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**CONSTITUTIONAL ASSEMBLY**

**CORE GROUP  
THEME COMMITTEE 4**

**FUNDAMENTAL RIGHTS**

**18 April 1995**

**Room E 337**

**DOCUMENTATION**

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# CONSTITUTIONAL ASSEMBLY

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## CORE GROUP THEME COMMITTEE 4 MEETING

### FUNDAMENTAL RIGHTS

Please note that a meeting of the above Group will be held as indicated below:

**Date** : Tuesday, 18 April 1995  
**Time** : 17h00 - 18h30  
**Venue** : E 337

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#### AGENDA

1. Opening
  2. Minutes: Pages 2-4
    - 2.1 Core Group 3 April 1995
  3. Matters Arising
  4. Reports of Theme Committee: Separate Documentation
    - 4.1 Nature and Application of Bill of Rights
    - 4.2 Right to Human Dignity
    - 4.3 Right to Privacy
  5. General
    - 5.1 CPG Workshop: Pages 5-11
  6. Closure
- 

**H Ebrahim**  
**Executive Director**  
**Constitutional Assembly**

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**Enquiries** : John Tsalamandris and Zuleiga Adams  
Tel : 403 2266; Pager: 468 5050 code 4716

# **CONSTITUTIONAL ASSEMBLY**

## **MINUTES OF CORE GROUP OF**

### **THEME COMMITTEE 4 FUNDAMENTAL RIGHTS MONDAY 3 APRIL 1995 (AT 20H45)**

#### **PRESENT**

**Radue RJ (Chairperson)**

**Green LM  
Mdladlana MMS  
Mncwango MA  
Mulder CP  
Pandor GNM  
Sizani RK**

**APOLOGIES: Leon AJ**

**J Tsalamandris, Z Adams and S Liebenberg were in attendance.**

**1. OPENING**

- 1.1 The meeting was opened by Sen. Radue at 20h45.

**2. MINUTES**

- 2.1 The minutes of the Core Group meeting of 27 March were adopted without corrections.

**3. MATTERS ARISING**

- 3.1 The following matters arising were noted:

**3.1.1 Media Advertisement on Block 3**

- i) The Group was informed that the advertisement had been finalised and would appear in the newspapers the coming week.

**3.1.2 Oral hearings**

- i) memorandum from the CA Executive Director informing members about a proposed structure for a hearing with the business sector was tabled.
- ii) A draft programme for a Conference on the Participation of Youth in the Writing of the New Constitution facilitated by the HSRC for Theme Committee 4 was tabled.

The Group expressed concern regarding the Conference on the Participation of Youth, noting that the HSRC had no mandate to organise a conference on behalf of the Theme Committee and that the Committee had not been consulted on this matter. Concern was also raised on the possibility that the programme may have been circulated in the Theme Committee's name. It was agreed that the Secretariat communicate these concerns to the HSRC most urgently. The Group did not however have any principled objections to the objectives and proposed content of the conference, and agreed to place the issue on the agenda of the next Theme Committee meeting.

- 3.1.3 The Management Committee document of 23 March 1995, entitled "**Chairpersons Report and Evaluation of Process**" was tabled, and paragraphs 4.2 and 4.3 were noted for the attention of the Technical Committee.

**4. BLOCK 2: WORK SCHEDULE**

- 4.1 It was agreed that no discussion on this agenda item was required as the matter was covered in the Theme Committee meeting.

**5. GENERAL**

- 5.1 It was agreed that the Drafting Sub-Group would have to meet to finalise the Committee's reports on: i) Nature and Application of Bill of Rights; ii) Right to Privacy; and Right to Human Dignity.

**6. CLOSURE**

The meeting rose at 21h00.



CONSTITUTIONAL ASSEMBLY

6 April 1995

To Theme Committee Chairpersons - II, III, IV, V, VI

**Re: CPG workshop on Traditional Authorities : 20 - 21 April 1995**

Please find attached a copy of the workshop programme from the CPG on Traditional Authorities as per their workshop schedule issued to all Theme Committees.

