

# **CONSTITUTIONAL ASSEMBLY**

## **THEME COMMITTEE 2**

### **MINUTES OF CORE GROUP MEETING**

**Tuesday 18 April 1995**  
**14h00**  
**E216**

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#### **PRESENT**

**Rabie JA (chairperson)**

**Ebrahim AG**  
**Groenewald PH**  
**Mahlangu MJ**  
**Pahad EGH**  
**Selfe J**

#### **APOLOGIES**

**Eglin CW**

#### **IN ATTENDANCE**

**Secretariat:**  
**Technical Committee:**

**Nene J, Smit T**  
**Steytler NC (Apologies: Motimele**  
**AMM; Absent Dlova V)**

#### **1. OPENING AND WELCOME**

- 1.1. The meeting was opened and chaired by Rabie JA.
2. MINUTES OF CORE GROUP MEETING (20 MARCH 1995) AND SPECIAL MEETING OF CORE GROUP, TECHNICAL ADVISERS, AND SECRETARIAT TC2 (3 APRIL 1995)
  - 2.1. The minutes of the above meetings were adopted
  - 2.2. Matters arising from the minutes:
    - 2.2.1. The meeting agreed that an explanation was required for the continued absence of the member of the TC2 Technical Committee, Prof V Dlova. It was agreed that this matter be deferred until Adv Motimele reports back on the discussion he, in his capacity of convenor of the Technical Committee, was mandated by the Core Group to have with Prof Dlova.
3. PREPARATION FOR THEME COMMITTEE MEETINGS
  - 3.1. The Technical Committee's *Proposal for Work Programme on Block 2 and 3* was tabled:

1. Theme Committee 2 has received the political party submissions on blocks 2 and 3. In addition numerous submissions from the public have been received. It has become necessary to analyze, debate and assess the submissions with the view of drafting a report to the Constitutional Committee.
2. Blocks 2 and 3 can be divided into the following topics:
  - (a) National Assembly
    - Size
    - Election/removal
    - Presiding officers
    - Committees
    - Rights and immunities of members
    - Powers and functions vis a vis the executive
  - (b) Senate
    - Purpose and functions
    - Powers

**Election**

**(c) President**

**Election  
Powers (ceremonial/executive)  
Removal  
Term of office**

**(d) Cabinet**

**Appointment and dismissal  
Responsibility, individual and collective**

**3. Plan of action**

**(a) Drafting of reports by Technical advisors (each drafting a report on one topic), analysing:**

- (i) Political party positions: agreement, disagreement**
- (ii) Public submissions: additional proposals, support for particular proposals**

**(b) TC2 meetings: (scheduled for week 18-21 April set aside for CA work)**

- (i) Presentation of Technical Advisor's report on topic**
- (ii) Presentation by political parties on points of disagreement**
- (iii) Debate on points of disagreement, agreement**
- (iv) Discussion of public submissions**

**(c) Drafting of reports by TC2 on four topics**

**4. Time table**

**(a) Drafting of reports by Technical Advisors:**

- (i) National Assembly: 10 April (distributed to TC2 before Easter weekend)**
- (ii) Senate: 10 April (distributed to TC2 before Easter Weekend)**
- (iii) President: 18 April (distributed to TC2 on 18 April)**

- (iv) Cabinet: 18 April (distributed to TC2 on 18 April)
- (b) TC2 meetings:
  - (i) National Assembly: 18 April
  - (ii) Senate: 19 April
  - (iii) President: 20 April
  - (iv) Cabinet: 21 April

3.2. The meeting approved of the Technical Committee's document as the framework for the procedure to follow for the drafting of the report on block 2 to the CC. It was noted that this proposal will now have to be tabled before the Theme Committee for adoption.

3.3. The meeting noted the following remarks which expanded upon the document:

3.3.1. In respect of item 3(b)(ii) and (iii), it was agreed that the Technical Committee shall lead the Theme Committee in the discussion, by pointing out in the presentation of their reports what are the areas of contention;

3.3.2. It was noted that the Constitutional Committee had specifically requested in respect of contentious issues that "suggested approaches" should also be addressed; and,

3.3.3. In consideration of the CPG document, *Document 4: Preliminary Recommendations on a Second Chamber*, which had been made available to TC2, it was noted that if they are able to present the document on short notice when the discussion on the Senate is scheduled, the programme in respect of the Senate shall stand. In the alternative, if the CPG is not yet available, this matter will be reassessed. It was also noted that there may have to be consultations with TC3.

#### **4. ANY OTHER BUSINESS**

4.1. The meeting noted invitation in respect of the CPG workshop on Traditional Authorities scheduled to take place on 20-21 April. It was agreed to abide by the allocation of three members from TC2 as recommended in the covering letter by the Executive Director of the CA. It was agreed that the two Co-chairpersons present, as well as Mr Ebrahim

AG, shall liaise with each other in order to recommend three names to the Theme Committee meeting for adoption on the following day, 19 April 1995.

**5. CLOSURE**

**5.1. The meeting closed at 15h20.**

**Signed by Chairperson \_\_\_\_\_**