

2/2/11/9/14

CONSTITUTIONAL ASSEMBLY

CONSTITUTIONAL SUB-COMMITTEE

SUBMISSIONS

**RECEIVED AS AT
30 JANUARY 1996**

VOLUME 8

**PART 1
ORGANISATIONS**

CONSTITUTIONAL COMMITTEE

SUMMARY OF SUBMISSIONS RECEIVED AS AT 30 JANUARY 1996

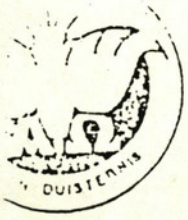
NO	ORGANISATION	SUBJECT	SUMMARY
8.1	Afrikaanse Protestantse Kerk Potchefstroom	RSA	Church & State cannot be separated, therefore secular state proposal is unacceptable. The majority of SA's are Christians and therefore SA should be a Christian State.
8.2	Alipur Muslim Assoc	Property	Appropriation - mosque & lands it stands on are holy & should be exempted from this clause.
8.3	Die Forum van Christelike Kerke	Freedom of expression; Life; General legislative demand	Pornography - leads to immoral lifestyle & all pornographic magazines should be enclosed in plastic covers out of reach of scholars & teenagers. Abortion - is murder as unborn children have right to life. Death penalty - should be reinstated for unscrupulous murderers. Corporal punishment - should be reintroduced in schools for use in extreme circumstances. Abolishment has had a negative affect on education & discipline has declined.

8.4	International Union for Land-Value Taxation and Free Trade	Bill of Rights; Representation; Labour; Environment; Property	<p>BOR - clause should include the concept of corresponding duty to every 'right'.</p> <p>Office - every citizen <i>without a criminal record</i> has the right to stand for public office.</p> <p>Labour - neither union of employer has the right to threaten security of state or individual.</p> <p>Environment - everyone has a duty to protect the environment.</p> <p>Property - should be defined as being moveable property; immovable improvements on land; land excluding improvements.</p>
8.5	Kalikeni Farmers Assoc	Education; Legislation; Arrested & detained	<p>Education - should be compulsory, & it should be a transgression of the law for a child not to attend school.</p> <p>Thieves - a person who been convicted of theft, no matter what s/he has stolen, should be sentenced - their arm amputated.</p>
8.6	Western Local Govt Assoc	Representation	<p>Clause 167(7)(c) - amended "... not qualified to become a member of the national or provincial legislature in terms of Section 42(b)(c)(d) & (e)".</p> <p>Section 168 - rephrased "Local government or different categories of local government shall have all the legislative competencies and the power to perform all those functions not precluded by law or which are the responsibility of another tier of government, provided that it shall include local or service development of the following functional areas ..."</p>

CONSTITUTIONAL COMMITTEE

REGISTER OF SUBMISSIONS RECEIVED AS AT 30 JANUARY 1996

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8.4	International Union for Land-Value Taxation and Free Trade	Bill of Rights; Representation; Labour; Environment; Property	10 - 15
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AFRIKAANSE PROTESTANTSE KERK

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Leraar Ds A J van Nickerk

Tel: 0148 297 8454

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POTCHEFSTROOM

2520

Mnr. Cyril Ramaphosa

Posbus 15

KAAPSTAD

8000

Geagte Mens,

SUID-AFRIKA: 'N SEKULERE STAAT VS DIE CHRISTELIKE GODSDIENS

Dit is met kommer dat ek vernem het van gerugte dat die Staat en die Christelike Godsdienst geskei gaan word soos voorgestel deur die ANC.

Dit behoort tog duidelik te wees dat dit vir die Christene, wat die oorvrotte meerderheid van die bevolking van hierdie land uitmaak, heeltemal onaanvaarbaar is.

Die Drie-enige God het nog altyd sy kinders in hierdie land bewaar. As die ANC nou gaan probeer om Hom uit te skakel en Hy nie meer deel van Staatsinstellings is nie, moet verwag word dat Hy Sy toorn oor ons gaan uitstort en die land vernietig. Dit is hierdie land gaan doen, soos Hy gehandel het met die Egiptenaars, die Israeliete, die Perse Rijk, en meer onlangs Nazi-Duitsland, Kommuniste in Moskou en die nuwelandse Afrikaanse wat probeer het om Hom in hulle lande uit te rangeer.

