

2/3/93

**CONSTITUTIONAL  
ASSEMBLY**

**MANAGEMENT  
COMMITTEE**

**THURSDAY  
1 FEBRUARY 1996  
(08h00)  
V16**

***DOCUMENTATION***



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3.	Schedule of Issues Requiring Attention	Pages 7 - 9
4.	Draft CA Schedule	Pages 10 - 17



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**CONSTITUTIONAL ASSEMBLY**

**MEETING OF THE MANAGEMENT COMMITTEE**

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

**Date :** Thursday 1 February 1996

**Time :** 08h00 - 10h00

**Venue:** V16

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**AGENDA**

1. Opening
2. Minutes: *Pages 2 - 6*
3. Matters Arising: See Agenda Items Below
4. Discussion on Outstanding Issues: *Pages 7 - 17*
5. ~~AOB~~ *Role of Const. Experts. 6. Preamble*
- 6.7. Closure

*15/2 Deadline for  
Submissions*

*Use technical experts, esp. B. of Rights*

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**H EBRAHIM  
EXECUTIVE DIRECTOR  
CONSTITUTIONAL ASSEMBLY**

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**Enquiries: Ms M M Sparg, Tel 245-031, Page 418 4616 code 6970**



**CONSTITUTIONAL ASSEMBLY  
MINUTES OF THE MANAGEMENT COMMITTEE MEETING  
WEDNESDAY 17 JANUARY 1996**

**PRESENT  
RAMAPHOSA M A (CHAIRPERSON)**

**Chabane O C  
De Lille P\*  
Eglin C W  
Gordhan P J\*  
Mbetse B\***

**Meshoe K R  
Meyer R P  
Van Breda A  
Viljoen C  
Wessels L**

\* Alternates

**Apologies:** M V Moosa, Y M Myakayaka-Manzini, and R K Sizani.

**Absent:** P F Smith.

**In Attendance:** H Ebrahim, P Lilienfeld, M Sparg, L Zondo, M Ndziba and M Keegan.

**1. OPENING**

1.1 The Chairperson opened the meeting at 10h05.

1.2 The meeting noted that Mr. Gordhan would replace Mr. Moosa, Mrs. Mbetse-Kgositsile would replace Mrs. Myakayaka-Manzini, and Mrs. de Lille would replace Mr. Sizani for this meeting of the Management Committee.

1.3 The Agenda was adopted.

**2. MINUTES**

The meeting adopted the Minutes of the Management Committee Meeting on Thursday 14 September 1996.

**3. MATTERS ARISING**

Mr. Ebrahim introduced the memorandum entitled, "*Matters Arising*," included in the documentation. Discussion was as follows.

**3.1 COAT OF ARMS**

The Chairperson recalled that each political party had been asked to



nominate one person to sit on the subcommittee that would deal with the coat of arms. The meeting agreed that the deadline for nominations would be 24 January 1996 and that the subcommittee would meet thereafter.

### **3.2 TEAM OF EXPERTS - NATIONAL TERRITORY**

Mr. Ebrahim reported that the Administration was organising a meeting of experts to consider how to define the national territory in the new constitution, as instructed by the Constitutional Committee. The Administration would forward a report to the Management Committee in due course.

### **3.3 TEAM OF EXPERTS - LANGUAGE**

Mr. Ebrahim reported that the Administration was looking into the question of language advisors for the new constitution, following the Constitutional Committee's recommendation on 10 November 1995.

## **4. DRAFT SCHEDULE OF WORK**

### **4.1 PROGRAMME OF WORK**

- 4.1.1 Mr. Ebrahim introduced the document entitled "*Draft Schedule of Work*," contained in the documentation.
- 4.1.2 The meeting agreed to accept the "*Draft Schedule of Work*" in principle, but noted the need for flexibility, both with regard to meeting dates and times, and agenda items for discussion.
- 4.1.3 General Viljoen of the FF expressed concern that additional time was needed for parties to discuss the issue of self-determination. The meeting agreed to postpone the matter. The Management Committee would consider when to reschedule it during the mid-February evaluation.
- 4.1.4 Mr Meyer of the NP queried whether the CA could not meet on days other than Monday, when he had other Cabinet business scheduled. It was agreed this would be considered on an ongoing basis in keeping with the need for flexibility already agreed upon. The Chairperson noted however that due to the limited time available for completion of work, it would be necessary to utilise time set aside for CA business, including Mondays.



