

**CONSTITUTIONAL
ASSEMBLY**

**MANAGEMENT
COMMITTEE**

**THURSDAY
23 MARCH 1995
(08H00)
V16**

DOCUMENTATION

CONSTITUTIONAL ASSEMBLY

MEETING OF THE MANAGEMENT COMMITTEE

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

Date : Thursday 23 March 1995
Time : 08h00 - 10h00
Venue : V16

AGENDA

1. Opening
 2. Minutes : *page 2 - 5*
 3. Matters Arising
 - 3.1 Commissions : *page 6*
 - 3.2 Programme for 18 - 21 April : *page 6*
 - 3.3 Revised NNTV/Penguin Programme : *page 6 - 7*
 4. Evaluation of Process : *page 8*
 5. Appointment of Technical Experts : *page 9 - 10*
 6. AOB
 7. Closure
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**HASSEN EBRAHIM
EXECUTIVE DIRECTOR**

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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 : MV 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 Deputy 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.

MANAGEMENT COMMITTEE OF 23 MARCH 1995

MATTERS ARISING FROM 16 MARCH 1995

1. Commissions (page 3 of Minutes - item 3.3.1)

Theme Committees have been requested to consider as per the decision of 16 March 1995, what matters should be dealt with in commissions. Feedback is still awaited and this matter should therefore stand over for a further meeting of the Management Committee.

2. Programme for 18 - 21 April (page 3 of Minutes - item 3.4.3)

A draft programme has been circulated to Theme Committees for their comment for the period 18 - 21 April. Feedback is still awaited and this matter should therefore stand over for a further meeting of the Management Committee.

3. Revised NNTV/Penguin Programme (page 3 of Minutes - item 3.2)

The first show will be screened on NNTV and CCV on 24 April and 25 April 1995 respectively. The show will be screened at the following times :

NNTV Mondays 21h00

CCV Tuesdays 22h15 (repeat)

Because of the urgency of the matter, confirmation for the production of the first two programmes has been given to the producers.

A copy of the revised programme is attached for the attention of members of the Management Committee. Comments from political parties on the issues and the facilitators suggested for programmes three, four and five is requested by *no later than 12h00 on Tuesday 28 March 1995.*

REVISED PENGUIN FILMS/NNTV PROGRAMME

Programme One

The Bill of Rights :

Universally accepted rights of the individual - What are they ?

Moderator : Professor Dennis Davis

Programme Two

Separation of Powers between the Central and Provincial Governments :

To include the following issues.

Fiscal policy/taxes

Safety and Security

National Standards

Exclusive and concurrent powers (eg appointment of key personnel in civil services, declaring states of emergency etc)

Moderator : To be confirmed

Programme Three

Traditional Authorities :

Dealing with Customary Law encompassing certain gender issues

Moderator : Prof Mandla Nchunu - subject to audition and willingness

Programme Four

Die Volkstaat

Moderator : To be confirmed

Programme Five

Bill of Rights - Death Penalty

Moderator : To be confirmed

Programme Six

Horizontal/Vertical application of the Bill of Rights

Moderator : To be confirmed

Programme Seven

Gender Equality

Moderator : Mrs Leah Gcabashe - subject to willingness and audition

Layout

7 politicians face 5 members of civil society, representing different interest groups pertaining to the subject.

A studio audience is present.

For the first 10 minutes the moderator challenges the politicians on the subject.

For the next 14 minutes the members of civil society direct questions at the politicians, via the moderator, as the debate continues. The balance of the two and a half minutes is used by the moderator to open and close the programme.

The studio audience is there in a responding capacity, rather than actively participating with questions.

MEMORANDUM TO MANAGEMENT COMMITTEE

From : Executive Director

Date : 22 March 1995

Re : Evaluation of Process

A document on an evaluation of the process has been prepared in conjunction with the Chairpersons as per the instructions of the last meeting. This document will be distributed at the meeting of the Management Committee tomorrow, 23 March 1995. The document will be tabled and briefly presented. *Discussion will only take place in the Management Committee on Monday 27 March 1995.*

CONSTITUTIONAL ASSEMBLY

MINUTES OF THE TENTH MEETING OF THE SUB-COMMITTEE TO SELECT TECHNICAL EXPERTS FRIDAY 17 MARCH 1995 (AT 8:00)

PRESENT

DE BEER S J (CHAIRPERSON)

J Selfe
W Hofmeyer
R K Sizani
P Smith
P G Marais

Apologies from the following members were noted:

L Green

In attendance:

L Zondo, C Basson

1. OPENING

Mr De Beer opened the meeting at 8:10

2. MINUTES

The meeting adopted the minutes of the meeting of the Sub-Committee held on Monday 6 March 1995.

3. REPORT TO THE CONSTITUTIONAL COMMITTEE

The Chairperson reported that a report of the Sub-Committee had been tabled at the Constitutional Committee meeting on Monday, 13 March 1995. It was further reported that the report had been amended to reflect that the recommendations on the ad hoc Technical Committee on Local Government had been finalised and that the Constitutional Committee approved the recommended appointments.

4. MATTERS ARISING:

4.1 TECHNICAL COMMITTEE ON THE PUBLIC PROTECTOR

- 4.1.1 The meeting agreed to proceed with the view that the Commission on the Public Protector remains in Theme Committee Six, while the discussions relating to Theme Committee Five, dealing with the Public Protector, continue.
- 4.1.2 The Chairperson reported back on his discussion with the chairperson of Theme Committee Six, Ms Baleka, who indicated that it is not necessary to appoint another expert to the Committee on the Public Protector.

4.2 COMMISSION ON THE RESTITUTION OF LAND RIGHTS

- 4.2.1 The following nominations for the Land Commission were received:
PAC: Dr Funiwe Njobe
ANC: Ms Aninka Claassens
NP: Dr Antonie Geldenhuys
- 4.2.2 The meeting proposed the appointment of three experts on the Commission on Land, instead of two.
- 4.2.3 The concern was raised that costs should be considered when the numbers of experts are increased.
- 4.2.4 The meeting agreed that the proposal to appoint three experts instead of two will be presented at the next Management Committee for approval.

4.3 HUMAN RIGHTS COMMISSION

- 4.3.1 The meeting agreed that Dr Cathy Albertyn and Prof Ronel Erwee are suitably qualified to serve on this Commission.
- 4.3.2 The meeting suggested further discussion on experts to deal with this item, should the need arise.

- 5. CLOSURE:** The meeting closed at 8:35.

