

PAGES  
**192**  
BLADSYE

*Croxley*<sup>®</sup>

**COUNTER BOOK      TOONBANKBOEK**

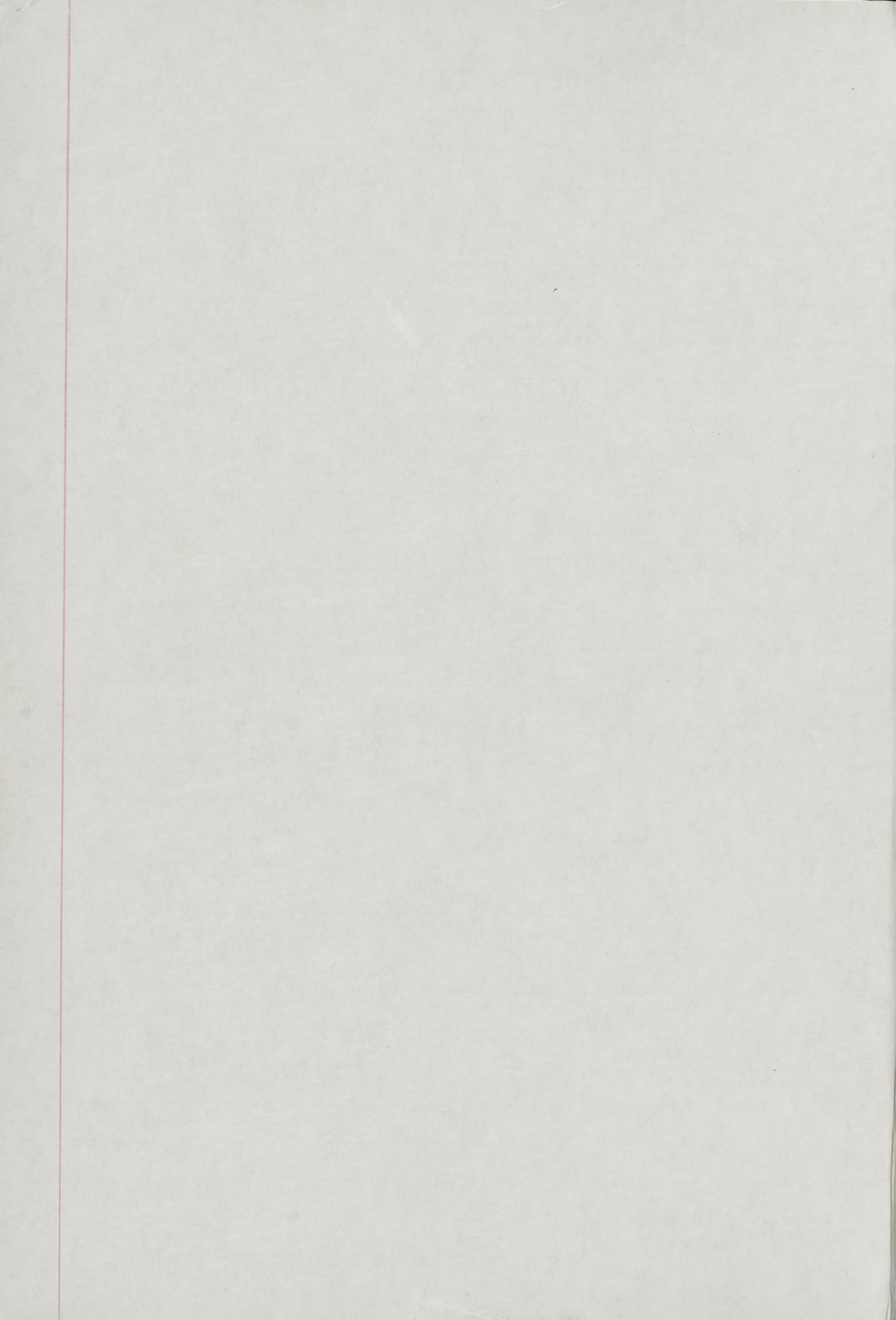
Quire 2 Katern

Handwritten text on a label:  
M...  
TC2...  
Thomas...

**JD 161**









Core Group TC2, Monday 6/2/95 M46

Chair = Mr Mahlaque

Apology → Pakad.

Nalover - noted that not received in time.

Preliminary.

Minutes of Core Group T & W.

Work Programme - see, happy, process.

Q:

Gen. Report, dated 2 Feb. 1995.

Minutes CG should be reflected in Ckt.

endorse what TC has done on Thursday.

2.2 ✓

2.3 ✓  
(etc.)

Admin can proceed with reports to CC

4. C.L.P

Chair - careful ← <sup>vollidant</sup> trad. auth.

- aim was to articulate with other TC's

Eglin - still be wary of C.L.P's of

Gen - same applies to trad. auth.

agree with Eglin  
trad does not matter  
only TC to submit report on 1, others have not even.

decision made → lets stick to it, if later D, then decide so



If do  $\Delta$ , then have another Co-chairpersons' meeting.

## Block 2.

- Advertisement.

- Mr Egin:

- Heading
- (1) Structure & Functioning of Govt at National level.
  - (2) <sup>separate issue.</sup> IF + Functioning Nat  $\Rightarrow$  Provincial level.  
legislature  
bi-cameral - unicameral  
IF  $\uparrow$  role of Senate.  
Should see HLG,  
relationship between.  
Must think ...

Chair. Addressed at same time.

Ans. lauded, perhaps at press meeting.  
Statement for committee.

If can put all in minutes ... but will become untidy.

Madam - = mouthful.

Way we see it in CG not same as MC unless put forward request - that we follow this .....

Advert, who do this, when.

Mr Rakie separate advertisements not expensive.

Egin: Should have discussion with advertising Co?  
don't think it's cost factor.

Must give focus to what people must apply their minds



Can they Contract hold advantage ---

Argue not simultaneous

Chair Why not  
argue danger of one adv. but 2 dates.

Chair " expect that Admin considers cost.

Gen G. TCs take initiative (them) in adverts  
whatever, close liaison with admin. personnel.

1. Ask for sep adverts on behalf of TC2  
advert. 1. inputs on struct.  $\frac{1}{2}$  of gov't handled  
once they are prepared + placed.  
then have press conference; then explain what  
procedure is: can also put out whole programme  
of TC2.

2. At same time (say want for prom. level)  
then when time for 2nd one, have another

4. Once TC agrees, then mandate C & to draft,  
together with Advt. Co.

Chair but that has 2 separate adverts, but  
also the separation of these issues is:

Chair reason why proposed separation

2 fund. diff. things

→ complete set up of how Parliament works.

→ but process - own const.'s - then they will draft own  
proposals one much more widely, etc.

o Strategic.



been could we suggest <sup>request</sup> to parties, that their submissions also follow these lines.

Nallora Yes. ✓ clear when debate

Rahie. When must parties submit?

Chair DDate <sup>by advice</sup> affects everyone, unless we decide DDate must be the...  
DDate was 22nd Feb, but cannot expect.

Nallora Pol. Parties try by 22nd, expand a bit for other mds/orgs ✓

DDdate & others

... CL Friday, Monday ... maybe Wednesday. recommend 10 March ✓

## Comm Liaison Programme

Chair tried to find answers we could not find, thrown back at us.  
Its proposed broad sketch of it

Structure of Govt.

12 weeks for event

... month for another.

Rahie (Can we have meeting of Co Chair one of 1st items)  
Somewhere we can meet...

Trying to have meeting this afternoon in re CLP, then come with suggestions & revised approach.

Wednesday - Put to TC tomorrow → then by Wedn. - can formulate  
- more constructive.

Technical experts

Mon Friday.

If show to TC blank, then confusion  
Wonders if come with plan ... 6.



Don't forget we need to prepare that for submission also follow these  
steps

When you have your data...  
What are the next steps?  
Data was 2nd Feb, but cannot expect

Don't forget to prepare for the 2nd report a bit for the next days  
Dates & times

Cl Friday, Monday... next Wednesday, recommend 10 March

Our business programme

To prepare work sheet of it  
Don't forget to find answers to questions in the book at the



22 weeks for event  
- waste for another  
- weeks of cost

Remember we can't...  
Remember we can't...  
Remember we can't...  
Remember we can't...

Remember we can't...  
Remember we can't...  
Remember we can't...  
Remember we can't...

replace TC 2/2/

Remember we can't...  
Remember we can't...  
Remember we can't...  
Remember we can't...

Remember we can't...  
Remember we can't...  
Remember we can't...  
Remember we can't...



Chair. Maybe we can say - broadly this is what we need to do  
Need summaries, public hearings, etc.  
we need to act.

~~Then~~ We decide - with whom.  
We have listed -

Where → if CT then easy, if outside, need 2-3 days to go

Edin. ~~Frankly~~ aloud.

Crave list of ... to be contacted.

Should go through — list of letters + advert.

+ in addition to written submissions, do you also want  
to give public hearing.

## Workshops

Workshop in due course on transition → role of Senate

Maybe some expertise ... put as particular topic.

rather than e.g. Workshop on Gov.

Mona Because already put together on submissions, why not  
think of workshop dealing with topics on issues  
blocks?

(afraid of debating Senate before having parties'  
submissions)

can. after 22nd of Feb. ... Ex / Legl.

we must have something say going to public with -

and up not getting what really want at end of Aug.  
submission → than PP ...

Chair (1) p 16

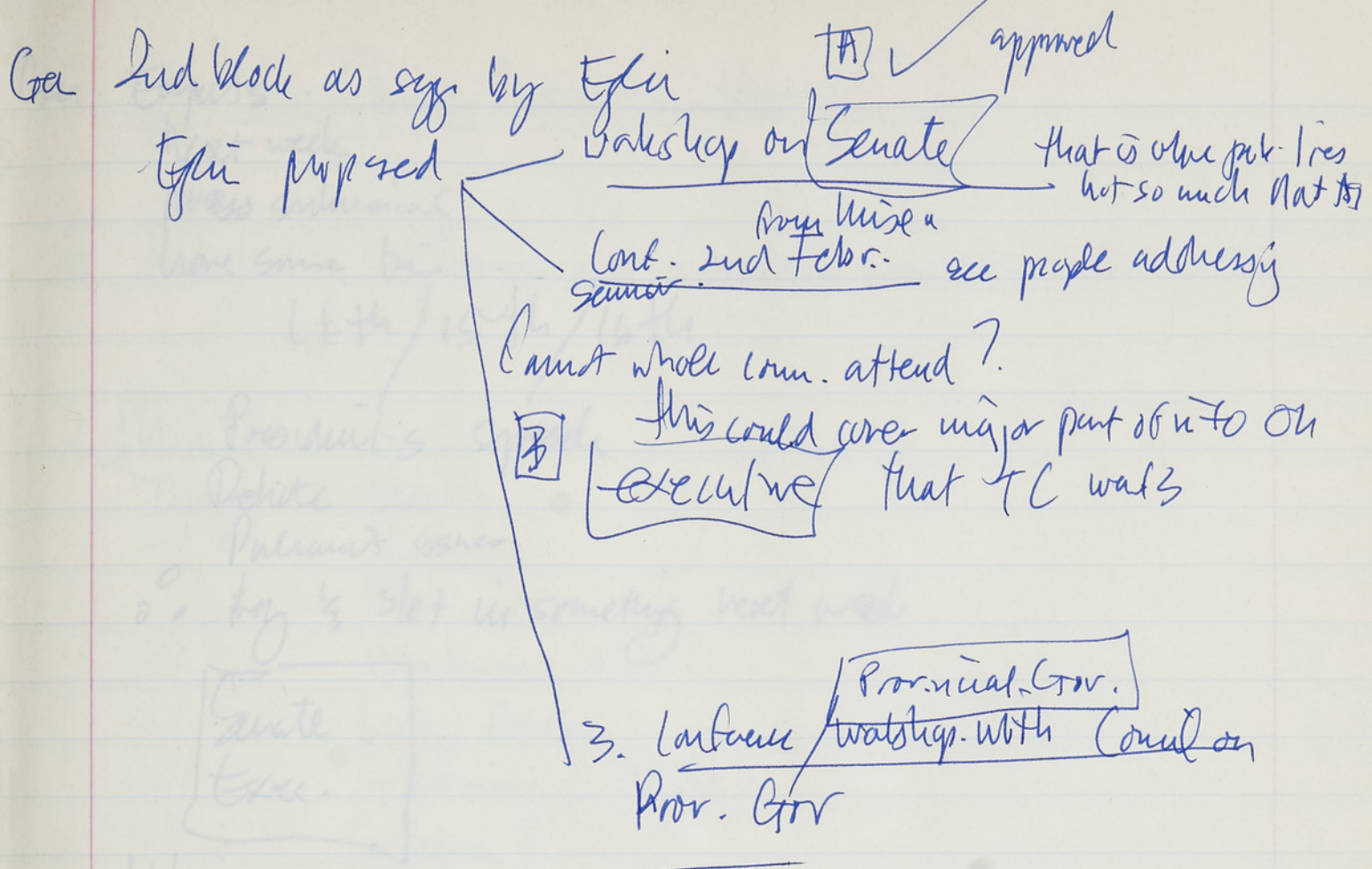
7B p.15 7A3.

