

2/4/6/6/1/1/8

CONSTITUTIONAL ASSEMBLY

Theme Committee 6.4

SECURITY APPARATUS

8 August, 1995 (29th meeting)

10:00

Room V454

DOCUMENTATION

**CONSTITUTIONAL ASSEMBLY
29th MEETING
THEME COMMITTEE 6.4
SECURITY APPARATUS
TUESDAY, 8 August 1995**

Please note that a meeting of Theme Committee 6.4 will be held as indicated. **IT WILL TAKE PLACE IN V454:**

Date: 8 August 1995

Time: 10:00

Venue: V454

AGENDA

1. **Opening and welcome**
2. **Minutes of the previous meetings**
 - 2.1 **Minutes of the twenty seventh meeting (pg 1-4)**
 - 2.2 **Minutes of the twenty eighth meeting (pg 5-8)**
3. **The Security Services Commission and Public Administration**
4. **Consideration of draft constitutional text : second draft (pg 9-23)**
5. **Constitutional Public Meetings: KwaZulu Natal (pg 24-26)**
6. **Any other business**
7. **Closure**

**H EBRAHIM
EXECUTIVE DIRECTOR**

Enquiries: Katharine McKenzie (Tel 24 5031 or 403-2174)

CONSTITUTIONAL ASSEMBLY

**MINUTES OF THE TWENTY SEVENTH MEETING OF SUBTHEME COMMITTEE 4,
THEME COMMITTEE 6**

**SPECIALISED STRUCTURES OF GOVERNMENT
SECURITY APPARATUS**

MONDAY, 31 JULY 1995

PRESENT

Schreiner J (Chairperson)

Alant TG	Dyani MMZ
Ebrahim EI	Fihla NB
Gogotya NJ	Jordaan JA
Makana S	Marais JA
Mashimbye JN	Mti LM
Phillips IM	Sosibo J
Van Eck J	Waugh JCN

Apologies: Appelgryn MS; Breytenbach WN; Ellis M; Mpahlwa MB; Mtintso TE;
Selfe J

A Cachalia; K McKenzie; N Nyoka and A Seegers were in attendance.

1 OPENING AND WELCOME

Ms Schreiner opened the meeting at 14:15 and welcomed the members.

2 MINUTES OF THE PREVIOUS MEETING

2.1 Minutes of the twenty sixth meeting, 26 June 1995
The minutes were adopted.

3 MATTERS ARISING

3.1 Further submission from the intelligence services
Dr Sigxashe, Mr B Masetla, Mr H Radebe, and Mr M Shaik spoke to
a further submission to the Committee by NIA and SASS (contained
in volume 19 of submissions).

The submission highlighted reasons as to why members of the civilian intelligence services should not be included in a Security Services Commission.

4 CONSIDERATION OF DRAFT CONSTITUTIONAL TEXT

Prof Seegers and Mr Cachalia spoke to the draft text, contained in the documentation of the meeting. In discussion the following changes were made to the first draft:

4.1 Introductory statement

The technical advisors suggested that this be renamed "Statement of Principle". This was agreed to by the Committee.

4.2 Composition and structuring of the security services (1)

No changes were made to this section of the draft.

In discussion it was noted that the Constitution would only regulate security services created by the state. In the instance of the state contracting out work to a private security agency, that agency would by law be included in the definition of a security service.

4.3 Defence force (2)

No changes were made to this section of the draft.

In discussion it was noted that the term "professional" implied the maintenance of standards and professional integrity that extended beyond the definition of an occupation or a job.

"Discipline" referred to the cohesive group belief in the integrity of command.

"Non-aggression" implied that all operations of the defence force will respect territorial integrity and implied that the defence force would have no designs on the borders of other countries.

It was noted that the transitional provision required for the continuation of the SANDF should be carefully drafted as it had implications for the processes of integration and demobilisation that were taking place in the defence force.

4.4 Political responsibility and accountability (3)

The Committee agreed that further detail should be added to section 3 (2). It was agreed that this be replaced with section 228 (3) (d) of the interim constitution which reads:

The Committee shall be competent to investigate and make recommendations regarding the budget, functioning, organisation, armaments, policy, morale and state of preparedness of the national defence force and to perform such other functions relating to parliamentary supervision of the force as may be prescribed in law.

