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CONSTITUTIONAL ASSEMBLY

WORK PROGRAMME
1995

23 January 1995

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CONSTITUTIONAL ASSEMBLY

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23 January 1995

To All Members of the Constitutional Assembly

Please find enclosed the Constitutional Assembly Work Programme and Schedule of Meetings as agreed to by the Constitutional Committee on 2 December 1994. We have also enclosed for your convenience the resolutions of the Constitutional Assembly which served as the mandate for the Work Programme.

You will also find enclosed a Briefing Document for Chairpersons of Theme Committees which summarises the decisions of the Constitutional Committee with regard to the Work Programme.

We hope these documents will continue to keep you informed of all developments in the CA.

H EBRAHIM
EXECUTIVE DIRECTOR

**BRIEFING DOCUMENT FOR JOINT MEETING OF
CHAIRPERSONS OF THEME COMMITTEES**

23 JANUARY 1995

1. **Introduction**

This document is intended to serve as a basis of discussion and a guideline for Chairpersons and Core Groups. It is concerned with the Work Programme of the Constitutional Assembly as agreed to by the Constitutional Committee of 2 December 1994.

The main purpose of the document is to look at the role of Core Groups and Chairpersons in ensuring that the work of the Constitutional Assembly progresses within the framework agreed to, and that the final deadline of May 1996 is adhered to.

2. **Work Programme**

The Constitutional Committee endorsed the enclosed Work Programme as a broad framework for 1995. The meeting emphasised the need for flexibility and stressed that the programme was a framework and should not be seen as a rigid time-table. It was agreed that ongoing evaluation and adjustment would take place within this framework as work proceeded.

The Work Programme is the culmination of the collective efforts of members of the CA and its structure. In particular, it is a product of several months of rigorous debate by Theme Committees who have produced work plans in accordance with the terms of reference as set out in the Resolution of 5 September 1994.

These work plans have been compiled into a comprehensive work programme for the CA as a whole, taking into account both the work plans of Theme Committees themselves, and a technical survey of the constitutional issues noted by Theme Committees. The programme also took into account the need for a developed programme of public participation including media and community liaison.

The overriding consideration in compiling the Work Programme of course has been time constraints. Sec 73(1) of the Constitution requires the Constitutional Assembly to complete the process of drafting the new constitutional text by no later than May 1996. The Constitutional Committee meeting of 31 October 1994 resolved to produce a draft text of the new Constitution by 14 July 1995. In this regard the Theme Committees are required to complete their reports and the major part of their work by 30 June 1995.

In an attempt to ensure that the CA does abide by the final deadline of May 1996 for completion of its task, it has been opportune to devise a Work Programme which has divided the work of each Theme Committee into ten major "blocks". Each "block" represents a cycle of meetings of the various structures of the CA, culminating each time in a meeting of the Assembly itself as the supreme decision-making body. During each of these "blocks" it has been suggested that Theme Committees deal with specified subjects or aspects of their particular constitutional theme.

The Constitutional Committee has also agreed to the enclosed Schedule of Meetings for the first half of 1995. Once again this schedule is regarded as a framework which will be adjusted when required.

This schedule has however been carefully planned to allow Theme Committees to receive submissions, process these and prepare reports timeously for the Constitutional Committee, which in turn reports to the Constitutional Assembly. It is important that this schedule is adhered to as closely as possible to avoid unnecessary delays .

It is important, as outlined above, that the schedule is looked at as a whole. Any adjustment will have to take into account the necessary cycle of meetings to ensure that the CA process flows smoothly and that all structures are afforded the necessary time to play their part.

It should be noted that the Constitutional Committee accepted the four sub-committees of Theme Committee 6 and further agreed that the question of establishing other sub-committees would be considered later. It was also agreed to that all joint meetings of Theme Committees would be centrally co-ordinated by the Secretariat.

3.   **Management**

This Work Programme and Schedule of Meetings will require careful management if it is to achieve its objective of ensuring a new constitution by May 1996.

The role of the Management Committee is spelled out in detail in the CA Resolution of 5 September 1994. The Management Committee is charged in brief with co-ordinating the work of all Theme Committees, and preparing the agenda and reports to be presented to the Constitutional Committee.

The major task of ensuring that deadlines are adhered to and that the work programme proceeds according to plan, however will fall to Theme Committees themselves.

To this end, each Theme Committee, has a Core Group and Chairpersons responsible for managing and co-ordinating the work programme of the Theme Committee.

4.   Role of Core Groups

The Core Group consists of 7 - 8 members. Its composition is as follows 2 ANC;1 NP; 1 PAC; 1 DP; 1 FF; 1 IFP.

The Core Group is the managing Committee of the Theme Committee and deals with process matters on behalf of the Theme Committee. Its task is to ensure that the work of the Theme Committee proceeds smoothly.

The Core Group manages the Theme Committee in the following way :

a)   prepares agenda for Theme Committee meetings;
b)   prepares reports for Theme Committee consideration;
c)   co-ordinates the activities of the Theme Committee;
d)   attends other meetings on behalf of the Theme Committee; and
e)   ensures that Theme Committee tasks and decisions are dealt with accordingly.

The Core Group, as outlined above, has a major role to play in *planning* the work of its particular Theme Committee and ensuring that all necessary documentation and reports are compiled and received according to deadline.

5.   Role of Chairpersons of Theme Committees

In addition to the Core Group, the Chairpersons of Theme Committees have a pivotal role to play in managing the work of Theme Committees.

Their principal role is to conduct the proceedings of both the Core Group and Theme Committee meetings, and thus also *direct* the proceedings of both these bodies. The importance of this role cannot be over-emphasised. The Chairpersons will be relied upon to keep meetings, and the Theme Committee, on target and ensure that they achieve their objectives.

The extremely tight time frames of the CA process as a whole, will make the work of Chairpersons more demanding than usual. It is essential that Chairpersons keep these time frames in mind at all times and that they remind Theme Committee members that work must proceed according to schedule.

Both Chairpersons and Core Groups will also play a key role in monitoring and evaluating the work of the Theme Committee, and thus suggesting adjustments to the schedule when required.

Other duties of the Chairpersons will include :

a)   attending to the ratification and approval of all minutes and reports; (It was agreed at the Constitutional Committee meeting of 2 December 1994, that minutes of Theme Committee meetings would be available for the Chairperson to sign within 24 hours. They would be circulated to members at the start of the next meeting.)

b)   ensuring that Theme Committee members sign the attendance register;

c)   ensuring that Theme Committee members table written apologies; and

d)   consulting the Secretariat on procedural and administrative issues during Theme Committee meetings.

Most members of the CA have very demanding individual schedules. Because of the time frames of the CA process, it is necessary for this reason alone, that the process receives the highest priority and this will demand the commitment of all members of the CA. Chairpersons and members of the Core Group will need to play an exemplary role to ensure the fullest participation of all members of Theme Committees in the work of the CA.

6.   **Role of Secretariat**

Each Theme Committee has attached to it, a Managing and Minute Secretary to provide the necessary administrative support and back-up it requires to work efficiently and effectively.

These staff are part of a larger collective, the Secretariat, which is one of the key departments of the CA Administration as a whole. The Secretariat is also the key liaison point between the Theme Committees and other departments in the Administration.

The Management Committee has agreed that all requests for research and any other assistance from the Administration should therefore be channelled through the Secretariat. It should be noted that requests from Theme Committees, or Technical Committees on behalf of Theme Committees , for research and/or other opinion or assistance should all be directed to the Administration where the final decision will be taken, in consultation with the Management Committee, whether an outside agency or person(s) be commissioned or contracted for the job.

The Secretariat is purely an administrative body and will not engage in the political process of the Constitutional Assembly.

It is essential that Chairpersons maintain close links with the Secretariat and with their Managing Secretary in particular. This will ensure that the Secretariat is able to keep abreast of developments and provide the Theme Committee with all relevant assistance.

It is important to note however, that members of the Secretariat, as with all staff of the CA Administration, account to the Executive Director and not directly to members of the CA itself.

7.   **Theme Committee Reports**

The entire Work Programme depends to a great extent on the timely production and circulation of reports by Theme Committees.

The Constitutional Committee of 2 December 1994 agreed to the following :

i)   the reports would be presented to the Constitutional Committee for debate at the Constitutional Assembly as and when a particular constitutional issue identified within the work plan schedule has been processed by a Theme Committee;

ii)   these reports would include details of contentious and non-contentious issues and suggested approaches;

iii)   Theme Committee reports would be drafted by Theme Committee members with the administrative assistance of the Secretariat;

iv)   should political parties be unhappy with the format of reports, this should be discussed in their Theme Committees. The issue would only be brought to the Constitutional Committee if the Theme Committee could not resolve it.

8.   **Submissions and the role of Political Parties**

Finally, the entire Work Programme and Schedule of Meetings as agreed to by the Constitutional Committee, is based on the assumption that submissions will be received timeously to allow these to be processed and passed on to Theme Committees for their consideration.

Without the relevant submissions, there will be little substance for Theme Committees to consider. In fact, the existence of Theme Committees is to process submissions and views and pass these on in the form of the agreed reports to the Constitutional Committee.