11 proposed to hold summaries

8.3. still process

what exactly is that he want to do





Ques. [A] date?

[B] whole TC should be there in principle  
 after. decide whether should have spec. one.  
 heavily loaded with politicians  
 then decide whether we should not have our own subst  
 one with technical. can. 's.

### Core Group.

Elin since have list of org's etc.  
 can already ask them to address us.

- [Senate]
- [Elect. system]
- [Executive President]

we could simply get people with expertise on that



Com. Experts

next week

press conference

have some time

14th/15th/16th.

President's speech

Debate

Parliament issues.

o.o. try  $\frac{1}{3}$  slot in something next week.

Senate  
Exec.

Have own.

Gu listed org's  
perhaps at next (at meeting - which org's involved (Gode)).  
get letter, invite them to make input.

Not invite them to seminar.

Intro written report from them, + invite to present, should  
be open-ended.

o.o. have 2 workshops following week.

Agenda



# 7/2/95 Theme Committee Meeting

1. Introduction of 3<sup>4</sup> members of Technical Committee, Prof Sichla <sup>trad. auth.</sup>

## 2. Minutes

Apology ... Bester.

... Holomisa.

Mak. J.

Mashawana GM

Lizy AG

Adelman (present)

Sethema B

Shabangu.

Man. I apologies recorded.

"national unity"

adopted.

today. Mr Talo's apology.

3. Agree Preliminary taken out.

Report as at 2nd Feb. 1995.

o o TC agree with report

(Anti active decision  
+ other..

± 6 Talo's

2 & 3.



### 3. Report from Core Group

→ 2

$\frac{1}{3}$  together then trad-auth. then Volkestaat.

- went on to talk about advertisements + submissions

request

22nd Feb. - pd. part

~~seek mandate~~

10th - public

executive list.

conting advert.

these press conferences

① accept WP then if overlaps

② block 2 & 3 combined

③ ind. leaders

④ Volkestaat

⑤ elect. system.

① - advertisements - formulate

② - press conference to explain  
(can separate)

1st on Executive.

Elman

nat  
divide / provincial.

Byers what now until 22nd

Agree workshop  $\leftarrow$  Senate  
Electoral system.

Elman

3 issues

1. role of senate

2. position of executive  $\leftarrow$  review  
head of state

3. Electoral system - block 5.

Thomas

Reports from Core Group should be in written form



# Malaysia

reason why pol parties 1st

overlaps. — chains of TC's should come together and deal with that  
•• at moment should be flexible until Champions meet.

Separation SoGt  $\begin{cases} \rightarrow \text{nat level} - \text{pres., Senate} \\ \rightarrow \text{regional} - \text{other people are also involved.} \end{cases}$

Palind D <sup>A.</sup> 2<sup>nd</sup> not bad, but weigh up...

if CG wanted seminar or two

consider when we want seminars — time gap? → subm.

seminar = to inform people. •• give party options  
o's more flexible in dates

B. not correct to say have seminar on Senate.

① rather = unicameral // Bicameral legislature = open handed of

② Separate seminar on executive — head of state / cr. etc.  
Issue of legislature  $\frac{1}{2}$  ~~etc~~ C  $\frac{1}{2}$  B  
legislature.

③ legislature  $\frac{1}{2}$  executive + relationship between  
e.g. present rules, etc

what specifics will seminars deal with

Rahm executive — invitation  
Q: when TC Holonisa?

Egin Senate not been only on its own.  
comfortable with above + detail of Senate  
executive — politicians  
we need to have in-house me.  
partners not going to be requested.



Public invitation - who presents.

Chair submissions ← seminars/workshops/interviews → advertisements

my input  
1. binational/uninational system  
2. workshops  
seminars.

Panel concrete proposal

① CG sit with tech. experts, come out with date same. ✓

Chair ② D Date

Chairty for Technical Committee.  
CG will update them. ✓

③

Comm Liaison Programme ✓

5 - Request admin to ask documentation for seminar thereafter.

How CI work with negotiatives. (later workshop that will be open to community - covered this part by dealing with seminar.



- Awaiting Man Com. which will finalise programme on Friday.  
before we. Our outcome, is a skattem plan of C.L.,  
we still have to come up with long term programme.

- February could have been used for public hearings; but as CG  
we said it too late to do it. ∴ our outcome!

- Next time look at

Egfr If holds up good quality, may be a number of public  
seminar organised by TC, + members of CA,  
and public, press, media well represented.

seen not as just in house programme,  
but public education...

Wah. Seminar properly advertised, see what is possible.  
2 days not meet

experts meeting only CG, update them, then

Amir CG no power.

Pahad Postpone meeting of TC, because not substantive work.

CG may have to take meeting of TC on seminar, etc.

call on short notice

Don't enable CG to take that decision? Pahad  
dangerous

Next Tuesday - not before.

Next ~~Wednesday 15th~~ <sup>Thursday 14th</sup> at 9 am.

Seminar 14th.

00



Wedn. 9 Nov  
10h 30  
Inkosi

Meeting 7/2/19

Introduction.

CGT

Tral outputs split up 2, 3, 5, etc.

CGT

Our list

the way

deal with block 1

- submission of papers, agenda, etc.
- TC → CG → TC

block 2 & 3

- time frame contains 2 & 3
- 2 advert for 2 & 3

how to without members of CGT?

Guidance imperative:

- 1) Secr. who exports all inputs we have received in particular on block one.
- 2) TC weekly scheduled → make that CGT
- 3) Able to life to attend.
- 4) T Com. report.
- 5) Represent. of Mann.

Workshop, seminars  
Mann + CG

Should we not give papers to names to Techn. experts.

Can individuals also invited

we can identify people to address on Wednesday  
e.g. give input at TC 5



# Core Group Meeting 7/2/9

## Introductions.

Trad anth outputs split up 2, 3, 5, etc.

~~What is the purpose of the meeting?~~

Our list  
what we've

dealt with block 1

- submissions, pl papers, org's dealt with
- TC, → CG → TC

block 2 & 3.

- time frame continues 2 & 3
- 2 advert for 2 & 3.

how <sup>del</sup> without members of CGP?

General implications:

- ① Secr. give exports all inputs we have received. in particular on block one.
- ② TC meeting scheduled → make that CG
- ③ Ask Van Lijfe to attend.
- ④ TCom. prepared.
- ⑤ Represent. of Mann.

Workshop, seminars  
by Mann + Ch.

Issue Should we not give proposals to names to Techn. experts.

Techn. Com Individuals also invited  
2- we can identify people to address on Wednesday -  
e.g. give input at TC 5



h  
[? seminar at high level of generality.  
workshop to more detailed.

Conan. let's 1st decide on programme, who to invite + when to invite

Now lets go and identify experts, who will be available in week, etc.

T.E. 1. equip with doc.  
2. ~~submit~~ tomorrow T.E. by management, esp. those dealing with advertisements.

TC decided

1. Urban & loc.

2. ~~media~~

3. checks & b.

short term activities

long term.

Even ~~helpful~~ helpful but

KA fundamental task → submission

We are not negotiating forum

o. no use no money what pol. system is best.

Ch. → ∴ not say not have seminars, ~~but~~ issue identified at TC but not decided.

We supposed to reflect inputs to CC.

Seminar - more public

workshop - help us in our work.

Pahad. in house - technical experts may be diff.

- give our TC some advice about what they come with from.

1. task to urban TC

2. proj skills by exp. of TE + outside ones, to ~~name~~ (includes PPI)

so that our own discussion is better informed.



apply parties to make submit. — <sup>will be</sup> alternatives in principle.  
need clarity, because in end they will have to produce.

now: 1. In-house try of all TC members with  
Techn. Experts & perhaps others (whether media present  
or not)

Palme — Palmed had ~~status~~ parties.  
Palme sub-committee must have — wanted clarity.

Palme 2: Techn. Com. → all pol parties have right of access,  
where necessary to help pol parties, apply even more to  
smaller parties.

document.

arrangement.

TC's deal with

availability.

✓ | terms of reference.

1. Terms + conditions of our stage = broad base form.  
2.

Concurrence: limitations on availability.  
Palmed can not have to be in CT all the time.

2: instead of us now developing terms of ref. full/part time.

→ How decide which issues — over next few weeks.

→ Then can make recommendation to man.



Malaysian when had auth —  $\rightarrow$  people appointed.  
other techn. experts may not be needed there.

- Greenwald (1) should always be a member of Techn. team available.  
(2) must have procedure — do we decide directly with them?  
they will know how to access govt person  
(3) they must look at WP — but should be flexible; work  
(4) staff management ~~can~~ we impose on them full time  
(5) that they should know exactly where they stand

Rohie  $\rightarrow$  if we have to decide their terms, how co-ordinate when they  
get involved with pol. parties.  
we decide their availability, but co-ordination of their  
involvement with pol. parties.

Chair  $\rightarrow$  meet tomorrow with all these details.  
time frame TC & CG put pol. auth. on par.  
e.g. if AWC wants Daimi at end of March — that is  
AWC's baby,  
but availability to TC as whole — co-ordination  
within framework of TC & CG.

Rohie if we have to decide,

Chair What we are doing as CG, so that when done as TC,  
then ...; something else we should look at.

Now deal with Time frame TC coincide with their  
time frame

Post Only reference to work given by TC  
Ami ~~using~~ time frame as TC with your time frames,  
would be wise --- as to TC.  
then, go home — how approach — 2 weeks etc.



Adv. M. — Hunters can work more effectively outside.

- April Full time → yesterday ~~met~~ A them: ∴ asked them to be available on full-time basis to us.
- to have at least one when we meet is good idea.
  - ideally we want all of them in C.T.
  - ∴ really is full time task for period in which TC does its work.
  - their employer is CA, not AWC, FF, IFF
  - ∴ here to some CA though TC's
  - but employed in very consensus between diff parties
  - ∴ while techn. experts, role is supposed to be non-partisan
  - they should be careful not to compromise themselves -  
= non-partisan for process
- But what they do outside <sup>time of</sup> process - not, can speak out. → Provis.

Adv. techn. inter ff. amongst themselves - techn. com. will appoint convenor.

clarified — ∴ we like to address our own avail. <sup>techn.</sup>

~~the process~~ process will make us less partisan.

Patrice (experts' involvement with pol. parties... necessary for these experts to meet with subcom of AWC)

Now Chairman of CA says they must be non-partisan covered costs wise?



Pahad - reiterate: not said techn. parties here at behest of pd. parties  
but CA not collection of mostly individuals -

- ~~was~~ used by pd. parties  $\rightarrow$  techn. c. = non-partisan

- but pd. parties require assistance; AWC may require less assistance.

may want to turn to experts, even if it is setting out reference ready list for us; not asking techn. experts to develop thing

- e.g. maybe AWC did not propose Steptoe, but we will go to him to clarify certain matters.

-  $\therefore$  not available only at TC seminar.

tomorrow's meeting 14h00.

Mablungu

A ~~workshops~~ spec. areas for techn. experts.

