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CONSTITUTIONAL ASSEMBLY

Theme Committee 6.4

SECURITY APPARATUS

6 March, 1995

Room 249, National Assembly Wing

DOCUMENTATION

**CONSTITUTIONAL ASSEMBLY
FOURTEENTH MEETING
SUBTHEME COMMITTEE 4
THEME COMMITTEE 6
SECURITY APPARATUS
MONDAY, 6 MARCH 1995**

Please note that the following meeting of the above Committee will be held as indicated below.

Date : 6 March 1995

Time : 09:00 - 12:30

Venue : Room G26, National Assembly wing

AGENDA

1. Opening and welcome
2. Minutes of the previous meeting
 - 2.1 Minutes of the thirteenth meeting, 6 March 1995 (page 1-5)
3. Matters arising
4. Location of Correctional Services
 - 4.1 Joint sitting with Theme Committee 5 at 11:30 in V227
5. Submissions - Police
 - 5.1 African National Congress (see document package 2)
 - 5.2 Democratic Party (see document package 5)
 - 5.3 Freedom Front
 - 5.4 National Party (see document package 4)
 - 5.5 Pan Africanist Congress
6. Any other business
7. Closure

Enquiries: Katharine McKenzie (Tel 24 5031 or 403-2174)

CONSTITUTIONAL ASSEMBLY

**MINUTES OF THE THIRTEENTH MEETING OF SUBTHEME COMMITTEE 4,
THEME COMMITTEE 6**

**SPECIALISED STRUCTURES OF GOVERNMENT
SECURITY APPARATUS**

MONDAY, 20 FEBRUARY 1995

PRESENT

Phillips, I M (Chairperson)

Alant, T G	Bloem, D
Booi, N	Dyani, M M Z
Ebrahim, E I	Fihla, N B
Groenewald, P J	Mabudahasi, J
Makana, S	Molekane, R S
Malumise, M	Mashimbye, J N
Motshabi, C	Mpahlwa, M B
Mti, L M	Mtintso, T E
Nogumla, R	Scott, M I
Selfe, J	Sisulu, L
Van Eck, J	

Seegers, A : Technical expert

Apologies: Malan, T J; Schreiner, J

K McKenzie was in attendance.

1 OPENING AND WELCOME

Mr Phillips opened the meeting at 19:00 and welcomed the members.

2 MINUTES OF PREVIOUS MEETINGS

2.1 Minutes of the twelfth meeting, 20 February 1995
The minutes were adopted.

3 MATTERS ARISING

There were no matters arising.

4 ACCOUNTABILITY AND CONTROL OF THE SECURITY FORCES

The meeting considered the report contained in the documentation of the 13th meeting.

The following final amendments were made to the report:

4.1 Parliamentary oversight

The ANC amended its submission by deleting the word "joint" when it appeared in relation to Parliamentary Committees.

The word "Joint" was deleted from the agreement in relation to parliamentary oversight to read: "The Committee should provide for oversight by multi-party Oversight Committees for Defence and Intelligence".

4.2 Executive Control

The ANC amended the first paragraph of its submission to read: "The President shall appoint the National Commissioner of the SAPS, who shall in turn appoint a Provincial Commissioner for each Province through a consultative process, still to be defined with the Provincial MEC responsible for Police."

4.3 Judicial and legal control

The agreement was amended to read: "The Constitution should state that the security apparatus should act within the law, Bill of Rights, Constitution and relevant international law and conventions on armed conflict."

4.4 Demilitarisation

The ANC amended the first paragraph of their submission to read: "There should be a civilian Ministry of Safety and Security, established as part of the broad demilitarisation of the SAPS. Clear lines of command and control between the Ministry and the operational structure of the SAPS must be stipulated."

4.5 Rights of Security Apparatus members in relation to the State

The National Party withdrew its submission supporting a separate Security Apparatus Service Commission and amended their submission to read:

"The NP is not in favour of a separate Security Apparatus Service Commission".

4.6 Matters discussed but not debated

The meeting agreed that the following sections of the report should be included under a heading entitled "Matters discussed but not debated" as these items would be considered further under the appropriate blocks:

- * Demilitarisation
- * Control of intelligence functions
- * Control of the arms industry
- * Community Policing
- * Structure of the security apparatus
- * Monopoly of Force
- * Access to information
- * Paramilitary force

4.7 All parties present agreed that their positions had been represented fairly in the report.

5 CORRECTIONAL SERVICES

5.1 It was agreed that Dr Alant would liaise with Theme Committees 5 and 6.1 in order to set up a meeting to discuss the location of Correctional Services within the Constitution making process.

5.2 The Committee considered the letter from the Ministry of Correctional Services contained in the documentation for the meeting. It was agreed that the Committee should find a time slot in which the Ministry of Correctional Services could address the Theme Committees.

6 SUBMISSIONS

6.1 Institute for Defence Policy

The Committee considered the letter from the IDP contained in the documentation for the meeting.

It was agreed that the IDP should make its submission in writing to the Committee. On receipt of the submission the Committee would consider whether it was necessary for the IDP to make a verbal submission to the Committee in addition to the written one.

It was agreed that the IDP should make available those papers which had been presented at the IDP workshop and which were not available at the time as written papers.

7 PUBLIC PARTICIPATION PROGRAMME

7.1 Public participation events on 11 March 1995

It was agreed that Mr J Selfe would represent the Committee at the Public Participation Event in the Western Cape.

7.2 Assessment of the public participation events of 25 February 1995

Members of the Committee who attended the events held on 25 February agreed that some of them had been beset by problems which needed to be addressed by the administration. These included:

- * poor advertising of the events
- * inadequate arrangements to transport members of the public to the events
- * venues were inaccessible
- * the Provincial legislatures had not been adequately utilised in setting up the events
- * there had been inadequate press coverage of the events particularly on African language radio.

It was noted that the event held in the Eastern Cape had been very successful.

It was agreed that the administration of the CA should note the proposals made by the Committee regarding public events as contained in an earlier set of minutes of the Committee.

8 WORK PROGRAMME

A draft work programme was circulated indicating forthcoming events.

8.1 Workshop on the Police

It was agreed that the workshop on the Police would take place on 20 March 1995.

The workshop would focus on the Constitutional provisions pertaining to police and would be addressed by advisors in the Ministry of Safety and Security as well as academics in the field of Police.

It was agreed that the members of the Standing Committee on Safety and Security should be invited to the workshop.

8.2 Attendance at Theme Committee meetings

It was noted that the attendance by all members of the Subtheme Committee at Theme Committee meetings seemed to be unnecessary as the Theme Committee meetings merely received reports from the

Subtheme Committees, where the bulk of Theme Committee work was taking place.

9 **ANY OTHER BUSINESS**

There was no other business.

10 **CLOSURE**

The meeting rose at 20:30.