

**CONSTITUTIONAL ASSEMBLY**  
**MINUTES OF THE SECOND MEETING OF**  
**THEME COMMITTEE CHAIRPERSONS**

**MONDAY 6 FEBRUARY 1995**

**Present**  
**Wessels, L (Deputy Chairperson)**

**Andrew, K M**  
**Carrim, Y**  
**Davies, R**  
**de Beer, SJ**  
**de Lille, P**  
**Hofmeyr, WM**  
**Kgositsile, B**  
**Mahlangu, MJ**  
**Mahlangu, NJ**  
**Marais, PG**

**Mars I**  
**Mdladlana, MM**  
**Mtshali, LPHM**  
**Rabie, JA**  
**Radue, RJ**  
**Ramaphosa, MC**  
**Schreiner, JA**  
**Smith, PF**  
**Van der Merwe, J**

**Apologies:** D C du Toit, G Myburgh, L Ngwane and I Vadi.

**In attendance:**

Ebrahim H, Sparg M, Zondo L, Grové G, Meyer L, Mngadi-Kgosidintsi T, Shalala E and Keegan M.

**1. OPENING**

Mr. Wessels opened the meeting at 10h32. The meeting agreed that the Agenda would be changed, so that the nine Theme Committees and Sub-Theme Committees could report on any issue, but in particular would report their responses to the Revised Work Programme and the Public Participation Programme.

**2. THEME COMMITTEE ONE**

**2.1 WORK PROGRAMME**

2.1.1 Mr. Marais reported that Theme Committee One had adopted the

Revised Work Programme, with the proviso that it not be rigidly bound to it, but that flexibility be allowed depending upon the circumstances prevailing at any particular point in time.

- 2.1.2 Theme Committee One had worked on Block One and had focused its discussions so far on submissions from political parties.
- 2.1.3 The Theme Committee appointed a sub-committee to draft a report to be forwarded to the Management Committee by the end of the week.

## **2.2 COMMUNITY LIAISON**

- 2.2.1 Theme Committee One was eager to hold hearings with interest groups, but required guidance from the Management Committee on how best to co-ordinate these with other Theme Committees' plans.
- 2.2.2 Concern was expressed regarding how to organise Public Participation events, both with regard to publicising events and organising them on the day. Theme Committee One would forward names of people it sought to invite to a hearing to the Secretariat, who would assist in organising the event.

## **3. THEME COMMITTEE TWO**

### **3.1 WORK PROGRAMME**

- 3.1.1 Mr. Mahlangu reported that Theme Committee Two had adopted the Revised Work Programme with the following amendments:
  - i. Block Two and Block Three would be combined, and the report for them submitted at the end of Block three; and
  - ii. "Traditional leaders" would be placed before the "Volkstaat", in order to allow the Volkstaat Council to make a submission.
- 3.1.2 The Theme Committee encountered the following problems:
  - i. It needed clarity on who would deal with "Local Government", Theme Committee 2 or 3;
  - ii. It needed clarity on how far the Commission on Provincial Government should deal with the question of "Provincial

Structures" and how far the Constitutional Assembly? It requested that the Management Committee clarify the relationship between the two bodies.

- iii. The timetable for the next block would be problematic because of the delay in advertising for submissions and predicted delays in party submissions. The Administration noted the urgent request for an advert;
- iv. The question of "Traditional Authorities" needed to be resolved. The Theme Committee recommended that there be a meeting of Theme Committee Chairpersons to tackle this problem.
- v. "Electoral Systems" would be a highly technical matter requiring that background work be begun now.

3.1.3 Theme Committee Two had completed its report for Block One. It discussed submissions from the public and political parties, and the Core Group was mandated to synthesis the submissions into one report which, if approved by the Theme Committee, would be forwarded to the Constitutional Committee.

## **3.2 COMMUNITY LIAISON**

Theme Committee had had difficulty formulating a fixed programme of Public Participation Events. The Theme Committee had mandated the Core Group to look at the matter and draft a proposal on 6 February 1995.

