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**THEME COMMITTEE 603**

**13 MARCH 1995**

**TAPE 1 - 3**

**THEME COMMITTEE 6.3**

**TAPE 1**

**95/03/13**

- MVAUD1:** Chairperson of the committee for some reason she won't be here and we wanted to suggest that we start the meeting and here the fact that we have about 45 minutes and at 7 the public hearing has been scheduled. Now in the absence of the chairperson I wanted to suggest one of the honourable member of the sub-committee chairs the meeting. It appears that Mary Tarker has been suggested.
- FVAUD1:** The person is actually coming to present the evidence so its to going to be waving teeth. the are going to come, they are going to present the submission which they haven't sent to us yet. So it's not something that we have seen. People can ask questions for clarification and the technical experts will be noting down the issues that arise to put into report, so you know it's going to be...
- MVAUD2:** (inaudible)
- FVAUD2:** Shall we proceed to item two which is the adoption of military colour on part of the agenda. These notes are very short. This list the public hearing and it show public hearing for this week.
- FVAUD3:** I wonder if we should remind the members of the theme committee.. (inaudible). I wonder if we could make special appeal to the members of the absent members of the theme committee. Maybe just photocopying this page and reminding them about the public hearings.

**MVAUD3:** It was actually sent to members but I accept that maybe it should be photocopied and sent to members. Perhaps we should be more stricter than that ad begin to penalize members who does not come to meetings. Because in terms of the rules, actually for a failure to attend the meeting we ought to have a hundred rends deducted form the salary.

**MVAUD4:** Chairperson, while I agree with this concern, but I think we would bear in mind that I nearly asked to be excused form this meeting because of the timing this meeting is taking place. Some of us are for the first time are experiencing cooking for myself. I never experienced that and to have this meeting at time of the evening, its's really is unfair to us. And members have had the same concern sometimes back, I want to edge those who are setting this meetings. Because as you are aware that some of us are form these very hectic participation this weekend, and many other members are from such meetings. If you can imagine that you have been out for the whole weekend and you come back yesterday and about ten or so and I think you should consider that. I agree a member should attend meetings, but let's try and see if we can re-schedule our meetings at an appropriate times where members would be able to attend. To attend such meetings being exhausted, to such an extend that meetings would be unfruitful. Thanks Chairperson.

**FVAUD4:** I sympathise with what Khosi Mokoena is saying. These times were actually put in a work programme which was adopted by the theme committees, ad the

problem that we are facing is that unfortunately we have only been given one day a week to deal with CA work. If we had more than one day a week then perhaps we would look at re-scheduling the meetings. So it means that in one day there need to be a management meeting. A CA or CC and a sub-theme and theme committee meeting all in one day. The difficulty is that with smaller parities they have more than one person. They have one person in more than one theme committee and that's why the theme committee have been separated after in that way. So the fact is that it's going to be quite difficult to re-schedule because our chairperson sits in the constitutional committee. She sits in the management committee which means at the end of the day she is not going to attend the meetings. So the only way that we can change it is if members of political parties actually pressurise the administrating, actually pressurise the National Assembly to either change the way meetings re scheduled or alternatively we are given more than one day to deal with the CA work. But I mean we understand your concerns and must also take that into account.

**FVAUD5:**

Thank you. I am not sure to what extent the theme committee are to ensure with the committee. For instance tomorrow I am due to be at the Land Affair select committees at the same time as the theme committee. I know that's not possibly easy to avoid that but from time to time one will have to choose between the two. It happened that the select committee for tomorrow is very important because there are very important issues that are being discussed. But I will try to come back as soon as we are finished. Thank you.

\* MVAUD = Male voice from the audience  
FVAUD = Female voice from the audience

**Chairperson:** Well I guess we`ll need to raise this in perhaps courcus, in party courcus, and mean while we just have to go ahead with the schedule because the rest of the period until May meetings have been scheduled until this time and we are right in the middle of the process now. so I think we can't upset it at this point in time.

**FVAUD6:** Madam Chair, I think all I agree in principle. I can't help when one has such an opportunity when Mr Mokoena for example express in such a feeling way some of the problems that single people and the house keepers usually experience. It's so able toe hear that coming from somebody for his side talking about the gender. I think we should just ... men are just fought for the way he feels.

**Chairperson:** Is that agreed?

**FVAUD** I agree.

**Chairperson:** The other point I think we need to make which was raised by Professor Ngubane. That is that these meetings on Tuesday and Wednesday this week do infact clash with other meetings. So I don't think at that point we can start wadding a big stick.

**MVAUD** That's true, actually the only day that the Constitutional Assembly has the right to impale the penalty is on Monday. And strictly speaking we should not even be rescheduling the meetings on Tuesday and Wednesday because those days encourage or legislate on Parliament.

\* MVAUD = Male voice from the audience  
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So that would never happen on Tuesday or Monday or any other day except on Monday when somebody misses the meetings.

**FVAUD**

I've got a meeting at eleven o'clock tomorrow, so I could be there for the first week. I think this I don't know what we can do at this point. The only gesture is to put a reminder in people if possible first then in the morning and just hope we have enough people.

**MVAUD**

Chairperson you mean to put a record that I'm suppose to be in the similar meeting where the Professor will attend the land affairs, but to a committee and the again I am expected at the same time to be at the 9:30 at Sport Committee. So you can see some of us can really be in both meetings at the time. I'll have to see where am I going to get first.

**Chairperson:**

I think we first start with the burial problem because people were in this meeting where we agreed to all public hearing on Tuesday and Wednesdays. And I'm sorry I'm coming across in a very bad way because understand that you do have select committee meetings. The point was raised, let's rather meet once a week and look at what we can achieve within the block that we've got. But members felt that they wanted to meet and they wanted to push the report and they felt that they could meet on Tuesday and Wednesday with the public hearings. That is why this secretariat went ahead and organised these meetings. So I understand that you get penalised if you not in the select committee meetings and I also understand that it's not strictly within

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our mandate to schedule meetings on Tuesday and Wednesday, however people did put forward that suggestion and it was agreed to. So I think that we are better on the catch to win such suggestion because people are coming to present important evidence to us on the Public Protector and if non of the members are here it actually doesn't look very good for us given that we agreed in that particular reason.