It was agreed that this detail be added as the Constitutional Assembly was in the process of establishing the first democratic constitutional state and it was critical that parliamentary oversight committees had wide powers, particularly to review the budget. If this power was not constitutionally stipulated then parliament would have the power in future to restrict a role which is seen as critical.

It was agreed that provision should also be made for the oversight committee to consider and make recommendations on all proposed legislation relating to defence.

4.5 Command of the defence force (4)

No changes were made to this section of the draft.

In response to footnote 12 the Committee agreed that the footnote should reflect that the procedure for appointing the Chief of the Defence Force was an area of disagreement.

The NP and the DP held the view that the President should nominate candidates for the position of Chief of the Defence Force and the parliamentary committee would ratify these. The ANC believed that the President should appoint the Chief of the Defence Force.

The NP stated that the procedure of dismissal should accord with administrative law in which the same method was used to fire as to hire.

4.6 Civilian secretariat (5)

It was agreed that the word "separate" should be removed.

Mr Cachalia explained that the word separate had been inserted to signify the difference between the policy making role which would be fulfilled by the civilian secretariat as opposed to the operational function of the defence force command structures, but that this was implicit.

4.7 Employment of defence force (6)

No changes were made to this section of the draft.

4.8 Police Service (7)

No changes were made to this section of the draft however the DP would consult further as to whether it adequately captured their position and contact the Chairperson in this regard.

4.9 Political responsibility and accountability (8)

No changes were made to this section of the draft.

4.10 Control of police service (9)

It was agreed that section 9(2) should be replaced with the sections of the interim Constitution which set out the responsibilities of the National and Provincial Commissioners.

It was also noted that this was also an issue which was also the concern of Theme Committee 3 and should be referred there.

4.11 Civilian control/secretariat (10)

It was agreed that a clause should be drafted making provision for a civilian secretariat for the police service and civilian control at national level. Provision should be made for provinces to have civilian secretariats but the constitution should not compel provinces to do so.

4.12 Functions of police service (11)

It was agreed that the powers and functions of the police service should be detailed in the Constitution along the lines of the interim constitution.

A footnote should point out that this has to be finally resolved in the context of the larger debate taking place around powers and functions of national and provincial governments.

5 CLOSURE

The meeting rose at 17:00 and the remainder of the agenda items were held over to the next meeting of the Committee.

CONSTITUTIONAL ASSEMBLY

**MINUTES OF THE TWENTY EIGHTH MEETING OF SUBTHEME COMMITTEE 4,
THEME COMMITTEE 6**

**SPECIALISED STRUCTURES OF GOVERNMENT
SECURITY APPARATUS**

TUESDAY, 1 AUGUST 1995

PRESENT

Schreiner J (Chairperson)

Alant TG	Ebrahim El
Ellis M	Fihla NB
Jordaan JA	Makana S
Marais JA	Mashimbye JN
Mti LM	Phillips IM
Sosibo J	Waugh JCN

Apologies: Appelgryn MS; Breytenbach WN; Gogotya NJ; Mpahlwa MB; Mtintso TE; Selfe J

G Grové, K McKenzie and A Seegers were in attendance.

1 OPENING AND WELCOME

Ms Schreiner opened the meeting at 11:15 and welcomed the members.

2 CONSIDERATION OF DRAFT CONSTITUTIONAL TEXT

Discussion on the first draft constitutional text on police, defence and intelligence contained in the documentation for the 27th meeting resumed.

2.1 Establishment of intelligence services (12)

It was agreed that the last sentence of section 12 be amended to read "The object, powers, functions and co-ordination of any such intelligence service shall be set out only in a national law", or reworked to convey the meaning that intelligence is a national competency.

It was agreed that the co-ordination of the intelligence services should be inserted into section 12 as per block 10 of the intelligence report.

2.2 Political responsibility and accountability (13)

It was agreed that section 13(2) should be amended to specify that the budgetary oversight of the intelligence services be performed jointly with the parliamentary committee on finance. This would ensure that at a micro level adequate budgeting and oversight of expenditure in the intelligence services takes place.

It was agreed that it should be indicated in a footnote that this also needs to be looked at in terms of the constitutional powers of the parliamentary committee on finance.

It was agreed that the Committee should not have oversight over "all" intelligence matters as this could include source reports and identification of intelligence sources. This is not the function of oversight and tasks such as these would lie with the Inspector General.

It was agreed that the Constitution should provide that other functions of the Committee be set out in law.