As Christene verkondig ons liefde vir ons medemens, toewyding, harde werk, gehoorsaamheid aan die huidige regering, maar bewaar altyd liefde vir God die Vader, Jesus Christus die Here en die Heilige Gees. Is dit nie die norme en waardes wat enige regering graag wil sien by sy onderdane nie? Waarom dan die Christene onkant toe stoot? Enige regering wat dit waag om die Christendom uit te rangeer, stel ook hierdie Christelike norme en waardes eenkant, en dit sal net tot anargie, rebellie en haat lei. Sien en nie geneeg daarvan in die Godlose wêreld van ons dag nie? Wanneer dan hande vat met die magte van die duisternis en hierdie land vernietig? Met God sal ^{ONS} steeds 'n mooi land hê. Sien die God staat om anargie en vernietiging in die gesig.

Ek vra u baie dringend en belyf om die voertuul van die ANC in hierdie beweging te neem en pleit by u om nie die miljoene Christene wat vir die regering gestem het te vergeet nie. Ter wille van

vrede en bestendigheid in ons land, laat toe dat die Drie-enige God in elke staatsinstelling, skool en huis in hierdie land regeer.

Die uwe

H. C. Kesthuizen
Spaerstraat laan 20
Kliefhuf & Co
2520

Sub no. ¹³¹⁹¹ 12001

P O Box 1362
POTCHEFSTROOM
2520

Dear Sir

SOUTH AFRICA A SECULAR STATE VS THE CHRISTIAN FAITH

It is with concern that I heard rumours that the State and the Christian Faith are going to be seperated as prescribed by the ANC.

Surely it must be clear that for the Christians, who is the majority of the population in our country, it will not be acceptable.

The Trinity God always protected His children in this country. If the ANC is going to try and eliminate Him, and He is not going to be part of the State Institution, then it must be expected that He is going to thrust out His anger by doing the same to this country that He did to the Egyptians, the Isrealites, the Persians, and now recently Nazi-Germany, Communism in Europe and the majority of African countries, that tried to eliminate Him out of their countries.

As Christians we proclaim our love for our fellow-men, hard work, obedience to the current Government, but above all love for God the Father, Jesus Christ our Lord and the Holy Spirit. Is it not normality and worthiness that any government want to see? Why push the Christian aside? Any government that risks to shunt the Christian, also shunts normality and worthiness and this will lead to anarchy, rebellion and hatred. Don't we see enough of this in the Godless world at present? Why join hands with the powerful of darkness and destroy our country? With God we will have a beautiful country. Without God we stare anarchy and destruction in the face.

I ask urgently and politely to reconsider the ANC's suggestion and plead with you to not to forget the millions of people that voted for you. For peace and stability in our country, let the Trinity God be part of every state, school and home in this country.

H OOSTHUIZEN

PHONE 833-2270/1/2
FAX 834-6350

P.O. BOX 42791
FORDSBURG
2033

Alipur Muslim Association

KINDLY ADDRESS ALL
CORRESPONDENCE TO THE SECRETARY

16 JANUARY 1996

EXECUTIVE DIRECTOR
CONSTITUTIONAL ASSEMBLY
P.O. BOX 1192
CAPE TOWN
8000
FAX (021) 461 4339
461 4487

DEAR SIR,

RE: DRAFT CONSTITUTION

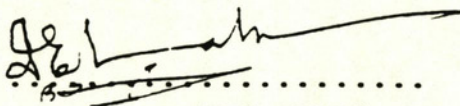
WE REFER TO DRAFT CONSTITUTION AS PUBLISHED IN CONSTITUTIONAL TALK, PROPERTY CLAUSE OPTION 2 AND 3, WHICH STATES THAT ANY PROPERTY MAY BE BOUGHT AND EXPROPRIATED.

WE WISH TO INFORM YOU THAT A MOSQUE AND THE GROUND ON WHICH IT STANDS ARE REGARDED AS HOLY AND SANCTIFIED. THEY CANNOT BE SOLD OR EXPROPRIATED. THIS IS THE LAW OF ISLAM AND IT HAS BEEN OBSERVED THROUGHOUT THE WORLD, WHERE MUSLIMS HAVE SETTLED AND BUILT MOSQUES, FOR THE LAST 1400 YEARS.

WE, THEREFORE, KINDLY REQUEST THAT OUR MOSQUE SITUATED ON THE CORNER OF MARKET AND NUGGET STREETS, STAND 488, JOHANNESBURG, BE EXEMPTED FROM THE ABOVE CLAUSE, AND THE CLAUSE BE AMENDED TO READ THAT ALL MOSQUES AND THE MOSQUE GROUNDS BE EXEMPTED FROM THE APPLICATION OF THE ABOVE CLAUSES.

