

CONSTITUTIONAL ASSEMBLY

MANAGEMENT COMMITTEE

**THURSDAY
16 MAY 1996**

V16

08H00

DOCUMENTATION

MANAGEMENT COMMITTEE

NOTICE OF MEETING

Please note that a meeting of the Management Committee will take place as indicated below :

Date : Thursday 16 May 1996
Time: 08h00
Venue: V16

AGENDA

1. Opening
 2. Minutes : *pages 2 - 3*
 3. Activities of Administration after 8 May : *pages 4 - 9*
 4. AOB
 5. Closure
-

HASSEN EBRAHIM
EXECUTIVE DIRECTOR

For further information contact Ms MM Sparg Tel 245 031

**MINUTES OF MANAGEMENT COMMITTEE MEETING
MONDAY 6 MAY 1996**

**PRESENT
MC Ramaphosa (Chairperson)**

OC Chabane
C Eglin
P Gordhan
L Green
R Meyer
M Moosa
C Mulder
M Myakayaka-Manzini
A Van Breda
R Sizani

1. OPENING

The Chairperson opened the meeting at 08h15. He said there was no formal agenda for the meeting but the meeting needed to consider the following matters:

- 1.1 Minutes of the previous meeting
- 1.2 Memorandum from the Technical Refinement Team
- 1.3 Amendment of CA Rules
- 1.4 CA programme

2. MINUTES

The minutes of the meeting of the Management Committee of 25 April 1996 were adopted.

3. MEMORANDA FROM THE TECHNICAL REFINEMENT TEAM

- 3.1 Mr Ebrahim said that a photocopied edition of the Bill had been made available for members to discuss in caucus meetings. The printed version would be released in a few hours time for general distribution. He thanked parties for their assistance over the week-end in helping to give effect to all amendments.
- 3.2 Some discussion took place on whether parties had agreed to provide for the system of election in local government and proportional representation in particular. However this discussion was cut short when Mr Eglin of the DP pointed out that parties had only just received the Bill and had not studied the document in detail. In any case, he said, Management Committee should confine itself to discussing process matters. Substantive matters should be dealt with by the Constitutional Committee or subcommittees thereof.

3.3 The Chairperson agreed and the meeting agreed that subcommittees should be convened at 14h00 on the same day to deal with various outstanding issues relating to the Bill of Rights, judiciary and provinces. The issues on technical refinement contained in the documentation before the meeting were referred to the relevant subcommittees.

3.4 The Chairperson announced the following venues for meetings of the three subcommittees :

<i>Competencies/Local Government</i>	<i>G26</i>
<i>Bill of Rights & Chapter 9</i>	<i>V226</i>
<i>Chapter 14</i>	<i>Lounge</i>

4. FURTHER AMENDMENTS TO THE BILL

4.1 It was agreed that a resolution would be put to the Constitutional Assembly on that same day, proposing that during the debate on the 2nd Reading, the CA could refer matters to the Constitutional Committee which could effect amendments. These would in turn be submitted to the CA for purposes of the 2nd Reading in the form of loose-leaf documents.

4.2 The following schedule was agreed to :

- i The CA would convene at 10h00 - 12h00
- ii The CC would convene at 12h30
- iii The CA photograph would be taken at 15h00
- iv The CA would reconvene at 15h00

4.3. It was agreed that Mr Lillienfeld would inform the whips of the period set aside for debate in the CA. The debate would focus on the major areas of the Constitution, but would be handled in a flexible manner.

4.4 The programme for 8 May was handed out to the meeting. Mr Ramaphosa briefed members on the events for the day.

5. ANY OTHER BUSINESS

5.1 It was agreed that the Management Committee should convene after 8 May to consider issues such as certification and the "winding down" procedures for the Administration.

5.2 It was agreed that the Administration would consult with the Chairperson and prepare a document for distribution before the meeting, and would set the date for the meeting.

6. CLOSURE

The meeting closed at 09h00.

CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO: MANAGEMENT COMMITTEE
FROM: EXECUTIVE DIRECTOR
DATE: THURSDAY 16 MAY 1996

**RE: REPORT ON ACTIVITIES OF CA ADMINISTRATION AFTER 8
MAY 1996**

1. INTRODUCTION

1.1 This report is intended to update members of the Management Committee on the major areas of activity for the CA Administration after the adoption of the new Constitution on 8 May 1996.