It stands to reason that if the relevant submissions are not received timeously, the entire programme could be jeopardised.

It has been convenient for the CA's own internal purposes to structure itself along Theme Committee lines. It has been further necessary for each Theme Committee to devise its own detailed work plan. However, it would be unrealistic to expect civil society and the broader public to participate

according to the terms of reference and work plan of each Theme Committee.

Public participation and submissions can be expected to be much more general. To expect anything else would be imposing academic constraints which would in fact serve to inhibit rather than encourage public participation. It will of course be possible to solicit public views and submissions on particular controversial subjects. In general however, even the more organised sectors of society will undoubtedly make a single general contribution to the CA. These submissions will also not necessarily be staggered along the lines of the adopted work programme.

Public interest will increase as the work of the CA proceeds. A major advertising campaign early in 1995 will seek to arouse public interest, and invite submissions. However, it can be expected that the majority of public submissions will arrive later on in the process once momentum begins to gather force.

The upshot of all the above, is that political parties represented in the CA, will need to ensure their submissions to the Theme Committees are made timeously and early on in the process in order to ensure that Theme Committees have some substance to deal with in the first few months of this year. This point needs to be borne in mind by all political parties in the CA in planning their party agendas for 1995.

The Constitutional Committee agreed to the following procedure regarding the receipt of submissions :

i)   all submissions should be tabled through the Administration;

ii)   as far as possible, all authors of submissions would be asked to provide executive summaries; and

iii)   ideally, all Theme Committee members would receive copies of submissions received for that particular Theme Committee, unless these are too bulky for reproduction. Summaries of lengthy submissions would be provided at the discretion of Core Groups.

RECOMMENDED WORK PROGRAMME

No	TC 1	TC 2	TC3	TC 4	TC 5
1.	1. Democracy 2. Character of State	1. Separation of Powers	1. The Nature of the Provincial System and Local Government	1. Constitutional Principle II	1. The Relationship between different levels of the Court 2. A Single or Split Judiciary
2.	3. Single Sovereign State 4. Supremacy of the Constitution	2. Structure of Government	2. Allocation of Powers 3. Legislative Competence	2. Equality 3. Human dignity 4. Privacy 5. Freedom and Security of the Person 6. Life 7. Religion, Belief and Opinion 8. Freedom of Experssion	3. Constitutional Court 4. Other Court Structures
3.	5. Separation between Church and State 6. Economic Constitution 7. International law	3 Traditional Authorities	4 Provincial Legislative Authority (excluding electoral system)	9. Freedom of Association 10. Freedom of Movement 11. Assembly, Demonstration and Petition 12. Citizen's Rights	5. Traditional Authorities and Customary Law
4.	8. Representative Government	4 Volkstaat	5 Provincial Executive Authorities	13. Political Rights 14. Language and Culture 15. Residence 16. Environment	6. Structures dealing with Appointments (Judicial Service Commission & Magistrates Commission)
5.	9. Accountable Government 10. Equality	5 Electoral System	6. Local Government	17. Servitude and Labour 18. Economic Activity 19. Property 20. Labour Relations	7. Other Judicial Institutions (eg AG and State Attorney)
6.	11. Freedom of Information	6. Amendments to Constitution [National Second Chamber]	7. Electoral System of Provincial Government	21. Administrative Justice 22. Access to Information 23. Access to Courts 24. Legal Representation	8. General (Court Language, Interpretation of Laws & Amnesty)
7.	12. Suffrage 13. Citizenship			25. Children 26. Education	9. Transitional Arrangements
8.	14. Language		8. Financial and Fiscal Relations	27. State of Emergency 28. Suspension and Limitation of Rights	10. Legal Education 11. Legal Profession
9.	15. Name and Symbols			29. Customary and Traditional law 30. Group & Minority Rights	
10.	16. Preamble				

THEME COMMITTEE 6 - SUB-THEMES				
No	Public Administration	Financial Institutions & Public Enterprise	Transformation & Monitoring	Security Apparatus
1.	1. Public Service	1. Financial and Fiscal Commission 2. Financial Institutions and Public Enterprise	1. Commission on Gender Equality	1. Supremacy of the Constitution, Accountability and Control of the Security Forces 2. Conduct in the National Interest
2.				
3.			2. Public Protector	2. Police
4.	2. Election Commission	3. Auditor General, Reserve Bank, the Budget Procurement and National Revenue Fund		
5.			3. Human Rights Commission	3. Correctional Services
6.				
7.			4. Commission on Restitution of Land Rights	4. Defence
8.				
9.				5. Inteligence
10.				

CONSTITUTIONAL ASSEMBLY SCHEDULE
23 JANUARY - 6 JULY 1995

Date	Event	Time	Venue
Monday 23 January	**Management Committee** Chairpersons meet with all Chairs of Theme Committees Opening of Parliament *Final deadline for Submissions for Block One*	08h00 - 10h00 10h30 - 13h00 14h15	V16 M515
Tuesday 24 January	**Core Group Meetings** **Constitutional Assembly**	08h30 - 12h00 14h00 - 18h00	
Wednesday 25 January	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Thursday 26 January	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Friday 27 January	**Management Committee** Core Group Meetings Party Caucuses	08h00 - 10h00 10h30 - 13h00 14h00 - 16h00	V16
Saturday 28 January	Public Participation Event		
Sunday 29 January	Public Participation Event		
Monday 30 January	Theme Committee 1 Theme Committee 2 Theme Committee 3 **Constitutional Committee** Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h15 - 16h00 16h30 - 21h00 16h30 - 21h00 16h30 - 21h00	M515 M46 E249 M46 M46 M515 E249
Tuesday 31 January	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249

Wednesday 1 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6 *Deadline for Drafting of Reports for Constitutional Committee* *Deadline for Submissions for Block Two*	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Thursday 2 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3 *Deadline for Submission of Reports for Constitutional Committee*	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Friday 3 February	Management Committee Core Group Meetings Party Caucuses	8h00 - 10h00 10h30 - 13h00 14h00 - 16h00	V16
Saturday 4 February	Free		
Sunday 5 February	Free		
Monday 6 February	Management Committee Constitutional Committee - *END OF BLOCK ONE* -	08h00 - 10h00 10h30 - 18h00	V16 M46
Tuesday 7 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Wednesday 8 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Thursday 9 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Friday 10 February	Management Committee Core Group Meetings Party Caucuses	08h00 - 10h00 10h30 - 13h00 14h00 - 16h00	V16

Day	Event	Time	Venue
Saturday 11 February	Public Participation Event		
Sunday 12 February	Public Participation Event		
Monday 13 February	**Management Committee** **Constitutional Assembly**	08h00 - 10h00 10h15 - 18h00	V16
Tuesday 14 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3 *Deadline for Drafting of Reports for Constitutional Committee*	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Wednesday 15 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6 Deadline for Submissions for Block Three	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 E249 E249 M46 M515 M46
Thursday 16 February	**Management Committee** Party Caucuses *Deadline for Submission of Reports for Constitutional Committee* *- END OF BLOCK TWO -*	08h00 - 12h00 14h00 - 16h30	V16
Friday 17 February	President's Address to Parliament		
Saturday 18 February	Public Participation Event		
Sunday 19 February	Public Participation Event		
Monday 20 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 **Management Committee** **Constitutional Committee** Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 12h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Tuesday 21 February	Debate on President's Address		
Wednesday 22 February	Debate on President's Address *Deadline for Submissions for Block Four*		
Thursday 23 February	**Management Committee** Party Caucuses Debate on President's Address	08h00 - 10h00 10h15 - 13h00 14h00	V16

Friday 24 February	Debate on President's Address		
Saturday 25 February	Public Participation Event		
Sunday 26 February	Public Participation Event		
Monday 27 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 **Management Committee** **Constitutional Assembly** Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M515 E249
Wednesday 1 March	*Deadline for Submission of Reports for Constitutional Committee* - *END OF BLOCK THREE* -		
Thursday 2 March	**Management Committee** Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 4 March	Public Participation Event		
Sunday 5 March	Public Participation Event		
Monday 6 March	Theme Committee 4 Theme Committee 5 Theme Committee 6 **Management Committee** **Constitutional Committee** Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 9 March	**Management Committee** Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 11 March	Public Participation Event		
Sunday 12 March	Public Participation Event		
Monday 13 March	Theme Committee 1 Theme Committee 2 Theme Committee 3 **Management Committee** **Constitutional Assembly** Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M515 E249

Wednesday 15 March	**Budget** **Deadline for Submission of Reports** **for Constitutional Committee** **- END OF BLOCK FOUR -** **Deadline for Submissions for Block** **Five**		
Thursday 16 March	**Management Committee** Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 18 March	Public Participation Event		
Sunday 19 March	Public Participation Event		
Monday 20 March_	Theme Committee 4 Theme Committee 5 Theme Committee 6 **Management Committee** **Constitutional Committee** Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 23 March	**Management Committee** Party Caucuses	08h00 - 10h00 10h15 - 13h00	
Saturday 25 March	Public Participation Event		
Sunday 26 March	Public Participation Event		
Monday 27 March	Theme Committee 1 Theme Committee 2 Theme Committee 3 **Management Committee** **Constitutional Assembly** Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M515 E249
Wednesday 29 March	**Deadline for Submission of Reports** **for Constitutional Committee** **- END OF BLOCK FIVE -** **Deadline for Submissions for Block** **Six**		
Thursday 30 March	**Management Committee** Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 1 April	Public Participation Event		
Sunday 2 April	Public Participation Event		

