

2/1/2/10

**CONSTITUTIONAL
ASSEMBLY**

**CONSTITUTIONAL
COMMITTEE**

**3 April 1995
(14h00)**

Old Assembly Chamber

***Information Pack:
Management Committee
Minutes: 23 Feb - 27 Mar 1995***

CONSTITUTIONAL ASSEMBLY

MINUTES OF MANAGEMENT COMMITTEE MEETING THURSDAY 23 FEBRUARY 1995 (AT 08H00)

MAR 21

PRESENT

RAMAPHOSA MC (CHAIRPERSON)

Chabane OC
Eglin CW
Meshoe KR
Meyer R
Moosa MV

Mulder C
Sizani RK
Van Breda A
Wessels L (Deputy Chairperson)

Apologies: Viljoen C

In attendance:

Ebrahim H, Lilienfeld P, Zondo L, Sparg M, Grové G, and Keegan M.

1. OPENING

Mr. Ramaphosa opened the meeting at 08h12. The agenda was adopted with the following additions:

- 8.1 Terms and Conditions of Appointment of the Technical Committees and Panel;
- 8.2 Law Advisors' Opinion on the Commission for Provincial Government, and
- 8.3 Public Participation Programme for 25 February 1995.

2. MINUTES

- 2.1 Mr. Meyer of the NP noted that, regarding Constitutional Assembly discussions, raised in paragraph 5.4, he intended that there be no change: that speakers in the Constitutional Assembly should use the language of their own choice as at obtained at present.
- 2.2 Mr. Ebrahim tabled a letter from Mr. Smith of the IFP, requesting that paragraph 4.2.ii of the Minutes be corrected to indicate that political party submissions attached to Theme Committee reports would be intrinsic parts of the reports. The meeting agreed that paragraph

4.2.ii of the Minutes would be amended to read : " Political party submissions would be attached to Theme Committee reports." This would however not indicate that they had become part of the report but were attached as reference material to facilitate debate in the Constitutional Committee. It was further agreed that Theme Committee reports could clearly state this.

2.3 The Minutes of the Meeting of the Management Committee on Thursday, 16 February 1995 were adopted with this amendments.

3. MATTERS ARISING

None - included in the agenda items below.

4. DIRECTORATE REPORT

Mr. Ebrahim spoke to the document entitled, "*Directorate Report*," included in the documentation. Mr. Ebrahim noted that Appendix 2 would be corrected, with 18 March replacing 05 March. The meeting agreed to the following points in the discussion:

- i. The meeting on Traditional Authorities scheduled for 6 March 1995 would be expanded to include Core Groups.
- ii. The Language Sub-Committee would be convened once political parties had forwarded names to the Administration.
- iii. The Administration would compile a general profile of CA staff for the Management Committee. Advertisements of posts would be included.
- iv. Each Theme Committee would be asked to identify a user-friendly, "buzz-word" for itself, to facilitate popular awareness of its theme; and
- v. The Management Committee meeting of 27 February 1995 would be cancelled.

5. THEME COMMITTEE 3 REPORT

The meeting noted the document entitled, "*Theme Committee 3 Report on Block 1*," included in the documentation.

6. THEME COMMITTEE 1 MATTERS

Mr. Ebrahim spoke to the document entitled, "*Appointment of Commissions*." The meeting agreed that Theme Committee 1 would discuss

the matter and forward proposals on it to the Management Committee.

7. CONSTITUTIONAL COMMITTEE AGENDA FOR 27 FEBRUARY 1995

7.1 Mr. Ramaphosa introduced the document entitled, "*Draft Constitutional Committee Agenda, 27 February 1995.*"

7.2 The meeting agreed to amend the Draft Agenda as follows:

- i. Item 5: "Discussion of Reports" would be added;
- ii. "Constitutional Assembly Report" would be moved to Item 6; and
- iii. The following items would be deleted: "6. Theme Committee 1 Matters", "7. Traditional Leaders: Report," "8. Local Government Matters," "9. Correctional Services," "10. Work Programme," and "11. Work Schedule."

7.3 Mr. Ebrahim noted that the venue for the Constitutional Committee had changed to the Old Assembly Chamber to allow for additional seating for interested members of the Constitutional Assembly.

8. ANY OTHER BUSINESS

8.1 CONDITIONS OF APPOINTMENT OF THE PANEL OF EXPERTS.

Mr. Ebrahim reported that the matter was receiving attention and the Chairperson would table the matter once it was finalised.

8.2 PUBLIC PARTICIPATION

8.2.1 Mr. Ebrahim reported on preparations for the Public Participation activities planned for 25 February 1995 and expressed his concern that not all parties were providing representatives from Theme Committees for the events.

8.2.2 Mr. Eglin for the DP expressed concern that the media distributed for the 11 February Launch in Paarl had not expressly publicised it as a Constitutional Assembly event. The meeting noted the concern and agreed that all future Public Participation events would be depicted as Constitutional Assembly activities. Moreover, it reconfirmed that Public Participation events would not be used for party political purposes, but to create platforms for the Constitutional Assembly.

