

Leo. Justice system in older days - present structure incompatible
2nd... economic system.

Mr. S... How does panel view suicide 13, anyone
enjoys trad. w.r.s.

Prof. K...

sexual division of labor had in mind parceling out of land to men.

examples married men + unmarried women.

Kwas./Natal - women have better legal posit. than many parts
of SA.

Madrasa allocation of public resources: we had leaders put of gov.

but assuring; have to balance.

shouldn't prioritize some people in shared base equitable and fair system.

∴ ... fair principles...

... application of bill of rights ... now not clear whether it applies to present case.

Mosoni not that women should defer to men.

Myke misconception — succession

Whelan take women out of situation that was manipulative
of gov't back to original authors.

CP (XV) — idea is that must try to do everything, it wants to protect const. law (don't think it has a choice), evidently

accepted a certain kind of reality,

but at some time 'model cars' influenced by

'model rights' to model cars

∴ do diff. things

∴ try not to be so vague

— whenever find dash \leftarrow fundamental rights.

— had hoped would as a nation be imaginative enough
not give excuse ... subjective.

De Villiers corruption of const. law ... Δ law.

of Holman restricted ...

Port Nippon

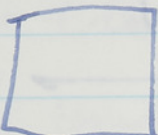
Don't to answer Holman directly. Q

Wardle power of King reduced and should be brought back
no diff. between African Royalty + any other.
Parliament Constitution — battle
engaged about the

reads list ↓

Chair focus of today's meeting.

- 1.
2. who appoint
3. shared ind. cuts be integrated.

4. 

* Admin copy + pyconhole was focus of today's

Exclusion

attempted during progress to identify issues raised.

benefit = ad hoc committee, will be more added in doc to be circulated.

As we had benefit of all TC's track.

take this oppor. to look forward :



- ① Advert in newspapers for public submissions place immediately → process by ad hoc committee comes here - very little time. problem if deal with it in scattered way. ∴ go ahead... process... etc. estimation - report ready no later than 1st week of May.

in midg list to all members.

Prof. Henriot.

Ms Maducela - property ∴ before again elaborate other

look at all customary laws
 role of women in orgnizing principles
 right to means of prod.
 right to access land
 dignity land equality.

way forward: another workshop - larger than this one
leaders + people contributing + differences in various regions

✓ note by Admin + Forward
workshop / public hearing

role players

∴ will find a way to accommodate.

1. Workshop of 9 of which 7A participants actually attended
did not know how to
not participate actively, but only when 9/2
was put to them.

Relive Tech. experts not time to debate, but to discuss
what... + perhaps extra

Prof. Goffin

open to it they have a complex

Adv. Williams

open with 7A meeting vs workshop
People that it should be workshop

10

In workshop - role

but in C, then we had more active

2. Convenor

dealt Ad hoc basis

but ours not.

Meeting CG / TA's / Sec.

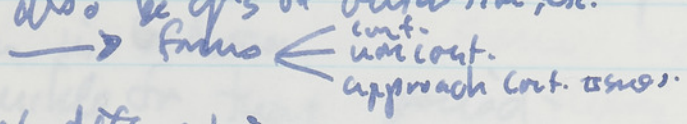
3 April wednesday lunch.

Chair: Ndlovu

1. role of Technical Adviser

TC + CG

Mankya terms of reference + q of drafting, listen attentively
there will also be q's of budgeting, etc.



may request diff. advisers.

draft at Management Com (not done yet).

Mankya q of whether JA participate actively in debate
did not know how to...

not participate actively, but only when q's
are put to them.

Ratna Techn. experts not there to debate ^{with K}, but to discuss
what... + perhaps explain

Prof Steiner

agree + it okay, then disagree

Adv. Mankya

agree with K meeting vs workshop.

Thought that it should be workshop...

Main

In workshop - diff.

but in CG, then we have more active

2. Convenor

~~dealt~~ Ad hoc has
but ours not.

we will propose way we see it, to be deliberated further.
convenor → just suggestion

would it be better if a convenor is one for a month
then it a conv. is on for a month (May), if any queries
inbetween, then we know who to speak to.

Problem arises - one week convenor. Some people will never
know... problems in-between.
block. transparent for that period.

Ms. Anelle block can be a limiting factor where under where, and
... month is done.

CG instruction to TA's

Course together accountability.

Means. Finance. know 9 - 15000 with TA's.

