

CONSTITUTIONAL ASSEMBLY

**THEME COMMITTEE 1
CHARACTER OF THE DEMOCRATIC STATE**

**MINUTES OF THE TWELFTH MEETING OF THEME COMMITTEE 1
MONDAY 13 MARCH 1995 09h00 ROOM V227**

Present

Mahlangu N J (Chairperson)

Ally A	Mukhuba T T
Booi M S	Mulder P
Chiba L	Ncube B
Chikane M M	Niehaus C G
Cwele C S	Routledge N C
Dyani M M	Ripinga S S
Fani L M	Seaton S
Ferreira E T	Shope N G
Goosen A D	Sisulu A N
Gumede D M	Streicher D M
Hangana N E	Van Deventer F J
Janse van Rensburg A P	Van Zyl I D
Lekgoro M K	Williams A J
Mabuza C M	
Majola-Pikoli G	
Marais A	
Marais P G	
Meshoe K R	
Mngomezulu P G	
Momberg J H	
Moorcraft E K	
Mtshali L P H M	
Mukhuba T T	

APOLOGIES:

**Kekana N N
Nzimande B E
Schoeman E A
Vilakazi B H
Zondi M**

Technical Experts present:

**Corder H
Heunis J C
Husain Z**

Leola Rammable and Susan Rabinowitz were in attendance.

1. OPENING

The meeting was opened by the Chairperson at 09h00.

2. ADOPTION OF PREVIOUS MINUTES

The Minutes of the Theme Committee meeting of 6 March 1995 contained in document A16 were adopted with the amendment that Mrs Routledge's apology for the meeting of 6 March was noted.

3. MATTERS ARISING

The meeting raised concerns with regard the Weekly Media Briefings on the Constitution Making Process (Item 7.1 of Minutes of 6 March 1995). It was agreed that the Secretariat would arrange for the Media Department to brief the members at the next Theme Committee meeting to clarify the purpose of the briefings and to address the concerns.

The Secretariat agreed to notify members in writing of any cancellation of meetings.

On a point of procedure, it was noted that nominations of members to attend the briefings should be done through the Core Group.

4. SETTING UP OF COMMISSIONS

It was agreed that this matter would stand over until the next Theme Committee meeting and that the Core Group would look at the issue before the next Theme Committee meeting.

5. JOINT CORE GROUP MEETING

Due to a clash with Parliamentary meetings, it was agreed that the Joint Core Group meeting scheduled for Thursday 16 March 1995 at 14h00 would be cancelled and that the Core Group would meet with the Secretariat to discuss a suitable date and would consult with the Chief Whips on the Parliamentary programme.

6. PUBLIC PARTICIPATION PROGRAMME

A report was given by members of the Theme Committee who had taken part in the Public Participation Programme over the weekend of 11/12 March 1995. A number of problems were raised with regard to transport arrangements, poor advertising of the events and inadequate representation by political parties. It was further suggested by members who had attended the CPM's that provincial governments should be involved in the process and that workshops for the public on the constitution-making process should precede the public meetings. Submissions received from the public at the meetings which related to

Theme Committee One's work were the issue of equality, with particular reference to women's rights, unitary state and language rights.

With regard to the processing of the submissions received at the CPM's it was agreed that the Core Group and the CA Administration would work out a way for members to receive a summarised report of the proceedings and that this would be made available before the finalisation of the particular Block.

It was suggested that the oral submissions be processed by the Technical Experts who would then incorporate this into the final report of the Theme Committee.

In response to a question to the IFP that one of their members had reported that the ANC were using the Public Participation Programmes for party political purposes, the IFP agreed to take the matter back to their principals and to report back at the next Theme Committee meeting.

7. DISCUSSION ON PARTY SUBMISSIONS FOR BLOCK 2

- 7.1 The ACDP would table its report at the next Theme Committee meeting.
- 7.2 The ANC tabled its submission on Block 2 included in the documentation A16. Questions of clarification were asked with regard to Paragraph 2.3.2 "The Constitution shall empower National Parliament to ensure that the laws passed in the Provincial Legislatures are not inconsistent with the provisions of the Constitution and the Bill of Rights", and on the 3rd Paragraph of the Introduction on the issues of national uniformity, balkanisation and fragmentation.
- 7.3 The DP tabled its submission on Block 2 included in the documentation A16. With regard to its submission on Equality, clarification was given on the issues of discrimination (Page 11, 2nd paragraph) and categories of differentiation (Page 9-10). On their submission on One Sovereign State, questions of clarification were raised on the issue of Point (a) Provincial Autonomy and Point (c) Community Self Determination.
- 7.4 The FF tabled its submission on Equality contained in a separate document entitled " Equality before the Law: General Principles" and its submission on "One Sovereign State" included in Document A15. Questions of clarification were raised on unfair discrimination and one sovereign state.
- 7.4 The IFP would table its submission at the next Theme Committee meeting.
- 7.5 The NP tabled its submission on Block 2 included in Document A15. Clarification was given on the issue of one sovereign state (Page 26, Paragraph 2), on what is meant by "interest groups at all levels of government" (Page 27, Paragraph 3), and proportional representation (Page 27, Paragraph 2).

8. DISCUSSION ON REPORT FOR BLOCK 2

A memorandum from the CA Chairperson entitled "Theme Committee Report Formats" included in Document A16 was tabled. It was agreed that the Technical Committee should look at this additional format which would be used for future reports.

It was further agreed that the Drafting Sub-Committee and the Technical Experts would meet this week to start working on the Report for Block 2. In addition it was agreed that there would be a rotational chairperson for the sub-committee.

9. GENERAL

A memorandum from the Executive Director (Document B.1.1.) relating to the work programme for the Technical Experts was tabled and was referred to the Core Group for consideration.

10. CLOSURE

The meeting rose at 11h55.