

2/3/1/63

CONSTITUTIONAL ASSEMBLY

MANAGEMENT COMMITTEE

**THURSDAY
25 APRIL 1996
V16
(08H00)**

DOCUMENTATION

CONSTITUTIONAL ASSEMBLY

MANAGEMENT COMMITTEE

NOTICE OF MEETING

Please note that a meeting of the above committee will take place as indicated below:

Date: 4 April 1996
Time: 8h00
Venue: V16

DRAFT AGENDA

1. Opening
2. Minutes: *pages 2 -5*
3. Schedule from 25 April - 8 May 1996: *pages 6 - 7*
4. Schedule of proposed amendments: *separate document**
6. Programme for 8 May 1996: *separate document*
7. Request from Swaziland re: Constitutional Visit: *page 8*
8. AOB
9. Closure

* *Please note that the schedule of proposed amendments will only be available as a separate document on Thursday 25 April 1996.*

**HASSEN EBRAHIM
EXECUTIVE DIRECTOR**

CONSTITUTIONAL ASSEMBLY

MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE MONDAY 15 APRIL 1996

PRESENT

RAMAPHOSA M C (CHAIRPERSON)

Chabane, C
* de Beer, S
Eglin C
Green L
Meshoe K
Meyer, R

Myakayaka-Manzini M
Moosa V
van Breda A
Viljoen, C
Wessels L (Deputy Chairperson)

* Standing in for full member for this meeting

Apologies: R Meyer and K Meshoe to leave early

Absent: R Sizani and P F Smith

In Attendance: H Ebrahim, P Lilienfeld, M Sparg, and M Keegan.

1. OPENING

- 1.1 The Chairperson opened the meeting at 08h10 and the meeting adopted the agenda.
- 1.2 Mr. Meshoe and Mr. Meyer apologised for having to leave early, and the meeting agreed that Mr. de Beer would stand in as an alternate for Mr. Meyer.

2. MINUTES

The meeting adopted the Minutes of the Meeting of the Management Committee on Thursday 15 April 1996.

3. MATTER ARISING

There were no matters arising.

4. CONSTITUTIONAL COMMITTEE PROGRAMME FOR 18 AND 19 APRIL 1996

The meeting agreed to:

- i. Convene the Constitutional Committee only later in the day to allow ad hoc committees to continue their discussions and to prepare their reports.
- ii. Request members of the Constitutional Committee to remain available to participate in the meeting once it was to begin;
- iii. Continue to meet, if necessary far into the night, to finalise matters as fully as possible, to give experts as much time as possible to work on the Bill.

5. CONSTITUTIONAL ASSEMBLY AGENDA, 22 - 24 APRIL 1996

- 5.1 Mr. Ramaphosa introduced the document entitled, "Draft Programme for CA 22 - 24 April 1996," contained in the documentation.
- 5.2 The meeting agreed to the following changes in the programme:
- i. The Constitutional Assembly would not meet on Monday, 22 April 1996.
 - ii. The meeting of the Constitutional Assembly on Tuesday, 23 April 1996 would begin at 14h15
 - iii. If necessary, the meeting could adjourn after 19h00.
 - iv. The programme for Tuesday, 23 April 1996 would include opening statements, amendments and statements on amendments.
 - v. The Constitutional Assembly would meet on Wednesday, 24 April 1996 at 15h00 to accommodate a Cabinet meeting. The closing time for the meeting would be 17h00.
- 5.3 Regarding the debate, itself:
- 5.3.1 The meeting agreed that time would be set aside on a proportional basis for political parties to address the Constitutional Assembly. There would be some flexibility, however, to accommodate the smaller parties. The party whips would be told how much time their party would be allotted, and they would strategise around how best to use that time. Mr. Lilienfeld and the Whips would work out the speaking arrangements, based on a speakers' list.
- 5.3 Regarding the deadline for amendments:
- 5.3.1 Mr. Eglin of the DP asked what the deadline would be for submitting amendments.
- 5.3.2 Mr. Ebrahim expressed concern that it would need to be early enough to allow the Constitutional Assembly Administration to organise the agenda and programme for the Constitutional Committee, that would convene at 14h00 on Thursday, 25 April 1996.
- 5.3.3 Mr. Lilienfeld reminded the meeting that the Constitutional Assembly resolved on 29 March 1996 that the deadline would be 12h00, Wednesday 24 April 1996.
- 5.3.4 The Chairpersons reminded the meeting, however, that the Constitutional Assembly had agreed to give the Chairpersons some flexibility, under the guidance of the Management Committee.
- 5.3.5 The Chairpersons ruled that there would be a staggered deadline for submissions. Those for chapters 1 and 2 would be due in by 12h00 Wednesday, 24 April 1996. Amendments for the remaining chapters would be due in on Thursday, 25 April 1996, to allow for their discussion from Friday, 25 April 1996.
- 5.4 Mr. Ebrahim notified the meeting that the translations of the Bill would only be available after Monday, 22 April 1996.