**FVAUD:** Well those of us who can possible come and perhaps just present the faces of the selected committee that come here and try to put themselves between tow places at the same time. we just gonna have to try and to that end we have to make a special appeal to others reminding them. Just remind them about the Public Hearings because most people should know about it.

**Chairperson:** So let's move on the minutes of the meeting of the 27th February. Is there anybody with problems with the minutes? Nothing arising. So let's go back to the agenda to look at the report from the technical experts o the gender commission. I beg your pardon, and the minutes of the 6th of March following which includes the submission by cathy on the summary on the submission on the aperitif prospectus of the Public Protector and the Human Rights Commission or just the Public Protector. OK so shall we move on now to the next item on the agenda which is the report from the technical experts on gender commission.

**FVAUD:**

Thank you. I'll just start with, I did the first summary of admissions that is discussed as separate file and here both I think myself and our Chairperson have worked and time them. I think we were working on an extra sincere perception. What I did was to look at the submissions from parties, groups and individuals and what was interesting was in terms of the public interest in specifically the general advisory commissions or commissions for gender quality, we have a lot more significantly a greater --- of stake holder specifically consist of women groups and individual research centres continuously making recommendations and the interesting part is where else we still debate it and also debating the issue of where this commission fit into the national machinery. The submissions that we have from the women's groups have not such fundamental question still outstanding. They have assumed that there will be a commission and this commission will be very specifically used. So while we are debating that this commission should be fitting into the national machinery and I was trying to interim of the submissions virtually draw a picture of where the commission of gender equality could fit into interim of variety of machinery. I think the public perception is quite different. They see the commission as a very independent entity with varied functions of the whole range of issues where as we still tiring to find a place for it in larger national machinery. We should be sensitive to that particular issue and maybe not debate the issue where we would have said what is almost the independence and the preeminence of this commission can actually take place in almost

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creating the national machinery. That is not there ---. So I think that the issue to me that comes out and to in terms of your submissions, Madam Chair that I got at later stage that Bronwin fax through that to me is one of the interesting issues is we still debating the whole issue of what types of national machinery they should be. And I'm actually making the commission in the certain sense of almost sub-servient to other structures. What the public is debating is how the commission play such more active and proactive role and I think that the issue that we need to address. It also relates to one of the issues raised by the ANC's documents in terms of the party submission. Their documents to me was very interesting because it deals with --- it has three separate sections. One section dealing a bit with commissions functions then it went on to national machinery and also at the same time looking at accountability problems in certain national machinery, women's ministry, women's desk cabinet's committee and focus points for women in ministry. And then it got very almost defuse in terms of the collaboration with human rights commission, and I couldn't quite make out will they see the commission as a watch-dog over the human activities, human rights commissions or completely sub-serving to the human right commission. And I think from that particular party we need much more guidance lines exactly where they want to position how they see the commission because the commission position seem to be a very sub-servient sort of institution in their submissions. Where as I say the other submissions coming from women's groups sort of a

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very strong pro-active institution really being almost a senior partner in all the recommendations from these groups different from the party submission in a sense that the women groups were much more clear and they wanted the commission to do. And they gave a lot of specific guide lines, a lot of specific details, where else it seems the various different parties are still not very clear in their minds as to how they see the specific commission. I also highlighted areas of agreement and disagreement. I don't think we need to go into the details here, because it's still a document obviously in progress but what to me is untwisting is both in terms of the functions. There is a lot of agreement amongst the political parties and a lot of agreement amongst the women groups and in individuals about the functions, but the functions theme goes much wider than we initially anticipated. I think when we started off with this particular process. Another issue that I am just picking out issues that are also interesting, in terms of the submission, that Cathy is going to do, that we are working on in terms of both the workshop and in terms of questions that we can put in a letter to potential stake holders. Where else for example on Cathy's submission or the call for submissions on commission of the gender equality there is a question. Should we have the commission for gender equality? and what function should be performed by this particular commission? And I think what to me is various different functions and inter-action with other types of organisation. As I said I'm not going to go into too much detail but I think there is a lot of

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agreement in all the various submissions but differing on very interesting details. And lot of valid interesting suggestions that were made but I think it could be debated also in the workshop that Cathy and I made a submission on. Cathy do you want to take it from there, unless you want to take questions. You want to take questions, because I'm going to move on to something else. I'll move on to the letter and the workshop outline.

**FVAUD**

Is there anybody who want to ask questions about Renerl's presentation? You've got to move and read the letter, maybe it will be better to read it. But it looks like you've done a very useful job Renerl, much better than me. Because I've been a political activists for too long, but I look nice. I think out of the Chair I should say your remark about the ANC's submission is well made and should be taken note off. Thank you.

**Chairperson:**

So shall we move on to Cathy now to present the workshop outline and the letter?

**FVAUD**

No we are still on the gender commission.

**Respondent**

(Cathy). Yes, we were asked last week to come up with the proposed outline for a workshop for the theme committee on the commission for the gender equality and a draft which you have to fax through to me. And I re-worked on them on Saturday, so I'll just talk to the reworked draft. Although if you want to raise anything after that then you should. I'll start by going through sort of thinking around the workshop and take you through the sort of two pages of the document. My understand of the aims of the

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workshop and again if this need to be corrected, if it's wrong was preliminarily for members of the theme committee to acquire members with the general contents of the structural function of commission for gender equality that various stake holders could be invited to participate. They were not excluded and what the workshop could do is to identify what the debate was and what the various options were available to women. Now I understand that the theme committee have already decided to look at the commission for gender equality in the broader contents of national machinery. So we've devised the workshop that does try and look at the broader national machinery and ends up by focusing on the commission for gender equality. I guess the idea was that for the various options would emerge from the workshop and people would better be able to debate and discuss the options. My sense was that because and I think Rerner<sup>1</sup> said both our senses was that because so much had gone on before in the debate and infact the reading package could be made available that took out the key documents, reports and papers from the conferences from the past three years. I mean for example there is a report from the Natal conferee in December 1992, that we summarised as the start of the debate and the relevant section from the women section of collision conference from the Bein report which actually says what has or has not being done since April 1994. So we could put together some kind of reading pack if that's what is suppose to be useful and it should be sent well in advance to all the participant. And it should be some assumption that people are familiar with the debate and the question of