8.2.3 Mr. Eglin for the DP repeated his concern that Constitutional Assembly activities might clash with the voter registration drive. He noted that the DP had fully committed its MPs to the latter for 25 February 1995.

8.2.4 It was agreed that Management Committee members would attend Public Participation events where possible.

8.2.5 It was also agreed that once political parties forwarded names for future events in the Public Participation Programme, these would be forwarded to the Management Committee.

9. CLOSURE

The meeting closed at 09h37.

CONSTITUTIONAL ASSEMBLY

MINUTES OF MANAGEMENT COMMITTEE MEETING THURSDAY 2 MARCH 1995 (AT 08H00)

PRESENT

RAMAPHOSA MC (CHAIRPERSON)

Chabane OC
Green LM*
Mabandla BS
Meshoe KR
Meyer R

Moosa MV
Mulder C*
Selfe J*
Sizani RK
Van Breda A
Wessels L (Deputy Chairperson)

(* denotes alternate standing in for full member)

Apologies: C. Eglin, C. Viljoen and Meshoe KR (leaving early)

In attendance:

Ebrahim H, Lilienfeld P, Zondo L, Sparg M and Keegan M.

1. OPENING

- 1.1 Mr. Ramaphosa opened the meeting at 08h06.
- 1.2 The meeting noted that Mr. Selfe of the DP would stand in for Mr. Eglin, Mr. Mulder of the FF would stand in for Mr. Viljoen, and that for part of the meeting, Mr. Green of the ACDP would stand in for Rev. Meshoe.
- 1.3 The agenda was adopted with the following additions:
 - 7.1 "Constitutional Talk"; and
 - 7.2 Programme

2. MINUTES

The Minutes of the Meeting of the Management Committee on Thursday, 23 February 1995 were adopted.

3. MATTERS ARISING

None - included in agenda items below.

4. DIRECTORATE REPORT

4.1 COMMISSION ON PROVINCIAL GOVERNMENT: REPORT AND LEGAL OPINION

4.1.1 Mr. Ebrahim spoke to the documents entitled, "*Directorate Report*" and "*Opinion: Participation by the Provinces and the Commission on Provincial Government in the Constitution-Making Process,*" included in the documentation.

4.1.2 Concern was expressed by Mr Moosa that the Commission on Provincial Government was a formally established body instructed to present a report, and its representatives might not be able to present views on an *ad hoc* and ongoing basis. The meeting agreed, however, that the presence of the Commission's representatives in Constitutional Assembly structures would facilitate communication and minimise duplication. Moreover, the Commission's representatives might communicate its interim findings and thus keep relevant Constitutional Assembly structures up-to-date and informed.

4.1.3 Concern was expressed that the Constitutional Assembly's own Technical Experts might clash with the Commission's Technical Experts. The meeting agreed that, in order to avoid such clashes, the Terms of Reference of the Commission's Technical Experts would be clearly worked out to indicate that their brief was to observe and to express a view when asked.

4.1.4 The meeting accepted the "*Directorate Report*" with this amendment.

4.2 LANGUAGE SUB-COMMITTEE

4.2.1 Mr. Wessels reported that he had held one-on-one discussions with members of the Language Sub-Committee and that consensus on the following points existed:

- i. Translation facilities would continue to be made available for Constitutional Committee meetings provided adequate notice was given to the Administration;
- ii. The situation in Theme Committees needed to be pursued within the broader parliamentary context of Select Committees in that translation facilities were not available in committee rooms. It was noted however that members of the public called to Theme Committees to

present submissions were able to provide notice for special translation facilities.

- iii. All parties would be notified of Editorial Board meetings to continue to explore the use of different languages in "*Constitutional Talk*".
- iv. *Ad hoc* Constitutional Assembly publications would continue to be produced in various languages.

4.2.2 It is noted that the Administration did not forward the names of the ANC and FF representatives on the Language Committee to Mr. Wessels. The Chairperson requested that the matter be investigated and a report-back be given to Mr. Mulder and Mr. Chabane.

4.2.3 There was consensus that the Language Sub-Committee would be convened after 24 March 1995 by Mr Wessels.

4.3 STAFF

4.3.1 Mr. Ebrahim spoke to the document entitled, "*Directorate Report on Staff*," included in the documentation.

4.3.2 The meeting congratulated the Directorate on its success in implementing affirmative action in terms of the Constitution. However, the following concerns were expressed:

- i. In response to a query as to why only senior staff were recruited nationally, while junior staff were recruited from the Western Cape., Ms. Sparg explained that this was because of financial considerations; and

- iii. Staff qualifications were not detailed in paragraphs 5.5 and 5.6.

4.3.3 Concern was also expressed that the Constitutional Assembly only placed job advertisements in national newspapers and not in regional or vernacular newspapers. Mr Ebrahim explained that this was again because of financial considerations. However, it was agreed that the Directorate would take this concern into account when planning future job advertisements.

