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With compliments

■ Head Office, Johannesburg
6th Floor, Nedbank Place
35 Sauer Street (cnr. Market Street)
Johannesburg 2001
P.O. Box 1139, Johannesburg 2000
Tel. (27) 011- 836-8041/9, 836-8091/5
Fax. (27) 011- 836-4601

■ Cape Town Office
1102 Heerengracht Centre
Foreshore, Adderley Street
Cape Town 8000.
P.O. Box 6550, Roggebaai 8012.
Tel. (27) 021-25-4590/1/2/3/4
Fax. (27) 021-419-1613

■ Durban Office
Suite 002, Byron House
36 Gardiner Street
Durban 4001
P.O. Box 1258, Durban 4000
Tel. (27) 031-305-3983/7
Fax. (27) 031-305-6970

THEME COMMITTEE THREE

2/2/95

CONTENT OF BAG

4 TAPES

1 PRINT OUT

1 COMPUTER DISK

1 PRINT OUT OF NOTES RE: TAPE

**THEME COMMITTEE3
2 FEBRUARY 1995**

Tape 1

NOTES

10/16:

inaudible; is "overrule" correct?

Please check rest of Chairperson's speech which is inaudible in parts - tape not sharp, rather muffled.

036:

Who is speaker

045:

inaudible

058:

Who is speaker?

060:

inaudible

080:

denied??

084:

a true verbal presentation?

020:

Who is speaker?

120:

tea and ???? outside

120:

Who is speaker?

142 - 146:

when we're getting safer???

Please check whole paragraph as cannot quite get sense of it.

150:

Is it Mr Manie talking?

190:

Who is speaker?

205:

to extend determine any applicable law?? cannot get the sense of this paragraph
all persons that derides (pronounced dereeds - perhaps resides mispronounced?)

208:

financial move ???

210:

the question of bundles??

211:

colonisation/organisation/communisation??

218:

?????

222:

inaudible

223:

inaudible - parliamentary??

233:

inaudible

255:

Who of the NP is speaking?

289:

inaudible

316:

and various aligning underlying??

317:

those were meeting?

322:

??

323:

?? ?? same phrase repeated.

333:

??

337:
rejects attempts to ?

345:
??

366:
??

370:
adversary ?

377:
Assurances ??

397:
??

408:
Who is speaker?

409:
??

415:
??

427:
pranks in the forum ???

443:
bad's day

479:

Substantiaries ?????

482:
same word again - substantially ?

THEME COMMITTEE 3
2 FEBRUARY 1995

Tape 2

NOTES

001:
Is it Mr Manie speaking?

006:
Who is speaker?

024:
Who from NP is speaking?

091:
Resijurp??? Racy job??

208:
Comrade who? Zoah?

240:
microphone not activated - a chunk of dialogue lost

302:
Who is ANC speaker? Not Ms Kota as she refers to Comrade Zoah.

338:
Who is speaker - I think it is National Party, maybe Dr Koornhof?

361:
Who from Administration is speaking?

376:
Who is speaking?

380:
Who from Administration is speaking?

402:
Who from National Party is speaking?

412:
Who is speaker from IFP?

445:
Who is speaker?

466:
Who is speaker?

496:
Who is NP speaker?

545:
Who is speaking?

THEME COMMITTEE3

2 February 1995

Tape 3

NOTES

002:

Who is speaker?

013:

Who is lady speaker?

016:

What is name of chief? Numalo, Kumalo?

???? - a whole phrase which is undecipherable.

019:

catered?

023:

Who is interjecting?

028:

Who is speaking?

042:

Is Makwena and Maleti correct?

054:

Who is speaker - IFP?

060:

Who is speaker?

063:

Who is speaker?

084:

put on the sack list? (twice)

THEME COMMITTEE
2 February 1995

Tape 5

NOTES

Have started new numbers which this tape as it doesn't follow on
Tape 3. Tape 4 would appear to be missing.

063:
lowly/only pressure?

133:
bit of discussion in the background as to date.

153:
Who is speaker?

161:
Who is speaking from Administration?
?? inaudible

**THEME COMMITTEE3
2 FEBRUARY 1995**

Tape 1

- Chairperson Could I then welcome you. I hope your lunch was good and that you're not too sleepy. We do have a problem this afternoon because quite a lot of our members are attending an agricultural workshop in Stellenbosch, I believe it is. Somerset West. We were forewarned also yesterday by this problem. I would suggest that we continue if you're pleased with that and not worry too much about those people. It is a difficult situation. We have documents, most of you people have documentation and draft. No, this is not available here. It is overrule ?? submissions, have you got that document, everyone. It's not given out yet; it will be made available later on. Have you all got the agenda for today's meeting in front of you? Constitution ?? Theme Committee 3, 2nd February 1995. Let us read that agenda if you have it. Got it, everyone? Approve minutes of the meeting held on 6 July. We dealt with the matters arising ?? And then the main topic for today will be the presentations from political parties on a local government and general. Could I at the outset ask everyone concerned that we be business-like this afternoon - it is a difficult time - and that we try to end as soon as it is possible. Then I've received four apologies: from Mr Andrew, Mr Modisenyane, Dr King and the Honourable Melanie Verwoerd. Mr Smith has to be at a meeting at 4 o'clock I believe. In the meantime the house... Sorry?
- Mr Smith Are we still discussing the agenda? I'm thinking of adding an item to the agenda. It's just that on the corporate meeting we've got a workshop programme, but we have given some thought to the issue and perhaps we could discuss in plenary rather than back to the Core Group again.
- Chairperson I think it's an excellent idea. Everyone agreed? Workshop report from the committee. If anything comes up. Mr Carrim?
- Mr Carrim Apologies - Pravin Gordhan explained that he won't be able to make it.
- Chairperson Can Pravin Gordhan also be added? Could I just say that the people from the agricultural workshop couldn't all present their names; it's a general kind of apology and I think we must ask permission that their names be recorded at a later stage when they can say they were away for that reason, when we do the

minutes of this. Dr Rabinowitz?

Dr Rabinowitz Mr Chairman, I haven't given an apology because I'm here briefly, but I'm going to walk out and come back if you're still working. I just want you to understand I'm not marching out, I have to go to a Justice meeting. So will you excuse me?

?? Mr Chairman, may I have it recorded that I am also a member of the Justice Committee and we are in that committee dealing with the Truth Commission Bill and that committee's sitting very, very regularly and whilst that Bill is discussed, I think there will invariably be a clash between the time of this meeting and the time of that meeting. I will be in present for a period and then go to those meetings and when I'm not here, I'll have somebody standing in for me. I just want to... I'm not going to apologise every time. I would like the committee to understand why I won't in this brief interlude sit right through all the meetings until that bill has been finalised.

Chairperson I understand now. Ms Verwoerd is back; her hand is up. You've got the word, Ms Verwoerd. And then Mr...

Ms Verwoerd Mr Chairperson, I'm just concerned about the fact that it seems that we're not very representative now in nature. Comments was raised about ?? ten to two, coming on that, I won't be devil's advocate here. We are just debating here amongst ourselves having basically only two parties on that side there just exactly how feasible it is to go around having party submissions if the DP's not here, the Freedom Front's not here, and very few... PAC's not here, and very few members of the National Party is here.

Chairperson Thank you very much. I think this must be considered by the meeting now. I was actually informed already yesterday by amongst others the National Party, I think, that it is going to be difficult for them to be here in substantial today and we requested from the ANC side that it continue because it's such an important question for us. Now while there is not much sense in it to have an ANC rally or an ANC branch meeting here, could I have some discussion on this topic please? Mr Manie, you remember I talked to you yesterday during the coffee break about this matter and it really materialised. Other parties said they're going to try, I must say, but now we sit with the factual position. Could you argue the point please.

Mr Manie Chairperson, you should warn us when we have to argue points and cases, but I think the point has already been sufficiently stressed by my Comrade that spoke before me. If

we are to proceed, one's ?? of doing it just for the benefit of people who have to be educated or anything of that nature, but I think it's... in the way that it was raised yesterday, but I think it's important for people to understand why we agree and disagree on certain issues especially when it comes to local government. We generally speak about certain things that none of us can disagree with: that government must be close to the people, it must be democratic; but those are general things. How it translates into a practical system and how it translates into the Constitution is where we might differ and I think unless we understand where we differ, we're not going to know how to deal with these problems in the future. It's already been a problem that local government in the past was separated from the broader negotiations and it was a separate process of negotiating the gains that we have up to date so I'm not quite sure whether we should proceed and whether people feel comfortable with it and it's no response from the other parties as from our side because we came here prepared to make our representations on the issue of local government.

Chairperson

The ANC is ready to fire. Mr Malebo?

Mr Malebo

Chairperson, I also just wanted to make the meeting aware that the Finance standing committee is meeting, we started now at 2,00 and I will be joining them within an hour or two, so I won't be here for the whole duration of this meeting. Thank you.

Chairperson

Ja, as I told the lady the other night, we can't go on meeting like this! I'm only using the opportunity... Mr Smith?

Mr Smith

Mr Chairman, I ?? if we were to carry one. The PAC's just walked in the door. I gather perhaps from yesterday's discussion that some parties felt that their submission yesterday covered virtually everything, but I think it will be useful to know up front whether we're having discussion from documentation or purely verbal presentation because it would be very useful for us, for example, to have what the ANC is saying in documentary form as opposed to verbal presentation. ?? verbal presentation is not as valuable an exercise, so just as a point of information and clarity perhaps, could we know whether the parties are speaking from documentation or just verbally.

Chairperson

Mr Manie?

Mr Manie

Chairperson, I think we were asked, and our understanding was, that it would be oral presentations around the various

inputs that we're making here. Our understanding was not that we should be submitting to this meeting formal written presentations around local government in particular. My understanding might be incorrect and if you could correct us.

