

24/1/2/15

**A12**

**CONSTITUTIONAL  
ASSEMBLY**

**THEME COMMITTEE 1**

**CHARACTER OF  
DEMOCRATIC STATE**

**14 FEBRUARY 1995**

**ROOM M515**

***DOCUMENTATION***

# CONSTITUTIONAL ASSEMBLY

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## MEETING OF THEME COMMITTEE 1

### CHARACTER OF THE DEMOCRATIC STATE

Please note that a meeting of the above committee will be held as indicated below:

**Date:** Tuesday, 14 February 1995

**Time:** 14h00

**Venue:** Room M515 (Marks Building)

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#### AGENDA

1. Opening
  2. Previous Minutes  
[See document **A11**]
  3. Matters arising
  4. Report from Constitutional Committee Meeting
  5. General
  6. Closure
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H EBRAHIM  
EXECUTIVE DIRECTOR:  
CONSTITUTIONAL ASSEMBLY

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**CONSTITUTIONAL ASSEMBLY**

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

**MINUTES OF THE SEVENTH MEETING OF THEME COMMITTEE 1  
THURSDAY 09 FEBRUARY 1995 14H00**

**Mahlangu N J (Chairperson)  
Present**

Chiba L  
Dyani M M  
Ferreira E T  
Gumede D M  
Kekana N N  
Mabuza M C  
Mahlangu N J  
Marais A  
Meshoe R K  
Momberg J H  
Mtshali L P H M  
Mulder P A W  
Nobunga B J  
Ripinga S S  
Seaton S  
Streicher D M  
Vilakazi B H  
Zondi M K

Chiwayo L L L  
Fani L M  
Goosen A D  
Janse van Rensburg  
Lekgoro M K  
Macozoma S J  
Majola-Pikoli  
Marais P G  
Mohale M  
Moorcroft E K  
Mukhuba T T  
Ncube B S  
Nzimande B E  
Routledge N C  
Sisulu A N  
Van Deventer F J  
Williams A J

**Apologies:**

**M M Chikane  
C G Niehaus  
G Shope  
I D Van Zyl**

**1. Opening**

The meeting was opened by the Chairperson.

**2. Minutes of the previous meeting**

The adoption thereof was deferred to the next Theme Committee meeting.

**3. Matters arising**

None

#### **4. Report from the Sub-Committee**

**4.1** The meeting discussed the Non-contentious issues as tabled in 11) A) of the draft report.

A) Agreement was reached at the previous meeting.

B) There was sufficient consensus on the item

C) It was unanimously agreed to replace the word " individual " with the word person in order to remove any doubts that the formulation would not cover juristic and natural persons.

D) Consensus

E) Consensus

F) Concern was raised over the simple reference to proportional representation, it was therefore decided to qualify the formulation. The Technical Experts would draft such a formulation taking into cognisance the need for a balance between proportional representation and constituency representation.

G) Consensus

H) Consensus

I) Consensus

J) Consensus

#### **4.2 I.F.P. Position**

The I.F.P. announced that it rejected the form and content of the preliminary framework document. The I F P also announced that it viewed the entire preliminary report as being contentious and tabled a document in this regard.

##### **4.2.1**

Noting that the thrust of the said party's document constituted a frontal assault on the entire constitution making process, the meeting resolved to proceed with the process of identifying contentious and non-contentious issues. The meeting further agreed that the report to the Constitutional Committee should be accompanied by the document dated the 9 February 1995, from the IFP.

##### **4.2.2**

The National Party also declared that there must be a clear understanding that by endorsing the general trend of the Draft Report it is not in any conceivable manner renouncing its right to talk to its submission in the both the Constitutional Committee and the Constitutional Assembly.

#### 4.2.3

Secondly, the party does not agree to any derogation of any of the provisions of the Constitutional Principles as outlined in Schedule 4 of the Interim Constitution.

#### 4.2.4.

The meeting also put on record that any stoppage would be tantamount to dissolving the Theme Committee and thus causing irreparable damage to the entire process.

#### 5.1

The meeting continued discussing the draft document and agreed to reformulate item K under non-contentious issues by amalgamating Constitutional Principles 11, 12, and 34.

Further, it was agreed to delete the latter part of Item C of the contentious issues to read thus: Parliament's supremacy as a law-maker.

Item I under Non-Contentious issues would be deleted and inserted as an item under Contentious issues, the new formulation would read thus: South Africa shall be a secular state.

It was decided to add a new formulation - Government shall be formed by the majority party. Item E under Contentious issues was reformulated to read as follows: The content and constitutional entrenchment of participatory democracy.

Item C of the Contentious issues reads thus: The nature and extent of representation and rights of cultural and linguistic minorities, including group self-determination.

The meeting rose at 16h40.

