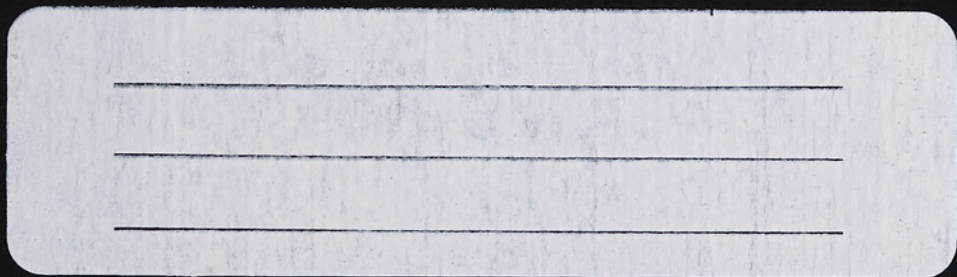


PAGES
192
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COUNTER BOOK TOONBANKBOEK

Quire 2 Katern



JD 161



6 001396 002207

Chair

Mr. Ramaphosa

1.) Opening

10h13

Welcome to

1st meeting in 1996, esp. Mrs. Comber, appointed Dep Minister. Congratulated

Agenda

v. Breda

Can't comment on Minutes

Ramaphosa

No: Add Item 2:
~~The~~ Agenda.

Official Item 2: Minutes in Documentations. Were circulated in January to all of us.

v. Breda

That's why he can't remember them.

Would have proposed, hadn't had opportunity to go through them.

Ramaphosa

Proposed I wanted further opportunity to go thru them.

Gordhan

Problems

Rather, note the minutes, & go thru them if & when have time.

Ramaphosa

Re new team of people to look at language in the constitution.

Gordhan

That, one area in conflict of our notes.

Ramaphosa

Revised: take Minutes as noted; will revert back to Minutes if there is a need to correct certain positions.

Manzini

-

3. Proposals in Process

Set out
1 Pages 39-

3.1 Schedule

P.62

Matters requiring confirmation

Tues	Sub Comm	} starting at 15h00.
Wed	Mpulli	
Thur		
Fri		

This week

Ibrahim

1) Start at 15h00 rather than 14h00 CA

2) 1st wk of April: poli. deci. on all outstanding issues to be concluded, to allow tech comm. to finish work.

3) CC 15 April

4) Process of Adoption 22 April - 8 May with final reading.

Ramaphosa

There are a # of issues outstanding that need to be dealt w/ if to finish by 8 May. We need solid time, running into many hours of day.

Ramagosa

This 1-4 April

Manlom proposed CC go away & work solidly to finalise work & come back w/ completed doc. by 4 April.

Manzini

Admin issues: where wd they go?
Have lists to plan.

Godhan

Concern w/ Easter weekend

Manzini

Org. depends on agreement.
Multilateral, where members wd not be disturbed by phones & staff.
Making arrangements for transport.
Out of town.
Will inform members.

Comerex

Wants air-conditioning

Ramagosa

Okay, for proposal, Sun City.

Eglin

DP w/ reservations w/ tightness of schedule
MC recorded, needed to take stock at that time if needed poli. agreements reached.

Marais

Need to consider members programmes
Forward to MC for discussion.
Tough to have for 4 days.
All w/ other things, cant go away.

Wessels

Manlom agreed small grp needed to focus in uninterrupted way on these matters. Admin considering venues. Here, too many attractions to draw people away.

Need to work "down until dusk, & dark into the night"

Let Manlom consider the final details.

Ranaphosa

Wessels said
May not be nec. to take all CC, but members of Sub Comm

Asked: accept in principle & leave it to people involved in negotiations to finalize details.

Kgositsile

Agree in principle to the need. Let it be the CC. If not, still need that extra step.

Hofmeyr

Don't decide Subcomm or CC. Let each party have the people they want to be there. Will be about CC size. But need to know where.

Ranaphosa.

Let CC agree in principle to "Retreat" for two or three days - people involved in negotiations.

