

CONSTITUTIONAL ASSEMBLY

Theme Committee 1 Meeting

31 OCTOBER 1994

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CHAIRPERSON:

We are running a little bit late. My memory is vague on that one, I don't think the question of a quorum has in fact been addressed unless I'm mistaken. So just ask the secretariat on that issue. One normally has a situation which calls that 50 per cent of the members and unless 50 per cent of the members are there, no meetings, no decisions can be taken, no decisions can take place. But whether the meeting must adjourn is the point that I'm not quite clear on in my on mind. Can we have an indication from the secretariat, do they know anything?

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DR MULDER:

Yes, it says here in, Chairperson, I think it's rule 31.1. Save when a question is decided the business at a meeting of a select committee, this is a select committee, may be proceeded with irrespective of the number of members of the committee present.

CHAIRPERSON:

Thank you, so we will continue with the meeting on that basis. I take it that everybody has received copies of the documentation for today. Turn to page 2 of your document there's a notice of meeting and agenda, are there any apologies? No apologies. Then I ask that we go onto item

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number 2, previous minutes.

I propose that we ask members whether they've gone through the minutes and whether there's any amendments to the minutes as recorded. I ask for acceptance of the minutes. Propose a seconder. Proposed second. We will then go on, straight onto the heart of the meeting for group number 4. I'd like, from the chair, to introduce the subject. After our last meeting it was agreed by the Core Group that we'd ask all the parties in this Theme Committee to make submissions in writing about their views on the process forward and the work program. We set a deadline for Wednesday lunch time for the submissions, they were in fact in, the secretariat processed these overnight on Wednesday and we met as a Core Group on Thursday to consider these reports.

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The Core Group had a fairly lengthy debate about its role and how we should approach the second of these various submissions by parties, finally it was agreed that we needed more than we had before us. All we had before us were the separate submissions by parties. We needed an overview of

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all the submissions. We needed a overview, we thought, which detailed areas of commonality, which drew attention to areas of difference and we could then approach this meeting with a structured debate looking at that way forward. And that meeting secretariat suggested that it would be a good idea if two members of the Core Group worked with the secretariat to produce the overview document, that discussion led to a final decision that no parties would be involved with the secretariat. That no political parties should be involved in any special way with the drafting of documents and that's the role of the secretariat. To act as rapporteur to the meeting and to produce the documents. The document therefore that we have before us is a product of the secretariat. I want to make the observation that we are all on a learning curve and we are all busy putting together a whole process and Theme Committee work is going to be fundamentally important so in considering the Theme Committee report, we, I think, should take into account that brief history of it.

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The Theme Committee report does, in fact, not cover the brief that we thought the quorum gave to it. It is not a

document which highlights areas of commonality nor does it draw out the distinction order that gives the thrust of the various parties approaches. The issues that the various parties have raised in their documentation which we've had the opportunity of reviewing, as you reviewed this document, I'm, in fact, somewhat disparaged and I don't envy a Theme Committee secretariat in having to do the job that it has done. But, with those remarks I move onto the agenda item of discussing the Core Group of the court. Mrs Seton.

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MS SEATON:

Mr Chairman, yes, I have only had the opportunity this morning of perusing this document but I was particularly concerned about the lack of reporting on the various party political stances and I wonder if the answer here would not in fact be for this report to be referred back to the Core Committee for further consideration prior to it being discussed by the Theme Committee.

CHAIRPERSON:

That, obviously, is a decision the meeting can take after discussion, can we hear other points of view please. Mr Mahlangu.

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MR MAHLANGU:

Thank you Mr Chairperson. I just want to add to the report given by the Chairperson. The position has been very difficult to have the committee starting discussions in the last meeting, I must put it to the Theme Committee very clear. We heard the submissions, in other words, the meeting which is structured that the party should send submissions was no problem with that. But where the submissions had been put together, just for the meeting to brainstorm when it was a difficult issue, I must say that, there were divergent views. As you can see the submissions were quite of a different nature. The meeting did not even want to brainstorm as to indicate to the secretariat what should be put in and what not. The suggestion came up that some politicians should be, should work together with the secretariat.