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overseas guests. I know there is suppose to have been money for that but the sense is that they should be kept at a minimum to only because for the money but because if we have too many overseas guests you actually don't get any value out of them. One wants not more that I think two to four --- or three guests and then I think also we told them it should be a two day workshop. And I planned it for two days but again that should be cut down. So those are really assumptions or working assumptions of this outline. The draft assumption that I made and again it something that people can get feed-back of was that most of workshops are run in a way that international participation come first and they participate on the first panel. And they talk about their experiences and they really don't relate to the country which they are visiting. So I thought that we should spend the whole day look at South Africa before we even ask the international people to talk and they would come to the second day and present their experience in the light of what they knew of what they lent, the previous day. So that is an important assumption. The first day would really be to try and think about national machinery in South Africa. Starting from an introduction that would look, would briefly cover the history of the debate - why we have the commission for gender equality, what national machinery have been planned or didn't have been in planned and how the struggle for women equality have brought us to this particular point in time. By the way I haven't put down people because that could be done late.

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So that would be a general introduction that I think would locate everybody within the debates of the last few years. Then I thought what was necessary was them to have detailed explanation of what national machinery is. OK and sometime this is re-hesing a ground, but it's very important. There is so much work coming up now about the United Nation and the Common Wealth, cooperative studies of national women machineries and what it is and where it should be located and what it's function should be. Then we really need to summarise that debate as a starting point. We should look at sort of government, what is it that women want from government and how you play structures from government to get that. The importance of civil society, the importance of enforcement mechanism in that kind of thing. So that should be a very major presentation and that would be followed by looking at what is already in place because this is very important that we move from the kind of theoretical understanding of national machinery to say OK what have we got now in South Africa. We should look at things like the human rights commission and the public protector and locate them in terms of that machinery. That would supposedly take us to lunch time because it may not, I mean because I assume there is quite a lot of question and answers. But in the afternoon having had that general sort of theoretical input on national machinery and the practical input on where we are in South Africa, is to actually go into small group discussions. To look at what are the needs of South African women within that context. And the point about having that discussion then is that what we want to start

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doing is start what the priorities of national machinery and commission for gender equality would be. I mean whether they would develop mental priorities, equality priorities or whatever. So it would be important to have that discussion and meeting those needs. Because I really think part of reason why people so much in the commission of gender equality is the kind of ignorance around with other structure exist or could be made to work for women. Such as the human rights committee or public protector, and I think it is important for us to have that discussion and I think the other thing that we need to look at by way of preparing us for, think about the options on commission for the gender equality. But I think we have to be very realistic about the constraints the economic constraints that face us and the political constraints and the social constraints because I don't think the choice in an open one in terms of what structure we looking on, I mean we know that there is not gonna be that much money we can insist on money for the commission for gender equality and I think we have to be quite strategic in thinking about how we can make use of maximum resources. Another constraints that is very typical of national machinery across the world is interestingly enough not the number of staff in national machinery but the technical experties that is available that is available to such machinery. So we need to start taking those things into account at least not thinking about them. That would be the end of day one and supposingly it will be some kind of report back. But the point of to the afternoon is to retry and think about the South African continent, the

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needs where needs are being met whether on to being met what the constraints are and the limitation in terms of what we are asking. And then day two we move straight into the presentation by the international participants. He would give us their experience of their countries having heard the very sort of specifically South African content that would have been discussed the day before. And I through out people from the common wealth who have done knowledge of the national machinery in the common wealth countries who have covered both developed and under-developed countries and could be given a good general overall picture of pros and codes what does work and what does not work. What are the problems of the national machinery and that kind of thing. We can actually ask them to focus specifically on the role of commission within that, but also just to say where they fit in and where they don't feet in, that kind of thing. And then possibly two examples of different models of commissions the sort of Dennis model where should the policy watch dog model and the enforcement model which would be on Australian or Canadian not the Canadian, an Australian or British. I can really now think first, sort of developed examples of those I can think of developing world again beside those. So that would be the only input on that day. Then I think it would be important to them to sort of concretise the discussion to focus very specifically on the commission gender equality. Should we have one or ... I presume every one is gonna say yes but you gonna keep on asking that question and what format could take and how it should be constitutionalised. And supposingly

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come up with that the end that day a sense of a model or two people's models and how would they fit into the constitution. So that more or less would be the workshop and what one since quite ambitions because it does take us far beyond the institution itself by my senses that we need to go beyond the institution join before coming back because I really think we need to understand the rains of structures that exist the need of South African women or all these questions that I have raised in the workshop, but anyway you may think it's too much. so I am happy for criticism and comments and suggestions.

**Chairperson:** Any comments on Cathy's presentation. Thank you.

**FVAUD:** I just like to add to Cathy. I would very strongly urge the meeting also to link to suggestion that Cathy made under point one, point two. I feel that we should invite the other relevant sectors to participate in especially people who have given us submissions. I think this type of work shop should also have an educative function for the people who are fundamentally interested in this particular issue and not only the members of the theme committee, especially if we are going to quite an amount of money of bringing people in and then also using some of the money we should have spent on the external person flying him in rather than flying in for external people, flying overseas people we rather use some of the money to get the fundamental and important women's organisations that have been as you said Mary are being part of their learning process over three years to have them be part of that particular process, so that every one that

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could be on the same level may have an informed decision. I also in my suggestion of speakers that we could use because there are certain speakers in South Africa that have a tremendous amount of background in this particular area that would have a very impassioned plea they could make. I don't think the terms of all the constitutionalising of what women need an issue that Professor Ngubane has raised a number of times is the women in customary way or women in traditional area where traditional leaders would feel about this issue. And I think we need to draw that too into a workshop like this because that I think is something you need to place in South African, that we need to address. Then I just made some suggestions about some of these overseas people that have been to South Africa and at least have some South African experience that we could use. The other issue again was just the proposal that we should draw in more of the women's group.

