

2/4/2/2/4

**CONSTITUTIONAL ASSEMBLY**

**THEME COMMITTEE 2**

**STRUCTURE OF GOVERNMENT**

**Friday**  
**5 May 1995**  
**9h00-13h00**  
**M46**

**CORE GROUP REPORT**

**CORE GROUP REPORT EMANATING FROM CORE GROUP MEETING 4 MAY 1995**

<b>NR</b>	<b>DOCUMENT</b>	<b>EXPLANATION</b>	<b>BY WHEN</b>
1-4	Revised Work Programme	Core Group approved, on condition that flexibility be allowed in respect of the finalisation of reports to CC; suggestion that proposal be tabled at MC	Monday 8 May
5	Draft Advertisement	Approved subject to ratification by TC	Monday 8 May
6-7	Sector Hearings: Traditional Authorities (12 & 13 May) Cape Town	Representation required from TC: 4 persons	Friday 5 May
8-10	CPG Workshop: Intergovernmental Relations (18 & 19 May) Cape Town	Representation required from TC: 3 persons: Eglin CW, Rabie JA, Mahlangu MJ Ratification required from TC	Friday 5 May
11-17	CPM's: 13 May - Standerton 20 May - Upington 20 May - Harrismith 20 May - Taung 27 May - Beaufort West	Representation required from TC: 2 persons each event = 10 members	Monday 8 May

**THEME COMMITTEE 2  
PROPOSED WORK PROGRAMME (05 MAY - 28 JUNE 1995)**

DATE	TOPIC	DEADLINE: POL. PARTIES' SUBMISSIONS	FINAL REPORT TO CC
MAY 05	<p><b>STRUCTURE OF GOVERNMENT: NATIONAL LEVEL (Block 2/3)</b></p> <p>-Technical Advisors' draft report on the Senate to be discussed</p> <p>-CPG presentation on the Second Chamber</p> <p>*To focus on questions / issues that should be addressed by the TC</p>		<p><b>NB: Report on Block One still outstanding</b></p>
08	<p><b>-ELECTORAL SYSTEM (Block 6): WORKSHOP</b></p> <p>*Questions to be developed in a manner that will determine the parameters of debate and final report of this Block</p>	<p>Extended Deadline for submissions on Block 2/3 (Provincial Level)</p> <p>*Deadline was 10 March 1995</p>	
15	<p><b>-STRUCTURE OF GOVERNMENT: PROVINCIAL LEVEL (Block 2/3)</b></p> <p>*Theme Committee 2 &amp; 3 Technical Advisors to develop a joint approach to this issue</p>		

17		Deadline for submissions on Block 4 (Traditional Authorities)	Deadline: Report on Block 2/3
22	<p><b>TRADITIONAL AUTHORITIES (Block 4)</b></p> <p>-Discussions on the Technical Advisors' draft report on this Block to commence</p> <p>*Report to take cognisance of the Public/Pol parties submissions</p>		
29	<p><b>VOLKSTAAT/COMMUNITY SELF DETERMINATION (Block 5)</b></p> <p>Workshop to take place</p> <p>*Technical Advisors to set a clear approach with regard to the parameters of the debate &amp; the report</p>		
JUNE 01		Deadline: Submissions on Block 5 (Volkstaat/Community Self-Determination)	
05	<p><b>BLOCK 4</b></p> <p>-Discussion of Technical Advisors' draft report on Traditional Authorities continues</p>		Deadline: Report on Block 4 (Traditional Authorities)

3

12	<b>BLOCK 5</b> -Discussion of Technical Advisors draft report on Volkstaat/Self Determination commences		
15		Deadline: Submissions on Block 6 (Electoral System)	
19	<b>BLOCK 5</b> -Discussion of Technical Advisors draft report on Volkstaat/Self Determination continues		
20	<b>BLOCK 5</b> -Discussion of Technical Advisors draft report on Volkstaat/Self Determination continues	Deadline: Submissions on Block 7 (Constitutional Amendments)	
21	<b>BLOCK 6</b> -Discussion of Technical Advisors draft report on Electoral System commences		
22	<b>BLOCK 6</b> -Discussion of Technical Advisors draft report on Electoral System continues		
23			Deadline: Report on Block 5 (Volkstaat)

26	<b>BLOCK 7</b> -Discussion of Technical Advisors draft report on Constitutional Amendments commences		
27	<b>BLOCK 7</b> -Discussion of Technical Advisors draft report on Constitutional Amendments continues		
28			<b>Deadline: Report on Block 6 (Electoral System)</b>