Monday 3 April	Theme Committee 4 Theme Committee 5 Theme Committee 6 **Management Committee** **Constitutional Committee** Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 6 April	**Management Committee** Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 8 April	Public Participation Event		
Sunday 9 April	Public Participation Event		
Monday 10 April	**Management Committee** **Constitutional Assembly**	08h00 - 10h00 10h15 - 18h00	V16
Tuesday 13 - 23 April	*Easter Recess*		
Monday 24 April	Theme Committee 1 Theme Committee 2 Theme Committee 3 **Management Committee** **Constitutional Committee** Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 22h30 18h00 - 22h30 18h00 - 22h30	M515 M46 E249 V16 M46 M46 M515 E249
Thursday 27 April	*Freedom Day*		
Saturday 29 April	Public Participation Event		
Sunday 30 April	Public Participation Event		
Monday 1 May	*Workers Day*		
Wednesday 3 May	*Deadline for Submission of Reports for Constitutional Committee* *- END OF PART SIX -* *Deadline for Submissions for Block Seven*		
Thursday 4 May	**Management Committee** Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 6 May	Public Participation Event		
Sunday 7 May	Public Participation Event		

Monday 8 May	Theme Committee 4	08h30 - 12h00	M46
	Theme Committee 5	08h30 - 12h00	M515
	Theme Committee 6	08h30 - 12h00	E249
	Management Committee	12h00 - 13h00	V16
	Constitutional Committee	14h00 - 17h00	M46
	Theme Committee 1	18h00 - 22h30	M515
	Theme Committee 2	18h00 - 22h30	M46
	Theme Committee 3	18h00 - 22h30	E249
Thursday 11 May	**Management Committee**	08h00 - 10h00	V16
	Party Caucuses	10h15 - 13h00	
Saturday 13 May	Public Participation Event		
Sunday 14 May	Public Participation Event		
Monday 15 May	Theme Committee 1	08h30 - 12h00	M515
	Theme Committee 2	08h30 - 12h00	M46
	Theme Committee 3	08h30 - 12h00	E249
	Management Committee	12h00 - 13h00	V16
	Constitutional Assembly	14h00 - 17h00	
	Theme Committee 4	18h00 - 22h30	M46
	Theme Committee 5	18h00 - 22h30	M515
	Theme Committee 6	18h00 - 22h30	E249
Wednesday 17 May	*Deadline for Submission of Reports for Constitutional Committee* - *END OF BLOCK SEVEN* - *Deadline for Submissions for Block Eight*		
Thursday 18 May	**Management Committee**	08h00 - 10h00	V16
	Party Caucuses	10h15 - 13h00	
Saturday 20 May	Public Participation Event		
Sunday 21 May	Public Participation Event		
Monday 22 May	Theme Committee 4	08h30 - 12h00	M46
	Theme Committee 5	08h30 - 12h00	M515E2
	Theme Committee 6	08h30 - 12h00	49
	Management Committee	12h00 - 13h00	V16
	Constitutional Committee	14h00 - 17h00	M46
	Theme Committee 1	18h00 - 21h30	M515
	Theme Committee 2	18h00 - 21h30	M46
	Theme Committee 3	18h00 - 21h30	E249
Thursday 25 May	**Management Committee**	08h00 - 10h00	V16
	Party Caucuses	10h15 - 13h00	
Saturday 27 May	Public Participation Event		
Sunday 28 May	Public Participation Event		

Monday 29 May	Theme Committee 1	08h30 - 12h00	M515
	Theme Committee 2	08h30 - 12h00	M46
	Theme Committee 3	08h30 - 12h00	E249
	Management Committee	12h00 - 13h00	V16
	Constitutional Assembly	14h00 - 17h00	
	Theme Committee 4	18h00 - 21h30	M46
	Theme Committee 5	18h00 - 21h30	M515
	Theme Committee 6	18h00 - 21h30	E249
Wednesday 31 May	*Deadline for Submission of Reports to Constitutional Committee* - *END OF BLOCK EIGHT* - *Deadline for Submissions for Block Nine*		
Thursday 1 June	**Management Committee**	08h00 - 10h00	V16
	Party Caucuses	10h15 - 13h00	
Saturday 3 June	Public Participation Event		
Sunday 4 June	Public Participation Event		
Monday 5 June	Theme Committee 4	08h30 - 12h00	M46
	Theme Committee 5	08h30 - 12h00	M515
	Theme Committee 6	08h30 - 12h00	E249
	Management Committee	12h00 - 13h00	V16
	Constitutional Committee	14h00 - 17h00	M46
	Theme Committee 1	18h00 - 21h30	M515
	Theme Committee 2	18h00 - 21h30	M46
	Theme Committee 3	18h00 - 21h30	E249
Thursday 8 June	**Management Committee**	08h00 - 10h00	V16
	Party Caucuses	10h15 - 13h00	
Saturday 10 June	Public Participation Event		
Sunday 11 June	Public Participation Event		
Monday 12 June	Theme Committee 1	08h30 - 12h00	M515
	Theme Committee 2	08h30 - 12h00	M46
	Theme Committee 3	08h30 - 12h00	E249
	Management Committee	12h00 - 13h00	
	Constitutional Assembly	14h00 - 17h00	
	Theme Committee 4	18h00 - 21h30	M46
	Theme Committee 5	18h00 - 21h30	M515
	Theme Committee 6	18h00 - 21h30	E249
Wednesday 14 June	*Deadline for Submission of Reports to Constitutional Committee* - *END OF BLOCK NINE* - *Deadline for Submissions for Block Ten*		
Thursday 15 June	**Management Committee**	08h00 - 10h00	V16
	Party Caucuses	10h15 - 13h00	
Saturday 17 June	Public Participation Event		

Sunday 18 June	Public Participation Event		
Monday 19 June	Theme Committee 4 Theme Committee 5 Theme Committee 6 **Management Committee** **Constitutional Committee** Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 12h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515E2 49 E249 V16 M515 M46 E249 E249
Thursday 22 June	**Management Committee** Party Caucuses	08h00 - 10h00 10h15- 13h00	V16
Saturday 24 June	Public Participation Event		
Sunday 25 June	Public Participation Event		
Monday 26 June	Theme Committee 1 Theme Committee 2 Theme Committee 3 **Management Committee** **Constitutional Assembly** Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 12h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M46 M515 E249
Wednesday 28 June	*Deadline for Submission of Reports to Constitutional Committee* *- END OF BLOCK TEN -*		
Thursday 29 June	**Management Committee** Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 1 July	Public Participation Event		
Sunday 2 July	Public Participation Event		
Monday 3 July	**Constitutional Committee**	10h00 - 18h00	M46
Thursday 6 July	**Management Committee** Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Friday 7 July - 7 August	*Mid - Year Recess*		
Monday 10 July	**Constitutional Assembly**	10h00 - 17h00	

REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL ASSEMBLY

RESOLUTIONS

MONDAY, 5TH SEPTEMBER 1994

THE ESTABLISHMENT OF THEME COMMITTEES

1. **CHARACTER OF DEMOCRATIC STATE**

    1.1   Preamble of the Constitution

    1.2   Matters dealing with the establishment of a single sovereign state, common citizenship, democracy and equality (Constitutional Principle I)

    1.3   The supremacy of the Constitution, binding on all organs of State (Constitutional Principle IV)

    1.4   Matters dealing with representative government, regular elections, suffrage and proportional representation. (Constitutional Principle VIII)

    1.5   Matters dealing with freedom of information and accountable administration. (Constitutional Principle IX)

    1.6   Name and description of State and symbols

    1.7   Citizenship and franchise

    1.8   Matter dealing with the separation of powers etc (Constitutional Principle VI)

2. STRUCTURE OF GOVERNMENT

2.1 Matters dealing with the separation of powers etc (Constitutional Principle VI)

2.2 The adherence to formal legislative procedures by legislative organs (Constitutional Principle X)

2.3 Participation of minority political parties in legislative process in manner consistent with democracy (Constitutional Principle XIV)

2.4 Amendments to Constitution require special procedures involving special majorities (Constitutional Principle XV)

2.5 Structure of Government at national, provincial and local levels (Constitutional Principle XVI)

2.6 Democratic representation at every level of government - without derogating from the role of chieftainship (Constitutional Principle XVII)

