

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2

MINUTES OF CORE GROUP MEETING

Monday 20 March 1995
10h00-11h00
E216

PRESENT

Ndlovu VB (chairperson)

Groenewald PH
Mahlangu MJ
Rabie JA

APOLOGIES

Pahad EGH

ABSENT

Ebrahim AG
Eglin CW

IN ATTENDANCE

Secretariat:	Nene J, Smit T
Technical Committee:	Motimele AMM
Commission on Provincial Government:	Irvine DM

1. OPENING AND WELCOME

- 1.1. The meeting was opened by Ndlovu VB, who specifically welcomed the representative from the Commission on Provincial Government, who was encouraged to attend further meetings.
- 1.2. The chairperson noted that only one hour was available for the meeting.

2. MINUTES OF MEETINGS OF THE CORE GROUP (01/03/95 AND 08/03/95), AS WELL AS MEETING OF THE CORE GROUP WITH TECHNICAL EXPERTS (13/03/95)

- 2.1. The above minutes were adopted.

3. IN-HOUSE WORKSHOP ON *CHECKS AND BALANCES* SCHEDULED TO TAKE PLACE ON 27 MARCH 1995

- 3.1. The meeting noted that the TC2 Technical Committee had decided that the workshop shall not take place as planned. The Technical Committee was of the opinion that, as it had been dealt with in previous in-house workshops, there was no need to workshop the content of the planned workshop, *Relationship between the Legislature and Executive: Appropriate Checks and Balances to Ensure Accountability, Responsiveness, and Openness: National Level*.
- 3.2. The meeting noted that it was agreed to by the theme committee on 13 March, which was attended by the technical experts, that the above workshop be planned as indicated above (confirmation: minutes of core group meeting on 8/03/95; minutes of theme committee meeting on 13/03/95).
- 3.3. The meeting entertained discussion on the position raised by the Technical Committee. The meeting noted that the in-house workshop which was supposed to deal with unicameralism and bicameralism had not looked fully at a unicameral parliament. It was also noted that although no party at this stage had made a submission specifically advocating for a unicameral legislature, it had been agreed by the theme committee that the question of a bicameral or unicameral legislature was a contentious one, and on the basis of that understanding it was agreed that information should be gathered pertaining to both possibilities, in order that the constitutional committee will be in a position to take into account such information and alternatives as a basis for the ultimate

negotiations.

- 3.4. The meeting agreed that the workshop shall proceed as initially requested and on 27 March 1995. In clarification, it was noted that this means that the workshop shall be concerned with: the executive and legislature (both unicameral and bicameral) at a national level, with the emphasis on appropriate checks and balances to ensure accountability, responsiveness, and openness.

4. SUBMISSIONS

- 4.1. The meeting noted that submissions by most political parties were still awaited on block 2. The NP and PAC submissions on block 2/3 had been received by Administration and were included in the submissions pack as at 2 March 1995, volume 3. The ANC indicated that its submission was being submitted to Administration in the course of the morning. The DP was not present. The FF indicated that its submission was with a typist, and shall be submitted during the course of the week. The IFP indicated that its submission shall also be submitted during the course of the week.
- 4.2. The meeting also noted that the above submissions were urgently awaited in order to expedite the work of the committee. It was noted that the party presentations may commence on the suggested theme committee meeting days of 18-21 April, after the recess. Should the workshop on traditional leaders and indigenous law for any reason not take place as scheduled on 3 April, party presentations may commence earlier on that date.
- 4.3. The meeting noted that the submissions pack which had been received by the core group (submissions volume 3) included additional submissions pertaining to block 1. However, it was also noted that these additional submissions on block 1 had been received subsequent to the date of the report of TC2 on block 1 and the advertised closing date for public submissions on block 1.
- 4.4. The meeting agreed to propose to the TC2 that a cut-off date of 20 March be set for public submissions on block 1, whereafter further public submissions on block 1 will be filed by Administration in order that they may be accessed should that become necessary.

5. ANY OTHER BUSINESS

- 5.1. *Workshop on Traditional Leaders and Indigenous Law Scheduled to take place on 3 April 1995*

5.1.1. The meeting noted that TC2 Technical Committee was concerned about the structure and format of the workshop scheduled to take place on 3 April 1995 and that TC2 Technical Committee requested that this matter be discussed at the workshop scheduled to take place on 27 April.

5.1.2. The meeting noted that the workshop scheduled on 3 April was not aimed at addressing the substance of the issues, but aimed at evaluating what are the affected issues, and with which TC's do they resort, as recorded in the minutes of the core group meeting of 8 March 1995, item 2.2.2.

5.1.3. The meeting noted the TC2 Technical Committee's report that Prof Dlova had been mandated by the technical committee to liaise with Prof Nhlapo, convenor of the ad hoc Technical Committee on traditional leaders in respect of the above. The meeting agreed that Adv Motimele shall seek clarity on what had transpired at that meeting.

5.1.4. The meeting further agreed to request the TC2 Technical Committee, through Administration, to contact the ad hoc Technical Committee on traditional leaders - in order to redraft a programme for the workshop on 3 April in a way which shall address the interests of TC2. It was also agreed that the programme shall then again be tabled at the next meeting of the core group.

5.1.5. The meeting also agreed that the programme of the workshop scheduled on 27 March 1995 shall remain as indicated above, and shall not address matters concerning traditional authorities.

5.2. Commission on Provincial Government (CPG)

5.2.1. The meeting noted the CPG's *Programme for Workshops, Think Tanks and Constitutional Committee meetings*, as well as other documentation concerning the CPG.

5.2.2. The meeting entertained discussion in respect of the above

programme. In respect of the CPG's workshop, *Traditional Authorities*, scheduled to take place on 21 April 1995, the meeting requested the representative from the Commission to kindly ensure that experts making presentations to the Commission's workshop also be invited to attend the workshop on 3 April 1995, for the efficient co-ordination of experts.

5.2.3. The meeting noted that the representative of the CPG indicated that the TC2 and technical experts shall be invited to attend and participate actively in the CPG workshop, and that the workshop shall be held in Pretoria.

5.3. Ad hoc Technical Committee on Traditional Authorities

5.3.1. The meeting noted that concern was expressed in respect of what was perceived as the unilateral replacement of technical experts attached to TC2 without taking into account names of other technical experts submitted to the Administration.

6. CLOSURE

6.1. The meeting rose at 11h10.

Signed by Chairperson _____