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**CONSTITUTIONAL ASSEMBLY**  
**THEME COMMITTEE 2**  
**STRUCTURE OF GOVERNMENT**

**MEETING OF CORE GROUP**

**WEDNESDAY**  
**1 March 1995**  
**12H00-13H00**  
**M201**

**DOCUMENTATION**



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# CONSTITUTIONAL ASSEMBLY

## THEME COMMITTEE 2 STRUCTURE OF GOVERNMENT

### CORE GROUP MEETING

Please note that a meeting of the Core Group will be held as indicated below:

**Date** : Wednesday 01 March 1995  
**Time** : 12h00 - 13h00  
**Venue** : M 201

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### AGENDA

1. Opening and Welcome
2. Minutes of Core Group meetings (21/02/95 & 27/02/95)
3. Joint Theme Committee Meetings on Overlapping Items (Blocks)
4. Draft Programme for an Inhouse workshop on the subject:  
Legislature: National Level:  
**SHOULD THE LEGISLATURE BE UNICAMERAL OR BICAMERAL ?**
5. Theme Committee Programme for Technical Experts
6. Agenda for next Theme Committee Meeting
7. General
8. Closure



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**HASSEN EBRAHIM  
EXECUTIVE DIRECTOR  
CONSTITUTIONAL ASSEMBLY**

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**CONSTITUTIONAL ASSEMBLY**

**THEME COMMITTEE 2**

**MINUTES OF CORE GROUP MEETING**

**Tuesday 21 February 1995**  
**9H00-10h00**  
**E216**

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**PRESENT**

Mahlangu MJ (chairperson)

Ebrahim AG  
Groenewald PH  
Mahlangu MJ  
Ndlovu VB  
Pahad EGH  
Rabie JA

**APOLOGIES**

Eglin CW

**IN ATTENDANCE**

**TECHNICAL EXPERTS**



Steytler N  
Motimele M

## SECRETARIAT

Nene J  
Smit T

### 1. OPENING AND WELCOME

- 1.1. The meeting was opened by Mahlangu MJ.

### 2. CORE GROUP MINUTES (7/02/95 & 8/02/95)

- 2.1. The minutes of the two previous meetings of the Core Group were adopted.

### 3. MATTERS ARISING FROM CORE GROUP MEETING (24/1/95)

#### 3.1. RESEARCH IN RESPECT OF ELECTORAL SYSTEMS

- 3.1.1. The meeting noted research documentation compiled by the Research Department and tabled at the meeting.

### 4. GUIDELINES FOR THEME COMMITTEE REPORTS

- 4.1. The meeting noted the "Guidelines: Theme Committee Reports" and entertained discussion on the document.
- 4.2. It was agreed that the Technical Committee shall draft reports in terms of the guidelines. The reports will then be considered by the Core Group, and thereafter by the Theme Committee (TC). If the TC approves of the report, it will be submitted to the Management Committee.
- 4.3. In respect of point 7.5.(b) of the report, the meeting noted a concern, namely that it may be necessary only in respect of contentious issues (c), that the party position ought to be defined. In respect of contentious issues (c), it was noted that the required information will assist in respect of preparations for negotiations.



- 4.4. It was noted that piecemeal reports have to be prepared for every Tuesday.

## 5. SUBMISSIONS IN RESPECT OF BLOCK 2/3

- 5.1. In respect of advertisement pertaining to the submissions requested from the public, it was noted that advertisements had been published in daily newspapers. It was agreed to follow up the press advertisements as soon as possible by an explanatory press conference of the TC2.
- 5.2. In respect of submissions awaited from political parties, it was noted that only one party indicated a preparedness to adhere to the deadline set by the TC2 for 22 February 1995. In the premises it was agreed that this deadline be approached with flexibility. However, it was agreed that the meeting shall process party submissions as and when they are received and that parties shall submit their submissions as soon as possible.

## 6. COMMUNITY LIAISON PROGRAMME

- 6.1. The meeting agreed that parties shall submit names of CA members who are available to attend the Community Participation Meetings (CPM's) on 25 February to the chairpersons by the following morning.
- 6.2. It was noted that the invitation had been received very late.

## 7. THEME COMMITTEE PROGRAMME FOR TECHNICAL EXPERTS

- 7.1. The meeting noted that TC2 shall have to provide the Technical Committee with TC2's more detailed programme, in order that the Technical Committee can plan on a more long-term basis.
- 7.2. The meeting agreed that the next in-house workshop that had already been identified by TC2 shall concern the issue of bicameralism/unicameralism. The Technical Committee was given an indication to begin preparations to hold the workshop within about 2 weeks.
- 7.3. It was also agreed that the Technical Committee shall draft a



supplementary report in respect of block one. This report shall include details of the public submissions.