If in TC instruction that TA's → do work
for tomorrow

Nhlayo: example? ~~10~~
No.: verification

Whalley q. of verification, + who assigns

example to Staffer - prepare draft...

diff. ⊙ That it has not been limited,

∴ no way of verifying.

⊙ every instruction though CG meeting or TC
meeting.

Nhlayo raise another point

clearly some things experimental until we finishing

example 1st claim → on Monday's kept tree

went to Rui's house ... office -- goes through that

dictate letters etc. all of which in strict terms do not hang on strict instruction

Palash find it difficult to know what Admin wants. It is Admin + tens of conditions → Admin. Admin must fix whatever...

From our side they will need some verification. It will take 20 hours, then some sign + verify. From our side we will instruct them through TC.

Co-chairs - if they want (between 3) work to be done → through Co-chairs → flexibility not need to have CG.

∴ can do something w.r. resp. of verification
But → go back to Admin.

Chair by I will 30 hours, is it fair. discuss with Co-chairs.

5 hours, ... As draft ... look reasonable

Palash spent from assumption that they are honorable if it is unreasonable... should be able to say so.

Lance signing + verifying... (vs giving authority to work).

if have authority → verify Sec. pres.

Styler paid for justifiable claims

Only body to put. (CG + TC, ∴ TC will cut end of day have to verify.

either → submit via Sec. + short basis. - 2 weeks, know reasonable...

McLays. considers likelihood of people.

q of money is ub.

want to know system is in place.

∴ we are out of pocket.

∴ if put in place systems — including delegating tasks in private practice.

∴ need effective system.

∴ my verification dealing with here.

all 3 available at any time.

If McLays put claims today — James verify with us → at end of day.

∴ must have rule that is kindly on Admin.

Chair persons, one of them

Nhlays.

Hussein ... pointed out that some of us at home.

not close door.

Rahad

make out claim → James → verify.
if queries / disputes then in clarity.

Communication

broader communication — at liberty to contact + speak.

speak to me as..

if fund cannot go forward, talk to them, not fight, but ... not strife.

Plova: Sunday. not come had not contacted convenor.
just no communication

style we get hold of him, not respond.

M. Amelle is convenor at present time.

Will call him + talk to him +

2. TC minutes

the boys present.

... The minutes of the last meeting were read and approved. ...

3. Financial System Working Report ...

Palash ...

... the way in which ...

... the way in which ...

... the way in which ...

... the way in which ...

If try to have ...

... not happy to accept ...

Main: ...

Palash will come ...

1. Opening & Welcome

1.1 The meeting was opened ~~and chaired~~ by MT Mahlaya.

2. TC2 minutes

2.1 ~~The~~ The minutes of the last meeting were adopted, ~~subject to~~ but ~~Beys~~ shall be ~~made~~ ^{revised} ~~as~~ ^{indicated} present.

3. Electrical System Workshop Proposal

The ~~Draft~~ ^{Final} Programme ~~was~~ ^{prepared} ~~by~~ ^{TC2} the Technical Committee, ~~was~~ ^{and tentatively adopted by the} tabled and discussed.

3.1 The meeting agreed ~~to~~ that the programme shall include items 2, 3, 4 & 5 of the Technical Committee's Draft Programme, and that Item 4 of the Draft Programme shall be ~~dealt with~~ ^{incorporated} into Item 2 (proposed by the National Party).

~~3.2~~ The meeting also agreed that Prof Albert Venter shall be included ~~as~~ as one of the persons making a presentation under Item 2, and that further names may be ~~put~~ ^{submitted} to the committee for approval. ~~By~~ ~~the~~ ~~meeting~~ ~~it~~ ~~was~~ ~~also~~ agreed that the workshop shall take place on 8 May 1995, and that

3.2. ~~The~~ meeting ~~also~~ ~~agreed~~ ~~that~~ ~~papers~~ shall be requested from speakers. ~~in~~ ~~advance~~.

5.3. The meeting agreed that item 3 of the Draft Agenda shall be addressed by means of a separate workshop.

Theme C 2 meeting 18/10

2. 12 minutes
Mr Beyers present.
minutes adopted.

3. Electoral System Workshop Proposal

Tech. Committee approved by CG, but no power.

Pahud

did raise some objections in CG
I was not convinced then nor now that prop. programme will deal with issues raised.

- 1.
2. I had thought that all parties here had agreed that we should have prop. repr. system but having that problem - working with constituencies.

with regard to topics need to be discussed need more focus → prop. repr + prop repr. with const. then how it works in diff countries.