6. VISIT BY BUTROS BUTROS GHALI AND PRESIDENT KETUMILE MASIRE

- 6.1 Mr. Ebrahim introduced the correspondence from the Department of Foreign Affairs contained in the documentation regarding the proposed visits of Mr. Butros Butros Ghali on 26 April 1996 and President Masire on 23 April 1996.
- 6.2 The meeting agreed in principle that they would be informed of "the political moment unfolding;" they might address the Constitutional Assembly, and that the programme would be worked out.

7. PROGRAMME FOR 8 MAY 1996

- 7.1 Mr. Ramaphosa introduced the document entitled, "*Programme for 8 May 1996*," contained in the documentation.
- 7.2 Mr. Eglin of the DP expressed concern that the 8 May 1996 was not the correct day to celebrate the new constitution; that should wait for the day when the new constitution was certified and came into effect. The DP did not oppose a small, internal celebration on 8 May 1996, but not on the scale envisioned in the document.
- 7.3 Mr. Viljoen of the FF agreed that the Constitutional Assembly should wait to celebrate the new constitution until the day it was certified, and that should be a solemn, serious occasion.
- 7.4 Mr Chabane of the ANC said that both the 8 May 1996 and the day of certification would be very important days. 8 May 1996 had captured the imagination of South Africans; it would be a watershed date, with the passing of a new text. The Administration should be able to proceed as planned, but factor in, too, the possible need for an additional event on the day of certification.
- 7.5 The NP queried what would happen if a two-thirds majority was not achieved on 8 May 1996.
- 7.6 The meeting agreed that all parties would work towards reaching full consensus, or at least sufficient consensus to achieve a two-thirds majority. The Deputy Chairperson added, however, that if that majority vote was not achieved, members of the Constitutional Assembly should be held accountable and be required to report to participants in the 8 May 1996 event why this majority was not achieved.
- 7.6 Mr. Ebrahim expressed disappointment that the Administration had since January 1996 sought guidance on this matter, but had waited until now for serious discussion. He continued, it was a disservice to speak of the event as a "party." It was not intended to be a lavish celebration, but a gracious supper, that would with all humility recognise the efforts that organisations and people across the country had put into making the new Constitution.
- 7.7 Mr. Eglin of the DP said he would give a full report back to his caucus, but believed that the major, solemn occasion should be the day the new constitution was implemented. It was agreed the DP's feelings on the issue of celebrations on 8 May would be noted.
- 7.8 The meeting agreed in principle to the programme for 8 May, but agreed that political parties needed to consider the invitation list and interact with the Administration. The programme in the National Assembly on 8 May also needed to be considered further to accommodate an address by the President.

8. DP STATEMENT TO THE PRESS

- 8.1 Mr. Ramaphosa introduced the document entitled, "*DP Statement to the Press*," contained in the documentation.

8.2 Mr. Eglin said that Mr. Leon's statement was simply a "robust political party attack on another political party."

8.3 The meeting recalled that the Constitutional Committee had requested that Mr. Leon be asked to attend the next Constitutional Committee meeting and that a full discussion of the statement be held.

8.4 The Chairperson ruled that the matter would be referred to the Constitutional Committee, but that it must not be allowed to interfere with the work that the Constitutional Committee was currently doing. If it was discussed, it would be discussed right at the end, after the Constitutional Committee had finished its other business.

9. ANY OTHER BUSINESS

There was no other business.

10. CLOSURE

The Chairperson closed the meeting at 09h30.

CONSTITUTIONAL ASSEMBLY PROGRAMME - 1996

APRIL

MON	TUES	WED	THURS	FRI	SAT	SUN
22 <i>Distribution of Bill</i>	23 Constitutional Assembly 12:00 - 12:45 Address by President Ketumile Masire 14:15 - 18:00 Introduction of Bill (First Stage - Day 1)	24 Const. Assembly 14:15 - 18:00 (First Stage - Day 2)	25 Man. Committee V16 8:00 - 10:00 Caucus 10:00-13:00 Const. Committee OAC 14:00 - 18:00 (Committee Stage - Day 1)	26 Const. Committee OAC 9:00 - 13:00 (Committee Stage - Day 2)	27	28
29 Const. Committee OAC 10:00 - 18:00 (Committee Stage - Day 3)	30 <i>Technical Refinement of Final Draft</i>					

MAY

MON	TUES	WED	THURS	FRI	SAT	SUN
		1 <i>Worker's Day</i> <i>Print Final Draft</i>	2 <i>Distribute Final Draft</i> Management Committee V16 8:00 - 10:00 Caucus 10:00-13:00	3 Constitutional Assembly 10:00 - 18:00 (Second Stage - Day 1)	4	5
6 Const. Assembly 10:00 - 18:00 (Second Stage - Day 2)	7 Const. Assembly 10:00 - 18:00 (Second Stage - Day 3)	8 Const. Assembly 8:30 - 13:00 (Second Reading & Adoption)	9	10	11	12

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