

CONSTITUTIONAL ASSEMBLY

MINUTES OF THE FOURTH MEETING OF THEME COMMITTEE 1

CHARACTER OF THE DEMOCRATIC STATE MONDAY 07 NOVEMBER 1994 (08H00)

Present

Mahlangu N J (Chairperson)

Booi M S	Meshoe K R
Chiba L	Momberg J H
Chikane M M	Moorcroft E K
Chiwayo L L L	Mukhuba T T
Dyani M M	Mulder P W A
Fani L M	Niehaus C G
Felgate W	Nobunga B J
Ginwala F	Nzimande B E
Goosen A D	Majola-Pikoli N T
Lekgoro M K	Seaton S
Marais A	Streicher D M
Mars I	Swanepoel L
F J van Deventer	Van Zyl I D
B H Vilakazi	Williams A J
K M Zondi	Ripinga S S
D M Gumede C	Routledge N C

APOLOGIES: P G Marais

Leola Rammbale and Khulile Radu were in attendance.

1. OPENING AND WELCOME

In the opening address the chairperson emphasised the importance of trying to keep to the suggested time frames, given by the Directorate.

2. MINUTES OF THE PREVIOUS MEETING

The minutes were adopted without any amendments.

3. MATTERS ARISING

None

4. DEVELOPMENT OF WORK PROGRAMME

4.1 The Chairperson reported that, the core-group has held two meetings since the last meeting of the Theme Committee. The re-evaluated report of the Secretariat, on Party submissions has since been endorsed by the Core- group. The task before the Committee is to discuss the said report.

4.2 A proposal was made which states that there is a need to look at what is common ground and define the contentious issues. Another dimension which needs to be taken into account are the implications which certain issues would have on each other. Therefore, the core group should prepare a document for the Theme Committee outlining the above and also issues which need to be taken up on a priority basis.

4.3 A counter proposal was made stating that it would be necessary to itemise areas of commonality and prioritise them for discussion. The meeting accepted the counter proposal.

4.4 It was unanimously accepted that the issues listed in Document A1, dated the 7 November 1994, should be included as matters to be attended to by Theme Committee 1.

4.5 Broad consensus on the following issues as areas of prioritisation was achieved, namely:

- 1. Democracy**
- 2. Equality**
- 3. Supremacy of the Constitution**
- 4. Representative Government: What is the meaning thereof.**
- 5. Accountability**

4.6 There was also unanimity on issues which need to be referred to commissions, such as:

- 1. Symbols**
- 2. Separation of Powers:** It was also noted that this item tends to overlap with Theme Committee 2.

4.7 A proposal was made, that Theme Committee 1 should be proactive and suggest the formation of a sub-committee which would henceforth be referred to the Constitutional Committee for discussion. Mr E K Moorcroft opposed this proposal.

4.8 The administration was also charged with the responsibility of seeking legal opinion on the scope and effect of Rule 36 and 37.

4.9 **Technical experts.**

4.9.1 The meeting agreed that the following items would need the

attention of technical experts.

1.1 Proportional representation

1.2 That the issue of the Volkstaat is being debated at Constitutional Committee level. Whilst the issue will also be discussed at Theme Committee I level, it is considered wise to await the outcome of the CC debate.

1.3 Even though the issue of the Volkstaat is being debated at Constitutional Committee level, the meeting resolved that it would be necessary to discuss the issue at Theme Committee level.

1.4 The issue of citizenship, franchise and the rights of prisoners and expatriates should be referred to the attention of technical experts.

4.9.2 The meeting unanimously agreed that the Constitutional Committee should be requested to make available all expert information available from the World Trade Centre process, in as far as that expert information has a bearing on the scope of operation of Theme Committee 1.

5. STRUCTURES TO BE CONSULTED

5.1 It was agreed that all structures mentioned by the various parties should be included under this heading as the structures to be consulted by the Theme Committee. The Secretariat was thereupon charged with the responsibility of collating this information referred to in document A1, from the various Party standpoints and submit such a report to the Core-group.

5.2 The Core-group, after perusing the report, would then be expected to present it at Theme Committee 1 level.

The meeting rose at 10h00.