If try to have workshop would that....

- have to go for 2 & 5
- ∴ not happy to accept this draft as it stands.

Chair:

Female.
Pahud will come ... as product, ... then electoral Act will regulate. But will come later, when decide what system.

∴ Palnad's proposal: that we need to be more focused.
2 by 5 only

Nalloru understood Palnad, but if narrow it, then still
omit 3
∴ 2 by 3 by 5, then take it further.

Ramie Palnad didn't explain... some hassle.
but think will be good to have today. evaluation
as to how 1990 pop. election went
... party democracy as well
1st time had pop. repr. in country.
∴ let's clear our minds

Palnad If you say that you have pop. repr. system
with impact upon party democracy.
∴ cannot artificially separate, because linked
discussion has electoral system.
----- Senate..., do not think will nominate...

Stankamp think all Palnad is preempting what speaker
will say; ∴ nullify to inequality by TCs.
∴ include 3 by 4

Nalloru What Dr Palnad is saying -- want first in...
= why
are other parties who believe Senators should
be appointed, others that elected.

∴ 2 3 3 3 5 ✓

∴ 4 dealt with under 2 ✓

Mr. Begus (or first listen to deliberations, and then q's for clarification) ✓

Topic System of Democr. elections. some all parties indicate want constituency mandate. think that is subject on its own.

Also Senate interested in, but separate issue.

∴ for one on lower house ✓ but separate for Senate + house...

o.o. If is relevant but good... not to have discussion on parl.

2 essential core
5th interim aspect

(4) not separate, but able to expand on subject. supports Pakad.

∴ 3 taken out as sep. watershed

o.o. 2 3 5 ✓ dimension of committee

Rahim Albert Venter included in 2. ✓
Rahim May it others use names further admit to CEA ✓

4. Establishment of Comoros

The memorandum from the executive director requests

∴ request practical points to forward to CG via admin.

Papers' proposal accepted - most of time covered by
of time.

Msoni: request papers well in advance

Maklaya ^{papers} ~~workshop~~ ^{workshop} prepared a short time; how in
advance

Mosi Ligge

6. Establishment of Commissions

Chairman; are there sub-themes.

was 'Electoral System'?

Have we applied our minds?

Rahie don't believe we need commissions.

Ndlovu - might to TC because new DP was
in favor of (comm?).

Eglen 4 months ago advocated commissions
now caught up with time ∴ do it with
workshop. — too late now.

9. Next Item = Submission's

requested techn. advisors.
way forward.

Proposal for WP block 2/3

2. Techn. advisers say will be much better if we divide it to 4 main topics - to advise TC members to prepare themselves on each topic
3. Techn. advisers -> plan of action.
4. Time frames.

One

Eglin 18th - to look at doc's.
19th

Chair arrive 18th look at doc's, convene, CG sets it agenda.
19th TC ✓ wide day. @ 17h00
20th TC ✓ 14h00 - 18h00
21st TC ✓ 9h00 - 13h00.

Huddersfield

all day

meet more often, CG meets but disempowers M.

meet longer & support Peter.

start at 9h00

Wednesday 10th April going no smoothly

Technical experts to such from their thumbs.

by end of week -> establish that date

inquiry at moment submission as very general.

those who read newspapers - ANC conference - nb. proposals for as enumerated.
Can make it by end of week.

- ① set deadline for pol party submissions
- ② techn. experts fees.

we as ANC not made spec. on Senate yet.

put advice that we need to be clear.
might be party which wants to send a supplementary submission.

Ndlovu can't prevent if want to upgrade paper.

not give party leeway.

Deen for techn. experts' report,
suppl. reports.

IFP ✓

DP ✓

ANC ~~no~~ suppl. submission by. Try our best to
have something by Friday ✓

Rakhe ist report ... consist checks & balances.

Eglin support Mr Rakhe, ✓

block 2 = structure & funct.
block 3 = why 6's ...

Mason q directed at submissions by pol. parties
ANC made their submissions very late?
strategic plan by ANC?

Pahud: Msomi should come to meetings.
repeat: had conference - certain positions flawed →
additional submissions.

Ndlovu... was right
enlighten you.

~~Admin~~

Admin: observe time frames.

Ndlovu not include in IFP subm. Thus include ✓.

p 12. LPGA noted

p 24 ERS - noted + Admin wants response
want to look at it ~~thoroughly~~ now; or CG to
draft response.

