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STELLENBOSCH MUNICIPALITY

MEETING OF SDF CONSTITUTIONAL WORKING COMMITTEE (CWC) : 1993-07-21

Notice is hereby given of the above meeting to be held in the Council Chambers, Town Hall, Plein Street, Stellenbosch, on Wednesday, 1993-07-21 at 19:00 to consider the matters on the agenda attached hereto.

GM STRYDOM
CHIEF EXECUTIVE/TOWN CLERK

1993-07-14

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*Purpose - Intent
- Modern Operation
- Structure*

CRISIS
committee

AAC = can't hold us to ransom
first

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AGENDA: CONSTITUTIONAL WORKING COMMITTEE: 1993-07-21

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1. LEAVE OF ABSENCE.

Agenda

TAAL

TVD

845

2. CONFIRMATION OF THE MINUTES OF THE CWC MEETING HELD ON 1993-06-28

personal
misunderstanding

The minutes are attached as APPENDIX 1.

CWC?

FOR CONFIRMATION.

Abenue Democracy

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3. MATTERS ARISING OUT OF THE MINUTES OF THE CWC MEETING HELD ON 1993-06-28

3.1 Item 1 : Appointment of Chairperson for the CWC

Voorstgaa

The CWC resolved that the availability of the proposed Chairperson, Prof. Lourens du Plessis, and the possibility that another Chairperson be nominated if he is not available, be pursued by the Chairperson, V Honey.

inner play
Victory is won

FOR CONSIDERATION.

PA SPD

TVD

No doubt that there are other options

3.2 Item 2 : Single Non-Racial Democratic Local Government Structure for Stellenbosch

It was agreed by the CWC:

- (a) that item 3.1(a) (structuring of local government structure in the pre-interim period) be not addressed at this meeting but be fully discussed at the next CWC meeting; and
- (b) that item 3.1(b) be referred to a small Action Committee comprising of the Chairperson, V Honey, JP Retief and W Nel to consider the various proposals for a Declaration of Intent and submit only one Declaration of Intent to be finalised at the next CWC meeting.

A proposed Declaration of Intent is attached as APPENDIX 2.

FOR CONSIDERATION.

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AGENDA: CONSTITUTIONAL WORKING COMMITTEE: : 1993-07-21

3.3 Item 3 : SDF Status and Modus Operandi regarding the reaching of decisions

It was agreed by the CWC

- (a) that the 10 point discussion document (attached as APPENDIX 3), item 2 (full representation of bodies representing the statutory/establishment and non-statutory/non-establishment bodies) and items 6/7 (consensus) be referred back to the next CWC;
- (b) that the strong feelings expressed by the representatives of the Community Based Organisations regarding the presence of members of the Kaya Mandi Town Council at SDF and related meetings, which may influence their own further participation in the Forum, be conveyed to the SDF;
- (c) that the Chairperson, V Honey, in his individual capacity as facilitator, convey the sentiments mentioned in (b) above to Mr Faan Naudé of the CPA before the aforesaid proposed meeting with the Kaya Mandi Town Council and various other Black Councils on Saturday, 1993-07-03; and
- (d) that the SDF appoint a "Crisis Committee" which would have the mechanisms to address crisis situations.

FOR CONSIDERATION.

4.

CRISIS

POSSIBLE SUSPENSION OF SERVICES TO KAYA MANDI BY THE MUNICIPALITY

FOR DISCUSSION.

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5.

CRISIS comm.

OCCUPATION OF THE ADMINISTRATIVE OFFICES OF KAYA MANDI

FOR CONSIDERATION.

SDF.

Communicat

MINUTES OF SDF CONSTITUTIONAL WORKING COMMITTEE MEETING OF REPRESENTATIVES OF COMMUNITY BASED ORGANISATIONS AND KAYA MANDI AND STELLENBOSCH TOWN COUNCILS HELD IN THE COUNCIL CHAMBERS, TOWN HALL, PLEIN STREET, STELLENBOSCH ON MONDAY, 1993-06-28 AT 19:00

PRESENT:

Facilitator	: V Honey (Chairperson)
Stellenbosch Municipality	: DEW Schumann JP Retief CTB Davy (Secretary)
Kaya Mandi Town Council	: A Cruywagen
SHAC	: W Nel
ANC	: R Mastenbroek
SANCO/ANC	: MM Ngcofe
SANCO	: MC Ntsomboti
COSATO/ANC (Youth League)	: K Royi S Menziwa
Stellenbosch Ratepayers Association	: P Fourie
Stellenbosch Sakekamer	: WJ Bekker
Jamestown Management Committee	: I February P vd Rheede
Chamber of Commerce	: L Silberbauer

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1. LEAVE OF ABSENCE

1. RESOLVED

- (a) that leave of absence be granted to JAM van Schoor (Stellenbosch Municipality), WF Ortell (SHAC), P Xegwana (ANC), S Adams (Facilitator) and F Kruger (Chamber of Commerce); and
- (b) that the availability of the proposed Chairperson for the CWC, Prof Lourens du Plessis, and the possibility that another Chairperson be nominated if he is not available, be pursued by the Chairperson, V Honey.