## **DRAFT ADVERTISEMENTS**

### **VOLKSTAAT/COMMUNITY SELF-DETERMINATION (BLOCK 5)**

- 1. Should the Constitution provide for self-determination for a community sharing a common cultural heritage?**
- 2. If so, should this notion of self-determination take a territorial form, for example a Volkstaat, or are there other recognised ways of expressing such a heritage?**
- 3. What types of Community could be said to share such a heritage as to justify a form of self-determination?**
- 4. What level of support should be shown within a community as a prerequisite for a self- determination?**

### **ELECTORAL SYSTEM (BLOCK 6)**

- 1. How should your members of Parliament be elected?**
- 2. Should our electoral system be based on constituencies, party list system or a combination of both?**
- 3. What should happen when a member of a particular political party crosses the floor?**

### **CONSTITUTIONAL AMENDMENTS (BLOCK 7)**

- 1. Should the Constitution be changed at all?**
- 2. If so, how should it be changed?**

# CONSTITUTIONAL ASSEMBLY

## PUBLIC HEARING

### *TRADITIONAL AUTHORITIES AND CUSTOMARY LAW AND PRACTICES*

OLD ASSEMBLY CHAMBER, PARLIAMENT, CAPE TOWN

FRIDAY & SATURDAY, 12 & 13 MAY 1995

#### FRIDAY, 12 MAY 1995

14H15 - 15H00	Arrival and Registration Tea / Coffee	
15H00 - 15H15	Welcome	<i>Prof Bonganjalo Goba MPD National Director</i>
15H15 - 15H30	Opening Address	<i>Hon Mr Cyril Ramaphosa Chairperson of the Constitutional Assembly</i>

#### SESSION ONE

Chair : Senator Bulelani Ngcuka

#### Constitutional Issue : Traditional Courts & Customary Law/Practices

15H30 - 15H45	Traditional Courts	<i>Mr Rajesh Chowdree</i>
15H45 - 16H00	Customary Law/Practices	<i>Prof Digby S Koyana</i>
16H00 - 16H45	Plenary Discussion	
16H45 - 17H00	Tea/Coffee	

#### SESSION TWO

Chair : Mr Sheppard Mdladlana, MP

#### Constitutional Issue : Customary Law and the Bill of Rights

17H00 - 17H15	Customary Law & Human Rights	<i>Prof B Fikile Ndaki</i>
17H15 - 18H00	Plenary Discussion	
18H00 - 18H15	Technical Adviser's Summary (Session 1 & 2)	<i>Ms Thuli Madonsela</i>
18H15 - 18H30	Announcement of Arrangements for Accommodation	
18H30 - 20H00	Dinner at Parliament	
20H15	Transport from Parliament to hotels	



# SATURDAY, 13 MAY 1995

07H00 - 08H15	Breakfast at hotels
08H30	Transport from hotels to Parliament
09H00 - 09H15	Arrangements for the day and Announcements

### SESSION THREE

Chair : Mr M Johannes Mahlangu

#### Constitutional Issue : Role of Traditional Leadership - Executive and Legislative Functions of the State

09H15 - 09H30	Congress of Traditional Leaders of South Africa	<i>Adv S P Holomisa</i>
09H30 - 09H45	S.A. National Civics Organisation	<i>To be identified</i>
09H45 - 10H30	Plenary Discussion	
10H30 - 10H45	Technical Adviser's Summary	<i>Prof Thandabantu Nhlapo</i>
10H45 - 11H00	Tea/Coffee	

### SESSION FOUR

Chair : Mrs Patricia De Lille, MP

#### Constitutional Issue : Role of Traditional Leadership in various Levels of Government

11H00 - 11H15	The role of Traditional Leadership in Local Government	<i>Ms Pelonomi Venson</i>
11H15 - 12H00	Plenary Discussion	
12H00 - 12H15	Technical Adviser's Summary	<i>Prof B R Mqoke</i>
12H15 - 12H30	Closing Address	<i>Hon Mr Leon Wessels Deputy Chairperson of the Constitutional Assembly</i>
12H30 - 12H45	Vote of Thanks	
13H00 - 14H30	Lunch at Parliament	
14H30	Departure	

THEME COMMITTEES TWO, FOUR AND FIVE TO INCLUDE TRADITIONAL AUTHORITIES IN THEIR BRIEFS



CONSTITUTIONAL ASSEMBLY

17 April 1995

To Chairpersons - Theme Committees 11, 111, 6.1, 6.2.