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We, as the ANC, oppose that strongly and that if you did not brainstorm on this matter how would you expect the opposing view the, I mean, the party with the opposing view to go and help the secretariat. We felt that could not be done if it is not brainstormed, in other words, it could lead the secretariat then to do the best it can do to try and

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correlate what it can, but then I must say the secretariat need to be protected because it was never given any ideas as to how to do this, because we refused to brainstorm on it. There was total disagreement on this, the only agreement was on the question of the secretariat alone could do that.

And I would suggest that the Theme Committee should not adjourn this and refer it to the Core Group, it's the most difficult thing to do in the Core Group. There's a lot of 10
divergent. I hope, if there's anything to be done here we can only adjourn for a few minutes to have a look at it. But the Theme Committee must come up with this, it's difficult at Core Group, I must say it. Thank you Mr Chairperson.

CHAIRPERSON: (Inaudible) ...

UNKNOWN: Chairperson, the decision was to produce a work plan which I thought should have included not necessarily, I don't think it's an issue of whether there's overlap or agreement, it's the 20
identification of the issues and how we propose undertaking the public consultation and so on. So, I don't have a

problem with the working through since today. Ideally the secretariat should have done this because it would have given us an indication of how we work. But I still think we could use the Core Group report that they've given us, as a way of actually saying, what are the issues that come up under the different headings. And how do we want to do it. Do we want to, in each case, undertake hearings, do we want to prepare documentation that goes out to the public, do we want to solicit information and I think those are things we can still brainstorm about.

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So that we can actually flash out the problems that exist in the report and there is nothing there to stop any party from saying, for example, I've just got it in front of me, establishment of a single sovereign state. The items under that, such and such should also be included in that. I mean there's nothing to stop us actually integrating and discussing it here, which would help the secretariat, but we could then just look at that if these are the issues under that question, exactly how do we think we want to deal with it.

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Can we group them together for purposes of soliciting

public information? Can we do it this way? Do we want research being done and so on? So I think there's a whole lot of process issues which need discussion to produce a work plan and at least we can address those, based on the Core Group report. I don't think we should just leave it again for another day because we are never going to get on with it then. Thank you.

CHAIRPERSON:

Ms Seaton, do you want to ...

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MS SEATON:

Mr Chairman, my concern is just this. I don't know when other people received this documentation. Mine, I received early this morning. I have a major problem in that, we hadn't had the opportunity then to peruse in any detail the submissions made by other parties. This, with all due respect, this submission or the report deals very specifically with ANC submission as opposed to that of other parties and I think it would be very unfair on all parties concerned to discuss a document that does not, really, fully, cover all the parties' submissions and I would certainly like the opportunity of perusing that in far more detail before I'm prepared to discuss it.

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CHAIRPERSON: Mr Fani.

MR FANI: I have an even greater difficult because I have not yet had sight of the document.

UNKNOWN: (Inaudible) ...

CHAIRPERSON: We had better return of service on this one, we'll ask the secretary to look at the matter but my aim today is to get the meeting going and to find a way forward. We have got a proposal that the matter, the report should be referred back to the Core Group, but obviously we are meeting today and the counter proposal is that we should get on with the consideration of the Core Group report. Can I suggest that we do that, we get on with the discussion of the Core Group report and at the end of the meeting make a decision about how far we've got with our discussion and how we should go forward from there. I sense that this is the way forward. Have I got agreement on that? Mr Mahlangu.

MR MAHLANGU: Chairperson, I have a problem. In the Core Group there's much opportunity of start, the idea of, I had been chairing

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that meeting, the idea I've got, there are some parties who do not want the process to go forward but to stall. Because here, I mean, we are just requested to bring about the program, very simple, as Dr Frain has said, what items, and this item had been given already by the state to us so all you need is to elaborate with everyone to add "sub-item" under that. There's nothing to be discussed so seriously in Core Group or in other places. It's only that, in other words, it is compilation of matters to be discussed later on. You don't discuss them now. You have a program to send to the administration that, look here, what lies ahead of us is A, perhaps preamble, B. Supremacy of the constitution, C. That, you can add to certain things. I mean we have no reason to have differences as to what to be discussed, because that is there already, in other words, you only need to add something if you need a further explanation.

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But I can't see what the Core Group will do with that. If we can't solve it in the Theme Committee, which has more power to discuss this matter even if not a decision making group.