Lbrobin

Armitson

Ramaphosa

5
People to be flown here in multi airplane.
Accommodated here w/ some staff + experts.

Agree.

Admin to finalise the details.

Each party will need to nominate the people who sd go.

3.2 Outstanding issues
Ramaphosa

P. 55-61

To be dealt w/ 1-4 April for finalisation to allow Tech preparation of final draft, 5-14 April.

Ibrahim

4th ed. : 2 sep. parts:

1. Draft text
2. End notes.

End notes a guide for discussions.

Ramaphosa

Thanked + congratulated Admin members for collating as they did, + expect for having analysed them.

Subcom has taken into account views of quite a # of individuals + organisations,

Process of public participation have gained a completely new meaning in the process.

Wissel.

6
Corrected earlier statement & that
Bill of Rights should be discussed 1-4 April.

Ramaphosa

Proposal p. 11/10

Note Working Draft, will be used in upcoming
multilateral retreat.

Not deal w/ it today, but gross matters,
Agreed
If agreed to, look at Man Com recommendations

Frabim

Amendment of Constit.

1.) If adoption 8 May, CA should
await silos of 73(3) - referral to
Panel if $\frac{2}{3}$ majority not
achieved.

2.) If C Court found final text did not
imply w/ 1 or more CPs, CA
would need some mechanisms to
deal w/ this, w/o running
fore of the IC.

Recommendation presented: approved by
Man Com.

Ramaphosa

Had cover situation of C Court after provisions of
constitution back to us to remedy whatever
flaws might be found.

Amendment 571 of Act 200 on pgs
47

Hofmeyr

(2A)(b) queried - if is minor correction, do we need a "minimum period" or use "maximum period"

Some phrasing to say depending on the seriousness of the correction needed

Mason

Say "within specified period" & delete rest - then would say depending on the nature,

Ramaphosa

but it's a poli. decision

Manzi

Court can't make such a decision. "Us" know the problem.

Don't have pen ended. Let CC set the time.

Gubbins

insert "after consultation w/ champions of the CA"

Ramaphosa

What if champion asks for 3 years?

period -

Cameron

Let CA decide period
Set a maximum period.

Ramaphosa

Cameron

We can amend the time frame if is too tight.

Lylin

Nothing binding us about what will happen if court refers it back.

Only body w/ can be sovereign here
CA.

Shd be silence on time & CA decide its own timetable.

de Lange

This problematic, b/c is part of whole process.
If period unspecified, various provisions might fall away & wd create void.
Say no more than 3 months or 6 months.
Court could specify w/in that period.

Green

ACDP support max. period of 6 months, to be decided by CE.

Marais

(b) ^{text} draft ="

(c) "The Const. Assembly shall comply w/ the order of the court w/in ^{the period of} 3 months ~~of the order~~ ^{or ed/in} ~~decisions such extended period~~ ^{further} as decided by the Constitutional Assembly"

2nd option ^{of CA amending schedule} could be done by resolution.

[Agreed to.]

Levin

So CA wd make the decisions. What if can't get majority.

Rane

The procedure wd kick in again.

Jacob

Before finalis p. 47 consider:

(1) Not simply a question of court ordering CA to correct defect - CA doing this in a mechanical way.

Court wd give its reasons & there wd.

Jacob

probably be various ways of resolving this.

So court won't order CA to do something & CA either does it or doesn't.

② What if CA can't agree amendments in such a way as to correct defects raised by court.

Shd say ① court should indicate its reasons when refuses back

② CA to amend draft

③ If it fails to do so w/in that period, sec. 73(3) kicks in again

So have a rounded, overall process.

du Toit

Agree.

Suggests rest of (b) shouldn't be put in.

Let drafters put this text + 1/2 in / 10 min.

Joni

Won't be so easy.

Introductory part of sec. 2A, in 2 circumstances, court asked to

certify:

1) 2/3 majority

2) a draft put to electorate in referendum.

Grove

If Yacob's amendment
Whole, section wd need to be amended.

Yacob

Consign some people to a back room, order
them to do it, & see how long it takes.

Ramaphosa

Yes
Remember

Amendment of s 73 :

Recall need to allow for deadlock
making mechanism.