① 2 workshops to take place on Wedn. & Thursday.

② Seminar on 2 seminars next week; if do, then identify subject of discussion, + dates

B

General <sup>add words</sup>  
③ must finalise the advertisements tomorrow  $\leftarrow$  10 mins  
④  $\rightarrow$  need to know subject matter.

CHP

D finalise press/work arrangement between us & technical experts

Adv tech exp - conditions + terms of stay are highly individualised.

Chair draw up time frames, together with you, then you discuss <sup>together</sup> with Maryem



...not a collection of notes...  
...not a collection of notes...  
...not a collection of notes...

...not a collection of notes...  
...not a collection of notes...  
...not a collection of notes...

...not a collection of notes...  
...not a collection of notes...

...not a collection of notes...  
...not a collection of notes...

...not a collection of notes...  
...not a collection of notes...  
...not a collection of notes...

...not a collection of notes...  
...not a collection of notes...  
...not a collection of notes...

...not a collection of notes...  
...not a collection of notes...

...not a collection of notes...  
...not a collection of notes...

...not a collection of notes...  
...not a collection of notes...  
...not a collection of notes...

...not a collection of notes...  
...not a collection of notes...  
...not a collection of notes...



next day or immediately after discuss terms of ref

- 1. two times programme
- 2. then individuals reconcile them with that.
- 3. then Management can see ~~terms of ref.~~

vs.

Admin problem: <sup>and conditions</sup> ~~of retention~~ of stay is key.

(\*) request someone from Management

- 1. technical experts
- 2. CLP
- 3. advertisements.

(\*) copy given to techn. experts. before known all terms of condition. In re financial aspects to discuss with Admin/Man.

Ratification: 1st with management → then techn.

Panel Ct does not have such of terms & cond of employment.  
then Management ... + a conditions of employment.

Chair

- 1. copies
- 2. who meet with one member of Management

agreed.

Prof Van Wyle to be rounded printed.



1. Best day or evening after class for office  
 2. There are 3 main programs  
 3. There are 2 main programs for the first part  
 4. There are 2 main programs for the second part

# Time Funds

1. Technical experts  
 2. LL  
 3. Administrators

# Community Liaison Program

1. Form of Liaison in the financial reports to discuss with board  
 2. Day given to technical experts before the board of directors

1. Let with management - 2 the books

1. It does not have a lot of out of budget  
 2. Their management ... the activities of employees

1. Who's next with our member of management

1. Get your work for the committee



# Informational meet. | CG/TE/May.

Post.

Members - when members can tell us tomorrow.

## Meety...

- 1. Opening Welcom.
- 2. This same TC now - 10 March

1. LLP

2. Maneg <sup>cost advert</sup> <sup>+ hour made per</sup> <sup>(but need as before)</sup>

### (a) Topic names

- 1. ① Seminar / Workshop - two weeks. <sup>② who</sup> <sup>exp B</sup>
- 2. ② What topics
- 3. ③ Admission klode 2.
- 4. C.L. Programme.

Hussen.  
↓

### (b) Availability of Technical Experts Fans of Employment.

- ① Ag. Pa. Pad.
- ② Fedn. Com.
- ③ Com. C. P.



# Meeting CG TCA & Technical Experts & Management.

## 1. Opening & Welcome

Chair  
Ex Dir Van Wylle? If he wants to be part of this, then staff went out of way to, although notice was short. Further see why he is not present.

Man Com — terms of reference - doc. before this meeting.  
conditions of e - champions given resp. to deal with it  
payment - Ex Dir putting forward proposal to meet of CG tomorrow.

Matter to work out TC — Tech Exp's when they are available  
Could be necess. to have on full-time basis  
Await to advice from TC as to their  
Comm. position Tech Exp's not required on full-time basis.

Ex Dir - understand in Namibia - one reputed to be there all the time. ∴ liaison  
person — get others  
- may be advisable to have, once process going, one to be available all the time

Skylar - Underbunds flexible need to be developed.

Ex Dir Advert  
layout etc: If we have any specific requirements, then we should be informed as matter of urgency.

Workshops  
develop views - make us aware, so we can start planning.

Mahlaye Said

1. Structure of Gov. Nat level
2. " " Prov. level.

Gen G. like to co-ordinate that with a press conference

lay-out of advertisement → it slightly blown-up size, language necessary.

Reflex Ex Dir would they be able to advertise, workshops, + budget, guidelines



Edm. Advt for input/pub. for block 2 & 3

1. Nat // Prov. (structure & functioning)

Legisl. Exec. (not Judiciary)

tears Unicausal / Bicameral.

Head of Executive / ...

Separately: Check & balances.

If same address as last time, then going to get same kind response.

- We / clip's / advert. agency
- press conference to launch.

Ann. press conference to give more details

Prof. Nord // Not sufficient leading on classical S.O.P; everyone else addressed soundly also.

Uni. / bi.

GNU / Maj Party Govt's

Head of State // Head of State & Head of Gov.

Adv

Exhi - We can't have 9 diff. addrs in diff papers / addrs - will confuse public.

- Now with Adv. Agency -> standardized format.

- But may have to describe what...

∴ able to shape subcr. want to have.

- Can't have separate, but all cov's + sub-c., all languages all papers.

- Now realize have to give it special thought.

Press Court

- Good idea, complaint from press can't split, joint sessions
- maybe prop. mandated chairs - at

Adm. access to set format

Ex. do not affect words



# Engl Our TC's interests

- Gen (1) We are sitting without work for 2 weeks  
(2) in order to assist, cannot we delegate someone like Engl to sit with advertising agency... not necess. that adverts + conference at same time... background posters for press conference

Adv M. i need to see format  
ii Now - realise not TC 2 only, it is for all TC's  
iii overlapping

Parad. not getting anyone; if not able to have sep. .. we need to do work.  
This is what we want in ours.  
emphasise again that we want ours now. ; if others are not really we suggest we proceed.  
Can't wait for others.

- ① We should draft ours.
- ② We want that in within week or so

Adv M. format?

Parad.  
Chair - Ask details - from Dir's office.  
Ex Dir Not case of time <sup>already met Eng to try.</sup> need in now.  
should not be complicated really, apart advertising, we shall oblige.

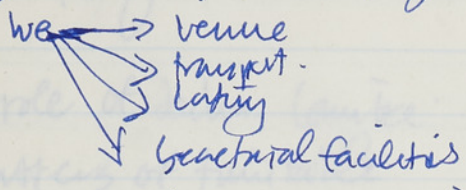
Public workshops // Seminar

Moh. start one for next week in house.  
(Thursday Council - need to look for Wednes)



Maddala in house, but other TC's also to be invited:

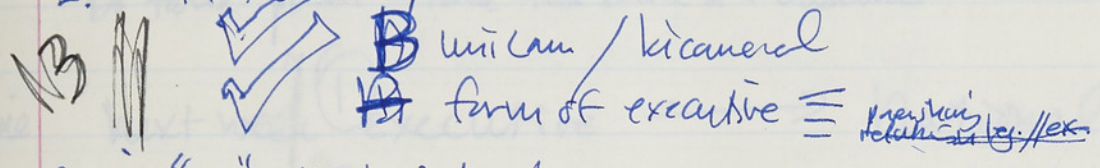
Elabaki something next week; IF volaplayer



Can arrange, but people's availability.

Parad 1: // in-house workshop

2. with techn. experts - who to invite



3. " " " next Wednesday.

Elabaki

1 in-house

2. Form of executive

Ex Dir.

Yes, Indget - workshops <sup>1</sup> - expenses & accommodation  
<sup>2</sup> - payment of honorariums that is only up to exhibitor amount.  
 ∴ unless given pd. auth, cannot pay honorariums  
 have had large # of workshops (inter.) cannot.

1. Prof Steyler

speaks to his paper. 15th  $\longleftrightarrow$  20th

a two-weekly programme of seminars:

one would have to ask people to prepare papers; settle dates, then can commence with planning.



Chair  
Palmer tried to study doc - take to parties  
Today - discuss W.'s in-house workshop.

Adm. = role of Techn. Committee  
- matters of timetable  
- issue of relationship = internal matter for experts.

Chair - Techn. experts = team.  
- Do take point - take the lead + discuss.

Ratification next week  
① executive → National.  
② interim ≈ bicameral → "  
Styler's paper → Techn. Com →

In-house workshop - 3 techn. experts give report + perhaps  
1st one = experimental other.  
They, bear in mind comprehensive vision, not  
tunnel vision  
Composition of ... left to Techn. Com for 1st one.

Chair Col.?  
1. met next w. 10h -  
2. techn. experts come to  
- own reports  
- if necessary plus.  
- liaison.  
tickets, but not honorarium

Mr. advertise myself + other TC members  
try not to fail



Chair

Chair. Advise. Collins with Tedna. Experts.  
2 sentences/paragraphs.

---

1. write separately to chief whip
2. 2. summary soon as possible not later...
3. principles will fall away.  
"at each level dem. repr."
4. legislate. (the courts should "..... provincial const. be struck")  
6 Amending Bills.  
(not in main text, maybe)

pro. Com. inter relate.

Notes -



1. bicameral / unic. → bicameral = why not One House / Two Houses

de (Minutes)

2. A. Beyers. present. + signed minutes.  
I.I. Ndlovu

"Provincial" level.

3. Core Group. Report.

Proceedingly...  
Had advice with us. Prof. joined us.  
Techn. Comm.

Byes: q. Technical Committee

can be appended by parties at own cost.  
→ meeting Thursday.

give impartial advice, interpret what Cyril had said  
seek greater clarification at meeting.

some TC's reject

understand all reports for go through TC &  
if parties want special reports  
→ done with C. Ramapho on Thursday

proceed

Meaning of matters arising

issue of matters arising = actually reflected in reports  
Ndlovu Ndlovu



Chair Mr Rabie → wanted to start.

1. Minutes

2. A Beyers. present. + signed notes.  
1.1. Ndlovu.

"Provincial" level.

3. Core Group. Report.

Procedurally...  
Had advice with us. Crag. joined us.  
Techn. Comm.

Beyers = q. Technical Committee.

Chair interpret:

✓ can be approached by parties at own cost.  
→ meeting Thursday.

Chair. give impartial advice, interpret what Cyril had said.  
✓ seek greater clarification at meeting.

Chair Ejin  
✓ some TC's reject

understand all requests for go through TC &  
if parties want specific requests  
→ clear with C Ramaph. on Thursday.

procedu

Usain no matter arising

issue of matters arising = actually reflected in report from G  
Wdorn Dora-

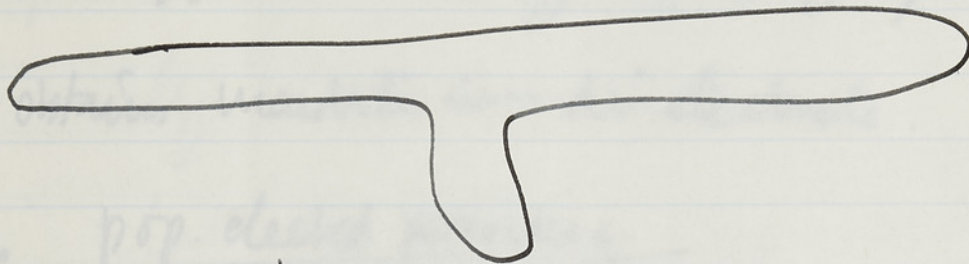


Eglin prepare text → handed to staff.

Pakad. ✓ draft that Eglin prepared, then

✓ propose that agree CO-chairs by (CG) should get together;  
it matter of substantive agreement, come back.

registration not necessary = treated.



## Workshop

main: ✓ chair asks kdm.com. to tackle gender issue

1. ~~Styler~~ Styler - CV read.

info → not opinions.

Styler → 1. outline Const. princ.

2. ~~control mech.~~

3. present pos.

4. identify major issues. TC to deal with

1. — const princ. leaves very wide open

— CP 6

SOP → entrusted with differ. powers

→ lines of demarcation

— membrs. exec. also member of leg?

— held 'no pure form' SOP.