## 4.2 REVIEW OF PROCESS

4.2.1 The meeting agreed that the Management Committee would:

- i. Assess progress made on an ongoing basis, and
- ii. Conduct an initial assesement of progress on 15 February 1996.
- iii. The Management Committee could undertake a second review a month later if necessary.

4.2.2 It was agreed that during the 15 February 1996 meeting the Management Committee would provide guidance on how to deal with outstanding issues and assess whether additional measures would be needed to speed up work, such as establishing a second sub-committee or requesting additional days from Parliament for Constitutional Assembly work.

## 4.3 ADMINISTRATION

Mr. Ebrahim noted that the Administration had gone through a process of re-organisation to deal effectively with this last phase of work.

## 4.4 ADOPTION OF THE CONSTITUTION

The meeting agreed that members would begin considering the programme for the day the constitution was adopted. The matter, however, would be dealt with later.

## 5. HEARINGS AND WORKSHOPS

5.1 Mr. Ebrahim introduced the documents entitled, "*Major Urban Areas Association: Inputs on Local Government*," "*Commonwealth Secretariat, Possible Workshop on Electoral Management*," and "*Volkstaat Council*," included in the documentation. He reported that additional proposals for hearings had been forwarded by the Public Service Commission and the French embassy.

5.2 The Chairperson ruled that these matters would be considered further to see how they could be accomodated in the Constitutional Assembly programme.

## 6. CONSTITUTIONAL COURT CERTIFICATION

6.1 Mr. Ebrahim introduced the documents entitled, "*Constitutional Court*



of South Africa," included in the documentation, and "Certification of the New Constitution," included in the additional documentation.

6.2 The meeting agreed:

- i. The Executive Director should follow up to request an opinion on the possible consequences of a Constitutional Court decision that the new Constitution did not comply substantially with the Constitutional Principles;
- ii. A technical team, comprising legal advisers and the Panel, should begin to consider a whole host of issues relating to certification, including the issue of transition which the Constitutional Committee had not yet begun to consider;
- iii. A proper discussion on this matter should follow at the evaluation of the process in mid-February; and
- iv. A briefing memorandum would be prepared for CA members after the evaluation, setting out the proposals from the Constitutional Court and also dealing with various organisational and logistical matters - such as preparation of documentation to accompany the draft, how the CA had complied with the Constitutional Principles, engaging counsel to argue the case in court, the rules of the Constitutional Court, CA Rules and compliance with the Constitution itself.

7. REPORT ON THE BUDGET

The meeting noted the document entitled, "*Constitutional Budget 95/96 Update*," contained in the documentation, and heartily thanked the governments of Denmark, the Netherlands, Norway, Switzerland and Sweden for their generous contributions to the Public Participation Programme and the Media Campaign.

8. REPORT ON MEDIA

The meeting noted the document entitled, "*Media Department's Report*," included in the documentation. Mr. Ebrahim reported, however, that national meetings would not be sector based, as suggested in paragraph 1(c), but issue based, as proposed in paragraph 4.

9. PUBLIC PARTICIPATION PROGRAMME

9.1 The meeting noted the document entitled, "*Community Liaison Department Report to Management Committee*," included in the documentation.



- 9.2 The meeting agreed that a schedule of Constitutional Education Programme workshops run by co-ordinators in the various provinces would be drawn up and circulated to all members,

**10. LEGACY PROJECT**

- 10.1 The meeting noted the document entitled, "*Legacy Project*," included in the documentation.
- 10.2 The meeting agreed that the matter would be dealt with at the 15 February 1996 evaluation.
- 10.3 The Chairperson ruled that a document would be prepared for consideration at the 15 February 1996 evaluation on the projected costs of popularisation.

