

2/4/2/1/1/7

CONSTITUTIONAL ASSEMBLY

**THEME COMMITTEE 2
STRUCTURE
OF GOVERNMENT**

14 NOVEMBER 1994

ROOM M 515

08H30

DOCUMENTATION

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2 STRUCTURE OF GOVERNMENT

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

Date: Monday 14 November 1994

Time: 08h30 - 10h00

Venue: Room M515

AGENDA

1. Opening and Welcome
2. Apologies
3. Theme Committee Minutes (7/11/94) (p3-5)
4. Matters Arising
5. Core Group Report on Work Plan (p6-12)
6. Questionnaire and Survey
7. Any Other Business
8. Closure

[NB: ALL MEMBERS ARE REQUESTED TO BRING TO THE MEETING COPIES OF THE CONSTITUTION, THE STANDING RULES OF THE CONSTITUTIONAL ASSEMBLY, THE ORIGINAL REPORT ON WORK PLAN AND THIS PARTICULAR DOCUMENT]

[Theme Committee 2 : 14 November 1994]

**H EBRAHIM
EXECUTIVE DIRECTOR:
CONSTITUTIONAL ASSEMBLY**

If you have been appointed as an alternative member of the committee, please discuss your participation in the meeting with your chief whip.

Enquiries: Ms N Cetywayo & Ms P Fahrenfort, Room CS211 (Tel: 403-2281)

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2 STRUCTURE OF GOVERNMENT

MINUTES OF THE FOURTH MEETING MONDAY 7 NOVEMBER 1994 (AT 08H00)

PRESENT

JM Mahlangu (Chairperson)

Ackerman C
Badenhorst MJ (Alt)
Bester BC
Beyers AS
Dexter P (Alt)
Diale N (Alt)
Doidge GQ
Ebrahim AG
Foster JA
Groenewald PH
Mabudafhasi RT
Mars I
Marshoff FB

Mashile NL (Alt)
Mlangeni A
Mohlamonyane GM
Msomi M
Mutsila I
Ndlovu VB
Nwedamutswu MJ
Pahad EGH
Rabie JA
Sekgobela PS
Sethema BEE
Shabangu S

APOLOGIES

Eglin CW
Holomisa SP
Ligege MG ←
Louw SK
Maduna P
Steenkamp PJ
Tolo J

ABSENT

Jana DPS
Mushwana GM
Oliphant D

N Cetywayo, P Fahrenfort and T Mngadi-Kgosiditsi were in attendance

1. MINUTES

The minutes of 31 October 1994 were adopted subject to the following corrections:

- Apologies were tendered for Messrs AS Beyers and GM Mushwana at the meeting on 31 October 1994 and were not recorded.

2. CORE GROUP MINUTES (2/11/94)

Noted.

3. MATTERS ARISING FROM MINUTES

None.

4. SUBMISSIONS

The meeting accepted the received submissions of names.

It was agreed that the parties that have not made submissions be given time to do so by Monday 7 November 1994 and that these submissions be considered in the next core group meeting. It was further agreed that the Core Group rationalise the names.

5. CORE GROUP REPORT

a) *Theme Committees 2, 5 and 6 Core Groups*

The meeting noted the minutes of joint core group meeting held on 3 November 1994 proposing that a joint commission be established before the end of this year. It was further noted that the joint core group meeting with Theme Committee on Provincial and Local Government did not materialise and that the Core Group will still pursue it.

b) *Work Plan*

The meeting adopted the Work Plan. It was agreed that the core group finalise it.

6. FURTHER BUSINESS

The meeting was requested that it be noted that members were experiencing transport problems and that Management Committee investigate the matter.

7. CLOSURE

The meeting rose at 09h02.

 M. J. Mahlangu
Chairperson

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2 STRUCTURE OF GOVERNMENT

WORK PLAN

1. *Which constitutional issues within the broad theme need to be attended to?*

- Separation of Powers
- Structure of Government
 - i) National including Parliament and the Executive
 - ii) Provincial
 - iii) Local
- Electoral System including participation of minority parties in the legislative process
- Traditional Authorities
- Volkstaat
- Amendments to the Constitution

2. *Which of these constitutional issues need to be dealt with as a priority?*

- Separation of Powers
- Structure of Provincial Government (Const. Sec 161)

3. *Which are the areas of overlap with each other in the Theme Committees?*

- Separation of Power
 - Judiciary (5)
 - Specialised structure of Government (6)
- Structure of Government
 - Provincial Government (3)
 - Local Government (3)
- Electoral System (1)
- Traditional Authorities (5.6)
- Volkstaat (5.6)

4. **Which constitutional issues need to be dealt with in commissions?**

- Commission
Electoral System
- Committees
Separation of Powers
- Structure of Government
 - i) National
 - ii) Provincial
 - iii) Local
- Traditional Authorities
- Volkstaat