2.7 National Assembly, the Senate and Parliament in general

2.8 The Electoral System

2.9 Matters dealing with the constitution, status and role of traditional leadership (Constitutional Principles XIII)

2.10 Traditional Leaders

2.11 The Executive

3. RELATIONSHIP BETWEEN LEVELS OF GOVERNMENT

3.1 The details and nature of the relationship (Constitutional Principle XVI and XVII)

3.2 Local Government in context of Constitutional Principle XXIV

3.3 Establishment of Provincial government

3.4 Establishment, status and powers of local government

3.5 Legislative competence of Provinces and concurrency

4   FUNDAMENTAL RIGHTS

4.1   The enjoyment of fundamental rights by all - entrenchment in Constitution etc (Constitutional Principle II)

4.2   The prohibition of racial, gender etc discrimination and the promotion of equality and national unity (Constitutional Principle III)

4.3   The diversity of language and culture to be recognised - promotion and encouragement (Constitutional Principle XI)

4.4   The collective rights of self-determination, civil society and free association (Constitutional Principle XII)

4.5   The right to form trade union and collective bargaining (Constitutional Principle XVIII)

4.6   Community self-determination based on cultural and language heritage (Constitutional Principle XXXIV)

4.7   Protection and enforcement of fundamental rights

4.8   First, second and third, generation of Rights

4.9   Relationship of various Charters of Rights to the Bill of Rights

5.   JUDICIARY AND LEGAL SYSTEMS

5.1   Matter dealing with qualities of judiciary and enforcement of Constitution (Constitutional Principle VII)

5.2   The institution, status and role of traditional leadership and indigenous law (Constitutional Principle XIII)

5.3   Judicial functions, appointment of judges, Judicial Services Commission and Constitutional Court

5.4   Traditional authorities

6.   SPECIALISED STRUCTURES OF GOVERNMENT

6.1   The independence and impartiality of the Public Service Commission, Reserve Bank and the Public Protector (Constitutional Principle XXIX)

6.2   The status and role of public service (Constitutional Principle XXX)

6.3   The performance of functions of police, military and intelligence to be in the national interest (Constitutional Principle XXXI)

6.4   Auditor-General, Reserve Bank and the Financial and Fiscal Commission

6.5   Establishment, powers and function of the Public Service Commission and Public Service

6.6   Powers and function of the Public Protector, Human Rights Commission, Gender Commission and the Commission on Restitution of Land Rights

6.7   Traditional authorities

6.8   South African Elections Commission (formerly IEC)

NOTE :   There are other issues such as transitional provisions and the reception of international law into our domestic law which do not lend themselves very easily to allocation to a Theme Committee, and will have to be dealt by the Constitutional Committee of the Assembly. Not all of the structures under the Interim Constitution will be relevant under a permanent Constitution. Finally, international and comparative experiences can be discussed under any of the themes identified above.

The above categories are to be treated as a guideline and not adhered to mechanically. Theme Committees may establish Commissions on special topics. It is further proposed that certain principles and topics (for example; Constitutional Principle XXXIV dealing with community self-determination) may be discussed in more than one theme committee.

It is also proposed that Theme Committee 1 (Character of the Democratic State) be dealt with as a matter of priority.

THE PROCESS AND FRAMEWORK FOR THE DRAFTING OF THE NEW CONSTITUTIONAL TEXT

1. INTRODUCTION

Set out below are proposals for a broad framework for the constitution-making process. While no firm timescales have yet been recommended, principles for guiding the process are dealt with.

2. GENERAL GUIDELINES

2.1 Open debate in the Constitutional Assembly

2.3.1 All elected representatives in the Constitutional Assembly should be directly involved in the constitution-making process. Open debate will afford members the opportunity to follow the process and participate in it.

2.3.2 A measure of informality during proceedings in the Constitutional Assembly would encourage members to participate in debates. Further recommendations with regard to the structure of debate will be made at the next meeting of the Constitutional Assembly.

2.2 Integrated process

The new constitution should be the result of a process which integrates the ideas of political parties represented in the Constitutional Assembly, civil society and the broader public.

2.3 Transparent Process

Meetings of the Constitutional Assembly and its structures will, subject to the provisions of Rule 17A of the Standing Rules, be open to the public and the media.

3. **PROCESS**

3.1 **Public Participation**

3.1.1 There should be a programme for ensuring maximum public participation in the constitution-making process. Mechanisms for promoting public participation, including public fora, distribution of information bulletins and appropriate media strategies, should be employed.

3.1.2 Public fora should be held in all Provinces, specific attention being given to the population in rural and underdeveloped areas.

3.1.3 Some fora would be targeted at specific sectors of the community while others could be broad-based and reach out to all members of the public. Appropriate mechanisms for collecting views at such broad based fora should be employed.

3.1.4 There should be co-ordination in all provinces for the success of the community liaison programme. The Constitutional Assembly will have to work with a network of people, organisations and institutions across the country and facilitate the process of the effective organisation of public fora. Assistance and co-operation will be sought from the structures of provincial and local government.

3.1.5 Members of the Constitutional Assembly will be invited to participate in public fora dealing with various themes and constitutional issues. Schedules for such public fora will be compiled by the Administration after consultation with the Management Committee.

3.1.6 The Administration will need to compile regular information bulletins for the purpose of informing the public of the constitution-making process and stimulating their interest and participation.

3.1.7 In addition to the canvassing of public views by means of public fora, the Administration is in the process of establishing a liaison desk.

3.2   Media

3.2.1 There appears to be general consensus that the new constitution should be a living document that can and must be owned by the people of the country. The media would play a vital role in the process of drafting this constitution. There is therefore a need for a clear media strategy.

3.2.2 The underlying principles that should inform the media strategy have already been identified in the debates of the Constitutional Assembly. They are; transparency, democratic accountability and public involvement and participation in the process of drafting a new constitution.

3.2.3 In terms of the principle of transparency and democratic accountability, the media is allowed to witness and report on the proceedings of the Constitutional Assembly, the Constitutional Committee, Theme Committees, commissions and public hearings. In this regard, the media should as far as possible be accommodated at each of these meetings and provided with the necessary documentation.

3.2.4 In addition to reporting on proceedings, the media can and should play a more direct role in the process. This stems from the fact that the media, both electronic and print, enjoy a direct relationship with the public. It may therefore be beneficial to the process to enter into a relationship with the media which would allow it to become an organised forum for the expression of views on the constitution. This would ensure that there is public debate and participation.

3.3   Role of Theme Committees

3.3.1 Theme Committees should be responsible for the in-depth examination of constitutional matters which fall within the scope of the Constitutional Assembly mandate. Theme Committees should submit regular reports to the Management Committee for processing and discussion by the Constitutional Committee.

3.3.2 It is suggested that the structure of the Theme Committee reports will include:

(a)   issues in respect of which there was agreement,
(b)   issues in respect of which there was no agreement, and
(c)   recommendations of the committee.

3.4 Debate in the Constitutional Assembly

The Constitutional Assembly is responsible for finally deciding on the new constitutional text. Its structures exist for the purpose of facilitating the decision-making process of the Constitutional Assembly.

3.5 Processing by the Constitutional Committee

The Constitutional Committee will receive and consider reports of the Theme Committees to be tabled in the Constitutional Assembly. This will facilitate the decision-making process in the Constitutional Assembly.

4. STRUCTURES

4.1 Constitutional Committee

The Constitutional Committee has been established and has met on three occasions. This Committee has also appointed a Management Committee from amongst its members.

4.2 Management Committee

4.2.1 A Management Committee consisting of 12 members has been established. The composition is as follows; 3 ANC, 2 NP, 1 PAC, 1 ACDP, 1 DP, 1 FF, 1 IFP, the Chairperson and Deputy Chairperson of the Constitutional Assembly.

4.2.2 It is suggested that the Management Committee should attend to process and not substantive issues. Its tasks should also include the following:-
   (a) preparing agendas for Constitutional Committee meetings;
   (b) preparing reports to be considered by the Constitutional Committee;
   (c) co-ordinating the activities of the Theme Committees;
   (d) co-ordinating the activities of all structures of Constitutional Assembly;
   (e) attending, between meetings of the Constitutional Committee, to the day-to-day management and overseeing of developments in the structures.

4.3 Theme Committees

4.3.1 Theme Committees will be made up of thirty Constitutional Assembly members, or such smaller number as decided by the Constitutional Committee, in accordance with the provisions of Rule 23 of the Standing Rules. The chairperson of a Theme Committee shall be elected from amongst its members.

4.3.2 Each Theme Committee should have a core group of no more than 6 or 7 members who will be responsible for managing and co-ordinating the work programme of the Theme Committee.

4.3.3 Functions of the Theme Committees will include the following:
   (a) Receiving and collating views from the broader community on the Constitution;
   (b) Receiving submissions from the political parties;
   (c) Developing and processing these concepts and views;
   (d) Referring processed views for technical drafting;
   (e) Submitting the processed concepts in the form of reports to the Constitutional Committee for debate in the Constitutional Assembly.

4.3.4 A manager and minute secretary will be appointed and allocated to each Theme Committee and will be responsible for providing it with the necessary support services.

4.3.5 During deliberations, Theme Committees will have the services of technical experts.

4.4 Technical Committees

4.4.1 It is suggested that Technical Committees should consist of up to three members. Each Theme Committee should be assisted by a Technical Committee. However because of the range of issues each Theme Committee may be required to address, membership of these Technical Committees may vary from time to time depending on the issue at hand.