**Re: Invitation to attend workshop on Institutionalization of Intergovernmental Relations 18 - 19 May 1995.**

Please find attached an invitation from the Commission on Provincial Government to attend a workshop on the 18 - 19 May in Cape Town.

I propose the following delegation, subject to your confirmation.

Theme Committee 11:	3 TC members;
Theme Committee 111:	3 TC members
Theme Committee 6.1:	2 TC members
Theme Committee 6.2:	2 TC members
Secretariat staff member:	1

I would appreciate the names of your delegates by not later than 5 May 1995 in order for us to facilitate the necessary practical arrangements.

Thanking you.

---

Hassen Ebrahim  
Executive Director

---

Enquiries: L Meyer (4032264)  
Room 903, Regis House or  
T Kgosidintsi (245031)  
Room 904, Regis House.

P. O. Box 15, Cape Town, 8000  
Republic Of South Africa

Tel: (021) 245 031, 403 2252 Fax: (021) 241 160/1/2/3, 461 4487. E-mail: [conassem@iaccess.za](mailto:conassem@iaccess.za)



**You've made your mark**



**Now have your say**

**THE NEW CONSTITUTION**

# COMMISSION ON PROVINCIAL GOVERNMENT

*Established in terms of section 163 of Act 200, 1993*

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

---

31 March 1995

**Mr Cyril Ramaphosa**  
**Chairperson: Constitutional Assembly**  
**P O Box 15**  
**CAPE TOWN**  
**8000**

**Fax: 021-241162**

**Dear Mr Ramaphosa**

## **INSTITUTIONALIZATION OF INTERGOVERNMENTAL RELATIONS WORKSHOP 18-19 MAY 1995, CAPE TOWN**

The Commission on Provincial Government - in association with the Centre for Constitutional Analysis at the HSRC and the Development Bank of Southern Africa - is arranging a workshop on matters pertaining to intergovernmental relations in the new constitution. This workshop will take place at the Cape Rendezvous in Brackenfell, Cape Town, 13:00 on Thursday 18 May until 16:00 on Friday 19 May 1995.

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

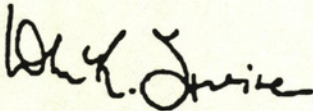
The aims of the workshop are as follows:

- to discuss the rationale for intergovernmental relations and ways and means of conducting these
- to identify and discuss positive development and problem areas in intergovernmental relations among the national, provincial and local governments under the interim constitution
- to identify guidelines for the institutionalization of intergovernmental relations for consideration by the Commission on Provincial Government and the Constitutional Assembly.

It gives me great pleasure to invite you to nominate 10 members from the Constitutional Assembly to participate in the workshop and to share their knowledge on this important matter with us. The workshop's organizers will pay all costs relating to the workshop. I presume that these representatives will not require transport and accommodation given the fact that they are already in Cape Town. I would also appreciate it if you would bring this workshop to the attention of the specific Theme Committees and invite them to nominate at least one person to attend the workshop as well. The Centre for Constitutional Analysis is taking care of all administrative arrangements related to the workshop. If you have any further questions, please do not hesitate to call Mrs Rina du Toit (012-202-2428) or Dr Bertus de Villiers (012-202-2552) from the Centre for Constitutional Analysis in this regard.

I will appreciate it if your representatives could return the enclosed registration form before 1 May 1995. A tentative programme and roadmap will be sent to them on receipt of this form.

Yours sincerely



7P.

**THOZAMILE BOTHA**  
**CHAIRPERSON: COMMISSION ON PROVINCIAL GOVERNMENT**

MD540

## MEMORANDUM

**TO: THEME COMMITTEE MEMBERS**

**FROM: HASSEN EBRAHIM**

**RE: CONSTITUTIONAL PUBLIC MEETINGS**

1. Since we were unable to receive a satisfactory response and the co-operation of the Premier's Office in KwaZulu-Natal, the CA has not been able to finalise preparations for CPMs in the province. It was therefore necessary to cancel the CPM proposed for Ingwavuma. The CA has to yet investigate other options e.g briefings.
2. **Confirmation Forms** will be distributed to Theme Committee members by the Theme Committee's Managing Secretary at Theme Committee meetings. Confirmation forms for CPMs from **10 MAY 1995** until the end of **MAY 1995** will be distributed - a specific CPM is indicated as point 1 on each Confirmation Form. The cut-off date for confirmation will be the end of work on the Monday prior to a CPM.