4.4 COMMUNITY LIAISON

4.4.1 Ms. Zondo spoke to the document entitled, "*Report on the Constitutional Public Meetings*," included in the documentation.

4.4.2 It is noted, Mr. Chabane expressed the following concerns on behalf of the ANC:

- i. It was noted there was some concern about what sections of the community had been consulted in that some participants at one meeting believed that only white farmers had attended;
- ii. It was agreed there was a need for a briefing document which would provide Theme Committee participants with background material on the overall process;
- iii. It was agreed that the role of members of the provincial legislatures participating in these meetings needed to be clarified;
- iv. It was agreed the meetings needed more publicity; and
- v. It was noted that on page 27 of the document, it appeared that the ANC had not sent representatives to some meetings, when in fact it had sent members to all the venues;
- vii. Furthermore, Mr. Chabane pointed out that if more than three events were scheduled per week-end it would be difficult for some of the smaller parties to attend all of the meetings.

4.5 MEDIA

4.5.1 Ms. Zondo spoke to the document entitled, "*Report on Advertising and Media*," included in the documentation.

4.5.2 Mr. Ebrahim noted the document entitled, "*Penguin Films: Constitutional Programme for N.N.T.V.*," tabled at the meeting, and requested that all political parties critically examine it and forward their recommendations to the Directorate by Monday 6 March 1995.

4.5.3 Regarding Theme Committee advertisements: the meeting agreed that it would be too expensive for Theme Committees to prepare their own, separate advertisements for submissions. The Media Department would continue to prepare a single advertisement for all Theme Committees, but it would consult Theme Committees before finalising these joint advertisements. It was noted that Management Committee would need to

assert its management role in this regard, in view of the difficulties some staff had experienced in dealing with members of Theme Committees,

4.5.6 Regarding Public Participation events: the meeting agreed that

- i. Advertisements for Public Participations events would continue to be developed; and that
- ii. Additional funds should be requested from State Expenditure. In addition,
- iii. The Administration would prepare a budget outlining the costs of using radio to advertise public participation events, to facilitate further discussion of this option.

4.5.7 Regarding "*Constitutional Talk*," the meeting agreed that translators would be employed on a free-lance basis, as and when needed, and that funds for this could come out of the existing Media budget if at all possible.

4.5.8 Regarding the Weekly Television Show, there was consensus that the additional funding needed would come out of the existing Media budget. If this were not possible, further fund-raising efforts would be made.

5. **TABLING: THEME COMMITTEE 6.4 REPORT**

5.1 Mr. Ebrahim introduced the document entitled, "*Theme Committee 6.4 Final Report Blocks 1 & 2*," included in the documentation.

5.2 It was agreed that the report would be processed to facilitate discussion in the Constitutional Committee and that this processing would indicate :

- * what matters should be discussed in the Constitutional Committee; and that
- * those issues listed as requiring " further clarity " should be dealt with in the manner recommended by the Theme Committee. Where no specific recommendation was made by the Theme Committee, technical experts should be asked to assist to take the matters forward.

5.3 It was also suggested that the Law Advisors could assist in the processing of reports for the Constitutional Committee.

6. TABLING: THEME COMMITTEE 1 REPORT

- 6.1 The meeting noted the document entitled, "*Theme Committee 1 Final Report on Block 1*," included in the documentation.
- 6.2 Mr. Ebrahim noted that the document entitled, "*Appointment of Commissions*," included in the documentation for the 23 February 1995 meeting of the Management Committee, had been forwarded to Theme Committee 1 and that the Directorate was awaiting their recommendations.

7. ANY OTHER BUSINESS

7.1 "CONSTITUTIONAL TALK"

7.1.1 It is noted, Mr. Meshoe of the ACDP reported that in the 24 February - 10 March 1995 edition of "*Constitutional Talk*":

- i. The ACDP's view were not included in the article entitled, "*Mmuso wa Tshwaragano goba wa Feterale?*";
- ii. The ACDP's views were not included in the article entitled, "*Equality for all*"; and
- iii. His name was incorrectly spelled.

7.1.2 The meeting agreed that where political party views were discussed, the views of all parties would be mentioned.

7.1.3 The meeting agreed that if political parties had complaints about "*Constitutional Talk*", these should first be taken to the Editorial Board, and only if that body were unable to deal with the matter, would they be brought to the Management Committee.

7.2 PROGRAMME

7.2.1 The meeting agreed that Constitutional Assembly structures would continue to meet during the parliamentary adjournment.

7.2.2 Mrs. Mabandla asked that the Administration investigate rescheduling evening Theme Committee meetings during the adjournment so that they met during the day.

7.2.3 The meeting agreed that the Constitutional Committee would meet on 13 March 1995 in place of the Constitutional

Assembly.