Chairperson

Thank you, Mr Manie and Mr Smith for the conversation. Before I give further time, could I ask you, ladies and gentlemen, you know, I think we've got stronger presentation on the opposition benches, thus far in Government of National Unity as well, even though they're not ready, and I'm sure a sensible discussion can take place even though we're not here in big numbers. It is recorded in any event so if need be that can be made available; and I would ask you how we're going to do this type of thing. You know, we're going to get into trouble with our programme if we don't do this this afternoon. I think it's also very valuable that this information be given to each other. How do you feel? I would prefer that it would go on, but I must be led by you. Mr Smith, your hand was up.

Mr Smith

Chair, I don't mind if we go on. What I would ask then is... You see, we go back one step; the reason the Core Group agreed and the Theme Committee subsequently agreed to a framework was precisely so that submissions could be placed before the Theme Committee in terms of categories already agreed upon and I believe that the primary role of the Theme Committee is the processing of submissions as opposed to education. We had all accepted; however, there is a brief interlude where we're conducting a particular programme and this perhaps could be considered part of it, but may I ask then and make a suggestion as well that if we proceed with the discussion it will be useful either subsequently to have a written presentation from the ANC and any other parties contributing towards this issue because we are making party submissions to the Theme Committee, and failing that, at least have a full transcript from upstairs on the ANC's position.

Chairperson

The other alternative would be that those people from the ANC who want to talk today put the essence of that into writing and perhaps next week provide it to the committee members. Is that possible? Just a short discussion amongst yourselves, please do it. Small conference, do you want to go out? 5 minutes. Could we have 5 minutes. Agreed? Okay, 5 minutes break. Smoke?

??

Sir, before the members leave, we have tea and ?? outside, just in case.

Chairperson

Make a tea break of it.

?? I'm sure you won't see the Moslem members as the Moslem's are supposed to be fasting.

Chairperson ... and now we will continue. Could I now ask a small caucus, ask the ANC to give us information on the position. Mr Manie?

Mr Manie Chairperson, our position is that we're willing to... we're making an oral presentation and we hope there will be time to interchange with some of the people and we can follow up some of these things with written presentations afterwards.

Chairperson Thank you, Mr Manie. I presume there is provision. Mr Smith, you originally asked the question.

Mr Smith Mr Chairman, if I might just ask them that that written presentation will then constitute the ANC's submission to the Theme Group.

Chairperson Mr Manie?

Mr Manie Chairperson I think what we did say is that, in the same way that we have made representations and presentations yesterday orally, in the same way we are going to follow through to make certain inputs around those areas that's been indicated today. What will follow after this will be a more refined written submission and I presume that that is on paper as far as the DP and the NP is concerned, I'm not the end of the story. And similar is the process of building up towards understanding of different views around different parts with regard to central, provincial and local government issues.

Chairperson You are actually intending then to say that the main task here is to work towards a solution where we can see where we agree and where we disagree and that will be formulated in due course. Mr Smith?

Mr Smith I'm happy with that, but may I just ask when we're getting ?? we draft a report. Is it because we're drafting a report on the basis of written submissions? If that's the case, we're unhappy and the presentation referring to in writing does or doesn't constitute part of that submission. I have no idea. I wasn't clear, but when you do draft, I need to understand this, that we are drafting from the presentations made in writing by the parties would officially represent their positions and items under the ??

Chairperson Mr Smith, I think what the party on the other side was saying was that submissions will be made as is required by this

process. They're not just saying that what they say today they will give to you Monday morning. So, if I understand them correctly, it will be made in due course. Is that right? Do I understand you correctly?

Mr Manie

Chairperson, we don't want to go into a whole thing, but I thought what we are talking about is that you will try and advance the process of understanding the various positions. If what Mr Smith is saying, if I understand him correctly, then what he is saying is that we should not be speaking, we should wait for the submissions because that is what is going to be considered, then we're actually going to be wasting your time to be making submissions.

Chairperson

Thank you for your debate on the subject. I see that we've already lost at least a half hour on this matter. We could have been far advanced. I think we must accept now, and I want to rule like that now, that this oral input from all the parties takes place and there will be opportunity for questions and I think that will also clear the matter for the eventual submissions to be made. Now I would like to continue if you'll accept my ruling. Let me just get my...

I am first putting to you the minutes of the meeting held on 26 June. The matters arising from those minutes we've already dealt with at the meeting of the 30th January. The minutes are in - no they're not, what's the story again, please?

Secretariat

For the period of these minutes - they came out late because as you realise the meetings are following one on another. Members asked that they be given time to read them before they correct them. However, they dealt with matters arising.

Chairperson

So we just take note of this matter as explained by the secretary. Agreed? And can we then move on to point 3 - The presentations from political parties. Now I presume, especially in the majority party, there will be a lot of people who want to make inputs. I'm going to ask them on each of the topics which are the same framework as we did yesterday, that they give me an indication of how many people make part inputs and then give the chances to the other parties as we did yesterday. We start alphabetically. ANC on point 1 of the framework, how many speakers do you have? Ms Coetzee, Ms Kota. And then we go on to the other parties. And Mr Malebo.

??

Sorry. Only one is speaking. The question you're posing is, how many speakers we have. On category 1 or...

Chairperson On category 1.

?? On category 1, it's one.

Chairperson Ms Kota, you've got the floor.

Ms Kota Thank you, comrade Chair. To speak on specifics of the local government dealing with the South African conditions, I must say that the key objective of local government in our country is to uplift the standard of our people to reconstruct and develop our communities, but then in a South African context the most important part of the team of the local government should deliver services in all our communities. But one needs to ask himself the question regarding that: who delivers what services to who in a country where there is gross disparities; where a million of our people - more than a million of our people - are poor, and more than a million are rich, but at the same time we need to deliver services. If you look in terms of the Constitution, chapter 10, page 100, subsection 3, it does say that local government shall to an extent determine in any applicable law make provision for access by all persons that ?? in that jurisdiction to water, education, transport facilities, electricity etc. So, if you look in terms of that, it does say that financial ?? and fiscal, those areas should be able to do so. Definitely with the present imbalances there is a need to bring in the principle of cross subsidisation in order to redress the current imbalances. So the question of ?? needs to be revisited in order to do away with it by the ?? of our communities. So the key objective then is to ensure that we build one South African nation and that process has to start at a local level. The question comes also as to who pays for those services, we know, definitely, there are people going to tell us exactly that with the culture of not paying in other communities. We want to encourage a process of ensuring that people do pay for services, but the services should be rendered at the same time. So, ?? built into the local government structures to ensure there is legitimacy. We know very well that local government structures of the past weren't affected by those communities so it's important therefore to put back the issue of power sharing at the top of our agenda, inclusivity in terms of the organs of civil society because at the end of the day those people should be able to be in the provincial government ?? so it is important when they are doing so that all structures ?? ?? political parties should ensure tolerance at a local level so as to ensure that we're operating in a stable but peaceful environment. I don't want to dwell on a number of issues because when we talk about the local government in the present conditions of this country we can talk for a long time,

but it is just important that we should take into account that the present imbalances they need an intervention from the central government up to the lower levels. Thank you.

Chairperson

Thank you very much. Now the next party is... I see, DP is not available this afternoon. Freedom Front, and then comes Inkatha Freedom Party. Mr Smith?

Mr Smith

Three points. First of all, ?? freedom is a universal one for the transformation of local government in South Africa. Our past experience in parliament raised local government into a massive differentiation between black and white local authority in the area of legitimacy, resources and service delivery and all these need to be addressed urgently. Secondly, there is a demand that local government be properly empowered to fulfil its role as a third tier government though not through the dictates of central government, but by way of constitutional protection of local decisionmaking within the provinces and as determined by them through their constitutions and statute subject only to the Schedule 4 principles. And thirdly, the removal of apartheid barriers at local government level should be balanced by provision for maximum cultural plurism. Thank you.

Chairperson

Thank you very much, Mr Smith. That's a very difficult phrase (maximum cultural plurism), but if I understand the conversation now to this stage it's very interesting, is that Ms Kota stressed that the question of using local government to build a South African nation and to express also that from central government it must be able to intervene in local government affairs while here we're getting now from Inkatha perhaps a more autonomous type of approach, if I understood their intention correctly. So perhaps this is very important just to get into this type of different actions which are being developed. Now, if I'm right, the National Party. Who will speak for them? Sir?

??

Mr Chairman, we consider that this issue was extensively covered in our submission yesterday, that was on Wednesday, and we consider our submission that was given yesterday covered the theme under this block with reference to local authorities fairly extensively and we do not want to reiterate on that. Thank you very much.

Chairperson

Thank you. We understand that. Now, can all parties accept the PAC. Ms de Lille.

Ms de Lille

Chairperson, we also covered most of it yesterday except to say the PAC believes that local government must be a third tier

of government and be responsible to deliver the goods to our people. Local government should constitute a real grassroots democracy which should be autonomous but answerable to both provincial and national government and that local government should not become enclaves but should assist in the administration of national and provincial policy, especially as far as the implementation of the RDP is concerned. I thank you.

Chairperson Thank you very much, Ms de Lille. So that's also leaning towards the more non-autonomous group, none absolute autonomous position if I interpret it correctly. Could we then go into a second round and this time now the Inkatha Freedom Party will start if I've got it right. Sir?

Ms Smith Democratic principles. The first is that the democratic principles expressed in the National Constitution shall be of guidance to the provincial legislature in legislating upon the form and structure of local government and, of course, the principles are binding. We also include a submission from our Theme Committee 1 submission referring to representative democracy which reads as follows: "the principle of political representation of government and regular elections should be constitutionally entrenched with respect to national, provincial and 'primary' local government, which excludes local government sub-structures." Certainly we say that the implementation of this principle with respect to provincial and local government shall be within the exclusive competence of the provinces, and thirdly, the electoral system, which is of course a fundamental element characterising the form of democracy we have and the type of democracy we have, we are prepared to accept that the National Constitution may set out general principles of the national electoral system leaving the ?? with the task of implementing it, but we also say that the provincial electoral systems should be within the exclusive competence again of the provincial constitutions.