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CHAIRPERSON:

Thank you, we've heard that point of view and we take the arguments, but I think we must also be fair to the other parties who made submissions, the National Party for example in its submission called for a rethink on some of the fundamental important areas of allocation of responsibility to Core Group and the whole process and the directives to Core Group.

We can't proceed and just ignore that kind of input from a party. The IFP on previous occasions has also called for a review. We at this point in time, must reconcile the way forward by taking all parties with us and, while I agree that this meeting should work on the Core Group, because that is the feeling of the meeting, the Core Group report, because that's the feeling of the meeting, can we leave the question of how we proceed hereafter until later on in this meeting. Can we move to the actual consideration of the text of the Core Group report to this meeting.

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UNKNOWN:

Mr Chairman, on a point of order, many of us have not received this documentation, I've never seen it, and I perceive that many of our own members have not seen it.

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Can we have perhaps an indication who have received it?

CHAIRPERSON:

The secretariat, as a point of information from the chair, the secretariat has said the documentation was placed in pigeon holes after lunch on Friday. We could face a situation in which parties say that they have not received the documentation, they have not read the documentation, can I have an indication from this meeting whether we ignore that fact or do we continue without them having seen the document. I've got a point of order on my hands, Dr.

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UNKNOWN:

I mean some of us just picked up the document there but there were not enough copies. No, the point I'm making is at the very least, I mean there is no way we can proceed if people, even now, don't have the document. And I think the people who've raised the point of order should at least be given it to look at. I mean some of us picked it up earlier this morning, just here. Others still have'nt got it. And I thing, at the very least, they should be given it immediately. And then those who've raised a point of order can, when they've got it in front of them, can consider what the position is. But without even seeing it, I don't think

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even they can have any input into what we're talking about.

CHAIRPERSON:

Thank you, Doctor. Mr Moorcroft.

MR MOORCROFT:

This document which, if this is the one which is being referred to, it just consists of certain minutes. Well, it's a total mix-up and a muddle.

CHAIRPERSON:

Have we got spare copies of the reports and submissions.

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MR MOORCROFT:

Oh, well Hurrah.

UNKNOWN:

Chair, can I just, without trying to hammer the staff (inaudible) ... we cannot have this situation occurring. We were told that Core Group of Theme Committee 1 has to do certain work which will make things easier for the rest of the 5, we are (inaudible) ... Now if our (inaudible) ... Lack of documentation some of us got it, I got one in my pigeon hole, you need to find out from the secretariat where is it. Where did it go wrong, because some of my own people have'nt received yet. I received it, some of the other people have'nt received it at all.

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CHAIRPERSON: Can ...?

DR MULDER: Mr Chair, can I say, the problem seems to be that the secretariat made the document available and put it in the members' pigeon holes after the adjournment of parliament, parliament adjourned at about lunch time and many of the members obviously left before they could lay their hands on it in the pigeon holes. I think that is the problem.

CHAIRPERSON: I've still got a point of order on my hands and the point of order is that we cannot be expected to continue with the discussion when we have not had sight of the document and we only received it now and not had time to consider it. The counter side to that is, let us do what we can in the meantime. I'm asking people who raised the point of order whether they can withdraw the point of order and we can proceed or what is the feeling of the meeting. I've got Mr Moorcroft, I've got Dr Mr Nzimande and I've got Dr Schoeman. 10

MR MOORCROFT: Mr Chair, may I just first address the issue of the distribution of these documents. I cleared my pigeon hole 20

at half past four on Friday afternoon and again at half past seven this morning, and there was no issue, no copy of this document there. So please, if the secretariat could just make sure that everybody does get these documents. And secondly, I would like to support the view that we should adjourn because, really, to expect us to contribute meaningfully to this debate without having seeing the documentation, I think is expecting a bit much.

DR NZIMANDE:

Mr Chairman, I was going to say the same. Whilst one 10
understands the anxiety about wasting another week in
essence, but at the same time, there's nothing that we are
going to be able to discuss, you know. We have the same
view that we should move as speedily as possible, but in the
light of the fact that hardly, very few people have read or
even seen this document, then there's no point really in
continuing.

I don't know what is it that we can do, you know, because
the substance of the discussion today was supposed to be 20
looking at this work program.

CHAIRPERSON:

Thank you Dr Nzimande. Dr Schoeman?