**FVAUD:** Well you've got two proposals here.

**FVAUD** This is an average

**Chairperson:** Anybody want to say anything about this proposal proposed workshop. Do we have a possible date?

**FVAUD:** I think we we are saying at the end of April for both the land commission and the gender workshop.

**Chairperson:** Anybody want to make any comments of anything or

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complain about anything?

**FVAUD**

I don't want to complain Madam Chair, but I am very interested in one or in two of these proposals. In most cases when we call for this type of workshop we leave out people who plainly matter and for whom we are trying to put up this structure of whatever we are doing. So I am very interested in us seeing to it that we getting there, involving women, What the WAC

**FVAUD:**

Women Action Collusion.

**FVAUD:**

Oh yes absolutely because they have been busy with this and of course business, so I won't say any more because it would be a waste of time. But one of the.. I am very happy about this question of the international people coming on the second day or sometime we take away from the importance of what we want to do our self by getting people who do no understand what we really want to come and speak just because they happened to have maybe have more knowledge or to have organisation dealing with this, which may not be necessarily be relevant to our situation. The question of people from, I do not know whether we are saying there be people from Britain or Australia. I would say that the common wealth if we let some of the people common wealth, the new are getting people from Britain or Australia and form all these countries that are in the common wealth. Then there would be no reason to unless these people are going to pay for themselves. Then we had the workshop here. About 20 people who came form overseas to come and speak and I just felt that it was a waste.

Because it was done in one day or was it two days, tow days. There were just too many I would be happy if we would do that. I won't get in to details because I think that will be discussed in details at this very workshop to what is it that women want from, not just from the government but from the structure that they are going to set up, what type of setting have we want to , what do we want it to look like, what do we want it to do. I think these are some of the things which are going to amount at this. That's all I had to say.

**Chairperson:** Any body else want to say anything?

**FVAUD**

I must say my own feelings about people visiting from overseas is that even if there is only the kind of skeleton on the national machinery in most African countries if even that. I still think we have to try and get at least one person from an African country, because I think there are so many similarities in the problems, and I'm thinking of particularly of Zambia where one of our members was telling me that before the Nairobi Conference, you know. It's similar in a way, no before the Beijing Conference, and things got really moving there, as a result of that all sorts of initiatives were taken, and I think it's the least experience which seem to get such a good response to womens organisation a much better response than somebody coming from a fairly national sophisticated elien kind of society.

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**FVAUD.** Madam Chair I would probably add, is that need also support that if we get somebody from Commonwealth experience with so many people outside. But more important if it could be that luck and get people who are responsible for these various machinery themselves because both in NY and with the eye law in Geneva these were the bases for women machineries, so we must have the far experience which goes beyond perhaps British Colony and ex colonial countries and to French and those other countries where they emphasis is also on development and I don't think that we represent the ..... and then we are both developed and under developed.

**FVAUD.** I would just like to add my voice particularly from the French perspective. French have a great deal of African experience and if we are going to have a great variety .... to the representation, I don't think we can need the French.

**FVAUD Renearl** But I am sure I mention the particular person on the list of people that I suggested Heather Combi she is an interesting person. She started her career as a Trade Unionist in Australia, but she and the whole range of women's organisation were instrumental in creating, first of all the 1984 sex discrimination act, and later the 1986 affirmative action act and she has actually worked with all the affirmative action commissioners, equal opportunity commissioners, plus in the private sectors. So she's the person who's got trade union experience, private sector experience, legal experience plus the experience working with the various commissioners. But fortunately she's been in South Africa twice so

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she's, she would make basic mistakes, an Australia still is the part of commonwealth as far as I know so I think that's one person who can intergrate a lot of issues so I think we should look for the type of person who would understand all the Trade Union inputs would understanding if we gave women organisation the that have private sector links or women organisation that have legal links. I think it would be a person that would understand a lot of S A issues involved and incidently the, she just bought a farm in New South Wales they are part of rural developement the unique project that launch in that particular area.

**Cathy**

So we don't go on long about this, I think maybe we could ask two technical experts to bring us a short list and between themselves, taking into account you know the various suggestions at the most. And I note that Renearl mentioned a serminaron Namibia, Canadian and Ugandan. And maybe bearing in mind that Namibia and Uganda has also possible countries where they maybe interesting.

**Chairperson**

Perhaps we should now move on to the letter.

**FVAUD.**

This was the letter that we asked the experts to draft to be sent into womens' organisations asking them for more detailed comments on the commission on gender equality.

**Cathy**

Again I took an initial draft from Renearl and expabded it. The letter is quite long for this reason. We can do one or two things, we can either have a very short letter with a fairly

short letter with questions and attached either Brownwen from the report seminar or three reports. But I am not sure we can assume that everyone is going to read all of that. Any way tha's the one option. The other option is, can actually try to put some point that we think are important in the letter itself, but that make the letter quite long, but we can form it in a way that we focus people's attention on to question if they want to skip on to paragraphs, so that's another decision that need to be taken by the theme committee. So I went on the buses that we can maybe attach the report one the information seminars which sumirises every thing. But that we should not assume that people are reading it so we should just give them a little bit of stuff. So the letter is based on that.

## THEME COMMITTEE 6.3

TAPE 2

95/03/13

Cathy:

(Continuation from tape 1)

I've given three modules arising out of mine and Renerl's submission, but maybe that the other models people want to add to the models I've given. It is at the top of page two. It's quite directive that there is either the independent or there is an enforcement or there is some kind of combination. So that's really the way of introduction, it's really to say this is what National Machinery is. These are the constitutional structures that we gonna have anyway apart from the commission for gender equality. These is possible, this is the thinking along the role of the commission for gender equality. Then I've gone to the question that I think are similar between Rernerl and my letters and if fact for Mary's summary of areas of agreement ad disagreement. And some of the questions may seem quite obvious, but I think people need to be answered. We need people to put things down in writing, so can you tell us what structures you want and what you think it's powers and functions be. And then I asked what kind of function should be performed by other structures, because I really think we should ask the women's organisation or stake holders to keep thinking about what can be sone next year. To keep focusing on the broad range of structures and not just to put everything into the commission for gender equality because they have been asked to talk about the gender equality. Should the commission for gender equality entrench in the constitution.



