

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2

MINUTES OF CORE GROUP MEETING

Wednesday 8 March 1995
11h00-12h00
M515

PRESENT

Rabie JA (chairperson)

Ebrahim AG
Eglin CW
Groenewald PH
Mahlangu MJ
Pahad EGH

APOLOGIES

Groenewald PH

ABSENT

Ndlovu VB

IN ATTENDANCE

Ebrahim H, Nene J, Smit T

1. OPENING AND WELCOME

- 1.1. The meeting was opened by Rabie JA. It was noted that only one hour was available for the meeting, and that the meeting will therefore focus on the shortened agenda. The Executive Director was specifically welcomed.

2. TECHNICAL COMMITTEE

2.1. Ad hoc technical committee on traditional leaders

- 2.1.1. The meeting noted that at the joint meeting of core groups and the ad hoc technical committee on traditional leaders on 6 March 1995, it was agreed that the most logical approach is to attach the technical committee in respect of traditional leaders to TC2. It was noted that that technical committee was not conceived as a live entity floating on its own, and therefore it had been recommended that it be attached to TC2.

- 2.1.2. The meeting further noted that this means that the TC2 shall be responsible for co-ordination, and not for the entire compository report of the CA relating to matters pertaining to traditional leaders.

- 2.1.3. A concern was noted that unhappiness had been expressed by traditional leaders about the appointment of the specific technical experts on the technical committee pertaining to traditional leaders. It was agreed that their appointment, however, had been a political matter under political control. If the theme committee as a political entity feels strongly enough about the matter, it is free to express itself.

- 2.1.4. The meeting then addressed the proposed workshop on traditional leaders and indigenous law, in respect of which it agreed to the following:

- (i) that the papers shall be given against the background of the Constitutional Principles, and that the experts should relate their advice to the Constitutional Principles.
- (ii) that TC2 be responsible for inviting the other affected TC's
- (iii) that the date of the workshop be changed to 3 March 1995
- (iv) that the programme, as amended, be recommended to TC2 for approval, and that it be further recommended that the

workshop be held between 9h00 and 13h00.

The TC2 Secretariat's concern that the recommended date had not been considered by the ad hoc technical committee, which had some deliberations about a suitable date to all parties concerned, was noted. The meeting confirmed that the date proposed to the theme committee shall be 3 March 1995.

2.2. work programme of TC2 technical committee

2.2.1. The meeting addressed the technical committee's proposed programme for in-house workshops. The proposals for various workshops, as well as the core group's responses are presented in tabulated form:

THEME COMMITTEE 2	
PROPOSED PROGRAMME FOR IN-HOUSE WORKSHOPS	
TECHNICAL ADVISORS' PROPOSAL	CORE GROUP'S RESPONSE
Topic: Legislature & Executive: Provincial Level Date: 20 March 1995	Topic: Relationship between the Legislature & Executive: Appropriate checks and balances to ensure accountability, responsiveness, and openness: National Level Date: 27 March 1995
Topic: Traditional Authorities	Topic: Joint Theme Committees Workshop on Traditional Authorities and Indigenous law to replace TC 2 workshop on Traditional Authorities

Date: 03 April 1995	Date: 03 April 1995
Topic Community Self Determination/ Volkstaat Date: 24 April 1995	Topic: Community Self Determination/ Volkstaat No Workshop until the findings of the Volkstaat Council are presented to the Theme Committee.
Topic: Electoral system Date: 08 May 1995	Topic: Electoral system Date: 08 May 1995. This date is provisional
Topic: Constitutional Amendments Date: 22 May 1995	Topic: Constitutional Amendments NO DECISION TAKEN

2.2.2. The meeting noted that the in-house workshop on the block relating to traditional authorities shall be dealing with the substance of that issue. However, the proposed workshop on traditional leaders and indigenous law aims at evaluating what are the affected issues, and with which TC's do they resort.

2.3. TECHNICAL COMMITTEE IN GENERAL

2.3.1. The Executive Director noted that theme committees had been requested by Administration to submit a work programme in respect of the engagement of technical experts; regrettably, only one theme committee had responded and that had been insufficient. The purpose of the work programmes is to assist the administration in ensuring greater financial planning, and in making the necessary logistical and travel arrangements.

2.3.2. He also noted that a large number of the technical experts in general do not live in Cape Town. Accordingly, they are obliged to travel from the different parts of the country. It is

therefore necessary for the work programmes to be carefully planned to ensure that experts are not required to travel to Cape Town unnecessarily and are effectively and efficiently engaged during their time spent in Cape Town.

2.3.3. He also noted the concern that some technical experts from the theme committees had remained in Cape town at the cost of the Administration, without clear instructions from theme committees in respect of work or without having any work instructions.

2.3.4. He further noted that the finance and administration department is presently drafting an accounting form which would clearly indicate the billable time spent by each of the experts.

2.3.5. He also noted that the main reason why he is attending the meeting of the Core Group, and why at this meeting the technical experts had not been requested to be present - is that it had become necessary to have a frank discussion in respect of the relationship amongst the theme committee, secretariat, and technical committee, in particular where it affected the work of the technical committee.

2.3.6. In particular he noted the Administration's concern that the technical committee had not yet appointed a convenor. This was hampering financial management and effective communication. He noted that the convenor has no political status. Without being prescriptive or restrictive, administration was appealing that the theme committee ensure that there is justification for the expenses incurred by the technical experts, and that they assist in requesting the technical committee to finalise the appointment of a convenor for the sake of efficient communication and the effective utilisation of the technical experts by the theme committee.

2.3.7. The meeting noted that from the first attendance by the technical committee the meeting had requested them to appoint a convenor.

2.3.8. Another concern which had not particularly been noted in our committee, was that technical experts do not consistently draw the line between their political and technical advice, and some technical experts had made particular party

political statements in public, without differentiating in their roles.

2.3.9. The meeting responded to the contribution of the executive director that at the very first meeting with the technical experts, the meeting had requested them to appoint a convenor.

3. PREPARATION FOR THEME COMMITTEE MEETING (13 MARCH 1995)

3.1. The meeting agreed that the agenda of the above meeting shall include:

- (i) technical committee programme in general
- (ii) supplementary report on block 1
- (iii) submissions

4. CLOSURE

4.1. The meeting closed at 11h20

Signed by Chairperson _____