7.2.4 The meeting agreed to request that the Constitutional Committee:

- i. Agree on those matters which would be forwarded for drafting; and
- ii. Instruct that drafting commence.
- iii. The Constitutional Committee would then, in its report to the Constitutional Assembly, recommend that these decisions be ratified.

7.2.5 The meeting agreed that the broad agenda items for the Monday, 6 March 1995 meeting of the Constitutional Committee would be:

- i. Items dealing with Theme Committee reports and
- ii. The drafting proposal.

8. CLOSURE

The meeting closed at 10h00.

CONSTITUTIONAL ASSEMBLY

**MINUTES OF MANAGEMENT COMMITTEE MEETING
THURSDAY 9 MARCH 1995 (AT 08H00)**

PRESENT

RAMAPHOSA MC (CHAIRPERSON)

Chabane OC
Eglin C
Mabandla BS
Marais PG
Meshoe KR
Moosa MV

Sizani RK
Smith PF
Van Breda A
Viljoen C
Wessels L (Deputy Chairperson)

Apologies : R Meyer (replaced by PG Marais)

In Attendance : H Ebrahim, P Lilienfeld, L Zondo, M Sparg, G Grove, M Ndizba

1. OPENING

The meeting opened at 08h05. The agenda was adopted with one amendment : an additional item 7.1 be added titled *Travel Arrangements for CA Members in Public Participation Programme.*

2. MINUTES

The minutes of the meeting of Thursday 2 March 1995 were adopted.

3. MATTERS ARISING

3.1 COMMISSION FOR PROVINCIAL GOVERNMENT (CPG)

In response to a concern expressed by Mr Smith on whether the CPG would now table its report in time for the CA programme, the Chairperson indicated that the presence of CPG experts in the relevant Theme Committees would assist the commission in providing its recommendations to the CA on an ongoing basis. It was noted that these recommendations would include draft text as per the requirements of the Constitution. Mr Ebrahim reported that a revised work programme had been received from the CPG and would be circulated to the next meeting of the Management Committee.

3.2 PENGUIN FILMS

Mr Eglin raised concern about the objectives of the proposed television

programme and stated that the DP had difficulties in responding to the request for proposals on content because of this lack of clarity. It was explained by the Chairperson that a memorandum on the objectives had been distributed at an earlier meeting and would be recirculated to refresh the memories of members of the Management Committee. It was also noted that time was of the essence and that preparations for the first programme were already underway.

3.3 ADDITIONAL FUNDING

In response to a query from Mr Van Breda, it was agreed that the agreement to request additional funding from State Expenditure for the advertising of Public Participation events was not an unqualified agreement. Further details would be provided to Management Committee in due course.

3.4 THEME COMMITTEE 1

Mr Marais requested guidance on the issue of commissions to allow Theme Committee 1 to discuss the document titled "Appointment of Commissions" which had been forwarded to the Theme Committee by Management Committee. It was explained that the Management Committee had not yet taken a position on whether the issues dealt with in this document should be handled in commissions or other structures. It was agreed the Management Committee would await a report from the Theme Committee and then decide on the matter.

3.5 ADJOURNMENT/ RECESS

In response to a query from Mr Eglin, it was explained that the adjournment referred to in the minutes was not the recess period. Mr Lilienfeld stated that the dates set for the Easter Recess were 7 - 18 April, and that the period from 18 - 22 April was a period set aside exclusively for CA work.

4. THEME COMMITTEE ONE REPORT

4.1 GENERAL ASSESSMENT

4.1.1 It was agreed on the suggestion of the Chairperson that a general assessment be conducted first of how the Constitutional Committee is handling reports. He suggested in this regard that the format of the report from Theme Committee 6.4 had proved useful and should be followed by all Theme Committees. A memorandum to this effect had been addressed to all Theme Committees.

4.1.2 The following was agreed to :

- i) A period of 7 days would lapse from the time Theme Committee reports were distributed before discussion in the Constitutional Committee. It was agreed however that flexibility would have to apply as some reports would require immediate attention.
- ii) Theme Committees should follow the format followed by Theme Committee 6.4 to facilitate discussion in the Constitutional Committee. The format may prove cumbersome for some Theme Committees if too many contentious issues were listed in this manner and some flexibility would have to apply.
- iii) Theme Committees must have more regard to the Constitutional Principles in their work. In some instances Constitutional Principles themselves had been listed as contentious issues in reports. Reference was made to a document issued on 23 January 1995 which indicated for each block of the work programme which Constitutional Principles should be borne in mind.
- iv) Technical Experts should assist Theme Committees in tightening up their reports to provide better definition of the issues in contention. It needed to be borne in mind that the object of the exercise was to produce a new constitution and Theme Committee reports should be more directed towards the provisions of the new constitution.
- v) The Panel would advise the Chairpersons on an ongoing basis by examining Theme Committee reports and it was hoped this would assist the discussion in the Constitutional Committee.

4.2 DISCUSSION OF REPORT

4.2.1 It was agreed that the CA Law Advisors would put the Theme Committee 1 report into the same format as Theme Committee 6.4 to facilitate discussion in the Constitutional Committee. This would be distributed to Constitutional Committee members on Thursday 9 March 1995.