I know people would say yes to that, but in the case of at any point in this stage of any opposition we want to show the ex-number of letters from women's organisations supporting the inclusion that has to be asked and I've got the little summary of what the pros and cons would be just to be hopefully not to be too directive. The next question is quite a technical question, if the commission for gender equality is not changed, how much of the detail should be included. There is some of the organisation that won't really want to or answer that one. But anyway it should also be going because I think it's also important to get responses to that and then I try to get for lines of explanation to why that question is there. Then the crucial question is what should be the relationship between the national prevention for gender equality. I think that is the very important question and think we should listen to responses for the Regional Machinery that exist and from Region Parliaments on that. I think that it's quite important and then any other issues that the organisation or the person wants to raise. So it tries to take people through a set of questions. I hope if we missed anything out then it should be added to that.

**Renertl:**

I think the only thing that I didn't add when sending some of my suggestions to Cathy. That's strange, I was not quite satisfied with this diagram, but I think one can use this diagram just to slap that on to the question or to the letter so that is could present a sort of mental picture and obviously I position some things would elicit a lot of comment and questions. So left it fairly open, so people can look at it and question it, and that could in agenda have lots of debate too.

**Chairperson:** Thanks Renerl, would anybody like to comment on the letter? I must say if I could jump in ahead of you. I think it's too long. I think by the time people went through the first page and paragraph, they might never get to the questions. My serious feeling is that we should really paly down the whole national machinery argument. I don't think we should need to bring it to the letter. That wasn't our intentions, our intention was to mearly say that is the commission for gender equality in the existing, in the constitution. I don't suppose we say that, but anyway to say do you want it, do you still want it in the new constitution? And then what the questions are. I think the whole national machinery I think it has an important place in a workshop because it is part of something, but I don't think in the letter. I think it's gonna really lead people up and that whole word national machinery it could be miss-understood. Come-on somebody else got to have anything to say. Mrs van Wyk.

**Mrs van Wyk:** You know I am suffering from typical thing that alternative --- and you not quite sure whether you've got the tails of the skirt or what. But because of that I am inclined not to agree with you entirely about a meeting - this national machinery thing. There are too many people that have absolutely no perspective you know. They don't know the complete picture or any sort of inside and the thing we come across them any day at the risk of anything not being read.

At least it would be there and as the reports and things like that one thing they might not read, but something like this particularly if it's presented in a visually friendly way, people might actually read it if it is visual friendly. So I would rather that stay then language could be simplified. This is wonderful seminar now, language could be simplified, we should also make it also more readable.

**Sis Heriet:** I don't think that I have an answer but somehow there is something that tells me that the language, when we say should we have the gender equality it's really understood by us and people at our level of thinking. If I were to ask that question to the group people in the village this type of question, probably they might want to know what are we talking about, probably if I'm asking them what type of structure they might want from it's powers and functions be probably stop our men from drinking too much, get them to send money home. So I'm not saying that I have an answer to this but I'm saying are really addressing our target obviously is a very high powered group of people. I don't know how we can address ordinary group of people out there because they are far removed from this type of approach. I have no answer really I'm just raising the question.

**FVAUD** Thanks Heriet no, no, it's just that Heriet calms it, but I was just saying to myself worrying with people but people participating in the theme yesterday people saying the type of thing they want. There wasn't much they said on the gender thing more because there were attacks

from .... no quite attacks, but men were coming up with the all the sort of things and women were not responding to that but I just ask myself whether this is the thing that would come up, but at the same time say maybe if we put it there we are introducing to the people, we are making them take interest like what kind of structure do we want. I don't know what to say I am a little confused myself. What function should be performed that's the one that really bugs me more. What functions should be performed by other structures aren't we confusing them, should we not keep on the gender equality thing, because we now start speaking about other structures we want to know are there other gender equality structures is that what they are referring to or are there other structures. So for people like us this could be quite ok, we would understand but it's just my worry.

**FVAUD**

Ya! I mean the problem is that this is quite a technical debate in terms of the commission for gender equality, we are looking at constitutional structures in a way in which the government work the powers of government and the way the quality is implemented and it's very difficult to simplify. I mean it simplify to do what women want and women can tell us what we all want but the decision is coming within this theme committee as to who is gonna provide all those services for women in terms of what women want. I mean the answer that is in my head is that function of N G O and the women organisation to understand this letter to be taken with women on the ground to ask the right kind of questions, because in a sense this is a two tear process.

\* MVAUD = Male voice from the audience  
FVAUD = Female voice from the audience

**FVAUD**

Madam Chair are there going to be so many organisations that are going to be invited because if people are already grouped in an organisation, some of them have some skills and if there are not a such vast number of organisation that would precede this letter, could one work on some sort of a little programme or follow up telephone calls or something or prepare it by telephone calls or which ever way we look at it and explain to at least to whom ever the letter is addressed, you know to contextualize it , so that she could have some understanding of what kind of information she has to obtain from her group in order to make sense of these.

**Cathy**

Thank you I just check the submissions that are summarised but for example the Blacks Housewives League in term of they say the Black Housewives if you look at the suggestion they made on the powers and function and the way in which the investigation should be handled and complains received provincial and relationship to other bodies. They came up with sophisticated arguments. I think we should be very careful not to assume that a group like the Black housewives league would not understand. According to their submission, they understand the key issues very well. I think too, for example the South African Council for Child and Family Welfare or all lot of the other women organisations. I think they understand the basic issues and it's just getting them together to pull their resources. So I was very impressed with the level of argument of the submission we did receive from the ten women organisations. And I don't think many of the

organisations also have the technical experts, they can also get hold of, so I think we shouldn't under estimate the various women organisations that they would not understand the complicity that we are dealing with.

**Ruth**

I was asking to come in to say that maybe I should take what Cathy said, and except that this letter would be sent to organisations, and then these organisations will go to the grass roots and speak to them. But I do not agree that we should say that because it takes two or three organisations that understand then it's ok. I don't. It doesn't work that way. In most cases our women need to be given ... since as a dialogue. They need to be made to understand and some of them have never been to school and those are the people we want to draw in. So I wouldn't agree, although it's correct that the organisations we are talking about are very capable, people are very able. But those are not the people we are worried about. We are worried about people who are not. But as I said I, ... so that we don't go this way unprepared. I would like to say that we accept what Cathy said. But maybe this would be the responsibility of the organisation which we send this letter to, to go to the grass root and explain to them.