2. = doctrine of reciprocal controls ... to ensure ...  
(2nd part CP 6)



Ctrl. exec. by leg.

spell out what controls powers leg over presidency

1. power of veto <sup>put to</sup> decisions, ...

C. Open in its deliberations as to form.

controls dependent on models of presidency.

1. popularly
2. indirectly elected by legislature.

P obtains mandate ← directorate.

1. pop. elected presidency

- USA & Namibia
- length of term, usually fixed term 3 yrs US. / 5 yrs Nam
- can spec. # of terms

- can be drawn from leg. as in Namibia, us. ex.

- usually head of State / gov.

no knowledge of directly elected ceremonial head.

- legislature can only dismiss through

impeachment - special inquiries

(USA's diff. to dismiss e.g. Nixon)

- pd. delineation may not be - mandate?

- pres. some control over leg.

usually Pres. Veto (eg. USA)

- usually P cannot terminate life of L.

- situation in US. - Rep. Congress hostile C



∴ can lead to "weak presidency"

2. ind. elected

- by repr. of people
- conseq -
  1. length of term
  2. linked to life
- Chancellor Kohl = 11th year.
- person usually from leg.
- potential pos head of G // + HoS.
- usually motion of no-conf.
- ∴ relationship if leg. is close - no further controls over actions of pres. require A.
- harmony between HoG // - major parts.
- no point in controls.
- ∴ ind. system can produce "strong presidency"

Germany - with strong pol. party entrenched (eg by list system) then parliament (not as body) in opposition is most effective control.

multi party system = control.

3. present pos.

parliamentary Nat A + Sen. ...  
practical level → power  
P may claim 2 mandates  

1. from
2. indiv. election



dismissal P - 2 ways ← life of Parl.

at least 2 methods in hand of parl. itself.

Pres. may resign

No Confidence — in ...

↳ 3 options ←

∴ only manner of diss. parliament prior ...  
is thru Parl. itself.

if balance Δ but not possible, if p. Δ seat loses seat.  
∴ possibility of swing in parl. ≠ great.  
Pres. enjoys maj. support.

→ C. Cont — thru conty. ... follow advice of Pres.

∴ poss. of engineer vote of NC,

tenure of parliament.

impeachment possibilities

1. M of NC — maj. votes

2. more diff — American cont. — shog Parl. p. directly  
acc. to

Pres. cannot dissolve p. ...

Powers of present President.

P. no veto power over leg. → only send back bills if proc. sent

— only one member (electing com.) may be not member.

= no indep. source

— western system. — HoS // HoG.

hybrid system USA // British



4. debate?

- without pre-empting, adding already true Sabour SOP.
- clear preference for parliamentary

- ANC P + Ex shall be acc. to Parl.

DP  
NP

- n.e.v.

Parliament to appoint H.C.

FF vs. Parliament pres.

Split  $\left\{ \begin{array}{l} \text{H.C.} \\ \text{H.S.} \end{array} \right.$   
some support that SPLIT.

IFP

FF (our grand's workload)

vs  
PAC - against split  
tenure in cabinet.

IFP non ren. tenure of 5 yrs.  
Pres. not terminate life of parl.

- If Split - paenc.

- Precise terms of leg. control.

- P's control over leg.

- Issue of dep. to president  
parl. bench, or...



## ② Dr. Tina Malina

✓ mechanical recording.  
Stetler's paper made an.

Read ... <sup>Malina</sup>

short notice - not come with full paper for dist.

brief = experiences presidentialism in other countries.

start anecdote: in Africa <sup>first</sup> in list of grounds.

situations in which Court's been suspended for years.

∴ why Court's not walked.

esp →

1. Sep. of powers.

2. nature of presidentialism.

3. African adaptations Pres. P → "presidentialism" borrow from USA, but not proper mix

4. Some of factors shaped rise of presidentialism.

Start with the Army - expected conv. Churchill → Roosevelt.

C: "You are P. concerned.

Can act without approval of Congress.

other hand I without support of Parl.

lies at root ← USA Am. approaches doct SoP.

both operate ... SoP.

1. function of Gov. →  $\begin{matrix} \text{exec} & E \\ & L \\ & J \end{matrix}$
2. personnel not also be separate.



diff of approach.

how exec. power is exercised (PM  $\approx$  gov/cab)

Court judges set with SOP.

- bic. / unic.
- lower / higher
- federalism.



- to secure certain things
- want avoid ... in one person / persons
- byz. - corps / other un. court. arrangement.

Proper Dem. Govt's.

- is proper SOP's possible?
- some say USA most / other not.  $\leftarrow$  functions personnel.

## Executive Auth

- ex functions not easy to locate
- battle between Congress // ...
- over what ... over 200 years.

2 major theoretical frameworks:

- (i) residual theory of power
- (ii) exec.

"inherent power" theory.

certain powers inherently executive  
can we identify them? not easy.

specific grant theory.

should only exercise such ... as spec. granted.

(Court's dynamic instrument)

may find damn the line  $\rightarrow$  may find decay of



'African Countries' = colonised by 2 Eng & France.  
adopted const's ~~adapt~~ given to them.

← Lancaster  
Chm. ....

- const. designed elsewhere (story that wife case...)
- = adopted models which replicated... in unaltered British const.
- ∴ African Countries... idea of Gov. General.  
representing Crown (H.S with exec. function)
- + PM = leader of Maj party when 1st elect's

French countries similar situation of adoption.  
story of  
with story Ex. Power.

features of other countries - British system (like Eur.)  
emerged after long year.

conflict between Monarchies, etc.

Monarchy // ordering them & laws.

1688 Glorious Rev. — Monarchy → King.

∴ trying to recreate in Africa traditions that elsewhere  
had taken centuries to evolve.

Did not do ten square tradit. Africa...  
(such as can agree)

Exec. Power (4)

(1) style executive = really pure in one per P/Gt/c...  
of without PM

- Clash of pol. auth.
- instructive — better replaced "home grown"



De R Mignone ... went that route  
by 1968 - remove GG. Kenya took 2 years. Malawi  
Mulawi

Problem = lack of proper definition  
idea of exec. independence. Ex // leg.  
by enriv. C & b.

- How ensure that ex. = free from control by  
- Power to review exec. action & C & b.

### 3. African adaptation

- elements of Parl. govt (with) American system.
- found # of countries Kenya, etc. (Uganda except).
- Exec. should also be member of gov.
- except (as would SA) pres. left seat.

systematically as adopted Presid. system.  
also that contest seat.

Pres (not compelled) - draw members from parl.  
especially elected member.

etc. want to free itself - education  
↳ already there ⇒ finance union.

Issue lies in that: often non memb. of P - way of  
expanding pol. ideas.

except. auth.

A General (not in SA sense): AG never member of Parl.

= Civil servant.

Leader Hob

establishment of const. = another ad.



Have cabinet emerge = not  
in initial stage - chose whomever they want.  
Always provision for appointment of  
Govt's shall advise P.

Batter's Exec. // Cabinet.  
Tanzania (initially) → began to sweep in idea of  
Cabinet headed by PM.  
essentially borrowed idea

Law of Parl in electing P.  
initially not directly elected (not by par.)

members of P. ...

P. elected in separate vote, but held same time as par. ...

e.g. say mod. resolution of par.

- Banda, et → ensured that time extended.
- presidential election held at other time.

Finally Votes of NC  
idea from British Parl. System - relinquish claim to power

Reality = P's would have become ...

in Botswana ...

Have sit. where .. not really dir. elected.

Par. could get into office without being dir. elected.

(Amogant. Ami Suresh Kumar) go through rank without  
popular election



Another m-deck ...

Botswana ... directly ... but opposed.

What factors - made diff

① Autocracy.

- Const. must be seen as source of all  
auth. ...

- where does

- idea of Gov. Gen.

- Source of CA lay in Westminster, not locally

... embeddedness of

Afr. only 3 countries ceremonial by ... (Lesotho).

Uganda - use of judiciary - meant ...

any of 4 → could contest office of Pres.  
not E.C. Com.

by trad. litig. Ruganda tribe (ujon)

was next magistrat ... had. named, which  
them.

Nigeria / Sierra Leone.  
div. top replaced Queen.

∴ Ghana ... autocratic leader, not given to be  
exec. P.

Tanzania ... - baron de Hout  
possibility - Joshua Nkomo ...  
felt ceremonial used not enough.



he refused but later... Vie Pres... but not  
real difference.

- quote  
Gave full expression. A  
HoS = native soil

- Why Cambria - still not found need for expression.

\* What is it in African experience which did  
not make it same

(India eg, but not...)

Africanism

but Boga - undervalued.

Titular HoS = African.

Arguing - press though would say lost power  
for 200 years - diff. historical process

Nyere. "Our const. should fit in with  
habits of people"

Trust of gov. understood by people

= Re p. with ex. Pres.

(Chief Mwanza, not because of rank,  
but authority that he holds)

(but yes late Nyere appointed PM, but just temporary)







- Personalities emerged.
- real power ... ec. president
- Personalities issue may be exaggerated
- Clash of interest
- Conflict of Auth.

Queen stays away. how...  
 (X) People needed a dem. / nat. struggle. — cannot set back:  
 not restrain from politics.

∴ idea of neutral ItG could not work.

even in Germany. — Chair was pro. neutral.

∴ det. for Abr. states to stay with conventional heads....

propose following format: q's to be answered by ec. etc.

Q<sub>2</sub> Motion of no-confidence.  
 counted, but reality diff.  
 technical sense no c. / in reality still confidence.

Strength of West. ~~Part~~ can decide → Thatcher e.g. moved  
 it quickly like Falklands war.



Overland - Kij Uatal, Kwazi, Les.

Another African example ...

↳ systems in which no pol. parties.

how can we say strong ...

e.g. Tvl.

Free state (1) ind. leader?

(2): combination of 2 models?

did we see in Les. & Swaz. - translate British model.

Uganda - various kingdoms.

... .. Muldood - abolished kingdoms

recently kingdoms of Uganda was restored.

debate = precisely

? by back Cerem. HoS.

campaign for restoration of pre 1965 ...

Did not speak about SA situation - → focused on experiences north of Limpop.

e.g. of Tvl & Free State Rep's fascinat' reflected ethos of time of close knit society.

Kroyer & Torkest

Head of Det. Force & same.

attempt to make family society, not so sure.

Should not assume Les. etc were successful example

Kij Suthisa in fact exercise executive & used heavily as party politics.

Kij Moshwehe → interview BBC not say what or power

Prot Dlava Lesotho problems in estate 2x



Swaz. = executive  
all the time he has to have PM who pegs his time.

Multi-monarch scenario's, e.g. Uganda  
E.g. Eastern Cape → 6 King's ...

Mr Lebona  
~~Mr Lebona~~ Ceremonial State //

2. Impediment in USA successful?

1. • Ceremonial HoS → repr Q = white  
(not only 3 cases Nigeria (Nigerian) → became HoS  
Sierra Leone  
Mekranic cases of Les. → Swaz

Zimbabwe HoS from index.

happened consistently PM under → after 2/3 years  
abolished Ceremonial HoS → declared Republic

cut titles  
diff parties: "ethnic balancing", why e.g. Cusji Abzola  
∴ ethnic → pol. tensions  
Zimbabwe -

2. Impediment diff to work. — narrow grounds  
grounds upon which — usually illicit conduct, etc.  
cannot be challenged ... Most recent ex. = Brazil,  
where fraud tried up.

USA one previous country successful impediment. Johnson  
Nixon would have if not kept  
if ...



- Palmer
1. ref. to "African traditions" + by implication "European traditions"
  2. France, Belgium, etc.
  3. "Home-grown contribution" what does it mean.

many debated - not neces. to import.

4. ignored class distinctions
5. class tradition collective lab. resp. really after WWII

Europe had ... Faust gods ... What is "European tradition" <sup>of dem.</sup>  
 careful with referring to traditions and influences.

modern...

of the 19<sup>th</sup>'s - whether or not people can cross the floor.  
 theoretically had <sup>in theory</sup> but did not exercise  
 Governmental not spec. African experience  
 → eg. Australia.

has conceptually...

not... not suggest... quotations... simply to illustrate how they  
 were justified... in fact said cynically "African trad"  
 as I am h.v. lawyer → not use - in order  
 to justify opposition, etc.  
 e.g. oppos. party is luxury from tier.