Grove

Mistake - Amend [subsection (1)]
[subsection (2)]

Yacob

Look at it as holistic; e.g: 73(a) - perhaps
it should be limited
otherwise danger, President forced to call
election if not passed by 2/3 majority at
this stage.
Amend it overall.

V. Breda

Reading amendment as an "ordinary
honest soul". MC understood
(3) ; refers to subsections (1) & (2).
(1) re CA passing text in 2 yrs.
Understood, in event that CA failed to
complete its work w/ in 2 yrs.,
This amendment would cover that
as well, as a safety valve.

Queries:

If final draft hasn't been concluded by
lapse of 2 yrs, is there a safety
valve?

Ramaphosa

That's precisely what trying to address. Experts
wd include this in their proposal.

Grove

wd say (1) + (2) - covers it.

Released experts to go draft.

Eglin

Are we saying you fall outside 2 yrs. What
happens to our timetable?

Ramaphosa

Thought - extending it by a month or so.
8 May if fail to get 2/3, then 30 days
for experts - within that 30 days
try to resolve problems.

Jacob

Will say
Panel given 30 days. No delay b/t when
Panel submits draft & CA approves it.
Assumes wd be approved. If not -
referendum.

Only area of delay: if CA sits on Panel
draft for a yr., or Admin. delay.

Eglin

Let Panel take note - may go beyond the 2
yrs, no formal time definition. As a void.
& we should decide whether we accept
their coming agreement or not.

Pahad

How long will Panel need?

Wessels:

& Breda: more on fact, what wd be poss.
if we do reach agreement by 8 May but

Wissels

needed time to polish it Technically. This amendment wd. allow that

2) Eghin: There shouldn't be a difficulty. Once CA spoke, & did not get $\frac{2}{3}$ majority, Panelists kick in.

He ought to compel politicians to consider Paul's draft w/in one week, unless want to open it up for a whole round of negotiations, w/ we don't intend.

Eghin Rona

Eghin's pt. about per period valid.

Yacoub

Only 2 time periods CA can control ^{time} period
* Oblige CA to pass const. overall w/in a specified period or
* Pass it for purposes of referendum w/in a specified period

~~Can't predict how long court will take~~

After this, CA w/ little control over time period.

Ramaphosa

Release Yacoub + Grové to return at 12h00

Process of Adoption: p. 42-43

v. Breda

Re amendment of Constitution on 29 March
Concerned that quorum - $\frac{2}{3}$ support for amendment might not happen.

Wissels

Officially begins 4 April

Ranapthosa

No, Paula. adjourns Thurs 28 March

Shus Met people sd be available on 29 March. No one should have.

Meeting cd be 9h00, so people cd have early.

CA to

Send out official note to all Whips re. meeting starting at 09h00, + ~~send~~

Rana

Agreed, notice to be sent out to all Whips

Panda

Let there be a note to all members, detailing matter concerned + highlighting its significance.

Ranapthosa

Agreed, that will be done.

Process of Adoption pp. 42

Israhim

CA Rules require 7 stage procedure.

Israhim

Concern w/ changing combined houses into committee.

But CA work has been done in committee + little new.

7.3.3: provisional time table.

Lorshin

Introduced proposal set out in ps 7.3

Need resolution setting out the process to be presented to CA on 29/3 to amend rules to reflect the agreement.

Language matters: hope to have in all 11 languages in text; but bc of time problems of translation let procedure occur in English - e.g. order paper.

Then final text as approved in all 11 lang.

Eglin

1) 2nd stage

Re 7.3.5(3): right to look at whole of text by 18. Let amendments come in blocks according to blocks of discussion in CA.

Allow elasticity

(2) if parties don't have formal amendment, crisis needs to adjust texts.

Allow flexibility.

Lichtenfeld

There is provision that amendment not in order paper can be ~~made~~ ^{presented} by person moving the Bill.