WE TRUST THAT YOU WILL GIVE THIS MATTER YOUR KIND AND SYMPATHETIC CONSIDERATION.

YOURS SINCERELY
MADRESSA HIMAYATUL ISLAM
-MOSQUE AND MADRESSA TRUST-



I.E.LAHER (TRUSTEE)

DIE FORUM VAN CHRISTELIKE KERKE
POSBUS 570
DE AAR
7000
8 Augustus 1995

DIE SEKRETARIS
DIE GRONDWETSKRYWENDE VERGADERING
POSBUS 1698
KAAPSTAD
8000

Geagte Heer

RE: ERNSTIGE BESWARE DEUR DIE DE AAR FORUM VAN CHRISTELIKE KERKE

Op n onlangse vergadering van bovermelde Forum is besluit om die volgende ernstige besware onder u aandag te bring sodat u dit as n rigsnoer kan gebruik by die skrywe van die nuwe Grondwet van die R.S.A. .

PORNOGRAFIE

Die verslapping van die wette wat pornografie beheer het veroorsaak dat T.V. programme deurspek is met eksplisiete sekstonele. Dis byna onmoontlik vir n ouer om saam met sy kind na TV programme te kyk sonder om in die verleentheid te kom. Al die pornografiese programme lei tot n afkraking van n skoon morele lewe.

Geen wonder dus dat VIGS-gevalle by die honderde elke dag toeneem. Die aanslag van pornografie is nie slegs beperk tot die televisie nie, maar het lankal reeds oorgespoel in die popmusiek van tieners en die menigte pornografiese Tydskrifte. Die pornografiese tydskrifte is beskikbaar by Boekwinkels en Kettingwinkels in oop rakke. Enigeen kan maar blaai in die gemors tydskrifte.

Ons bepleit dat die pornografiese tydskrifte in n plastiekomhulsel gehou word en slegs aan volwassenes verkoop word. Dit moet ook op n spesiale rak gehou word waar tieners en leerlinge nie toegang daartoe het nie.

ABORSIE

Ons maak ten sterkste beswaar teen die wet wat aborsie op aanvraag wettig. Dit skrei ten hemel dat die moord op ongebore kinders gewettig word in n land wat hom beroem op sy beskerming van menseregte en die reg op lewe. Het die ongebore kind dan nie ook die reg op lewe nie? Waarom kan die

vrou wat nie meer kinders wil hê nie, nie gebruik maak van voorbehoedsmiddels om te voorkom dat sy swanger raak nie?

Die moord - koelbloedige gewettigde moord- op ongebore kinders word nog meer grusaam as dit gesien word in die lig van die afskaffing van die doodstraf. Moordenaars kan maar die gruwelikste moorde pleeg in die seker wete dat hy nie met sy lewe daarvoor gaan boet nie. Hy gaan hoogstens vir 20 jaar na die tronk waar hy verseker kan wees van uitstekende behandeling - voedsel, rookgoed, TV. en gerieflike slaapperiewe - alles op die Belastingbetaler se rekening. Die koste van 'n gevangene in die tronk is R64-00 per dag. Oor 'n tydperk van 20 jaar moet die Belastingbetaler 'n bedrag van minstens R467 200=00 opdok om te verseker dat 'n gewetenlose moordenaar sy Reg op lewe behou.

Niemand gee egter om vir die Reg op lewe van sy slagoffer of die Reg op lewe van die ongebore kind nie. Geen wonder dat geweld en doodslag hoogty vier in die Nuwe Suid Afrika nie.

Die Onderwys

Die onderwys in Suid Afrika gaan 'n droewige tyd tegemoet oor die jongste besluit dat lyfstraf in skole afgeskaf moet word.

Ons wil nie met die stelling tekenne gee dat alle probleme met lyfstraf opgelos kan word nie. Daar is leerlinge vir wie lyfstraf nooit nodig word nie. Hulle luister as daar vermaan word en gehoorsaam die reëls.

