

2/3/1/45

**CONSTITUTIONAL
ASSEMBLY**

**MANAGEMENT
COMMITTEE**

**THURSDAY
3 AUGUST 1995
(08H00)
V16**

DOCUMENTATION

CONTENTS

1.	Notice	Page 1
2.	Minutes	Pages 2 - 6
3.	Memorandum on Matters Referred from Constitutional Committee	Pages 7 - 9
4.	Independent Panel of Constitutional Experts: Proposal on Conference in the UK	Pages 10 - 13
5.	Constitutional Assembly: Draft Schedule of Meetings	Pages 14 - 16
6.	Draft Agenda for the Constitutional Committee Meeting of 4 August 1995	Page 17
7.	Report on Expenditure	Page 18
8.	Memorandum on Additional Constitutional Public Meetings in KwaZulu-Natal	Page 19
9.	Memorandum on the Seat of National Government	Pages 20 - 22

CONSTITUTIONAL ASSEMBLY

MEETING OF THE MANAGEMENT COMMITTEE

Please note that a meeting of the above committee will be held as indicated below :

Date : Thursday 3 August 1995

Time : 08h00

Venue : V16

AGENDA

1. ✓ Opening
2. ✓ Minutes: Pages 2 - 6
3. ✓ Matters Referred from Constitutional Committee: Pages 7 - 9
 - ✓ 3.1 ACDP and Issue of Secular State
 - ✓ 3.2 Theme Committee 6.2 and Issue of Reserve Bank
4. ✓ Independent Panel Conference Proposal: Pages 10 - 13
5. ✓ CA Schedule: Pages 14 - 16
6. ✓ Procedure for 18 August 1995: No Documentation (CA MEETING)
7. ✓ Agenda for Constitutional Committee Meeting of 4 August 1995: Page 17
8. ✓ Report on Expenditure: Page 18
9. ✓ Constitutional Public Meetings in KwaZulu/Natal: Page 19
10. ✓ Communication from the Office of the Premier, Free State Province: Pages 20 - 22
11. AOB - — IGF - WORK/INPUT IN2 CA - FUTURE ~~OF CA~~
12. Closure — RECOMMEND LIFE SPAN UNTIL AT LEAST NEW CONSTITUTION.

H EBRAHIM
EXECUTIVE DIRECTOR
CONSTITUTIONAL ASSEMBLY

Enquiries : Ms MM Sparg, Tel 245-031, Page 418 4616 code 6970

**CONSTITUTIONAL ASSEMBLY
MINUTES OF MANAGEMENT COMMITTEE MEETING
THURSDAY 22 JUNE 1995 (AT 08H00)**

**PRESENT
RAMAPHOSA M C (CHAIRPERSON)**

**Chabane OC
Meshoe KR
Meyer, RP
Moosa MW
Selfe J ***

**Sizani RK
Van Breda A
Viljoen CL
Wessels L (Deputy Chair)**

* Alternate

Apologies: C Eglin.

Absent : Y Myakayaka-Manzini and P Smith.

In attendance: H Ebrahim, P Lilienfeld, M Sparg, L Zondo, G Grové, and M Keegan M.

1. OPENING

- 1.1. The Chairperson opened the meeting at 08h10.
- 1.2. The Chairperson reported that Mr. Selfe of the DP would replace Mr. Eglin for this meeting.
- 1.3. The agenda was adopted with one additions:
 - 11.1 *Submissions from the Intergovernmental Forum;*

2. MINUTES

The meeting adopted the Minutes of the Management Committee on Thursday 8 June 1995.

3. MATTERS ARISING

None - included in agenda items below.

4. PROPOSAL TO ESTABLISH A CONSTITUTIONAL COMMITTEE SUB-COMMITTEE

- 4.1 Mr. Ramaphosa introduced the document entitled "*Proposal for the Establishment of a Sub-committee of the Constitutional Committee,*" included in the documentation.
- 4.2 The meeting agreed to establish a permanent sub-committee of the Constitutional Committee. There was consensus that:
 - i. The structure of the sub-committee would be similar to the Management Committee;

- ii. Political parties would have the same pattern of representation on the sub-committee that they have on the Management Committee;
 - iii. The sub-committee would deal with matters referred to it by the Constitutional Committee. The sub-committee would:
 - a. Seek consensus broadly;
 - b. Remove blockages; and
 - c. Negotiate matters which would to be finalised by the Constitutional Committee.
 - iv. The sub-committee would report to the Constitutional Committee.
 - v. Each political party would appoint an alternate member who could attend sub-committee meetings but would only exercise speaking rights in the absence of the full member.
 - v. Political parties could also select Theme Committee members to advise their full or alternate sub-committee members.
- 4.3 The meeting noted the following remarks by Mr. Ebrahim and invited him to raise them at the first meeting of the sub-committee:
- i. There should be a time limit after which a matter would be referred to the Constitutional Committee or Constitutional Assembly.
 - ii. The sub-committee should report regularly to the Constitutional Committee, to keep it part of the debate.
 - iii. The sub-committee should be available to meet during the recess or times not specifically set aside for Constitutional Assembly work.
 - iv. Alternates and advisors should be allowed.