Chairperson Thank you, Mr Smith. I expect... while I have the word, the two primary local government sub-structures, perhaps it will be asked if you care to say what that is - primary local government sub-structures.

Mr Smith Mr Chair, I'm sure we are all aware of the very delicate negotiations that are taking place on the role particularly of the traditional communities in the local government system in both the Eastern Cape - and I can't speak for the Eastern Cape - and also in KwaZulu Natal in particular. With respect to the latter at least, there have been for some time now a series of

negotiations taking place between the amakosi, the provincial government and the relevant ministry here. Certain proposals have been made and the issue is being discussed and negotiated and I don't really think it's correct for me to make anything further of that. Just to say that it's an extraordinarily difficult and sensitive issue and we hope there will be a resolution to the problem. Fundamentally we are saying that the province is proposing a system and structure of local government that will satisfy both the Constitution and the real world in which we live.

Chairperson

Thank you very much, Mr Smith. National Party something on this matter? Thank you. Then we get to the ANC on this matter. Mr Malebo are you going to speak?

Mr Malebo

Thank you, Chairperson. Our approach to local government must be understood in the context of the principles and various ?? underlying provincial government. ?? what we have said yesterday. We envisage a system of local government in South Africa which will operate within the national constitutional framework. At the same time a local government would have the scope to take local initiative provided these do not conflict with the national policy. ?? democratic local government. A system of local government must not only assert ?? and non-sexism but need too a different ?? and non-sexism in processes designed to counter discriminating government. Deracialisation of local government must mean more than an equal opportunity to vote. The fragmented nature of South African cities, towns, villages needs to be addressed and each city and town will be unified on the same municipality with the same non-racial voters roll and the same tax base. Villages, commercial farming areas and rural towns will be brought together under a rural district council ?? democratic and accountable local government. Representation at local level then will be built on a basis of one person, one vote, one permanent residence and votes must have equal value. Those who ?? attempt to entrench privilege at those levels deny the principle of the majority rule, for example, full property rights. Participation and accountability are meaningless if people do not have access to information. The public disclosures of all information pertaining to policy, decision or activity for which local authorities are responsible should be guaranteed, in particular meetings of local government, council and ?? council sub-committees should in principle be open to the public. Regarding the legacies of apartheid and the distribution of resources, local government must play a key role in addressing the imbalances with local areas inter alia through effective rural and urban planning, the generation of employment

opportunities, provision of facilities, housing opportunities and services in accessible locations and efficient, affordable public infrastructure. In short, local government should be the main delivery point of the RDP. The ANC is opposed to privatisation of essential municipal services. Local government must be effective and efficient to ensure this. It must have access to resources to carry out its stated functions. Local government should operate in a manner that would ensure efficient usage of resources and local government must be developmental in character. We believe that for this... to achieve this we require structures such as one city, one municipality, strong metropolitan government, effective rural government, one necessary or two-tier system. The civil society ?? legislative and executive powers at local level must be constitutionally vested in elected structures in order to deliver democracy. Orders of civil society must be able to participate so that they can influence the process of government. This can be done through creating ?? and consultative mechanisms such as people assemblies to debate major issues, local government sub-committee with outside representation to consult on specific issues, local government commissions to conduct public hearings and to concede a submission from outside interests on proposed local government activities. ?? and possibilities. The constitutional principles on Schedule 4 of the Interim Constitution are mandatory prescriptions. Under constitution-making process, in particular Point 16 up to 23, as the ANC we are totally opposed to autonomous local government, especially for purposes of group rights, which may undermine the jurisdiction of national and provincial governments over any part of South Africa. We are further opposed, and we reject, the principle of self sufficiency at local level as this could entrench divisions which are totally unacceptable to broad democratic principles which we have outlined. Thank you.

Chairperson

Thank you very much, Mr Malebo. Is there another speaker from the ANC on this point? No? Then my alphabet I think was wrong. Now I must get the PAC. Pass this one? Thank you very much. A very interesting situation which we have now; great stress on the classical values as I know them of the ANC democracy, non-sexism, non-racialism. Of course non-sexism is getting into trouble if I ?? local government sub-structures sometimes. It's a sexist problem it seems to me somewhere and the women clearly don't. Now, shall we continue to the third point, the third category? Yes. And now we start the National Party... Could I ask the National Party, I'm not very much on top of their viewpoints, in their memorandum of yesterday did they make something of an idea

which I know the National Party had of the smaller units in municipalities. Was that argued again, that point?

?? I don't know where you get it from. It's not from our document... ?? basic three-tier government structure, national, provincial and local and we also argued, or stated, the principle of autonomous local government with reference to certain exclusive and concurrent powers and no other substructures were mentioned. It is local government as a three-tier government structure that's what we indicated.

Chairperson I'm sorry. I completely forgot... ?? system there was... a head council. Is that not a being presented?

?? It's not in the document and it's not part of the National Party basic philosophy at this stage.

Chairperson Thank you very much. Okay. Now then we must continue. PAC. On this aspect? I am now completely confused. Oh, the IFP. Let's give him a chance now.

Mr Smith Chair, let me just say before I go into this that many of the points that are raised on that side of the house are ones we would fully agree with; however, our approach is fundamentally ?? We are designing the national Constitution so we only refer to the structures and functions of local government to the extent that we believe that it should be within the national Constitution so this doesn't constitute our local government policy by any means, we're just saying this as a province. But, any way, let me make my points and three principles here. The first is constitutional principle 24 which we all know says fundamentally that the Constitution shall provide a framework for local government powers, functions and structures, a framework, and that comprehensive powers, functions and other features of local government shall be set out in parliamentary statutes or provincial legislation, or both. Now, we're all familiar with that and that leads us to the position then that we believe, and we propose in our submission which you probably have in front of you, we actually propose a constitutional text that deals with that and rephrases it. It says that the provincial constitution - sorry, it should be the national, that's an error, if you can correct that first word - the national Constitution should set up the general principles of local government system ??, quite right, ensuring its coherence and consistence with the principles underlying the national Constitution, the provisions of Constitution of each province relating to local government should be implemented by the law of the provincial legislature and each provincial

constitution shall be entitled to make specific provision to allow for each different category of local government as determined by such provincial constitution and provincial legislation with appropriate autonomous fiscal powers and functions. We believe that this wording is consistent with the reading of the principle just referred to and that the actual powers and functions of local government are not the business of the national Constitution, only the framework. The second constitutional principle here is 25, which creates an exception to the one we've just read because it requires greater detail as regards local government's fiscal autonomy, requiring that local government is to enjoy its "own fiscal powers". Now clearly this reference is intended as a more specific part of the same framework as indicated in the opening words of the second sentence of principle 25. Thirdly, Mr Chair, we say that when we interpret the principles it must be noted that constitutional principle 28(2) states that the Constitutional Assembly does not have the discretion to provide provinces with less autonomy and fewer powers with respect to local government than that given to the provinces in terms of Chapter 10 of the Interim Constitution. The framework referred to therefore cannot be more detailed and specific than the provisions set out in Chapter 10 of the Interim Constitution. Thank you, sir.

Chairperson Thank you very much, Mr Smith. Would you care to just say, page 11, point 3 which you just referred to ??

Mr Smith Yes, ?? as it were.

Chairperson Is that correct? Thank you. Now we have the party, ANC, again. Who's going to speak now? Is there a speaker on this topic? You've got too many speakers. There are no principal people... Salie is principal.

Mr Manie Sorry for the confusion, Chairperson. I think we're saying that from our side many of the things have been covered because it seems as if these elements or the various areas overlap with one another. One of the things we do say is that the system should make allowances; although local government is a third-tier government it should include and make allowances for metropolitan government as well as a form of rural government which we normally refer to as rural district councils, as well as primary local authorities. We also feel that the Constitution should make allowances for an electoral system that will incorporate both a proportional representational system as well as a ward system leaving some area for improvement or re-look at this area the way we would be learning from the October elections because it's something that we are approaching in a

highly theoretical way. I'm sure there will be many, many lessons to be learned from the October elections, but that one is also based on some form of proportional representation and ward representation. In developing one city, one tax base we need to look at two areas, the one is the question of demarcation which was raised here earlier to ensure that in the process of demarcation we also achieve the objective of deracialising our cities and also look at the financing of local government with respect to its taxation powers. Now, taxation, it cannot be dealt with at local government level, but I'm looking at the provincial taxation powers as well as central powers. We certainly see that certain taxes will have to be raised at local government level as well as a provincial and central level. The kind of taxes that we think needs to be raised at local level would be the taxes that we feel would be relevant to that particular and tier of government and not something that should be better raised and better distributed because of the inequalities at the provincial or at the central level. So we're talking about dog licences, property taxes, rather than company taxes or VAT or something like that. The other area is, of course, the access to basic services which needs to be entrenched in the Constitution and the question of participating democracy, we feel, can remain a concept if we don't look at the cardinal institutions and mechanisms through which we will give effective participatory democracy. We also see that the ability to pay and affordable tax structures need to be catered for because we could so easily find ourselves in the situation where people do not have access to water which is seen to be a most basic of basic commodities because they cannot afford to pay. I think people have spoken about the concept of our view around local autonomy and self-sufficiency. We support the concept of bringing government closest to the people, but...

(end of tape 1)

THEME COMMITTEE3

2 February 1995

Tape 2

Chairperson The party on my question said no, it's not part of the policy of the state as I understood it.

Mr Manie Chairperson, we recognise what was said in this meeting, but I'm saying that in previous negotiations with the National Party, this was a very big area of difference between the ANC and the National Party with regards to board councils, and I think it's an area that we need to be absolutely clear about in the future. We oppose it and we need to know who also opposes that kind of approach.