4.4.2 The Administration is in the process of compiling a database of legal experts to be used to provide more specialised assistance when required.

4.4.3 The functions of Technical Committees will be to give technical advice to the Theme Committees at their meetings and to provide drafting facilities.

4.4.4 Members of Technical Committees need not be employed on a full time basis.

4.5 Independent Panel of Constitutional Experts

An Independent Panel of Constitutional Experts will be established in terms of the Provisions of section 72 of the Constitution (Act No 200 of 1993).

4.6 Commissions

4.6.1 Commissions may be appointed by resolution of the Constitutional Assembly, to investigate any specific matter or issue.

4.6.2 The terms of reference of such commission shall be determined by the Constitutional Assembly.

4.6.3 The Administration shall be responsible for providing administrative support services to these commissions.

5. TIME FRAMES

5.1 With regard to constraints of time, it is recommended that the Theme Committees be appointed as soon as possible and start functioning at the earliest opportunity thereafter.

5.2 The Constitutional Assembly will, on a continuous basis, consider and review the mandates of Theme Committees.

6. PROGRAMME OF WORK

6.1 The Constitutional Assembly shall determine its own programme with due regard to the programme of Parliament.

6.2 The Constitutional Assembly and the Constitutional Committee shall meet on alternate Mondays. The Management Committee is presently considering the work programme of the Constitutional Assembly and will report on that at the next sitting.

7. EVALUATION/ASSESSMENT

It is recommended that the constitution-making process be continuously evaluated. This evaluation system will ensure that the process is effective and will allow for appropriate adjustments.

REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL ASSEMBLY

RESOLUTIONS

MONDAY, 31st OCTOBER, 1994

Chamber of National Assembly: 14:15

1. (Chairperson of the Constitutional Assembly): That the Constitutional Committee be authorised-

    (a)   to establish Technical Committees;
    (b)   to appoint their members; and
    (c)   subject to Standing Rule 44, to determine the functions and terms of reference of such committees.

2. (Chairperson of the Constitutional Assembly): That the report of the Constitutional Committee tabled on Friday, 28 October 1994, be adopted.

PART 1 - STRUCTURES OF THE CONSTITUTIONAL ASSEMBLY

1   CONSTITUTIONAL COMMITTEE

1.1   Subsequent to the last sitting of the Constitutional Assembly, the Constitutional Committee has met on three occasions: 12 September, 17 October and 24 October, 1994.

1.2   The Constitutional Committee, in implementing the Resolution[1] of the last sitting of the Constitutional Assembly, supervised the establishment of the six Theme Committees. Each Theme Committee was guided by a briefing document and assisted with the development of a work plan.

1.3   The Constitutional Committee, in consultation with the presiding officers of the National Assembly and Senate, developed a work programme.

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[1]   CA Resolution of 5 September, 1994.

2 MANAGEMENT COMMITTEE

2.1 Subsequent to the last sitting of the Constitutional Assembly, the Management Committee has met on Mondays and Thursdays during session.

2.2 The Management Committee has at its various sittings met to consider and review matters relating to process.

3 Theme Committees

3.1 Introduction

3.1.1 Since the last meeting of the Constitutional Assembly, all six Theme Committees were successfully convened on 19 September 1994 and met for the second time on 24 October 1994.

3.1.2 The Theme Committees are made up of 30 members each and have from amongst their members appointed Core Groups, consisting of up to eight members of the Committee in question, to manage and co-ordinate their work programmes.

3.1.3 Three Chairpersons have in turn been appointed from each Core Group to chair meetings of Theme Committees on a rotational basis. It has been agreed that these positions shall not be remunerable.

3.2 Briefing Document

3.2.1 The Constitutional Committee has adopted a ***Briefing Document for Theme Committees***. This document is intended to guide Theme Committees in their work by outlining the scope of their responsibility and their relationship with other structures of the Constitutional Assembly.

3.2.2 In terms of the document, the Constitutional Assembly confirms its right to debate in detail, oversee and direct the drafting of, and adopt the new constitutional text.

3.3   **Role of Theme Committees**

3.3.1 Further to the Constitutional Assembly Resolution[2] of 5 September 1994 which provides for the role, functions and structure of reports of Theme Committees, it has been agreed that:-

   (a)   Drafting should be directed by the Constitutional Assembly.

   (b)   The Constitutional Committee should be responsible for the co-ordination of all Constitutional Assembly work, including drafting.

   (c)   Theme Committees are not negotiating fora. Their primary task should be to receive submissions and process them into reports for consideration by the Constitutional Committee.

   (d)   By resolution of the Constitutional Assembly, these reports should therefore include details of non-contentious issues, contentious issues and suggested approaches.

3.3.2 Flexibility should be an important feature of the work programmes of Theme Committees. In view of possible overlaps, Theme Committees are not barred from dealing with an issue that another Theme Committee may be considering.

3.3.3 Theme Committee work programmes should be guided by the integrated nature of the constitution-making process as well as the time constraints.

3.4   Relationship with other structures of the Constitutional Assembly

   3.4.1 Constitutional Committee

   (a)   Theme Committees will compile reports for consideration and approval by the Constitutional Committee.

   (b)   The Constitutional Committee may, after deliberating on a Theme Committee report, refer the report to the Constitutional Assembly.

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2   See Constitutional Assembly Resolutions, pages 7 and 9

3.4.2 Management Committee

The Management Committee is responsible for the following functions;

(a) dealing with process matters;

(b) implementing tasks of the Constitutional Committee;

(c) overseeing administration; and

(d) monitoring the media and public participation programme.

3.4.3 Administration

The Administration will be responsible for the following:

(a) Provision of secretariat services to the Theme Committees, including the facilitation of technical assistance.

(b) Provision of general daily co-ordination.

(c) Provision of research, legal services and information.

(d) Facilitation and management of media and community liaison programmes.

3.4.4 Technical Committees

(a)   Theme Committees shall nominate experts for appointment by the Constitutional Committee.

(b)   The functions of Technical Committees as set out in Rule 44 include the supervision of the drafting process; however, the Constitutional Committee is reviewing this Rule.

3.5   Work Programme

3.5.1 The Constitutional Committee has adopted a work programme for the Constitutional Assembly (see Part 3) in terms of which Theme Committees are expected to complete the major part of their work by 30 June 1995.

3.5.2 The date of 30 June 1995 represents a target date for submission of final reports from Theme Committees to the Constitutional Committee and should not detract from the ongoing and creative interaction between Theme Committees and the Constitutional Committee. In the period from January to 30 June 1995, Theme Committees will be submitting reports to the Constitutional Committee on an ongoing basis for its consideration and evaluation. The Constitutional Committee, in turn, will be reporting to the Assembly on a regular basis and issuing instructions for drafting of sections of the new constitutional text after discussion and decision by the Assembly.

3.5.3 The target date of 30 June 1995 will be evaluated on an ongoing basis with reference to the progress of Theme Committees.

3.5.4 This process of evaluation will also assist in determining the role of Theme Committees after 30 June 1995.

3.6   Way Forward

3.6.1 Theme Committees are currently preparing work plans for submission to the Administration by 15 November 1994. These will be finalised by the Management Committee before the end of 1994 to allow Theme Committees to commence discussion on substantive issues from January 1995.

3.6.2 These work plans will require constant evaluation. The nature of the discussion on substantive issues will in itself necessitate

adaptation of the work plans from time to time.

3.6.3 The need for flexibility will have to be carefully balanced against the severe time constraints imposed by the Constitution for the completion of the process as a whole. Chairpersons and Core Groups of Theme Committees have an important role to play in ensuring that a proper balance is struck between these two considerations and that the work of Theme Committees is effectively managed.

4   INDEPENDENT PANEL OF EXPERTS

4.1   Introduction

4.1.1 The initial closing date for the submission of nominations for the Independent Panel of Constitutional Experts (hereinafter called "the Panel"), expired on 31 August 1994. The extension of that closing date was held in abeyance, pending the appointment of judges to the Constitutional Court.

4.1.2 The Constitutional Committee meeting of 24 October 1994 agreed to the appointment of a subcommittee to develop a short list of candidates for appointment to the panel.

4.1.3 The subcommittee shall be made up of ten members of the Constitutional Assembly, nominated by political parties and represented as follows: three ANC members, two NP members and one member from each of the other parties represented in the Constitutional Assembly.

4.1.4 The Constitutional Committee also agreed on the terms of reference of the subcommittee.

4.2   Terms of Reference of Subcommittee

Report of the subcommittee

The subcommittee shall be directed to;

(a)   draw up a short list of nominees,

(b)   make recommendations to the Constitutional Committee, relating to a process to be followed, with regard to the need for transparency and ensuring broad acceptability to political parties and the public of the short-listed nominees; and

(c)   submit its report, for consideration by the Constitutional Committee, by 5 November 1994.

4.3   Criteria for the selection of the Panel

(a)   The requirements contained in Section 72(2) of the Constitution must be included in the terms of reference. The section provides that the Panel shall be made up of five persons complying with the following requirements:

(i)   South African citizens;

(ii)   Recognised constitutional experts;

(iii)   Not members of Parliament or any other legislature; and

(iv)   Not holding office in any political party.