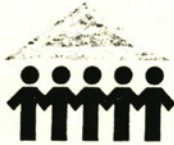
**11. AOB**

The meeting agreed to cancel the Management Committee meeting scheduled for 25 January 1996. It was agreed that the Administration would notify members should it be necessary to meet on that date.

**12. CLOSURE**

The Chairperson closed the meeting at 11h25.





CONSTITUTIONAL ASSEMBLY

**MEMORANDUM**

**TO: Members of the Management Committee**  
**FROM: Executive Director**  
**DATE: 30 January 1996**  
**RE: Schedule of Issues Requiring Attention**

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By direction of the Chairperson, the Directorate was instructed to produce this Schedule for discussion by the Management Committee.

This Schedule seeks to identify all matters which remain outstanding and require attention. These include contentious issues, and proposals and concerns raised by political parties and the Technical Refinement Team.

Kindly note that a large number of these issues will be attended to over the next several CC Subcommittee meetings.

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**HASSEN EBRAHIM**  
**EXECUTIVE DIRECTOR**

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P. O. Box 15, Cape Town, 8000  
Republic Of South Africa

Tel: (021) 245 031, 403 2252 Fax: (021) 241 160/1/2/3, 461 4487. E-mail: [conassem@iaccess.za](mailto:conassem@iaccess.za)



**You've made your mark**



**Now have your say**



**Embargoed until 08h00**  
**1 February 1996**



# SCHEDULE OF ISSUES REQUIRING ATTENTION

as at

Tuesday 30 January 1996

No	Section	Issue
1.	Preamble	
<b>Chapter 1 - Founding Provisions</b>		
2.	1 (2)	National Territory
3.	5	Anthem
4.	6	Languages
<b>Chapter 2 - Bill of Rights</b>		
5.	7	State's Duty
6.	8	Equality
7.	10	Life
8.	11 (2) (b)	Freedom & Security of Person
9.	13 (d)	Privacy
10.	14 (3)	Freedom of Religion
11.	15	Freedom of Expression
12.	18 (2) & (3)	Political Rights
13.	20 (4)	Freedom of Movement
14.	21	Economic Activity
15.	22 (2) (c)	Right to strike
16.	22 (3) (c)	Right to lock Out
17.	22 (4)	Right to form Trade Unions
18.	24	Property
19.	25 (3)	Housing and Land
20.	27 (1) (f)	Children
21.	28	Education
22.	29	Academic Freedom
23.	30	Language and Culture
24.	31	Access to information
25.	32	Just Administrative Action
26.	34 (1) (d)	Arrest & detention
27.	35 (1) (a)	Limitation of Rights
28.	36	States of Emergency
29.	38(3)	Application
<b>Chapter 3 - National Assembly</b>		
30.	41	Composition & Election of National Assembly
31.	45 (3)	Seat of National Assembly
32.	46 (4)	Duration of Assembly
33.	50	Internal Autonomy
34.	52	Bills - Procedure
35.	53	Amendment of Constitution X
36.	54	Assent to Bills X
<b>Chapter 4 - Senate</b>		



No	Section	Issue
37.		Chapter on 2nd House - Two Options
<b>Chapter 5 - National Executive</b> <i>12A</i>		
38.		Government of National Unity
39.	93	Snap Elections
40.	93 (4)	Vote of no Confidence
<b>Chapter 6 - Courts and Administration of Justice</b> <i>12A</i>		
41.	95	Traditional Leaders
42.	97 (2)	Inherent Jurisdiction
43.	100	Appointment of Judges
44.	104 (1)	Judicial Service Commission
45.	105	Attorney General
<b>Chapter 7 - State Institutions Supporting Constitutional Democracy</b>		
46.	108	Tenure of Public Protector
47.	109	Human Rights Commission
48.	110	Gender Commission
49.	111	Auditor General
50.	113 (1)	Electoral Commission <i>* Cultural Commission</i>
<b>Chapter 8 - Provinces</b>		
51.	117 (2)	Provincial Boundaries
52.	118	Provincial constitutions
53.	140	Provincial Government
54.	148 -153	Provincial finances
<b>Chapter 9 - Provincial Competencies</b>		
55		Provincial Competencies
<b>Chapter 10 - Local Government</b>		
56		Local Government
<b>Chapter 11 - Traditional Authorities</b>		
57		Traditional Authorities
<b>Chapter 12 - Public Administration</b>		
58	171 (2)	Public Administration
59	173 (3)	Public Service
<b>Chapter 13 - Security Services</b>		
60	182	Control of Police Service
<b>Chapter 14 - Finance</b>		
61.	189	Contracts for Goods & Service
62.	191	Accountability for Enterprises
63.	196	Appointment of FFC members
64.	199	Reserve Bank
<b>Chapter 15 - General Provisions</b>		
65	201	International Agreements
<b>66. Self Determination</b>		
<b>67. Schedules</b>		
<b>68. Transitional Arrangements</b>		