DR SCHOEMAN:

Thank you Mr Chairman, I think the concurrence that is here speaks for itself. Maybe these people, colleagues of ours that have had a chance to peruse the document, might think that we could proceed but we, they have the pleasure of having read the document, we have'nt and I would like to stand on my point of order.

CHAIRPERSON:

I think we've got the additional consideration that, certainly looking at the documentation, and I finished working on it at half past two this morning, reviewing the documentation, the report, as a report, does not do justice to the various submissions and I believe the report needs redrafting and we can't proceed unless those parties who have made submissions feel satisfied that there points have been accommodated. We do face the following problems. We've got enormous tight schedule, we've already got a quorum problem in the assembly, we have already got a situation in which the meeting of committees is interfering with the parliamentary process. We have only got the fixed time table, we have limited quorum for this meeting, ideally if we

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could adjourn and reconvene during the course of this week for an additional quorum 1 meeting, a Theme Committee meeting, that would be ideal.

Is that at all possible and perhaps, Dr Jean Vallo will be the first one to indicate whether it's possible to approach the whips for an extra meeting of Theme Committee 1 to meet our circumstances.

MR STREICHER:

Mr Chairman, I have some difficulty with that, because we have the problem now that on Mondays, that is meant for the constitutional process. A lot of select committees are also in session and it makes it very difficult for us to attend to all these things and along the road we miss a lot of important inputs that we can make in the different committees. I don't think we must put the example of moving Theme Committee meetings into the serial time for select committees.

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I agree that on this issue this morning that we cannot go on with discussions on what we have in our hands, or are supposed to have in our hands. But I think we can look at

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other things. I think we must consult much further than only the political parties on the character of the state. And I want to submit, sir, that in the first place, that we approach the different regional governments, the premiers of the different regional governments to get their inputs as far as regionalism are concerned in the future constitution.

So that we can get all these inputs and then we can look at these things and we'll save a lot of time if we start looking at these type of things that we'll do and I think it's in the, in the spirit of the whole exercise that we are doing that we are moving outside and see whether we can get more submissions on this.

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CHAIRPERSON:

Right, from the chair, I think I must sum up that there is sufficient consensus not to proceed with discussing the substance of the Core Group report, but we have now got some time available and I take the point that if there's further business, which we can legitimately discuss, we should do so. We have got one proposal that Theme Committee 1 should approach Premiers for inputs to the work of Theme Committee, Dr Ginwala.

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DR GINWALA:

I think before that, there may be other things as well. I feel we should actually start by spelling out more clearly to the Core Group of what sort of report we want. Because just a glance at it allows who just got the document this morning, and comparing it with some of the submissions and regardless of whose submission or, I mean I'm not saying, there are points raised in the submissions which are very fundamental to our approach. So I think if we adjourn, the Core Group should sit here and continue to work, if I may put it that way, because I think a lot of work needs to be done, in terms of genuinely producing a work plan. A work plan is not simply a list of headings. You know, all that's happening in the report here is a new list of headings and a work plan ought to be not simply what, the way parties have, different parties have approached it but parties have also raised points of principal. Parties have raised who, you know, the relationship between this Theme and another Theme and I think those sorts of things have to precede any further submissions, because otherwise before we're clear on what we are doing we will be bogged down with a lot of detail so I'd like to suggest that we spend a few minutes and people can just have a quick look at it from that point of

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view. What sort of report do we want from the Core Group, we say a work plan?

Maybe we've all got different conceptions of it, so it should take us 10 / 15 minutes, I'm not proposing a lengthy discussion, but people can just look at it and spell out and give some guidance to the Core Group as to what we expect. That way, at least, when we do reconvene, we hopefully will have a better document and set a time frame for the Core Group in terms of giving the document to us 10 before the weekend so that people can actually go through it and, you know, make much, have a much more meaningful debate when we reconvene.

CHAIRPERSON:

I've got two items on our agenda now for the remaining portion of this meeting. Professor.

PROFESSOR:

Chairperson, I think I'm covered by Dr (inaudible) ... But in fact, I've been looking at the report myself, to find the report of the Core Group because what is in front on us is 20 just a coalition of documents from various parties and I thought possible the Core Group will actually look at the

submissions and move a step ahead so that when we come here we have got the submissions from various parties but we have seen what has been processed from these as a way forward and I support Dr Ginwala that the Core Group must sit and try and process the submission as a point of way forward.