Chairperson Thank you. Are you finished with your... your hand go up here...? Are you finished with your presentation, Mr Manie? I didn't see, did your hand go up, and then Mr Carrim ... Sorry, I hope I understood you correctly when I answered now, please.

?? Mr Chairman, as a point of information I would just like to register, as we proceed through the process, under the themes in progressive blocks, we will come down to very specifics as to reference to structures, functions etc. and I think the problem that was just raised will be clarified amongst those discussions.

Chairperson We must take that as an answer, as a question of further detail. At this stage they are not in that type of detail, and we must accept it at this stage, I think, and not make a big issue out of it today. Can I rule that? Will it be acceptable? Thank you. Mr Carrim

Mr Carrim In a way you've underlined what I was going to say, but just as a general point: In yesterday's submission from the National Party, on page four, (b), you say "the viability of corporate self-determination as a matter for furthering the rights of self-determination of linguistic, cultural and religious minorities shall be explored" and later on, perhaps, when we're discussing it in detail, presumably you'll want to give some practical meaning to that, because what I understood that to mean, is that at local government level, that corporate self-determination largely becomes implemented, which reinforces the validity of the question posed, but one takes it that...

Chairperson Thank you, Mr Carrim. Just for the good order I think it's an

early warning that can be discussed later on, but let's first continue with the presentation part of this. Now, we've finished point 3, category 3. Did I miss anybody? Not. Then we move on to category 4, which reads the elements of the provincial system, executive structures, legislative structures... Of course not, that's not applicable. Elements of the local government system. Now, of course now, we're getting into this detailed problem to some extent, but I'll... Let's hear the presentations which you have. Again just giving the National Party a chance, do you want to speak at this stage, sir?

??

No, thank you, sir.

Chairperson

And then, after ANC comes PAC. Do you want to speak at this stage? And then we start with the ANC again, alright now? Or did I miss you? Have the IFP spoken? No, it is the ANC's chance to speak. A speaker, please. Ms Coetzee?

Ms Coetzee

Mr Chair, in the kind of living, which our people has been dumped in for so many years... then we had to look at the elements of local government. And when we talk about elements, it sounds as if it's a creature which will just come and grab everybody. But it is, actually; local government is a creature and it is where people can get services which they really need and anticipate. I start off the boundaries and numbers of seats, both local, rural, and lateral, which in other words is a tree, different localities, which will be practised from province downwards to the people, and then the local structures, powers and functions, interprovincial co-ordination, affordability, cost of system, financial equalisation, taxation powers for the different localities, residual powers, traditional leaders, equality, non-discrimination. Taken into account the people constitute the town in urban, numbers be equal throughout South Africa when demarcate works. This means, not only the urban areas where we need local government but as well as the metro. In the rural areas, these should include, stand-alone towns, surrounded by the farms under the jurisdiction of that magisterial area, numbers be equal for all rural areas in South Africa, so there shouldn't be any differentiation when it comes to rural areas. If we talk about stand-alone towns, it must be inclusive with the farms, so the people will represent their own affairs on that government structure on a DC, for instance in a rural local government, and not someone from the urban area government represent the rural areas there. Rural local representative guided by these communities to be consisted as DC and the local councils be elected by the local people. 2(1), and that is local structures. Rural local will consist of two tiers of governments, namely the

DC, RAC, and these will provide the main service and the local authorities will compile the need, discussions and a budget of the people. The TB JBS which exist now, and RAC's which still exist when it comes to rural local government, must be dismantled, because it will be a duplication of functions when we have rural local government structures the established DC's. They will duplicate actually everything, so, for that instance we don't see why we need the RAC's, and the JBS and all those other things except for a DC, and that other DCs, TLC's or local councils, whatever we call it. Only in the metropolitan, then we need a regional service council whereby, under the regional service council, we'll have to have a local government councillors. Power should be concurrent with provincial constitution, not overriding provincial or the national norms, because if we should give powers just like that to the locals, then everything will be upside down at the end of the day when it comes to finance. Functions should also be coherent with the communities in discussions, participatory and implementation, and none authoritarian and secrecy. No secrecy should be implied when it comes to local levels. Intergovernmental co-ordination be the sole powers of the provinces. This is to co-ordinate how's the funds be running for the locals, and implementation of decisions like services and housing and all those things. The committee must be as small as possible for effectiveness and by-laws be applicable of a parliamentarian act or the Constitution. No local government should make only by-laws just because they feel like they want to actually make more money out of the people, and at the end of the days, the poor are going to suffer. The system must be affordable to maintain the resources and distribute it equally. Financial constraints can only eradicated by distributing more funds to the poor communities, the more neglected communities, especially in the rural areas. So the budget of the locals should be drawn up, not to empower the urban areas more, or the metro areas, but to make sure that the rural areas will also be empowered. Taxation should be minimised for the poor and judged by the use and the size of services. Here we talk about upliftment of the poor people, and if I say by the size, if we take, for instance, a stand of a house, whether the person can afford it or not and it is a small stand of a house, when it comes to rates and tax they pay equal as well as the wealthy and the millionaire there, and these things should be looked into and rectified in the new coming Constitution. Private sectors and the wealthy should level the field. Traditional leaders be appointed by their communities and be ex officios for guidance and advisory, but they shouldn't have any voting rights, like it said in chapter 11, 182; because why, they can't make decisions for the people, they can only guide

the localities if they are ex officios. Remunerations should be by law of an act, so parliament, or provincial government should set what should they being paid monthly, even if they have to pay nothing because I don't see why service do they give also to the people. Regular elections periodically of 2 to 3 years and it should be non-racial, non-sexist and when it comes to gender we should enforce it it should be 50:50, as it stands now non-statutory and statutory is 50:50 so when it comes to gender it should also be 50:50. Local government bodies are to ensure transformation of economy, equal service provision and distribution of developments. Re ?? are to perform economically as well as social priorities, equality over access and provision based on need rather than demands. I thank you, Mr Chair.

Chairperson

I thank you so much, Ms Coetzee. It's always nice to hear the opinions of someone who has lived through a local level, at activist level because they know something. I am not allowed to say things like that from here. I shouldn't do that. Where are we now? Now the IFP must talk.

Mr Smith

Thank you, Chair. Ours will be very brief. The elements of the local government system of course include many of the things raised: boundaries, structures and so on, but we say here very clearly that the National Construction should entrench the notion that local government should be entirely regulated by means of provincial constitutions and legislation and this is necessary to allow a system of local government which reflects local and administrative needs as well as the plural nature of our society. In fact, the local government system will need to reflect a variety of realities ranging from traditional communities to metropolitan areas and this calls for fluidity and suggest the non-advisability of entrenching in the National Constitution any given type of local government system.

Chairperson

Always nice for me to hear someone who could have that nice easy pronunciation, which is just as nice to hear. Now, the other parties, IFP, then comes National Party on this same thing. PAC on the same thing. Also an old activist who knows everything on the ground also as well as on high levels. Ms de Lille, you don't want to comment? Thank you very much. Now, have we got everything now? Now we're on Miscellaneous and we should start now. IFP, nothing? National Party, anything? PAC, anything? Then ANC. Nothing? Ms Kota.

Ms Kota

Maybe if I could go back to these presentations that I have been given thus far, going back to the gentleman of the IFP,

honourable member from IFP. I'd like him to explain a shade more on this maximum cultural pluralism because to my understanding this is actually differing from what you are saying when you are saying our key objective is to build a nation. I'm not saying this because we don't want diversity of culture, we don't accept the principle of diversive culture, it is there, but at the same time we'd like an understanding from the IFP where the commitment to the key objective of building this country, the one nation, the South African... to what extent are they planning to do that and how are they doing that in the process, but purely with regard to the local government because if we don't have stability at a local level there is no way that we can have a viable economy in this country. Thank you.

Chairperson Thank you, Ms Kota. We have now moved into the phase of questions and clarity. Mr Smith, would you care to answer?

Mr Smith I would certainly agree with the comment made that national unity is an important issue, but as we said in our presentation yesterday on the provincial system, we look at unity through diversity, so it's simply a matter of saying that... Oh no, let's precede that by the principle, of course, of non-racialism, non-sexism, any non anything you care to name, I mean, we are talking about a truly democratic South Africa. What we're simply saying: leave it to the local communities to decide for themselves how they want to structure their affairs. It doesn't imply anything in it negative.

Chairperson Thank you. Mr Manie?

Mr Manie Chairperson, that concept sound, I mean in theory, sound excellent and in a truly ideal society that's probably the way it should work. The reality though on the ground is that our communities are deeply divided and if you do allow that kind of autonomy and for people to determine their own things where they live now, our people have been divided to live, different groups to live in different areas, that's the reality. So if we do allow now that situation, would that not lead to a perpetuation of the racial division?

Mr Smith Mr Chair, there's the question of boundaries. I think in most provinces the black majority is by far the biggest majority, depending on how you define "black". In fact, everywhere you have a black majority except for small enclaves of white, or white South Africa, and the provincial governments are democratically elected, people must determine their own boundaries, how they want to solve their problem. We accept

there's a problem, but it's not for the national government to say how it should be done. Let the people themselves decide. There's no need, and excepting that principle, to say that they will therefore choose something which is going to perpetuate division.

Chairperson Thank you, Mr Smith. Mr Carriem?

Mr Carriem Even if one accepts that one should give space for the expression of culture and pluralism, why does it have to be institutionalised in local government structures? Why does it have to be? Why can't we have totally non-racial, open local government structures and allow for expression of cultural diversity in non-institutionalised, non-governmental ways?

Chairperson Mr Smith?

Mr Smith Mr Chair, the way you expressed it, this is precisely what it would be. It's not institutionalising that at all, it's simply saying allow people to do what they want. There's nothing in it to suggest it's going to perpetuate racialism of any kind. I mean, you talk about racial division and that using culture autonomy could be a means of perpetuating racial division, that's the last thing on the agenda.