1.2 These are:

- i Facilitation of the process of certification;
- ii Translation of the Constitution into all 11 official languages;
- iii Publication and distribution of the Constitution after certification;
- iv The legacy project; and
- v Winding up and presentation of final report.

2. CERTIFICATION

2.1 A team of counsel have been appointed to represent the Constitutional Assembly. They are : G. Bizos, SC; W. Trengrove, SC; M.T.K. Moerane, SC.; Adv. N. Goso, Adv. K. Moroka and Adv. G. Grove, CA Law Advisor.

2.2 Discussions are underway with the Independent Panel of Constitutional Experts and various technical advisors to prepare the necessary technical briefing to assist the team of counsel in their preparation. To this extent, the Administration have already prepared files of documents to assist counsel.

2.3 The Executive Director was contacted by the Constitutional Court on Thursday 9 May with regard to the tabling of the final text so as to enable the Court to prepare its directions in terms of the Rules of the Court. The text was handed to the Court on Monday 13 May under cover of a certificate issued by the Chairperson of the Constitutional Assembly.

2.4 The President of the Constitutional Court also indicated in correspondence to the CA in December 1995, that

simultaneously with the submission of the text and the certificate, the Chairperson should also inform the Court whether any of the political parties represented in the Constitutional Assembly wish to present oral argument to the Court pursuant to the provisions of rule 15(4).

2.5 The Democratic Party have formally given notice, in the meeting of the Constitutional Committee of 7 May 1996, that they will challenge the constitutionality of Section 241 of the final text, dealing with the lock-out issue, on the grounds of Constitutional Principle XXVIII.

2.6 With regard to the signing of the Constitution by the President after certificate, it had been provisionally agreed in earlier meetings of the Management Committee that this occasion should be marked with a formal ceremony. The organisation of such a ceremony by the CA Administration will obviously depend on when the signing takes place.

3. TRANSLATION

3.1 The translation of the new Constitution into all 11 official languages is virtually complete.

3.2 This work has been undertaken by a team of legal advisors headed by Zam Titus, Chief State Law Advisor to the Eastern Cape Provincial Government and M. E. Phiyega, senior state law advisor in the Department of Justice. Other members of the team include Louisa Zondo, Deputy Executive Director of the CA Administration, Phumzile Mahalalela, Solly Rajuili, Jacob Skosana, Susan Mapasu, Bathu A Phiri, M Ndokweni, Somwabo Tshabe, EJ Shitlangu and Anton Meyer, Chief Law Advisor to Parliament.

3.3 A press conference will be organised with the Chairpersons and Members of Management Committee to present all translated texts to the public. The date of the conference is still to be confirmed.

4. PUBLICATION

4.1 The work of the Constitutional Assembly would not be complete without the publication and distribution of the new Constitution after certification.

4.2 It was hoped that a more extensive report-back to the public would take place, involving another round of constitutional education workshops and public meetings. This has unfortunately not proved to be feasible given the time frames and human resource constraints the Administration faces.

4.3 In discussion with the Chairpersons, it was therefore agreed that a more limited form of popularisation take place involving the

publication and distribution of the Constitution in various formats, and the production of a number of other resources on the Constitution.

4.4 These will include:

- i The publication of the Constitution in all 11 languages in two different formats - an "official" A4 edition and a pocket-book edition for the general public;
- ii The publication of a booklet in all 11 official languages entitled "*Your Guide to the new Constitution*";
- iii The publication of a comic book, entitled "*Protecting your Rights in the new Constitution.*"
- iv The publication of two further special editions of the CA newsletter, *Constitutional Talk* - the first containing the final text will appear on 26 May, while the second and final "collectors" edition will appear in September;
- v The production of a video documentary on the process of writing the new Constitution;
- vi The production in collaboration with Churchill Murray Publications, at no cost to the CA, of a special report on the constitution-making process; and
- vii The production of a series of educational radio dramas together with the SABC Educational Directorate on the new Constitution in all languages. This series is expected to start in May and will run until July 1996. The Administration is still investigating the feasibility of producing audio-cassette copies of the series for distribution after the series has ended; and
- viii The production by Tape Aids for the Blind, at no cost to the CA, of audio-cassettes containing the final text, the text of Guide to the new Constitution and the special edition of *Constitutional Talk*.

4.5 The CA's multi-media advertising campaign culminated on 12 May 1996 with the message "*One law for one nation*" and the slogan "*It's not just a constitution. It's the birth certificate of a nation.*"

4.6 This campaign will pick up pace once again when distribution of the Constitution and the other publications mentioned above is expected to commence in August/September 1996.