5. AGENDA FOR THE 23 JUNE MEETING OF THE CONSTITUTIONAL COMMITTEE

The meeting adopted the document entitled "*Draft Agenda*," included in the documentation.

6. THEME COMMITTEE 2 MEMORANDUM ON SENATE REPORT

- 6.1 Mr. Ebrahim spoke to the document entitled, "*Theme Committee 2 Work Programme, in Particular Regarding Senate Report*," included in the documentation.
- 6.2 The meeting agreed that Theme Committee 2 would forward its report on the Senate without draft formulations to the Constitutional Committee for its consideration; the Constitutional Committee would identify differences between political parties and see when it can find consensus.

7. DATE OF THE NEXT CA MEETING

- 7.1 Mr. Ramaphosa introduced the document entitled, "Confirmation of Date of Next Meeting of CA," included in the documentation.
- 7.2 The meeting agreed that the next meeting of the Constitutional Assembly would be on 18 August 1995.

8. COMMONWEALTH CONFERENCE ON CONSTITUTIONAL DEVELOPMENT

8.1 Mr. Meyer spoke to the document entitled, "Proposed Programme for Roundtable on Democratic Constitutional Development," and tabled at the meeting an updated programme entitled "Draft 10, Proposed Programme." Mr. Meyer reported that the Department of Provincial Affairs and Constitutional Development was organising the conference, but requested that the Constitutional Assembly assist by:

- i. Commenting and where necessary adjusting the programme;
- ii. Where necessary adjusting names on the invitation list, and
- iii. Exploring whether it might financially assist members of the Constitutional Assembly attending.

8.2 The Chairperson responded that

- i. The Constitutional Assembly had not been officially invited to the conference;
- ii. The Management Committee would need to consult Theme Committees regarding CA participation. However this would be very difficult now with recess pending.
- iii. The Constitutional Assembly should not carry any costs for the conference.

8.3 The meeting agreed that the Directorate and the Department would see how to take the matter forward.

9. TABLINGS

The meeting noted that the following documents had been tabled, to be forwarded to the Constitutional Committee for noting or for its consideration:

"Commission on Provincial Government, Preliminary Submissions on Provincial Government Systems;"

"Theme Committee 1 Report on the Economy;"

"Theme Committee 4 Report and Draft Formulations on Freedom of Expression,"

"Theme Committee 4 Memorandum on Academic Freedom,"

"Theme Committee 4 Report and Draft Formulations on Access to Information,"
and

"Theme Committee 6.2 Report and Draft Formulations on the Auditor General."

10. ADMINISTRATIVE REPORT ON COMMUNITY LIAISON

- 10.1 Mr. Ebrahim spoke to the document entitled, "*Administrative Report on First Phase of Community Liaison Programme*," included in the Documentation.
- 10.2 Mr. Ebrahim spoke to the document entitled, "*Additional Public Hearings*," tabled at the meeting. The meeting approved the proposal for two additional public hearings to cater for Theme Committee requirements.
- 10.3 Mr. Moosa reported that local government representative bodies were not yet fully organised. The meeting agreed that the Administration could seek the Department of Constitutional Development's advice on how to ensure that local government authorities were properly represented at the hearings on local government scheduled for August 1995.
- 10.4 Mr. Ebrahim said that an extended Public Participation Programme would be needed in the next phase of work. Mr. Ebrahim reported that the Administration would forward a draft Public Participation programme and budget to the Management Committee for approval, which would be submitted as a request for additional funds in September 1995.
- 10.5 Ms. Zondo reported that the requested additional Community Public Meeting in KwaZulu-Natal was not feasible in this phase of the work programme, due to lack of time. The Chairperson, however, asked that the matter be revisited.

11. ANY OTHER BUSINESS

11.1 SUBMISSIONS FROM THE INTER-GOVERNMENTAL FORUM

- 11.1.1 Mr. Meyer reported that Inter-governmental Forum would forward two reports to theme committees:
 - i. Financial and Fiscal Relations, being drafted by the Department of Finance; and
 - ii. Principles With Regard to Inter-governmental Consultation, Co-operation and Co-ordination, being drafted by the Department of Provincial Affairs and Constitutional Development.
- 11.1.2 He requested that the Executive Director inform the relevant Theme Committees that these submissions would be made and request that they could provide for discussion of them.