Chairperson This seems to be an important point. Perhaps Mr Carriem can reformulate that again and then you can answer in your own time. Mr Carriem, it doesn't seem to have come across. Could you put the question again.

Mr Carriem Coming back to A3, which says "removal of apartheid barriers of local government level should be balanced by provision for maximum cultural pluralism, now I take it that... Maximum cultural pluralism can be expressed without it necessarily being linked to local government structures. I mean, it's not within the purview of the local state alone, one can say that the entire country, that the entire national body politics should allow cultural diversity to express itself. But the way it is written it implies that in some way the new local government structures that are institutionalised must give expression for cultural pluralism. Why else is it there other than because that's what it implies.

Mr Smith Mr Chair, it does not signify, race, anyhow. No, a classic example would simply be urban/rural. We are saying, for example, that one needs to make special provision for rural local government, particularly within institutional communities. That would be an expression of cultural pluralism.

Chairperson You in actual fact, Mr Smith, just to get this clear for purposes of this meeting, you're saying that cultural has got nothing to do with racial matters. And do you accept that answer or should we stop this concession?

Mr Manie ... motivated. It's just that if you're mainly talking about the urban/rural then it's very unusual to refer to it in this sort of way, but I understand you may not mean racial or cultural, but you could mean ethnic and could sort of, like cultural pluralism, recognise the right of any, say, Afrikaans-speaking or whatever... I just think it's simply... You're talking about divide the urban and rule, then it's very unusual to refer to it as cultural pluralism.

Chairperson You, sir.

Mr Smith It's just that here we were referring to generalities in this opening framework side and rather than refer to specifics it was just terminology embraced the kind of example to which I refer. It certainly has nothing to do with corporate self-determination or racial divisions at all. We could rethink the wording to give expression to what we mean.

Chairperson Ja, okay, for that concession. In actual fact, the question about corporate self-determination is standing over. Is it possible to continue on that now? You remember you asked it. National Party would you care to react to how that fits into the local government scene.

I don't think it specifically refers to the local government scene as a unit by its own, but with inter-relationship of the tiers of government, the need was expressed of a mechanism to accommodate self-determination and I think it should be introduced into the debate and mechanism should be looked at if it can be addressed and that will be in detail, more specific detail discussed, when we look at the structures. I don't think we've got any specific structure in mind to accommodate it and the way it proceeds, and it can be accommodated because there's a need, then it should be addressed.

Chairperson Thank you. Could I just for the information of the meetings say that I have the impression from some of the documents that the Freedom Front is using the concept of corporate self-determination now quite distinctly on the local government level and that is playing apparently an important part. They're not here to tell. They say... important part of their concepts. And I think all the parties must take note of that seeing that they're not here to take part. Ms de Lille.

- Ms de Lille Chairperson, I've got two questions. The first one is to the ANC and the first speaker, Comrade Zoah ?? referred to power sharing at local level. If she can maybe elaborate on that. And then my second question is to Mr Smith. When I read constitutional principle 24, it does not address the question of constitutional autonomy for local government. Because he refers to constitutional principle no. 24. Thank you.
- Chairperson Thank you. Ms Kota, are you ready to answer?
- Ms Kota Yes. This principle of power sharing refers particularly to those regions where you have, such as the Western Cape and Natal, in particular, the unequal balance in terms of political parties in those regions and, in fact, in all other regions, similarly, because not all parties have the same number of votes. But when it comes to the formulation of the local government structures it's important that we don't put the situation whereby the winner takes all, but ensuring that all political parties actually are taking part and taken into cognisance in those government structures of local government so that the structures are inclusive and the power is being shared so that it will be ensured stability and ensured legitimacy of the structures on the ground. Thanks.
- Chairperson Is that answer in order, Ms de Lille? Then the question put to the IFP.
- Mr Smith That was on constitutional principle? Yes, there's no necessary link between constitutional principle 24 and autonomy, but what the principle does say is that the national Constitution should only set out a framework for those powers and functions. Now we are saying from that, it is our position - well, not necessarily deriving from that, but it is our position - that we would like to provide a high degree of autonomy for local government. All we're saying here in this document is that we don't believe it's the function of the national Constitution to prescribe how local government should be structured, how it should operate and so on. We leave that to the provinces. We've got no problem with many of the statements being made and due course we would assume that each province would address its particular problems the same way and they might come up with a common solution. But that's neither here nor there as far as the national Constitution is concerned. Mr Chair, may I follow up that point...
- Chairperson You're welcome.
- Mr Smith Does that refer in essence to a kind of government of national

unity we have at the national level now, being brought down to local government level on a permanent basis?

Chairperson Ms Kota, take your time and answer nicely.

Ms Kota (Microphone not activated). ?? For long-term purposes it is important to ensure that kind of situation continues so that at the end of the day we're having people participating at all costs in governing their lives.

Chairperson Was that applause I heard from... Mr Manie?

Mr Manie Could I perhaps add and elaborate on our position. I think it's certainly the position and the spirit in which we've entered the current phase that we are in, because what is at national level we try to ensure that it operates at provincial, and with the new situation also, at local level, but I think in a new Constitution the concept of power sharing at the various levels is something that we have not reached finality around. If what the IFP is looking for is whether this is a move in the direction that they will have prominent position in the cabinet or at the various levels, I don't think we are in a position as the ANC to make any firm position from our side. No one at this stage because it's being debated the whole question of power sharing at the various levels; but I think it was the position that was stated very clearly by the National Party that they would see that the question of power sharing be continued at the various levels and proportional representation be continued in the executives as well as the legislatures, but from our side I don't think there's a firm position for the long term. But certainly for local government for the interim transitional period we would see that it continues so that the IFP doesn't misunderstand the ANC's position.

Chairperson I'm going to give the National Party a chance now because... Could I just remind the members that the TC can't reach negotiated agreements here, but you're welcome to try. National Party.

?? Mr Chairman, I just want to get clarity. The submissions which we heard just now, that was presented by the parties, not by the individual members. I think that was the idea. Perhaps you can enlighten me on that, and then the second point is just for the record. Are we going to get these submissions verbatim from your opname¹.

¹recording

Chairperson

Ja, wat is opname?² Recording. Mr Albertyn has also given me a written note asking for these recordings. I'm sure the ANC would be glad to educate other parties, but... I'm sorry, I withdraw it immediately, just my making a joke. Please, do accept that. No, I withdraw it immediately. No, but seriously now, the ANC must react to this. Apparently... Could I just mention that, of course, parties are represented with the proportional system, so when I say the ANC is going to talk, the IFP is going to talk, it is a member, because we haven't got a member for Kroonstad and a member for Bloemfontein anymore, in which way I could... I think we should just accept, this is an ANC member, a member representing the ANC in parliament, who's talking. I think all parties, let's be serious with each other, it's very difficult for them except if they have got nothing to say to them. So these are our final, ultimate, last-ditch positions. I think then we're going to have no discussion at all in this chamber. But could we have clarity about the "opnames", the recordings, because it would take some cost, I presume, for the CA to have a word-by-word thing. Perhaps let's first hear the reaction from the parties represented here. How does the ANC feel? Shall we go on this way, getting a full recording of today's presentations?

?? (Ms Kota?)

Comrade Chair, I don't understand what the fuss is all about, because I think in the past we've always had these recordings and at the end of the day, we would not have transcripts of what comes out of the recordings, especially when there has been all-round discussion of issues. I don't understand. I think also, it's a pity because you did not allow me to speak after Comrade Zoah, because I also wanted to make an input on that matter.

Chairperson

Sorry, I didn't see your hand. I'm ever so sorry.

??

Yes, because I think also, we need to live in appreciation of the fact that as much as we are here representing parties, but the tendency is to have some kind of... The background tends to influence your own views. As people I think we have a right. It's healthy to engage in dynamic discussion as people, as honourable members sometimes, not necessarily express a view that is firm that is a position of a political party, but views, because we are taking submissions from people from the general public as well, which must come here and be processed. And I think that the Deputy President, Thabo Mbeki, made it very clear at the Constitutional Assembly last

²What is "opname" now?

week, that in the long term, certainly, there is no way, we are not negotiating for a power sharing situation. It just has to be clear, and this Constitution must come out clearly as to what our vision of the official South Africa five years down the road, is going to be. But I think, what Comrade Zoah wanted to stress was the whole issue of accountability of local government structures, that even though you will have your election at the local government in all the provinces, and that you'd have whatever the outcome of those elections. But people at the end of the day, who will be in charge of those structures, would have to be sensitive to the imbalances in trying to redress the imbalances of the past, and not only that, for instance, those parties which will win the local government elections, who knows, you may not win a local government, you may be a majority party at a national level, but you may not win the local government election in some particular area. But those who will go into that local government structure, would have to know that the local government structures are not accountable to the national, to the central government, and are not autonomous, and therefore, would have to be sensitive, even to the fact that you have the majority of the people in that area who are governing the country in a sense, who are leading a government of national unity.

Chairperson

Thank you. Now, whose hand was up first? Yes, sir.

??

Will you allow me to just comment on that. The need was expressed earlier, that written submissions is advisable, and if you do have, as we have now, which I appreciate, an open discussion, and I think it will be nice, but if you have a political party's viewpoint, and there are conflicting stands, it makes it very difficult to really evaluate. So if there can be a final document, explicitly telling us what the viewpoints are, to eliminate that sort of confusion we will appreciate that then we know where we are.

Chairperson

Yes, I think we'll give the Administration a chance and Ms Kota a chance now, and then behind you Mr Albertyn also wants to talk. Have I seen all the hands now? Let me see. First Ms Kota, and then we'll give the Administration just a chance to say about the recordings.

Ms Kota

I think we should just say, Comrade Chair in short, that we've agreed that we will submit... return submission with regard to what we have discussed this far. Shall we submit it in writing.

