

**CONSTITUTIONAL ASSEMBLY
THEME COMMITTEE ONE
CHARACTER OF THE DEMOCRATIC STATE**

**MINUTES OF THE MEETING OF THEME COMMITTEE 1
TUESDAY 1 AUGUST 1995 14H00 ROOM M515**

**Present
Mahlangu NJ (Chairperson)**

**Chiba L
Chikane MM
Cwele CS
Gumede DM
Hangana NE
Janse Van Rensburg AP
Kuzwayo NEK
Mabuza MC
Majola-Pikoli NT
Marais A
Marais PG
Meshoe KR
Mngomezulu PG
Momborg JH
Moorcroft EK**

**Mulder PWA
Nobunga BJ
Ripinga SS
Routledge NC
Shope G
Sisulu AN
Streicher DM
Van Deventer FJ
Vilakazi BH
Williams AJ**

Apologies:

**Chiwayo LLL
Goosen AD
Kekana NN
Macozyoma SJ
Ncube BS
Niehaus CG**

Technical Experts present:

**Corder H
Heunis J**

Representatives of the Western Cape Provincial Council of Churches:

Bishop J Gribble, Rev B Witbooi, Rev G Pillay, Dr S Govender

Leola Rammale and Susan Rabinowitz were in attendance.

1. OPENING

- 1.1 The meeting was opened by the Chairperson at 14h15.

2. ADOPTION OF PREVIOUS MINUTES

- 2.1 It was agreed that the Minutes of the Theme Committee meeting held on Monday 31 July 1995 contained in Document A30 [Pages 3 - 6] should stand over for adoption at the next Theme Committee meeting.

3. MATTERS ARISING

- 3.1 Prof Corder referred to the Report on Block 6: Representative Government [Document A30, Pages 7 - 78] and noted that Page 17 of the Analytical Survey was not a true reflection of the Report. It was agreed that the Technical Experts would meet with the Secretariat to amend the Analytical Survey to reflect the accurate position.

4. ORAL SUBMISSION BY WCPCC

- 4.1 The Chairperson welcomed the representatives of the Western Cape Provincial Council of Churches to the Theme Committee meeting.
- 4.2 Dr Shun Govender of the WCPCC tabled a submission and spoke to the document, highlighting the main issues and presenting their recommendations to the Theme Committee for consideration.
- 4.3 Questions of clarification were asked on a number of issues including:
- the possible mechanisms the State should use to uplift the poor;
 - their argument for references to the word "race" to be removed from the Constitution;
 - their position on gay and lesbian rights;
 - their belief in Biblical principles;
 - their role in assisting politicians in reassuring those Christians amongst whom there was uncertainty regarding the new Constitution.
- 4.4 The Chairperson thanked the representatives of the WCPCC for their submission.

5. DISCUSSION OF DRAFT REPORT FOR BLOCK 8: FOREIGN RELATIONS AND INTERNATIONAL LAW

- 5.1 Dr Heunis tabled the Draft Report for Block 8 dealing with Foreign Relations and

International Law, contained in a separate document and spoke to the Report, noting the following:

- 5.1.1 No submission had been received from the FF who had advised that any submission they had, would be made when the Report was discussed at the Constitutional Committee.
- 5.1.2 Page 6, Paragraph 2, 3rd line, the word "effecting" should be amended to read "affecting".
- 5.1.3 On Page 7, Paragraph VII, the word "approved" should be amended to read "improved".
- 5.2 It was agreed that it was the responsibility of the Theme Committee to draft the new Constitutional Provisions before the Report was submitted to the CC and that the Technical Experts should attend to this matter.
- 5.3 After discussion of the Draft Report by the Theme Committee and clarification by the Technical Experts, it was agreed that:
 - 5.3.1 Page 3, Paragraph III (a) should be placed under Contentious Issues.
- 5.4 It was further agreed that, subject to the approved amendments being made to the Report and the Analytical Survey and to new Constitutional Provisions being drafted by the Technical Experts, the Report was approved for submission to the CC.

6. TABLING AND DISCUSSION OF PARTY SUBMISSIONS ON BLOCK 7: LANGUAGE AND BLOCK 9 NAME AND SYMBOLS, SEATS OF GOVERNMENT AND NATIONAL TERRITORY

6.1 ACDP

The ACDP tabled its submission contained in Document A29 [Pages 21-24] and spoke to the document.

Questions of clarification were asked on the ACDP's proposal that there should be two national anthems. The ACDP clarified that they were flexible on this issue but for the sake of reconciliation, two anthems should be maintained at present. On the issue of "sole nationality" [Page 21, Paragraph 2], the ACDP clarified that this did not mean more than one nationality for the South African people, but rather that all cultures and beliefs must be protected.

6.2 ANC

The ANC tabled and talked to its submission on Language contained in

Document A29 [Pages 25] and its submission on Name, Symbols, National Territory and Seat of Government contained in a separate document which they noted replaced Pages 26-27 of the submission in Document A29.

Questions and clarification focused on the financial and administrative implications of the ANC's language proposals. The ANC clarified that it would be necessary to find measures and resources to ensure all official languages were promoted equally, and that there was no distinction between official languages of communication and official languages. On the issue of the anthem and the coat of arms, the ANC clarified that the changes were to reflect the new democracy and that this was the mandate they had received. On the issue of the Seats of Government, the ANC clarified that their submission referred to the Seats of Parliament and the Executive and had not dealt with the Seats of the Courts.

6.3 DP

The DP tabled its submission contained in Document A29 [Pages 28 - 34] and talked to the document.

Questions of clarification were asked on whether the DP's language proposals undermined certain languages. The DP responded that their concern was the practical implications of 11 official languages. With regard to the issue of Seats of Government, the DP clarified that its submission referred to the Legislative Capital and had not addressed the issue of the courts.

6.4 FF

The FF tabled and talked to its submission contained in a separate document.

Questions of clarification were asked on the FF's language proposals and on their proposal for provincial symbols.

6.5 NP

The NP tabled their submission contained in Document A29 [Pages 35 - 42] and talked to the document.

Clarification was given by the NP on the promotion of the equal status of all languages.

6.6 PAC

The PAC submission contained in a separate document was tabled. It was noted that the PAC had submitted an apology for the meeting.

6.7 It was agreed that the Technical Experts together with the Drafting Sub-

Committee should prepare a Draft Report for Blocks 7 and 9 and that the Secretariat should make the necessary arrangements.

7. PUBLIC PARTICIPATION

7.1 There was no report.

8. GENERAL

8.1 It was agreed that the Theme Committee meeting scheduled for Wednesday 2 August would be cancelled and that the next meeting of the Theme Committee would be held on Monday 7 August 1995 at 09h00 in Room M515. It was further agreed that the Secretary would circulate a schedule of the forthcoming meetings of the Theme Committee to the members.

8.2 The Secretary advised that the deadline for party submissions for Block 10 dealing with the Preamble/Postamble was Monday 7 August. It was, however, agreed that concerns relating to the issue of the Preamble would be discussed at the Theme Committee meeting on Monday 7 August 1995.

9. CLOSURE

9.1 The meeting rose at 17h35.

CHAIRPERSON