15 persons from the Constitutional Assembly have been invited to participate. I therefore propose the following delegation subject to Theme Committee approval;

Theme Committee II: 3 Theme Committee members  
Theme Committee III: 2 Theme Committee members  
Theme Committee IV: 2 Theme Committee members  
Theme Committee V: 2 Theme Committee members  
Theme Committee VI: 2 Theme Committee members  
Technical Advisors: 2 from the Ad-Hoc Committee on Traditional Authorities  
2 staff members from the Secretariat working with the Ad-hoc Committee.

I would appreciate it if I could receive feedback and confirmation as to whom would be attending from each Theme Committee by not later than 18 April 1995.

Thanking you.

Hassen Ebrahim  
Executive Director

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You've made your mark



Now have your say

THE NEW CONSTITUTION

# COMMISSION ON PROVINCIAL GOVERNMENT

*Established in terms of section 163 of Act 200, 1993*

260 Walker Street Sunnyside Private Bag X887 Pretoria 0001  
Telephone (012) 44-2297 Fax (012) 341 8452

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1995-03-30

The Chairperson  
Constitutional Assembly  
P O Box 15  
CAPE TOWN  
8000

Dear Sir

## **INVITATION TO PARTICIPATE IN A WORKSHOP ON TRADITIONAL LEADERS AND THE NEW SOUTH AFRICAN CONSTITUTION: 20-21 APRIL 1995, PRETORIA**

The Commission on Provincial Government is arranging a workshop on ways in which the new Constitution might deal with the question of traditional authorities, specifically with regard to their powers and functions including their relationship with all the three levels of government.

The workshop is supported financially by the Commission on Provincial Government and the Development Bank of Southern Africa and will be held in Pretoria at the Sammy Marks Convention Centre. It will run from 13:00 on Thursday 20 April to 16:30 on Friday 21 April.

The Commission was established by the Interim Constitution to facilitate the establishment of provincial government, and is tasked *inter alia* with making recommendations to the Constitutional Assembly on the development of a constitutional dispensation with regard to provincial systems of government (including local government). This includes matters such as the allocation of powers, traditional leaders and intergovernmental relations.

The aim of the workshop is to draw from experiences of other African countries with a view to:

- developing a conceptual and practical framework for traditional leadership in the South African context
- exploring the Constitutional provisions regarding traditional leaders
- exploring proposals for constitutional provisions and other necessary or desirable arrangements



International experts from a number of African countries will provide key inputs at the workshop. The emphasis will be on active participation, discussion and debate.

The workshop should be attended by representatives of provincial governments and the provinces' constitutional committees, local government bodies, members of the Constitutional Assembly's Constitutional Committee and relevant theme committees, representatives from the provincial Houses of Traditional Leaders, and the Commission on Provincial Government, key departments of the national government, and representatives of other bodies and organisations closely concerned with traditional leadership issues affecting provincial and local government.

On behalf of the Commission, I cordially invite you to nominate and arrange for 15 persons from the Constitutional Assembly (to be drawn from the Constitutional Committee and the relevant theme Committees) and in addition, the relevant technical experts, to participate in the workshop.

On the basis of discussion at the workshop, and other submissions, the Commission will prepare draft proposals to be submitted to the Constitutional Assembly, and to provincial governments and other interested parties for further comment.

Lunch and tea will be provided at the workshop. The Commission will be responsible for their own accommodation and transport although transport will be arranged to and from Jan Smuts Airport if required.

A draft programme and reply form are enclosed. Please fax or phone your response by 7 April, 1995.

Directions to the Convention Centre will be sent to you on receipt of your reply form.

We look forward to hearing from you.

Yours sincerely

**THOZAMILE BOTHA**  
**CHAIRPERSON**

m2536

**DRAFT PROGRAMME**  
**TRADITIONAL LEADERS AND THE NEW SOUTH AFRICAN CONSTITUTION**  
**Thursday 20 April**  
**Session 1**

**13:00 Registration and tea.**

**13:30 Welcome, Aims of workshop and constitutional provisions.**  
**Mr Thozamile Botha: Chair of the Commission on Provincial Government.**

**Historical background to traditional leadership.**  
**Prof. Tom Lodge: Political Studies Department, University of Witwatersrand.**

**An update on Houses of traditional leaders.**  
**Adv. A. Mangena (Northern Transvaal) and Adv.M. Mabiletsa (Northwest).**