∴ have to "unpack" this concept.

Egypt RSA  
 ± spec. part of it.

Point ~~over~~ Australia - wants to abolish...  
 what line we indigenous

Metaphor - history of people will determine  
 2 problems  
 how avoid becoming the western first set out to do  
 (Adaptation can be born out of legitimacy...)  
 maybe we can be advised... set up structure in  
 such a way (must show)



- SOP → means So Personalities
- AsS // Hots must be separate
- power powerful primarily shared not  
now decision locked into ..
- Country in Africa ... Aid, at least wisdom to see  
beyond that... Wisdom of Solomon ...  
... authority should rest here with people; not abdicate  
to another structure...

Chair - const. w more than will of people = ideal, highest level of  
quality

- Bit const. written by small group ... in
- but should protect you when you are out of power

o° psychology of tension  
those in power like to see when they are  
out of power

Part // What rules SA diff. from other countries  
= opportunity to write own const.  
(The World graduates with const's in briefcases)  
SAs are writing a const. = diff.

Rakie appar ceremonial head won't work.  
for Malawi → it directly elected ...  
then elect someone outside party politics  
∴ not from active politics

Part ... how election of Pres → elect ... not party pre. candidate  
Freshness (Coenag) dia participate in politics in 2000  
o° A-ff Ceremonial pres. → being neutral animal



- Comment → ceremonial Head
- Nat'l building → how does such a person do it, without powers (of personality) it cannot influence policy decision.

~~Q~~  
 Ndawa - location power outside = problem  
 already C. Court. - policy matters  
 office of great dignity. PM's feel slighted  
 "roll back the mats of carpet"  
 Kenya - someone could not...  
 but we seek to prevent, god we hope to achieve'

**Q**  
 Kenya multiparty system etc.  
 it true, but not to have institutionalize opposition?

Staylor: not because as whole, but opp. in l.  
 ... embrace multiparty system.  
 NB principle - other outside parties not...  
 effective placement.

**Q**  
 the chosen vacuum.  
 - parliamentary presidentialism - diff period when  
 - is then a vacuum

- term  
 Staylor President = until next one is elected

- Q** Separation? at least one major party  
 case for other side of separation
- ① Ceremonial/honorary  
 4/5. - actually par.  
 critical role at times of instability





→ remember that  
→ how have you  
without power (of power)

in power circle = problem  
by C. out. - high water  
to point of view. PM's feel  
"some kind of order"  
- some kind of...

we seek to present but we like to change

But we have in that sense of opposition?

... other order...  
... in 1. ...

... the person who

until next one is elected

at least one member  
the side of ...

... usually ...  
... or time & ...



∴ it watershed — should be serious objective analysis  
issue — whether this ...  
don't think done justice

Tedious... 3 blanks

Can't type, President...

Take further in Namibia ...

Namibia case — if Pres. fails, Exec. fails.  
The intention of P protected, it-  
they fail, he does.

and P's future linked to Parliament/Cabinet.  
(arise out of spec. situation, we can live with —)

How tie man back to party caucus  
∴ make P expressive to party.

If mandate directly P → Parl.  
1. impadment not only way P removed  
2. exec. pas. not able to govern.

nothing inevitable

mandates + provisions are different.

Portuguese system fascinating.

Prime Minister supposed to be head ... / ...  
always noticeable that French sent P by PM to  
reprint → neither wanted to release Lisbon.

John Winbeck ≠ conflict.



Muhammad Ali

Nation page

13400

14600

Ebrahim - Is there an elected ceremonial head of state?

Dr. Malwa - Pres Bama was the only one  
No such leader in the rest of Africa

Groenewald - 1) Exec is accountable to Parl  
If they are to be accountable  
we must know their exact  
functions - Can we distinguish  
the functions btw the HOS/HoS

Prof Steytler → difficult to do that a  
abstract is but we know  
whether or not the HOS is  
a figure head

Cabinet

Prof Dhone → hope the relationship btw  
Tech Experts & Library  
unable to prepare a  
reading list

→ Tech Experts can help with  
research eg sep of Fischer



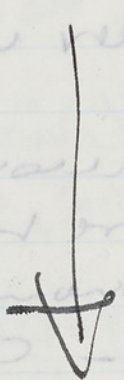
804 d, 408

Dlona → Cash. Ass. 26 88 certified by the  
Cosh. Cr. → that define the  
parameters of operation "each expert"

Exposition - Is there an elected  
board of state?

Dr. Melvyn - Pro Governor was the only one  
to ever receive the rest of the

governor - 1 face of accountability to the  
If they are to be accountable  
we not have the best  
functions - can we change  
the functions from the 102/102



Prof. Giffen → difficult to do that  
is not in the known  
whether or not the 102 is  
a figurehead

Capital

Prof. Giffen → before the relationship  
will require a  
model to perform  
reading that

→ all reports on self  
research of Giffen



14/35  
Dlora

- diversity of language & culture.
- other element of relevant (X111)  
cont. role of trad. leadership -
- executive & trad. powers.  
generally - issue of recognition of all trad leaders: how impact
- outline some of executive models:  
(cabinet systems) just waki de. (Cabinet Brit USA Pres's  
Polska) <sup>Exec.</sup>
- = near total separation of powers.  
of course US pres. = more powerful man. - worry about cabinet  
not politicians!  
Clinton's woes w.r.t. Congress.  
Checks & balances das come that help include veto/override  
= prob - not just loose cannon.
- Principle of impeachment  
US system.  
System to which we learn more = Westminster system  
= party based.
- Issue of collective resp. = Cabinet system
- faced coalition / constitutionally prevented / congressional plan.  
Leopoldt.  
1. grand coalition.  
2. mutual veto  
3.  
4. concept of 'own affairs'
- Other central feature = proportionality through votes  
disadvantage - minorities tend to have more power



- more legalized more small - the better did (socialism work)
- whether permanent / temporary feature
- possibly limit to temporary with training nature
- our own current model

- exec. president level

Cabinet ministers = limit

three parties are than 20% of vote...

implantation consensus model into responsibility  
pardon, etc.

## Prof Van Wyl -

Rakie  $\frac{1}{2}$  Ndlovu

1st paper... analyses executive system, UK ... & Netherlands  
all coalitions are forced.

- ① Deeply fragmented society, but maybe not so
- ② def. of the "transition"
- ③ differences on accommodation of minorities
- ④ Moosa - inter const. needs through look-



6 8 4 14 31 32

he defined areas of agreement disagree.

- 1 / split
- minority party
- deputy - whether by convention / court
- role of parliament - reactive or proactive role in govt.
- discussed issue of 'final' coalition
  - undermines good and viable opposition
  - Communism technocrats, gender.

- uncontroverted Tony Blair - 2nd largest party in Parl. did not get UK. position that is essential to the running of govt.
  - idea of govt. of last unity good one, but inclusion Convention

- At end  
Requirements for Ex. in daily press. sec.

Rolf Weyger

- it worth spent on transparency, national identity + stability effect, did not say how potentially differently structured.

- Need for 'Binnenmarkt agreement'

Convention on Citizenship ...

Country should be run in accordance

- finally → New SA ... solemn pact ... should be maintained.



Wolby  
Wolby situation,

Mr Wolby's paper

✓ Sec. gov paper  
at provincial level

Our conclusion

- no spec. prop. refs put forward.
- pl. det that still exist, calls for new pre-settlement
- not nec. w/ traditions, text books say.
- difficulty → to create new exec. while... establish  
itself = difficult.

- \* - Shape of Exec. will depend on ... transition end 1999/-not.
- other factors party system, electoral system.

- q whether could be some form of coalition  
- essence of confederal

1. cont. principles

2. ~~From~~ preliminary report — "paleo-constitutional form of govt"

3. Exec must be accountable to parliament.

det — accountable to exec/pol.

- little assessment of good/bad of current exec. system

---

open floor for discussion



Mr Byers.

To what extent majority party succeed.

Extraparliamentary options  
Issues of property.

Hammer

1. Constituent // constitutional ass.

1. GNA sketching listed

2...

["Rami - intelligent q's - Ndlovu"]

1. Sovereign body  
ultimate authority  
to

vs.

const. ass.

Constrained

LP's + lectured.

= sovereign ultimate body.

Hammer

constit. principles parallel, though principles diff.

If constrained - then not sov. const. body

Coalition q. - we use expressions  
fused by practical power

executive president → not precisely in full sense of term.  
concurrent, but can be workaday.

'no big deal'



Mr. B...  
To what extent is the...  
...of...

...of...  
...of...

13

1. Contract...  
...of...

2. ...  
...of...

3. ...  
...of...

4. ...  
...of...

5. ...  
...of...

6. ...  
...of...

7. ...  
...of...

8. ...  
...of...

9. ...  
...of...



'process of democratization is full of growing pains'  
but did not.

dem  
"enthusiastic attention in spirit"...

Holmes - what it is in court. before  
can call coalition / epis. form of gov.

Part  
Vasilich  
Evaluation

use expression in certain way + in common parlance not  
always accurate

- 3 types of coalition ←

- forced
- unforced
- 2nd type - 2nd type not forced to be in 20th  
but led in 19th  
= politically expedient, but  
not forced.

Magni

has classic last period of.

Nicola Who has final word

American Const. Ass. - settle knowing they draft...

∴ we are not ultimate auth.

Magni who sovereign

Declaration of Intent of CODESA. - don't remember.

Don't trusty towards - best accept

now ask who is sovereign, if we are not.

Acir. Dangerous presumption that someone is sovereign.  
function

Eglin: observation

fully into academic fray - whether we are sovereign / not  
not before us.

we can call ourselves what we  
are.

but we are opening up to plans in front  
not negotiable, also or not.



likewise Prof Van Wyl. "Executive President" ?  
"Coalition" ?

but is constitutional device  
get back to substance of issues.

Paul Calmer NOTE:

✓ 1. is there a draft, and if there is, what is it  
we have not dealt with this ———> Come back

✓ 2. issue of collective response  
Coalition or not — slogan meaning or not.  
now draft by write new const.

Whether or not things which should/would appear

- Mr Blondell's paper, must to examine, to decide what to  
return

- Not useful to say what happens in Belgium = anxious to  
help linguistic groups to have governing arrangements

o° ask for assistance of Techn. Com to narrow down

Chair: Techn. experts do both papers  
(exec) summarizing.

Eglin: can understand Techn. Com. would look for more precise  
mandate

4 issues emerged

1. how cabinet composed

Chair not later



It is not a matter of "choice" but of "necessity".  
The "choice" is a matter of "necessity".

✓ Chairman NAC:  
we were not dealt with the — E case books  
is that a book? and if there is, what is it  
is one of collective papers  
Chairman: not a collection of papers  
New draft of white new case.

Whether or not this is a case of the paper

- Mr. Bhabha's paper, want to examine, to decide what to  
- Not wanted to say what happens in paper, a message to  
- Help (inform) groups to have something (message)  
- To ask for assistance of other. Can to remove him

Chairman: to be in. expect to hear < (see) summary  
papers

Chairman: can understand. I don't know. want to see for more papers

If cases emerged  
in New Communist countries

~~Chairman~~  
Chairman: not later



Chair consensus - papers to be delivered.

Diale. Eastern Europ.

Diorn MA. → Berlin wall.

difficulty is we are dealing with some form of populism  
directly elected int.

Van Wyk. large # East Eur. countries have adopted new const's  
many of them used so-called Western advisers -  
Part ~~of~~ revolutn const't's  
SoP's but overruling role of the party.  
Pit Blandill's paper

terminology - if adopt → we should know what they mean  
all talk of parliamentary system of govt.

jud. experts  
Cabinet not have power vote of NC.

executive is integral part of legislature (vs SoP)

Diorn Pol Party Submissions

Commitment to indep. J.  
to talk of C & B balances = American cond.  
worry about nomenclature.  
Const. Court has

checks & balances.

SoP = one of the C & B.

Is SoP sufficient?