Chairperson

Yes, Mr Albertyn

Mr Albertyn Mr Chairman, normally, the procedure is that we get the submissions in writing, before discussing ideas, so we've got time to get into the whole thing itself. But, in this case, we've got submissions, and most of them were written, as I've noticed, but we haven't got it. That's why I've asked whether it's possible to get the verbatim recordings in this case.

Chairperson Okay. Let's just hear from the Administration about the cost factor. We'll give here first, here.

?? Sorry, chair, can I just clarify. We have submitted a written report of our overall view. You would have received it last week. And in fact on page 3 and 4, under the section local government, we set out in broad, general terms our perspectives on local government. So, in fact, you do have a written submission. What today constitutes to a large extent, is an amplification of that, and I'd like to stress that the block one that we are looking at, currently, is actually the nature of the provincial system and local government, and in previous theme committee meetings, I think there's been an understanding that we're providing broad, general principles. Later, down the blocks, we look at electoral systems and so on, where we will provide greater clarity on issues such as so-called power sharing at local government level and so on. But I think that... it's not as if I want to remind members but we haven't offered a written submission we did have.

?? I appreciate that, but the concept of power sharing in local government, was completely... It knocked us out at this stage, and we just want to confirm that we heard correctly.

Chairperson Yes. Ms Coetzee? Then I want to give the Administration a chance.

Ms Coetzee I'm covered.

Chairperson You covered. Could we just ask the Administration this question about the transcriptions, what their view is.

?? It is possible to get transcription, but it takes considerable time, you know, to get them done. And what I was going to suggest to enhance progress in the Theme Committee, wouldn't it be advisable that maybe, the Theme Committee would delegate the Core Group to look into this transcription, and maybe formulate a report which will clearly show the Theme Committee what transpired in these two days. Thank you.

Chairperson Ja, it's not the same as Hansard system which we have available for a CA work, if I'm not mistaken. Mr Suttner?

Mr Suttner I want to suggest that we should have the written submissions provided, and then parties can consider whether they think it's necessary to request a transcript, because a transcript of these proceedings can end up being about eighty pages. It's a massive amount of work, and a lot of it is not going to be necessary for the purposes requested. So what I'm suggesting is, let the submissions be provided in writing, and then the parties can again consider. The record is there, it's just a question of deciding later.

Chairperson Mr Carrim, I then miss another hand, ja?

Mr Cariem Additionally, if the National Party wants to be absolutely clear about what the ANC position is, a written submission will be far more instructive and illuminating than every little word uttered by every member in the session. That's less significant than the formal submission that we make, and that we have read.

Chairperson Is it possible to accept that?

?? Ja, we can live with that, thank you, sir.

Chairperson I couldn't hear.

?? We can live with that, thank you, sir.

Chairperson You can live with it. Ja, we must live with a lot of things in this country, everyone. And now, actually, I don't think we've decided to conclude the question of clarification period. Lets take a new hand, if you please. Is it still on the previous one? Can we conclude that theme? Ja. That's why I want to give the chance there to the IFP, and then the National Party with their clarification. First IFP.

?? Thank you, Mr Chairperson. I'm just seeking clarification from the ANC's first speaker. Somewhere she mentioned that, as she was speaking, in fact, she says, "who delivers services to whom in a country torn with such disparities". And then she said something like, "there is need to bring in cross" - I didn't catch the last word, cross something - and then, went on to say there was need to revisit the question boundaries. My question is on boundaries. I'm not so very sure, in local government, what that would mean, talking about boundaries. Thank you.

Chairman

Ms Kota?

Ms Kota

Okay. Maybe I should start by this question of cross subsidisation I was talking about. Here I was referring to the fact, there would be areas, definitely, that would need some resources, and we need to ensure that we are sharing the resources of the country. In fact, those areas which actually need those kinds of, I mean, that kind of help. Referring to the boundaries, we know that the country at the moment, is vulcanised in terms of racial lines, I mean from area to area. Definitely, if we are saying we want to do away with the racism, with the apartheid structures, so the local government should be made in such a way that we are ensuring that we are moving away from those boundaries. I mean there are processes on the ground in terms of this process, that are actually ensuring that, that is taking place. But we are saying that we would look forward to a situation where we are forming one country, one nation, where the boundaries are not necessarily drawn on racial lines, but ensuring that there is equitable movement of people from one area to the other, ensuring that people are free to move, or to live anywhere else of their choice. That's exactly what I mean.

Chairman

Thank you. Do you want to follow up on that?

??

Yes, please. I seek further... Thank you very much for the clarification. I seek further clarification on the cross subsidisation. Again, I would be interested to understand what that means, and I think it does tie up with what Ms Coetzee has said, that where the poor are unable to pay for services, the rich and private corporate bodies should be able to take that, and so, I'm understanding - and I do wish you to correct me if my understanding isn't quite accurate - if you talk about cross subsidisation, I'm understanding that you are saying, one local government, for example, you can take funds from one town and help in another town. Is this the kind of cross subsidisation that you are saying? And again, in my mind, I'm also trying to understand whether you are saying, national government should come down and assist where there is a problem, as far as subsidisation at local level.

Chairman

Perhaps a new voice there to answer?

??

Ja, thank you, Comrade Chair. I think this issue of cross subsidisation, it only refers to the disparities that exist in the country. If you look for instance at the rural areas in relation to the urban areas you have, I mean... Throughout the number of years, a situation has developed whereby the economy of

our country, when you look at the infra structure, the factories and everything, they are more or less centred in the urban areas. When you look at the rural background we have got vast farms, either it could be maize, for instance, it could be whatever, but what happens most of the cases is that there are loads and loads of trucks which just take the goods into the urban areas, into the cities where the factories are actually being able to refine the goods and so on, thus making jobs for the people in the areas, leaving the rural in the lurch. In that situation you've got to be able to assist the people back to the rural areas. This is how it comes, the issue of cross subsidisation. How do you assist the people, for instance, in the rural areas to enable them to have houses, to have clinics, to improve their infra structure, schools etc.? So that is how the RDP will have to actually look at the mechanisms of assisting the people who have been deprived of resources. Thank you.

Chairman Thank you. I can remember hearing that same argument when I was a young boy from white farmers, they were also interested in that. Did I lose the order. Mr Carrim? No, no, I'm sorry, National Party. They was first.

?? Chair, I just wanted clarification from Ms Coetzee whether I heard her properly when she said that the chiefs should be ex officio and they shouldn't have rights to vote because that would be taking the power from the people, especially from the rural areas, and again the by-laws being restricted, meaning that you are also taking the power away from the people that they shouldn't make the by-laws which they think are going to rule their lives properly. Can you please explain?

Chairperson Ms Coetzee.

Ms Coetzee First under traditional leaders. When we talk about government in actual fact it's more of a struggle for political power for political decisions and traditional leaders insofar, it's not supposed to be political or politicised. They are there to oversee their communities' day-to-day living and that's why even in the Constitution they should become ex officios to direct and advise the local councillors for whichever community they are from. This is what my people need, and this is how we want it. But when it comes to the votes because it wouldn't be only him there from his localities, there will be also a representative from the political organisation who is supposed to vote for that instance. But we can't politicise traditional leaders; they are there for customary laws and whatever laws, not for politics and that is the case which we have in the Free

State. That's why in the Free State we are free and there's no violence because - and there's no state. And the other question of by-laws...

Chairperson It's in a state!

Ms Coetzee ... we used to have in the past, unfortunately I haven't got those documents in front of me, where the previous councillors making laws then whenever you question them where in the law book is that laws of increasing tax, rates and tax, water, electricity and specifically of the poor people, then they said "no, it's the law". That is what I mean when I say by-laws. They can make by-laws, the councillors, but in conjunction with the decision of the people and especially the poorest of poor. That is what I have said here.

Chairperson A follow up?

?? Considering the chiefs, he says they are not supposed to be in... I mean not participate in politics, but we have Chief Holomisa who's an ANC who's also a chief, they are already in and some of them we cannot pull them out now. If we are going to say we are not political, then it means that they are not supposed to be politically involved; people like Chief Holomisa have to resign from the government.

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Tape 3

Chairperson Let's have another answer there in the far back.

?? Can I respond to the question of Holomisa? No, I'm talking of specific now. He is not a chief in any way. He is coming from the royal family so his brother is the one who's the chief. For example, I am also coming from the royal family - my brother is a chief, but I am not a chief. So I have got the right to participate in political activities, but he doesn't have that right because if we've got many political parties in one local council when there is division of parties' views, then the chief is supposed to vote. Then he must tone... he must take a view of a particular party and that's the problem. He doesn't represent any political party, he represents the entire community whether they are from the National Party, PAC, Inkatha, the ANC whatsoever, so there is no reason why he or she must associate him or herself in a particular political organisation.

Chairperson A follow-up answer then. I'll give you a replication chance.

?? Regarding chiefs who are caught up in this situation that there was created by apartheid, I need to say that in the past chiefs used not to be engaged in politics but to remember what the Nationalist Party did. They pulled chiefs into political... for example, where Chief Numalo ???? there was not that confusion that was caused by your party. He wouldn't be where he is now. Those are the victims of apartheid. It's a pity it will take time for us to correct, to put the situation back to how things were in the past. Chiefs used to be catered ?? by their people because of the appreciation that people had to this assistance that they rendered to them at the communities. But because of some political reasons they were pulled away from the people and thus alienated from their people. We will be talking about chiefs now if that was not the position.

Chairperson Thank you.

?? I'm quite aware...

Chairperson We've finished this question now.

?? I'm quite aware that the National Party caused that, but it's

now a reality. These chiefs are already now involved in politics and what I'm saying is to pull them out of that, it's going to be a very difficult situation. Now, if we tell them now "you cannot participate, you are not... you're ex officios" some of them are not going to take it nicely as we see Contralesa is even divided on its own; they're having problems because all of them are vying for that power.

