

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 1 CHARACTER OF THE DEMOCRATIC STATE

MINUTES OF THE CORE GROUP MEETING TUESDAY 28 FEBRUARY 1995 09H30 ROOM M201

Mahlangu N J (Chairperson)
Present

Dyani M M
Majola-Pikoli N
Moorcroft E K

APOLOGIES:

Marais P G
Meshoe K R

Leola Rammble and Susan Rabinowitz were in attendance.

1. OPENING

The meeting was opened by the Chairperson at 09h40.

2. ADOPTION OF PREVIOUS MINUTES

The minutes of the meeting of 22 February 1995 contained in document A14 were adopted.

3. MATTERS ARISING

None

4. PUBLIC PARTICIPATION PROGRAMME

Each Theme Committee was required to send two delegates to each Public Participation event. The meeting discussed a formula for the selecting the number of delegates from each party. It was agreed that the ANC would send one delegate to each event and that the other delegate would be from one of the other political parties who would take turns to send members to the events.

It was further agreed that once the deadline for the submission of names for a particular event was given, if parties were unable to participate, they should inform the Secretariat in good time so that the name of another delegate could be submitted.

The meeting agreed to give the Secretariat the names of members who wished to participate in the programme on 11 March 1995, by lunchtime today.

The Core Group also requested that logistical arrangements for the Public Participation Programme be looked at by the Administration.

5. GENERAL

5.1 Finalise Report

The Chairperson reported that at the CC meeting on Monday 27 February 1995 only Theme Committee One's Draft Supplementary Report on Private Submissions was tabled and that it was now necessary to finalise the Suggested Supplementary Report to Report 1 with the amendments of the various parties.

The NP had raised their amendment to the Report at the Theme Committee meeting on Monday 27 February 1995. Under Contentious Points they requested that point III) A) the second sentence in paragraph 2 to read as follows: "The PAC propagates the most limited powers for provincial and local government (administrative and advisory) while the FF, the DP, the NP and ACDP to varying degrees argue for systems where central government is limited but effective with strong provincial and local government." The words "NP" should be deleted from the next sentence.

The ANC asked that point III) F) be reformulated to express the ANC's position that it is the majority party that forms the government and that there should be no forced coalitions.

The ANC further requested clarification on point G) as to why the issue of participatory democracy was contentious. They suggested seeking advice from the Technical Committee on this but agreed that this should not hold up finalising of the Report.

The DP requested that the first sentence under point B) be amended to read as follows: "Here there is a difference of opinion between at least the PAC, which contends that the Senate should not exist, and at least the ACDP, the NP and the DP, who propose a continuation of the present bi-cameral structure."

5.2 Joint Core Group Meetings

The Secretary reported on the meeting of the Technical Convenors on Monday 27 February 1995 where the issue of areas of overlap between Theme Committees was discussed. The Core Group was informed of the decision of that meeting that areas of overlap should remain with the respective Theme Committees but that Theme Committees should plan their work programmes in advance and that all Theme Committees should

be informed of each Theme Committees's work through the Secretariat so that joint meetings could be planned if necessary.

The Core Group further agreed that it would be necessary to have a joint meeting with the Core Groups of those Theme Committees who are dealing with the same agenda items as Theme Committee 1 as soon as possible. The Core Group also requested that the Technical Experts of the relevant Theme Committees be present at the meeting. It was therefore agreed that such a meeting should be set up through the Secretariat.

5.3 C C Meetings

With regard to CC meetings, it was agreed that parties who raised contentious issues be advised to brief their representatives at these meetings to be able to substantiate their positions.

5.4 Guidelines for Theme Committee Reports

With regard to the guidelines for Theme Committee Reports, concern was expressed about the suggestion that where there are contentious issues Theme Committees should suggest possible approaches to the CC. It was agreed that where options or approaches were available or obvious these would be put to the CC.

5.5 Setting up of Commissions

The document from the Executive Director regarding setting up of commissions will be tabled for discussion at the Theme Committee meeting on Monday 6 March 1995.

5.6 Theme Committee Meeting Monday 6 March 1995

It was agreed that the Secretary would try to schedule the Theme Committee meeting for after the Public Hearing meeting on the morning of 6 March and would advise the members accordingly.

6. **CLOSURE**

The meeting rose at 10h30.