## **8. AGENDA FOR NEXT THEME COMMITTEE**

8. The meeting agreed that the abovementioned in-house workshop, the Work Programme of the Technical Experts, and submissions in respect of block 2/3 shall be items on the agenda at the next TC2 meeting

## **9. CLOSURE**

9. The meeting rose at 10h00

Signed by Chairperson \_\_\_\_\_



**CONSTITUTIONAL ASSEMBLY**

**THEME COMMITTEE 2**

**MINUTES OF CORE GROUP MEETING**

**Monday 27 February 1995**  
**11h00-11h20**  
**M46**

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**PRESENT**

Mahlangu MJ (chairperson)

Eglin CW  
Groenewald PH  
Mahlangu MJ  
Pahad EGH

**APOLOGIES**

Rabie JA

**ABSENT**

Ebrahim AG  
Ndlovu VB



## **IN ATTENDANCE**

### **TECHNICAL EXPERTS**

Steytler N

### **SECRETARIAT**

Smit T

## **1. OPENING AND WELCOME**

1.1. The meeting was opened by Mahlangu MJ.

## **2. PREPARATION FOR PRESS CONFERENCE**

2.1. The meeting agreed that Mr Mahlangu shall speak to the advertisement, and the other members of the Core Group shall try to be present to elaborate on any matter should this be necessary.

## **3. CLOSURE**

3.1. The meeting closed at 11h20

Signed by Chairperson \_\_\_\_\_



# CONSTITUTIONAL ASSEMBLY

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PO Box 15  
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REPUBLIC OF SOUTH AFRICA

REF No:

**17 FEBRUARY 1995**

**To: All Chairpersons and Technical Experts**

**RE: ISSUES OF OVERLAP AND OTHER ISSUES REQUIRING JOINT MEETINGS OF THEME COMMITTEES**

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**1. Joint Theme Committee meeting on Traditional authorities**

This memorandum follows the joint Chairpersons' meeting on Thursday, 16 February 1995 where the aspect of overlap between Theme Committees was raised. A recommendation was made that a joint meeting of the relevant Theme Committees be set up immediately to discuss the aspect of Traditional Authorities.

The draft agenda is as follows:-

1. Traditional Authorities: Overlap between Theme Committees.  
Are they structures of Government or specialised structures?
2. Distribution of work between the respective Theme Committees
3. The Ad-hoc Technical Committee on Traditional leaders - What is their role?
4. Time-frames
5. Any other business of relevance to the aspect of Traditional Authorities.

Venue: **E249**

Date and Time: **Monday 6 March 1995, 09h00 - 10h00**

All Chairpersons and Technical Experts within the affected Theme Committees are requested to discuss this matter and asked to attend.

**2. Other aspects requiring joint Theme Committee meetings**

At the last Chairpersons' meeting, many members present had requested



further joint meetings on a range of other issues. In order for the Administration to facilitate this request, we require all Theme Committees and technical experts to forward proposals on the types of Joint Theme Committee meetings they would like to see, issues to be discussed and possible dates. Please forward all proposals to the Administration through the managing Secretary by not later than **28 February 1995**.

**3. Convenors for Technical Committees**

This aspect has been raised in the terms of reference and in subsequent meetings. It would be appreciated if all technical committees could address this issue and forward further details to the Executive Director. Having a convener for each Technical team would greatly facilitate communication.

Furthermore, could Technical Committees inform us what Joint meetings of Technical Experts they would like to see and how the Administration could possibly facilitate this request. Proposals should reach the Executive Director not later than **28 February 1995**.

**4. Tabling of progress/final reports at CC meetings**

All Theme Committees tabling a report at the Constitutional Committee should appoint a representative to table and present the report. This will ensure effective representation of the views of the relevant Theme Committee.

Thanking you

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H Ebrahim  
Executive Director  
Constitutional Assembly

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REF NO:

## MEMORANDUM

**TO:** MANAGEMENT COMMITTEE

**FROM:** Secretariat, THEME COMMITTEE 2

**DATE:** 28 February 1995

**MEMO REF:** TC2/28 Feb 95/1

**SUBJECT:** TC2 REQUEST TO MANAGEMENT COMMITTEE FOR GUIDELINES IN RESPECT OF PARTY POLITICAL ACCESS TO TECHNICAL COMMITTEES

In terms of a decision by Theme Committee 2 taken on Monday 27 February 1995, a request is made for the Management Committee to discuss and prepare guidelines in respect of party political access to the Technical Committees.

Issues in respect of which clarity is sought include:

- (i) May political parties directly request the Technical Committee to do work for them?;
- (ii) If so, may political parties request only a specific technical committee member of their choice, or do they have to make the request to the Technical Committee as a collective?;
- (iii) In respect of which issues, or more particularly, to what extent may the Technical experts be used for this purpose, e.g. may they only be asked to assist the preparation of reports/submissions to be drafted by the parties themselves, or may they do the actual drafting of a report/submission for political parties?; and,
- (iv) Will the work of the technical committees (which may relate to a specific party-based request) have to be made available to all parties?