**MVAUD**

Well, I just wanted to raise some points that really relate to our concept of public participation. I think a lot of people misunderstand it to be sort of entail that the only way of accessing in the public, maybe is through public community (public program) participation meeting, but I think as it has

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been conceptualized by the Constitutional Committee there are various ways. The one way is through structure of civic or civil society, that over the years have tried to articulate the aspiration and feeling of the marginalized committee. So these would be the N G O, Civic Associations and if you send a letter of this nature to them, say we send SANCO for instance after the response we get from them, is that give us a month because we need to consult with our structures with our branches and that way you access input from the very marginalized because it doesn't necessary means that the letter we've got to specifically send it to and individual woman in the township because she is affected; but you can access her, through the Daveyton Civic Association. As I said the answer we get from the Daveyton Civic Association is that we can not answer this letter, give us a month because we need to talk to our members and by our members that is what they mean, and the other level is what we've been doing in the last coupler weeks that it shows where you go to a public hearing and you sit down in view, you listen to people, while people will talk in the most simplest sense and say these are our problems and this is what we need, or thing like children are being abused for instance. I mean all that means is that the constitution ought to make a provision for children's rights that's how I interpret it. So just .... debate have been going on for some time without there being a solution and I think from the administration point of view, we wanted to propose that the letter as is, it's not a very long letter because we have to respect other sub theme have had to

send about fifteen page letters and there has been respond. So I would propose a way of taking this forward, let the letter go as is, it and the target would be the organised sectoral civic society. If we don't cover people that were, the other component of that participation programme being the community participation meetings then we will cater for that, but I think here we can assure members that through the organised components of civil society, you'll be able to access the marginalized sectors of societies.

**Chairperson** Harriet did want to say something ...

**Harriet** No it was taken up so I've got covered.

**Chairperson** so is that general, general all the people are happy the letter; I think we move on

**Cathy** Well maybe just to accommodate my worries we could just move the question near the front and maybe you could have something, just move it around and explain at the end about the national machinery, just because you know, unless you ask what you want right at the beginning of the letter, some times people don't get that.

**Rernel** We could do two things, we could try and simplify the language and then have the letter and the attachment to the letter which is an explanation sheet is one page would that be ok?

**Chairperson** We've just had a very good explanation of how these things are done which makes it very much easier really. But then what bothers one is that we have history in South Africa of recognition of



certain formation in the country, for instance, such as in the city Sanco. Probably also there maybe others in the city , but probably they may not be recognized as Sanco and therefore they don't get the letter it's the problem that we are living with actually as a result, people see things as if they are once like that, and then in the country side we have a situation of amakhosi and because the history at the country has been put aside the amakhosi in evolution they would be finished and we are not ready to deal with that. But the fact of the matter is that they are there in existence and they are a structure and with not yet brought ourselves to actually look at the reality of the situation and think broadly about these matters. Thank you.

**MVAUD**

I think that's valid that one exercise that members have to go through to assist with their identification of those stake holders. I actually accept that we can not in this day and age ignore the situation of the traditional authority, because through them you can access a whole range of section of all range of section of our society. So we have to identify all those stake holders and once they been identified, actually these invitations for submission so it would go to to them without the exception. So it's really the information that comes to us and taking to account that the members of parliament comes from across the length and breath of the country, often one is able to get, because if I come from the rural part of Natal and a member of Parliament, I would be able to say that there is a structure that exist in Natal which is calm. So that would consent the invitation to them.

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We also taking into account the difficulties of processing stuff like that. Sometimes we use courier systems to this part of the country that can not be accessed through normal mail.

**Chairperson** Thanks, it seems like we can now move on from there. It seem like we've reached an agreement. The next item on the agenda is the report on the secretariat on public hearing.

**FVAUD** Just to say that if you turn to the next page of the programme of public hearing. There's been an additional public hearing schedule and that is at 9h00 o'clock tomorrow morning. The national land committee is coming to give us their submission on the public protector. We did identify the national land committee as quite a key organisation in terms of actually accessing what we talking about at the moment. The rural people's perceptions of what need to be, or what role of public protector needs to play. So that is beginning at 9h00 o'clock in the morning. That is the only additional public hearing that come in. Just secondly that the director of the centre for social legal studies was meant to be here on 7h00 o'clock and he doesn't seem to have arrive. So we need to access what we need to do about that. Then just thirdly we've come up with the process of actually reminding the members about the public hearing. My worry is that the first public hearing in the morning, so could we develop a more of the concrete process to make sure that there is some representation at the meeting here tomorrow. Historically and other theme committee when public hearing meetings were being held they haven't been necessary been a

full component of theme committee. But we at least to ensure that they are enough people to actually here that evidence, otherwise we would be doing those parties in to service and our own discussion as well.

**Chairperson** Well we've actually discussed this before, but I don't .... you mean you want to go one by one be the other, one by one and make us see who where can be there, you mean.

**FVAUD** I think that, or alternatively I mean, for example most of the people who aren't here, if the Freedom Front and other ANC members and Mrs Malan and Nkosi Luthuli from Inkatha. So e.g maybe you can give me the numbers of the ANC people. I could phone them at home tonight or people could alternatively phone them at home tonight. Mrs Van Wyk if she could get hold of Mrs Malan, and I could get hold of Mrs Malan, similarly with Mr Laur and if we do that way we actually quite correctly we get hold of people here tomorrow morning because this reading of document is not sufficing at the moment.

**FVAUD** Could I just say that I for one would not be able to be here tomorrow morning. I'll just jump in on any of these things, number one and number two. I've got to rush off to another meeting or this goes off, so it's going to be late before I'm optimistic to phone so can give them.

**FVAUD** The national land committee has just informed us that they would be able to give us their submission tomorrow, so there is an additional one.