Why not: amendments:

(1) In by 22nd

(2) But Eglin's pt. valid, as go thru debate, nothing stops someone

Ramaphosa

from proposing amendment. If not passed
in the floor ed be referred to the
committee

Hjmeiz

Spell out more clearly 7.3.5(4)
Understood, we not have a // process - CC to sit
at same time & evening after to see if can
process & reach agreement on amendments.

Day for deadline 4 days before a matter debated

Ramaphosa

Final text would differ substantially from others.
Let amendments be presented on 22
During course of debate, may be other amendments
that people can propose - that could be
taken up by CC.

Hjmeiz

But, need to set aside time for CC to meet, as
well.

Yes, can't have CA meet from 10h00 - 13h00.

~~Ramaphosa~~
Abraham

Flexibility in days for MC - CA can
adjourn, & CC be convened for a few
hours. So that allow room there.

de Lange

Amend Stage 1, 2(1)(2)(3)
in CA & 2(4) in CC

Only have date for 2(3). Need dates
for 2(1) & (2)

Ranaphosa

Look at p. 43 // Stage 1 22 April

Stage 2

de Lange

When deal w/ (4)? Parallel? Or in adjournment?

Ranaphosa

Yes.

Wissel

CC process will be less formal. CA rules not need to be stipulated + more formal. do CC cd meet in b/t

de Lange

Working in para, problematic, ~ "after"

Rama

No simultaneous.

de Lange

Where wd amendment to rules be drafted?

Rama

Amendment to rules to be drafted

Likierfeld

Resolutions w/
Very specific rule changes not be put b/f MC/^{in this} or CA reflecting the decisions here, as approved by the Chairpersons.

Lylin

8.5.
7.4 Need to say what CC will do, insert that CC wd consider the amendments H/g of the debates ^{in the CA} ~~here~~ + produce a final ~~class~~ ^{text} on these amendments.

Rama

Can easily be added

Wissel

What isn't stipulated is that CC wd report

back before 3rd stage.

v Breda

M Comm proposal differentiated 1st, extended 2nd & 3rd stage. 2nd wd be principles, + 3rd in clauses.

7.3.3. says 1st stage, rest of time almost exclusively for 2nd stage. Only on 8 May to 3rd stage = final adoption.

Eliminate 2nd reading stage in constitution in general.

Can't agree to this w/o discussions in depth.

Need to look at Rules.

Concern that doc. only distributed this a.m.

Ramaphosa

May need to properly synchronise 7.3.3. w/ the actual schedule, w/ is in line w/ what Mr. v. Breda said.

~~Asked~~ him to look at ~~the~~ ~~document~~ ~~for~~ ~~stages~~

22-28 May

Invites him to look at that.

Wessel

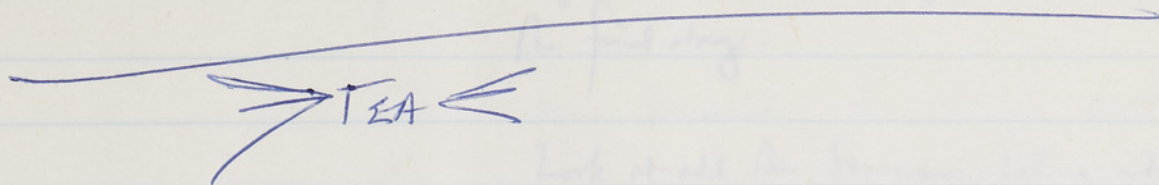
5 complete days + 1 open day reserved after the 2nd stage.

de Beer

Omission Ch. 13. Insert 6 May.

Ramaphosa

Ruled Yes.



Marais

NP suggest

Need more time to study timetable
Create another oppor. to discuss this, not later
than tomorrow.

Agree need more time. Need to apply
minds to what is involved, + core stages.

How many days for each process.

Gordhan

Final stage of long process - structure
negotiation part so facilitates
adoption process.

Ramaphosa

Now looking at how will adopt in this
final stage. It is not that new things will
be negotiable.

Eylin

Focus needs to be given - Likierfeld's analysis of
needs.

Clear path - now for committee stage
W'd that occur in CA or in CC on behalf of
CA.