4.2.2 Mr Marais pointed out two corrections to the report from Theme Committee 1 :

- i) A spelling mistake on page 53, 5th para in which the words " ... the ACDP argued to verifying degrees ..." should be replaced by " .. the ACDP argued to varying degrees ..."; and
- ii) An error on page 55, para H in which the first sentence should be amended to read " There is no disagreement between the parties on this fact, with the exception of the ACDP and the IFP, that the constitution should provide for a separation of religion (often expressed as "Church") and State."

4.2.3 It was agreed the Constitutional Committee would discuss the report on Monday 13 March with the assistance of the table to be prepared by the law advisors.

5. DRAFTING PROCEDURES

5.1 The Chairperson explained that the Management Committee had finalised this matter. However the Constitutional Committee had not been informed of this and therefore parties had been given another opportunity to make their views known.

5.2 It was noted that even though some of the areas of agreement in the Constitutional Committee were very broad, general issues, the experts should on their own be able to sift out those issues which lent themselves to draft text.

5.3 It was also noted that the drafting needed to begin as a matter of urgency.

5.4 It was suggested there may be a need for a small committee to be set up to look at issues of style and language to ensure that the draft text had the required cadence and "ring" required of the new constitution.

5.5 The drafting procedure outlined in the documentation was agreed to subject to the understanding that even contentious issues could be put into draft text so that the Constitutional Committee was able to consider the various options.

5.6 Mr Ebrahim reported in passing that members of the CA law advisors were attending a plain language seminar organised by the Justice Department, in response to the concern raised in point 5.4 above.

6. MANAGEMENT COMMITTEE MEETING TIMES

It was agreed the Management Committee would meet from 11h00 - 13h00 on Monday as and when required. It was noted however there would be no meeting of the Management Committee on Monday 13 March 1995 and neither on Monday 20 March 1995 because of the Queen's visit.

7. ANY OTHER BUSINESS

7.1 TRAVEL ARRANGEMENTS FOR CA MEMBERS FOR PUBLIC PARTICIPATION EVENTS

It was agreed the Administration would continue to make use of the planes provided by the SANDF instead of using commercial flights, as this arrangement was cost-effective and lent itself to better logistical

organisation.

8. CLOSURE

There being no other business the meeting rose at 09h30.

CONSTITUTIONAL ASSEMBLY

**MINUTES OF MANAGEMENT COMMITTEE MEETING
THURSDAY 16 MARCH 1995**

PRESENT

RAMAPHOSA MC (CHAIRPERSON)

Chabane OC
Eglin C
Mabandla BS
Meshoe KR
Sizani RK

Smith PF
Van Breda A
Viljoen C
Wessels L (Deputy Chairperson)

Apologies : M Moosa

In attendance : H Ebrahim, P Lilienfeld, L Zondo, M Sparg, G Grove, M Ndziba, N Msizi

1. OPENING

1.1 The meeting was opened at 08h00 by Mr L Wessels who was in the Chair.

1.2 The agenda was adopted with two additions :

*3.3 Theme Committee 1 and Commissions; and
7.1 Work Programme.*

2. MINUTES

The minutes of the meeting of the Management Committee of Thursday 9 March were adopted with one amendment. The word "*would*" will replace the word "*could*" in item 5.5 on page 5 so that the sentence would read in part "*... subject to the understanding that even contentious issues would be put into draft text ...*".

3. MATTERS ARISING

3.1 CPG WORK PROGRAMME

The meeting noted the revised work programme of the CPG on page 7- 11 of the documentation for the meeting.

3.2 PENGUIN FILM PROPOSAL

- 3.2.1 It was agreed the programme should focus on the content of Theme Committee discussions rather than the CA process as a whole;
- 3.2.2 The broad objectives of the programme were endorsed subject to the input from political parties still urgently awaited on themes for particular slots in the programme.

3.3. THEME COMMITTEE 1 AND COMMISSIONS

- 3.3.1 It was agreed that all Theme Committees would be requested to consider what items in their broad mandate were best covered by commissions. This feed-back should reach the Management Committee within 14 days.
- 3.3.2 It was therefore agreed that Management Committee would delay a decision on what commissions were required for Theme Committee 1 until a report from all Theme Committees was received.
- 3.3.3 It was noted that commissions could consist of members of the CA and outside experts. A query on the remuneration of such experts was noted. No specific decision was taken in this regard.

3.4 ADJOURNMENT FOR EASTER RECESS

- 3.4.1 The dates set out in the minutes i.e. from 7 - 17 April were confirmed as the correct dates for Recess with the period from 18 - 21 April being set aside for CA work only.
- 3.4.2 In view of the fact that the 17th is Easter Monday, it was agreed CA would structures would commence work from midday on the 18th.
- 3.4.3 It was agreed the programme for the period from 18 - 21 April would be circulated to the Management Committee after consultation with Theme Committees.