5. **Which groups of constitutional issues do the committees anticipate will require separate reports?**

Each of the above (4)

6. **How many such reports are to be issued and what are the deadlines for the submission of same?**

(Deadlines to be established and especially for Separation of Powers)

7. **What are the structures and who are the role players that are to be consulted?**

7.1 *Traditional Authorities*

- Amakhosi AkwaZulu (All Zulu chiefs)
- Contralesa
- TTLA
- Tribal authorities in all 9 regions
- The Council of Traditional Leaders (when established)

7.2 *Afrikaner Institutes*

- Afrikanerbond
- Afrikaner-Volksfront
- AVSTIG
- Baliraad
- Oranjewerkers
- Volkstaat Council
- Volkstaatraad
- Volkseenheidkomitee
- Volkswag

7.3 *Religious Organisations*

- AGS Kerk
- Baptist Union
- Bible Society of South Africa
- Church Unity Commission
- Church of the Province of South Africa
- Diakonia
- Evangelical Lutheran Church of SA
- Gereformeerde Kerk
- Hervormde Kerk
- Hindu
- IDAMASA
- Institute for Contextual Theology
- Jewish
- Kwa-Shembe
- Methodist Church of SA
- Moslim
- NG Kerk
- Presbyterian Church of SA
- SA Council of Churches
- SA Catholic Bishops' Conference
- Theological Education by Extension College
- United Congregational Church of SA
- Zionist Christian Church
- Zululand Council of Churches

7.4 *Trade Unions*

- COSATU
- Landbou Unies
- Medies Navorsingsraad
- NACTU
- POPCRU
- Prokureersorde
- Rapportryers
- UTUSA
- UWUSA

7.5 Political Parties/Organisations

- AWB
- AZAPO
- Conservative Party
- HNP
- Minority Front
- SACP
- Unity Movement
- WOSA
- XPP

7.6 Tertiary Institutions

- All South African universities

7.7 Business Sector

- AHI
- Business SA
- Chamber of Commerce and Industry
- Escom
- FABCOS
- FAK
- Gencor
- Kontak
- KwaZulu/Natal Inyanda
- NAFCOG
- RGN
- SACOB
- SABEK
- SARK
- Small Traders Association
- WNNR

7.8 Para/Professional Associations

- MASA
- NATU
- Natal Inyanda Association of KwaZulu

7.9 Women's Organisations

- Songqoba Women's club
- Yinhle Lentfo Women's Club

7.10 Other/miscellaneous

- Civic - Sanco
- INP
- IYP
- Metacoc
- SASCO
- Taxi Associations

8. What community and Media liaison assistance will facilitate the committee's work?

Media: Electronic and print Media
SACS
Proposal for sub-committee to draw up media plan

Community: Provincial legislatures as vehicles for community liaison

9. Who and what technical assistance will be required to support the committees?

9.1 *Amendments to the Constitution*

- Professor MG Erasmus
- Professor D van Wyk
- Advocate L Zama

9.2 *Electoral System including participation of minority parties in the Legislative process*

- Professor HM Corder
- Professor BF Ndaki
- Mr R Rosenthal (Legal advisor and draughtsperson)

9.3 *Separation of powers*

- Professor MG Erasmus
- Professor SC Nolutshungu
- Professor I Smuts
- Professor D van Wyk
- Professor D Welsh

9.4 Structure of Government : National, Provincial and Local Levels including Parliament and the Executive

- Professor F Cloete
- Mr V Dlova
- Professor M Faure
- Advocate N Goso
- Professor D Kriek
- Advocate E Moosa
- Mr BM Ngoepe
- Professor C Thornhill

9.5 Traditional Leaders [authorities]

- Professor DS Koyana
- Mr BR Mqoke
- Ms P Tlakula

9.6 Volkstaat

- Professor MG Erasmus
- Professor A Raath

9.7 General

- Professor D Basson
- Mr R Rosenthal
- Advocate D Unterhalter

10. Time Frames

i) General Comments

A phased approach - three phases

Phase 1 : 30 October - 15 November

Finalisation of work plan for submission to Constitutional Committee

Phase 11: 23 January - mid April 1995

January : Hearings in 3 provinces

February: Hearings in 3 provinces

March : Hearings in 3 provinces

- National Hearing March/April in Cape Town
- Receipt of written submissions by 31 March 1995
- Processing of submissions
- Formulation of Theme items and approval
- Publication of formulation for public opinion
- Production of first draft report end of April

Phase 111 : After Easter to June 1995

- Internal discussion and debate
- Co-ordination and processing of public opinion
- Identification of contentious and non-contentious issues
- Evaluate draft report
- Finalisation of report and submission to Constitutional Committee