Ramaphosa

Debates in CA, previously, were referred to CC for further discussion, * further amendments etc. happened in the CC.
Proposed we continue that practice in this the final stage.

Look at all this tomorrow, taking into account what Gordon said.

* Deal w/ Amendments in tomorrow meeting. Paul will outline everything in writing to help
- consider amendment to Constit.
- draft resolutions on amending rules

* Let CC delegate decision making powers to MC to meet at 15h00-16h00 tomorrow + Sub Comm to begin at 16h00.

* Extended Man Comm - could have additional members of parties if so wish who cd. assist.

* To finish document to be presented to CA 29 March

* 29 March to convene CA at 09h00 to deal w/ procedural aspects. Won't go into substantial issues.

Whips + CA men. to forward note stressing imp. of the meeting

Ramphos

4 to Note remaining issues re

(1) Certification

Except certification process, Man Com to
process.

Need to engage Council - let CC authorize
Man Com to engage Council to ^{begin} approach to
Constitutional Cont.

Ramphos

Outline of program will need to have
most and get ^{uninterrupted} May.

(1)

Agreed in the old record can be used.

(2)

100 to still welcome to come back to the
group. 100 made enquiries - called
them 3 days - the navy -
friendly advice to them.

Paper

The survey was a
(1) description
of the area, the
area, the

The survey was a
description of the
area, the area, the

Preliminary Remarks

4 April Constitutional Committee

1) Opening

09h50

Tabled report on negotiations

2.

~~Wessels~~ Report from Multilaterals

Wessels

Goals: to give politicians chance, in retreat, to focus attention on outstanding issues.

Noted

✓ Dedication of politicians & staff at transition & in report tabled.

Report back for record & to public.

Still outstanding matters, but none a cause for concern b/c in next 10 days, parties will meet & reflect on matters concerned.

There will be an opportunity for further, serious discussions on matters not yet resolved.

John Pies, believes will complete work tirelessly & in matter of time up to everyone's expectations.

Ranaphosa

Satisfied w/ progress Will pleased to have enacted. adopted on 8 May.

(1)

Agreed in MC all record can meet deadline,

(2)

IFP is still welcome to come back to Pies process. IFP made enquiries & calls thru-out 3 days & Pies moving forward doors to them.

Report

On way to 5th ed. of Revised Working Draft 6th
now a 15th.

TRT a Technical Advice body from tomorrow ⇒ 15th.

Preamble procedures for way forward:

Parties have a multilateral a.s.a.p. +
joint proposal on 16th April.

Founding Provisions +
Supremacy / Ci TRT attending to.

Citizenship: agreed to

Kozsistili

Tengreys: on bilateral level, progress made.

Bo R

Hozmeys

Getting close to
No agreement on equality

Life: delete options 2 & 3, for indicating
NP, ACOP + FF opposed as want
prov. on death penalty + PAC

Freedom + Security: new formulation
setled by AWC - being considered by
NP

Privacy - AWC dropped "reasonable" &
"arbitrary" - agreement.

514(2)(A) Rules made by the appropriate
public auth.

30 514 agreed to

Green

ADP concerned that text needs to include right to
proselytise - evangelise.

515: "hate speech" - agreed, delete brackets.

516: agreement, move to ch. 7.

516: "to picket" - all but NP agreed, NP taking back
to consult +

517: Agreed

18, 19 Agreed

20 agreed amendment det [and residence
anywhere" => (3)

21 Agreed "every citizen has the right to
choose freely... and the practice of this
shall be regulated by law."

22(2)(3) still deadlock & lockout.
^{submission}

COSATU/said sh deal w/ trade union
regulatory arrangements -

whole of 20 - a lot of difference of
opinion amongst the parties

22: close to agreement

(3)(b) - insist for the benefit of present +
future generations

(i) ✓

(ii) ✓

(iii) "to secure ecologically sustainable
development + ..."

(d) while promoting justiciable co. development."
Still discussing "add to quality of life" - NP to
take back to principals.