Daar is egter die koppige leerling en die boelie wat na geen woord van vemaning luister nie. Daar kan mooi en sag of hard met hulle gepraat word; dis soos water op 'n eend se rug. Dit is dié leerling wat jonger leerlinge intimideer en skop en slaan. Die enigste taal wat hulle verstaan is 'n goeie pak slae. Vir hulle geld die spreuk: "n Pak op sy tyd is soos brood en kofⁿyt". Die lyfstraf is verbied ingevolge 'n bepaling van die tussentydse Grondwet. Die Bybel, die Woord van God, wat 'n hoër outoriteit is verwys op verskeie plekke na die gebruik van die roede en na tugtiging. Spreuke 13:24 "Wie die roede terughou haat die seun". Spreuke 10:13, "Die roede is vir die rug van die verstandelose". Hebreërs 12:6, "Die Here tugtig hom wat hy liefhet". Daar is nog vele soortgelyke tekse.

Uit bostaande is dit duidelik dat die afskaffing van lyfstraf direk indruis teen die voorskrifte van Gods Woord. As ons land op dié weg voortgaan sal ons ook later die stadium bereik dat onderwysers gewapende lyfwagte moet hê om hulle teen die leerlinge te beskerm. Dié dinge gebeur reeds in Amerika en Engeland en ons is vinnig op pad om ook die bittere vrugte te pluk in ons eie land omdat ons regering die bepalings van die Woord van die HERE veronagsaam.

Ons versoek u vriendelik, maar met al die erns waaroor ons beskik, dat u die skrywe en duiⁿde ander soos die in ag sal neem en

- (a) Pornografie ten strengste verbied, veral aan kinders
- (b) Aborsie op aanvraag sal verbied
- (c) Die doodstraf vir gewetenlose moordenaars sal herinstel en
- (d) Lyfstraf by skole sal herinstel om as n uiterste vorm van straf te gebruik.

As u dit doen is ons verseker dat die R.S.A. n wonderlike toekoms tege-
moet sal gaan.

Die uwe

B. J. Willemse

Voorsitter V. G. K. - Oos De Haar

C. J. Willemse

AGSA

P. MOUERS

HGS

~~A. H. M. P.~~

E. L. E. M. J. O. N.

Moefardt

N. Y. Kerk De Haar Noord

W. J. W. v. d. Meene

A. G. S. v. S. A.

J. F. WALPH

De Haar CHRISTELIKE KERK

H. van der

Chelodweres in Christus Kinder

Ev. nederl. in Afrika

Z. C. M. K. I. N. A.

P. P. K. L. E. H. A. R.

RECEIVED
1964

1964

Sub no. ^{13/97}~~12108~~

P O Box 570
DE AAR
7000
8 August 1995

Dear Sir

RE: URGENT OBJECTIONS BY THE DE AAR FORUM OF CHRISTIAN CHURCHES.

In a recent meeting of the above Forum a decision was taken to object against the following and to bring it to your attention so that you can use it as a rule of conduct for the writing of the New Constitution for the Republic of South Africa.

PORNOGRAPHY:

The slackening of the law that controls pornography has caused that television programmes be shown with explicit sex scenes. It is impossible for a parent to watch television with his child without having to become embarrassed. All the pornographic programmes leads to an immoral lifestyle. No wonder that AIDS is spreading by the hundreds per day. Pornography is not just exposed by television, but has long ago been exposed by pop music for teenagers and by pornographic magazines.

Pornographic magazines is on sale at all bookshops and chain shops on the shelves. Anybody can page through the rubbish magazines. We plead with you that pornography magazines be in enclosed plastic covers and be sold to adults only. It must also be kept on a special shelf that is not accessible to scholars and teenagers.

ABORTION:

We object strongly to the law that is requesting that abortion be legalised. It is shouting to heaven that the murder of unborn children be legalised in a country that is boasting about the right to live. Doesn't an unborn child have the right to life? Why can't a woman that do not want her child, make use of contraception to avoid pregnancy. The murder - coldblooded legal murder - is seen as being more gruesome than reinstatement of the death penalty. Murderers can commit gruesome murders with the thought that they will not be punished for it with their lives. He will be sentenced for 20 years where he will be cared for, food, cigarettes, television and comfortable sleeping accomodation - everything on the taxpayers account. The cost of a prisoner is R64.00 per day. Over a period of 20 years the taxpayyer will have to pay R467 200.00 to ensure that the prisoner has a right to life.

Nobody cares about the right to life of the victim or the unborn child. No wonder that violence and murder is so high in the new South Africa.

EDUCATION:

Education in South Africa is going through a gloomy time over the latest decision on corporal punishment being abolished in schools.