No-const. model was advised in ultimate  
= like democracy - maintain strict fr. deal  
Americans - US Supreme Court  $\frac{2}{x}$  democratic



8 men + 1 woman who tell ...

Eglin subject of workshop

— What kind of Executive

— and SOP

— how is it composed, how does it take decisions

— collectively responsibility, or not

— how responsible to parliament -

Tech. Committee → we think with min. of effort, with illustration from other countries,

Tech. Com. look at problem — think can be helped in such way, suggest certain route

Chair — Also conscience, miners know way of life underground present, etc, why they have a cont. of <sup>that</sup> nature, need social anthropologist.

∴ if you say cannot give us it's, disappointed, then must say, then politicians can cut out

Dora Have identified ... .. cross, etc.

We can set out models by histories of models.

Can W Q to Champions -

1. status of current cost?

Notes chairman of TC to summit events of day.



# Mr Mahlangu

Thank Fedin. comm. - short notice, etc.  
now know what to do to organize for 2nd.  
good chairing + thanks experts.

in 2 minutes:

brief of TC 2

- receive submissions, + finalise
- then look at all debate, compile ←
- ~~TC~~ TC's ~~negotiating~~ bodies

critical issues arose today

1. HoS / Conventional + executive powers / assisted by depus
  2. . . . . assist. Head of Govt. with exec. power.
  3. Not enough about HoG - did not get enough - look broader then decide
  4. How should that HoS be elected.  
← legislative ass.
- advantages / disadvantages
5. term of office. ← 5 yrs. or further.
  6. in vote of no confidence.
  7. appointment of members outside govt.



(not/low)

— issues arising decision by research.

- need to identify
- Grand coalition // ordinary coalition
- q of majority rule - --- type of cabinet -
- $\gamma$
- intricate functioning & relationship cabinet & lg.
- electoral system interrelated

- no legally direct report.

✓ - left to CG & techn. issues.

- q on status of interim const. → working doc. if  $\Delta$  then  
do so  
not throw in disba

- request Techn. experts' papers in writing

---



1. The meeting was opened by Madelanga

2. The Minutes of 7 and 8 Feb 1995 were approved.

3. The meeting ~~discussed~~ the documentation ~~submitted~~ proposed by the Research Department on Electoral Systems tabled at the meeting.

4. The meeting entertained discussion in respect of the memo ~~setting~~ our guidelines for FC reports.

The meeting agreed that the Technical Council shall draft report <sup>in to the</sup> guidelines, <sup>which will be</sup> considered <sup>by the</sup> group, <sup>through</sup> the TC. <sup>If</sup> the TC <sup>approves</sup> the report, it will be submitted to the meeting. In respect of <sup>the</sup> <sup>TC</sup> <sup>is</sup> only in respect of contentous issues (C), the party position ought to be defined. In respect of (C), this would however assist in the preparation for negotiations.

It was noted that <sup>preliminary</sup> reports have to be prepared for every strategy.

In respect of the advertisement, it was agreed that a press conference <sup>in date</sup> be arranged as a matter of urgency. ~~to elaborate on the advertisement.~~ It was noted that ~~a meeting arranged~~ press conferences which include the champions of all the TC's, ~~would be too unwieldy and costly~~ will approximate a "mass meeting" and it was emphasised that <sup>if</sup> a press conference only in respect of the 2 was required, <sup>the</sup> <sup>press</sup> <sup>only</sup> of SABA, Reuters, and SABC were required for efficient coverage.

The meeting agreed to ~~be~~ be flexible in respect of a deadline for party submissions <sup>by the</sup> <sup>committee</sup> <sup>on</sup> <sup>the</sup> <sup>2/3</sup>, as most parties are unable to meet the deadline. It was further agreed that party submissions shall be processed <sup>by</sup> <sup>the</sup> <sup>committee</sup> when the <sup>are</sup> <sup>been</sup> <sup>received</sup>.

In respect of the report for <sup>the</sup> <sup>12</sup> names of ~~the~~ participants to



21/2/95

## 2 Minutes

- 7th ✓
- 8th ✓

3. take note of research.

4. Guidelines for TC reports.

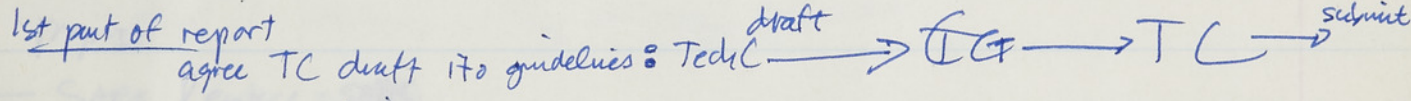
- p 18 no 30 minutes

Essay - request that include some of the comments from ind's received.

- need assistance of TC - summary of what public submitted (in agreement?)

- p 19. PPP - have to come back Tuesday before Monday meeting.

- progress reports? further planning, etc.



Wdoun - but they are inclusive

2nd part of report - will list

p. 19 → party positions?

Wdoun eg. SA should be publicizing... AWC list in what way. (controversial)

Elvakin can understand in (C), but not in (B)

Post... guidelines only + various nuances.

Rahie HoS // HoG. to reach consensus just said "there shall be an executive authority"

Adv M P. Retained 75 (b) really only on contentious issues want parties defined.

Adv M to restate party positions difficult.

CC - debate that they feel.

Essay careful - they want succinct sum. - point take direction parties set with Fedn. Com.



Robin (c) read

purpose is for negotiations

(in-house workshop - progress report)

Pro's report only on block, or...  
✓ piecemeal

think ✓ Should have report every Tuesday - for us as well + give progress report - piecemeal

• Submissions i/o block 2/3.

Media Conference - pressure - don't want to be bogged down by others

Peace press conference - mass meeting  
reconsider - not for india to decide.

propose

✓ - SAPA Reuters + SABC.

When Press Conference

Peace Not everyone ready with sentences for block 2/3 NPV AWC \* IFP \* PAC

Wolburn

Robin postpone submission date ✓  
deal with submissions when receive.

Peace sketch

Wolburn want to be clear.

not had to put party position in.



6.

7. indicated 2 names from TC's.

p 11 2.1. 00 12 per TC - represent TC's, not party positions.

Public hearings - recorded by SACSPROPER.

members of Ct consult - CO-Chairs co-ordinate

A Chairpersons co-ordinate for townswon chair ✓   
 ✓ passes names to co-chairs   
 member of CA.

B deal with Issues on books   
 under topics?

Adv W. do what did in adv. focus.

Can isolate some issues - bic/mic. // Senate   
 ~~introduction of CA~~

7. Theme Com Programme for Fedn. Expts.

Michelle need to detail TC programme so they can change their work

Adv W next topic mic/bic -   
 Step - feedback.

p. 12. submit names

Prof Ceremonial Head. etc, not properly dealt with in   
 first thoroughly over executive? later legislative.

Adv W we know it tabulated powers, may be dangerous, etc.

what are ceremonial functions / executive functions

Conns accountability, cannot hold, unless cont. spec. tabulates.

what want functions Head of State / gov. - 1 = main criteria

must given certain powers   
 to fulfil function.

= 2nd "



Adrian - q how you phrase it  
- may not be one of functions - spec. enumerated  
- i.e. do we say (principled position) we must tabulate.

John. In C Council's mind must be no doubt.  
don't think TC members know of all the functions.

HoS // HoG not need to tabulate

We are not Court. Lawyers - give ability to make wise decisions.

Mahd. propose we look for another date for in-house workshop following on executive format

Rahad. don't need in-house workshop if Techn. Exp. can tabulate ...  
given our time constraints

~~Keep the last in-house workshop.~~

Adrian. When write report Exec. wcl. that did not expand on powers + report will include ✓

Rahad bring at next workshop - agenda ✓  
people with ideas for names. ✓

Mahd. Techn. Com. - workshop on bio/misc. 2/3 weeks. ✓

2.2. p 14 Technical Com. Kensington Park.

Corren. in-house workshop = treated as any report if into  
but what I find missing = aim of this partic. workshop + guide  
them on what needs to be covered.  
x

Rahad. Rather than addendum, structure in such a way that we know who is for what

Rahad. assumptions - no workshop will tell us everything about topic  
time waning. part, standing committee sitting.



need to work fast for time

\* ask CO - chairs to look at pers. programme, to see how much time + techn. com. come back to us at next CG meeting.

then go to TC with clear programme.

John - As maintain TC work on Monday.

+ PPL dates on Saturdays.

Prob. Exec: how committee see its work? ... submission

Programme which we must submit to Man. Com. next CG

o o Techn. Com → Co-Chairs<sup>1 week</sup> → TC

o o CG meet after TC meeting. 9h - 12h00

Techn. experts ⇒ add. report.

# 8. AGENDA

\*  
Cover  
excuse.  
Email

- ① report on <sup>in-</sup> workshop
- ② <sup>2</sup> week programme by techn. experts
- ③ paper, supplementary report (public submissions)
- ④ submissions on slide 2/3



# Core Group Report TC meeting 9/10

Pakad initial discussion about PPP over weekend; see how went, what could be done to improve.

8. PPP.

Bayes adopted  
ask something <sup>matters arising</sup> arising.

3.3. dealt with in CG?

Eglin This has cropped up frequently at Man → CC think  
thing is that Tech C. is there to assist TC, pol. party should motivate  
but TC should give authority.

(in... intej. clarity on IFP walkout  
for purpose of record - is)

Bayes remember other members of TC have other view, Secretary at CG said  
pol. parties will also have access.

Pakad. Techn. experts are available to TC's, not sure if we can get greater  
clarification on that now.

### How think we should proceed?

Bayes. propose that situation where use Tech Exp.'s effectively  
public should have access - whenever pol. parties want them.  
would enable pol. parties to be more efficient.  
but will accept situation from Eglin, if receive doc. <sup>policy doc from CC</sup> to clarify  
∴ review matter. ✓

Eglin rather formal statement than clarif. from me.

Q Do go to favourites  
② do info made available to every party?  
useful → if each party by way of subsidy had been given ~~open~~



Q: are acting as TC collectively?

or

Byers: not sure then what is focus of let. of techn. experts.

if they not avail., could have used Secretary.

∴ to use them effectively - available to parties for consult. with subcommittee

Wojcik: Like what said to AWC <sup>to all parties</sup> if AWC uses lawyer - will cause squabbles.

Wojcik: Where are we now. CG discusses as well cannot divorce in practice Tech E from pl. papers at end of day.

Pahad: Agreed clear statement from MC & CC not agreeing that Techn. ex should write subcom. ✓  
but analyzing & assisting with doc

Byers: agreed ✓

to examine areas of contention

Wojcik: Sep. of S / executive

should pres be elected by pop. vote/pale

on election system. . . . go and do some homework come up with what is common to all.

think lot of work techn. com. can do . . . .

refer to CG ✓

Wojcik: ? take back to CG → TC → CC  
Lieber  
Chabir

### 3. Report from Core Group



i discussed q of ~~core~~ report - virtually writing diff.  
but thought also refer to <sup>fedn. Com.</sup> civil society, if need ✓

ii q of report to be compiled by TC → T.C. Com.

iii q of cabinet - do we need other workshop?  
Techn. experts - could sit down...

iv. press conference - decided diff to get press to flesh out... rather good today.  
- Rahim & I thought best they would be to compile common statement,  
handle with other CG members now.

ready to issue press alert, set out time

Mali. Steinhilber; ... etc + these members of CG here.  
11:00 → 11:30.

v. CG discussed PPP for 25th. ↓

Report on In-house workshop.

Stegler. summary + papers attached

Mali

noted issues emerged from discussions

extract notes from Pat Dora by Adv. Stegler.

report accepted.

Eglin should really be directing Techn. Com. to further work.  
Pres // Exec. ; now emphasis on executive presidency,  
relationship...  
relationship -- parliament. ✓







Photocopy of Section from Law Comm's work -  
relat. Resec // parliament  
coming from this report...

Styler Clear briefs  $\frac{1}{2}$  time scale  
have looked at Law Comm's report - clearly sets out options.