(b)   The subcommittee should also consider the representativeness of the Panel.

4.4   Appointment

(a)   The subcommittee should also consider the terms of reference of the Panel, in particular precedence of Constitutional Assembly work over any other responsibilities of members of the Panel.

(b)   In terms of Section 72(3) of the Constitution, a majority of at least two-thirds of the members of the Constitutional Assembly shall be required for the appointment of the panel.

(c)   In the event of the two-thirds majority not being achieved, each party holding at least 40 seats in the Constitutional Assembly shall be entitled to nominate an expert who complies with the requirements in Section 72(2). A panel made up of such nominees shall then be appointed in terms of the Constitution.

5   TECHNICAL COMMITTEES

The Management Committee meeting of 24 October 1994 recommended that Theme Committees should nominate technical experts for appointment by the Constitutional Committee to Technical Committees. It further recommended the provision of guidelines to Theme Committees. These recommendations were approved by the Constitutional Committee. The

following guidelines were approved.

5.1 Appointment

5.1.1 Technical Committees should consist of up to three members.

5.1.2 Each Theme Committee should consider the nature of the technical expertise it requires and accordingly nominate such experts by 15 November 1994.

5.1.3 Based on a proposal to be put to the Constitutional Committee by the Management Committee, the Constitutional Committee should, from amongst the nominated experts, appoint up to three Technical Committee members for each Theme Committee.

5.1.4 Each Theme Committee may recommend the full-time or part-time appointment of its nominees for specified periods. Such recommendation to be based on its work programme and the nature of each nominee's expertise.

5.2 Remuneration

The Management Committee should make recommendations for the remuneration of Technical Committee members.

PART 2 - PROCESS

6 Submissions

6.1 On 11 September, 1994 the Management Committee issued a public invitation to all interested parties and individuals to make submissions with regard to the process of constitution-making. This invitation was also extended to the parties represented in the Constitutional Assembly.

6.2 In response to the advertisement, nine political parties, nine organisations and five individuals made submissions. Parties in the Constitutional Assembly filed submissions[3].

6.3 On the basis of the submissions received and the discussions in all

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3   A separate index of submissions will be compiled and tabled.

structures of the Constitutional Assembly, a report was developed detailing a work programme and a strategic overview of public participation. This programme was approved by the Constitutional Committee. (*See below.*)

PART 3 - WORK PROGRAMME

7   INTRODUCTION

The development of the work programme has had to be preceded by a broad agreement of the various phases that the process of finally arriving at a new constitutional text will go through.

8   PHASES

The process of drafting may be defined in six phases. These are:-

Phase I -   (a)   evaluating and analysing the full extent of each Theme Committee's tasks;

             (b)   receiving and processing submissions;

             (c)   producing reports for consideration and evaluation by the Constitutional Committee.

Phase II -   The Technical Committees shall, at the direction of the Constitutional Assembly and the Constitutional Committee, translate these political positions into draft legal texts for the constitution.

Phase III -   The draft is then referred to the Constitutional Court to provide an opinion, in terms of Sec 71(4) of the Constitution, that it is in compliance with the Constitutional Principles listed in Schedule 4 of the Constitution.

Phase IV -   The text approved by the Constitutional Committee should then be placed before the public for further discussion and debate.

Phase V -   The constitutional text is now ready for debate in the plenary session of the Constitutional Assembly.

Phase VI -   Once adopted, certification by the Constitutional Court should then be sought.

9   PROJECTION OF TIME FRAMES

Phase	Task	Deadline
1	Theme Committee analysis and evaluation	15 Nov '94
	Theme Committee completion of reports. These reports considered and evaluated by the Constitutional Committee and Constitutional Assembly on an ongoing basis.	30 June '95
2	Completion of approval of reports by the Constitutional Committee and Assembly and text drafted.	14 July '95
3	Referral to the Constitutional Court.	Ongoing
4	Full text placed before public for scrutiny.	31 Oct '95
5	Full text debated and adopted by the Constitutional Assembly.	May '96
6	Certification is sought from the Constitutional Court.	

PART 4 - PUBLIC PARTICIPATION

10   INTRODUCTION

10.1   The Constitutional Committee, on 24 October 1994, adopted a document entitled **"Public Participation - A Strategic Overview"** which set out the broad framework within which the media and community facilitation programmes will take place.

10.2   The process of public participation involves the development of media and community liaison strategies. Such strategies should be based on the resolutions of the Constitutional Assembly.

11   OBJECTIVES

11.1   The ultimate objective is to draft and adopt a credible and enduring constitution which will enjoy the support and allegiance of all South Africans.

11.2   The new constitution should represent the aspirations of all our people.

11.3   This process should serve to unite the country's people and produce

Part 1 - Constitutional Assembly Work Programme - 1995]*

a constitution which will become the cornerstone of the future South Africa. It should be people-driven and transparent.

11.4 The new constitution must be the product of an integration of ideas of all role players. In this regard, there should be maximum public participation.

11.5 There should be an effective strategy for media and community liaison.

11.6 The media and public participation strategies should aim at facilitating the required "dialogue" and channels of communication between the broader public and their elected representatives.

11.7 The programmes of the Constitutional Assembly should be "non-party political". Strict monitoring should ensure that the programmes promote the Constitutional Assembly and the interests of the country as a whole.

12 PROCESS

12.1 The media and public participation strategies must be placed within the context of the overall process of drafting the new constitution.

12.2 Whilst these processes may at one level appear distinct and separate, in practice they are interlinked and will overlap with one another.

12.3 This is especially true of community liaison and media involvement. On one level it makes sense to think of these as two distinct processes as this will focus our attention on what is required to be effective in these two fields. At another level, however, it must be kept in mind that both public participation and media involvement will be a constant thread running throughout the process as a whole.

13 CONTEXT

13.1 The process of constitution-making takes place in the context of the first democratically elected government in the country,

13.2 It is therefore understandable that the attention of the public is focussed on their immediate needs. The programmes of the government and the Reconstruction and Development Programme in particular, are uppermost in the minds of most South Africans.

13.3 The approach of the Management Committee should be to avoid detracting from the important issues of government that the public

and media are presently seized with. However, we should seek to ensure that the programmes of government and those of the Constitutional Assembly complement, rather than contradict, one another.

13.4 The attention of the public is also caught up with the coming local government elections in 1995. The exact date of these elections will obviously impact on the programme of the Constitutional Assembly.

13.5 The implications of the time-frames stipulated in the Constitution for the finalisation of the new constitutional text by May 1996 are another factor we need to take into account in our strategic planning.

13.6 One of the implications of all the above is that the process has to be carefully and effectively managed.

13.7 Historical and geographical factors also make it necessary that effective and creative mechanisms be sought to reach rural communities in particular.

14 MEDIA

14.1 Objectives

The major objectives of a media strategy for the Constitutional Assembly should be to:

▶ Inform;

▶ Educate;

▶ Stimulate public interest; and

▶ Create a forum for public participation.

14.2 Key Message and Process of Message Determination

14.2.1 The process of message determination is central to any media strategy.

14.2.2 The most important message of our media campaign would be to let people know that an important process is unfolding which affects their lives and those of future generations; that every South African has a unique opportunity to take part in the drafting of a new constitution.

14.3 Mechanisms

There are two important considerations which should guide our approach to finding the most suitable mechanisms to implement a media strategy:

a)   The need to make optimum use of existing channels of mass communication and hence the need for effective media liaison;

b)   The need to supplement this with the production of our own media in the form of a brochure, regular bulletins, posters, leaflets, cassettes and videos; and

c)   The need to reach disadvantaged rural communities in particular.

14.3.1   Media Liaison

(a)   The transparency of the process is already a step in the right direction. The presence of media in all meetings of the Constitutional Assembly and its structures creates a dynamic link with the broader public.

(b)   The coverage provided by the mass media must form the basis of our approach.

(c)   For this to be effective, however, our media liaison approach must ensure that the debates and issues that emanate from Theme Committees and other structures of the Constitutional Assembly are contextualised.

(d)   This will include:

▸   regular press conferences, interviews and briefings; and

▸   ongoing media liaison, ensuring prompt and comprehensive responses to media queries.

(e)   As envisaged in the Constitutional Assembly resolution itself, however, ways will be sought to involve the media more directly in the process by means of:

▸   ensuring live television and radio coverage

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of debates in the Constitutional Assembly;

▸ organising radio talk-shows and television debates with public participation;

▸ producing newspaper supplements and leader articles and discussing means whereby newspapers and magazines can function as forums for discussion on constitutional issues.

14.3.2 Media Production

The Administration would not be able to rely entirely upon existing channels of communication. These would need to be supplemented by production of our own media in the form of :

▸ an introductory brochure for the Constitutional Assembly;

▸ a regular bulletin;

▸ occasional posters, leaflets, cassettes and videos;

▸ an advertising campaign in both the print and electronic media and utilisation of outdoor advertising on billboards;

▸ use of other medium such as electronic bulletin boards, thereby gaining immediate access to both the national and international community.