We do not say that the system of corporal punishment solves everything. There is students that you do not need corporal punishment for. They listen when you warn them and abide to the rules. Then you have the student who is obstinate and do not listen to any warning. You can speak to them in a sweet or hard manner but they do not listen to you. This is the student that intimidates younger students and kick and hit them. The only language they understand is a good hiding. For them you have a saying: "A hiding on time is like bread and jam." Corporal punishment is forbidden as a result of the interim Constitution. The Bible, the Word of God, that has a higher authority refers in many parts to the use of the rod and whip. Proverbs 13:24 "Who spares the rod hates the child." Proverbs 10:13, "The rod is for the unwise." Hebrews 12:6, "The Lord whips him who He loves." There is many other versus.

With reference to the above it is clear that abolishment of corporal punishment is contradictory to God's Word. If we carry on in this way, then at a later stage, teachers will need armed security to protect them against the students. It is already happening in America and England and we are quickly approaching the same process, and we are beginning to pick the bitter fruits in our own country, because our Government is disobeying the regulations of God's Word.

We ask that you urgently consider this and many other thousands of request.

- a) Pornography be strongly forbidden, especially for children.
- b) Abortion be forbidden on request.
- c) The death penalty be reinstated for unscrupulous murderers
- d) Corporal punishment be reinstated in schools and be used in extreme circumstances.

If you do this we can be assured of a wonderful future for the Republic of South Africa.

B J WILLEMSE

International Union for Land-Value Taxation and Free Trade

Non-Governmental Organisation associated with the United Nations Organisation

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The Executive Director
Constitutional Assembly
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Cape Town 8000
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15th January 1996

Dear Sir,

COMMENTS ON THE DRAFT CONSTITUTION

Some years ago, on a Saturday afternoon at a busy corner in the centre of Johannesburg, a large group of people stood watching a helpless man on the pavement being kicked almost to death without interfering! Where was the "State" to guarantee him his right to life. One passer-by with a sense of duty changed the scene.

No Bill of Rights can stand on its own without everyone observing the corresponding Duties. It only takes one person to deprive you of all your constitutional rights by not observing your right to life. Those countries which have had Bills of Rights for the last two hundred years are not free of crime, violence and unemployment. Could it be because there was too little mention of duties?

There is also a missing clause in all Bills of Rights and in the United Nations Charter of Human Rights, namely "The Land for the People". This was pointed out in the attached resolution taken at an international conference of the International Union for Land Value Taxation and Free Trade at Roskilde, Denmark, in July 1995.

The Working Draft of the New Constitution, in Clause 3, Citizenship, states;

3. (2) Every citizen is equally,
(a) entitled to the rights, privileges and benefits of citizenship, and
(b) subject to the duties, obligations and responsibilities of citizenship

This clause is not sufficient to establish the concept of duties on the part of every citizen. Most clauses in the Bill of Rights tend to be read in isolation and become a demand, with no thought of duties. It would not be possible for any state to reasonably guarantee everyone their rights, in terms of the Bill of Rights, if the citizens do not respect and honor their corresponding duties.

2/... Every right

NEXT CONFERENCE: JULY 1997 BRIGHTON, ENGLAND

Vice Presidents Per Moller: Anderson, Denmark. George Collins, USA. Geoffrey Forster, Australia. Michael Horsman, Ireland. Robert Keall, New Zealand. Doris Norris, England. Karoly Ravasz, Hungary. Mary Rawson, Canada. Tatyana Roskoshnaya, Russia.

Every right should be coupled to the corresponding duty!

With the above in mind, comments are hereby submitted on some of the more important aspects of rights and duties: Recommended alterations or additions are shown in *italics*.

A slight alteration in the wording of the above mentioned clause 3. (2) could have a significant effect on duties, ie.

- (2) Every citizen is equally,
(a) entitled to the rights, privileges and benefits of citizenship, (and)
(b) subject to the observation of the corresponding duties, obligations and responsibilities of citizenship

Chapter 2. BILL OF RIGHTS

The very title creates an expectation of something for nothing. Rights on their own show the negative side of the coin: it takes the whole coin to have any value. Consider having a

