

24/11/14

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 4
FUNDAMENTAL RIGHTS

CONSTITUTIONAL PUBLIC MEETINGS :
NORTHERN CAPE REGION

[1] NORTHERN CAPE REGION

SPEAKER: ...[TAPE BEGINS IN THE MIDDLE] ...Nowadays there exists a framework according to which the civil service must develop. Then comes theme 2. The theme committee is concerned with financial institutions and public undertakings and is currently busy considering the role of the Reserve Bank. You have probably heard of the Reserve Bank on the news, and also the Auditor General, who is the most important man dealing with the books of the State. He scrutinizes all the books of all State concerns, all State departments. So you could say where someone was naughty, where he has swiped money where he should not have swiped.

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The following is a typical question with which the committee is currently concerned: Whether the institution of the Reserve Bank must be independent or not, and whether provision must be made for it in the new constitution, that is, must there be a clause in the constitution which says that this Reserve Bank must do this and that.

Then we come to sub-theme three. The main concern of the committee considers structures that have been developed to ensure and carry out a person's correct culture in our country. These structures are the commission for human rights, the public protector and the machinery for women's rights with regard to the land or ground. That is, these commissions make sure that human rights are not transgressed. If you feel that your human rights have been prejudiced then you can contact the

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KUBOES

11 MARCH 1995

commission for human rights. The public protector actually looks at corruption and dishonesty in the State departments. The sub-committee is also busy with the public protector, to see whether the public protector is really needed in our community, in our society. Is there place for it in our new constitution. Sub-theme four, and this is where I am a member, has to do with the security networks. This is the Police, the Defence, the Army soldiers, Correctional Services - that is, the jails. The following aspects involving these three must still be discussed: the accountability and control of the security forces. That is, how must they be controlled, how far may they go, what may they do.

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Then the following question: Is there a need for a constitutional provision for the Police. That is, must the work of the Police be set down in the constitution to say that they must maintain law and order. Is this necessary.

And then we must also know what the clause must contain. What must be the content. I just want to say to you, something that is required from the security instruments or apparatus in our country. The Intelligence Service. The Intelligence Service is the thing that in the past awakened you at two o'clock in the morning, kicked down the door and hauled you out. That is the Intelligence Service. But I want to say to you, the new Intelligence Service is going to take on a whole new character, and they are part of our Security Structures. Thank you very

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KUBOES
11 MARCH 1995

much.

Mr Bali, anything further?

MR BALI: Good afternoon ladies and gentlemen. I do not think that there is much for me to say. I think my colleague, Senator Botha, who just spoke about theme committee six has said everything that there is to say in theme committee six. You must know, theme committee six is the largest theme committee. And even from other theme committees everything spills over to theme committee six. It is for this reason that theme committee six consists of four sub-committees. Four sub-committees that meet independently, and then report back to theme committee six.

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Senator Botha posed quite a few questions. And I think that I must give you the opportunity to give your comments. I want to ask the people of the Richtersveld - please, today is the opportunity for you to share in writing the constitution of this country. If today you do not have a share orally, then you can have a share in writing. And I think that we will leave an address here to which you can send it. But I would prefer you to have a share orally today. I think I must give you more chance today and therefore I will stop here. Thank you very much.

CHAIRPERSON: Thank you very much for being so patient. Now it's your turn. What we want to do now. There are a couple of microphones around the hall. This is discrimination against short people - thanks.

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KUBOES
11 MARCH 1995

that's better. There are microphones going around. If you could just raise your hand. The first person here. Where is the microphone? There it is, Oh, you have it already.

SUBMISSION: Ladies and gentlemen, I want to propose that Kuboes draws up its own constitution and governs itself.

CHAIRPERSON: Did people hear that? Self-government for the Richtersveld and for the people of Kuboes. OK. This is now an insertion. And the speaker has made a submission, a proposal. Any other proposals from the people? Any questions? Anything that people did not understand? There at the back. Could you please stand up so that people can see you. Thank you very much. 10

SUBMISSION: Mr Chairperson. I would just like to know. The man who just now said that the "area must be self governing", could he motivate why he says so.