- Chairperson** So can any of us be present here tomorrow between 9h00 and 12h00 in the morning. No.
- FVAUD** No problem on being here, but I have the select committee meeting at 9h00.
- Chairperson** Can you miss the select committee meeting?
- FVAUD** It's the White Paper they are discussing. I'll go there and see whether I can get away.
- FVAUD** I think it's only me who can be here between 9h00 and 11h00, because I've got to live at 11h00.
- Chairperson** Renerl would be here and Cathy would be here.
- FVAUD** I can come back at about 10h00.
- Chairperson** Ok! so lets see who we need to phone then should we ...
- Brownwen** If you want I can go through the list of the people who are not here today. Miss Camren and Mrs Malan I can contact. There is Mr Finyani. There is Nkosi Luthuli can you get hold of him for me. There is Mr George, Miss Kgotitsile, Mr Louw, Mr Mohatshe, Mr Nkadimeng, Dr Tshabalala and there is Mr Zitha.
- Chairperson** Do you have their phone numbers?
- Brownwen** No I've only got their office numbers.
- Chairperson** I think we might still have to resort in putting peach and hose first thing, I mean I'm sure Mr Zitha and Rev. Moatse and Nkosi Luthuli would come, at least certainly some of them would come because they are quite regular attending here but we need to remind them.

**MVAUD** If it was possible to get their numbers and phone them this evening, that could be effective. By a virgin hole some would come at 10h00

**Chairperson** How can we do that, do we ....

**FVAUD** We can phone our Chairperson, but also there is no guarantee especially for ... we can get hold of her. Maybe people who live in Keisher Park can actually follow this up, but if they can, I mean I think with Baleka or with people that are in our theme committee that live in the Keisher Park.

**Chairperson** I think .... can give up people's phone numbers. I think they keep asking for the list of phone numbers.

**MVAUD** I would be able to contact Mr Finyani because I am staying with him at Park, so if .....so I think I can those notes ...

**FVAUD** Madam Chair can I just, just regarding the list, I think that in other theme committees when sometime also having problem regarding telephone numbers as you say they keep on asking, but I think perhaps it should be mentioned in the ... party.

**Chairperson** Is there any other business. Party submissions?  
**Brownwen** Just on that I was requested to write a letter to political parties by the last meeting, actually saying that we want final submissions on the public protector, because in particular the N.P and the ANC have given us draft submissions on the public protector. The other parties haven't

in fact given me the final submissions as well as the fact that through the process of discussions certain parties may find that they might have change the position and they might also want the opportunity to alter their positions, so as to give parties that space and we saying that we want that final submission by Monday, and at Monday's meeting we going to have to ask parties to give their final submissions, because the process of party submission is holding us back in the lot of senses. If we can finish our public hearing this week, drew up ... on that finish our party submission next week, we very close on submitting our final report on the public protector. So that's the one issue in terms of party final submissions for Monday, that has to be the final dead line. The other thing, we asking parties again the letter to the chief works send them asking parties to give us submissions on the human rights commission by the 27th March. So that again the process of actually continuing on the one hand finishing the public protector, on the other hand starting on human rights commission, can actually start happening because part of the problem is that we re ordered our work programme and yet in the lot of sense has madethat all that stuff that has been coming up out has been gender rather than other areas. So we quite for ... gender, but not competing the next two. So it's more on the gender because I think that it;s on one hand secretariat can and has been given letters to parties asking them for final submissions. That also to urge members themselves to pressurise their parties to make sure that the process happens as people are part of drawing up those submissions.

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**Chairperson** Thanks very much Brownwen we'll do our best. The next item is A or B.

**Nkosi** Yes Chairperson here are, ... I just want to raise a consent that while we regard ourselves as servants of the people and some of us are very loyal, when we are asked to do something you try by all means to do it, no matter under which circumstances. The consent I want to raise is the manner in which our trip to the Northern Transvaal was angered and re angered again. It has raised our consent because we were left behind because of our faith. The admin made those changes without consulting us because initially on Thursday we agreed that we are going to leave at a certain time that time was changed by the admin without consulting us. Those who are fortunate enough and those who came here on Friday manage to get those changes or explanation from the administration. Some of us were at our houses preparing for those trips, we were never informed about those changes and I'm told that it was said those who were left behind it was because all the MP's don't read documents so it's not admin's fault the MP's themselves. The thing is the serious consent we should have been informed properly that there is a change. Please know that we are not going leave at 18h00 we are going to leave at 6h00 in the morning. So next time the admin should treat us well, to motivate us and the time when we were told to attend public hearing or whatever we should go to these with all the women leaders. But the way in which we were treated it's not acceptable to some of us, because we had to make some other arrangements, they say we had to arrange a flight

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on one we flew all the way to Johannesburg from there we had to drive all the way to Phalaborwa which is 600 km to go there from Johannesburg by kombi. So you can see it was really inconveniencing some of us, because we said we want to serve the people we really mae definite that we went there. In the plane to Northern Transvaal only three members and the whole seven of us were left behind, and those left behind are the persons who come from that area. So I want just to thank the whole men because in the less of what happen they manage to go there. They arrived there at ten in the evening they've been left here at one. So that's the consent that the next time lets co ordinate and properly to avoid this unnecessary inconveniences. Thanks Chairperson.

**Chairperson**

Thank you Nkosi I think this does verify the business of the telephone. I mean if admin had only had the telephone numbers when they had to change the arrangements which obviously might well have been unavoidable, then this could have been avoided. But in the case of my public participation meeting, I mean we suppose to have six people and then the list expanded to eleven but in the end we turn up to be only five of us there. Which was enough but given that we actually planned a coach and everything for twelve. I think that it was unfortunate. So I don't know what the future is wether there are more programmes planned but it would be nice. I think it would give people notice, I think that would also help because if it's too late you know people don't realize what they expected to go. That was the reason for some drop out.



Between 70 - 80 (on the tape counter) it's not audible. They were talking at the same time and I couldn't make out what they were saying.

