

**SOUTH AFRICAN GOVERNMENT OFFICE
- WORLD TRADE CENTRE -**

29 November 1993

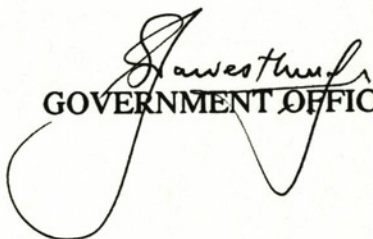
Head of the Administration
Multi-Party Negotiating Process
World Trade Centre

Dear Dr Eloff

**SUBMISSION BY THE SOUTH AFRICAN GOVERNMENT AND THE
AFRICAN NATIONAL CONGRESS FOR THE ATTENTION OF THE
TECHNICAL COMMITTEE ON CONSTITUTIONAL ISSUES**

1. Attached is a submission by the South African Government and the ANC entitled *"proposed amendments of a number of clauses in the draft Constitution": 26 November 1993.*
2. Kindly transmit the document for immediate attention to the Technical Committee on Constitutional Issues.

Yours sincerely


GOVERNMENT OFFICE: WORLD TRADE CENTRE

In bilateral discussions between the SA Government and the African National Congress the following document with proposed amendments of a number of clauses in the draft Constitution was formulated for submission to the Technical Committee on Constitutional Issues. These are preliminary proposals and both parties may propose modifications.

Clause 40:

Amend clause 40 by deleting subsection (2).

Clause 42:

Amend clause 42 by substituting paragraph (e) of subsection (1) with the following paragraph:

"(e) holds any office of profit under the Republic: Provided that a person who vacates such office within ten days after being elected, shall not be disqualified from becoming a member and that the following persons shall be deemed not to hold an office of profit for the purposes of this paragraph:

- (i) a Minister, Deputy Minister, administrator, member of the Executive Council;
- (ii) serving members of Parliament;
- (iii) a person in receipt of a pension paid from the national revenue fund or the revenue fund of an provincial legislature;
- (iv) a part-time or pensioned member of an existing or dissolved South African security force;
- (v) a lawfully appointed justice of the peace or appraiser;
- (vi) a member of any council, board, committee, commission of enquiry or similar body established under law or a select committee of the national Assembly, who receives remuneration not in excess of an amount equal to his or her salary as a member of the National Assembly;
- (vii) a person employed by or serving at any primary, secondary a tertiary educational institution;
- (viii) a person employed by or serving at any hospital or other medical or health institution."

Clause 43:

Amend clause 43 by substituting subsection (3) with the following subsection:

"(3) If the vacancy occurs in respect of a person who was elected from a national list, it shall be filled from the national list, and if the vacancy occurs in respect of a person who was elected from a regional list, it shall be filled from the regional list."

Clause 81 :

Amend clause 81 by the substitution of subclause (2) with the following subclause:

"(2) The Cabinet shall function in a manner which gives consideration to the consensus seeking spirit underlying the concept of a Government of national unity as well as the need for effective Government."

Clause 101:

Amend clause 101 by omitting subclause (4).

Clause 103:

Amend clause 103 by deleting paragraph (a).

Clause 116:

Amend clause 116 by substituting subclause (2) with the following subclause:

"(2) The Executive Council shall function in a manner which gives consideration to the consensus seeking spirit underlying the concept of a Government of national unity as well as the need for effective Government."

Schedule 2:

(a) Insert the following new item before item 17 and renumber from existing item 17:

"17. A fixed number of seats shall be allocated to each provincial legislature by the IEC taking into account available scientifically based data in respect of voters and representations by interested parties; Provided that no provincial legislature shall have less than 30 and more than 100 seats and that due regard shall be taken of the following distribution:

Western Cape	-	42 seats
Eastern Cape	-	52 seats
Northern Cape	-	30 seats
Natal	-	80 seats

Orange Free State	-	30 seats
North West	-	34 seats
Northern Transvaal	-	40 seats
Eastern Transvaal	-	30 seats
PWV	-	86 seats

(b) Insert at the end of item 27 the following:

- "(i) all vacancies may be supplemented;
- (ii) no more than 25% of candidates may be replaced;
and
- (iii) the fixed order of lists may be changed."