CHAIRPERSON:

Thank you, I've an indication from the gentlemen over there, I don't know the name, did you want to speak Sir, Dr Nzimande.

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DR NZIMANDE:

Mr Chairperson, I think that we rather restrict ourselves to the item raised by Dr Ginwala, because the other item about consulting Premiers is a detail which is something that should be incorporated into the work plan and the work program. I've got difficulties, for instance, in terms of responding to that in terms of how it fits in unless we really begin to have the entire framework. I think it's a way of working to say, in part of identifying institutions, people and other bodies that, as the Theme Committee will have to consult with and get some submissions from.

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I think that such a matter we can only discuss it better in that context so at the moment we can't just isolate one aspect outside the context of a work plan. I think we rather restrict ourselves to the one item that is being proposed by Dr Ginwala.

CHAIRPERSON:

Can I ask for a way forward, and I'm asking for assistance now to get the meeting going, would you be satisfied for us to locate that discussion within the wider discussion of the way forward and who we are going to consult, which will be discussed anyway.

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MR STREICHER:

Mr Chairman, for the sake of utilizing our time in a best way, I cannot see why we must wait until we've finished with this and then start asking for submissions from other institutions and bodies. Asking for submissions has nothing to do with finalizing this and the point is if we finalize this, we can go on with the discussions on that and the other submissions can come in and we can start processing them. But really if we're going to wait another 2 or 3 weeks, I think we are wasting time.

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CHAIRPERSON:

Can I just comment that technically the matter is open for discussion. We are outside the actual agenda items, a member of the committee has raised a point, and he's entitled to raise the point, their views on it. Could we carry the two together. We've asked for a discussion on further indications the Core Group, about how they should go about their work, what kind of report we are requiring. Can we proceed with that. I've got Ms Seaton, I've got Professor Ripinga and ...

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MS SEATON:

Mr Chairman, I would support the last speaker, I don't see a problem with us calling for submissions from the Premiers, provided that it does not hold up the work frame and I would suggest that we proceed with that. With regard to the Core Group work, Mr Chairman, I think it would be very helpful. I agree that we need the Core Group to try and move us forward but I think it would be very helpful if any report from the Core Group, we could actually be shown the differences of opinion of the various parties, under various headings. I think that will be a lot easier for us to digest and, in fact, to debate if we could see that this is where we have differences. And, you know, where we know that the

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parties are all thinking alike, we don't need to spend that much time on that.

So I think that, in the report, if one could be shown those differences and different points of view, I think it would be very helpful. Thank you.

CHAIRPERSON: Professor Ripinga.

PROF RIPINGA: Chairperson, I just wanted to withdraw my previous 10
comment because I see a good report here. From the Core Group, but the problem now is the way forward and I have no contribution at this stage because I think the submission would influence my contribution.

CHAIRPERSON: I've got two requests. Both from gentlemen who, I hav'nt got the names in my mind, the gentlemen over there. Your name sir. Mr Booii.

MR BOOI: Now I wanted to say, I slightly agree with the member over 20
there, because there are insinuations that says there are parties that don't want the process to shift, I mean to go

ahead. It is a little bit of a problem. We shouldn't start like that. We should be able just to know who are the culprits and contradictions, and we are no (inaudible) ... I mean together that level is then that we can begin making that kind of statement. It will be disturbing to get such statements at such an early stage.

CHAIRPERSON:

I don't know any party that wants to hold the process up at all, the member who made that comment should substantiate that, but I don't think that's the point on the agenda. The point on the agenda, Ladies and Gentlemen, is for us to give the Core Group a more specific indication of what kind of report. Can I ask for discussion to be focused on that item. Sir?

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UNKNOWN:

Ja, Chair, with due respect, I think you made a ruling of some kind that the two should relate, you know what was raised by the Honourable member there and I think it's incorrect. Mainly because we are here dealing with a member of other structures that need to be consulted. In relation to the character of the state, it is not only Premiers, I will ask why Premiers. Why not the broader province as

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a whole? What about local government? What about civics and so on?

