

2/4/95/6/1/4

**CONSTITUTIONAL ASSEMBLY**

**MINUTES OF THE ELEVENTH MEETING OF SUBTHEME COMMITTEE 4,  
THEME COMMITTEE 6**

**SPECIALISED STRUCTURES OF GOVERNMENT  
SECURITY APPARATUS**

**THURSDAY, 16 FEBRUARY 1995**

**PRESENT**

**Schreiner, J (Chairperson)**

- |               |                 |
|---------------|-----------------|
| Alant, T G    | Bloem, D        |
| Dyani, M M Z  | Ebrahim, E I    |
| Fihla, N B    | Groenewald, P J |
| Makana, S     | Mashimbye, J N  |
| Mpahlwa, M B  | Mtintso, T E    |
| Neerahoo, H M | Powell, P       |
| Selfe, J      | Sisulu, L       |
| Sosibo, J     |                 |

Seegers, A : Technical expert

Apologies: Malan, T J

K McKenzie was in attendance.

**1 OPENING AND WELCOME**

Ms Schreiner opened the meeting at 09:15 and welcomed the members.

**2 LOCATION OF CORRECTIONAL SERVICES**

The ANC submitted that Correctional Services be moved to Theme Committee 5 (see annexure "A").

The NP and PAC supported the ANC submission.

The IFP stated that it felt that aspects of Correctional Services should remain in Subtheme Committee 4 and other aspects belonged in Theme Committee 5 and Subtheme Committee 6.1 (Public Administration). A submission to this effect would be tabled by the IFP at the next meeting.

It was agreed that this matter would be finalised in the next meeting of the Committee.

**3 SUPREMACY OF THE CONSTITUTION AND ACCOUNTABILITY AND CONTROL OF THE SECURITY FORCES**

**3.1 Freedom Front**

Mr Groenewald spoke to the Freedom Front submission (see document package 6).

In discussion the following was highlighted:

**3.1.1 Part time Forces and the Provincial Legislature**

The FF stated that it would submit a full submission on this matter in the appropriate block.

The FF believed that the Provinces would have to receive some budgetary support in order that certain control of the part time-forces could be allocated to the Provinces.

The part time forces would be deployed by the Province in the event of a provincial threat and by national government in the event of a national threat.

The ANC stated that it disagreed with the proposal that Provincial Legislatures should have any control over the part-time forces and that there should be any budgetary regionalism of the Defence Force.

The NP stated that it could not support a system in which the control of the Defence Force is not clear.

The ANC suggested that the Defence Force make a submission on this matter to the Committee.

The IFP stated that it had a very similar proposal to make as that put forward by the Freedom Front and it was agreed that further discussion take place in the block on the Defence Force.

*It was noted that there was a point of difference on the accountability and control of the Defence Force at a Provincial level.*

**4 SUPREMACY OF THE CONSTITUTION AND ACCOUNTABILITY AND CONTROL OF THE SECURITY FORCES: INTELLIGENCE SERVICES**

**4.1 Pan Africanist Congress**

Mr Dyani spoke to the PAC submission (see document package 6)

In discussion the following was highlighted:

**4.1.1 Primary function of the security structures (item 6)**

It was agreed that the posture of the security structures should be a defensive one. It was agreed that the major role of the Defence Force was to defend South Africa's territorial integrity.

**4.1.2 Membership of political parties by individual members of the security structures**

It was noted that the Intelligence Services at present do not allow their members to have open political allegiances.

Prof Seegers noted that there were two polar views of this matter, on the one extreme members of security structures waived their right to vote. The other view maintained that this served only to drive political activity underground.

It was noted that in the case of the Defence Force, a new light was cast on this debate if there were to be a system of conscription as conscripts did not choose to be members of the Defence Force.

**5 ANY OTHER BUSINESS**

**5.1 Next meeting of the Committee**

It was agreed that the next meeting of the Committee would be held on Monday 20 February before the joint sitting of Parliament.

**6 CLOSURE**

The meeting rose at 16:30.