Kalini - CG will disempower Mr O. O. O. O.

Ndlovu

Skumbing - lets wait for this proposal, but not comment
baseless at all.

Eglin think we can...
this professional, but deals with whole guild
& elections
let proposal, but not jump into bed with
them at this stage.
∴ rather pencil at this stage: ... not put ourselves
in their hands

Admin

Pahud of of finance is clear: we don't want to pay.

∴ agree with them - if no cost to us, let us meet them.

~~AB~~ for continuity of Admin.

→ p 38 dealt with

p 40 noted

p 44 for information

p 47.

we have decided Mr Ndlovu will represent.

6. ~~KOB~~

Henderson

Pahad — we ought to submit lists again:

Some of us excluded from TC's, I just joined this group. Kansi.

U.S. at 10 at least.

Tyri — follow up ... Ann CA.

CORE GROUP MEETING - 18 APRIL 1995 [E216 14h00

Swanepret Dep of Const. Development.

Rakie / Anni: Apology: on behalf of Adv. Motimile. will be here tomorrow.

Minutes approved.
Spec. Minutes

avg from minutes CPG workshop. 20 & 21.

Technical Committee

looking at refining my report.

Statter: how proceed?
Rakie: present ... debate ... we drafted our report.

Pahad: 2 tips:
p1. identified whole set of areas/list.
~~list~~ do we want to say we follow in general?

Rakie: advisable that Techn. Com. deal with their

Statter: try to limit to areas of contention.

1. present. Tech Adv.
2. put pol. parties on parts of disagreement
3. discussion.

let them lead us ...

Rakie put this female → not do work in CG, but in TC may want to debate
stated.

Pakad Then on way we draft report to CC

TC b.k.

lay-out by Secretariat..

... half the time want to know what party send what?

... parties say ANC -->

PAC -->

Rakhe decided at last CC -> identify ino continuation.

?

then parties must present their submissions as far as Senate is concerned.

Mahdage can do justice? if got, then.
If not, then ... see ...
perhaps exhaust ourselves.

Selfe) Some reflect relationship. Almost copies. to do one without other.

Dlova, etc. want for Madhule to come tomorrow.

Aravani: At some stage deal with Prof Dlova.

CPG. - - - -

IS, suggested 3.

Pakad 3 -> then represent TC and not their parties.

Orvan. DP & FF about to normally anyone.

PAC not see.

Rakhe. Evaluate, Rakhe Mahdage, get together + collective recommendation to CC as to whom will go.

Special Minutes

claims for work.

... "preparing for workshop" ...
but no details

Tamus asked to find out what exactly was done
Tamus has been in contact

Stephan is just was just blank form, detail ... not clear
Rakie that is what was asked ... details of what was done
in preparation for workshop.

o o approved.

A O B

Mehl. CPGT report - ~~started~~ when we go to discuss.

∴ CPGT deals deeply with
would like to ...

structure debate ...

∴ not saying we should not start tomorrow with Senate
but.

(P Rakie
Powers of Provinces ... not by TC 3,) Yes but

Rakie: ∴ perhaps postpone our report until.

If they do come tomorrow → can add them.

What are they putting on table.

∴ if they are there, ask them to make inputs,

Pakad: Form part of view of Senate ... difficult ...

∴ Submission ... you find some agreed problem

What. Senate Provincial Power.

(more than ...)

∴ - ask ULC how proceed.

rel. will be useful area for TC 3 etc.

∴ go for NTAs tomorrow, even if LPT are coming.
may have to go back as CBs / TC ; decide how to
continue our discussion.

∴ can later have more in-depth discussion, rather than
leaving.

Mobilize NTAs
Bester DL NP

Divide these dates

memo: dates
5 May R430
6 May TC notes
12 May

Memo from Secretariat

Minutes 3 April

2. applied.

3. Plan of Action

Presentation

Draft Report - will have to be presented.

Apologise typographical errors, etc.

will have to be corrected

Per reproduction - has not that well.

TC meeting - 19 April 10 - 17h00 Venue V45C

1. Chair: Rahè JA

Announcement CPG workshop 20-21 April.

Gizani R PAC
Mahlangu MJ ANK.
Bester DL NP

Divise these dates.

memo: dates.
5 May 8h30....
8 May TC meeting
12 May CA

Memo from Secretariat.