BILL OF RIGHTS AND DUTIES

In addition duties need to be written into the body of the Bill as follows

- 7.(1) The state must respect and protect the rights in this Bill of Rights and Duties.
add
(2) *Every citizen has a duty to respect and protect the rights of other citizens, including:*
(a) the duty to assist the state in maintaining law and order, within each citizen's reasonable ability
(b) exercise the power of "citizens arrest" or temporary restraint,
(c) give evidence against offenders.
(3) *Citizens who willfully deny others their rights may forfeit their own rights and freedom under the protection of the state.*
10. Life; Option 2 (with changes)
(1) *Everyone has the right to life, and the right not to be deprived of life, but may forfeit this right when willfully depriving others of their right,*
(2) *A court sentence may deprive such a person of life or freedom following conviction for a crime for which the death penalty is prescribed by an Act of Parliament.*

Comment: If an enemy threatened the sovereignty of the nation and the rights of its citizens there would be no compunction about destroying that enemy. When the threat comes from hardened criminals within, their own rights should be sacrificed in favour of those of the law abiding citizens.

11. Freedom

- (1) *Everyone has the right to freedom of the person and a corresponding duty to ensure, within reason, the equal rights of others.* This includes the right not to be;
(a) and (b) as stated.

18. Political rights

- (1) (b) to participate in the activities of, or to peacefully recruit members for a political party, and
(c) to peacefully campaign for a political party or cause.
(3) Every citizen without a criminal record has the right to stand for public office.

20. Freedom of movement and residence

- (1) Everyone has the right to freedom of movement and residence anywhere in the Republic subject to observing the equal rights of others.

21. Economic activity Option 2

- (1) Everyone has an equal right to pursue a livelihood and engage in economic activity anywhere in the Republic subject to observing the rights of others and all relevant laws and bylaws and paying all applicable dues.
(2) as stated.

22. Labour relations

- (3) No trade union, nor employer's organisation, has the right to threaten the security of the state, nor to deprive non-participating public or individuals of their rights as set out under this Bill of Rights and Duties.

23. Environment

- (2) Everyone has a duty to protect the environment and to observe regulations designed to protect the environment.

24. Property

Comments; The laws relating to property rights and duties form the very essence of the quality of a nation. These laws can result in economic progress or poverty for the masses. Economic freedom is every bit as important as political freedom and democracy. There can be no true freedom without access to land.

Property should be defined as being of three types namely,

- a. movable property,
- b. immovable improvements on land, and
- c. land, excluding improvements.

Each of these three categories should be treated differently in the Bill of Rights and Duties.

- 1. The state should protect and everyone has a duty to respect the ownership of legally acquired movable property. The state should register ownership where necessary.
- 2. Everyone has the right to build, purchase or otherwise legally acquire immovable improvements on land, provided they have secured tenure to such land, either by purchase or lease, and provided such improvements comply with applicable laws, bylaws and safety standards. It is the duty of the state to register and protect such property and the duty of everyone to respect such ownership. Such property must comply with local restrictions on the usage of the land which supports such immovable property.

- 3.(1) *The state shall qualify, quantify and register ownership of all economically viable portions of land together with a description of permitted usage thereof.*
- 3.(2) *It is the duty of the state to guarantee security of ownership and legal tenure of all such property against illegal occupation, invasion, civil unrest and willful damage.*
- 3.(3) *In exchange for the protection offered by the state and society, the registered owner has the duty, and undertakes to observe such duty, to pay all dues, rates and / or taxes as may be imposed by any or all tiers of government. Such dues etc shall relate to the cost of protecting ownership, maintaining peace and security, and any other activities deemed necessary by society, to protect and improve the marketable value, or annual rental value, of such land and the improvements thereon.*
- 3.(4) *The state in conjunction with local government shall keep an upto date Valuation Roll of all registered landed property, and of the improvements thereon. All rates, taxes and other dues are to be based upon this Valuation Roll value of land.*

24. Property (continued) Option 2

- (1) and (2) as stated
- (3) (a) and (b) as stated
- (3) (c) *its market value as recorded in the official Valuation Roll mentioned in 3.(4) above. This value should be updated if necessary in line with market trends.*
- (4), (5) and (6) as stated.

Option 3

- (4) (c) *its market value as recorded in the official Valuation Roll mentioned in 3.(4) above. This value should be updated if necessary in line with market trends*

25. Housing and land

- (1) *Everyone has the right of access to land on which to provide their own housing, with or without state assistance. This right is subject to the corresponding duty to pay the necessary rates and taxes in proportion to the values set out in the updated Valuation Roll.*
- (2) *No one may be evicted from their home arbitrarily, provided they have legal tenure, without an order of court made after considering the relevant circumstances.*
- (3) a. *Everyone has the equal right of access to unregistered land provided it has not been demarcated for other purposes in the public interest. [Parks, nature reserves, forestation and trust lands are included and need to be protected by the state.]*
 - b. *Those exercising this right must apply for registration which will not be unreasonably withheld.*
 - c. *If and when such registered land acquires a market value the registered owner has the duty to pay the applicable rates and taxes.*

26. Health, food, water and social security

(1) **a. of the highest available standard.** . .

b. and c. as given

d. those availing themselves of any of these rights have a corresponding duty to pay for such services in full or prorata according to their ability to pay and they have a duty to not abuse these rights or the rights of others.