# CONSTITUTIONAL ASSEMBLY

DRAFT CA SCHEDULE 29 JANUARY - 10 MAY 1996  
(Revised edition - 25 January 1996)

## GUIDELINES

The times are flexible;

CC Sub-Committee and CC meetings could alternate;

Management Committee meetings are flexible depending on Agenda items

Constitutional Assembly meetings are to be scheduled on recommendation by the Management Committee

Monday 29 January	<i>Constitutional Committee Sub-Committee</i>	14h30	E249	National Assembly
Tuesday 30 January	<i>Research, Consultations</i>	10h00 - 13h00		
	<i>Constitutional Committee Sub-Committee</i>	15h00	E249	Language, Anthem, Bill of Rights
Wednesday 31 January	<i>Constitutional Committee Sub-Committee</i>	11h30	E249	Bill of Rights



Thursday 1 February	<b>Management Committee</b>	08h00 - 10h00	V16	
	<b>Research, Consultations</b>	10h00 - 18h00		
	<b>Finance Sub-Committee meeting</b>	10h30	E305	Finance
	<b>Public Hearing</b>	11h30		Courts, Administration of Justice
Friday 2 February	<b>Party Caucuses</b>	10h00 - 18h00		
Monday 5 February	<del><b>Constitutional Committee Sub-Committee</b></del>	10h00 - 13h00 <i>Bi-laterals</i>	E249	Finances
Tuesday 6 February	<del><b>Research, Consultations</b></del>	10h00 - 18h00		
Wednesday 7 February	<del><b>Research, Consultations</b></del> <i>Sub-committee</i>	10h00 - 18h00		<i>Lang, Fulham &amp;</i>
Thursday 8 February	<b>Management Committee</b>	08h00 - 10h00	V16	<i>Bill of Rights</i> <i>&amp; Nat. Assembly</i>
	<b>Research, Consultations</b>	10h00 - 18h00		
Friday 9 February	<b>President's Speech</b>			
Monday 12 February	<b>Constitutional Committee Sub-Committee</b>	10h00 - 18h00	E249	Courts and Administration of Justice; National Executive <i>&amp; Nat. Assembly.</i>



Tuesday 13 February	<i>President's Speech - Debate</i>			
Wednesday 14 February	<i>President's Speech - Debate</i>			
Thursday 15 February	<i>Management Committee</i>  <i>President's Speech - Debate</i>	08h00 - 10h00	V16	Evaluation
Friday 16 February	<i>Party Caucuses</i>			
Monday 19 February	<i>Constitutional Committee Sub-Committee</i>	10h00 - 18h00	E249	Courts and Administration of Justice; Senate/Council of Provinces; Competencies
Tuesday 20 February	<i>Debate on Adjustments Estimates in National Assembly</i>			
Wednesday 21 February	<i>Debate on Adjustments Estimates in Senate</i>			
Thursday 22 February	<i>Management Committee</i>  <i>Constitutional Committee</i>	08h00 - 10h00  14h00 - 18h00	V16  OAC	Evaluation
Friday 23 February	<i>Party Caucuses</i>	10h00 - 18h00		