24

25 : amendment: deletion of "arbitrary" in iii +
add ^{new} "no legislature may permit arbitrary
evictions"

26 : DP/NP proposal

27: Add under (f) should also provide for legal
rep. for children in civil matters
(g) for children not to be used or
misused in conflict situations"

(28) Under discussion, although some progress has been made.
Multilateral

Option 2 dropped, & looking at way of incorporating
its sentiments in subsections above.

30. Close to agreement
"instat. rights of anyone"
NP considering this

531

Option 1 stands, insert new (2) - The state
must give effect to the right by way of
nat'l legisla.

Transitional clause inserted to give gov't 3
yrs to pass legisla, & during this time rights

in IC to apply + if no legisla passed in 3 yrs,
becomes a direct right (w/o legisla)

[and is required ...]

Some parties believe sd apply to a + b,
others to (b). Still under discussion.

s.32 Admin

New formulation as in Option 1, delete [justifiable],
& query where " & if not of general application"
to be inserted b/f procedurally fair.

AVC

visit / ^{action} w/ adversely effect their rights

(3) State must give effect to the right w/in
3 yrs. by way of nat'l legisla.

Access to courts ✓

Arrested + detained

1 addition proposed. Memo - experts.

Insert [- public submission]

34(2)(c) No right to exercise

34(4) agreement: "evidence obtained

in a manner that violates any

... excluded if it would render the
trial unfair or otherwise bring the admin of
justice in disrepute"

Limitation: parties getting close to each other.

p. 14 - ANNC proposal

Prop. Sect 36(1) + (2) to move to power of presidency,
Agreed to retain here, ANNC to take back to principle -

21 days in (2): what if Parli. in meeting.

Dispute $\frac{1}{3}$ maj. or simple for extension;
compromise - $\frac{2}{3}$ for 2nd extension -
still needs resolution.

(4) concern re subordinate clauses

(c) wording - shorten list to following -
9, 10, equal. race = age,
freedom from cruel & inhuman
treatment, slavery & serfitude, +
fair trial, & children not to be
maltreated or abused.

(7) exclude international conflicts, & in
case of those SA should comply at
least w/ international conventions.

Awaiting formulation in the

37 ✓

38 No dispute. 38(2) Tech advice awaited &
" applicable &
appropriate + TRT proposal to
insert 38(3) to build up
common law in horizontal application of
rights. But this complicated, + parties
want to think about it further.

(3) Agreed. but needs to be refined.

Ranaphoa

Scorecard: 23 outstanding issues - 18 outstanding.
Propriety clause.

Kgositsile

Multilateral - formed Tech Exp. team:
3 advising parties + 3 CA.
ANC reserves posi., but
ANC proposes insert this in next draft as
Medoc. to base discussions.

Smuts

DP agrees incorporate this draft in next edition.
Reserves posi.

Wissels

Compelled to take that root, b/c were many docs
floating w/ didn't reflect progress & none
cd be used as basis for further discussion.

Kgositsile

Rights of children ^{who are} ~~not~~ to be detained automatically
observe right not to be abused..

~~Kadu~~ Rama

Take this into account.

Radue

Thanked Willy for summary.

Rama

Expressed real satisfaction w/ way BoR
discussions proceeded.

COURTS

Agreement A-G, Pros. Authority

de Lange

Added Natl A-G apptd by Pres
others provided for by law

Schutte

JSC 4 appt by Pres after effective consult w/
leaders of the opposition

Appt of C Court judges: 6 elected ← NA
of w/ at least 3 from opposition,
+ Pres. will appt. judges after
effective consultation w/ leaders of the
opposition

Ngwenya

P5 of report

~~Noted~~ changes under 104

(c) add in the word of an
unresolved dispute.

same provision applies to (+)

(i) delete 2 of whom are
practising attorneys or advocates

delete in 103, The Senate,
parties have agreed to 11 yrs.,
but NP reserved position.

Schutte

Proposed 10 yrs.

Rameylosa

Let Schutte + Ngwenya resolve Pres at
the

[10 or 11 yrs]

Why Judges: main statement is
delete (3), + add in (2)

of Technical issues still outstanding.

Resolved almost all problems.

