

CONSTITUTIONAL ASSEMBLY

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

**MINUTES OF THIRTEENTH MEETING OF THEME COMMITTEE 1
MONDAY 20 MARCH 1995 15H00 ROOM M515**

Present

Mahlangu N J (Chairperson)

Booi M S	Momberg J H
Chiba L	Moorcroft E K
Chikane M M	Mtshali L P H M
Chiwayo L L L	Mulder P
Cwele C S	Ncube B S
Dyani M M	Nobunga B J
Ferreira E T	Routledge N C
Gumede D M	Schoeman E A
Hangana N E	Seaton S
Janse Van Rensburg A P	Shope G
Kekana N N	Shope N R
Khuzwayo N E K	Sisulu A N
Lekgoro M K	Streicher D M
Mabuza M C	Van Deventer F J
Majola-Pikoli N T	Vilakazi B H
Marais P G	Williams A J
Meshoe R K	Zondi M K
Mohale M	

APOLOGIES:

**Fani L M
Macozoma S
Mngomezulu P G
Nzimande B E
Ripinga S S**

Technical

Experts present:

**Corder H
Heunis J C**

CA Administration:

**Lamani T (Media)
Mvunelwa M (Community Liaison)**

Leola Rammable and Susan Rabinowitz were in attendance.

1. OPENING

The meeting was opened by the Chairperson at 15h10.

2. ADOPTION OF PREVIOUS MINUTES

The minutes of the Theme Committee meeting of 13 March 1995 contained in document A17 were adopted.

3. MATTERS ARISING

None

4. CORE GROUP REPORT

The Minutes of the Core Group meeting held on 14 March 1995 contained in document A17 were tabled with clarification being asked for on the statement in Item 7 "Parties should not be attacked...".

The IFP asked that it be noted that decisions taken at a meeting should be recorded as such as this was an injunction of the meeting. They further appealed for discussion to take place when dealing with party submissions, not as an inquisition or as a challenge to party positions but in order to find out the implications of a particular position.

A report was given on the meeting of the Core Group and Technical Advisors which had been held on the 20 March 1995, which dealt with the work programme of the Technical Committee. It was reported that the Core Group had agreed that a rigid programme for the Technical Experts could not be drawn up in advance but a flexible arrangement would be adopted whereby a member of the Technical Committee would be present when party submissions were being tabled, when discussion on submissions takes place, and if called upon to attend a particular meeting. It was further agreed that all the Technical Advisors would be present when the sub-committee drafts a report for the CC and when the reports are tabled with the Theme Committee.

With regard to the question of internal workshops for Theme Committee members, the Core Group had agreed that a workshop would be held on the 27 March. The purpose of this workshop would be to offer guidance on content of the Party submissions for Block 3. It was however, noted that these workshops should in no way restrict parties on their ultimate submissions.

5. REPORT ON MEDIA BRIEFINGS AND DISCUSSION ON ADVERTISEMENT FOR BLOCK 3.

A member of the CA Media Department addressed the meeting on the question of the Media Briefings and the concerns of the Theme Committee. It was agreed that the Theme Committee would indicate when it had a report to present to a particular Media Briefing but when it had nothing to report it would advise the Media Department accordingly.

6. SETTING UP OF COMMISSIONS

The meeting was referred to the minutes of the Core Group meeting of 14 March 1995 contained in document A17 where this matter was discussed.

It was reported that concerns had been raised firstly, about parties who did not have broad representation on the CA structures and, secondly, about the need for party representatives to seek mandates due to the sensitive nature of the issues to be discussed.

The Technical Advisors gave clarification on the difference between a Commission and a Sub-committee. They explained that members of a Commission could be people from outside the Constitutional Assembly and was more independent than a Sub-committee which was made up of members of the Theme Committee and was a tool of the Theme Committee.

It was agreed that this matter would stand over until the next Theme Committee meeting so that parties could consult their principals and so that more information could be obtained about structures which had already been set up to deal with some of these issues e.g. Language and Seats of Government.

7. REPORT ON JOINT CORE GROUP MEETING

The minutes of the Joint Core Group meeting held on Thursday 16 March 1995 were tabled. It was reported that the meeting had agreed that the Blocks in the Work programme should not be shifted, that the areas of overlap should remain with the respective Theme Committees but that consultation and coordination should take place between Theme Committees on the work programme so that joint meetings could be planned if necessary.

8. PUBLIC PARTICIPATION PROGRAMME

A member of the CA Community Liaison Department addressed the meeting on the Public Participation Programme and reported that no transcriptions of the CPM's were available yet. It was agreed the concerns of the Theme Committee about the Public Participation Programme would be raised by party representatives at the Management Committee meeting.

9. TABLING OF ACDP AND IFP SUBMISSIONS FOR BLOCK 2

The IFP tabled its submission for Block 2.

The ACDP tabled its submission for Block 2.

10. DISCUSSION ON PARTY SUBMISSIONS

The IFP would talk to its submission at the next Theme Committee meeting.

The ACDP talked to its submission and gave clarification on the issue of a Secular State (Page 4) with regard to respect for life and representative democracy. The Technical Experts confirmed that South Africa was a secular state and gave clarification on the difference between a secular state and a religious state. Under the section on Equality, clarification was given on the "right to privacy".

It was agreed that further discussion would take place at the next Theme Committee meeting and that the ACDP would arrange an alternate member to be present.

11. GENERAL

The meeting was referred to the Memorandum from the Executive Director contained in document A17 page 13 regarding the Theme Committee meetings after the Easter Recess. It was agreed that the Core Group would look into this matter.

The meeting rose at 17h10.

CHAIRPERSON_____