Minutes 3 April

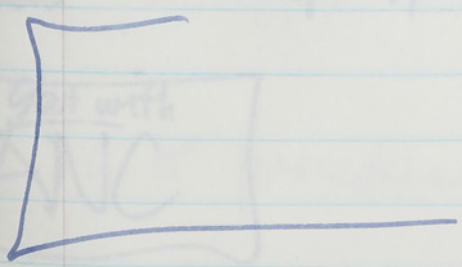
2. approved.

3. Plan of Action

Plantation

Van Wijk

1. Pratt Report - will have to be reviewed.
2. Apologise typographical errors, etc. will have to be edited.
3. Poor reproduction - fax not that well.



17th

10 - 17 Nov 1972

Chair: Robert JA

Answers were sent - CPT workshop 20-21 April
Pisani RJA
Thompson MT for
Bester DJ NP

Provide these dates

memo: dates
2 May
2 May
2 May
2 May
2 May
2 May
2 May
2 May
2 May
2 May

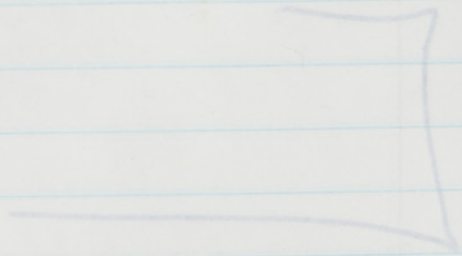
Memo from Secretariat

Minutes 3 April

attached

Plan of Action

1. Next report - will have to be reviewed.
2. Arrange typographical errors, etc.
3. For reproduction - text not that well.



Comment at this stage.

Mallayya: Thanks. Prof Van Wagon. on behalf of ANC.

Chair: everyone present.

Beyers: second.

Prof referred to certain NP assumptions.
quite right.

where NP not specifically proposes something
fact is we fall back on (certain) content.

Mr Paardekoop: not just pol. line

?... members of par.

for purpose of final cont. should be review.
→ are certain disqualifications not spelt out
in detail.

not sure whether resp. of this committee to do so,
but as consolidation, should be looked at.

Now Party representatives on points of disagreement.

alphabetically or ... acc to ...

Paardekoop: how to proceed.

→ maybe parties can state general
then point by point, so we don't have to
repeat.

Chair: parts of I, last page, dep. speaker also additional on..

Chair: not dep. speaker, but Dr Paardekoop is there.....

Start with
ANC

Mahlaya: restrict to NA by Senate today.

When look at TA report

1. Nomenclature \rightarrow ^{ANC} not problem, even with these comes and at Court.

2. Size \rightarrow = CONTINUOUS ISSUE

\rightarrow we feel should be debated broadly
know other put \rightarrow Fed \pm 300

- ANC has not yet made size submit.
because debate.

- Feel also not possible without looking at electoral system.

- need to work at right growth of ES

- no problem with about other parts...

- \therefore come back to this issue.

3. election of members \rightarrow

believe that members of NA should be elect.
already proposed term of office 5 year.
realise that this will be contentious (because
others 4 yrs) but will debate.

... .. re-exist for issue.

4. Priority offices.

but contentious. no prob.

5. Committees

6. PyVib + committees

not cor prepared to debate.

7. Agree that 90% of powers.

9 of procedures

Other matter want to talk about is Senate

- we believe is contentious and need to get into broader debate; we need to know what CPG is saying about it, need to study their culture
- diff to finalise q of Senate now. roles, etc.
- item by item...

Byers - We (NP) would prefer if we discuss every issue separately.

They put that was proposal 1 size
2. 11 medals... etc.
Mahlgen said will come back when discuss issues separately.

Senator (with Green) supports Byers. will otherwise be difficult to know whether areas of contention identified

o.o point 7 NOMENCLATURE

Ranchord: Q to AWC @ theme ... Speaker = speaker of NA
or = Speaker of Parliament

Mahlgen: at moment of NA not pale, need to debate we have no diff. with either.

Ranchord: Q2 deals with Committees
should be not consider limiting # of comm's whether const. issue or not can be debated.

Correc: part of order = part 5

Byers: consider possibility of calling both NA + Senate = Parliament - supports that legislative as such body be called "parliament"

∴ consider as far as nomenclature is concerned, both parliament

Pahad

∴ propose: q is what goes into construction.
do you define speaker, or just say speaker.
cannot define separately NA / Senate, because will
depend on kind of Senate you have.
∴ leave for greater detail ... later.

part 2: size

(with
Green)

FF is one of purposes. → 300 members NA
60 members of Nat. list ... think best of
both worlds ...
would be useful to look at other situations.
when look at summary: our proposals on Federal
System.