11.2 REPORT FROM THE MEETING OF WHIPS

- 11.2.1 Mr. Wessels reported that the Whips had expressed concern that Constitutional Assembly had scheduled Core Group and other meetings during Parliament's allotted time.

11.2.2 It is noted, Mr. Moosa of the ANC repeated his earlier request that the Management Committee be rescheduled so that it did not conflict with Cabinet meetings.

12. CLOSURE

The Chairperson closed the meeting at 09h35.

CONSTITUTIONAL ASSEMBLY
INTERNAL MEMORANDUM

TO: MANAGEMENT COMMITTEE

DATE : 1 AUGUST 1995

FROM : EXECUTIVE DIRECTOR

RE : MATTERS REFERRED FROM CONSTITUTIONAL COMMITTEE

Please note that the following matters were referred to Management Committee by the Constitutional Committee meeting of 23 June 1995. The relevant sections of the draft minutes of this meeting of the Constitutional Committee are produced below for your information :

1. ACDP AND ISSUE OF SECULAR STATE

The draft minutes of the Constitutional Committee of 23 June 1995 read as follows-on this matter :

"3. MATTERS ARISING

3.1 THE ACDP AND THE ISSUE OF A SECULAR STATE

3.1.1 The ANC recalled that the 26 May 1995 meeting of the Constitutional Committee had instructed the Management Committee to look at the possible censoring of the ACDP for misrepresenting the issue of a "secular state". The ANC requested a report-back.

3.1.2 The Deputy Chairperson said that the Chairpersons believed the misunderstanding had been resolved without recourse to disciplinary measures, and the Management Committee understood that the matter had been put to rest.

3.1.3 The ANC reported, however, that the ACDP had again publicly misrepresented the matter of the secular state during a radio phone-in programme on Friday, 16 June 1995. The ANC expressed its concern that the ACDP

had not acted in good faith, that this brought the process of constitution-making into disrepute, and something had to be done to stop it.

3.1.4 The ACDP admitted this and requested that the Constitutional Assembly make a written statement on the paragraph under contention in document A.25 to lay the matter to rest

3.1.5 The meeting agreed to give the Management Committee another opportunity to deal with the matter. Should the Management Committee fail, the matter would be referred back to the Constitutional Committee."

2. SUB-THEME COMMITTEE 6.2 AND ISSUE OF RESERVE BANK

The draft minutes of the Constitutional Committee of 23 June 1995 read as follows on this matter :

"6.2 RESERVE BANK

6.2.1 The ANC members of Theme Committee 6.2 forwarded the following statement and resolution, which was read to the meeting:

Statement:

As ANC members of this Theme Committee we have become increasingly concerned at the spate of personal attacks in the media on the Chairperson, Prof. Rob Davies. The statements made in the Finance Debate yesterday, 21 June, continued this line of attack, calling into question the integrity of a Member of Parliament. We therefore wish to state the following:

- i. That the positions that have been tabled in the Theme Committee are those of the ANC, adopted at its Constitutional Conference held in Johannesburg from 31 March to 2 April 1995;*
- ii. That a vigorous debate over policy positions and differences is totally within the norms of acceptable debate;*
- iii. That it is unacceptable to single out a Chairperson for*

attack for views that he expressed reflecting his organisation's position and to further impugn his integrity in the matter that occurred during the Finance Debate on 21 June 1995.

- iv. The behaviour has resulted in a loss of confidence that the matters before this committee can be constructively discussed. We propose that the matter be referred to the Core Committee of Theme Committee 6, which should set up a dispute resolution mechanism to resolve the framework within the work of this committee can be taken forward.*

We therefore feel that no further discussion in this Theme Committee on this issue is possible in the circumstances, and that further discussion on the South African Reserve Bank cease until the dispute resolution procedures proposed have been completed. Furthermore the ANC reserves the right to still refer the discussions on SARB to the Constitutional Committee as a point of contention.

Resolution:

Theme Committee 6.2 refer the matter of the dispute between Dr. Francois Jacobz and Prof. Rob Davies to Core Committee 6 for resolution.