4. PUBLIC PARTICIPATION PROGRAMME (PPP)

- 4.1 The meeting noted the report from the Directorate on the pilot phase of Constitutional Public Meetings (CPM's) contained in the documentation for the meeting (pp 13 - 16).
- 4.2 It was agreed that the number of CPM's be reduced to approximately two

per province in the remaining period of the pre-draft phase.

- 4.3 It was further agreed this would allow for better management of these meetings.
- 4.4 It was agreed all activities of the CA, including those in the PPP, needed to be guided by the principle of cost-effectiveness.
- 4.5 Concern was expressed about the manner in which the message on urging voters to register for the local government elections was conveyed at the Gauteng meeting. The meeting also took note of the Chairperson's own remarks in this regard. It was agreed that CA should continue to use its meetings as a platform to urge voters to register and that this message must be conveyed by senior politicians, including the Chairpersons. However it was emphasised that it should be stated that this was an appeal from the CA as a whole on behalf of all parties represented in the CA.
- 4.6 The meeting expressed its concern at the manner in which Mrs Rabinowitz of the IFP had publicised her criticisms of the meeting in Gauteng on 11 March 1995. It was agreed that all parties were free to speak to the press when and where they wished. However it was emphasised that parties needed to be aware of the procedures for bringing matters to meetings for discussions and needed to be aware of the need for constructive interaction amongst all parties in the CA.
- 4.7 It was re-iterated that CA public events were non-party political events and should continue to be organised on this basis.
- 4.8 It was agreed that the Chairpersons should continue to speak on the CA process at these events as they were dutybound to do so and in most instances were the most competent to do so.
- 4.9 It was noted that advertisements for CPM's should be careful not to focus too much attention on one individual, and should focus attention on all participants in the meeting.
- 4.10 The Chairperson requested the Directorate to convey the meeting's thanks and appreciation for the hard work in preparing for public participation events.

5. SUPPLEMENTARY REPORT FROM THEME COMMITTEE 4

The meeting noted the supplementary report from Theme Committee 4 on Block 1 of the work programme, contained in the documentation.

6. PROGRAMME FOR MONDAY 20 MARCH 1995

It was agreed the CA and CC would not be convened on Monday 20 March 1995 and that Theme Committees scheduled to meet in the evening should have the opportunity of meeting in the afternoon. The meeting was reminded that there would be no meeting of the MC on Monday 20 March 1995.

7. ANY OTHER BUSINESS

7.1 WORK PROGRAMME

7.1.1 The meeting noted the concern expressed at the manner in which the CC was discussing Theme Committee reports and the limited time left for completion of the work programme.

7.1.2 Concern was also expressed at the possible effect of local government elections and the result of no progress in dealing with the matter of international mediation. It was suggested that the Chairpersons take up the matter of international mediation and its possible effects on the CA process with the three parties involved.

7.1.3 It was agreed the Management Committee would conduct a full evaluation of the progress or otherwise of the work programme at its next meeting. It was agreed the Chairpersons would conduct a preparatory evaluation of the process.

8. CLOSURE

The meeting closed at 09h45.

CONSTITUTIONAL ASSEMBLY

MINUTES OF MANAGEMENT COMMITTEE MEETING THURSDAY 23 MARCH 1995 (AT 08H00)

PRESENT

Ramaphosa MC (CHAIRPERSON)

Chabane OC
Eglin CW
Mabandla BS
Meshoe KR
Meyer R
Moosa MV

Sizani RK
Smith PF
Van Breda A
Viljoen C
Wessels L (Deputy Chairperson)

In attendance:

Ebrahim H, Lilienfeld P, Zondo L, Sparg M, Grové G,N. Msizi, M. Ndziba and Keegan M.

1. OPENING

- 1.1 Mr. Ramaphosa opened the meeting at 08h06.
- 1.2 The agenda was adopted with one addition: 6.1 Questions from Constitutional Assembly Members.

2. MINUTES

- 2.1 It was agreed that paragraph 7.1.2 would be corrected to read: "Concern was also expressed at what impact various issues and events might have on the Constitutional Assembly process, including local government elections and the matter of international mediation."
- 2.2 The attendance list would be corrected to reflect Mr R Meyer was present.
- 2.3 The meeting adopted the Minutes of the 16 March 1995 meeting of the Management Committee with these amendments.

3. MATTERS ARISING

3.1 COMMISSIONS

The meeting noted that the Management Committee is still awaiting

feedback from Theme Committees on commissions and agreed that the matter would stand over for a future meeting of the Management Committee.

3.2 PROGRAMME FOR 18 - 21 APRIL 1995

The meeting noted that the Management Committee is still awaiting comments from Theme Committees on the Work Schedule for 18 -21 April 1995. It was agreed that the matter would stand over for a further meeting of the Management Committee.