It was agreed that the drafters should footnote an option which looks at stating the principle that the size of the Committee should be restricted in keeping with the tasks which it is expected to perform.

2.3 Control of intelligence services (14)

It was agreed that this section should be amended to allow for the Inspector General to be appointed by the President with parliamentary approval by a two thirds majority or a special majority.

2.4 Code of conduct for members of the security services (15)

No changes were made to this section of the draft.

Mr Grové explained that it was necessary to establish the non-partisanship of the security services in section 1 (4) of the draft and the non-partisanship of members of the security services in section 15 of the draft in order to comply with Constitutional Principle XXX1.

2.5 Training (16)

It was agreed that this section should be amended to read:
"Members of the security services shall be properly trained in accordance with appropriate/relevant standards of competency and discipline. The members shall be instructed in the applicable basic concepts of South African law, including the inviolability of

fundamental human rights and international conventions and law."

2.6 Personnel administration (17)

In regard to personnel administration the Committee noted the report tabled by Theme Committee 6.1 (final report on Public Service tabled by the Constitutional Assembly on 19 May 1995) and the sixth draft on Public Administration (contained in the documentation of the 28th meeting).

It was agreed that section 17 include an addition that appropriate mechanisms be set up in law to provide for the needs of the security services.

Mr Grové explained that the new Public Administration Commission would play a "watchdog" role and promote the basic values and principles set out in the draft. It would have jurisdiction over the whole of the Public Administration and this would include all the security services. The Public Administration Commission however would not have the power to determine service conditions.

3 THE SECURITY SERVICES COMMISSION AND PUBLIC ADMINISTRATION

It was agreed that Mr I Vadi, Ms J Love, Mr S De Beer and Mr J Chiolo would be invited to attend the next meeting of the Theme Committee in order that the issue of accommodating the needs of the security services and the Public Administration Commission could be finalised.

4 REFERRAL OF ISSUES TO OTHER THEME COMMITTEES

It was agreed that the list of issues which had been discussed by Theme Committee 6.4, but fell into the ambit of other Theme Committees would be attached to the Committee's report to the Constitutional Committee.

5 SUBMISSIONS

5.1 IFP submission

The Chairperson reported that the Constitutional Assembly's Submissions Department had made a thorough search of their records and had no prior record of receiving the IFP submissions which Sen P Powell submitted on 27 June 1995 (contained in vol 18 of submissions).

It was agreed that Prof Seegers would study the submissions and highlight any new issues they may contain in order that the Committee could discuss them and note any outstanding contention in the draft text if necessary.

5.2 Other submissions dealing with the security services

It was agreed that the secretariat should continue to send submissions to the Committee members in order that they could study them and introduce any new ideas that they may contain into debate in the Constitutional Assembly

6 ANY OTHER BUSINESS

6.1 Constitutional Assembly public hearings

The memorandum from the Executive Director regarding public hearings (contained in the documentation for the 27th meeting) was noted.

6.2 Next meeting

It was agreed that the final meeting of the Committee would be held at 10:00 on Tuesday 8 August, 1995.

7 CLOSURE

The meeting rose at 13:00.

General note:

Words underlined added in accordance with the instructions of Theme Committee 6.4.

SECOND DRAFT - 5 AUGUST 1995

Status:

Draft by TC 6.4 technical advisers and the CA law advisers for consideration and approval by TC 6.4.

CHAPTER

STATEMENT OF PRINCIPLE

Whereas there is a need

- that national security should be based on the resolve of all South Africans, as individuals and as a nation, to live as equals and in peace and harmony, to be free from fear and want, and to seek a better life; and
- that national security should be pursued in strict compliance with the Constitution, the law and all applicable international conventions and norms;

Now therefore the following provisions and the principles enshrined therein are enacted to govern national security and the security services of the Republic, and these provisions shall be interpreted and understood in the spirit of this Statement of Principle.

SECURITY SERVICES¹

Composition and structuring of security services

1. (1) The security services of the Republic consist of the defence force, the police service and such intelligence services as may be established in terms of the Constitution.

(2) The security services shall be structured and regulated by law.²

(3) The security services are subordinate to the will of the people as expressed in terms of the Constitution.³ They shall at all times act in accordance with and within the confines of the Constitution and the law, including the norms of international customary law and treaties binding on the Republic.⁴

¹ There are four reports dealing with the security services, viz -

- a "general" report d.d. 27 February 1995;
- a "police" report d.d. 15 May 1995;
- a "defence" report d.d. 29 May 1995; and
- an "intelligence" report d.d. 26 June 1995.