Green

Agreed with AWC that has to decide size of
NA a matter of contention

until ... cannot determine size
role of countries — revenue, diff. to find quorum
∴ there should be min. size.
agree with AWC that ES will play role in determining
size

∴ agree that could be reduction ∴ less not
make it too small

= T L 3's role powers to function ...
like to emphasize ... it under new powers ...
necess. to increase size of quorum
1/3 ...

See Adman. NP's now set out on p 3, happy with
present size, but agree contention ... duty representation

Electoral System ditto - but happy as standards

Makelagan: could be useful.

How come to 240, what criteria used.
(with Green) need detail later when admit ES.

average size of constituencies in other parts of world

1. from there average constituents per representative

2. also issue of multi-member constituencies.
which will allow members of diff.

∴ detail will be fleshed out.

Pahad: for purposes of report to CC.

not sure that size = constituencies

cannot be sure that it is, until we have
looked at other issues which may impact.

∴ way to make report →

1

2 in addition also will be determined.
3 come back to this — ^{where choice} power of Senate + ES.

∴ we will have come to conclusion.

∴ before we get into another debate in CA/CC

(with G) prepared to go with that, provided follow one of
other countries.

size of NA → for future investigation.

Reps. agree but will have to go into...
next NA 200 and only reps. on Gov

∴ consider very thoroughly before

Pahad:

Green. Tedm. Adversis: assist?

Adv. Motomela: very diff. but I hear the following
1. certain things need to be done list of # 's determined
∴ by industry: issue of size of NA.
nature of contributions to be determined
whether smaller parties will be rendered ineffective

Prof Van Wyk. workshop & May: ... programme ... possibly include

Ghyler --- will be dealt with at workshop, though not
specifically looking at criteria + what is
cost benefit.
as I see it only argument against = cost benefit
then.

Palaad. In addition: also will be determined...
is relation to provinces.
Just adding as additional, when outlining them.

#3. outline list: election + so forth.

(with G) should be regular election period.
otherwise cross-country review, lobby as benefits
of various times of office → cordina that
to years...
what eng to keep upon involvement of public.
advancing - (to separately out... if use
even # of you.
make them to our proposal members elected
for fixed 4 year term. Only if it
∴ not affect ^{scope of up} financial of DA to

Beyers Although NP not decided on fixed... conducive to true democracy, a fixed period, but 5 yr term will be less expensive + is reasonable.

But should consider fixed term, unless notion of no confidence taken in parl.

D'Almeida

form of office is any day's term, but believe that in general takes some time to settle down. effective in dealing to constituency. 5 yrs is just right

Greenwald

to freedom front not really content with elections - every one side and tired of artificial situation in which costs billions for election. bigger parties have more funds at disposal.

FF would prefer 4 or 5 yrs. local gov's in between.

got down to governing, not electing.

FF would prefer 5 yrs, but also happy with 4.

Beyers 5 yrs period more conducive to situation

Palmer 5 qualifications

1. non-dubious term of office

now one party contends — 4 yrs.

best 5 yrs.

to matter of contentment, but report to CC

showed clearly effect.

2. qualifications + terminology of membership.

now? use doc. as guide.

Chair included in written list

Chair list continue (3) - 29 (4) on second list.

Valley - why quality. included - Mr Dasi, + other indiv's
∴ ind's raised the matter.

Chair of free mandate p 10 (5.2)
(deal with this.)

Oliver - appeal to DP to speed up. Senator review?
we also think that if you period
of period is shorter - can get rid of
debate in next election.

Palmer - not satisfied.

Not come back at p 10 not correct procedure.
deal now with (5.2) ∴ when come to p 10 not.

1. need to find out whether this matter forms part
of Cont. - once in const. - other problems arise.
2. DP (at least (Edin)) has private members' bill
on issue of right to recall.
∴ will come back ... 1993 cost
3. when have clearer idea of electoral system,
then q of right of recall also gets determined
by system you have.
∴ leave open for now → in report to CC

David - if any go to NA but any not be passed?
because then it will not, because Committee...

Palmer - no just ignore my words.