Public Admin.

de Beer

Love

1 typing error to be corrected - p. 54
Correction p. 54 171(1) \Rightarrow 171(5)

Pahat

Why changing name of PAC

Love

Changes
Common

grt funds + \Rightarrow
grt financial support

Assumed PAC \Rightarrow PSC, only deal w/ matters
relating to Public Service

Insert new para.

Agreed to by all parties

de Beer

Most effective committee.

Andrew

Not able to be there. Reserve position.

~~Handwritten scribbles at the top of the page.~~

~~Handwritten scribbles below the top scribbles.~~

of businesses down with output.

Factorial almost all positive.

Public Health

Factor

low

1. Higher costs to be covered - p. 24
Corollary: p. 24 171(1) ⇒ 171(2)

total change in output

Public

low

Changes
Common

↓ p. 24 -

↓ p. 24 financial output

Amount the ⇒ p. 24, and rest of the

related to public health

but not from

Output to by all factors

That output is constant

to be

Not able to be there, however positive.

And then

Finance

Davis

Integrate local govt into the Dept. & New
Tech refinement process

Outstanding -

= Ad hoc committee passage of money bills,
effects 5/88 necessary control

= Transitional arrangements - to give
indication of where transitional arrangements
needed. Dept of Fin

K. Andrews

3 matters:

(1) A-G: const. procedure still outstanding
left over to Ch. 7

(2) Uncertainty as to, in 196(1)

intention: Pres. in consultation w/ cabinet
78(2)(b) might can act alone.

(3) FFC: "hold office in poli. party":

lifting provisions on this; requested that it
be clarified in interpretation clause. -

that "impartial & independent" means this

Mulder

196(3) & amended

Ranaphose

TRT issue
to monitor the judiciary.

Slent

Want to review this section in context of
overall draft including local govt +
NCOB

Security Services

Alant

NP considered new provisions, but powers
of provisions substantially abused. Want to
focus on those 2 clauses dealing w/ police.

To meet later today in party discussions.

Wissels

Not discussed at Naerhuiskrans, b/c
no prior notice.

Meeting at 12:00 bi- or multi-lateral.

Schreier

These matters raised late w/ is why it wasn't raised
at the barbecue

Ramaphosa

Proposal to meet.

In terms of 5th draft? Publish as is & not
further discussion coming.

Alant

Only police section. Add side bar into Act. The
prov. are still under discussion.

~~Jourie~~
~~Ramaphosa~~

Schedule 5 re: insert police; current draft
addresses as if left out.

Ramaphosa

Leave as is, add as side bar note,
further proposals to be discussed.

This can be incorporated as more along.

Final Draft

Parliament

Chabane

Subcommittee met w/
Ch. 3, 5, 8, 11

Not all parties here all the time.

New provisions coming out of discussions

Referred to Annexure p. 30,

s40 new draft agreed to.

new clause on powers of nat'l excc.

s41 composition

Delete section on reconstituting Nat'l Ass.

~~30A~~

New section needed regarding evidence to committees in 198

s51 add new clause

s53. No agreement: majority,
role of provinces; & special majo. for
B & R.

Public Access

v Brada

s41 (p. 33) draft not agreed to in full.
(b) st.

Ranaphosa

TRJ will find the right words

Moosa

~~Enter~~ Suggestion - further discussions:

41(b) v Breda corrects the formulation.

i. remove brackets

iii #5 proposed 350 pending further discussions

45(3) Deal w/ it as in ⁵⁴⁶ II: may need to reformulate, but capture concept,

for further discussion

53 Amendments w/ impact on provinces prescribed in CPs. Bring this on board.

Draft new provision captures fundamentals of constitution in provision & this not be subject to amendment requiring majority of more than $\frac{2}{3}$, rest $\frac{2}{3}$.

e.g. multiparty demo.

v Breda

~~Dec of D's~~ delete bracket & [accurately]

Andrew

- Reduction to 350 step in right direction

- DP reserves its position or ~~plans~~ ^{these} agreements.

Cheban

Net'l Exec.

New draft of alternatives agreed to,
some need refinement.

Cabinet - NP still discussing.