**Questions.**

**Experiences from other countries:**

**Nigeria.**  
**Prof. O. Aborisade: Obafemi-Awolowo University, Department of Public administration.**

**Uganda.**  
**Dr A.S. Wamala: University of the North, Department of Public Administration.**

**Tea**

**Tanzania**  
**Prof K. Miti: Political Studies Department, University of Venda**

**Namibia**  
**Mr C.J. Keulder: Namibian Economic Policy Research unit**

**Questions and Discussion**

**Close 18:00**

**Friday 21 April  
Session 2**

**7:30 Tea**

**Experiences from other countries cont.**

**8:15**

**Botswana**

**Ms P. Venson: Managing Director, Institute for Local Government and Development.**

**Swaziland**

**Prof. L.P. Vorster/Whelpton: Department of Indigenous Law, University of South Africa.**

**Questions/Discussion**

**Session 3**

**Key issues**

**Prof. P. Zulu: University of Natal, Centre for Social Development Studies.**

**(Subdivide into three groups)**

**Questions and Debate**

**\*What lessons can be drawn from other African countries about the status and role of traditional leaders in politics?**

**\*What should the official status of traditional leaders be in the Constitution. Why?**

**\*Should this be provided for in the National or Provincial Constitution?**

**\*How should this be provided for in the National and Provincial Constitution?**

**Lunch Break**

**Session 4**

**Report by groups**

**Discussion**

**Conclusion**

**Mr Thozamile Botha: Chair of the Commission on Provincial Government.**

**14:30 Close**

**REPLY FORM - PARTICIPANTS**

**Commission on Provincial Government**  
**Fax: 012 - 341 8452**

**Attention: Cathy Meiklejohn**

**TRADITIONAL LEADERS AND THE NEW SOUTH AFRICAN CONSTITUTION**  
**WORKSHOP: 20 & 21 APRIL 1995**

**NAME:** \_\_\_\_\_  
**ORGANISATION:** \_\_\_\_\_  
**PHONE:** \_\_\_\_\_  
**FAX:** \_\_\_\_\_

**I accept/decline the invitation to participate in the workshop.**

**I will be present on 20 April** \_\_\_\_\_

**21 April** \_\_\_\_\_

**I will be present for Lunch (21 April)** \_\_\_\_\_

**(Tick where appropriate)**

**Special dietary requirements:**

\_\_\_\_\_  
\_\_\_\_\_

**Note to Organisations: Please fill in separate reply forms for each individual attending the workshop.**

## RECOMMENDED ACCOMMODATION

We suggest that you make reservations at one of the hotels listed below. Block bookings have been made with concessionary rates at the Holiday Inn Arcadia (for 30 people) and the Pretoria Hof Hotel (for 40 people). In order to benefit from the concessions provided, please indicate when you make your reservation that you are participating in the Commission on Provincial Government workshop. Please ensure that you make your reservations by Wed 12 April so that the hotel can make the necessary arrangements.

<b>Holiday Inn, Arcadia</b> <b>Beatrix Street</b>	<b>Normal Tariff:</b>	<b>Single Room Bed: R 439</b> <b>Breakfast: R 35</b>
	<b>Group concession:</b>	<b>Single Room Bed: R 373 - R 393</b> <b>Breakfast: R 35</b>

<b>Contact Person:</b>	<b>Amanda</b>
<b>Phone:</b>	<b>012 - 341 1571</b>
<b>Fax:</b>	<b>012 - 44 7534</b>

<b>Pretoria Hof</b> <b>Pretorius Street</b>	<b>Normal Tariff:</b>	<b>R 185 Single Room Bed and Breakfast</b>
	<b>Group Concession:</b>	<b>R 180 Single Room Bed and Breakfast</b>

<b>Contact Person:</b>	<b>Marné</b>
<b>Phone:</b>	<b>012 - 322 7570</b>
<b>Fax:</b>	<b>012 - 322 9481</b>

<b>Holiday Inn, Garden Court</b>	<b>Normal Tariff:</b>	<b>Single Room Bed: R 229</b> <b>Breakfast: R 22,60</b>
	<b>Phone:</b>	<b>012 - 322 7500</b>
<b>Fax:</b>	<b>012 - 322 9428</b>	