CHAIRPERSON : He asks for motivation. OK. Before the microphone goes there, there is a person above in the gallery. Can a microphone go up there please.

SUBMISSION: I will then motivate by saying that Kuboes is an independent state. It can govern itself. It has diamonds, it has crops, it has livestock, and it has everything in the country that can promote the economy of the country. That is why I proposed this. 20

CHAIRPERSON : Thank you very much. Up there in the gallery.

KUBOES
11 MARCH 1995

SUBMISSION: Before I begin I just want to make sure whether you are commenting on all six commissions that have been mentioned here.

CHAIRPERSON : That's fine.

SUBMISSION: In the first place there is mentioned whether our country should be a sovereign state and whether this is possible if there are going to be national states in the country.

CHAIRPERSON : No, what the speaker said is that we have two in the Interim Constitution at the present moment. Two constitutional principles. The one speaks of a national state or an idea or a principle of self-determination, and the other of one sovereign state, and how can these two clashing principles actually work in one constitution. 10

PANEL: Excuse me. I do not think that is actually how it came across. There was a difference. If we are a sovereign state, can we really accommodate a national state? And if we want to be a sovereign state, can we also have place for the various different small states of the traditional leaders? This is where the crux of the matter lies.

SUBMISSION: Fine. That is why I say, my opinion is that if someone demands a national state, as it may have sounded with the previous speaker, then it means that in some way or other he is afraid of certain things, maybe because he will probably be oppressed in the national government or whatever. And therefore such a person feels that in a national state, he himself protects his rights or governs himself. A 20

KUBOES
11 MARCH 1995

national state cannot exist in a sovereign country. So I would say that my feeling is away with a national state. As far as traditions are concerned, make it a bit different that you don't need a national state in order to live out certain traditions. If we here feel that Nama has a certain place in our country, then we can find ways to develop it and we can build on certain traditions in the Richtersveld, without us having to fight for a national state, for example.

CHAIRPERSON : Anything further? Because there is [TAPE GOES DEAD FOR A FEW SECONDS]. There is a person here at the back.

SUBMISSION: I feel that there is a general problem here. It concerns us all. About the diamond problem. Because here diamonds are mined. The problem is the diamonds are discovered in the Richtersveld. Work is created in Johannesburg. Young men of Namaqualand - they experience hardship. Why I speak like this and why I say so, is I am one of these. But today I speak of things that concern. And things that are going to be important at a later stage. That is what I am talking about. And these are things that count. Diamonds must be cut and polished here. 10

SUBMISSION: I know that we sit here with a big problem. But someone will have to come here from America to solve this problem. I do not know why we speak about diamonds which we have never seen. The boers mine them. We know that. 20

CHAIRPERSON : Sir, with respect. Here this afternoon we are

KUBOES
11 MARCH 1995

concerned with ideas and problems of the national state or of the constitution.

SUBMISSION: I must get to A so that I can get to Z. So, what I basically want to say. We don't even have to cross many rivers. We know where the diamonds are mined. And we do not know where they go to. Maybe they go to Johannesburg. So, all that I want to say is I want nothing further in this process. I want nothing. But all that I want to say is let us just be honest. Let us speak the truth. We do not take out a diamond here. We do not have that authorization. We do not have the authorization to take it out.

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CHAIRPERSON : Sir, you must definitely [TAPE GOES DEAD FOR A FEW SECONDS].

SUBMISSION:[START AGAIN] We must not speak about a mine. We must speak about our own returns. [TAPE GOES DEAD]

SUBMISSION: ...[START AGAIN] points that Kuboes's community have laid on the table.

CHAIRPERSON : Alright, that is a submission. Maybe we should have the man read it so that the people can feel - do they agree with or not. Because it is very important that the people in the constitution actually find out what people want to say.

