

MCH 91-92-5-26

MINUTES OF MEETING OF THE EXTENDED ANC CONSTITUTIONAL COMMITTEE
HELD IN JOHANNESBURG ON 23 JULY 1993

1. PRESENT: Zola Skweyiya, Arthur Chaskilson, Enver Daniels, Chris Dlamini, Bulelani Ncguka, Bridgett Mbandla, Essa Moosa, Louis Skweyiya, Penuell Maduna, Theresa, Mac Maharaj, Dullah Omar, Albie Sachs, Hassan Ebrahim, Kader Asmal and Fink Haysom.

2. APOLOGIES: George Bizos

3. DOCUMENTS

The following documents were presented:

- 3.1 Second Report on Confederalism dated 26 July 1993.
- 3.2 Sixth Report on Fundamental Rights dated 15 July 1993.
- 3.3 Eighth Report on Constitutional Issues dated 26 July 1993 and "Constitution of the Republic of South Africa".
- 3.4 Constitution of the Republic of South Africa, 1993.

Arthur took us through the draft Constitution and concentrated on the following:

- 3.4.1 Legislative structures.
- 3.4.2 Constitution-making body.
- 3.4.3 Regions.
- 3.4.4 Executive and Judicial power.
- 3.4.6 Parliamentary procedure.
- 3.4.7 Finance bills.
- 3.4.8 New Constitutional Text

4. COMMENTS

In the Negotiating Forum the following might come up for discussion and consideration:

- 4.1 Federalism
- 4.2 TBVC states - its duties, obligations, etc.
- 4.3 Framework of the Constitution.
- 4.4 Fundamental Rights
- 4.5 The Constitutional framework is not complete, some of the provisions must still be discussed and decided upon, other provisions are being worked on.

5. THE PROCESS

Mac Maharaj led discussion on the process and made the following comments.

- 5.1 Position of the Negotiating Commission is to complete the process before the end of August 1993. Time is of the essence and the negotiating team is working under considerable constraint.
- 5.2 The question to be asked is "Can we live with the changes".
 - 5.2.1 We should look at the package as a whole. If we tamper with the package, we open up discussion.
 - 5.2.2 Various views were expressed on elections and voting.
- 5.3 Regional Constitution could be devisive.
- 5.4 The Constitution-making body should elect its own Chairperson.

6. COMPETITION OF DRAFT CONSTITUTION

It was agreed that Arthur should use our own Constitutional formulation to complete the rest of the draft Constitution of the Technical Committee.

7. SIXTH REPORT ON FUNDAMENTAL RIGHTS

Albie and others prepared a response to this report which was presented to the Technical Committee. It was agreed that we should wait for the seventh report and thereafter meet and discuss such report with other people involved. We should then prepare a further response.

8. TERMINATION OF MEETING

The meeting terminated at 18h00.