Rahad propose take issues on p16 - ask Techn. experts: how propose  
take further, rather than every week ✓

CG agreed that we should look at 2nd workshop.  
Send Techn. experts should look ----

Not report from Techn. Committee.

Styler Now just when.  
We could support list of ~~presentations~~ presentations.  
Possible next Monday.

Qui Lets us rise next week. Monday

Pages support  
TJin general Univ // vic.  
spec. issue on functions of upper house.

Rahad. What would be electoral process...  
IFP's proposal says should cover purely political issues.

Egan. 9h00 - 13h00 (do away with)  
= 4h00 (even)

Styler cannot be exhaustive of topic  
identifying various  $\frac{1}{2}$  then further research.



addition

Not report from Techn Committee  
It appears that we should look at  
some Techn experts should look  
further, rather than easy work

What paper also covers on VLD - see Techn experts: new papers

What paper also covers on VLD - see Techn experts: new papers

What paper also covers on VLD - see Techn experts: new papers

What paper also covers on VLD - see Techn experts: new papers

What paper also covers on VLD - see Techn experts: new papers

What paper also covers on VLD - see Techn experts: new papers

What paper also covers on VLD - see Techn experts: new papers

What paper also covers on VLD - see Techn experts: new papers



Admin to invite other TC's ✓ invite them & other members of CA who do not sit in committees.

## 6. Supplementary Report into Role 1

Steph: would like identification of dates for further in-house workshops, ask soon to set dates for spec;

Mayumi suggest CG make recommendations. ✓ list as item for agenda CG. set together.

Supplementary Report  
Asky plid.

Supplementary Report into

"Requests from CC & Man. Hops have not gained sufficient public. address → & say that they do reflect in broad terms the consensus." ✓ NZ

Mechanism as to how we are to deal with that. ✓ discuss other TC's report with Steph later on.

## 7. Advert.

↓  
press conference.

Need to improve?  
only in English for now. ✓  
other languages.

speech mark/symbol

Bilingual issue — only some English papers  
Panel Proceed with Oxford's issue — not only print, but also



radio; at least 100000.

Weekend papers did not include our appropriate

Ackman fly would require colours, raise with media people.

8. PPP

67 people (Eastern T, Northwest Free State better)  
Pellilakana

Boye generally

using a lot of resources; results not good at all.

meetings not well publicised, admit only in local Afrikaans paper, not mention of transport; told neutral people only assist; 'neutralised' meetings. Cannot just leave it to SAES

SAES need to be monitored on daily basis, what done, etc.

∴ people never consulted ∴ runs whole show alone.

Same get pamphlets only at hall.

Eastern Cape Coast Duetto.

Other than technical problems... office

delays of flights, etc. East-Cape better situation.

1st fly 1. not style placard on airports.

but people were aware.

2. small notification in papers.

but 80% of people don't read papers.

3. towns sunny Coast R. not returned.

∴ ...

210 people.

4. composition of people widely ✓

5. input at Coast R. of high quality.

2 people only transport windows.

problems: told us as parliamentarians just had to listen the dummies, other than daily parts.



Orkut

then told must give brief overview of constitution

believed MEC major would give input, but she had not been  
experts from MUSA — ~~x~~ believe we could just use <sup>input</sup> staff of CA — better understanding.

expert did not know anything

only 2 TC members went there.

Dip. Spaler - <sup>NP</sup> announcement that they are going to draw  
up their own CA programme; did not think they separately.

Secretary of this office, please before we go anywhere, inform  
us → with feel of q's aimed at us: we were not consulted  
properly. Senate.

Input — quality high, but  
6 people in military aircraft.

q of translation: office need to know what languages  
are spoken there, + send people who are comfortable...

no-one to do translation

big, a wide range of people from here + All TC's to be represented, <sup>may</sup>  
look like AWC thing.

Grant R.

involvement of provincial planners — late, not helped, what role,  
they were confused.

Sethuma, Lou, Byrus (bedsday)

Byrus — was not well advertised.

weak representation ± 6 buses, and 70-75 people based in  
from Admin's side, was handled quite well.

facilitator there knew what she was doing, nor put source  
level of debate high.

Constitutional matter not politics

not representative from all com. only one tourist.

also problem: instructed that pol.'s not part of proceedings  
but should <sup>they wanted</sup> be part of proceedings; wanted overview on TC's

not worth money that was spent — bad rep.



## Setlense Conference Report -

facilitator different view; was naturally a good facilitator, but as far as issues are concerned dealt with, she was not clear

• paying per capita amount of money - can amongst us

## Bloembergen

also problems with assets, not clear on availability of free transport,

6 # buses have transported 2/3 only.

people mutilated in land grab transport.

party representation → from all TC's, only AWC people.  
1 from NP, left earlier.

Could give broad overview.

Facilitator lost, we had to do what needed to be done.

SLS also not provided translator in our process.

no advertising in either Sotho/Tswana.

poor repres. from rural/remote areas.

look into going into smaller rural areas.

input from people very constructive --- dealing with conflict issues.

Press conference scheduled afterwards --- local press did not bother to pick it up.

## Easta Tol (no report)

## Dr. Steenkamp -

in principle casualty people good idea; expense by effort involved  
one is prepared to get involved, but expenditure  
thought would have resulted on massive scale.

Add to our proposals

Expenditure showed result in dividends, what can do to avoid



Chair were recorded.

Mon: Inussa - put find man say he is chair guy to be paid. We hear only give 4 hrs in addition to... can't INSSA wait till go to election.

Stephena look at as part of evaluation, wanted money. look at cost figures. consultation with Adim. problem of short notice

Stacy Media not going to take us along in process. white report for 1st time say as citizen that wants Volkstaat. Media not going to assist us.

Mr Dexter Many of these problems also expressed by others in other committees shared we set up take force.

Stacy look before leap. Not objection to principle of committee. look at problems to address perceptions. 1st time political party? goes to people.

Musi Phalabawa give date of 12th that they want us back. they want to give us date.

recommended understand subject... CA members to give overview independent person -> then needs to be well briefed. organizers of public events - should org's treasurer shared not find no people, + yelted back. but in heavy process, rectify mistakes. transportation needs to be clarified Prov. mail by, or CA or



- q of inclusive representation; CA work, not any one party, to delibe process together; q of translation: translator who understands language + acc. part process; selection of venues, not where cover only one sector of society
- local press should be there; maybe in work's time average meet with TC & Management Committee;

Pages, 3 of 4 meetings was attended by NP as well.

Palestine chairs summaries good

- q of involvement of <sup>own programme?</sup> promises may need further discussion
- media - not only that local media not there, advertising, publicity not good too info about meetings.

\* role of pol. parties - helps to get people to meetings  
Outside agencies not effective. Civil society should

even though careful not to be one party only.

- info - e.g. NTol when AWC did get 90% of votes, conduct go wrong. ∴ admin needs to take this into account.

- TC agree that this should be raised at CC, since Pundamental. That open, transparent, should express it at that level.

- Ask Admin to prepare full report → CA

\* What meet was clear - we clarify issues, worry/controversial to clarify in broad aspects. ∴ not debate submissions, etc.,

## 9. Absence of Inkhatha

TC cannot deal with here.

Admin to seek clarification?

Palestine not problem; we proceed with our work; not matter to raise with admin, proceed.

Pages but not create impression that not concerned; not leave in cold.



not new situation.

Report: All African papers done <sup>3 weeks.</sup> Zulu Xhosa, next...  
also in other languages  
all of them same time, all 11 languages.

aug. 11 9

Steyler circulate to SAFA

What Ass. ....

How elect ...

what control ...

language's language.

Public also input.



Core Group. 1. Welcome Clemmie Fidevids.

2 Common Statement

3. decide when is next CG meeting.

4.

Richard use press also to inform...

Memos: elaborate

short Statement

1 rep from each of parties.

Steyler to draft.

CG get info from Tech. Com.

1 Wednesday after

February 10th 11:30

12h - 13h00 Wednesday.

Travel expenses.



## Press conference 11/14/40

completed block 1 broad consensus on it

advert in print media - press conference to get clear what expect from people to submit.

1. type of legislature at national level.
2. Senate - what composition, powers, functions.
3. How see Nat assembly work in future.

4. What kind of executive

- President ceremonial / executive functions.

- power.

- who should assist him.

5. Head of Government

- election by legislature, or by popular vote.

6. Need checks & balances - wide variety.

- accountable to

- - - - - mixed in those C & B.

not only national level.

regional.

S. processed by Admin to TC → report CC.  
indicating consensus & w/c. ~~ideas~~







# CORE GROUP & Made

G 1/3

2. 12h00 <sup>Minutely</sup> ~~M. notes~~ adopted

3. Joint meeting.

Trad. Assk.

background

1. ask to postpone
2. if not, then proceed.

Egfr CC meeting in afternoon; possible. CC at 15h00  
can request ULC.

Admin TC 1 probably not Egfr ✓

~~disseminate that~~

Constitutional Commission - meeting of 2 TC's  
Co-chairs to check with Made ✓ <sup>Said no</sup>

This kind of letter creates problems

1. times of issues
2. dates

→ no point in giving

We have indicate, know what are overlaps.

1. original report
- 2.

Ask Admin to proceed, they know dates best.

Egfr supports Palhad  
original report points out overlap.

letter to Chairperson's etc, then TC is asked  
to address... handed out at meeting of Chairperson

Palhad not all parties part of co-chairs - ✓

Original Report ✓ refer admin



Egü  
Chairman? informally, will confirm

- JC2 reports at CC  
asking for it report at CC, someone designated by TC to do so on their behalf.  
Management wants to know beforehand.

44  
Egü  
Chairman  
✓ Hayton "Possible role for a second chairman"  
9 - 13h00

Pigeonhole, but chairperson.

Egü  
Don't think Hayton...  
look at terms of reference.  
ours.

IFP submission -  
will principally our task.

5.1  
Packed  
Inputs shorter, use discussion

2. Sec.  
ensure that recorded.

co-chairs to chair (leave to them)

Short time after each topic to ask q's of clarification  
General discussion rather at end.

5. TC Programme for Techn. Experts  
Suggested WP for Techn. Experts wanted to have

6. last time - not finalize with it

Tech Ex look at wide scope WP  
and suggest how they can go ahead with it →  
they can look at existing programme



put dates to in-house workshop.  
tech exp. compile draft ✓

Again begins on how we see progress on block 2/3

ask techn. experts to look at & analyse submissions

17th? in position to start body of input.

in-house workshop...

Again - other separate issue.

Research Department doc on Electoral System.

Other meeting Chairman writes to <sup>Ministry</sup> Dept. of Const. Affairs  
asking them to... Director General Affairs.

Portfolio Committee on Constitutional Reform.

If want ex. dir to approach, then do so  
send clear signal.

Really just looks at library of available documentation  
authority.

We come up with spec. recommendations

Ask Tech-Com to make recommendations ✓

Frederick Egan <sup>Couns Law Centre</sup>  $\Rightarrow$  prices  
+ contracts.

Document - from Tech. Committee

Pahad  $\rightarrow$  TC I also involved in big way. These are 'issues',  
we already got funding etc...

bring together in one memo ✓

with inputs to discuss



request from NTO1.

12th → because was not well attended.  
place request. ✓

4/5 big notices in Assemblies ✓ from today.  
my meeting schedule = replaced.

TCS 2/6 issued members with  
4/5 clip files.  
at least core members. ✓ put files.

12h00 dzed 13h00  
1 March.



apologies & doc. Dodge.   
 report from 12/11  
 here report

1/2 Vg wires in Assembly in  
 report = rejected

TC 2 1/2  
 1/2 clip then  
 at least core numbers

1500000  
 1 March



△ programme.

Prof. Dennis Davis

background

all 4 provinces had upper houses

2 reasons - 'dixie for pr  
- watching over...

got 2nd house, supposed to be house of elders ← <sup>requirements</sup> had to be age 30+  
Senate was supposed to be free... <sub>property qualifications</sub>  
white str

26 old 32 Senators each province, elected 8

+ additional 8 nominated by gov.

men --- otherwise lost to practices

on model of House of Com.

other 32 elected 10 years.

body would continue for longer than elected.

elect by proportional repr.

idea - was to be less powerful than assembly. - many bills, ex taxation  
only originate NA  
approve... then

affected at time of union.

refused to approve a series of bills - Assembly began to be concerned  
about surplus - select committee then set up - 1920

# of senators - balance elected by NT & S together, 7 years instead  
of 10, property qualification dropped.

in many ways → that is the way Senate continued.