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SUBMISSION: Yes, it is the feeling of the community of the Richtersveld Kuboes Northern Richtersveld. Provision of fresh water to

KUBOES
11 MARCH 1995

Kuboes community. The town is currently in a water crisis. Also for irrigation.

CHAIRPERSON : So, the first point is the roads. The second point is fresh water and the third point was irrigation.

SUBMISSION: No, irrigation goes with fresh water. Point three is alienated land of the Richtersvelders that was sold to whites off the reservation and not recognised by the Richtersvelders. Point four is - we live in a diamond area, but do not benefit from this wealth.

CHAIRPERSON : OK, the income goes out of the neighbourhood.

SUBMISSION: Out of the area. Where the income comes from the area. 10
but we get nothing from it. The activities of the transitional council are seriously questioned by the community. The community would like the area to function as it did before the institution of the transitional council. That is point five.

Point six - no recreational facilities for the community. That is, for the child, for the aged, for the young person. Point seven - diamond cutting and polishing - in other words, job creation for the future of the community.

Point eight. Rationalisation of education has a regrettable effect on the education of the child. It must be honoured especially in the rural 20
areas. That is, here are people who would like to study, like me. I study in my own privacy. I studied matric and I passed with 98 %. Such

KUBOES
11 MARCH 1995

people who would like to study are here. Why is no provision made for this.

Point nine. Adult education by means of training - this goes together with point eight. A necessary, informed centre for adult education. Point ten. Unemployment is a great source of concern. Social evils result. What we mean by that is that unemployment causes this. What we mean by that is that Kuboes can govern itself.

CHAIRPERSON : But what you say is that Kuboes can govern itself, but only if the contribution made by Kuboes to the country remains in Kuboes.

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SUBMISSION: The economy of the country. It is the diamonds that are mined here.

CHAIRPERSON : These are very important points discussed by the speaker.

SUBMISSION: I want to hand over this memorandum to the next speaker, and it is addressed to Mr Dipico.

CHAIRPERSON : Thank you very much. These are very important points that he has made. Thank you. OK, where are we now? There was a speaker. There at the back, yes, you sir.

SUBMISSION: I would like to ask whether the previous speaker only speaks for Kuboes, or does he speak in general of Richtersveld? That is my question.

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KUBOES
11 MARCH 1995

SUBMISSION: I just want that man to understand what I say. I am a native of Kuboes. I am a citizen of Kuboes.

CHAIRPERSON : He merely asked for a statement. Not to fight. Just asked, are you only speaking for Kuboes, or in general.

SUBMISSION: Self-governing state must speak for himself.

CHAIRPERSON : Is it a town or a state?

SUBMISSION: It's a town. And Kuboes fights for itself. Each man for himself - if you do not pick up your gun and shoot, don't fight.

CHAIRPERSON : OK. No, sir, please. Ok. There at the back.

SUBMISSION: The previous speaker just said that he speaks on behalf of Kuboes itself. Now I would like to know - to our knowledge Kuboes has no diamonds. The diamonds are mined in Sanddrif. Now how can the previous speaker talk about diamonds? 10

CHAIRPERSON : The problem about which the last speaker is talking is that the problems are actually wider than only one town. It is an area's problems. Not just one specific part of that area

Just at the back of the hall and then up in the gallery. So please please.

SUBMISSION: Please ladies and gentlemen. Absolute silence. I would just like to say that we conduct the meeting in the right attitude and spirit and respect one another. I would just like to request that when we speak, the panel there above and the speaker there, that we speak in totality 20

KUBOES
11 MARCH 1995

ladies and gentlemen. We do not speak about certain ones - let us not attack one another. I feel that emotions are rising and this is not necessary.

We speak in the totality of the future of our new government. And then we are speaking about the constitution that must be drawn up. And we want to make a positive contribution to the building of the new South Africa. And you must please understand that we are speaking in this light. I just want to make sure that we are not speaking of certain towns. We speak on the totality of the new South Africa.