2. **CONFIRMATION OF THE MINUTES OF THE CWC MEETING HELD ON 1993-05-24**

The minutes are attached as **APPENDIX 1.** (*Not attached*).

FOR CONFIRMATION.

2. **RESOLVED**

that the minutes be approved.

3. **MATTERS ARISING OUT OF THE MINUTES OF THE CWC MEETING HELD ON 1993-05-24**

3.1 **Item 2 : Single Non-racial Democratic Local Government Structure for Stellenbosch**

It was agreed by the CWC:

- (a) that the SDF also concentrate on the pre-interim period and table ideas at the next Constitutional Working Committee Meeting on how local government should be structured;
- (b) that a Declaration of Intent be drawn up by DEW Schumann; and
- (c) that the proposed Action Committee (Communications Plan) meet as soon as possible to compile a communications plan.

The Declarations of Intent (with Preamble) drawn up by DEW Schumann and the Kaya Mandi Development Forum as well as proposed amended format of the Declaration of Intent are attached as **APPENDIX 2.** (*Not attached*).

It was agreed by the SDF on 1993-06-03 (item 6.1) that:

- (i) the CWC consider the merger of the two documents;
- (ii) that any further proposals be submitted to the Secretary not later than 1993-06-21; and
- (iii) that the next meeting of the CWC be held on 1993-06-28.

FOR CONSIDERATION.

3.1 DEW Schumann indicated that he wished to table a document regarding this item for discussion at the next CWC meeting.

AGREED

- (a) that item 3.1(a) (structuring of local government structure in the pre-interim period) be not addressed at this meeting but be fully discussed at the next CWC meeting;
- (b) that item 3.1(b) be referred to a small Action Committee comprising of the Chairperson, V Honey, JP Retief and W Nel to consider the various proposals for a Declaration of Intent and submit only one Declaration of Intent to be finalised at the next CWC meeting; and
- (c) that the next meeting of the CWC be held on Wednesday, 1993-07-21 at 19:00.

3.2 Item 3 : SDF Status and Modus Operandi regarding the reaching of decisions**3.2.1 Item 3(a) : It was agreed that:**

- (a) the 10 points in the discussion document (page 1.6 of Appendix 1), be accepted in principle and be taken back to its constituents by the various organisations for discussion and report-back at the next meeting of the CWC;
- (b) in respect of point 2 (full representation of bodies on SDF representing the statutory and the non-statutory bodies) it be considered whether the SDF is a fully representative body; and
- (c) in respect of points 6 and 7 (consensus) it be considered how consensus will be reached on the SDF.

FOR CONSIDERATION.**3.2.1 AGREED**

- (a) that the 10 point discussion document, item 2 (full representation of bodies representing the statutory/establishment and non-statutory/non-establishment bodies) and items 6/7 (consensus) be referred back to the next CWC;
- (b) that the strong feelings expressed by the representatives of the Community Based Organisations regarding the presence of members of the Kaya Mandi Town Council at SDF and related meetings, which may influence their own further participation in the Forum, be conveyed to the SDF; and
- (c) that the Chairperson, V Honey, in his individual capacity as facilitator, convey the sentiments mentioned in (b) above to Mr Faan Naude of the CPA before the aforesaid proposed meeting with the Kaya Mandi Town Council and various other Black Councils on Saturday, 1993-07-03;
- (d) that the SDF appoint a "Crisis Committee" which would have the mechanisms to address crisis situations; and
- (e) that the other matters stand over till the next meeting of the CWC on 1993-07-21.

**MINUTES
OF MEETING****STELLENBOSCH DISCUSSION FORUM
CONSTITUTIONAL WORKING COMMITTEE**: 1993-06-28

- 3.2.2 Item 3(b) : It was agreed by the SDF on 1993-06-03 (item 6.2) that:
- (a) the request from the Council of Church Co-operation for observer status be referred to the Steering Committee; and
 - (b) the Chairperson again make a press statement giving an overview of the SDF and inviting other interested organisations to join.

FOR INFORMATION.3.2.2 **NOTED.**

The meeting adjourned at 21:40.

CONFIRMED.**CHAIRPERSON**

cwc28f93/cr

SDF CONSTITUTIONAL WORKING COMMITTEE***DECLARATION OF INTENT*****PREAMBLE:**

We, the delegates, representing organisations from the community, as reflected in the SDF are engaging in serious discussions and deliberations about the future of this town. We are mindful of the responsibilities that rest on us, the mammoth and sensitive task that awaits us, but are also aware of the prayers that accompany us on the road ahead.