Beyers - NP - ombudsman made clear NP in favour of free mandate system; however, there are some risks considered:

eg. 1. when person crosses floor + afterwards dies

which party will have right to nominate member in his place.

As far as present const. is concerned, considered

Chair. Now dealing with free mandate + on written list
(5) vs (6) Val of Seats vs Kelly of voting.

Paired to technical issue, should not put together, because this one is substantial.

∴ not conflated, separate them.

∴ 5.2 P10 + 3 on p1.

I have diff. voting notes.

Adv. Motnell: Not better if chair list items for discussion, then...

Chair. We are on item 3 now.

Met. 3.... electoral of members.

Beyers should we exhaust that now.

Paired... in report → shall be discussed...

point 4 Presidency officers

Dr Vandendriest: Not in const.

add. Members of Committee

manner in which deal with they... even though not in const. itself - attention to how appoint add. pres. officers

Maldaysi: Should we really make that cont. matter, rather rule
+ procedure of. popl.
Payer: voting rights of speaker - not for constitution.
Payer: discuss when come to it.

Palkad: What is it. - can't talk to.
I Court: "not ... but ... casting vote ..."
∴ NP agrees because not stated.

ANC side - not have fixed portion
way should put it ... 1. must court, does say exactly
about it - etc.
but not write this of committee

Hobson: If rules were to provide for other speakers, etc. ...
will be uncertain. ∴ less to be reference...

Payer: present cont. does not say speaker cannot vote
only the presiding officer of that day - committee.

Chair: in agreement that present constitution stipulates ...
+ that they decide whether they have it in cont. / not.

Palkad: we do not have fixed portion in ANC but
all cont. needs to say → that there should be
speaker elected by parliament.

~~not fixed~~ my want to →
ANC - rules that is all that court needs to say.

is some mild contention → whether these
rules should be in position.

now however all court needs to state
speaker shall be elected

Payer: shared in as in present cont. that presiding officer

shall not have vote :- is intention -> AWC says not stipulated (We - stipulated in const. as at present)

Randev : Pakad probably included Speaker + Deputy Speaker as included in present Const ✓
15 convention that if there is equality of votes -> vote not neces. along party pol. lines but for maintenance of status quo.
Could be debated further.

Adnan. If not in Const

Malayan : clear diff. views < AWC - can be in rules of procedure.
NP - should be in const
Tech. Comm.
... report on it

Nasirud - not that theoretical.....

Hansa scard Mall.
most main mind that speaker is elected member + his constituents expect him to ~~elect~~ participate fully in procedure.

Point 5. Committees

Senabin : Tech. report: DP proposes parallel committee to hold - accurate.

Exec its account. to pd. = one of the ways that ^{part. can carry on} this.

∴ overstate

Mr Ebrahim

not only debating, advising firm, but also ...
legislative work

ANC has stated.

Progs - somewhat of problem + duplication.
e.g. Ad hoc Committee for environment in
Senate + in NA.

Also true that we have too many committees.
But as far as strengthening → go along with
what PAC has said.
advisable to have strong + effect..

Sigler .. present const. ... this shall be committee
without plus it in.

Randall: we've got a proliferation of committees
could quite effectively handle a # of the
committees.
Why committees first in at present do not
allow for effective.
late, quarrels; committee made up for proper meeting
discussion of committees line found it equally (mis)managing.

Randall

S. 58: but as it stands now from pt of view
of Const. it makes sense to have it as is,
but these issues raised by Randall is
a matter for Parliament.

S. 48. wording → UA or Senate may...
if look at S 58 it's sufficient to let us proceed
although my friend used term "shall" to "may"?

Holmisa ... shall make rules. etc. ∴, Palominos shall decide whether to make some rules & not be forced ...

Prigo - NP's proposals not + repr.
as far as chair, et al committees concerned, we believe proposal. repr. should go through.
+ agree with present context.
~~the~~ + support inclusive system.

Paladin: IS B saying there when he has just said should be included in C? If yes then ^{identity of} ^{with} ^{not} ^{certainty} ...
No, not necessarily. ^{at least} ^{part of} ^{land}

Ans: - NP agree with what is C, + proposition ^{will} ^{be} ^{lead} ...

Prigo: can be deducted from on Sub.
multi-party participation ...
∴ take into consideration as far as comm. C + Land.

Adv. Motinelle What do we record now
Ans ANC → A58 as in Land
NP → satisfied, but are concerned that NP wants prop. repres. at all levels of gov.