14.4 Resources

14.4.1 An amount of approximately R20 million should be catered for in the Constitutional Assembly budget for 1995/96.

14.4.2 We would also seek to utilise the resources of the South African Communication Services and other government agencies and departments, where applicable.

14.4.3 Maximum use of existing channels of mass communication would represent a further cost-saving.

14.4.4   The services of a professional advertising and public relations agency would need to be contracted in view of time constraints and the human resources required to implement an effective media campaign.

14.5 Time Frames

14.5.1   It is not possible to give detailed time-frames for the process as a whole. This will follow when the campaign plan itself is drawn up.

14.5.2   However it is envisaged that the campaign would need to be launched early in 1995. This means tenders for advertising and public relations agencies would need to go out immediately and be finalised before the end of November 1994.

14.5.3   The first phase of the campaign would, in broad terms, seek to introduce the Constitutional Assembly and its work to the public and sensitize them to the importance of the process as a whole.

14.6 Evaluation

Evaluation would need to take place on a regular basis to ensure that the strategy is responsive and adaptable.

14.7 Management

(a)   The process would be managed on a daily basis by the Directorate and the Media Section of the Administration in particular. Regular reports to the Management Committee would enable this Committee to play its own managing role in the process. Particular aspects of the programme, as outlined above - for example the production of the brochure and advertising campaign - would be contracted out to professional agencies. The work of these agencies would be managed by the Directorate, in conjunction with the Management Committee.

(b)   Some parties have indicated an interest in the Management Committee establishing a special subcommittee to monitor the media and community liaison programme on an ongoing basis to ensure that all parties are involved in the process of message determination, thus preventing any party bias in the

programme as a whole.

15   COMMUNITY LIAISON

15.1 Objectives

The objective of the community liaison strategy is to facilitate an interface or dialogue between the South African people and their elected representatives by consulting the population at various levels and at various stages of the process of constitution-making.

15.2 Mechanisms

15.2.1   Forums

(a)   Theme Committees would be the primary forum for interfacing with the public and it would be important for Theme Committees to establish stable channels of communication between themselves and the affected interest groups, noting of course that there will be a great deal of overlap between Theme Committees in this regard.

(b)   It would be useful to divide the public into two categories, namely "affected interests" and "general public". Hence the proposal for two kinds of forums as outlined below.

15.2.2   Sector Forums

(a)   Forums for all major sectors will be arranged, in conjunction with sector representatives. Members of the Constitutional Assembly will be requested to participate in the various forums. The forums will be extensively publicised and groundwork will be done in the sectors beforehand to ensure optimum results.

(b)   Special programmes will be established to ensure the participation of disadvantaged sections of the population and rural communities in particular.

15.2.3   **Area Forums**

These forums will be addressed by members of the Constitutional Assembly and be open to the broader public in specific locations. They will be held throughout the country and will also be extensively publicised. These forums will be used for a short period of time when a first draft of the new constitutional text is available to "take to the people" before the final debate takes place in the Constitutional Assembly itself.

15.2.4   **Political Party Programmes**

Political parties both in and outside the Constitutional Assembly have a vital role to play in the process of ensuring maximum public participation in the process of constitution-making. Parties will be urged to ensure that their programmes are used to engage the public and their supporters on constitutional issues. The Administration will liaise with parties to obtain information on such programmes and to facilitate where required.

15.2.5   **Government Programmes**

(a)   Mention has already been made of the important programmes of the Government of National Unity. Urgent consultation will have to take place at national and provincial level to ensure, amongst other things, that government programmes and those of the Constitutional Assembly complement one another. This is particularly so in the case of the local government elections due to take place late in 1995.

(b)   The President, Deputy Presidents and Provincial Premiers and Ministers will be urged to ensure that all their speeches contain a "slot" about the importance of the constitution-making process.

15.2.6   **Public Information Facility**

A public information facility should be established to provide a readily accessible information service to the public. The languages used should ensure accessibility of information.

15.2.7   **Provincial Information Offices**

Information offices should be established in all provinces in conjunction with Parliament, the South African Communication Service and Provincial Governments to provide the public with street-level access to information about the constitution-making process and to assist in co-ordination of the public forums programme.

15.3 **Resources**

15.3.1   The resources of SACS will be used.

15.3.2   Some non-governmental organisations at national and international level have funds allocated for constitutional programmes and these could be pooled into the Constitutional Assembly programme.

15.3.3   The resources of the Department of Justice for facilitating programmes on the constitution should also be utilised.

15.3.4   Resources from the private sector will include video conferencing facilities, negotiated concessions from the media, and private sector funding for various aspects of the community liaison programme.

15.3.5   In addition to the above-mentioned resources an amount of approximately R24 million should be catered for in the Constitutional Assembly budget for 1995/96.

15.4 Evaluation

Mechanisms for regular evaluation should be built into all the programmes for community liaison to ensure responsiveness and adaptability.

15.5 Management

The process will be managed on a daily basis by the Directorate and by the Community Liaison section of the Administration in particular. Some aspects of the programme would be contracted out to professional agencies, for example the toll-free line. The work of these agencies would be managed by the Administration in conjunction with the Management Committee. Regular reports to the Management Committee by the Directorate on all aspects of work would enable this Committee to fulfill its own managing role in the process.

PART 5 - RULES

16   It has been recognised that with the establishment of Theme Committees and the planning for the appointment of experts it would also be necessary to amend various Rules. The Constitutional Committee has made various recommendations which will be discussed in a meeting of the Rules Committee shortly. These amendments would be reported to the next meeting of the Constitutional Assembly.

PART 6 - ADMINISTRATION

17   PREMISES

The Administration is currently housed in premises at 4 Church Square. These offices are inadequate for the needs of the Administration and the Independent Panel of Constitutional Experts. New premises are being investigated in close proximity to the parliamentary complex and it is expected that the Administration will operate from these from January 1995.

18   STAFFING

Since the last meeting of the Constitutional Assembly, the Directorate has proceeded to appoint staff to the various departments of the Administration. To date a total of 30 staff members have been appointed. It is expected that

this number will increase once the public participation programmes are under way in 1995. An organogram of the structure of the Administration is attached at the end of the report.

19 SALARY STRUCTURE

The Chairpersons are finalising an equitable salary structure for the Administration in conjunction with the Directorate on the instructions of the Management Committee. A report will be submitted to the next meeting of the Assembly.

20 FINANCES

20.1 Accounting Officer

In terms of discussions between the Speaker of the National Assembly and the Minister of Finance, it has been agreed that monies will be provided to the Constitutional Assembly by way of a separate programme for the Constitutional Assembly within the parliamentary budget allocation. It has been agreed that the Secretary to Parliament, as Accounting Officer for Parliament, will also be Accounting Officer for the Constitutional Assembly.

20.2 1994/95 Budget

The Constitutional Committee has agreed to request the sum of R25 million for the Constitutional Assembly for the remainder of the current financial year. A detailed breakdown of this amount is being prepared for consideration by the Management Committee and Constitutional Committee.

20.3 1995/96 Budget

The Constitutional Committee has agreed to request the sum of R69 million for the next financial year. The budget breakdown is currently being worked on by the Administration and the Finance Section of Parliament and will be rediscussed by both the Management Committee and the Constitutional Committee.

20.4 Expenditure to date

The expenditure to date is in the sum of R774 034 as at 25 October 1994.

This comprises expenditure on the following:

Salaries	R239 059
Administration	R139 294
Stores	R 13 748
Equipment	R369 244
Professional Costs	R369 244
Total	**R774 034**

REPUBLIC OF SOUTH AFRICA

CONSTITUTIONAL ASSEMBLY

RESOLUTIONS

MONDAY, 14th NOVEMBER, 1994

1   That the Constitutional Assembly authorises the Constitutional Committee to exercise the powers relating to commissions vested in it under Standing Rules 36 to 42, subject to ratification by the Constitutional Assembly.

2   That notwithstanding the provisions of Standing Rules 54, 60, 63, 65, 66, 67, 68, 70 and 71 to the contrary, in the consideration of the Constitution of the Republic of South Africa Sixth Amendment Bill by the Constitutional Assembly -

(a)   The Bill may be introduced by a member of the Constitutional Assembly;

(b)   the member in charge of the Bill may introduce the Bill by submitting it, together with a memorandum on its objects, to the Chairperson before or at the same time as the motion that the Bill be read a first time is delivered to the Secretary;

(c)   notice of a motion proposing a stage of the Bill is not required; and the Bill shall not be referred to a select committee.

3   That the following persons be appointed in terms of section 72(2) of the Constitution of the Republic of South Africa, 1993, to form the Independent Panel of Experts envisaged in that section: Prof M G Erasmus; Prof J Kruger; Prof C Murray; Adv M P Sedibe-Ncholo; Adv I Semenya; Prof J van der Westhuizen; Adv Z Yacoob.

4   STRUCTURES OF THE CONSTITUTIONAL ASSEMBLY

4.1   CONSTITUTIONAL COMMITTEE

4.1.1 The Constitutional Committee has met once since the last sitting of the Constitutional Assembly: 7 November. A further meeting has been scheduled for 14 November.

