

2/4/2/3/1/3

CG3/6

CONSTITUTIONAL ASSEMBLY

CORE GROUP

THEME COMMITTEE 3

RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

31 January 1995

G26

CONSTITUTIONAL ASSEMBLY

MINUTES OF CORE GROUP THEME COMMITTEE 3 RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT TUESDAY 27 JANUARY 1995 (AT 10H30)

PRESENT

KM ANDREW (CHAIRPERSON)

Andrew KM
Carrim Y (Alt for DC Du Toit)
Gordhan PJ (Alt for NN Mapisa-Nqakula)
Groenewald PJ
King TJ
Smith PF

Apologies

P de Lille, DC Du Toit, NN Mapisa-Nqakula

In attendance

Sandra Haydon & Mbaso Mxenge

1. OPENING

The meeting was chaired by K Andrew

CHANGE OF COMMITTEE MEMBER

Dr TJ King (NP) replaces Mr A Fourie who has resigned from the Theme Committee and the Core Group Committee.

Mr P Smith (IFP) replaces Mr LPHM Mtshali on the Core Group.

Mrs EEN Shandu (IFP) becomes a full member of the Theme Committee.

2. MATTERS ARISING FROM THE MINUTES OF 9 NOVEMBER 1994

2.1 With reference to 2.3 the Core Group was advised by the Constitutional Committee to address points 1-5 in the drawing up of the Theme Committee Work Plan.

2.3 The following issues were referred to the Constitutional Committee for clarification:

- i. A National second chamber (para 1.5);*
- ii. Definitions of provinces (para 1.6);*
- iii. Clarity on overlapping issue (part 3);*
- iv. Clarity as to composition of commissions (para 5); and*
- v. Clarity re deadline/appointment of technical experts (para 9).*

2.2 The Secretariat clarified the following issues:

- iii. To be referred to the Secretariat for central co-ordination of combined meetings.
- iv. To be decided by the Theme Committee
- v. The deadline has been extended until 12H00 24 January 1995. The final short-list should be ready by 25 January 1995.

3. MATTERS ARISING

3.1 Work Programme

- i. The meeting discussed the problem of meeting the deadline for Block 1 and the proposal for an extension of time to be discussed by the CC on Monday 30 January 1995.
- ii. Concern was expressed that the resolutions of the Constitutional Committee are not handed down to the Core Group.
- iii. To allow time for Political Parties to make submissions based on the suggested 'Framework' the following timeframes were proposed;

Block 1 : Party submissions by 31 January 1995
Report by 9 February 1995

Block 2 : Party submission by 9 February 1995

Note: Deadline for the remainder of the Blocks remains the same.

- iv. The meeting agreed in principle to stretching the Work Programme into the last two unallocated Blocks, subject to the decision of the Constitutional Committee.

3.2 Technical Experts

Mr Smith gave a reportback from the Technical Experts Selection Sub-committee meeting made to the MC meeting this morning. The Sub-committee proposed that:

- i. The number of Technical Experts for Theme Committees 1-5 be increased from 3 to 4;
- ii. Theme Committee 6 and its Sub-committees be allocated 10 Technical Experts in total; and
- iii. The addition of 3 Committees namely, Traditional Authorities, Local Government, and Self-determination.

3.3 Public Forums

Noted that the Constitutional Committee is discussing this issue.

3.4 Workshop

A committee consisting of Dr King, Y Carrim and P Smith (Chairperson) was appointed to convene a workshop tentatively set for 7 February 1995 and report back to the CG on 31 the January 1995. The Secretariat was requested to ascertain as to the availability of funding.

3.5 Framework

- i. The meeting agreed that the following proposal '*Framework to Process Submissions*' be referred to the Theme Committee meetings on Monday 30 January 1995;

FRAMEWORK TO PROCESS SUBMISSIONS PROPOSAL

1. *It is suggested that we work with two broad categories, Provincial Government and Local Government.*
2. *That each of these categories has five sub-categories (where it applies to Provincial the word Provincial would apply and where it applies to Local Government the word Local Government would apply):*

1. *South Africa's Specific Conditions (as in context of the Provincial system)*
2. *Democratic Principles*
3. *Provincial Principles / Local Government Principles / Points of Departure*
4. *Elements of the Provincial System - Executive structures, Legislative structures, Senate, fiscal relationships etc all of which would constitute elements of the Provincial system.*
5. *Miscellaneous*

Note: The above would be looked at in terms of Block 1

3. *6. International Perspective*

Note: This issue would be discussed when deciding the Framework for Block 2 and the advice of the Technical Experts sought.

- ii. It was agreed that Political Parties make submission using the above *Framework*, by 15H00 Tuesday 31 January 1995 for the Secretariat to process for discussion at the Theme Committee meeting on Wednesday 1 February 1995.
- iii. It was suggested that at the Theme Committee meetings on 1st & 2nd February 1995 each party would make an oral submission on one of the above and the issue would be discussed by the other Parties. Day 1 would deal with issues relating to Provincial Government and Day 2 to Local Government; and

- iv. There was no consensus that the preliminary framework for Blocks 2 & 3 be decided upon at this stage. It was suggested that the Technical Experts be consulted in this regard.

4. SCHEDULE AND PLANNING FOR FIRST BLOCK

- 4.1 The Secretariat reminded the meeting of the timetable for the 1st Block as agreed by the Constitutional Committee.
- 4.2 The Secretariat advised the meeting that public participation events will be organised by Community Liaison in conjunction with South African Communication Services (SACS), following discussion by the Core Group and the Theme Committee. There will be no public participation events as scheduled for 28-29 January as Community Liaison is in the process of finalising its structures.

5. GENERAL

- 5.1 The meeting invited the Executive Director to address the Theme Committee meeting on Monday 30 January 1995 on the proposed Work Programme and the Public Participation Programme.
- 5.2 The Secretariat was asked to find out if there was an agreed format for the writing of Reports.
- 5.3 The Secretariat advised that no written confirmation has been received from the ACDP of their decision to waive their right to Political Party submission and now requests an extension of time to make a submission. Under the proposed '*Framework*' this would be allowed for.
- 5.4 The meeting agreed to cancel The Theme Committee meeting of Tuesday 31 January 1995. The Core group will meet 14H00-15H00 on 31 January 1995. (Venue to be confirmed)

6. CLOSURE

The meeting closed at 13H00