- 6.2.2 The meeting agreed that the Chairpersons and the Management Committee would deal with the matter.***

CONSTITUTIONAL ASSEMBLY

**INDEPENDENT PANEL OF
CONSTITUTIONAL EXPERTS**

**PROPOSED CONFERENCE
IN THE U.K.**

1 AUGUST 1995

SEMINAR

PROPOSED CONFERENCE IN THE UK

Professor Jeffrey Jowell of University College, London has proposed that we hold a small seminar in the UK later in the year in which the Panel and perhaps a number of others involved in the process will have an opportunity to discuss constitutional issues which have arisen with constitutional scholars from other jurisdictions.

Professor Jowell is excellently placed to set up such a meeting as his legal background is South African and he has retained an active interest in South African public law while working in Britain. He has been involved in a number of other initiatives in South Africa recently, the most important of which was a judges' conference in Bloemfontein which was attended by senior judges from a number of Commonwealth countries.

The seminar will be organised by Professor Jowell but the foreign participants and the structure and content of the programme will be settled by the Panel in consultation with Prof Jowell.

Purpose of seminar

The seminar would offer the South African participants the opportunity to discuss the technical implications of various constitutional proposals with experts from many different jurisdictions in a situation in which a variety of different experiences and approaches could be compared. The comparative experience provided by scholars from other countries will enrich the response of South African participants to constitutional problems here.

Although the distinction between political and technical aspects of a constitution is obviously far from clear, the focus of the seminar would be on technical issues. We would analyze the way in which various political values can be entrenched in a constitution and the implications of different structures and formulations for overall political goals.

We hope that this opportunity for 'interactive' discussion in which ideas can be tested and the way institutions operate in other countries thoroughly explored, will enable the South African participants to assist in the final stages of constitutional drafting in a fuller way.

The insight that the participants gain through this process will, without doubt, be of value to the whole process of drafting in South Africa.

Programme

It is not practical to draft a full programme until more details of our envisaged constitutional framework are settled. However, we envisage that the programme would include a discussion of decentralization, structures of government, the bill of rights and its relationship to other components of the democratic state, the role of traditional leaders in the constitutional framework, local government, and specialized structures such as the office of the ombud (or public protector) and the human rights and gender commissions.

Although the seminar is likely to deal with different issues in separate sessions, one of its main purposes will be to explore the way in which different institutions relate to one another and to examine the implications of the proposed constitutional arrangements as a whole.

Participants

A small, focused seminar with about 18 to 20 participants is envisaged. The South African delegation will consist of the Panel of Experts and possibly some other South Africans involved in the process. Other participants will be selected by the Panel in consultation with Professor Jowell. They will include scholars from countries whose constitutional experience is likely to be useful to South Africa in the drafting process. Thus we anticipate participants with expertise in bills of rights, centralism and decentralization and methods of integrating institutions of traditional leadership into democratic constitutions, as well as people with an understanding of problems involved in honouring the principle of self-determination and securing constitutionalism in a young democracy.

We will attempt to include people from as wide a range of systems as possible, including some from long established democracies such as the United States, some from developing countries such as India and Ghana and others from countries which have experienced a change of system of government recently such as Portugal, the eastern bloc countries and Malawi.

Date for the seminar

We propose to hold the seminar in early November. We need to choose a time which would not interfere with our commitments to the Constitutional Assembly. Early November seems suitable as we think that the constitutional process will take some time to gather momentum after the local elections and therefore that our absence at this time should not disrupt the process in any way. (Our initial suggestion was that we should hold the seminar in the two weeks immediately

preceding the elections. However, one of the Panelists will be involved in the local election process at the time.) Seminar dates should also allow foreign participants to get away from regular commitments to participate for about five days.

Venue

The present proposal is that the seminar should be held in Britain. Should it prove more costly to fly South African participants to Britain than to bring foreign participants out to South Africa, the venue may be changed. However, there are two distinct advantages in holding the conference in Britain. The one is that all the organization will be done there. The second is that it may give the South African participants the opportunity to include in the trip visits to one or two other places of constitutional interest. For instance, we understand that Spain has a sophisticated system of intergovernmental relations. Unlike certain other countries, Spain has not borne the cost of sending many of its experts to South Africa. Nor is literature on the Spanish system readily available in English. A visit to Spain could fill this gap.

Costs

All the costs are to be borne by the organisers and neither the Constitutional Assembly nor participants should incur any costs.