## **4. THEME COMMITTEE THREE**

### **4.1 WORK PROGRAMME**

4.1.1 Mr. Smith reported that the Theme Committee had not yet finalised its Work Programme. Difficulties were the issues to be included, overlaps, and the schedule, itself, particularly as the first reports were fundamental to the rest of the Theme Committee's work. The Core Group planned to finalise the Theme Committee Work Programme on 6 February 1995.

4.1.2 Theme Committee Three encountered difficulties with submissions, including how to process them, how to take them on board, and how to include them in report drafting.

4.1.3 Theme Committee Three had not yet agreed on how to draft

reports.

- 4.1.4 The Theme Committee would hold an orientation workshop on Wednesday, 8 February 1995.

## **4.2 COMMUNITY LIAISON**

Theme Committee Three had not yet dealt with the Public Participation Programme, although it was on the Core Group's agenda.

## **5. THEME COMMITTEE FOUR**

### **5.1 WORK PROGRAMME**

- 5.1.1 Mr. Mdladlana reported that Theme Committee Four had made slight changes to Block Two of its work. It would like flexibility with the rest of the programme.
- 5.1.2 Public submissions had not yet been considered, because the first block was very general, and the submissions received so far dealt with more detailed matters. Clarity was needed on how to deal with submissions in an integral way.
- 5.1.1 The Theme Committee had produced a second draft of its report. If accepted by the Theme Committee, the report would be forwarded to the Constitutional Committee.

### **5.2 COMMUNITY LIAISON**

The Theme Committee planned to hold a workshop for 4/5 March 1995.

## **6. THEME COMMITTEE FIVE**

### **6.1 WORK PROGRAMME**

Mr. van der Merwe reported that Theme Committee Five had revised its Work Programme by combining the first four blocks. This would delay reports, which would be submitted later. It was agreed, interim progress reports would be submitted to the Constitutional Committee.

### **6.2 COMMUNITY LIAISON**

- 6.2.1 Theme Committee Five had invited and received verbal submissions. However, the system of inviting verbal submissions could be better rationalised.

- 6.2.2 The Theme Committee would hold a workshop at UNISA on 27/28 February.

## **7. THEME COMMITTEE SIX, SUB-THEME COMMITTEE ONE**

### **7.1 WORK PROGRAMME**

- 7.1.1 Mr. de Beer reported that Sub-Theme Committee One of Theme Committee Six had agreed to re-organise its Work Programme, with the first five blocks occupied by the Public Service, blocks six, seven and eight occupied with the Election Commission, and block nine, the Public Service.
- 7.1.2 The Sub-Theme Committee would hold an information seminar on Namibia's experience of the Public Administration in the next two weeks.
- 7.1.3 Clarity was needed as to whether the Sub-Theme Committee would still be discussing "Traditional Authorities."

### **7.2 COMMUNITY LIAISON**

- 7.2.1 The Theme Committee held a very successful workshop on 25/26 January 1995.
- 7.2.2 A one day workshop would be organised within the next few weeks to include the provinces and the Volkstaat Council, to address the relationship between the national and provincial Public Service Commissions.
- 7.2.3 The South African Election Commission had still to be approached.

## **8. THEME COMMITTEE SIX, SUB-THEME COMMITTEE TWO**

### **8.1 WORK PROGRAMME**

- 8.1.1 Mr. Davies reported that the Sub-Theme Committee had held a cycle of meetings with representatives of the main institutions. Based on this, the Sub-Theme Committee decided to re-organise its Work Programme, so that it would report on less controversial issues like the Reserve Bank, the Auditor General and so on, at the end of block five, and the Finance and Fiscal Commission at the end of block ten.

- 8.1.2 The Sub-Theme Committee noted that very few submissions had been received, despite sending invitations out to organisations in December 1994. Support and guidance was needed, here.

## **8.2 COMMUNITY LIAISON**

The Sub-Theme Committee requested guidance on how its members should participate in the Constitutional Assembly's broad Public Participation Programme.