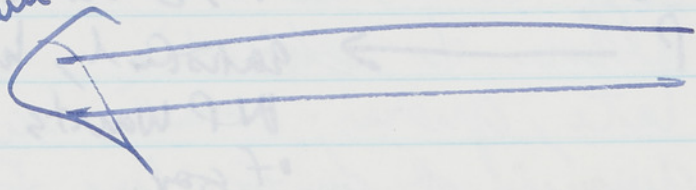
Adv. Motinelle → reduced to what?

Governmental = not contentious.
but not, will, role of min. parties.

Holmisa. Sultan's by ind's
we we pay attention to what they are saying.

Chair: to decide whether hearing for voters

Handwritten claim sets by ^{Styer}
+ You work's claim reimbursement.



Holmsia: ~~not~~ that not listen to id's, at all.

Palmer: Capinsure has been taken. of what others say, included in report.

part 6 Rights & Function of members of Parliament

AHC - particular clear, dealt with by Act of Parliament.
∴ non contentious.

Green: but in report ~~case~~ contentious, certainly as far as IFP is concerned.

included in report.

F. Powers

Green:

Ackema: 2nd par:
Matters? clarify. all we're saying is that it is part of the power.

We have to e.g. pass appropriation bill i.e. that.

present: all laws require → NA → pass into law

Ackema:

because "prevention" is a very strong word.

Min, ^{of Finance} Commissions, etc., but not really NA "prevention"

"control of Nat. budget."

Madhya: but NA should know as well.

PAC — instead of saying prepare, should rather say
"overall control"

Makelogn: clarified

Fansen: also need to look at overall supervision of budget: ~~edit~~
would like to see some form of uniformity.

Paland: take parts Adelman + Elrodin. + put it there.
presently par. also has some control + right to reject budget,
not just overall supervision; can't however &...
but there is already some form of control by parliament
∴ all public admissions out made in form in
which don't
∴ is some form of control + Senate not say on
money bills

Beyers: Q to Van Wylle: what means last par 4.7. "N. def.
conclusion...."

Van Wylle: I think TCB is also source of powers of par. + have
seen report made more detailed of powers of Nat Ass
(parliament); not really deal with powers of par. in
composite way.

Beyers: 1st par. ... rule be dealt with fully in consideration
of relationship other House.
point 1(5) in NP proposals ... given doing of...
... though means of formalized ... CP 36.

explains relationship NA + other pass statutory institutions
to be decided on, will play key on fiscal power.

Motion: IL 5 60(4) NA shall not pass money bill, unless it has been considered... by both houses.

Comment: To a degree does, but that is Finance Committee.
∴ control was not in NA itself

Randall (6) shall not appropriate

Randall: not certain what Byers said: spec proposal by NP, or should it be discussed.
emphasis not with Acts of Par. ∴ Now reflected in const. wrt powers of NA.

Byers: we say in par 1: degree... can only be dealt with fully...

Byers: it is possible that settlement may be drawn.
Can only be dealt with when under resolution
NA vs Senate

N (leg) vs. different levels of par. Gov.
+ diff statutory bodies, ^{Constitutional Authority} (what may be decided upon),
e.g. Language body, ^{Constitutional Authority}

∴ say these factors should also be taken into account before

Chair: ∴ not want what said to be included in report to CC in Nat Ass.

Comment: was under the impression TC 3

~~We~~ (FF) will have to submit a supplementary report

powers of Nat A. is likely to be contentious.
+ in light of Byers P + par 1 ...

we should look at this in greater detail.

Palad. # of elements:

- NA. must have some powers & certainly 1 is to pass legislation
- don't think we should proceed here not really
- rightly about powers (but that we can subtract or add)

Palad. kind of q's that Byers may → parliament should address in 55(1) - says that Parl. shall have full powers. it is not for now — for subseq. discussion go back to look at IC.

Chair: last block — constit. amendments is this block to deal with matter.

Greenwald: CP's; do not disagree that Pal should have rights to pass, but... depends on what powers allocated ^{State} _{Provinces} ...

Chair: q is what contained in report as to powers. so far as powers allocated.

Item 8 Procedure

Greenwald: full matters of Proc should not be taken up in C; Pal. ~~decide~~, enough etc.

~~Chair~~: Byers: depends upon what you regard as procedure. Should be endorse right of member, NA... to ^{endorse} ... We'll not be happy if not in C.