Meyer

Further discussion on multiparty participation at
executive level still going on.

Ch. 8 Review

cross check as also
117A discussed by committees &

120

125 (2)

125A process set in motion to resolve.

126 20 main clauses in Nat'l Ass.

1304: ^{Rephrase} ~~Take a broad 1st (b) that~~
promulgation. But new proposals introduced
by NP at last moment

Thanks. Add'l items

Moose

Next draft should reflect

120: figures: 30-8

Lead Leaders

Cheban

Agreed on formula, but (2)
may need to go to ch on ^{transitional} ~~transitional~~ mechanism.

Malatini No agreement to move (2) elsewhere.

Mossa Let AWC view be noted that should be in
transitional section

5170 1st sentence Re draft
2nd sentence an explanation

Lizani Not in all subcommittees, PTC unlikely to
accept it, so reserve position.

Chabon Self determination: ^{NP proposal;} need further discussion.
AWC to forward submission on Re matter

Sabie Discussed cult. council + cult. comm.
w/ right to self determination. Was decided AWC
would forward AWC proposal.

de Beer Reflected in p. 14

Whichever done

Jordhan NCOP
New draft tabled
fall w/in defi. of Paulia.

557: agreed up
6 permanent 4 spec.

558 ✓
58A(2) under discussion
correction

59, 60, 61 all recorded

62 ✓

63 (a) may be removed

64(2) replace number

65 ✓

66 ✓

67 ✓

67A full time ⇒ permanent ✓

68(2) details need to be resolved, pass in rules.

69 ✓

70 ✓

70 ✓

70[(c)] dealt w/ in rules of NCOP + WA

71 details

new elements (d) & (e)

⇒ 72 Needs to be revisited w/ Finance people re definition of money held over.

73 ✓

73A ✓

74 ✓

75B }
75A } Not looked at
75C } at Aniston

Gordhan

Full agreement; only rule 54 fine tune procedural matters.
Only outstanding matter 10% 58A(2)

Andrew

Concern: special delegates - provinces, NCOB will have its own work; spec. delegates will have to do full work as members of prov. exec or legisla. They be unworkable.

Ramaphosa

Take concern on board, Gordhan to examine this + report back.

Competencies

de Lange

★

Agreement 152,
need to deal w/ leg. auth of NCOB in 1.

(3X) Refined → closed list of overrides. ^{Broadly} Agreed
Requires some refinement

✓ 3(3)

Only D had problem - want it to be rebuttal + want added "unless proved to the contrary".

All other issues finalized except schedule.

★ Ch. 2A

Agreed to in ^{broad} principle, altho needs refinement

★ Provincial constit. 5 parties still considering
154(c) ii + iii in particular

on how to capture homogeneity.

Meyn

Correct # in

Local govt

Godhan

Requires further formulation to take account of dis.
is all likely to be inserted in 5th draft.

164(2) requires further discussion
insert 164(3) on prov. legislation
to give provinces capacity to deal w/

insert
165 Developmental duties of ...
Requires some changes.

166/167 local govt as separate sphere, but
w/in framework in some cases of nat'l &
prov. powers, so w/ some delegated powers.

168B

Outstanding issue: rather people paying rates and
get right to vote

168C some adjustments re local govt
making some arrangements.

168D is this required? Expect to look into.

168F

1886; role of local govt delegation in NCP

So likely to see more comprehensive draft +
will impact on final draft.

Ronayhosa

Broad general agreement, but work in Prog.

de Lange

Prv. exec competencies: broad agreement but
Waiting for final draft.

Ch. 7

Kgositsile

Didn't have a long time to discuss this.

On whole agreement except -

* Prv. Public Protector

* Appt. mechanism.

ANC proposed del. of para. 109(3) -
+ 106(5)

p 8 & p 12

ANC says reconsidering - now saying
leave chapter as is.

2 last issues

✓ Breda

p. 33

delete "accurately" from

but bracket [350]

Mossa

Bracket [80] for prv. legis.

5th ed.

— ANC did not walk out of boskerraad.

Thanked all parties.