Chairperson Thank you for the contribution.

?? Mr Chairman, I'm not an expert on African custom, but did the same apply to Dr Buthelezi which was said about General Holomisa?

Chairperson Would the ANC answer on behalf of Dr Buthelezi? We'll give a chance there, but first Ms Coetzee, then Ms Mapisa and then again the IFP. She was just before you.

Ms Coetzee Okay. I just want to answer on the question of chiefs are pulled in now by the Interim Constitution. In Chapter 11, 182, they will be there to advise the councillors, they will participate in the decisionmaking, but when it comes to a vote, then they don't have a voting right because then they will also bring in division on such issues. That's why we acknowledge them, but not as political parties, but as leaders of a certain community, of a certain culture or whatever we name it. And that's why we want them in the local councillors to advise even those people because our councillors doesn't know, for instance in the rural areas, what differences or what different chieftainships out there. You get maybe say for the Basutos, the one is a Makwena and the other one is a Maleti ?? . You don't know their cultures. They do differ, but if they are there in that house of councillors at least they can direct the councillors. Ms Mapisa.

Ms Mapisa Comrade Chair, I wanted to suggest that we leave this discussion on traditional leaders because there is a Theme Committee which is dealing with this and if people want to discuss it, perhaps in relation to the local government, then we can take a decision that one of these days at one meeting we will look at what probably the other Theme Committee... it's an overlapping area. We can ask the Administration to go and discuss it with them then we can come together and have a discussion, then we can decide how we are going to work with them at a local level. But I don't think right now it is relevant, quite honestly.

Chairperson It become unirrelevant, I must say. At first it was relevant for

local government affairs. Would you object if I suppress you at this stage, or do you have a definite observation regarding local government vis-à-vis the situation. Could I just remind you of the time? It's 4 o'clock already and we shouldn't now go on too long, please. IFP, then National Party. Just to close off.

?? Yes, Mr Chairman. I wanted to say, in fact I think we're bringing this matter and it is not quite relevant to this situation, and I was saying... I wanted to say, when you talk about traditional leadership in relation to politics, I think what we are doing here, we are looking at them at different levels because when we were talking of traditional leaders in National Assembly, I do not think it's the same situation as talking about them at local government situation so I am saying I agree with her that I think we should leave it now.

Chairperson Thank you.

?? Thank you, Mr Chairman. I didn't want you to be pulled in. It was one of those things which we were talking. I don't want it to be put into the agenda that we should link it up with local government. I just brought it in as a...

Chairperson Thank you. In any event, it was quite an interesting conversation. A new matter? Observation? Ja, quickly.

?? I think, not now but at an appropriate time, we would like to hear from the IFP in particular how they reconcile their commitment on the one hand to non-racialism, democracy and non-sexism, and on the other hand believe that there should not be elections in the rural areas of KwaZulu Natal in particular.

Chairperson It seems to be a relevant matter for us and we could request that. Are there any important clarification questions or other questions, discussion which you want to continue with at this stage? Someone must contribute. Mr Manie? Can we close down? Oh, no, no, we can't because we have got agenda items still.

Number 1 - workshop. I've got a note here about the orientation workshop. Will it be spread among...? Is it already among everyone? Has everyone got it? "Orientation workshop", it reads, for "8th February in Cape Town, 10,00 a.m. to 4,00 p.m." Richard Humphries and Willie Breytenbach. Well, phase 1 basic morals, 2 some important considerations, 3 relations between morals and concepts. This is being presented by our committee. Could we have your opinion

whether we should accept this, change this, or can we continue? Mr Carrim, you're on that committee.

Mr Carrim Sorry, Chair, there's nothing to add. This has been discussed. We merely did this because it was a request from some people here; they wanted a copy of the programme. So there's nothing to discuss really. Only, we have informed people about the venue fairly shortly. The venue's the old Assembly Chamber and that workshop is going to be put on ?? at least, we requested that it should be put on the ?? list so that people who are interested in coming to the workshop could be informed accordingly.

Chairperson Thank you very much. Mr Carrim.

Mr Carrim Additionally, could I request that two days before the workshop if the Secretariat would kindly notify people again because people have to give me schedules and they could forget, so 2 days before the workshop.

Chairperson Thank you, noted. Anything else about the workshop? Could I just ask secretaries is there anything else which I must do? The Core Group, Ms de Lille and me is available. Other parties. You will come? Inkatha, will you please help us attend the Core Group meeting just after this? And Ms Mapisa, could we just have a short Core Group meeting immediately when we stop here? Agreed? I thank you for your participation and the nice spirit. Good afternoon.

THEME COMMITTEE

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TAPE 5

Mr Smith

So, we expect a provincial constitution to reflect the kind of views that we're advocating here, to be the mirror image of it from the provincial side compared to the national. Now that is what we are talking about when we say there is a distinct political identity. There will be a Constitution drafting process in the province mirroring this one and we hope, following similar procedures to what is here, and perhaps deadlock breaking mechanisms, you knows? The point is though, so we are talking about diversity and political identify. We believe there will be a real discernible difference between what emanates from that province and the rest of the country and on that basis we say it needs to be taken into account. On the fiscal issues that were raised by two speakers, I think we must stress, very strongly, that we accept the principle in the Interim Constitution that there shall be an equitable distribution of revenues raised nationally and, of course, the very terminology "raised nationally" does suggest that it could be raised in other ways as well. So, we do advocate a split, a parallel system of revenue raising and we believe provinces should be entitled to raise their own revenue. Now, if this acts as a disincentive and business decides to emigrate from one province to another because they're being heavily taxed, then of course that's an incentive not to abuse that position.

Chairperson

Could you keep it short.

Mr Smith

Okay. Alright. So, fiscally, we say certainly the rich must pay to subsidise the poor. We're perfectly happy with that and we don't feel that's a problem as far as federalism is concerned. A question was raised from this side regarding - I wasn't too clear how to express it, but... There are certain problems that could arise within federalism regarding perpetuation of previous practices could be considered iniquitous, but let me say that in terms of the present Interim Constitution exactly the same thing could occur and we are, of course, all in agreement, I understand, on a national Bill of Rights which is fully justiciable from top to bottom so I would imagine that position could be easily catered for. Mr Chair, on the issue of the Senate, if I just might add to what my colleague said. You know, we've got three options on the Senate. The Senate can represent the people of a province, it can represent the legislature or it can represent the executive. We give a lot of thought to the

combinations and ultimately we do accept what Patricia has said and that in fact there will be an imperative mandate. We believe that the senators represent the will of the people in the province as expressed in an election which is institutionalised by way of the ruling party which forms the executive and that executive view, which is perhaps analogous to the German position, will be reflected in the Senate as opposed to the American system which represents the people, or any other combination one can think of.

Chairperson Thank you, Mr Smith. Dr Koornhof?

Dr Koornhof Mr Chairman, following up on the question of Ms de Lille about our view on the Senate, I want to make 4 or 5 short points. Firstly, we think the Senate must be directly responsible for managing provincial interests. Secondly, the present functions of the Senate can serve as a basis for the functions of the new second chamber to be negotiated. Thirdly, there must be a direct link between the membership of the Senate and provincial interests. Fourthly, we differ from Inkatha on this issue, but we think the senators should be directly elected, but maybe on different terms as members of the National Assembly. And lastly, we think the Senate should be a co-ordinator and also a protector, especially of... on the subject of inter-governmental relations. As far as the fiscal issues are concerned, commercial issues are concerned, and also the effects of central government policy, that influences the various provinces. Those are the points.

Chairperson Thank you. Mr Gordhan.

Mr Gordhan Chair, let me also address the question of Senate first. I think we would agree that we require a second chamber. One of the difficulties that we will have, as Mr Andrew mentions, is that we haven't had sufficient with the current system of provincialism and that second chamber that we have to learn exactly what are the things that are deficient, and what are the things that need to be corrected. I think it would be true to say that senators and the Senate per se whilst formally being representative of the provinces, I'm in fact constrained by the fact that political party lines actually operate in the Senate as well. And it is well accepted elsewhere in the world, one of two examples that I'm familiar with, that the fact that you have strong political party systems in a democracy does in fact constrain the extent to which provincial interests can impact at a national level. Quite clearly, in devising the provincial or senatorial system of the future, that is a factor that needs to be taken into account. We can be quite idealistic about how

we get there and whether it is executive based or people based and so on, and so on, but I think it's important that we don't bluff our people in the process as well and create 19 new jobs for colleagues. In other words, if true provincial interests are to be reflected within the party political system which provides constraints on that particular object, then we've got to creatively address that particular question. Let me then move on to the whole question of what is the basis of Constitution making as my colleague, Mr Salie Manie, had actually raised earlier on. The distinction that Mr Smith raises between saying and one thing, is really a frivolous one. (That's okay - his party colleagues are here!) because I think what we are saying is that if we agree that there is inequality in South Africa, there is diversity in South Africa, there is a need for redistribution, the challenge that we have is how do we develop a system which can best meet those challenges, not really the whole question of what individual needs might be. But those are the challenges that we face and those are the challenges that we must actually confront. Thirdly, Chair, there is reference made to KwaZulu Natal as a peculiar animal, political animal, within South African situation. I also come from KwaZulu Natal and I can say that the IFP's position certainly doesn't represent my position as an individual or large numbers of people who think like me on this particular question and therefore this tautological "we" that we talk about is really one that we need to dissect and enquire into very carefully. He raises the provincial Constitution as a possible mechanism for developing consensus in Natal. I think it's important to know that the IFP wanted that provincial Constitution, and their particular brand of it, accepted by the end of January 1995 originally, as ?? pressure from other parties which required a longer process to actually unfold. Now, if that's the kind of democracy and participation and so on that we are talking about, then obviously there's grave doubts about what actually emerges from KwaZulu Natal. But more importantly, from the ANC's point of view, Chair, I think that we can serve ourselves better if we don't import ideologies from outside of South Africa. We would serve ourselves better if we take cognisance of our own realities. We recognise there is a need for a three-tier system of government and their precise powers, functions and structures that we assign to those levels of government must be based firstly, on what is the challenge that we face; secondly, what is the cost capacity that we have, what can we actually afford at this particular point in time; and thirdly, what is the most functional and efficient way of arranging those systems? I think if we approach this question in that way and not in an ideologically based way we will be able to derive a South African provincialism which is best suited to our own

circumstances and if any federal system has a lesson to offer - and I'm sure Mr Smith will have learned this as well - it is that every country has its own history and that history is what gives rise to their own particular political system, and if we want to import German history into South Africa, that will be one of the gravest errors that we will make, with due respects to the Chair as well.