(2) and (3) as given

27. Children

(1), (2) and (3) as given

(4) Every child has a corresponding duty to observe the rights and property of others including that of the state.

28. Education

Option 1

(1) (b) to qualify by academic achievement for further education, which the state must take reasonable and progressive legislative and other measures to make generally available and accessible: and

(c) as given

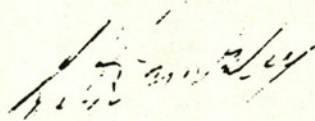
(2) and (3) as given

Small changes may be necessary in other sections in order to emphasise duties along with rights.

There is a claim from early American history that Thomas Jefferson drafted a Bill of Duties which was changed by the legal team to a Bill of Rights. Jefferson was extremely upset as he realised the negative effect which this change would make. One only has to look at the poverty and violence in the USA to realise that he may have been right. Do not let the Republic of South Africa go down the same path.

As true South Africans we all owe a duty to future generations in our land.

Yours faithfully,



Godfrey R.A. Dunkley.

President: International Union for
Land Value Taxation and Free Trade

NB. Computer disk included.

Godfrey R.A. Dunkley

M.I.C.M.E.E.

PRESIDENT

**International Union for Land Value
Taxation and Free Trade.**

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Manna Da Gama
Muizenberg 7945
Rep. of South Africa

Tel / Fax
(021) 788 6015

Kaliken Farmers Association
 Chalumna
 P O Box 1523
 East London
 5200
 20 December 1995

The Constitutional Assembly
 P O Box 15
 CAPE TOWN
 8000

EDUCATION

PRISON SCHOOLS, COLLEGES AND UNIVERSITIES

Education should be compulsory, and it should be a transgression of the law for a child not to be attending school.

There should be schools in prisons, for those children who are convicted for breaking the law. They should start at Sub A right up to Std 10 and beyond. Tertiary courses should be offered in prisons.

ADULT EDUCATION

Each village should have its own adult education centre. It should be fully equipped to cater for adult education from Sub A to tertiary level.

MURDERERS

A person who has been convicted of murder, of whatever nature, should be sentenced in the following manner:

MURDERER: Life imprisonment.

ARBOTIONIST: Life imprisonment.

THIEVES

A person who has been convicted of theft, no matter what s/he has stolen, should be sentenced.

SENTENCE: The arm that was used to take someone else's property shall be amputated.

A person who travels between 50 and 100 kilometres with the intention of stealing, when convicted, should be sentenced.

SENTENCE: A leg and an arm shall be amputated.

THE PUBLIC

A person who has been charged with drunken behaviour, misconduct and public disorder should be treated in the following manner:

SENTENCE: 4 days imprisonment in a police station plus a R30 fine. If s/he cannot pay the fine, then s/he must be referred to

a court of law for a formal trial.

The R30 fine shall be used to feed others who, like him/her, are charged with public disorder and misconduct during their four days incarceration in the police cells.

After 4 days in the police cells, a person who cannot pay the R30 fine shall be referred to a court of law for a formal trial.

SENTENCE: A fine of R225, which covers:

Police Station Food Services:	R 30.00
Court Services:	R100.00
Council Services:	R 50.00
Government Services:	R 45.00

Those who are unable to pay the R225 fine shall be incarcerated for 90 days.

This money is meant to maintain other drunks while they are remanded in custody.

Auditors should be deployed in all police stations to monitor these fines from the drunkards.

**DRUG DEALERS WHO POISON THE MINDS OF THE MEMBERS OF THE PUBLIC,
ESPECIALLY THE YOUTH**

1. **DAGGA DEALERS**
2. **DICE GAMBLERS**
3. **SHEBEEN OWNERS**

All poisoners of the mind:

SENTENCE: 10 years, no fine.

CONSPIRATORS

All who are convicted of the above-mentioned transgressions: 25 years without the option of a fine, because they cause people to lose their jobs as well as their senses.