3.3 REVISED NNTV/PENGUIN PROGRAMME

3.3.1 Mr. Ramaphosa introduced the document entitled, "*Revised Penguin Films/NNTV Programme*," included in the documentation.

3.3.2 The following concerns were expressed regarding the Programme:

i. Regarding the Programme Layout:

- (a) The programmes would be too crowded if they involved 7 politicians; rather, 2 or 3 technical experts should answer questions put to them.
- (b) There was discussion as to whether the Constitutional Assembly's Technical Advisors would participate in the programmes as members of civil society. Whilst the CA's own technical experts were not necessarily excluded, experts or representatives of civil society should be brought into to represent the views of civil society in the programmes.

ii. Regarding individual programmes:

- (a) Programme Two needed revision, as too many issues would be covered in too short a time. It was suggested that "fiscal policy" and "taxes" should be moved and considered separately elsewhere.
- (b) It was asked whether the Volkstaat Council's work was far enough along to allow for the production of programme four on the "Volkstaat";

and

- (c) A programme on the "Death Penalty" was not appropriate before the issue was decided upon by the Constitutional Court.
- (d) Mrs. Mabandla said that the ANC would prefer that Prof. T. Nhlapo be the moderator for Programme 3.

3.3.3 The meeting agreed that the overall Programme would be reviewed, taking into account the concerns expressed.

4. EVALUATION OF PROCESS

- 4.1 The meeting noted the document entitled, "*Chairpersons Report and Evaluation of Process*," tabled at the meeting. It was agreed that the members would consider the document and that it would be discussed at the Monday, 27 March 1995 meeting of the Management Committee.
- 4.2 Mr. Chabane suggested written reports on the database project and the ATM media project were required.
- 4.2 It was agreed that the schedule of meetings on 27 March 1995 would be amended as follows:
 - i. The Management Committee would meet between 11h00 and 13h00; and
 - ii. No Constitutional Committee or Constitutional Assembly would be held.
 - iii. Theme Committees would be scheduled to meet instead.
- 4.3 The meeting further agreed that the Constitutional Committee would not be convened until substantive Theme Committee reports were available for discussion, and the Constitutional Assembly would not be convened until substantial matters required its consideration.

5. APPOINTMENT OF TECHNICAL EXPERTS

- 5.1 Ms. Zondo spoke to the document entitled, "*Minutes of the Tenth Meeting of the Sub-Committee to Select Technical Experts*," included in the documentation.

5.2 The meeting agreed that the minutes would be amended in the following ways:

- i. Paragraph 4.2.1 would be corrected to indicate that nominations were not for the Land Commission, itself, but for experts who would assist Theme Committee discussions on the Land Commission, and
- ii. Paragraph 4.3.1 would be corrected to indicate that nominations were not for the Human Rights Commission, itself, but for experts who would assist Theme Committee discussions on the Human Rights Commission.

6. ANY OTHER BUSINESS

6.1 MEMBERS' QUESTIONS

Mr. Eglin for the DP noted that procedures were needed for members' questions. The meeting agreed that if members provided written notice a week ahead, priority would be given to their questions during question time. Members would be notified of this decision.

6.2 APOLOGIES

6.2.1 Mr. Eglin apologised for his absence from meetings during the week beginning 27 March 1995.

6.2.2 Gen. Viljoen apologised for his absence from the 27 March 1995 meeting of the Management Committee.

7. CLOSURE

The meeting closed at 08h44.

CONSTITUTIONAL ASSEMBLY

MINUTES OF MANAGEMENT COMMITTEE MEETING MONDAY 27 MARCH 1995 (AT 11H00)

PRESENT

Ramaphosa MC (CHAIRPERSON)

Chabane OC
Mabandla BS
Meyer R
Moosa MV
Sizani RK

Selfe J *
Smith PF
Van Breda A
Viljoen C
Wessels L (Deputy Chairperson)

* alternate standing in for member

Apologies: C. Eglin and K. Meshoe.

In attendance:

Ebrahim H, Lilienfeld P, Zondo L, Sparg M, Grové G,N. Msizi, M. Ndziba and Keegan M.

1. OPENING

1.1 Mr. Ramaphosa opened the meeting at 11h08.

1.2 The agenda was adopted with one addition:

5.1 "Freedom Day Celebrations".

2. MINUTES

The meeting adopted the Minutes of the Meeting of Thursday, 23 March 1995.

3. MATTERS ARISING

None - included in agenda items below.

4. EVALUATION OF PROCESS

4.1 Mr. Ramaphosa introduced the document entitled "*Chairpersons Report and Evaluation of Process,*" tabled at the 23 March 1995

meeting of the Management Committee.