23 June 1995

*CC SUB-comm WITH SIT WHEN INSTRUCTED
BY CC - NO SCHEDULED
DAYS!*

**CONSTITUTIONAL ASSEMBLY
DRAFT SCHEDULE OF MEETINGS
31 JULY 1995 -**

Latest update - 26 June 1995

Monday 31 July	Core Group/Theme Committee 1 Core Group/Theme Committee 2 ✓ Core Group/Theme Committee 3 <i>Chairpersons' Briefing</i> Core Group/Theme Committee 4 Core Group/Theme Committee 5 Core Group/Theme Committee 6 ✓ <i>CC Sub-Committee*</i>	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 <i>13h00 - 14h00</i> 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00 <i>14h00 - 17h30</i>	M515* M46* E249* M46* V227* E249*
Tuesday 1 August	Theme Committee 4 Theme Committee 5 Theme Committee 6* Theme Committee 1 Theme Committee 2 ✓ Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M46 V227 E249 M515 M46 E249
Wed 2 August	Theme Committee 1 Theme Committee 2 Theme Committee 3 <i>CXD</i> Theme Committee 4 Theme Committee 5 Theme Committee 6*	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M515 M46 E249 M46 V227 E249
Thursday 3 August	<i>Management Committee</i> Party Caucuses Theme Committee 4 Theme Committee 5 Theme Committee 6*	<i>08h00 - 10h00</i> 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	V16 M46 V227 E249
Friday 4 August	<i>Constitutional Committee</i>	<i>09h00 - 18h00</i>	OAC
Monday 7 August	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6*	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M515 M46 E249 M46 V227 E249
Tuesday 8 August	Theme Committee 4 Theme Committee 5 Theme Committee 6* Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M46 V227 E249 M515 M46 E249
Wed 9 August	<i>Public Holiday</i>		

Thursday 10 August	Management Committee Party Caucuses Theme Committee 1 Theme Committee 2 Theme Committee 3	08h00 - 10h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	V16 M515 M46 E249
Friday 11 August	Constitutional Committee	09h00 - 18h00	OAC
Monday 14 August	Theme Committee 1 Theme Committee 2 Theme Committee 3* Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M515 M46 E249 M46 V227 E249
Tuesday 15 August	Theme Committee 4 Theme Committee 5 Theme Committee 6* Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M46 V227 E249 M515 M46 E249
Thursday 17 August	Management Committee Party Caucuses	08h00 - 10h00	V16
Friday 18 August	Constitutional Assembly	09h00 - 18h00	NAC
Monday 21 August	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6*	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M515 M46 E249 M46 V227 E249
Thursday 24 August	Management Committee Party caucuses	08h00 - 10h00	V16
Friday 25 August	Constitutional Committee	09h00 - 18h00	OAC
Monday 28 August	Theme Committee 4 Theme Committee 5 Theme Committee 6* Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M46 V227 E249 M515 M46 E249
Thursday 31 August	Management Committee Party Caucuses	08h00 - 10h00	V16
Friday 1 September	Constitutional Assembly/ Committee	09h00 - 18h00	

ACENOA
FD B WISE
BY CHAIRS
ADMINISTR

Mon 4 September	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6*	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M515 M46 E249 M46 V227 E249
Thur 7 September	<i>Management Committee</i> Party Caucuses	<i>08h00 - 10h00</i>	<i>V16</i>
Fri 8 September	<i>Constitutional Assembly/ Committee</i>	<i>09h00 - 18h00</i>	
Mon 11 September	Theme Committee 4 Theme Committee 5 Theme Committee 6* Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h00 14h00 - 18h00 14h00 - 18h00	M46 V227 E249 M515 M46 E249
Thurs 14 September	<i>Management Committee</i> Party Caucuses	<i>08h00 - 10h00</i>	<i>V16</i>
Friday 15 September	<i>Constitutional Assembly/ Committee</i>	<i>09h00 - 18h00</i>	

Please Note:

- * All Core Group Venues subject to confirmation
- * All TC meetings and venues subject to confirmation
- * Theme Committee 6 - These incorporate Sub-Theme meetings
- * CC and CA - Flexibility exists in relation to which meetings are required.

DRAFT

CONSTITUTIONAL ASSEMBLY

MEETING OF THE CONSTITUTIONAL COMMITTEE

Please note that a meeting of the above committee will be held as indicated below :

Date : Friday 4 August 1995

Time : 09h00

Venue : Old Assembly Chamber

AGENDA

1. Opening
2. Minutes: Pages 2 - 16
3. Matters Arising: Page 17
 - 3.1 ACDP and Issue of Secular State
 - 3.2 Theme Committee 6.2 and Issue of Reserve Bank
 - 3.3 Theme Committee 4: Amended Formulations
4. Discussion of ACDP Draft Formulation on "The Nature and Application of Bill of Rights": See Minutes, Page 5
5. Theme Committee 6.2: Discussion of Report on Auditor General: Pages 18 - 53.
6. Constitutional Committee Sub-Committees:
 - 6.1 Public Protector: Part 2, Pages 1 - 5 and Part 3, Pages 1 - 51
 - 6.2 Courts and System of Justice: No Documentation
7. Tabling and Discussion: Theme Committee 6.3: Human Rights Commission: Pages 54 - 68
8. Tabling and Discussion: Theme Committee 3: National and Provincial Legislative and Executive Competencies: Pages 69-141 and Part 2, Pages 6 - 29
9. Tabling and Discussion: Theme Committee 1: Representative Government, Citizenship and Suffrage: Part 2, Pages 30 - 102
10. Tabling for Noting: Commission on Provincial Government Submissions: Pages 142 - 170
11. AOB
12. Closure