All such people should be sentenced to 25 years without the option of a fine.

AGRICULTURE

A person who cuts a fence with the intention of grazing his/her cattle in a prohibited, enclosed area such as:

- * planted fields
- * somebody else's enclosed camp, whether it belongs to a Black or White person:

SENTENCE: A fine of R1 500 or 2 years imprisonment. (This includes the cutting of barbed wire).

Police stations must ensure that all transgressors are charged.

FROM:

N T Ceshemba - Secretary
L Ntsohlo - Chairman.

akuyithetheni kwekhe into yomtu.

UKUHAMBA UKUZAKUBA : Ukhamba 50 km to 100 km.

Lowo umtu uthe wafunyanwa ebite.

ISIGWEBU : MAKANQUNYULWE umlenze kunye nengalo

ABAKULALI

WAKUSOLE utywala uagxolele abantu esixekweni okanye nakwinyiphi indawo ungaloluphi.

ISIGWEBU : - 4 days eJail. - Police Station - R30 fine

Ukuba ekunye lo mali manusiwe e Court

Phaya ePolice Station le R30 izakujongane

nabanye abekwanjengawe ekubandleni ababantu

kule 4 days ukheli yona phaya ePolice Station

After 4 days Court Case - Ubunxite

ISIGWEBU - R225.00

R30 - Police Station Food Services

R100 - Court Services

R50 - Council Services

R45 - Government Services

90 days eJail ye ungenayo imali yokubhetala

Le mali izakondle abanye abantu abekwangenamxite ngeresha esakheli aphe ePolice Station engenamali

I Auditors mazisebenze kuzo zonke iipolice Station zomzantsi Afrika. Ngenxa yemali esi Charge kuMnxite

ABABULAM' BENGGONDO ZABANTU NYEZIYOBISI, KWANOLUTSH.

1. - ABENTSANYU

2 - AMADAYISI

3 - ONOSHEBEEN ← Maji Phele Tu.

Bonke abebileli bengqondo

ISIGWEBO = 10 years notine

UMENZI WEYELENGE

Abenzi bonke kungentle - 25 years notine

Ngenxa yokutshabalalisa imisebenzi yabantu,
kwenzimvo zabo

Bonke abanjalo, Isigwebu - 25 years notine

AGRICULTURE

1. Umntu ophawula uingo, abise iinkomo zakhe
apho engenalungelo khona kwikambi eveliweyo

2. Emesimuni

3. Kwikambi yomntu nokube ngubani emnyama
emhlophe kulityala ukwenza oko.

ISIGWEBO R! 500 fine or 2 years e Jail.

okanye One barbed wire

Icharge ye Police Station ingoba kulityale
kuya wonke umntu ephule umthetho

FROM:-

KALIKENI Farmers Association

CHALUMNA

Box 1523

TEL: 011-5300

**WESTERN CAPE LOCAL GOVERNMENT ASSOCIATION
UMB'ITHO WORHULUMENTE WENQILA WENGINGQI YENTSHONA KOLONI
WES-KAAPSE VERENIGING VIR PLAASLIKE REGERING**

BLOEMHOF CENTRE
BLOEMHOF STREET
OAKDALE
7530
TEL: (021) 99-6814

P.O. BOX 1007
PRIVATE BAG X2
OAKDALE
7534
FAX: (021) 99-7246

C P DU PLESSIS/mm - 2/2/1/21

17 JANUARY 1996

THE EXECUTIVE DIRECTOR
Constitutional Assembly
P O Box 1192
CAPE TOWN
8000

SIR

NEW CONSTITUTION

It is suggested that clause 167(7)(c) of the Working Draft of the New Constitution be amended to read as follows :-

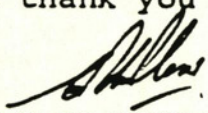
"(c) not qualified to become a member of the national or a provincial legislature in terms of Section 42(b)(c)(d) and (e)."

The participation in local government by a person holding an office of profit under the Republic will be governed by his/her conditions of employment and such a person will probably need the permission of the department concerned. Especially in the rural areas teachers and other officials can play an important role in local government and should not be precluded.

Section 168 should be rephrased to read as follows :-

"Local government or different categories of local government shall have all the legislative competencies and the power to perform all those functions not precluded by law or which are the responsibility of another tier of government, provided that it shall include local or service development of the following functional areas : ..."

I thank you


C P DU PLESSIS
DIRECTOR