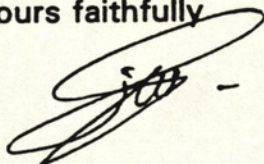
It was noted that the keen interest of some parties to use the Technical Experts, may impact on their availability to the rest of the Theme Committee.



The above request came about as a result of the continuous discussion in TC2 about parties' powers when directly accessing the services of the Technical Committees. It had previously been noted by TC2 that the Management Committee may be approached for clarification if no other clarification was forthcoming. At a later meeting (27 February 1995) of TC2 it was noted that the matter had been raised at Management Committee meetings, but not resolved nor discussed at length. On the basis of this information, TC2 then resolved to send through the Secretariat a request for guidelines on these matters.

We trust that this matter will be dealt with in the appropriate manner.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. J. C.', with a horizontal line extending to the right.

Secretariat TC2

cc Head and Deputy Head of Secretariat  
Directorate



# CONSTITUTIONAL ASSEMBLY

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REF No:

## MEMORANDUM

**TO:** MANAGEMENT COMMITTEE

**FROM:** Secretariat, THEME COMMITTEE 2

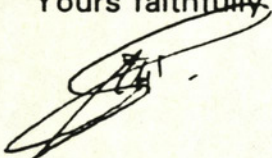
**DATE:** 28 February 1995

**MEMO REF:** TC2/28 Feb 95/2

**SUBJECT:** TC2 REPORT ON COMMUNITY PARTICIPATION MEETINGS  
(CPM'S) OF 25 FEBRUARY 1995

In terms of a decision by Theme Committee 2 taken on Monday 27 February 1995, we hereby submit the attached report on the abovementioned events from TC2 to the Management Committee.

Yours faithfully,



Secretariat TC2

cc Head and Deputy Head of Secretariat  
Directorate



**CONSTITUTIONAL ASSEMBLY**

**MANAGEMENT COMMITTEE**

**THURSDAY  
2 MARCH 1995  
08H00-10H00**

**TC2 REPORT**

**COMMUNITY PARTICIPATION MEETINGS  
25 FEBRUARY 1995**



## INTRODUCTION

The TC2 arranged for members from TC2 to attend 4 of the 5 scheduled CPM'S on Saturday 25 February 1995. The reports from those members at the TC2 meeting on Monday 27 February form the basis of this report.

## REPORTS BY MEMBERS IN ATTENDANCE

COMMUNITY PARTICIPATION MEETINGS: 25 FEBRUARY 1995		
DIFFICULTIES EXPERIENCED	SUCCESSES NOTED	SUGGESTIONS
<b>1. EASTERN CAPE: GRAAFF REINETTE TOWN HALL</b>		
<ul style="list-style-type: none"> <li>(i) no placards on lampposts</li> <li>(ii) only small advertisement of meeting in paper</li> <li>(iii) attendance: 210 people; areas surrounding Graaff Reinette not informed</li> <li>(iv) 2 people thought they were attending to receive government hand-outs</li> <li>(v) the TC2 members who attended had been briefed that they may only clarify issues, but at the meeting it transpired that they had to give a briefing about the constitution</li> <li>(vi) the TC2 members were also briefed that a mayor will give input, but it transpired that she had not been briefed</li> <li>(vii) the IMSSA expert had no understanding or knowledge of the issues involved; CA admin staff could have been used as they have a better understanding</li> <li>(viii) from all the TC's only two TC members attended</li> <li>(ix) the Deputy Speaker of provincial parliament announced that henceforth they their Province will be drafting its own Public Participation Programme</li> <li>(x) briefing of TC members in attendance inadequate</li> <li>(xi) a military aircraft was used to transport only 6 people</li> <li>(xii) translation services/arrangements not available</li> </ul>	<ul style="list-style-type: none"> <li>(i) broad cross section of people who attended</li> <li>(ii) questions and inputs from public of high quality</li> <li>(iii) generally members of the public who attended had clarity about the nature of the meeting they were attending</li> <li>(iv) the meeting was recorded</li> </ul>	<ul style="list-style-type: none"> <li>(i) member of Admin staff in touch with issues could have been sent instead of IMSSA expert</li> <li>(ii) wherever possible, TC members should attend who are comfortable in the languages that are spoken predominantly at a particular venue</li> <li>(iii) members from all TC's should be in attendance</li> <li>(iv) the role and briefing of the provincial parliamentary members in attendance should be examined</li> </ul>