### PLEASE NOTE

Confirmation Forms should be

- \* delivered by a service officer to the Operations Room, Floor 12, Regis House, Adderley Street OR
- \* faxed to Una Fourie or Mandy Busutil at (021) 238-132.

### 3. BRIEFINGS

For Theme Committee members who will be travelling to a CPM, briefings will be held each Wednesday before the CPM. A briefing document and an itinerary of travel arrangements will be distributed at the briefing.

**The briefing for the CPM to take place at Peddie on 6 May 1995 will be held in the Large Lounge (V2) on 3 MAY 1995 at 15:00.**

All briefings for remaining CPMS will be held in M201 (Marks Building) at 12:00 on the following dates:

#### MAY 1995

- Briefing: 10 May 1995 (CPMs - 13 May 1995).
- Briefing: 17 May 1995 (CPMs - 20 May 1995).
- Briefing: 24 May 1995 (CPMs - 27 May 1995).

#### JUNE 1995

- Briefing: 31 May 1995 (CPMs - 3 June 1995).
- Briefing: 7 June 1995 (CPMs - 10 June 1995).
- Briefing: 14 June 1995 (CPMs - 17 June 1995).
- Briefing: 21 June 1995 (CPMs - 24 June 1995).

**Constitutional Public Meetings**

**Confirmation Forms**

## CONSTITUTIONAL PUBLIC MEETING CONFIRMATION FORM

**1. CPM**

DATE	PROVINCE	TOWN
MAY	FREE TOWN	SANDHURST

**2. NAME OF THEME COMMITTEE MEMBER**

.....

**3. THEME COMMITTEE**

Please tick where applicable

Theme Committee	Theme Committee	Theme Committee
1	4	6.2
2	5	6.3
3	6.1	6.4

**4. TRAVEL ARRANGEMENTS**

Please tick where applicable

**BEFORE CPM**

**AFTER CPM**

Arrangements	CA	OWN	Arrangements	CA	OWN
Transport TO airport from Old National Assembly entrance			Air travel to CAPE TOWN		
Air travel to VENUE			Transport FROM airport TO:		
ACCOMMODATION ARRANGEMENTS	CA	OWN	National Assembly		
			Pelican Park		
<b>PLEASE NOTE</b> <b>CA:</b> To be arranged by the Constitutional Assembly Administration. <b>OWN:</b> To be arranged privately for own account.			Acasia Park		
			Laboria Park		

5. Office contact number:..... After hours:.....

6. RSVP BEFORE 9 MAY 1995.

## CONSTITUTIONAL PUBLIC MEETING CONFIRMATION FORM

**1. CPM**

DATE	PROVINCE	TOWN
15 May	North West	Pietermaritzburg

**2. NAME OF THEME COMMITTEE MEMBER**

.....

**3. THEME COMMITTEE**

Please tick where applicable

Theme Committee		Theme Committee		Theme Committee	
1	<input type="checkbox"/>	4	<input type="checkbox"/>	6.2	<input type="checkbox"/>
2	<input type="checkbox"/>	5	<input type="checkbox"/>	6.3	<input type="checkbox"/>
3	<input type="checkbox"/>	6.1	<input type="checkbox"/>	6.4	<input type="checkbox"/>

**4. TRAVEL ARRANGEMENTS**

Please tick where applicable

**BEFORE CPM**

**AFTER CPM**

Arrangements	CA	OWN	Arrangements	CA	OWN
Transport TO airport from Old National Assembly entrance	<input type="checkbox"/>	<input type="checkbox"/>	Air travel to CAPE TOWN	<input type="checkbox"/>	<input type="checkbox"/>
Air travel to VENUE	<input type="checkbox"/>	<input type="checkbox"/>	Transport FROM airport TO:		
ACCOMMODATION ARRANGEMENTS	CA	OWN	National Assembly	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Pelican Park	<input type="checkbox"/>	<input type="checkbox"/>
<b>PLEASE NOTE</b> <b>CA:</b> To be arranged by the Constitutional Assembly Administration. <b>OWN:</b> To be arranged privately for own account.			Acasia Park	<input type="checkbox"/>	<input type="checkbox"/>
			Laboria Park	<input type="checkbox"/>	<input type="checkbox"/>

5. Office contact number:..... After hours:.....

6. RSVP BEFORE 15 May 1995.



## CONSTITUTIONAL PUBLIC MEETING CONFIRMATION FORM

**1. CPM**

DATE	PROVINCE	TOWN
26 May	Free State	Bartholme

**2. NAME OF THEME COMMITTEE MEMBER**

.....

