

# **CONSTITUTIONAL ASSEMBLY**

## **THEME COMMITTEE 2**

**WORKING LUNCH BY CORE GROUP,  
TC2 TECHNICAL COMMITTEE, AD HOC  
TECHNICAL COMMITTEE ON  
TRADITIONAL LEADERS, AND TC2  
SECRETARIAT**

**Monday 3 April 1995  
13h00  
VIP Marks Building**

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**PRESENT**

**Ndlovu VB (chairperson)**

**Fredericks C  
Grobbelaar P  
Madonsela T  
Mahlangu MJ  
Motimele AMM  
Nene J  
Nhlapo T  
Pahad EGH  
Rabie JA  
Smit T**

Steytler N  
Van Wyk D

## **APOLOGIES**

Ebrahim AG  
Eglin CW  
Groenewald P

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

- 1.1. The meeting was opened and chaired by Ndlovu VB, who explained that the purpose of the meeting was to discuss the effective utilisation of the Technical Committees.

### **2. ROLE OF THE TECHNICAL ADVISORS**

- 2.1. The meeting referred to the Technical Committees' *Terms of Reference*, and pointed out that the role of Technical Committees include advising the Theme Committee and the Core Group and assistance in drafting of reports as well as constitutional text.
- 2.2. In respect of participation at meetings, it was pointed out that at Theme Committee meetings the Technical Committee shall not participate in debates of the Committee, unless the Theme Committee requested the Technical Committee's advice, comment, or other assistance. At Core Group meetings, however, the Core Group requested the Technical Committee to play a more active role in general. Furthermore, it shall depend upon the general nature of any other meetings, as to what is expected from the Technical Committees, and the chairpersons should give guidance and censure where required.

### **3. CONVENOR**

- 3.1. The meeting noted that the Ad hoc Technical Committee had appointed and have been working with the assistance of a convenor, namely Professor T Nhlapo.
- 3.2. The meeting noted, furthermore, that the present arrangement of the TC2 Technical Committee with regard to a convenor was unsatisfactory, as it was not clear upon whom lay the responsibility for convening the Committee at any given time.

3.3. In the premises of 3.2., the meeting agreed that a convenor for the TC2 Technical Committee shall be appointed on a monthly basis. This would provide the clarity on whom lies the responsibility for convening and answering queries during a particular period. The convenor may then delegate one of the other Technical Committee members to attend a meeting, but shall nonetheless have to take responsibility for the convening and delegation.

3.4. The meeting noted that Adv Motimele shall be convenor for the month of April 1995.

#### 4. **THEME COMMITTEE/CORE GROUP INSTRUCTIONS TO TECHNICAL COMMITTEE AND CLAIMS FOR WORK DONE**

4.1. The meeting noted that difficulties in accounting for work done and in clarity of instructions may arise where work instructions to the Technical Committee are not minuted.

4.2. The meeting agreed that all instructions to Technical Committees to do work shall wherever possible be minuted. It was noted, however, that in extraordinary situations, and especially with regard to the ad hoc Technical Committee, this may not always be possible.

4.3. The meeting noted that the Managing Secretary has to confirm all claims made by the members of the Technical Committees and submitted via the TC2 Secretariat. The meeting agreed that verification of those claims may be sought from the co-chairpersons. The assumption is that all claims made are reasonable, but the Theme Committee by way of the co-chairpersons should also be able to say whether they appear to be unreasonable.

4.4. The meeting noted that an effective system for the submission of claims is required. It was agreed that when a claim is submitted and the Managing Secretary is able to verify the claim, then this should be done. However, when a query or dispute arises, then the Co-chairpersons may be requested to verify that claim. The meeting also noted that clearer guidelines from the Administration could assist the effective completion of claims.

#### 5. **COMMUNICATION**

5.1. The meeting emphasised the importance of communication. If differences arise anywhere, rather than forcing matters through verbal strife, the Co-chairpersons invited communication with themselves.

5.2. The meeting noted Prof Dlova's continuing unexplained absence, and various attempts by the Secretariat and members of the TC2 Technical Committee to contact him, including numerous faxes sent and messages left at contact numbers, including his spouse. The meeting agreed that Adv Motimele, as the convenor for this month, shall contact Prof Dlova in an attempt to obtain an explanation for his absence.

6. CLOSURE

6.1. The meeting closed at 14h00.