

CONSTITUTIONAL ASSEMBLY

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

**MINUTES OF THE MEETING OF THEME COMMITTEE 1
MONDAY 3 APRIL 1995 09H00 ROOM M46**

**Present
Marais P G (Chairperson)**

**Ally A
Booi M S
Chiba L
Chikane M M
Cwele C S
Dyani M M
Ferreira E T (Alternate for Mr Zondi)
Gumede D M
Hangana N E
Janse Van Rensburg A P
Kekana N N
Lekgoro M K
Mabuza M C
Macozoma S J
Mahlangu N J
Marais A
Mngomezulu P G**

**Mohale M
Momberg J H
Moorcroft E K
Mtshali L P H M
Mulder P W A
Ripinga S S
Schoeman E A
Seaton S
Shope N R
Sisulu A N
Streicher D M
Van Deventer F J
Williams A J**

APOLOGIES:

Niehaus C G, Nzimande B E, Vilakazi B H, Zondi M K

Technical Experts present:

**Corder H
Husain Z**

Leola Rammble and Susan Rabinowitz were in attendance.

1. OPENING

The meeting was opened by the Chairperson at 09h05.

2. ADOPTION OF PREVIOUS MINUTES

The minutes of the Theme Committee meeting of 27 March 1995 contained in Document A19 were tabled.

The IFP raised an objection on Page 4 the last paragraph of the minutes. They stated that the minutes did not reflect the full discussion on the issue of One Sovereign State with regard to internal arrangements and suggested that the tapes be referred to and this be recorded.

It was agreed that the Technical Experts would assist the Secretary in reformulating this item and that the Minutes would then be placed before the next Theme Committee meeting for adoption.

3. MATTERS ARISING

None

4. TABLING AND DISCUSSION ON DRAFT REPORT ON BLOCK 2

The Draft Report from the Sub-Committee to the Theme Committee for Block 2 was tabled.

Prof Corder spoke through the document, describing how the document had been drafted, following the guidelines laid down in the memorandum from the Executive Director of 16 February 1995. He noted that the last two pages had been substituted by two corrected pages. He further explained that Part 1 was not complete.

With regard to the completion of Part 1 of the document, it was agreed that the Technical Experts would finalise the list of submissions received, produce a summary of the public hearings and finalise the document with the addition of the outstanding information and would then submit it to the Theme Committee for final discussion on Wednesday 19 April.

Mr Husain added that some of the parties had not expressed themselves on some of the issues and requested whether the parties would either express themselves in broad principle or would record that these submissions would be made in other theme committees.

It was agreed that a procedure needed to be followed with regard to this matter and because parties had not expressed themselves this did not mean that they did not have an opinion on an issue but that the issue was considered by them in another Block or by another Theme Committee.

It was therefore agreed that a statement would be formulated by the Technical Experts and would be added as the first statement in Part 2 on Page 4 along to the following lines: "Because of the differing treatment between the parties of the issues, not all the parties have expressed themselves in this Block but that the reader is referred to other Blocks or forthcoming Blocks or other Theme Committees."

The FF raised its concern on the question of the flexibility of the Constitution. It was agreed that this matter would be covered under Block 3 which dealt with Supremacy of the Constitution.

All parties agreed to the amendments of the Draft Report and it was further agreed that discussion on items A, C, and D of Part One would take place once the Technical Advisors together with the Sub-committee had finalised these sections.

5. REPORT FROM CORE GROUP

6. DEADLINE FOR PARTY SUBMISSIONS FOR BLOCK 3

It was agreed that these two items would be dealt with simultaneously.

The minutes of the Core Group meeting held on Wednesday 29 March 1995 contained in Document A19 were tabled.

The Chair reported on the two matters raised at the Core Group Meeting.

Firstly, with regard to the deadline for submissions on Block 3, it was reported that the Core Group had expressed the concern that the deadline should not be during the Easter Recess. However, the memorandum from the Administration of 31 March 1995 "Deadline for Block 3 and 4" was now tabled, requesting party submissions before or on 18th April.

It was agreed that the parties would endeavour to submit their submissions for Block 3 by the 18th April and that an orientation workshop would be held on Block 4 at the Theme Committee meeting on the 19th April so that the submissions for Block 4 could be submitted as soon as possible thereafter.

Secondly, with regard to meetings immediately after the Easter Recess, the Chairperson reported that the Core Group had agreed that due to problems of some members with travel arrangements, the Theme Committee would not meet on Tuesday 18th April but on Wednesday 19th April.

The memorandum of the Executive Director of 31 March 1995 regarding the "Schedule of CA activities for week 18-24 April 1995", was tabled. It was agreed that the Core Group would meet on Tuesday 18th April at 14h00 and that members who had travel difficulties would arrange for substitutes to attend.

7. SETTING UP OF SUB-COMMITTEES

It was agreed that the Administration should place advertisements calling for written public submissions on issues which are to be dealt with through commissions or sub-committees as soon as possible.

8. PUBLIC PARTICIPATION PROGRAMME

A memorandum from the Executive Director entitled "Theme Committee consultation with the business sector" was tabled. It was agreed that the Administration should continue with its planning and keep the Theme Committee informed.

9. GENERAL

None

10. CLOSURE

The meeting rose at 10h30.

CHAIRPERSON _____