

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

**MINUTES OF THE MEETING OF THEME COMMITTEE 1
MONDAY 14 AUGUST 1995 09H30 ROOM M515**

**Present
Marais PG (Chairperson)**

**Booi MS
Chiba L
Chikane MM
Fani LM
Gumede DM
Hangana NE
Janse Van Rensburg AP
Kekana NN
Kuzwayo NEK
Mabuza MC
Mahlangu NJ
Majola-Pikoli NT
Marais A
Meshoe KR
Mngomezulu PG**

**Moorcroft EK
Mukhuba TT
Mulder PWA
Ncube BS
Niehaus CG
Nobunga BJ
Routledge NC
Schoeman EA
Shope G
Sisulu AN
Streicher DM
Van Deventer FJ
Van Zyl ID
Vilakazi BH**

Apologies:

Chiwayo LLL
Macozoma SJ
Nzimande BE
Williams AJ

Technical Experts present:

Corder H

An apology was noted from JC Heunis.

In attendance:

Representatives of United Christian Action

Premier Lekota and Bloemfontein Capital City Bid delegation.

Leola Rammble and Susan Rabinowitz were in attendance.

1. OPENING

- 1.1 The meeting was opened by the Chairperson at 09h45.

2. ADOPTION OF PREVIOUS MINUTES

- 2.1 The Minutes of the Theme Committee meeting held on 1 August 1995 [Document A31 Pages 3 - 7] were adopted.
- 2.2 The Minutes of the Theme Committee meeting held on 7 August 1995 [Document A32 Pages 3 - 5] were adopted with the following omissions being duly noted:
- 2.2.1 NE Hangana was noted as being present at the meeting.
- 2.2.2 Apologies were noted from NN Kekana, BS Ncube and EA Schoeman.

3. MATTERS ARISING

- 3.1 Matters arising from the Minutes of Theme Committee meeting of 1 August 1995:
- 3.1.1 Page 4, Paragraph 3.1 - The Chairperson reported that the Report on Block 6 dealing with Representative Government had been submitted to and had been adopted by the CC.
- 3.1.2 Page 5, Paragraphs 5.2 and 5.4 - With regard to the Report on Block 8 dealing with Foreign Relations and International Law, the Technical Expert reported that the draft constitutional provisions were in the process of being prepared in order that the Report could be finalised for submission to the CC.
- 3.1.3 Page 7, paragraph 8.1 - The Secretary reported that a schedule of meetings had been circulated to Theme Committee members and that the next Theme Committee meetings were scheduled to take place on Tuesday 15 August 1995 at 09h00 in Room M515 and on Monday 21 August at 14h00.
- 3.2 Matters arising from the Minutes of Theme Committee meeting of 7 August 1995:
- 3.2.1 Page 5, Paragraph 7.1. - With regard to the forthcoming CPM's in Kwazulu Natal, the Secretary reported that names had not yet been received from members who wished to attend and advised that the deadline for submission of names was 10 a.m. Tuesday 15 August 1995.

4. ORAL SUBMISSION BY UNITED CHRISTIAN ACTION

- 4.1 Representatives of United Christian Action, P Hammond and C Van Wyk, tabled a submission entitled "The Christian Voice of Southern Africa" and made an oral presentation to the Theme Committee, addressing the issue of a secular state. They expressed the view that a godless State is a hopeless state, that God is the supreme law and South Africa should therefore be a state that is based on Christian principles where God should be honoured and respected in the Constitution and that this in no way infringes upon the other religions. They did not want a Christian state but a state that recognises biblical values and the law of God, and this should not only be reflected in the Preamble.
- 4.2 Questions focused on the problem of various definitions of a "secular state". UCA expressed concern about a definition that is hostile to Christian values and religious education and would prefer the term "secular state" not to be used.

In response to questions regarding their views on specific issues such as homosexuality, the right to life and Aids, UCA referred to the views expressed in Christian Voice and expressed the opinion that homosexuality should not be granted special privileges, that they were opposed to immorality and that they supported the right to life of the pre-born child and the rights of women to be protected against pornography.

Questions were raised concerning the representativeness of UCA and the need to approach the matter holistically. Concerns were expressed that there was a lack of knowledge of the processes of the CA and that the Theme Committee report had been misinterpreted.

