

2/3/1/59

CONSTITUTIONAL ASSEMBLY

MANAGEMENT COMMITTEE

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

Date: Thursday 4 April 1996
Time: 08h00
Venue: V16

AGENDA

1. Opening and adoption of agenda
2. Minutes of Meeting of 27 March 1996: pages 1 - 3
3. Matters Arising:
 - 3.1 Evaluation of Progress in Resolving Outstanding Issues
 - 3.2 Process of Certification: see CA Report 29 March 1996 Page 10
 - 3.3 Schedule for Process of Adoption: see separate document
4. AOB
5. Closure

HASSEN EBRAHIM
EXECUTIVE DIRECTOR

For further information please contact Ms MM Sparg Tel 245 031

Q-
 A-
 INTERPRETATION CLAUSE?
 NONE IN INSTRUM CONST
 NO ATTN HAS BN GIVEN 2 THIS
 MATTER? IS SUBJECT 2 DISCUSSION
 S2(33)
 TRY TO
 DO
 INTERPRETATION
 DEFINITION

CONSTITUTIONAL ASSEMBLY
MINUTES OF THE EXTENDED MEETING OF THE MANAGEMENT COMMITTEE
WEDNESDAY 27 MARCH 1996

PRESENT
RAMAPHOSA M C (CHAIRPERSON)

Andrew K M
Chabane O C
de Beer S J
de Lange J H
du Toit D C
Eglin C W
Gordhan P J

Hofmeyr, W A
Meshoe K R
Meyer R P
Mulder C
Van Breda A
Viljoen C
Wessels L (Deputy Chairperson)

Absent: P F Smith.

In Attendance: H Ebrahim, P Lillienfeld, Z Yacoob, M Sparg, L Zondo, A Meyer, G Grové, M Ndzilba and M Keegan.

1. OPENING

The Chairperson opened the meeting at 14h10.

2. DRAFT RESOLUTION AMENDING THE CA'S STANDING RULES

2.1 Mr. Lillienfeld spoke to the document entitled, "*Draft Resolution Amending the Standing Rules*," first tabled at the Management Committee meeting on 26 March 1996.

2.2 The meeting noted that:

2.2.1 The Constitutional Committee would meet between 15 and 19 April, to finalise the constitutional text;

2.2.2 The technical experts would draft the final text between 19 and 21 April; and

2.2.3 The final draft of the constitution would be circulated on 22 April 1996.

2.3 There was consensus that the procedure for debating the final draft of the constitution should be as inclusive as possible, to allow members of the Constitutional Assembly to give collective input, but also pragmatic to ensure that decisions could effectively be made.

2.4 To achieve these objectives, the committee considered a variety of changes to the procedure proposed:

i. Mr. Eglin of the DP proposed lengthening the First Stage, to encourage participation and give parties additional time to submit proposals for amendments;

ii. Mr. van Breda of the NP proposed alternating Constitutional Assembly and

Constitutional Committee meetings during the Second Stage, so that the Constitutional Assembly could generate the final amendments that would be forwarded for consideration by the Constitutional Committee;

- III. Mr. de Lange of the ANC, argued that this was unwieldly; rather, that the Second Stage operate like the committee stage in the National Assembly to allow for effective decision making;
- IV. Finally, there was consensus that the Third Stage should be handled like a second reading of a Bill.
- V. Concern was expressed that the schedule remain open on 6 and 7 May, to create space for dealing with unexpected eventualities.

2.5 The meeting agreed that:

- I. The First Stage of the debate would occur between 22 and 24 April and would involve the first reading and speakers from political parties would state their opinions and give notice on amendments they would propose; and they would forward proposals for amendments by 23 April. The Bill and the proposed amendments would be forwarded to the Constitutional Committee for its consideration.
- II. The Second Stage would be similar to a committee stage and occur between 25 April and 2 May. The Constitutional Committee would discuss and decide upon the Bill and proposed amendments, and finalise a text for submission to the Constitutional Assembly.
- III. The Third Stage would occur between 3 May and 6 May. The meeting was flexible about the end date, and mandated the Chairpersons to firm up the schedule. However, there was consensus that a day or two should be left open at the end of the schedule to allow for any unforeseen eventualities. During this third stage, the Constitutional Assembly as a whole would debate the final text and at the end, vote.
- IV. The meeting agreed, however, that the Chairpersons could tighten up the programme.

2.5 Regarding the process for proposing amendments:

- 2.5.1 Mr. van Breda of the NP expressed concern that the deadline for amendments was noon, 22 April. Political parties would need at least an additional day to scrutinize the final draft and prepare and submit proposed amendments.
- 2.5.2 The Deputy Chairperson proposed that the deadline be moved to 23 April, and that the opening debates of the First Stage proceed through 23 April, with party speakers giving notice of the amendments they intended to submit.
- 2.5.3 The Chairperson ruled that additional amendments could be made from the floor during the Second Stage.
- 2.5.4 Mr. van Breda of the NP, however, expressed concern that acceptance of such amendments was at the discretion of the Chairperson, which was a very heavy responsibility.

2.5.5 The Chairperson ruled that there should be a flexible procedure, and where rulings on amendments were not straightforward, the Management Committee could be asked to assist.

2.5.6 The Deputy Chairperson proposed that the Management Committee or Constitutional Committee should take a resolution of understanding that the Chairpersons would not accept amendments from the floor that dealt with principles, but only those that related to technical aspects of the text.

3. PROPOSED AMENDMENT TO THE INTERIM CONSTITUTION

3.1 Advocate Yacoob introduced the document entitled, "*Proposed Amendment to Interim Constitution.*"

3.2. The meeting agreed to the document with one amendment: the insertion at the end of section 73A(3) of the following phrase:

"except that the period of three months mentioned in 73(2) is reduced to a period of one month."

4. ANY OTHER BUSINESS

The meeting agreed to cancel the multi-lateral discussions scheduled for the day, and refer the relevant matters to the bosberraad, to be held between 1 and 3 April in Arniston.

5. CLOSURE

The Chairperson closed the meeting at 17h27.