**3. THEME COMMITTEE**

Please tick where applicable

Theme Committee	Theme Committee	Theme Committee	
1	4	6.2	
2	5	6.3	
3	6.1	6.4	

**4. TRAVEL ARRANGEMENTS**

Please tick where applicable

**BEFORE CPM**

**AFTER CPM**

Arrangements	CA	OWN	Arrangements	CA	OWN
Transport TO airport from Old National Assembly entrance			Air travel to CAPE TOWN		
Air travel to VENUE			Transport FROM airport TO:		
ACCOMMODATION ARRANGEMENTS	CA	OWN	National Assembly		
			Pelican Park		
<b>PLEASE NOTE</b> CA: To be arranged by the Constitutional Assembly Administration. OWN: To be arranged privately for own account.			Acasia Park		
			Laboria Park		

5. Office contact number:..... After hours:.....

6. RSVP BEFORE 15 May 1995.

## CONSTITUTIONAL PUBLIC MEETING CONFIRMATION FORM

**1. CPM**

DATE	PROVINCE	TOWN
20 May	North West	Kimberley

**2. NAME OF THEME COMMITTEE MEMBER**

.....

**3. THEME COMMITTEE**

Please tick where applicable

Theme Committee		Theme Committee		Theme Committee	
1	<input type="checkbox"/>	4	<input type="checkbox"/>	6.2	<input type="checkbox"/>
2	<input type="checkbox"/>	5	<input type="checkbox"/>	6.3	<input type="checkbox"/>
3	<input type="checkbox"/>	6.1	<input type="checkbox"/>	6.4	<input type="checkbox"/>

**4. TRAVEL ARRANGEMENTS**

Please tick where applicable

**BEFORE CPM**

**AFTER CPM**

Arrangements	CA	OWN	Arrangements	CA	OWN
Transport TO airport from Old National Assembly entrance	<input type="checkbox"/>	<input type="checkbox"/>	Air travel to CAPE TOWN	<input type="checkbox"/>	<input type="checkbox"/>
Air travel to VENUE	<input type="checkbox"/>	<input type="checkbox"/>	Transport FROM airport TO:		
ACCOMMODATION ARRANGEMENTS	CA	OWN	National Assembly	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Pelican Park	<input type="checkbox"/>	<input type="checkbox"/>
PLEASE NOTE CA: To be arranged by the Constitutional Assembly Administration. OWN: To be arranged privately for own account.			Acasia Park	<input type="checkbox"/>	<input type="checkbox"/>
			Laboria Park	<input type="checkbox"/>	<input type="checkbox"/>

5. Office contact number:..... After hours:.....

6. RSVP BEFORE 15 May 1995.

## CONSTITUTIONAL PUBLIC MEETING CONFIRMATION FORM

**1. CPM**

DATE	PROVINCE	TOWN

**2. NAME OF THEME COMMITTEE MEMBER**

.....

**3. THEME COMMITTEE**

Please tick where applicable

Theme Committee		Theme Committee		Theme Committee	
1	<input type="checkbox"/>	4	<input type="checkbox"/>	6.2	<input type="checkbox"/>
2	<input type="checkbox"/>	5	<input type="checkbox"/>	6.3	<input type="checkbox"/>
3	<input type="checkbox"/>	6.1	<input type="checkbox"/>	6.4	<input type="checkbox"/>

**4. TRAVEL ARRANGEMENTS**

Please tick where applicable

**BEFORE CPM**

**AFTER CPM**

Arrangements	CA	OWN	Arrangements	CA	OWN
Transport TO airport from Old National Assembly entrance	<input type="checkbox"/>	<input type="checkbox"/>	Air travel to CAPE TOWN	<input type="checkbox"/>	<input type="checkbox"/>
Air travel to VENUE	<input type="checkbox"/>	<input type="checkbox"/>	Transport FROM airport TO:		
<b>ACCOMMODATION ARRANGEMENTS</b>	CA	OWN	National Assembly	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Pelican Park	<input type="checkbox"/>	<input type="checkbox"/>
<b>PLEASE NOTE</b> <b>CA:</b> To be arranged by the Constitutional Assembly Administration. <b>OWN:</b> To be arranged privately for own account.			Acasia Park	<input type="checkbox"/>	<input type="checkbox"/>
			Laboria Park	<input type="checkbox"/>	<input type="checkbox"/>

5. Office contact number:..... After hours:.....

6. RSVP BEFORE 20 May 1995.