

2/4/3/3/1/7

CG3/21

# CONSTITUTIONAL ASSEMBLY

## CORE GROUP 3

### RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

VENUE  
ROOM  
TIME

*(To be advised)*

#### **DOCUMENTATION**

(Minutes of 18/4/95)

*Embargoed until 17h00 12/5/95*



## TABLE OF CONTENTS

1	Notice and Agenda	Page 1
2	Minutes	Pages 2 - 5



## CONSTITUTIONAL ASSEMBLY

### MEETING OF CORE GROUP THEME COMMITTEE 3

#### RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

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

Date : *To be advised*

Time : *To be advised*

Venue : G26

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#### AGENDA

1. Opening
  2. Minutes of the previous meeting
  3. Matters arising
  4. Report Heading 2 Phase 1
  5. Phase 2
  6. Election of Co-chairperson to replace KM Andrew
  7. General
  8. Closure
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H Ebrahim  
Executive Director  
Constitutional Assembly

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**CONSTITUTIONAL ASSEMBLY**  
**MINUTES OF THE MEETING OF**  
**CORE GROUP 3**  
**RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT**  
**TUESDAY 18 APRIL 1995 (AT 11H10)**

**PRESENT**  
**DC DU TOIT (CHAIRPERSON)**

Andrew KM  
de Lille P

Gordhan PJ (Alt) \*  
King TJ

*( \* denotes alternate standing in for full member)*

**Apologies**  
None

**Absent**  
PJ Groenewald, NN Mapisa-Nqakula and PF Smith

**Attendance**  
S Haydon and M Mxenge

**1. OPENING**

The meeting was opened by DC Du Toit and the agenda was approved.

**2. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 3 April 1995 were adopted subject to the cover page being amended (top right hand corner) to *CG3/20*.

**3. MATTERS ARISING**

**3.1 Reports by Technical Advisors**

The meeting noted that the "report on those issues contained in the first report which are prima facie in contrary to those issues which are Constitutional Principles ...." [page 3, para 4.2.2 a] by the Technical Advisors has not been submitted.



### 3.2 Cost of Workshops

3.2.1 With reference to para 4.2.2 b) the meeting asked the Administration to supply details as to costings of the following:

- i. Revised papers (ref to papers submitted by Prof Davis and Prof Majola);
- ii. Workshops which involve the Technical Advisors (aside from travel, accommodation and standard remuneration); and
- iii. Workshops addressed on a one-off basis by individuals not under contract to the Constitutional Assembly.

3.2.2 The meeting agreed that bearing in mind that Theme Committees have a public duty to keep costs down, the Core Group must plan accordingly and use the Technical Advisors judiciously.

3.2.3 The Administration advised that accounts as submitted by the Technical Advisors will be referred to the Core Group for information purposes.

### 3.3 Workshop on Local Government

3.3.1 The meeting discussed the agenda proposed by the Ad-Hoc Committee on Local Government, for the workshop on Local Government to be held on Friday 21 April 09h00 - 12h30. The Administration was asked to make the following recommendations to the Ad-Hoc Committee so as to facilitate discussion:

- i. The Theme Committee is concerned with the writing of the Constitution and not with current or operational issues (eg Electoral Systems for Local Government);
- ii. Provide comparative systems/models of the relationship between Local Government and other levels of government as applied in other countries (with explanations and practical examples);
- iii. Outline the channels of representation which will ensure that the voice of Local Government as a whole impacts on provincial and national institutions and structures; and
- iv. The developmental role of the RDP, what does that mean structurally and institutionally?



3.3.2 The meeting agreed that the focus of the workshop should be practical as far as possible as apposed to being theoretical.

3.3.3 The meeting further agreed that as the time allowed is very short the Advisors be asked to provide documentation.

#### **4. DRAFT REPORT HEADING 2 PHASE 1**

4.1 The meeting agreed that the report is in line with the standard report format required by the Constitutional Assembly but recommend the following amendments for additional clarity:

- i. Edit the document so that the names of parties are reflected and remove words such as 'one party' 'another party' which tend to cause confusion;
- ii. The questions in Part A should be followed by the analysis in Part C in corresponding form; and
- iii. The use of 'models' to highlight the positions of the various parties (areas of common agreement and any anomalies).

4.2 Prof Du Toit advised that following consultation with another member of the Core Group he had spoken to Prof Davis regarding the use of models (ref 4.1.iii). The meeting asked the Administration to follow up this issue with Prof Davis.

4.3 The meeting agreed that each party should speak to its report at the Theme Committee meeting on 19 April 1995, outlining the basic ideas. The Administration was asked to contact those parties not represented at the meeting and advise them accordingly. An analysis of what are contentious and non-contentious issues will follow.

4.4 The Administration advised that Prof Basson will be present at the meeting but confirmation it has not as yet been received from Prof Davis.

#### **5. ELECTION OF CO-CHAIRPERSON**

5.1 The meeting thanked Mr KM Andrew for the work he undertook as Co-chairperson of the Core Group and expressed regret at his resignation. The ANC asked for time for the party to discuss the matter and the meeting agreed to refer the issue to the Theme Committee.

5.2 The Administration was asked to clarify the rules regarding the election of co-chairpersons.



## **6. GENERAL**

### **6.1 Business South Africa (BSA)**

The meeting discussed the proposed hearing on 22 April 1995 between the business community and the Constitutional Assembly which preferably all Theme Committees will attend. The Administration was asked to:

- i. Clarify as to whom from the business sector will be represented; and
- ii. Ask the BSA make a written submission.

### **6.2 Commission on Provincial Government Workshop on Traditional Leaders 20 - 21 April 1995 in Pretoria**

The Administration advised that names of those who wish to attend the workshop must be submitted to the Administration by 14h00 on 18 April 1995. The meeting agreed that the chairs would co-ordinate and advise the Administration accordingly.

### **6.3 Sub-committees**

The meeting confirmed that agreement had been reached at an earlier meeting, against the appointment of sub-committees. The Technical Advisors to the Ad-Hoc Committee on Local Government will be consulted as and when necessary and information will be supplied to the Theme Committee.

### **6.4 Sub-Theme Committee TC6.2 representation on Theme Committee 3**

The Administration reminded the meeting that each party must decide as to which of their members (if any) will serve as alternates on Theme Committee 3 during discussions on the Block relating to Financial and Fiscal Relations, and advise the Administration accordingly. The Core Group will advise the members of the starting date of these discussions as soon as possible.

## **7. CLOSURE**

A dispute arose at the end of the meeting as some members started to leave believing that all business had been dealt with. Dr King made a remark concerning Mr Gordhan which he took exception to. The matter was discussed and Mr Gordhan requested an apology. The matter is unresolved.

The meeting closed at 12h30.