This draft reflects as far as possible the agreed positions in these four reports. Some of the agreements in the reports overlap with the work of other Theme Committees, and where this is the case suitable arrangements will have to be made to bring the views of TC 6.4 to the attention of the affected Theme Committees.

The "Introductory Statement" is an attempt to encapsulate the agreement in Block 1 of the Police Report, which, in this instance, refers to all security services and not only the police.

It is the view of the TC 6.4 technical advisers that the introductory statement should rather form part of the Preamble to the Constitution.

² As per agreement in Block 2 of the Defence Report and Block 5 of the Intelligence Report.

³ As per agreement in Block 2 of the Police Report.

⁴ As per agreement in Block 10 of the General Report.

(4) The security services shall discharge their powers and functions in the national interest. It shall therefore be unlawful for the security services to further or prejudice party political interests.⁵

DEFENCE

Defence force

2. (1) The defence force shall be structured and managed as a disciplined professional military force. Its object shall be the defence and protection of the Republic, its territorial integrity and its people.⁶

(2) In pursuing its object the defence force shall be guided by the principle of non-aggression.⁷

Political responsibility and accountability

3. (1) A Minister of the Cabinet shall be charged with the political

⁵ As per agreement in Blocks 6 and 10 of the Defence Report and Block 1 of the Police Report. There is, however, contention on the definition of "national interest". See foot note 15 below.

It must also be pointed out that this subsection is obligatory in terms of CP XXXI.

⁶ As per Agreement in Blocks 2, 6 and 10 of the Defence Report.

A transitional provision will be required to provide for the continuation of the SANDF which is presently established and structured in terms of the Interim Constitution. Transitional measures, however, can best be dealt with separately because of the temporary legal effect of such measures.

⁷ As per agreement in Block 2 of the Defence Report that the defence force should be primarily defensive.

responsibility for defence and shall be accountable to Parliament.⁸

(2) A (joint)⁹ multi-party committee of Parliament shall be established and maintained for the purpose of continuous parliamentary oversight of all defence matters. In particular the committee shall be competent to investigate and make recommendations regarding the budget, functioning, organisation, armaments, policy, morale and state of preparedness of and draft legislation on the defence force and to perform such other functions relating to parliamentary supervision of the defence force as are prescribed by law.¹⁰

Command of defence force¹¹

4. (1) The defence force shall be under the command of a chief of the

⁸ As per agreement in Block 11 of the Defence Report.

There is broad agreement in TC 2 that Ministers of the Cabinet must be appointed from the ranks of Parliament. This will rule out the appointment of a serving soldier as the Minister of Defence.

The Draft on the National Executive (TC 2) provides for ministerial accountability to the President, the Cabinet and Parliament.

⁹ The question of a second chamber of Parliament must still be resolved.

¹⁰ As per agreement in Block 7 of the Defence Report. The TC is of the opinion that the underlined words be added as the CA is in the process of establishing the first democratic constitutional state and that it is critical for parliamentary committees to have wide powers, particularly to review the budget. If this power is not constitutionally stipulated then Parliament would have the power in future to restrict a role which is seen as critical.

¹¹ The agreement in Block 1 of the Defence Report that the President should be the commander-in-chief of the defence force is reflected in the Draft on the National Executive.

defence force who shall be appointed by the President.¹²

(2) The chief of the defence force shall exercise command of the defence force in accordance with the directions of the Minister of the Cabinet responsible for defence and, during a state of national defence, of the President.¹³

Civilian secretariat

5. A civilian secretariat for defence functioning under the direction and control of the Minister of the Cabinet responsible for defence, shall be charged with the administration of such matters in connection with defence as may be entrusted to it by law or the Minister.¹⁴

Employment of defence force

6. The defence force may be employed only in the national interest and as authorised by law. Such a law shall be consistent with this Constitution and

¹² As per Block 12 of the Defence Report. The procedure for appointing the Chief of the Defence Force is an area of disagreement.

The TC is further of the view that the procedure for the dismissal of the Chief of the Defence Force should accord with the appointment procedure.

¹³ As per agreement in Block 1 of the Defence Report.