Note: Reports from Theme Committee 2 on the Senate and Theme Committee 6.4 are not ready, as had been expected. They will be distributed when available.

H EBRAHIM
EXECUTIVE DIRECTOR
CONSTITUTIONAL ASSEMBLY

Enquiries : Ms MM Sparg, Tel 245-031, Page 418 4616 code 6970

**CONSTITUTIONAL ASSEMBLY
BUDGET REPORT**

EXPENDITURE FOR THE PERIOD 1 APRIL 1995- 20 JULY 1995.

	Expenditure	Budget	Remaining Funds
Personnel Expenditure	R4,018,271	R9,789,141	(R5,770,870)
Administrative Expenditure	R12,189,507	R20,850,000	(R8,660,493)
Transport and Travel Costs	R1,019,132		
Telephone	R136,788		
Advertising	R10,221,379		
Training	R25,029		
Forum Costs	R686,734		
Postage	R93,812		
Staff Hire	R6,633		
Stores and Livestock	R503,373	R13,444,000	(R12,940,627)
Printing	R378,947		
Stationery	R61,314		
Stationery Computers	R55,174		
General Expenses	R7,938		
Equipment	R429,003	R2,628,495	(R2,199,492)
Equipment	R41,307		
Equipment hire	R381,259		
Publications	R6,437		
Professional Services	R925,549	R12,812,000	(R11,886,451)
Technical Contractors	R925,549		
Total expenditure	R18,065,703	R59,423,636	(R41,357,933)

*Vakhi Mase's
Comments*

MAY 96



CONSTITUTIONAL ASSEMBLY

CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO: DIRECTORATE

FROM: COMMUNITY LIAISON DEPARTMENT

DATE: 1 August 1995

RE: ADDITIONAL CONSTITUTIONAL PUBLIC MEETINGS IN KWAZULU-NATAL

As per the Management Committee request, Constitutional Public Meetings will take place in KwaZulu-Natal as follows:

26 August 1995 Empangeni

2 September 1995 Port Shepstone

*Surprise call from KZN CONST COM APPEARS
2 B INTERESTED IN ATTENDING THE PUBLIC MEETING,
✓*

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



You've made your mark



Now have your say

THE NEW CONSTITUTION

19

Embargoed until 08h00 3 August 1995



CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO: The Management Committee

FROM: Hassen Ebrahim
Executive Director

DATE: 1 August 1995

RE: SEAT OF NATIONAL PARLIAMENT

I attach under cover hereof a copy of a telefax received from the office of the Premier of the Free State province dated 28 July 1995. I have copied this letter to the Chairpersons of Theme Committee I advising them of same.

I would appreciate it if the Management Committee considers this matter and instruct me accordingly.

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



You've made your mark



No 20 : your say

THE NEW CONSTITUTION

Embargoed until 09h00 3 August 1995



Office of the Premier · Kantoor van die Premier · Kantoro ya Tonahgolo
FREE STATE PROVINCE · PROVINSIE VRYSTAAT · POROFENSI YA PORHISETATA

531 X26538, Bloemfontein, 9300 Republic of South Africa · Republiek van Suid-Afrika · Repaboliki ya Afrika Borwa
Telephone · Telefoon · Mobeala: (051) 4055804/8, Fax · Faks: (051) 4054803

Attention: H Ebrahim
Director: Constitutional Assembly

28 July 1995

Fax: 021 241162

Sir

THE SEAT OF NATIONAL PARLIAMENT DEBATE

We are aware that submissions have been made by a number of leading centres, around the country inviting the Government to locate the Parliament of the country in those cities.

In our view, the time frame set for decision on this matter is, with respect, not enough given the significance and long-term implications of such a decision.

Understandably the authors of the interim consequently, (no: 200 of 1993) were faced with a myriad of pressing matters to decide on. Consequently, in setting the time frames for the resolution of all these matters they could not have foreseen some of the obstacles that would accompany the process.

It is with respect that we wish to draw attention to our invitation to make a provincial submission on this question.