4.7 The distribution will take place by the same mechanisms used for the distribution of the Working Draft in November 1995,

including inserts in newspapers and magazines, direct mail and knock-and-drop.

5. LEGACY PROJECT

5.1 The legacy project includes:

- I The establishment of a Constitutional Museum in conjunction with Parliament;
- ii Publication of a book on the CA process and the Constitution;
- iii Finalising the collation and handover of all CA official records and archives;
- iv Completing the CA Database of civil society and its distribution to various sources including Parliament, the Human Rights Commission and others.
- v Completing the CA Database Project stationed at the University of Cape Town containing a collection of information and documentation on the CA.

5.2 An initial meeting with various stakeholders took place on 11 April 1996. Those present included representatives from Parliament's public education department, the Department of Arts, Culture, Science and Technology, the Department of Constitutional Development and Provincial Affairs, the Department of Education, Department of Justice, Human Rights Commission and Public Protector.

5.3 The purpose of this consultation was to brief stakeholders on the work undertaken by the CA and to ascertain from stakeholders what their needs and requirements were.

6. WINDING- DOWN

6.1 PHASES

The winding-down of the CA Administration will take place in two phases:

- i May to 9 June 1996; and
- ii June to September 1996.

6.2 PERSONNEL

6.2.1 The Administration was set up in August 1994, when the Directorate were appointed. Seven departments were established, including community liaison, finance and

administration, law advisors, media, network, research and the secretariat.

- 6.2.2 A total of 98 full-time staff were appointed on contract until 9 June 1996. Of these, 80 were based at Regis House in Cape Town while 18 co-ordinators were based in the provinces for the constitutional education programme. Two co-ordinators were based in each of the nine provinces.
- 6.2.3 Part-time and short-term contract staff were also required from time to time, to meet the needs of a changing process.
- 6.2.4 In order to carry out the tasks outlined above and complete the work of the Constitutional Assembly, the contracts of 21 members of staff have been extended to 30 September 1996. This includes the contracts of the Executive Director and one of the Deputy Executive Directors. The contracts of another three staff members have also been extended, one until 30 June and another two until 31 July 1996. Three service officers will also remain on secondment to the CA from Parliament until 30 September 1996.

6.3 FINANCES

- 6.3.1 A provisional report on expenditure for the **1995/96 Budget** of the Constitutional Assembly was contained in the 1996 Annual Report published on 6 May.
- 6.3.2 The **1996/97 Budget** approved by the Department of State Expenditure is set out below:

Total personnel expenditure	R6,138,921
Total administrative expenditure	R21,182,000
Total stores and livestock	R12,510,000
Total equipment	R538,695
Total professional services	<u>R7,245,600</u>
TOTAL BUDGET	R47,615,216

- 6.3.3 This Budget was drawn up in consultation with the Chairpersons at a time when there was still not much clarity on the activities of the Administration after 8 May 1996. The amounts set out below are for **Projected Expenditure in the 1996/97 Budget** :

Projected Personnel Expenditure	R1,866,360
Projected Administrative Expenditure	R13,641,000
Projected Stores and Livestock Expenditure	R12,225,000
Projected Equipment Expenditure	R240,548
Projected Professional Services Expenditure	<u>R3,709,600</u>
TOTAL PROJECTED EXPENDITURE	R31,682,508

Note: The figures above only represent estimates of projected expenditure.

6.3.4 In addition R10,5 million funding has been obtained from the Swedish and Netherlands Embassies and will be utilised for the publications project in 1996/97.

6.3.5 The final winding-down of the Administration is expected to take place in September. This date has been calculated taking into account the period of certification and the time needed for production, printing and distribution the various publications and other resources. Much of this work can only commence after certification.

6.4 POLITICAL ACCOUNTABILITY

6.4.1 Both the Chairperson and Deputy Chairperson have announced their intention of resigning from Parliament. This is expected to take place after certification of the new Constitution and will leave the Administration without formal political accountability for a period of approximately three months.

6.4.2 Since the CA Budget is part of the overall parliamentary budget and the Secretary to Parliament remains the Accounting Officer for the Constitutional Assembly, it is recommended that political accountability for the CA Administration reside with the Speaker of the National Assembly for the remaining three months of the existence of the Administration.

**HASSEN EBRAHIM
EXECUTIVE DIRECTOR**

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