But I think what we are trying to deal with here is a white plan and my understanding of the white plan, unless there is another understanding, is that we are going to identify issues and say with this deadlines from this particular week up to a particular week, this is what we are dealing with. We are dealing with a preamble. And if there are differences, parties will then have to make submissions and what I see on page 24 of this report is exactly the issues that I think the Corp Group has actually identified unless you are clarified otherwise and given the kind of headings here, we should now begin to identify the kind of plan that we are talking about and saying in two weeks time we shall dealing with representative government. And if all parties make submissions so be it, and I think unless there is another alternative to this kind of work plan, maybe let's hear it, but I think page 24 has tried to extract from the report, from the various submissions what could otherwise guide Theme 1.

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And I think we need to consider that as we move forward to outlining the work program.

CHAIRPERSON:

I've got a difficulty with that from the chair in that members of this committee say they've not had time to have gone through it, they do not know what is in the work group report. We can't proceed as though that work group report has tabled and has been accepted and we are then going to proceed in aberration. The item of the table for discussion is what kind of report this Theme Committee expects from the Core Group. I'm only going to ask for people to address that specific question.

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UNKNOWN:

Mr Chairman, I would like to propose and I would like to support the (inaudible) ... I've decided something we should get back from the Core Group is some of (inaudible) ... Isn't that a table which says on one side. Preamble, I'm just giving you an example, Preamble, for the name of the country and it says, IFP says, stays the same, ANC says, PAC says, (inaudible) ... that type of summing of would go a long way to assist us when we try and find out, when do we have points of view and when we really have points of

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view.

CHAIRPERSON:

There's a constructive proposal, Mr Moorcroft.

MR MOORCROFT:

Again to refer to what Dr Nzimande said about the nature of the work program, I must confess that I had a completely different understanding of what was required to what has appeared, and I've just glanced through the document here.

I understood that we had to identify issues which needed to be referred by us for further consideration by, for example,

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commissions, or for any of the independent, where the independent panel of constitution experts would be needed

to guide us. That kind of thing, because we are not a negotiating forum, we need simply to identify and to refer

to the constitutional committee issues arising out of the theme which they have given us, where we need to have

further input and advise from people outside of this committee in particular, but also identifying, as Mr

Momberg has said, where we are at idem. That doesn't seem to me to be a particularly difficult or onerous task

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provided we just set in place the proper process in which to follow that through.

CHAIRPERSON:

We have got thus far, two constructive proposals or observations for the Core Group to take into account. I just want to say in passing that I hope the secretariat do not feel that we are putting them under some critical spotlight. We are on a learning curve and I think we are trying to get an act together so we are asking them to tolerate this discussion and to note what members think. Dr Ginwala.

DR GINWALA:

I was trying, using one example, again just glancing at it to perhaps indicate what we need from, further in the Core Group report. If people would like on page 25, we've got a heading, "Representative Government", and again on page 26, 7.5, "The Principal on Representative Government". I think under that heading, for example, instead of just saying "principals", actually to say "parties have different views" A,B, C, whatever it is. There would appear to be a need for research. I mean, I'm literally just illustrating without necessarily saying that's the issue. This may well be addressed by a commission, or by commissioning someone to do research.

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Perhaps we should advertise, I mean there may be a number

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of things like this if they can work through. This is just a concept and then to start, to say this should be privatised, there is somewhere there, but what happens after that. So that to say this would, this is such a large theme, it would need to run through for four months or whatever. So I think it's that kind of combination, not of decisions on substance but isolating the issues of substances, with recommendations on the kind of process. And I think we need to bear in mind that by the 15th of November, I think the date is, that is the kind of report we have to submit to the Constitutional Committee. 10

So it's not the content, the substantive stuff but that type of, that we think, this aspect of our work is such a major priority and it's going to, we are going to devote most of our time to that. The others not so problematic and we can devote less. It's that kind of report that I feel, as a basic preliminary document, we need from the Core Group. We can then flesh it out, but provided of course people have had time, you know, then to think it through, so that when we meet, we can actually make major input into that sort of structured report. 20

CHAIRPERSON:

Thank you Dr Ginwala. We should now be in position as a Core Group to make rapid strides in the restructuring or the redrafting or reconsideration of the Core Group report. These suggestions from the floor are very helpful. Can we ask for further input on these, on this matter.