- 4.3 The Chairperson thanked the representatives of United Christian Action for their presentation.

5. ORAL SUBMISSION FROM THE BLOEMFONTEIN CAPITAL CITY BID

- 5.1 The Chairperson welcomed Premier Lekota and the members of the Bloemfontein delegation to the meeting.
- 5.2 Premier Lekota tabled a document, Mangaung, The Centre Capital City Option Masterplan, contained in Document A32 [Pages 6 - 29] and a separate document entitled "Bloemfontein for Capital City" to which he talked. He requested that their team be permitted to make a detailed presentation to the Theme Committee on the financial considerations at a later stage.
- 5.3 Questions were raised with regard to the administrative arm of government, which the Premier clarified should be situated in the same place as the legislature and the judiciary.

On the question of the importance of trade with other neighbouring countries, the Premier distinguished between trade and government.

On the question of cost, they had not yet presented the financial implications of moving Parliament and on the issue of what time frame was envisaged, they responded that the critical issue was the in principle decision to move Parliament and thereafter to examine stages and phases of the move.

Questions were raised on Bloemfontein's communications infrastructure, on the situation of foreign embassies and on whether the capital city had to be centrally situated.

- 5.4 The Chairperson thanked the delegation for their submission and informed them that their request for a further presentation would be examined by the Theme Committee during the course of the meeting and they would be advised accordingly of the decision.
- 5.5 It was agreed that the Bloemfontein Capital City Bid should be requested by the Secretary to submit a written submission on the financial aspects for consideration by the Theme Committee who would then consider the request for a further oral presentation.

6. DISCUSSION ON DRAFT REPORT FOR BLOCKS 7 AND 9 (LANGUAGE, NAME AND SYMBOLS, SEATS OF GOVERNMENT AND NATIONAL TERRITORY) [See Document A31]

6.1 ANC Submission:

With regard to Block 9, the ANC reported that it was withdrawing both previous submissions and tabled its submission dated 10 August 1995 contained in a separate document and talked to the submission, noting that with regard to the seats of the courts, this issue was referred to the CC.

In response to the issue of the flag, the ANC clarified that this matter was referred to the CC.

- 6.2 Prof Corder tabled the Draft Report for Blocks 7 and 9 (Language, Name and Symbols, Seats of Government and National Territory) contained in Document A31 [Pages 8 - 26] and reminded the meeting of the typographical changes which had been approved in the Minutes of the meeting of 7 August 1995. He further noted that the issue of the Seal of the Republic would be considered in the changes to be made to the Coat of Arms. With regard to the seat of the courts, he referred to Page 24 of the Draft Report which stated that this matter was within the jurisdiction of Theme Committee 1.
- 6.3 After discussion of the Draft Report, it was agreed that the following amendments

should be made:

6.3.1 With regard to the Constitutional Principles which refer under Part One, Constitutional Principles XXII and XXXIV should be added.

6.3.2 Agenda Item 10: Languages

Page 21 Paragraph C. Contentious Issues

C. 1) , 4th line - the words "in the National Assembly" should be added after "most commonly spoken languages"

C. 2) - the following paragraph should be added:

"The NP proposes that the status of Afrikaans and English as official languages (as it was at the commencement of the 1993 Constitution) should not be diminished."

6.3.3 Agenda Item 12: Name, Symbols and National Territory

It was agreed that B i) Name and v) National Territory should remain non-contentious issues.

It was agreed that a further category of "Outstanding Issues" should be created and that the issues of Anthem and Flag should be placed in this category.

It was further agreed that ii) Coat of Arms should become a contentious issue.

6.3.4 Agenda Item 13: Seats of Government

It was agreed that this issue should be placed under the category of "Outstanding Issues".

6.4 It was agreed that the Technical Experts should prepare a further Draft Report taking into account the amendments and adjusting the analytical survey accordingly and that this would be considered by the Theme Committee at its next meeting.

7. DISCUSSION ON THE REPORT FOR BLOCK 10 (PREAMBLE/POSTAMBLE)

7.1 It was agreed that the discussion on the issue of the Preamble and Postamble should stand over until the next Theme Committee meeting.

8. PUBLIC PARTICIPATION

8.1 There was no report.

9. GENERAL

9.2 None.

10. CLOSURE

10.1 The meeting rose at 12h40.

CHAIRPERSON