CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2
STRUCTURE
OF GOVERNMENT

WORKPLAN REPORT

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2
STRUCTURE OF GOVERNMENT

WORK PLAN

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

   - Separation of Powers
   - Structure of Government
     - i) National including Parliament and the Executive
     - ii) Provincial
     - iii) Local

       The meeting noted that Traditional Authorities should be part of the Structure of Government

   - Electoral System including participation of minority parties in the legislative process
   - Traditional Authorities
   - Volkstaat
   - Amendments to the Constitution

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

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

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

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

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

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

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

Each of the above (4)

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

i) As and when the reports are completed by the Theme Committee **but**
a) Separation of Powers - end of April 1995
b) Final draft at the end of May 1995

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

7.1 *Traditional Authorities*

- ■ Amakhosi AkwaZulu (All Zulu chiefs)
- ■ Contralesa
- ■ TTLA
- ■ Traditional authorities and House of Traditional Leaders (where established)
- ■ The Council of Traditional Leaders (when established)

7.2   Afrikaner Institutions

- Afrikanerbond
- Afrikaner-Volksfront
- AVSTIG
- FAK
- Federale Vroueraad
- Kontak
- Oranjewerkers
- Rapportryers
- Volkstaat Council
- Volkseenheidkomitee
- Volkswag

7.3   Religious Organisations

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

7.4 Trade Unions

- COSATU
- Landbou Unies
- NACTU
- POPCRU
- Rapportryers
- UTUSA
- UWUSA

7.5 Political Parties/Organisations Outside Parliament

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

7.6 Tertiary Institutions

- All South African universities

7.7 Business Sector

- AHI
- Business SA
- Chamber of Commerce and Industry
- Escom
- FABCOS
- Gencor
- KwaZulu/Natal Inyanda
- NAFCOC
- SACOB
- Small Traders Association

7.8 Para/Professional Associations

- Association of Lawyers Society
- Balieraad
- BLA
- MASA
- Mediese Narvorsingsraad
- Nadel
- NATU
- NBC (National Bar Council)
- National Inyanda Association of KwaZulu
- Prokereursorde
- Traditional Healers
- Vereeniging van Staatsamptenare

7.9 Women's Organisations

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

7.10 Other/miscellaneous

- Civic - Sanco
- Cultural Organisations
- Landlike Stigting
- Metacoc
- National Sports Organisations
- RGN
- SASCO
- Taxi Associations
- WNNR

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

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

Community: Provincial legislatures as vehicles for community liaison

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

9.1 Amendments to the Constitution

- Professor T Sono
- Professor D van Wyk
- Professor A Venter
- Ms L Zama

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

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

9.3 Separation of powers

- Professor SC Nolutshungu
- Professor I Smuts
- Professor T Sono
- Professor D van Wyk
- Professor A Venter
- Professor D Welsh

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

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

9.5 Traditional Leaders [authorities]

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

9.6 Volkstaat

- Professor A Raath

9.7   *General*

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

10.   **_Time Frames_**

i)   *General Comments*

A phased approach - three phases

Phase 1 : 30 October - 15 November

Finalisation of work plan for submission to Constitutional Committee

Phase 11: 23 January - mid April 1995

January : Hearings in 3 provinces
February: Hearings in 3 provinces
March   : Hearings in 3 provinces

- National Hearing March/April in Cape Town

- Receipt of written submissions by 31 March 1995

- Processing of submissions

- Formulation of Theme items and approval

- Publication of formulation for public opinion

- Production of first draft report end of April

Phase 111 : After Easter to June 1995

- Internal discussion and debate

- Co-ordination and processing of public opinion

- Identification of contentious and non-contentious issues

- Evaluate draft report

- Finalisation of report and submission to Constitutional Committee