**Brownwen**

Just a point of organising. This is an updated workplan until Easter recess, and fortunately as I photostated and printed out is now been shifted to the seventh of April, so we can't go to the tenth of April. Yeah it's just been changed to the seventh of April, but it doesn't make much difference, it's just the public hearing we can have when we come back and in fact it will give us time to do that. But what it attempts to do is to draw together the report writing process so that people are clear on where things put in and when we having meeting etc. So I mean maybe people can take this and look at it and address it next week or.

**FVAUD**

We can change that, this is the way the programme schedule which I explain to you. I think that we need a serious discussion in our party caucuses to get the C A to change the times. This is the one that's been scheduled.

**Chairperson**

If there is nothing else I think we can close our meeting.

**FVAUD**

Just that the guys can come. I don't think that there is going to be a public hearing.

**FVAUD**

Just the last question Brownwen on March the twentieth the drafting committee sets to drwa up the final report.

- FVAUD** Cathy, are you going to be available on that second day, because I think we need too ...
- Cathy** As far as I know are we deducting from this, I'm not sure we are ...
- MVAUD** It's two way of dealing with the problem, some theme committees approach it by appointing within the theme committee it's self in consultation, expects to sit down and do that. But it would appear what emerged to them at the meeting of the constitutional committee where they were considering the report from the them committees the actually by implication suddenly technical committee should play that role. But it's really up to the committee if the committee feels that task should reside with the technical committee, it would be done and the report could be presented there, or it could be that they can not find people sit.
- Renerl** I'm stressing that maybe Cathy and I would look at that, but with some members of the committee if they are available.
- FVAUD** I was going to suggest that maybe the two of them look at it, and put it together and get other people, because once we got a lot of people closing, that type of thing you are inclined to take more time and become more confused and not protecting other people at the category that I fall.

**MVAUD**

I think there has to be clarity the reason why not the drawing of the report of the deliberations that take place in this sub committee and this what one call normality drafting of the constitution text which is different. I think here what we talking about is the report of the procedings of the committee which will be subsequently be tabled in the constitutional committee, as I was saying earlier and because a constitutional committee meeting today by implication. They were like saying the technical committee within that theme committee should even look at puting forward a proposal in the form of the text. I think it's still a grey people are still not comfortable with it. Some people are saying they are not drought people, but I think for now we can just take it that, maybe as you work on it, techical committee can look something very loose not ... strict legalist language but some idear.

**FVAUD**

You not talking about what you doing on that day but doing that week.

I mean I thought the theme committee report had to reflect the sort of what debate had taken place. We don't actually decide what finaliy should be included.

Yah, I think that's generally the point to process that with reality that the debates had taken place, but the role is to capture. That the realy report we talking about whether the task of puting the constitutional text as so far the aspect of the public protector cntend, lies with the theme committee. It's still a more fault as I say it came by implicationand in fact,

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I think even the technical committee at that meeting was taken aback when they were told that they have to put together. It something that still need to be clarified further. But I think what is actually our focus on this point in time is that need to worry us is the report that will be tabled at the technical committee and that's what is actually we talking about.

**FVAUD**

It would also ... I thik be necessary for political party representatives of the parties participate in that process to be involved to be in preparing that report.

**FVAUD**

This is what we were considering here and it's more the way that it worked historically in the sub - committee has been that the technical expert bring it together and present the report to us, so that obviously the members at different political parties can then participate in these. Alternatively they can be part of drawing up the report together with the technical expert. I think that's what Snake was trying to say and ....

### **BEGINNING OF TAPE 3**

.... I think what the view is here that technical experts in consultation with people should draw up that report that gets table at the meeting of the sub theme committee and it's that report that's get to be debated as we've done with the party submissions etc.

**Chairperson** Is everybody with that strategy?

I just wonder to what extent the drafters of the final report will move away from, for instance Cathy's draw up putting together the various submissions even though some of them are draft submissions and gave what a feeling of what this theme committee was doing and where they, what could be upgraded the, the extent of position with position ... The final thing will be how far will it be different from that type.

**FVAUD**

I think it's actually what the technical committee does with the draw of allthose versus together and pick the differences. But at the end of the day, as to whether a pariticular area is connected or not that resides with the political party. So once the report is in the table, I would assume that it won't come and that day and it's approached on that day, if members feel that they've got to go and confirm with their political parties and caucus will take that and then if they feel strong about a particular issue then it will be table as a constanted area but in fact at the same time areas of difference that that would be taken as hav'nt been agreed on and it would go in to the constitutional committee, and what the constituional committee does is as and when these reports comes forward through areas that have been agreed on they normally just refer them right away for draft plan and areas that are constanted they would give instruction through the would be drafters they must come up with the number of options or the number of formulations to cater for those different views to enable the constitutional

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committee to debate those thoughts. But in short the answer is at the end of the day what ever report come forward members reflecting their different viewpoint would debate on that and that would be from the content of the report.

**FVAUD**

I am just trying to say one more thing because all the political parties are present One thing we don't have respect about our public protector report is we still have the sense from the political party is what goes into the constitution and what should be left for the legislation and to some extent it's gonna be thrown back to us, because it's going to be difficult for us to advice the C C on that, so if members can come back with some sense of that for the final point. I would be quite important for the process.

**MVAUD**

I think this is one question that arose again that the constitutional committee level they should know how to deal with that. But I think what they have decided upon is that they will have a session what exactly they would debate on what goes into the constitution and what doesn't go into the constitution. I think the point that they made is that often the report that comes through.... slightly because members often have to explore if dealing with national machinery for because no one has the expertise and they often have to cover the whole area and then ultimately process information to the constitutional committee and it would appear at the meeting they said they would try and sit.

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**Chairperson** I think that wrapped up, anybody object to closing the meeting. No.

..... role can be played by some public relations. I don't know what we work into the committee itself or the administration just so that somebody receives them, because half the time nobody knows them. I mean I wouldn't have known him even I met him in the passage, so I wouldn't have approached him. So I think really that is something we need to attend to just generally. Pro Erweer I didn't know her yesterday I just saw this lady sitting there. I didn't know whether she was a journalist or something and somebody ought to have taken the trouble to meet her and know her and introduced her to perhaps to the chairperson of the session in that sort of the theme. Thank You Ladies and Gentlemen. Can we meet here tomorrow at 2h30 in this venue.