Without going into detail we draw your attention to the fact that there are compelling historical, economic, social and geographical reasons why it would be erroneous and not in the National interest for this question to be decided without hearing the case for Bloemfontein - Mangaung as a seat for a National Parliament.

We must also advise that it is not in the National interest for this question to be decided at such an early stage of the drafting of the final Constitution for the country.

There exist real danger that the moment a decision is taken on this question investment patterns and property sales rates will be influenced and even permanently distorted. Some provinces will be negatively impacted upon by such an early decision.

It is our humble submission that to allow for further submissions and therefore more debates on this matter would encourage a fuller examination of the question and final decision to more or less coincide with the adoption of the final constitution.

We have already indicated that there are compelling reasons why a submission by our province for the City of Bloemfontein - Mangaung should be considered.

We urge that when the Theme Committees and the Constitutional Assembly convene, they should be advised of our position, supplied with and availed of the opportunity to study the said submission.

premier/hz/1/116

MGP LEKOTA

Free State Premier · Premier van die Vrystaat · Tonahgolo ya Porhisenso

We wish to advise that a detailed submission is in an advanced stage of preparation by ourselves and that it will be submitted to you in the next two weeks. Furthermore a team of Provincial representatives will be available to talk to such a submission before the relevant committees and Constitutional Assembly.

Kindly advise us of your position as soon as you can, so that we may follow up on the steps detailed above.

Thank you



M.G.P. LEKOTA
PREMIER OF FREE STATE

Handwritten initials/signature
TC

DRAFT

**CONSTITUTIONAL ASSEMBLY
MINUTES OF MANAGEMENT COMMITTEE MEETING
THURSDAY 22 JUNE 1995 (AT 08H00)**

**PRESENT
RAMAPHOSA M C (CHAIRPERSON)**

**Chabane OC
Meshoe KR
Meyer, RP
Moosa MW
Selfe J ***

**Sizani RK
Van Breda A
Viljoen CL
Wessels L (Deputy Chair)**

*** Alternate**

Apologies: C Eglin.

Absent : Y Myakayaka-Manzini and P Smith.

In attendance: H Ebrahim, P Lilienfeld, M Sparg, L Zondo, G Grové, and M Keegan M.

1. OPENING

- 1.1. The Chairperson opened the meeting at 08h10.
- 1.2. The Chairperson reported that Mr. Selfe of the DP would replace Mr. Eglin for this meeting.
- 1.3. The agenda was adopted with one additions:
 - 11.1 *Submissions from the Intergovernmental Forum;*

2. MINUTES

The meeting adopted the Minutes of the Management Committee on Thursday 8 June 1995.

3. MATTERS ARISING

None - included in agenda items below.

4. PROPOSAL TO ESTABLISH A CONSTITUTIONAL COMMITTEE SUB-COMMITTEE

- 4.1 Mr. Ramaphosa introduced the document entitled "*Proposal for the Establishment of a Sub-committee of the Constitutional Committee,*" included in the documentation.
- 4.2 The meeting agreed to establish a permanent sub-committee of the Constitutional Committee. There was consensus that:
 - i. ^{Composition} The ~~structure~~ of the sub-committee would be similar to the ~~Management Committee~~; *ANC 3, NP 2, IFP 1, FF 1, DP 1, PAC 1, ACIP,*
 - ii. Political parties would have the same pattern of representation on the sub-committee that they have on the Management Committee;

- iii. The sub-committee would deal with matters referred to it by the Constitutional Committee. The sub-committee would:
 - a. Seek consensus broadly;
 - b. Remove blockages; and
 - c. Negotiate matters which would to be finalised by the Constitutional Committee.
- iv. The sub-committee would report to the Constitutional Committee.
- v. Each political party would appoint an alternate member who could attend sub-committee meetings but would only exercise speaking rights in the absence of the full member.
- v. Political parties could also select Theme Committee members to advise their full or alternate sub-committee members.

4.3 The meeting noted the following remarks by Mr. Ebrahim and invited him to raise them at the first meeting of the sub-committee:

- i. There should be a time limit after which a matter would be referred to the Constitutional Committee or Constitutional Assembly.
- ii. The sub-committee should report regularly to the Constitutional Committee, to keep it part of the debate.
- iii. The sub-committee should be available to meet during the recess or times not specifically set aside for Constitutional Assembly work.
- iv. Alternates and advisors should be allowed.

5. AGENDA FOR THE 23 JUNE MEETING OF THE CONSTITUTIONAL COMMITTEE

The meeting adopted the document entitled "*Draft Agenda*," included in the documentation.