¹⁴ As per agreement in Block 11 of the Defence Report. See also Block 9 of the General Report. The question arises whether this provision is too detailed and whether it should not be replaced by a provision merely stating the principle.

shall comply with the norms of international customary law and treaties binding on the Republic.¹⁵

POLICE

Police service

7. (1) The police service shall be structured and managed as a disciplined professional police service. Its object shall be the prevention and

¹⁵ This section is in contention as per Block 6 of the General Report and Block 10 of the Defence Report. The contention revolves around the question whether the Constitution should contain a definition of "national interest", and if so, how such definition should be formulated. If a definition is included in the Constitution, the "law" referred to in the section will have to conform to the definition. Possible approaches include the following options:

- Option 1:** No definition of "national interest" in the Constitution in which case it will be left to the courts to interpret and develop this concept as used in the section. In doing so a court will have regard to voluminous literature available in international jurisprudence on the meaning of "national interest".
- Option 2:** The Constitution should define "national interest" in specific terms to indicate the precise circumstances in which the defence force may be employed, for instance where it is necessary -
- (a) to comply with international obligations towards other states and international bodies;
 - (b) for the preservation of life, health and property;
 - (c) for the maintenance of essential services;
 - (d) to assist the police service to uphold law and order; and
 - (e) in support of reconstruction and development programmes and other efforts to improve socio-economic conditions.

A precise definition has the advantage of providing immediate legal certainty but leaves little room for legal development of the concept.

- Option 3:** The Constitution should define "national interest" in general terms to indicate that the concept embraces both the interest of the people and the interest of the state.

investigation of crime, the maintenance of public order and to secure the safety and security of people and communities in the Republic.¹⁶

(2) The police service shall be structured to function at both national and provincial levels under the direction of the national government and the provincial governments, respectively.¹⁷

Political responsibility and accountability

8. (1) A Minister of the Cabinet shall be charged with the political responsibility for police and shall be accountable to Parliament.¹⁸

(2) A (joint) multi-party committee of Parliament shall be established and maintained for the purpose of continuous parliamentary oversight of all police matters.¹⁹

¹⁶ As per agreement in Block 3.a of the Police Report. A transitional provision on the South African Police Service as presently structured will be necessary.

¹⁷ Subsection (2) is in contention as per Block 5 of the Police Report. The suggested formulation covers the position of the majority of the parties but may need further development. Whether the police service should also include police services at local level or whether these should remain separate is also in contention. However, the above formulation does not preclude the formation of police services at local level.

¹⁸ This section is in line with the agreed position as per Blocks 8 and 9 of the General Report. The Draft on the National Executive provides for ministerial accountability to the President, Cabinet and Parliament.

¹⁹ As per agreement in Block 9 of the Police Report.

Control of police service

9. (1) The police service shall be under the [operational] command of a national commissioner who shall be appointed by the President.²⁰

(2) The national commissioner of the police service shall exercise command of the police service in accordance with the directions of the Minister of the Cabinet responsible for police.²¹

(3) A provincial commissioner for each province shall be appointed by the national commissioner in accordance with a national law. A provincial commissioner shall exercise his or her responsibilities as prescribed by law.

Responsibilities of commissioners

9A. (1) The national commissioner shall be responsible for -

(a) the maintenance of an impartial, accountable, transparent and efficient police service;

(b) the preservation of the internal security of the Republic;

²⁰ As per Block 4 of the Police Report. The command of the national commissioner over the entire police service or only that part of it operating at national level is still in contention.

Another area where further instructions are required concerns the dismissal of the national commissioner, for instance where the occupant of the post no longer enjoys the confidence of the Cabinet.

²¹ Subsection (2) is in line with the agreed position as per Blocks 8 and 9 of the General Report in so far as it relates to the national commissioner.

- (c) the investigation and prevention of organised crime which requires national investigation and prevention or specialised skills as defined in a national law;
- (d) international police liaison;
- (e) the keeping and provision of crime intelligence data, criminal records and statistics;
- (f) the training of members of the police service, including any municipal or metropolitan police services;
- (g) the recruitment, appointment, promotion and transfer of all members of the service;
- (h) the provision of forensic laboratory services;
- (i) such functions relating to border control and the import and export of goods as may be assigned to the service by law;
- (j) the establishment and maintenance of a national public order policing unit to be deployed in support of and at the request of a provincial commissioner;
- (k) national protection services;
- (l) the establishment of a special task force for high risk operations which require specialised skills; and
- (m) such other functions as are appropriate for the national commissioner to take responsibility for.