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Monday 26 February	<b>Constitutional Committee Sub-Committee</b>	10h00 - 18h00	E249	Senate/Council of Provinces; Competencies
Tuesday 27 February	<b>Research, Consultations</b>	10h00 - 13h00		
	<b>Constitutional Committee Sub-Committee</b>	14h00 - 18h00	E249	Local Government and Traditional Authorities; Self-determination
Wednesday 28 February	<b>Constitutional Committee Sub-Committee</b>	10h00 - 18h00	E249	General provisions; Preamble, Postamble
Thursday 29 February	<b>Management Committee</b>	08h00 - 10h00	V16	
	<b>Research, Consultations</b>	10h00 - 18h00		
Friday 1 March	<b>Constitutional Assembly</b>	10h00 - 18h00	NAC	
Monday 4 March	<b>Constitutional Committee Sub-Committee</b>	10h00 - 18h00	OAC	
Tuesday 5 March	<b>Research, Consultations</b>	10h00 - 13h00		
	<b>Constitutional Committee Sub-Committee</b>	14h00 - 18h00	E249	
Wednesday 6 March	<b>Constitutional Committee Sub-Committee</b>	10h00 - 18h00	E249	



Thursday 7 March	<b>Management Committee</b>	08h00 - 10h00	V16	
	<b>Research, Consultations</b>	10h00 - 18h00		
Friday 8 March	<b>Party Caucuses</b>	10h00 - 18h00		
Monday 11 March	<b>Constitutional Committee</b>	10h00 - 18h00	OAC	
Tuesday 12 March	<b>Research, Consultations</b>	10h00 - 13h00		
	<b>Constitutional Committee Sub-Committee</b>	14h00 - 18h00	E249	
Wednesday 13 March	<b>Budget Speech</b>			
Thursday 14 March	<b>Management Committee</b>	08h00 - 10h00	V16	
	<b>Research, Consultations</b>	10h00 - 18h00		
Friday 15 March	<b>Party Caucuses</b>			
Monday 18 March	<b>Constitutional Committee Sub-Committee</b>	10h00 - 18h00	E249	
Tuesday 19 March	<b>Legislation Debates</b>			
Wednesday 20 March	<b>Legislation Debates</b>			
Thursday 21 March	<b>Legislation Debates/Public Holiday</b>			

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Embargoed until 08h00  
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Friday 22 March	<i>Constitutional Committee Sub-Committee</i>	10h00 - 18h00	E249	
Monday 25 March	<i>Constitutional Committee</i>	10h00 - 18h00	OAC	
Tuesday 26 March	<i>Legislation Debates</i>			
Wednesday 27 March	<i>Legislation Debates</i>			
Thursday 28 March	<i>Legislation Debates</i>			
Friday 29 March	<i>Constitutional Committee Sub-Committee</i>	10h00 - 18h00	E249	
Monday 1 April	CA	10h00 - 18h00		
Tuesday 2 April	CA			
Wednesday 3 April	CA			
Thursday 4 April	CA			
Friday 5 April	Good Friday			
Monday 8 April	Family Day			
Tuesday 9 April	Recess			
Wednesday 10 April	Recess			
Thursday 11 April	Recess			
Friday 12 April	Recess			
Monday 15 April	CA Committees on Votes			



Tuesday 16 April	CA Committees on Votes			
Wednesday 17 April	CA Committees on Votes			
Thursday 18 April	CA Committees on Votes			
19 April	CA Committees on Votes			
Monday 22 April	CA			
Tuesday 23 April	Parliament			
Wednesday 24 April	Parliament			
Thursday 25 April	Parliament			
Friday 26 April	CA			
Monday 29 April	CA			
Tuesday 30 April	Parliament			
Wednesday 1 May	Workers' day			
Thursday 2 May	CA			
Friday 3 May	CA			
Monday 6 May	CA			
Tuesday 7 May	Parliament			

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Embargoed until 08h00  
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1 February 1996

Wednesday 8 May	Parliament			
Thursday 9 May	Possible CA?			
Friday 10 May	Possible CA?			

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