4.1.2 The progress of the subcommittee[4], established to develop a short list of candidates for appointment to the Independent Panel of Constitutional Experts[5], was considered. The sub committee is scheduled to submit a unanimous report to the Constitutional Committee at its sitting of 14 November.

4.1.3 This Committee, at its sitting of 7 November, agreed to reconvene during recess in December to consider and approve a report on the work programme for Theme Committees for the session beginning in January 1995.

4.2   MANAGEMENT COMMITTEE

4.2.1 The Management Committee has met to attend to matters between sittings of the Constitutional Assembly.

4.2.2 The Management Committee has also approved an advertised invitation to all parties to submit proposals in terms of the media strategy as approved by the Constitutional Assembly. A further report on this will be tabled at the next sitting of the Constitutional Assembly.

4.3   Theme CommitteeS

4.3.1 All Theme Committees have been meeting regularly and are presently in the process of finalising their work programmes which are to be submitted to the Administration by 15 November 1994.

4.3.2 The Committees have, where necessary, been holding joint meetings to discuss matters of common interest pertaining to their terms of reference.

4.3.3 Arising from the reports of Theme Committees thus far is the

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4   *See below.*
5   See Constitutional Assembly Resolution of 31 October, 1994, par 4.

recommendation for the establishment of several Commissions. These Commissions would have to be established in terms of Sec 72(1) of the Constitution. Since the Constitutional Assembly is only due to sit again in January 1995 and the Constitutional Committee would be sitting in December to approve the work programme of Theme Committees, it is necessary to empower the Constitutional Committee with the necessary authority to appoint, after approval, these Commissions.

5   INDEPENDENT PANEL OF EXPERTS

5.1   INTRODUCTION

5.1.1 The subcommittee to establish a short list of candidates was established and met on 7 and 8 November.

5.1.2 The subcommittee was guided by the Resolution of the last sitting of the Constitutional Assembly. In this regard the sub committee has satisfied itself that their recommendation takes into account the criteria and requirements as stipulated in both the Constitution and the Resolution.

5.1.3 The subcommittee has advised that it is possible to arrive at a unanimous decision provided that the Panel is extended from five to seven members. Accordingly, the recommendation of the sub committee, which is to be placed before the Constitutional Committee at its sitting of 14 November for approval, is as follows:-

a)   that a Bill amending Section 72(2) of the Constitution be passed so as to enable the Panel to include 7 members;

b)   to appoint the following persons to the Independent Panel of Constitutional Experts:-

   i)   Prof M G Erasmus

   ii)   Prof J Kruger

   iii)   Prof C Murray

   iv)   M P Sedibe-Ncholo

   v)   Adv I Semenya

   vi)   Prof J Van der Westhuizen

vii) Adv Z Yacoob

c) The subcommittee is satisfied that all the persons has recommended comply with the requirements of Section 72(2) of the Constitution in that they are;

i) South African citizens,

ii) recognised constitutional experts,

iii) not members of Parliament or any other legislature, and

iv) not holding office in any political party.

d) Summaries of the relevant details of the persons recommended by the subcommittee are presented below:

PROF M G ERASMUS

Date of birth: 6 February 1949

B Iuris LLB (law School, UOVS 1969 - 73)

On staff of Attorney General in 1974; admitted as Advocate of the Supreme Court.

Doctorandus Iuris (University of Leyden, 1975-6)

Research Scholar (1977-8) at Max Planck Institute for International and Comparative Public Law

MA (Fletcher School of Law and Diplomacy & Harvard Law School, 1978-9) in *inter alia* American Constitutional Law

LL D (University of Leyden, 1979)

Professor, Faculty of Law, University of Stellenbosch (1984). At present Head of Dept of Public Law in this faculty.

Co-drafter of Namibian Constitution (1989-90)

Involved at Codesa and the Multi-Party Negotiations

Assisted in drafting of New Malawian Constitution 1994

He published extensively, nationally and internationally, on constitutional and other legal statutes

PROF T J KRUGER SC

Date of birth: 21 July 1947

B.Iuris et Artium (1969) and LL.B (*cum laude*) in 1971, Potch Univ

LL D (PUCHE) (1990), Thesis: "The coming into being of a South African human rights dispensation."

Joined the Pretoria Bar in 1972, advocate until 1986

Served as secretary of the Bar Council (1979 - 81)

Took silk during 1986

Prof of Law, Potch Univ (1987 -)

Director: Legal Aid Clinic, Potch Univ (1991 - 1993)

Director: Community Law Centre, Potch Univ (1993 -)

Head: Department of Applied Legal Studies (1991-)

Acted as constitutional adviser to the South African Government at the Multi Party Negotiations Process, April -December 1993.

Areas of specialisation include Human Rights Law, Constitutional Law

Legal hermeneutics pertaining to the interpretation of Bill of Rights, Constitutional Procedural Law and Constitutional adjudication and Court structures

PROF C MURRAY

Date of birth: 3 September 1956

BA LLB (University of Stellenbosch, 1978)

LL M (university of Mitchigan, 1981) focusing on

American Constitutional Law

Lecturer in law, University of the Witwatersrand from 1982, promoted to Senior Lecturer from 1984, teaching International Law, Human Rights Law and Contract Law

Visiting Research Fellow, Research Centre for International Law, Cambridge (1987)

Senior Lecturer in Public Law, University of Cape Town 1988-90 (teaching *inter alia* Constitutional Law)

Visiting Fellow, Corpus Christi College, Cambridge (research on constitutional rights for women)

M P SEDIBE-NCHOLO

Date of birth: 27 May 1963

BA (Law) (University of Lesotho)

MA (Cambridge University, 1987-89))

PhD (Kings College, University of London, 1989 to date)

Researcher at South African Constitution Studies Centre (Commonwealth Studies, University of London, 1989-91; University of Western Cape, 1993) (research topics include free enterprise and the constitution, human rights, population control and policing)

Senior Researcher at the South African Legal Defence Fund, 1993

Observed Human Rights processes in the USA, September - November 1993

Legal Investigator for the IEC, February-June 1994

Pupillage August-November 1994

ADV I SEMENYA

Date of birth: 15 March 1959

B Iuris (University of the North, 1983)

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LLB (University of Natal, 1985)

Dip. in Trial Advocacy (Novea University, Florida)

Negotiating International Contracts and Development Finance Agreements (UCT and the World Bank)

Advocate of the Supreme Court of South Africa

Publications and works include a submission on the Namibian constitution, a constitution for a democratic South Africa, trial advocacy training, human rights litigation techniques, constitutionality in Bophuthatswana and Transkei

PROF VAN DER WESTHUIZEN

Born in Windhoek, Namibia

BA (law) (University of Pretoria, 1973)

LL B (cum laude) (University of Pretoria, 1975)

LL D (University of Pretoria, 1980) doctoral thesis dealt with criminal law

Admitted as an advocate of the Supreme Court of South Africa, 1978

Passed National Bar Examination, 1988

Grants and fellowships include the Grotius Medal for best final year student University of Pretoria, awarded by the Pretoria Bar Council, 1975; Alexander von Humholdt fellowship, Germany, 1982, 1984, 1990-91 and Southern Africa Program Fellowship, Yale University, 1991-92

Currently teaches mainly Jurisprudence, Human Rights and Legal History and has taught Comparative Law, Roman Law

Presented guest lectures and acted as an external examiner at ten South African universities

Researched in Europe, especially in Germany on subjects including, Criminal Law, Human Rights and the German Federal Constitutional Court

Presented papers, lectures and talks at conferences, universities and discussion groups in Europe, North America and several African countries

Visiting lecturer in the Yale Law School, USA, co-teaching an advanced course on the regional enforcement of the international human rights system

Convenor of task groups of the Subcouncil Law Order Safety and Security of the Transitional Executive Council

Conferences organised include, "Women and the Law", 1984, "A Bill of Rights for South Africa", 1986, "A New Jurisprudence for a Future South Africa", 1989, and "De Facto Racial Discrimination in a Future South Africa", 1992

Involved in the establishment of the Centre for Human Rights, University of Pretoria, 1986

Contributed to the human rights reports of the South African Law Commission

Participated in radio and television programmes in USA, Germany, Japan and South Africa

Involved in human rights litigation including arguing censorship appeal for the film "Roots"

Published numerous articles and edited books on legal history, criminal law, jurisprudence and human rights.

ADV ZAC YACOOB

Date of Birth on 3 March 1948.

Matriculated at the Arthur Blaxall School for the Blind at the end of 1966.

Obtained the LLB degree at the University of Durban-Westville at the end of 1972.

Practised as an advocate as part of the Natal Bar since June 1973.

Took silk during May 1991.

Served on the Technical Committee of Fundamental Rights of the Multi-party Negotiating process during 1993.

Was a commissioner on the Independent Electoral Commission during 1994.

5.1.4 Accordingly, it is also necessary to grant the Management Committee with the necessary authority to finalise and approve the terms and conditions of the appointment of the above experts. The Administration will attend to the provision of the necessary premises and administrative assistance.