

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

**MINUTES OF THE MEETING OF THEME COMMITTEE 1
TUESDAY 15 AUGUST 1995 09H00 ROOM M515**

Present

Mahlangu NJ (Chairperson)

**Booi MS
Chiba L
Chikane MM
Gumede DM
Hangana NE
Janse Van Rensburg AP
Kekana NN
Kuzwayo NEK
Mabuza MC
Marais A
Meshoe KR**

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

Apologies:

**Cwele CS
Goosen AD
Marais PG
Sisulu AN**

Technical Experts present:

Corder H

Leola Rammble and Susan Rabinowitz were in attendance.

1. OPENING

1.1 The meeting was opened by the Chairperson at 09h15.

**2. ADOPTION OF PREVIOUS MINUTES OF THE MEETING HELD ON MONDAY
14 AUGUST 1995.**

2.1 The Minutes of the Theme Committee meeting held on 14 August 1995 contained in Document A33 [Pages 2 - 7] were adopted.

3. MATTERS ARISING

3.1 None.

4. FINALISATION OF DRAFT REPORT FOR BLOCKS 7 AND 9 (LANGUAGE, NAME AND SYMBOLS, NATIONAL TERRITORY AND SEATS OF GOVERNMENT)

4.1 Prof Corder tabled the Amended Draft Report on Blocks 7 and 9 (Language, Name and Symbols, National Territory and Seats of Government) contained in Document A33 [Pages 8 - 27] and reported on the following amendments which had been made to the Report after discussion at the Theme Committee meeting of 14 August 1995 and which were reflected in the Minutes of that meeting [Document A33, Pages 5 - 6].

4.1.1 Page 10 - Constitutional Principles XXII and XXXIV had been included in the Report.

4.1.2 Page 23 - Agenda Item 10: Languages

- (a) C. (2) had been added. However Prof Corder reported that after discussion with members of NP this had been further amended and should now read as follows:

"The NP proposes that the status of Afrikaans and English and any other languages as envisaged in Section 3 (2) of the 1993 Constitution should not be diminished."

- (b) After further discussion by the Theme Committee of this issue, it was agreed that this matter should remain under Contentious Issues for further discussion by the CC.

4.1.3 Page 23 - Prof Corder further noted that a new category C. "Outstanding Issues" had been added and on Page 24 under Paragraph C (i) the following sentence had been added:

"The ANC proposes that this issue be referred to the Constitutional Committee."

4.1.4 Page 24 - Contentious Issues D (ii) - The Seal of the Republic was included under Coat of Arms.

4.1.5 Page 25 - Agenda Item 13: Seats of Government

- (a) B. Contentious Issues - a second sentence had been added reading as follows:

"This issue will have to be resolved after considering the proposal of Theme Committee 5 in this regard, and will also need to take

into account the final decision on the seat of the executive and the legislature."

- (b) Category C. "Outstanding Issues" had been added and paragraph C (ii) had been revised, in line with the ANC submission dated 10 August 1995, as follows :

"ANC: believes that cost effectiveness and efficient government should be factors in this decision and that these matters should be referred to the Constitutional Committee for final decision."

4.1.6 The Analytical Survey had been amended in accordance with the above changes.

4.2 After further discussion of the Report, it was agreed that the following additional amendments should be made:

4.2.1 Page 24 - D (ii). It was agreed that the second sentence should be amended to read as follows:

"The DP and the ANC propose that a suitable mechanism be established to determine a new coat of arms and seal acceptable to most South Africans."

4.2.2 Page 26 - Analytical Survey - 1. Languages

- (a) With regard to the addition of Constitutional Principles XXII and XXXIV to Page 10 of the Report, it was noted that the Analytical Survey did not accurately reflect the Report and it was agreed that the Analytical Survey should be amended accordingly.
- (b) It was agreed that under the column dealing with Contentious Issues, Item 2 should be amended to read as follows:

"The continuation in force of Section 3 (2) of the 1993 Constitution."

4.2.3 Page 27 - Analytical Survey - 2. Name, Symbols, National Territory

Under the column dealing with Contentious Issues, Item 3. should be amended to read as follows:

"Whether international law aspects relating to national territory should be regulated in the Constitution."

4.3 It was 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.

5. DISCUSSION ON THE REPORT FOR BLOCK 10 (PREAMBLE AND POSTAMBLE)

- 5.1 It was agreed that discussion on the issue of the Preamble and Postamble should stand over until such time as the entire Draft Constitution had been completed.

6. PUBLIC PARTICIPATION

- 6.1 The Chairperson requested members to submit names of those who wished to attend the CPM's in Kwazulu Natal to the Secretariat.

7. GENERAL

- 7.1 None

8. CLOSURE

- 8.1 The Chairperson thanked the members for their hard work on the Theme Committee. He further asked members to note that, having made the necessary arrangements with their parties, they were permitted to participate in the CC meetings when their Theme Committee Reports were being discussed in order to assist the CC in taking informed decisions.
- 8.2 A vote of thanks was proposed to the Chairpersons, the Secretariat and the Technical Experts.
- 8.3 The meeting rose at 10h25.

CHAIRPERSON