4.2 Regarding the report's recommendations on a revised work schedule in paragraph 4.1:

- i. There was consensus that Constitutional Assembly structures would need additional time for their work.
- ii. In light of the fact that Parliament appeared to have a lighter work load, the meeting agreed that the Chairpersons would meet with the Speaker of the National Assembly, the President of the Senate and Leader of the House to obtain more time for the Constitutional Assembly.
- iii. Similarly, there was consensus that the schedule for late June and July could be revisited to see if more time could be found for meetings there.
- iv. The meeting, however, expressed broad displeasure with the proposed evening meeting times for the Constitutional Committee.
- v. Finally, Gen. Viljoen suggested that rather than committing itself to a rushed programme in order to meet the final deadline, the Constitutional Assembly should reconsider the deadline itself.

4.3 Regarding the report's recommendations on expanding the role of Technical Advisors in paragraph 4.2:

4.3.1 There was broad agreement that now that the Technical Advisors were in place, their role could be developed to expedite and enhance the constitution-making process.

4.3.2 The meeting agreed that Technical Advisors could be used as advisors to the Constitutional and Management committees. The following ideas emerged during the discussion of the matter:

- (a) Technical Advisors might help identify and prioritise issues needing discussion for the Constitutional and Management committees. Technical Advisors could also help focus discussions by posing crisp questions to which Theme Committees could respond.
- (b) Constitutional Committee meetings might include regular

"audiences" with Technical Advisors. These could be used to discuss memoranda, legal opinions, or options for constitutional texts drawn up by the advisors.

- (c) Similarly, Technical Advisors could be present in Constitutional Committee discussions on draft texts to motivate texts, explain matters and answer questions.
- (c) When the Constitutional Committee discussed a Theme Committee's report, its Technical Committee should attend to assist discussions.
- (c) Mr. Lilienfeld noted that the Rules did allow for advisors to similarly participate in Constitutional Assembly meetings.

4.3.3 Regarding the recommendations in paragraph 4.2 that Technical Advisors facilitate Theme Committee work by preparing briefings and running orientation workshops:

- i. There was consensus that this might focus and expedite Theme Committee discussions;
- ii. Concern was expressed, however, that orientation workshops might be too time-consuming, given the limited time available. There was agreement that Technical Advisors could produce less formal briefing documents instead.
- iii. Finally, the meeting agreed that Theme Committee Core Groups would be consulted on this matter.

4.3.4 It was agreed political parties and the Management Committee should continue to apply their minds to the manner in which the Technical Advisors and the Panel could be best utilised to expedite the process as a whole.

4.4 Regarding recommendations on the drafting process in paragraph 4.3, there was consensus that:

- i. Technical Committees would, with the production of a Theme Committee report, immediately prepare draft formulations for consideration by the Constitutional Committee.
- ii. These provisions would follow the format of the Theme Committee report in clearly reflecting and distinguishing

between those areas that were not contentious and those that were. And,

- iii. In respect of areas of contention, alternative drafts would be produced.

4.5 Regarding the Public Participation Programme discussed in paragraph 4.4, it was agreed that:

- i. 18 Constitutional Public Meetings would be held between 27 April and 25 June 1995;
- ii. Theme Committees should become more involved in planning the Constitutional Public Meetings and the format of these meetings should allow for more focussed discussion;
- iii. Media should be used in conjunction with public meetings, for example : a television or radio show on a particular item could be followed by a public meeting on the same subject;
- iv. After June 1995, there would be a public participation programme to gather public comments on the draft constitution.
- v. The following phrase would be added to paragraph 4.4.2:

"on the understanding that the Administration reports to the Management Committee on the particulars of each event in good time."

- 4.6 The meeting agreed that these recommendations would be forwarded to the Constitutional Committee with the "*Chairpersons Report*" for the information of members of the Constitutional Committee. Members of the Constitutional Committee would be requested to forward their comments to their party representatives on the Management Committee. It was noted however that should a decision be required on meeting times for the Constitutional Committee, this matter would require decision by that body itself.

5. ANY OTHER BUSINESS

5.1 "FREEDOM DAY"

- 5.1.1 Mr. Ebrahim reported that he had attended a meeting of the National Celebrations Committee, which is organising events for 27 April 1995, and he tabled three documents entitled:

"Agenda: National Celebrations Committee," "Suggested Programme for National Freedom Day Celebrations", and "Freedom Day Celebrations: Portfolios."

5.1.2 He noted that the Constitutional Assembly should continue to involve itself in preparations for the day to ensure that the CA received the necessary profile in the events and statements for the day. He stated that the CA would not be holding its own public meetings on the day, and could contribute some funds towards the organisation of the national Freedom Day events.

5.1.3 He further suggested that Mr R Meyer who is a member of the ministerial committee dealing with the celebrations should represent the views of the Constitutional Assembly to Cabinet. The meeting agreed to all of the above.

5.2 CHANGES IN MEETING SCHEDULE

The meeting agreed that the Constitutional Committee would meet on Monday 3 April 1995 at 14h00 and the Constitutional Assembly on 24 April 1995.

5.3 NNTV/PENGUIN FILMS PROPOSAL

The meeting agreed to extend the deadline for nominating political party representatives for the first NNTV programme until 18h00, 27 March 1995.

6. CLOSURE

The meeting rose at 12h45.