2. NORTH WEST: KLERKSDORP		
(i)	the meeting was not well advertised	(i) the level of debate was high
(ii)	attendance: 6 buses were used, but only 70-75 people were bused in	(ii) the meeting was recorded
(iii)	the members of the public were not representative; only from one township	
(iv)	parliamentary members were briefed that they should not participate in meeting, but it transpired that at the meeting the public wanted them to participate in proceedings: wanted overview of what has happened in TC's	
(v)	felt the exercise was not worth the money that was spent on it	
(vi)	although the facilitator was a good one, as far as the issues dealt with, she was uninformed, therefore the money for a facilitator was misspent	
3. FREE STATE: BLOEMFONTEIN		
(i)	inadequate advertising of meeting	(i) during the course of the meeting more people trickled in; towards the end the attendance was fair
(ii)	there had been no clarity on availability of free transport	(ii) questions and inputs from the public were very constructive, they dealt with constitutional issues
(iii)	attendance: 6/7 buses were used, but only one bus transported only 2/3 members of public: representation from outlying/neighbouring areas was poor	(iii) the meeting was recorded
(iv)	although all TC's were present, those parliamentarians in attendance throughout were only from one party	
(v)	the facilitator for the meeting had not arrive, so the parliamentary members facilitated the meeting	
(vi)	a translator was also not available, therefore one of the parliamentary members translated	
(vii)	there had been no advertising in Sotho/Tswana	
(viii)	press conference scheduled afterwards: local press did not bother to attend	



4. EASTERN TRANSVAAL: WHITE RIVER	
<p>(i) much resources were used, with poor results</p> <p>(ii) attendance: 67 people; meetings not well publicised, adverts appeared only in local Afrikaans paper, no mention of transport; some members of the public received pamphlets only informing about the meeting only at the hall</p> <p>(iii) the public had been told that only "neutral" people could assist, and this had in effect "neutralised" the meeting</p> <p>(iv) it was felt that the organising of the meeting should not have been left to SACS only, and that SACS needs to be monitored on a daily basis by the Administration of the CA</p>	<p>(i) the meeting was recorded</p>

#### GENERAL SUMMARY AND RECOMMENDATIONS

The following recommendations were noted in general:

- (i) expenditure on the CPM's should result in dividends, people should not have to be flown in at great cost, only to find a few people in attendance;
- (ii) the briefing of the TC members should be more thorough, and the transportation arrangements more timeous and cost effective;
- (iii) generally at the meetings, an appointed uninformed person from IMSSA arrived and informed those present that he/she is chairing, and TC members who were informed of the issues had been briefed not to participate in the meeting; it may be better for the TC members to present an overview of the work of the TC's, or alternatively, if an independent person presides over the meeting then he/she needs to be well briefed;
- (iv) the CPM's should be organised and the TC's notified of arrangements timeously;
- (v) the role of the provincial parliaments needs to be clarified, and this may require further discussion;
- (vi) the participation of all the parties (and from all the TC's) should be secured, in order to prevent the impression that the CA consists of only one or a few parties;
- (vii) translators who understand the language and constitutional process need to be available;
- (viii) the selection of venues should ensure that not only one sector of society participates, and the attendance of the public at these venues should be more representative;
- (ix) a special attempt should be made to ensure that the local press attends; and,
- (x) mere reliance on media advertisement and structures of the SACS will not be enough to ensure that the public attends; political parties also have a



**role to ensure that people are informed, even though they should be careful not to create the impression that the CA and its work consists of any particular party.**

## **CONCLUSION**

**The TC2 noted that the abovementioned issues should be raised at the CC level. It was also noted that the CA is involved in a learning process, and that the matters noted in this report may assist in addressing some of the teething problems.**



# CONSTITUTIONAL ASSEMBLY

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REF No:

## MEMORANDUM

Date : 27 FEBRUARY 1995

To : ALL THEME COMMITTEE CHAIRPERSONS

From : HASSEN EBRAHIM  
EXECUTIVE DIRECTOR

Subject : COMMITMENTS FOR:

1. CONSTITUTIONAL PUBLIC MEETINGS ON SATURDAY 11/03/95

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We refer to our memo of the 22nd February 1995 wherein we asked you to make available two members of your Theme Committee for the Constitutional Public Meetings (CPM's) on the 11/03/95.

We confirm that there will be two Constitutional Public Meetings (CPM's) on Saturday the 11th of March 1995. The Public Meetings will be held in:

1. **Western Cape** - The Saldanha / Vredenburg area. Further information to follow.
2. **Gauteng** - Further information to follow.

Please note this is a continuation of the pilot phase that began in February. You will be advised during the week of the 27th February about venues for the CPM's for the weekends from the 18/03/95 to the April recess.

Kindly furnish the names of at least 2 people per event by no later than lunch time on Tuesday 28 February 1995.

Further, please forward a list of issues that your committee wishes to have dealt with at the Constitutional Public Meeting on the 11th March 1995 - by lunch time on Tuesday 28th February 1995.