- 10 -

- (2) A provincial commissioner shall with regard to his or her province be responsible for -
- (a) the investigation and prevention of crime;
 - (b) the development of community-policing services;
 - (c) the maintenance of public order;
 - (d) the provision in general of all other visible policing services, including -
 - (i) the establishment and maintenance of police stations;
 - (ii) crime reaction units; and
 - (iii) patrolling services;
 - (e) protection services in regard to provincial institutions and personnel;
 - (f) transfers within the province of members of the police service performing functions in terms of this section;
 - (g) the promotion, up to a prescribed rank, of members of the service performing functions in terms of this section; and
 - (h) the recruitment of members and the maintenance and discipline of the service in the province concerned in accordance with the directions of the national commissioner.

Civilian secretariat

10. (1) A civilian secretariat functioning under the direction and control of the Minister of the Cabinet responsible for police, shall be charged with the administration of such matters in connection with police as may be entrusted to it by law or the Minister.²²

(2) A province may establish a civilian secretariat to function at the provincial level of the police service as prescribed by law.²²

Powers and functions of police service

11. (1) The powers and functions of the police service shall be as set out in a national law. Such a law shall entrust sufficient powers and functions to the police service in order to enable the national and provincial commissioners to discharge their respective responsibilities effectively.²³

(2) In discharging its powers and functions the police service shall where appropriate endeavour to enlist the support and co-operation of the people and communities.²⁴

²² See Block 6 of the Police Report. At its meeting of 1 August 1995 the TC agreed to the inclusion of these provisions.

²³ See Blocks 3.a and 3.b of the Police Report. This provision has been drafted after discussion by the TC of the First Draft.

²⁴ As per agreement in Block 12 of the Police Report.

INTELLIGENCE²⁵

Establishment of intelligence services

12. An intelligence service, whether intended to operate as part of or independently from the defence force or the police service, may only be established by the President. The objects, powers and functions and co-ordination of intelligence services shall be set out and regulated only in a national law.²⁶

Political responsibility and accountability

13. (1) The President or a Minister of the Cabinet designated by the President shall be charged with the political responsibility for an intelligence service and shall be accountable to Parliament for such intelligence service.²⁷

(2) A (joint) multi-party committee of Parliament shall be established and maintained for the purpose of continuous parliamentary oversight of intelligence matters as set out in a national law. Budgetary oversight of intelligence

²⁵ This section reflects the agreed positions as set out in the Intelligence Report.

²⁶ As per agreement in Blocks 2 and 5 of the Intelligence Report.

²⁷ Subsection (1) reflects the agreed position in Block 5 of the Intelligence Report.

services shall be performed jointly with the parliamentary committee on public finance.²⁸

Control of intelligence services

14. (1) An intelligence service shall operate in accordance with the control and directions of the President or the Minister of the Cabinet responsible for such an intelligence service.²⁹

(2) The head of an intelligence service shall be appointed by the President [subject to parliamentary approval].³⁰

(3) A civilian Inspector General shall monitor the activities of intelligence services and perform such other functions as prescribed by law. The Inspector General shall be appointed by the President with the approval of Parliament by resolution adopted by a majority of at least two thirds of the members.³¹

²⁸ As per agreement in Block 6 of the Intelligence Report. This provision is based on an assumption that a parliamentary committee on finance will be provided for in the Constitution.

²⁹ As per Block 5 of the Intelligence Report.

³⁰ As per Block 8 of the Intelligence Report. The words in bold brackets are in contention.

³¹ As per Block 7 of the Intelligence Report.

GENERAL

Code of conduct for members of security services

15. Members of the security services shall at all times act in accordance with a code of conduct prescribed by law.³² In particular members of the security services shall -

- (a) be obliged to comply with all lawful orders;³³
- (b) refuse to comply with a manifestly illegal order;³³ and
- (c) refrain from furthering or prejudicing any party political interest.³⁴

Training

16. Members of the security services shall be properly trained in accordance with the relevant international standards of competency and discipline. The members shall be instructed in the applicable basic concepts of South African

³² As per agreement in Block 13 of the General Report, Block 17 of the Police Report, Block 5 of the Defence Report and Block 1 of the Intelligence Report. See also the agreement in Block 15 of the Police Report as to the use of "minimum force" and the query whether this should be in the Constitution or the code of conduct.

³³ As per agreement in Block 12 of the General Report, Block 14 of the Police Report and Block 5 of the Defence Report.