# **9. THEME COMMITTEE SIX, SUB-THEME COMMITTEE THREE**

## **9.1 WORK PROGRAMME**

- 9.1.1 Ms. Kgositsile reported that the Sub-Theme Committee Three of Theme Committee Six had held four information seminars during the week ending 3 February 1995, and a further information seminar would be held on 8 February 1995.
- 9.1.2 The Theme Committee agreed to revise its Work Programme, so that blocks one and two would be free; the Public Protector would occupy block three; the Human Rights Commission would occupy block 5; the Commission on Gender Equality would occupy block 7; and the Commission on Land would occupy block 9.
- 9.1.3 The Sub-Theme Committee was unhappy with the removal of "Traditional Authorities" from its Work Programme.
- 9.1.4 Sub-Theme Committee Three would submit its first report at the end of block three.

## **9.2 COMMUNITY LIAISON**

- 9.2.1 The Sub-Theme Committee would hold a workshop on the Land Commission in April 1995.
- 9.2.2 Further plans for other Public Participation programmes would be discussed during the week of 6 February 1995.

# **10. THEME COMMITTEE SIX SUB-THEME COMMITTEE FOUR**

## **10.1 WORK PROGRAMME**

10.1.1 Sub-Theme Committee Four of Theme Committee Six had begun work on Block Two, but had experienced difficulties due to the lack of submissions from all the political parties. There would be ongoing debate as to how "Security Apparatus" would relate to the constitution. Similarly, there was emerging regarding whether "Prisons" should be linked to "Security Apparatus" or to "Justice".

10.1.2 The Sub-Committee would hear a consultant on prisons on 7 February 1995 and a workshop was being planned around "Accountability in the control of police and prisons, and police intelligence" for the week of 13 February.

10.1.3 The Sub-Theme Committee experienced problems with submissions, which not follow the format of the Work Programme. The Sub-Committee requested that executive summaries be done to facilitate discussion of them.

## **10.2 COMMUNITY LIAISON**

10.2.1 The Sub-Theme Committee had not yet planned Public Participation events in detail. It requested that:

- i. Public Participation events involving grassroots communities have translations done by people who have the technical expertise to deal with the subject matter;
- ii. There be link ups with legislative structures at provincial level to maximise participation and to assist with the logistical arrangements, and the services be involved as well; and
- iii. Political parties take responsibility for mobilising people to participate in those events.

## **11. DISCUSSION**

11.1 The Chairpersons summarised points raised generally by Theme Committees as follows:

- i. Overlaps;
- ii. Submissions; and particularly the need for support in acquiring

needed submissions which were outstanding and not forthcoming;

- iii. The Public Participation Programme, including how to slot it into the Work Programme, how to involve provincial authorities, and workshops on particular technical subjects; and
- iv. Theme Committee revisions of the Work Programme.

11.2 Mr. Ebrahim noted the need for coherence in Theme Committee work, particularly to facilitate the planning of public participation programmes. Theme Committees would need to find some way of resolving the matter. The Administration sought to steer clear of executive summaries, because they could be perceived as political intervention. Rather, the Administration was setting up structures to process submissions in such a way that they were far more accessible to Theme Committee members. However, Technical Experts might help here as well.

11.3 The meeting proposed the following ways of resolving problems caused by the overlap in "Traditional Authorities":

- i. Theme Committees, together with their Technical Committees, identify in detail overlaps and initiate a process to deal with that;
- ii. Core Group members of Theme Committees dealing with "Traditional Authorities" meet to discuss ways of better co-ordinating their work on the subject;
- iii. Theme Committees could communicate on their activities to each other and invite members of other Theme Committees to their activities when relevant;
- iv. Speakers could address joint Theme Committees;
- v. A two day workshop be held in early April, where traditional leaders would be brought together to address members of all the Theme Committees dealing with "Traditional Authorities". Submissions could then be processed either in block 4 or 5.

11.4 The meeting also proposed that publicity for submissions relate in more directly to Theme Committee Work, and that Theme Committees play a more pro-active role identifying key actors and possibly approaching key actors themselves to make submissions. Mr. Ebrahim requested that



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Theme Committees regularly inform the Administration on their progress and on anticipated completion dates, so that advertisements could better cater for their work.

- 11.5 Mr. Ebrahim reported that the first Public Participation event would be held on 11 February 1995 in Paarl and invited all Theme Committee chairpersons and members to it.