WE DECLARE SOLEMNLY OUR COMMITMENT TO STRIVE THROUGH DISCUSSION AND NEGOTIATIONS:

1. To bring about one non-racial democratic local authority that will share one common citizenship, patriotism, loyalty, freedom of association and equality before the law, security for all residents of Stellenbosch, irrespective of race, colour, sex or creed. A town free from discrimination (and the vestiges of apartheid).
2. To work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every resident of Stellenbosch are protected by a justiciable Bill of Rights.
3. To attain a peaceful, harmonious community with acceptable standards of community life in which all the residents of Stellenbosch will enjoy satisfactory quality of life, prioritising the needs of the disadvantaged sections of the community through policies that will promote economic growth, stability, enhancement of human development, conservation of the environment and ensuring equal opportunities for all residents of Stellenbosch.
4. To create a climate conducive to peaceful constitutional change:
 - (a) through negotiations, deliberations and other peaceful means;
 - (b) by eliminating violence, intimidation and destabilisation (from whatever quarter) and by promoting free political participation and debate.
5. To ensure that the end product will be a "local government for the People by the People" based on the principles of accountability and transparency and by way of consensus that will attain "one town, one council and one tax base."
6. Promoting and propagating abovementioned declaration on all levels of structures and forums for the betterment of our beloved town and country.

THE STATUS AND MODUS OPERANDI OF THE SDF

1. The Forum is not a legally constituted body. It must prove its worth! It will be what the participants make of it.
2. It must be seen as a fully representative body, representing statutory bodies (governmental organisations) and non-statutory bodies (non-governmental and community based organisations).
3. It is a discussion forum, which will deliberate on the matters placed on its agenda by the Steering Committee or referred to it by the Working Committees.
4. It is an advisory body which can give advice regarding local conditions or affairs (especially of a governmental/constitutional nature or a development/socio-economic nature) to any authority which can address the matter discussed.
5. The Forum meets under the Chairmanship of a chosen facilitator and the normal rules of procedure apply at all meetings.
6. Agreements shall be concluded by way of consensus.
7. Methods to adjudicate whether consensus has been reached should be investigated.
8. It should be recorded that all parties have the right to consult their principals before entering into agreements.
9. It is specifically recorded that the representatives of statutory bodies are subject to statutory regulations (ordinances, laws, by-laws, proclamations by higher authorities, etc) as well as voters' control and may insist on consultation with higher level authorities and voters before entering into agreements.
10. Parties to the Forum will be bound by agreements reached at the Forum subject to 8 and 9 above.

MINUTES OF SDF CONSTITUTIONAL WORKING COMMITTEE MEETING OF REPRESENTATIVES OF COMMUNITY BASED ORGANISATIONS AND KAYA MANDI AND STELLENBOSCH TOWN COUNCILS HELD IN THE COUNCIL CHAMBERS, TOWN HALL, PLEIN STREET, STELLENBOSCH ON WEDNESDAY, 1993-07-21 AT 19:00

PRESENT:

Facilitators	:	V Honey (Chairperson) S Adams
Stellenbosch Town Council	:	JAM van Schoor DEW Schumann JP Retief AA Smit CTB Davy (Secretary)
Kaya Mandi Town Council	:	A Cruywagen
Kaya Mandi Development Forum	:	VV Myataza ZJ Mrali
SANCO	:	MM Ngcofe
ANC	:	R Mastenbroek M Verwoerd (me)
SHAC	:	P Louw W Nel
Chamber of Commerce (SACOB)	:	SP Kruger
Stellenbosch Ratepayers Association	:	P Fourie J Basson PG van Breda
Stellenbosch Sakekamer	:	W Bekker
Kylemore Management Committee	:	PP Williams

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1. LEAVE OF ABSENCE.

1. RESOLVED

- 1(a) that leave of absence be granted to L Silberbauer (SACOB) and PW Lawrence (Kylemore Management Committee).
- 1(b) R Mastenbroek said they are committed to the process of negotiations for change but one of their alliances, the ANC Youth League, has problems with the participation of the Kaya Mandi Town Council in the SDF. If, however, the majority of the meeting should decide to proceed with the agenda, then the ANC/SANCO alliance will have to be excused. He suggested that the meeting be postponed for a few days in order for them to consult with the ANC Youth League.

DEW Schumann referred to item 3.2.1(b) of the minutes of the CWC meeting held on 1993-06-28 where it was agreed that the strong feelings expressed by SANCO regarding the presence of members of the Kaya Mandi Town Council at the SDF and related meetings, which may influence their own participation in the Forum, be conveyed to the SDF. The SDF decided right at the beginning that the Kaya Mandi Town Council should be part of the Forum and therefore only the SDF can make a decision in this regard.

He further expressed the opinion that there were important issues that must be addressed and proposed that the meeting proceed with items 3.2(b), 3.3(d), 4 and 6 as they were not directly related to the issue stated by the ANC alliance.

The Chairperson, V Honey, was of the opinion that the proposal will not address the problem and felt that the meeting should rather be postponed. He called for a vote on the matter. ?

W Nel said there should be no voting. There must be consensus by all parties.

JAM van Schoor referred to the statement by W Nel regarding consensus, viz that all are in agreement and said that the same principle may also apply when future issues are resolved.

AGREED

- (a) that only the SDF can decide on who to exclude from the forum and not one of the Working Committees; and
- (b) that the issue of the participation of the Kaya Mandi Town Council in the SDF be resolved by the ANC/SANCO alliance with the ANC Youth League before the Steering Committee meeting to be held on 1993-07-26, when a date for the next meeting of the CWC will be determined.

The meeting adjourned at 20:30.

CONFIRMED.

CHAIRPERSON

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