6. THEME COMMITTEE 2 MEMORANDUM ON SENATE REPORT

- 6.1 Mr. Ebrahim spoke to the document entitled, "*Theme Committee 2 Work Programme, in Particular Regarding Senate Report*," included in the documentation.
- 6.2 The meeting agreed that Theme Committee 2 would forward its report on the Senate without draft formulations to the Constitutional Committee for its consideration; the Constitutional Committee would identify differences between political parties and see when it can find consensus.

7. DATE OF THE NEXT CA MEETING

- 7.1 Mr. Ramaphosa introduced the document entitled, "*Confirmation of Date of Next Meeting of CA*," included in the documentation.
- 7.2 The meeting agreed that the next meeting of the Constitutional Assembly would be on 18 August 1995.

8. COMMONWEALTH CONFERENCE ON CONSTITUTIONAL DEVELOPMENT

8.1 Mr. Meyer spoke to the document entitled, "*Proposed Programme for Roundtable on Democratic Constitutional Development*," and tabled at the meeting an updated programme entitled "*Draft 10, Proposed Programme*." Mr. Meyer reported that the Department of Constitutional Development and Local Government was organising the conference, but requested that the Constitutional Assembly assist by:

- i. Commenting and where necessary adjusting the programme;
- ii. Where necessary adjusting names on the invitation list, and
- iii. Exploring whether it might financially assist members of the Constitutional Assembly attending.

8.2 The Chairperson responded that

- i. The Constitutional Assembly had not been officially invited to the conference;
- ii. The Management Committee would need to consult Theme Committees regarding CA participation, the conference programme, and who should be invited to attend; however, it was now quite late, particularly with the recess pending, and consultation would be problematic.
- iii. The Constitutional Assembly would not be able to fund members who had been invited individually to the conference.

8.3 The meeting agreed that the Directorate and the Department would see what could be done; however, the Constitutional Assembly had not been officially invited, and nothing barred a ministry from organising a conference and inviting people.

9. TABLINGS

The meeting noted that the following documents had been tabled, to be forwarded to the Constitutional Committee for noting or for its consideration:

"Commission on Provincial Government, Preliminary Submissions on Provincial Government Systems;"

"Theme Committee 1 Report on the Economy;"

"Theme Committee 4 Report and Draft Formulations on Freedom of Expression,"

"Theme Committee 4 Memorandum on Academic Freedom,"

"Theme Committee 4 Report and Draft Formulations on Access to Information,"
and

"Theme Committee 6.2 Report and Draft Formulations on the Auditor General."

10. ADMINISTRATIVE REPORT ON COMMUNITY LIAISON

10.1 Mr. Ebrahim spoke to the document entitled, "*Administrative Report on First Phase of Community Liaison Programme*," included in the Documentation.

- 10.2 Mr. Ebrahim spoke to the document entitled, "*Additional Public Hearings*," tabled at the meeting. The meeting approved the proposal for two additional public hearings to cater for Theme Committee requirements.
- 10.3 Mr. Moosa reported that local government representative bodies were not yet fully organised. The meeting agreed that the Administration could seek the Department of Constitutional Development's advice on how to ensure that local government authorities were properly represented at the hearings on local government scheduled for August 1995.
- 10.4 Mr. Ebrahim said that an extended Public Participation Programme would be needed in the next phase of work. Mr. Ebrahim reported that the Administration would forward a draft Public Participation programme and budget to the Management Committee for approval, which would be submitted as a request for additional funds in September 1995.
- 10.6 Ms. Zondo reported that the requested additional Community Public Meeting in KwaZulu-Natal was not feasible in this phase of the work programme, due to lack of time. The Chairperson, however, asked that the matter be revisited.

11. ANY OTHER BUSINESS

11.1 SUBMISSIONS FROM THE INTER-GOVERNMENTAL FORUM

11.1.1 Mr. Meyer reported that Inter-governmental Forum would forward two reports to theme committees:

- i. Financial and Fiscal Relations, being drafted by the Department of Finance; and
- ii. Principles With Regard to Inter-governmental Consultation, Co-operation and Co-ordination, being drafted by the Department on Constitutional Development and Local Government.

11.1.2 He requested that the Executive Director inform the relevant Theme Committees that these submissions would be made and request that they could provide for discussion of them.

11.2 REPORT FROM THE MEETING OF WHIPS

11.2.1 Mr. Wessels reported that the Whips had expressed concern that Constitutional Assembly had schedules Core Group and other meetings during Parliament's allotted time.

11.2.2 It is noted, Mr. Moosa of the ANC repeated his earlier request that the Management Committee be rescheduled so that it did not conflict with Cabinet meetings.

12. CLOSURE

The Chairperson closed the meeting at 09h35.