³⁴ A constitutional prohibition on the furthering or prejudicing of party political interests by members of the security services is required by CP XXXI.

law, the inviolability of human rights and international conventions and law.³⁵

Personnel administration

17. The conditions of service and the rights and duties of members of the security services shall be regulated by law with appropriate mechanisms established to accommodate the specific needs of the security services. Special mechanisms and procedures for the resolution of labour disputes within the security services shall be established.³⁶

³⁵ The section is based on the agreement in Block 13 of the General Report and Block 2 of the Defence Report.

³⁶ As per agreement in Block 12 of the General Report, Block 7 of the Police Report and Block 3 of the Defence Report.



CONSTITUTIONAL ASSEMBLY

MEMORANDUM

**TO: MANAGING SECRETARIES
THEME COMMITTEE MEMBERS**

FROM: UNA FOURIE, COMMUNITY LIAISON

DATE: 4 AUGUST 1995

RE: CONSTITUTIONAL PUBLIC MEETINGS: KWAZULU-NATAL

1. CONSTITUTIONAL PUBLIC MEETINGS

The following Constitutional Public Meetings are being planned in KwaZulu-Natal:

26 August 1995	Empangeni
2 September 1995	Port Shepstone

2. CONFIRMATION FORMS

Attached please find Confirmation Forms for the respective CPMs. Confirmation Forms can be handed to Managing Secretaries or faxed to Una Fourie at the Operations Room, Floor 12, Regis House:
F: 238-123 before or on Friday, 11 August 1995.

3. THEME COMMITTEE MEMBER BRIEFINGS

Briefings for Theme Committee members attending CPMs will take place on the Wednesday preceding the CPM. Briefing documents will be distributed at the briefing.

DATE	TIME	VENUE	
23 August 1995	12:00	M201	(CPM - 26 August 1995)
30 August 1995	12:00	M201	(CPM - 2 September 1995)

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



You've made your mark



Now have your say

THE NEW CONSTITUTION

CONSTITUTIONAL PUBLIC MEETING CONFIRMATION FORM

1. CPM

DATE	PROVINCE	TOWN
26 AUGUST 1995	KWAZULU-NATAL	EMPANGENI

2. NAME OF THEME COMMITTEE MEMBER

.....

3. THEME COMMITTEE

Please tick where applicable

Theme Committee	Theme Committee	Theme Committee	Theme Committee
1	4	6.2	
2	5	6.3	
3	6.1	6.4	

4. TRAVEL ARRANGEMENTS

Please tick where applicable

BEFORE CPM

AFTER CPM

Arrangements	CA	OWN	Arrangements	CA	OWN
Transport TO airport from Old National Assembly entrance			Air travel to CAPE TOWN		
Air travel to VENUE			Transport FROM airport TO:		
ACCOMMODATION ARRANGEMENTS	CA	OWN	National Assembly		
			Pelican Park		
PLEASE NOTE CA: To be arranged by the Constitutional Assembly Administration. OWN: To be arranged privately for own account.			Acasia Park		
			Laboria Park		

5. Office contact number:..... After hours:.....

6. RSVP BEFORE OR ON 11 AUGUST 1995.

CONSTITUTIONAL PUBLIC MEETING CONFIRMATION FORM

1. CPM

DATE	PROVINCE	TOWN
2 SEPTEMBER 1995	KWAZULU-NATAL	PORT SHEPSTONE

2. NAME OF THEME COMMITTEE MEMBER

.....

3. THEME COMMITTEE

Please tick where applicable

Theme Committee		Theme Committee		Theme Committee	
1		4		6.2	
2		5		6.3	
3		6.1		6.4	

4. TRAVEL ARRANGEMENTS

Please tick where applicable

BEFORE CPM

AFTER CPM

Arrangements	CA	OWN	Arrangements	CA	OWN
Transport TO airport from Old National Assembly entrance			Air travel to CAPE TOWN		
Air travel to VENUE			Transport FROM airport TO:		
ACCOMMODATION ARRANGEMENTS	CA	OWN	National Assembly		
			Pelican Park		
PLEASE NOTE CA: To be arranged by the Constitutional Assembly Administration. OWN: To be arranged privately for own account.			Acasia Park		
			Laboria Park		

5. Office contact number:..... After hours:.....

6. RSVP BEFORE OR ON 11 AUGUST 1995.