Gerrymandering... now 98 members + different amounts to  
provinces.

Critical change: no longer proportional representation.

Senate 98 reduced once more.

°° Senate played NB roles

1. because of prop. repres.
2. Δ's of government (while Senators lasted 10 yrs)

contrast vs. Australia (also dominion) also Senate & AS



# Australia

- did wale by indirect election states
- various times in history Senate
- consisted of diff. parties than gov. reason for fall of Ros Gov's Gov. 1975
- differ. party control each house.
- Lib party new it could win election, force election by blocking budget in Senate.
- even to go pass. was open for refusing budget... 2 occasions - take straight to Gov. but in Austr. could refuse money bill, thus they were about to run out of money.
- ∴ Gov. Gen. dismissed in order that other Gov. can break deadlock.

relevant as to 1 what power give to senate  
2 composition of Senate 'model'

- diff 1. owns by prop. repr. ∴ majority party always maj. ∴ have  
 ∆ senate/assembly  
 2. fiscal bill - once bill put 2x, then

1. Repr. elected body
2. party polarized profile, convention have held in SA (needed in Australia no ground for by convention to override)

are in course → whole conversation was crucial with fall of Whitlam.

3. Powers given to upper house
  - to what extent should it have powers to subvert lower house, which is the one directly elected.

USA - non-com. ones had powerful roles  
 Pruders - particularly - matters pertaining to Province perse  
 ∴ perfectly possible to specify what powers should have.  
 (diff to - conventional)

One of the major... should be equal repr. from provinces

Present Senate = very much product of our history, followed precedents of the past.

If one thing is clear → did need to safeguard Colonial role of Pruders  
 every letter to +

PH25  
 our till 1000 discussion  
 what... whatman issues not so bad.  
 Eglin had... problems which may occur... compounded  
 any countries in world where comp. of Senate not  
 diff. than lower house.



Dis: can you use upper house to subvert. Whatman could rightly say we were elected for 3 yrs.

Enfin if problem of deadlock real one, Senate comp always diff.

Dis: Canada similar - Senate really is toothless, because to a large extent reflects yr. of day.

Senate house of revision? by raised. if had Canadian type compo., then highly unlikely to play that kind of role

If A powers of provinces (also ... prov.) in  $\Delta$  WC, would have to get...

Most effective - German - Bundestag cannot do very much.

Q? Allocate powers - enough to repr. provinces?

Dis: Are 2 roles that you can ask effective Courts to play.

① to safeguard role of province  
= most powerful role of Bundestag.

② States themselves must safeguard  
constitutional powers with states-themselves.  
Senate not body to safeguard provincial interests,  
but as autonomous part of Congress,  
even though.

~~to~~ check on majoritarian type...

o, diff. interests to bear on national legislation

or  
to safeguard ~~the~~ <sup>rights</sup> of provinces.

Q? really diff. kind of...  $\frac{1}{3}$  actually 3 types.  
Dis: there are the provinces — we can handle what we want.



American - US Supreme Court has used Senate to

justify federal override.

US Supreme Court ... by using interstate commerce rule ...  
(if states don't like it ...)

∴ federal govt can override ...  
might be overall scheme.

Greenwood hi most should be c & b. must in

∴ Senate should play diff role.

Comp. by functions of lower house ... upper house designed for country in which upper house functions

e.g. U.K. dem. system evolved ... where governed monarchy reflects  
SA phalantic society ... should not reflect?

Paras fiddle around with → failure of society, high power.

- transient maj. in lower house.

- or power to subvert role of lower house.

one thing can't do ... Westminster ...

q is really what needs to be decided here.

? What is historical reason for giving ... many bills.

Dem? govt of day, govt elected to fashion critical issue, why taxation without representation

∴ taxed by those people elected.

? Def? Motowne? unfair intention.

Dem? NB that Senate:

Dem? it diff. view that is two.

Indis? Native representatives ... &

∴ Dem? was humanitarian procedure through Gov. Council.



Davis 1910 40... 1/2 of them appointed... in the radical  
populist representation.  
Mr. [unclear] Q  
falls outside... that prop. repres. destroys party system.

Davis System of prop. repres. ... assume the had 100 ... 60 NP 60 units  
Then 6 1/2  
(How 1/2 whether should use prop. repr. for (over repr.))  
∴ indirect form of prop. repr.

Chair Process. M-house w. = not to decide, but to collect info.

1860  
Constitutional Princ. & Precedents

Davis. Great background note CP  
reference to solemn pact Int. Cont.  
qualifies/ restricts mandate CA in defining content/ form of Cont.

Product ... vetoed against Cont. Cont.

∴ familiar with CP  
2nd chamber mean ... 2nd vs  
large maj.  
chamber of qual. that com. ... com. will of maj.

Underpinning/ philosophy behind it

- conscious deviation from demand model that majority rules
- shows in other issues not in ordinary dem. model
- In British model ... includes ... certain spots, arts, prominent pl. of life priv.
- most liberal nations (incl US.) relate to disprop. ...
- = principle in vitium cont.
- 2nd chamber is but one of many possible devices.
- by far most conspicuous within the legislative process.



direct, though restricted, popular mandate  
or no pop. mandate  
(e.g. British)

Also possible to... reflect relative strengths  
turning 2nd chamber into...

unequal of competence/powers  
rather junior partner than equal partner with (A)

with revenue, raising of...

When comes to extension of life pol... In Federal formations...

Except for extreme examples powers

usually on par with... = role of sending/revision,  
rather than equal status lower chamber

CP's themselves

P 18 clause 4 → deal with amendments  
already proposed, etc, powers of powers.

→  $\frac{2}{3}$  vts.

- If this is end...

- approval of spec. way of legis!  
of powers

g to be answered... formal/direct vote...  
it's possible just at this stage.

Chair Eglin

British upper house

evidence in Africa of upper house, whether trad. bodies

... (when non-hereditary...)

African systems - most were based on Westminster system  
substituted chiefs → appointed upper house...



9 - alternative to upper house? provincial veto.

Princ. principle 18 subs. 4.

• not central voice --

Follow-up... US. Const. can veto if 75% of states do so.

Dora... There it is an addition to Senate.

Used by satisfied.

Prof Van Wee — maybe should have had African ex.  
Lesotho has 2nd house of tradit.

Spain & Belgium.

Federal Australia (Canada very weak one)

Switzerland & Germany.

- weak chamber

- Spain has Senate — Spanish Senate = 300 members, 200  
of whom elected by Spanish provinces,  
autonomous coms elect others.

- each voter can vote for 3, but despite its size, only  
has delaying powers.

- Belgium interests <sup>mode of composition</sup>  
186 directly elected. 52

- # of Provincial Senators.

- intended to try in expertise - non-politicians — was  
also natural in SA, but in SA became catch all  
for politicians who did not make it... became political  
thing & not technical



- small amount (now 7) was law sit in by virtue of relationship with King/Queen of Belgium.
- empty (table) have to go through both houses 'haveed' here not, because of sound consultation; difficulties would not in passages.

### Australia

- directly elected 100% repr.
- equal powers in event of conflict. 1. messages sent 2. unamendable organised 3.
- up to 2 times bill can be rejected by us...
- .. re-elected...
- Directly elected... <sup>Swiss</sup>
- for Canton to decide ... 2 per Canton = small body
- interesting feature: number of Cantons & state may at some time be under- but - free update applies.
- small Senate has same powers.
- history plays role
- Mention of referendum...
- ∴ no provision in Const for conflict

### Germany

- 2nd chamber = very undemocratic  
 ± 50 members depending on size of land...  
 members nominated by Governors of Länder = (Premier + Pres...)
- = unusual thing that members sit in Senate ∴ German Senate has no legislative term, because it repr. Länder..
- spec. land/klode.
  - predictably the German Senate has effective veto... on any thing represent interests of Länder... but can be overruled on other issues, but in 50% of cases required. Federal Const. Court decides.
  - does other interesting things like 1/2 appointed 1/2 as...
  - Conflict resolution... work out compromise

### deductions:

1. historical background is
2. 2nd chamber popular unity, esp federal systems
3. even those with little power plays a role
- ∴ no right way conditions for body Senate.



Statistical - size of senate differs.

∴ on competitive ... Can tailor to suit needs.

10440 Stegler

tailor to our needs differ from Van Lygh.

If federation, must be 2nd chamber to protect, not  
necess. so, although majority dom.

Useful 2ndary function to protect provincial interests.  
Australian ∴ particularly modeled on US.

to get small.. equal repres. for all states  
when const drafted 1787 - small states wanted all states  
to have equal repres.

∴ compromise broke deadlock. # of reps depend  
on people in state.

every state 2 senators

135 Congressmen proportionally distributed.

Western State 2 Senators 2 Congressmen

States 2 7

Same principle of equality of states - ... in Australia

In view.. reason for creation of 2nd chamber... method  
of appointment crucial.

- 1 elected by state legislatures
- 2 only since 1910 elected directly (Australia copied in 1901  
(only 1948 that Austr. used prop. repr. Single transferable  
vote)

3 also a secondary principle

none of the view from more popular 1st house



body further

→ also house of review

legisl. 1st people, then repres. of states

Senate no large powers interest of provinces, but interests

∴ you can be seen quite separate from provincial interests

∴ most 2nd chamber strong power to nationalise interests  
∴ political context in which it operates.

USA

Lawmen elected 2 years

Judges 6 years

Congressman... issues in electoral district districts.

in contrast 3 times the time to devote to local matters.

① method of app.

② length of app... types of activities will engage in

US. powers of Senate focused on Nat. Issues.

all bills, incl many bills... passed by house/senate

Must ratify... 2/3 votes...

NB role in approval federal issues... appointments  
Judges, etc.

∴ ③ powers - shift - state → international issues

political context in which take place.

If pol party strong discipline... US

not Nat... deals with Nat. issues...

state base only up as far as election

National, Federal one organ power int.  
(Same Australia)



dealing with ... operative fed. = Gouan

unofficial purpose, nat. parties.

Federalism rather seen as aspect of conf. as unity  
disposal of power. → then natural allies

Federalism / bicameralism.

Post Frib.  
Post Haysom

10:55

1st Haysom proposal ...

how Senate should be structured & role it needs to play.

re-orientation of our Federal structure.

- If just keeps some regional structures ... then some  
purposes undermined that
- practice rather to repres. various wings of Nat As.

00 neither ① distinctiveness.

- questions 

①	how composed
②	what do
③	how do it

- cost benefit ...

line of argument 3 yr's CA.

- |   |                              |
|---|------------------------------|
| ① | disperse with Sudd           |
| ② | trader with it               |
| ③ | reconceptualise role in gov. |

- One thing wanted by debate Ahmad Prof.

2 forms of federalism adopt ① spatial

② give regions greater power  
but can be



Co-operative fed. = German

co-operative fed = Canada

immediate issues which arise.

1. Gov determine which powers to be allocated  
Need to approach... define structure & reasons for other  
regional influence: Senate potential mechanism to address  
these q's (3)

∴ Senate can play middle layer role in deciding...

by endorsing nat. legislation

- 1.
2. by being in model in which regions build in...

implications for such a model / institution.

1. more concrete powers

nat. leg. which affect provinces

perhaps lesser power, delegating influence on other  
nat. legislation. determine

provinces — German ... carrying out and ... Nat  
legislation.

kinds of powers

- more ongoing role provinces ... provinces don't legislate
- joint committees with Nat Assembly ... play part in determining  
matters etc.
- new model in regionalism ...  
= shift in exec. to provinces.

= shift role that is intended constitution.







- critical CP is accommodated in the conception - more power
- does not offer existing institutions much.
  - but provides more harmonised system.
- What function .... future existence of state.

11405. Tea.

11425. Discussion.