- Chairperson Now, that's a grave mistake, I agree. It's one of the most famous battle cries in South African history. I remember John Vorster standing outside here and saying "the fight of South Africa will be decided here" and that it got him a lot of votes. Thank you. The observations, of course, very valid. I think all the parties in this room are of that opinion that, that fight will be decided here. We've closed it on a very nice note. I have to ask your attention under General 4(2) matters. At yesterday's Core Group meeting... I'm sorry, I'm not really very well prepared to give a report on that Core Group's meeting, perhaps Mr Andrew or Ms de Lille, who's making her excuses now for urgent... to demonstrate somewhere politically, I think she asked for. I'm just guying! No, she's got to go. Would you care to give a summary of the most important points quickly of yesterday's meeting, Mr Andrew?
- Mr Andrew No, I wouldn't care to. You're in the chair, Mr Chairman, I think... I know I haven't got...
- Chairperson It's actually coming up. I thought there was something special you would like to report.
- Mr Andrew No, there's nothing.
- Chairperson No? The main thing, members, is the question of the workshop. There was a report and apparently since the meeting of the Core Group yesterday there has been some problems to obtain one of the speakers. Mr Smith and Dr King and Mr Carrim, could they inform us on what the present position is on the workshop and the timing. Who will talk? Mr Smith?
- Mr Smith Mr Chair, would you like to have a quick overview on what we've reached consensus on in terms of the structure and so on? A bit of housekeeping. We thought it should be on the 8th or the 9th rather than the 7th. I think that's to accommodate the ANC, they had a problem with the first date. We also thought instead of it being a half-day session, we make it a full day, but roughly, say, 10 until 4, with a break in between. We thought we'd have two speakers: one would represent a sort

of broadly, regional unitary side and one the more federal side. The ANC would nominate the former and the other parties the latter. The ANC nominee is a Mr Richard Humphries, who I think has accepted. Ja. We had a number of speakers we've approached on our side who were all either abroad or have commitments, so we'll have to come up with a name shortly, today. One of the problems was, however, that there seemed to be some reason, perhaps we should revisit it that we shouldn't use any of the technical experts. Now, one of the experts has agreed to come and do it, but if that's prohibited by the Group then, of course, we would have to rule him out. The others are very busy as the moment. But we will pursue the issue. In terms of the structure of the workshop, it was agreed that this would be... it would serve certain needs, one of which is to try to deal with very fundamental, basic issues at a reasonably basic level. In other words, it is an educative workshop, it's not to be too technically high powered, it's not to assume too much, just to start it at the first base and use that as something on which we can build step by step as we proceed into the process with further workshops and further seminars or whatever we choose to have. So, with that in mind, we are proposing the following structure. We would start off with a presentation of models. They might be crude, might be simplistic but what fundamentally is a unitary system vs a regional system vs a federal system and, of course, nobody is necessarily going to agree on the definitions, but at least we have some parameters within which we can discuss these terms. The idea was that each of the two speakers would speak for half an hour, followed by half an hour general discussion. After that, we would then spend the bulk of the day going through concepts. Now, there's a list here - people can add to them if necessary - but I'll just read them very quickly. Subsidiarity, asymmetry, concurrence, exclusivity, residual powers, fiscal relations, autonomy, agency delegation, framework, devolution, derogation, national unity complexity, cost... that's the sort of issues that we think need to be looked at conceptually. Some of them are really conceptual, some less so, but nonetheless they're real issues. The idea was that speakers would refer to each of these in turn, say 5 minutes, on what they are, followed by questions, just so that we can try to reach, if possible, a common understanding of what they mean, or at least, if we can't reach that, we reach common understanding that there are different meanings to these terms and we need to be sensitive.

Chairperson

Could you not give a workshop now, please.

Mr Smith

Okay. Alright. And then concluding, the conclusion would be

to tie those up with the models so we start with the models, we look at the terminology, the concepts, and then finally rate the concepts to the models again. That's the proposal.

Chairperson Other members of the preparation group? Give an accurate reflection. So the speakers and the venue and time is that settled now, or can't we answer that now?

Mr Smith The Secretariat were going to find a venue: one speaker's agreed, the other one we're finding, and the time we agreed on 10 until 4, so there's no disagreement; that time's settled.

(bit of discussion in background as to date)

Chairperson The 9th provisionally. Mr Mahlangu?

Mr Mahlangu Thank you. From the Administration, we are also concerned the date and I wish you could take a decision. Is it the 9th? and then should we say to...

Chairperson We want it on the 8th, is the general opinion? That's the request. Definitely the 8th. Mr Smith?

Mr Smith Just one question, Mr Chair. We have found a number of speakers, but as I say they're all got obligations and they can't make it, but there is a person on the Technical Committee who has been appointed; would it be a major problem if we were to nominate him? It's just a question. We'll have to speak with the other parties to reach agreement, but would it be a real problem? Basson, Deon Basson.

Chairperson Mr Gordhan, reaction?

Mr Gordhan Chair, I think we might compromise Professor Basson. It's in his own interests that we leave him out of this. He's supposed to be in that situation of protagonist of a particular point of view and the Technical Committee is supposed to give us neutral technical advice.

Chairperson Mr Smith?

Mr Smith I understand the point of view. The only thing we're thinking is the person presenting this is not meant to be a protagonist for it, simply explaining it and there's not meant to be anything to suggest that it's preferable to the other. It's purely a neutral explanation of what issues are. One could theoretically have a very good unitarist doing federal side just as well. But, I mean, we have to live with that if that's, from your point of

view, essential.

Chairperson Okay, I think it's quite clear now and the committee can proceed with the work, going for the 8th and you can also bring into the Core Group, if need be... If any problems, Mr Smith is on the Core Group. The second aspect I must share with you on request of the Administration is...

?? Sorry, just one thing. That list of concepts that we're going to discuss, can it be circulated so that we can try and prepare ourselves for the workshop.

Chairperson That could be arranged with the Administration. To circulate...? Thank you. Okay, anything else on the workshop, urgently? Excellent. The executive director of the Constitutional Assembly has addressed a letter dated 31st January with the new work programme. Has everyone got that or not yet?

?? ?? about the work programme which was circulated to members before it was tabled before the session. It was circulated in Theme Committee meeting.

Chairperson It's the white one - Revision of recommended work programme explanatory map. Now apparently there's a covering letter intended to have been with that and the contents of this I must read out to you please. It's saying here, "attach a copy of the work programme which was discussed at the Constitutional Committee's meeting on 30th January. The Constitutional Committee resolved to place these programmes before Theme Committees for their consideration and amendment where necessary". I think you can keep it in mind for tomorrow and the parties could just think about it in their own time. It goes on: "in particular it is necessary for Theme Committees to reach agreement with regard to the agenda items necessary for the second block. To assist the Administration in facilitating the work of the Theme Committees it would be appreciated if Theme Committee would resolve at the earliest possible opportunity, preferably by Friday 3 February, the following:

1. The agenda items which your Theme Committee intends to consider in the course of its work.
2. The sequence of the agenda items to be discussed in respect of each of the blocks.
3. The public participation programme. In particular should there be aspects in relation to this programme which affects your Theme Committee, such as arrangements for specialised workshops and seminars necessary for the conduct of the activity." And they say further: "In carrying out this exercise,

it would be appreciated if regard could be had to the attempt by the Administration to achieve horizontal coherence between the blocks. To this extent the Administration has attempted to relate agenda items relevant to each of the Theme Committees within a particular block so as to facilitate the public participation programme. Members may also find some of the agenda items defined in a manner so as to reduce the area of the overlap between Theme Committees. Directorate can be contacted in this regard. Looking forward to receiving this Theme Committee's report on or before Friday 3 February in this regard."

That will be taken up by the parties' caucuses. Have all the parties got copies of this? I think it could just be given to the representatives of the parties so that the parties can discuss it, and then also brought to the Core Group. We will discuss it further there. I'm also asked to remind members to read submissions from organisations and individuals as the Theme Committee needs to decide on how it will accommodate or process these submissions.

Are there any other points that we've missed at this stage. Could anyone help me? Mr Smith?

Mr Smith

Mr Chair, you left from the directive mentions that they would like if possible a work programme by the 3rd. When was it intended that it be discussed by the Theme Committee and agreed to? Was it before the 3rd? Because there's only tomorrow and then Friday there's no meeting scheduled.

Chairperson

What's the other meanings of the members? I think it should be discussed tomorrow. We've got no choice. Let's just give the Administration a chance.

Administration

If possible, can you give us... This is what would facilitate the workings of the Administration, if possible the Core Group... It was agreed yesterday, that the Core Group would meet probably today, but unfortunately time constraints prevent that; but if the Core Group could meet and decide on how Theme Committee will consider this matter, I think it's advisable that the matter is taken up by the Core Group and then the Theme Committee's given advice or direction.

Chairperson

Mr Smith?

Mr Smith

Mr Chair, there's a Core Group meeting scheduled from 10,30 to 1,00 on Friday which the Administration has cancelled; perhaps we should nonetheless proceed although Dr King has indicated she can't make that one now that it has been cancelled. But perhaps the other parties and the NP could