MR MARAIS:

Mr Chairman, it seems to me that the members have forgotten that we have guideline. There's a letter that was written to members of the Theme Committee by the Executive Director on the 18th October, and in it is 10 contained altogether nine guidelines and all that the Core would need to do is to sit down and work according to those guidelines. I find this discussion helpful but I think we still have time up to 10 o'clock time that was scheduled for this meeting. If we adjourn now the Core Group can meet immediately and we can use the next hour and 10 minutes to do the job.

CHAIRPERSON:

As soon as the meeting is satisfied that they've given the Core Group sufficient guidelines or indications of the kind 20 of report that they will be expecting from us, we certainly can adjourn. Mr Mahlangu.

MR MAHLANGU:

Ja, I agree with you Mr Chairperson, but I would just like us to get it clear from all the parties as if that we are going to follow that pattern or that program given by the executive, referred to by Mr Marais, because it's set out like this. The report must be structured in the following way, then it's having some pertinent question A, B C, I think up to H, wherein, in other words, you categorize. You structure your report in other words. Is it what is expected from the Core Group? If one, in other words that's a question not merely directed to you as a Chairperson but to the others as well.

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Is it the understanding of all the parties so that when the Core Group comes to that they have a uniform approach on that?

CHAIRPERSON:

Ms Seaton.

MS SEATON:

Mr Chairman, just in answer to that, I believe that provided it is seen as guidelines and the various parties submissions are taken into considerations, because bearing in mind that they were merely guidelines, I think various parties have

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made submissions that perhaps have gone a little beyond the guidelines, and provided that is taken into account, I think that, we would support it.

CHAIRPERSON:

We've already agreed that the Core Group will meet and re-examine the submissions and we've agreed that the differences and the commonality between the submissions will be noted, Dr Ginwala suggested under point items giving an indication of party positions. We are faced with a guidelines from director, executive director, we also working within the framework of a CA resolution, which does not make those guidelines prescriptive, they are guidelines and the Core Group must now put its mind to this issues.

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So I'm asking for further indications from the Core Group so they can get on with the business. Are there any members of present who want to make a further input on the question of what kind of (inaudible) ... Dr Mulder.

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DR MULDER:

The problems this morning, I think we also learned a lesson from that, on the one side there's all this time restraints that

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made it almost impossible, also for the Core Group, you know. On Wednesday we received them, then on Thursday we had the meeting, then there was the dispute on how we must compile the report and the poor secretary had to do it on Friday. So I think it's so important this committee, as such, because this committee must at the end of the day as far as I am concerned determine the philosophy of the state in a sense, because that is the core of the whole constitution. And this must be done in this committee and from there on we can go ahead.

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So the big problem, I think, is that this report did not come back to the Core Committee and that this whole Theme Committee now tried to do the work of the Core Committee and that's just not, not possible because if the Core Committee did it then you could have had consensus between the different parties and most, we could continue. So I think your work program is the best suggestion you're doing now. At the end of the day the issues must be dealt with and then you must determine what significance, in what order it must be done and then in what way. And I think there's one other problem that before the Technical

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Advisors is not available it's very difficult if we are really in a position to determine it finally in this committee or even the Core Committee without taking the revised list that may be look from their point of view, from their perspective, not the political one in advising us exactly how to do the work program.

So underlying all this, I think, is the whole pressure of time on the one hand but on the other hand this is so important that I'll be one that say don't haste, don't just force it through just because there's a deadline somewhere, it's more important that it must be well done in the end of the day. 10

CHAIRPERSON:

Thank you Dr Mulder. Dr Nzimande.

DR NZIMANDE:

Chairperson, I think that's all the more reason that I don't think that lets try and use this time just because its available. I think it's time we adjourned, the Core Group sits down, we can also go and do some other work, I mean, what Dr Mulder is saying underlines the importance that at least for the next hour the Core Group can really try and delve into the issues. So I propose that we adjourn. 20

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DR GINWALA:

I would support that but I would also say that there is another aspect that we need to ask parties for and set a deadline is the appointment of the Technical Committee and people, we should, parties should now begin to submit names so that maybe next week we can give preliminary consideration. Obviously the parties on perspective will shape and their own priorities will shape the, to some extent, the people but parties may well want to start thinking about whether they want different technical experts according to their themes, do we want three permanent experts, I think it's an issue parties can make submissions on between now in the coming week as well so that we can begin to process things a bit faster.

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MEETING ADJOURNED