

**CONSTITUTIONAL ASSEMBLY**

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

**MINUTES OF THE MEETING OF THEME COMMITTEE 1  
WEDNESDAY 19 APRIL 1995 14H00 ROOM M515**

**Present**

**Marais P G (Chairperson)**

**Booi MS  
Chiba L  
Chikane MM  
Cwele CS  
Fani LM  
Ginwala F  
Goosen AD  
Gumede DM  
Janse Van Rensburg AP  
Lekgoro MK  
Mabuza MC  
Macozoma SJ  
Mahlangu NJ  
Majola-Pikoli NT  
Marais A  
Meshoe KR**

**Mokaba P  
Momberg JH  
Moorcroft EK  
Mukhuba TT  
Mulder PWA  
Ncube BS  
Nobunga BJ  
Ripinga SS  
Routledge NC  
Shope G  
Van Deventer FJ  
Van Zyl ID  
Williams AJ**

**APOLOGIES:**

**Niehaus CG  
Nzimande BE  
Schoeman EA  
Sisulu AN  
Streicher DM**

**Technical experts present:**

**Heunis JC  
Husain Z**

**Leola Rammable, Susan Rabinowitz, Heunis, JC and Husain Z were in attendance.**

**1. OPENING**

**1.1 The meeting was opened by the Chairperson at 14h10.**

**2. ADOPTION OF PREVIOUS MINUTES OF MEETINGS HELD ON 27**

## **MARCH AND 3 APRIL**

### **2.1 Minutes of Theme Committee Meeting on 27 March 1995**

Having noted the objection of the IFP to point 5, paragraph 5 on Page 4 of the Minutes of the Meeting of 27 March 1995 contained in Document A19, and following the instruction of the Theme Committee Meeting of 3 April that the tapes be referred to and that the Technical Experts assist the Secretary in reformulating this item, it was agreed that the Minutes be adopted with the following amendment:

"The Technical Advisors offered to give a brief input to clarify certain concepts relative to the meaning of One Sovereign State. This was in no way meant to inhibit the discussion of parties but to facilitate discussion. It was explained that there are various branches of the law such as public international law which has states as its primary subjects. A state must have a territory, a population and a government which exercises control over the territory and population. In international law, states are customarily referred to as sovereign to signify their independence and equality.

It was also explained that the use of the word "Sovereign" does not preclude the notion of a federation nor would its absence preclude the notion of a unitary state."

### **2.2 Minutes of the Theme Committee Meeting of 3 April 1995**

The Minutes of the Theme Committee meeting of the 3 April 1995 contained in Document A20 were adopted.

## **3. MATTERS ARISING**

3.1 None

3.2 The Chairperson referred to the last paragraph under Point 6 of the Minutes and reported that the Core Group had not met on Tuesday 18 April as there were no matters to be discussed but that the Core Group would meet immediately after this Theme Committee meeting to discuss the advertisements to be placed for Blocks 7 and 9.

## **4. FINALISATION OF DRAFT REPORT FOR BLOCK 2**

The Draft Report for Block 2 contained in Document A20 Extra Documentation was tabled. Mr Husain spoke through the document focusing on amendments and additions that had been made.

Concern was raised with regard to the "note" which had been added on Page 13 under Part Two and the Technical Advisors were asked to reformulate this note.

Further concern was raised with regard to the item "Discussion" placed under Public Submissions on Pages 50 and 51 of the document. After further discussion the meeting agreed to delete this section from the report.

The FF pointed out that the item in the second paragraph of Point B)1 on Page 14 under Non-Contentious Issues was worded differently to that in the Analytical Survey (Page 21 Non-Contentious Aspect Point 3) and noted that it preferred the use of the words "equal access to opportunities". Discussion took place on the matter and it was agreed that the Technical Advisors would reformulate the paragraph and this would be presented at the next Theme Committee meeting on Thursday 20 April.

## **5. ORIENTATION WORKSHOP FOR BLOCK 4**

The Briefing Document on Block 4, Agenda Item 5: Accountable Government contained in Document A20 (Extra Documentation) was tabled. Mr Husain spoke to the document highlighting the important aspects and noted that all the sub-sections of Section 187 of the Transitional Constitution should be considered, as these impacted on the issue of accountability.

It was agreed that the purpose of this workshop was to assist parties in preparation of their submissions for Block 4.

## **6. PUBLIC PARTICIPATION PROGRAMME**

- 6.1 The Secretary reported that the conference with the Business Sector would take place on Monday 8 May 1995 between 11h00 and 13h00 and that further information would be provided to the Theme Committee when the arrangements had been finalised.

## **7. GENERAL**

- 7.1 None

## **8. CLOSURE**

- 8.1 The meeting rose at 15h20.

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CHAIRPERSON