CHAIRPERSON : Alright, thank you very much. And then the next speaker in the gallery. 10

SUBMISSION: I would just like to ask that our people be orderly. Please, let's settle down and listen - it concerns a very important matter - the constitution of our country. I have only two questions. My question is, what guarantee is there that the Committee is not already busy with proposed ideas and that the contribution of the community will really be incorporated in the constitution?

The second concerns the declaration of human rights. May I, as a citizen of the country, go and live in any place without taking the rules of that community into account? Those are the two matters. 20

CHAIRPERSON : Alright. I think those are very important matters. Is it just a "show" this afternoon, or will the people actually take it

KUBOES
11 MARCH 1995

"seriously". I think that is a very important question. And the answer is that Parliament is indeed serious about this afternoon's work. Each submission from each individual in the entire South Africa will eventually go together to Parliament. You are going to think that that is impossible. Absolutely impossible. It may appear to be impossible but it is not. Because they have typists there in Cape Town. They put it into the computer. They sort all the submissions of the people, and they go through to the separate theme committees. This does not mean that everything will be there or in the final constitution. But the experts will take it into account. And nothing will be thrown away.

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The second question of the man was may you go to any place in South Africa without taking into consideration the different ways of that community. At the moment yes, but maybe there are further questions or problems. Could you not expand on that problem. May a person from Kuboes go to Orange Free State, or to KwaZulu and build a house there. Is that the sort of problem? OK, maybe come back for further explanation, but now for the lady in front please.

SUBMISSION: I just want to ask whether I may ask a question because I am a TLC. May I ask the question? Then I would like to say something in connection with the economy of the country. I feel that each person must have the right to participate freely in the country's economy on national level. In connection with the free market system. I would like

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KUBOES
11 MARCH 1995

this to be implemented and clearly expressed in the constitution. I would also like to say something in connection with women's rights. I ask that the constitutional writing-committee clearly define the rights of women in the constitution.

CHAIRPERSON : What sort of rights do you want?

SUBMISSION: For example, in connection with concessions. Women can now apply for concessions and stands and that sort of thing.

Everything must be clearly set out so that we are no longer oppressed any further.

CHAIRPERSON : Are you speaking of specific problems at the moment? 10

SUBMISSION: Not at present - in general.

CHAIRPERSON : Is there any statement from any of the members of the constitutional writing-committee about any of the problems raised by the people?

PANEL : The gentleman at the back asked a very important question. Is it but a show? But I would like to assure you that the people who are

here is to come and listen to people. We have to get rid of all those preconceived ideas. The constitution hasn't even started to be written.

The writing of it will begin after all the people have been given the opportunity to have a say. And then it does not end there. It must 20

preferably begin there. After the constitution is written then we have to come back to you to obtain your approval before the constitution can be

KUBOES

11 MARCH 1995

accepted.

CHAIR : Alright. Than man there at the back. And then we can come here.

SUBMISSION: The fact is that I believe one cannot just go and live in any place in the country. Within a town there are rules that must be respected. And when I ignore those rules I create disorder. And this is the sort of thing that I think we must not think that now because we live in a new South Africa we can make our own rules because there is now a declaration of human rights protecting me. There is still order and rules in any community, just as there are rules in a family.

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CHAIRPERSON : Thank you very much. The relationship between people must be a relationship of respect between people. One cannot do just as one pleases. There's a person here in front, then I am coming to you. Thank you very much.

SUBMISSION: I want to ask something about the explanation given. Someone mentioned where the rights must actually be. With the Premier or with the State President or with the Local. Now I feel that the community must actually have the weight of the town itself.

CHAIRPERSON : That the community must have more power.

SUBMISSION: Yes, because they are the majority. That is the feeling of the general community. For community problems or for the legal problems of the country. It is the community that has weight over the

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KUBOES

11 MARCH 1995

government about peoples' problems.

CHAIRPERSON : Thank you. Just here at the back. And then up in the gallery.

SUBMISSION: Thank you. I want to agree with Minister. He was the previous speaker. I can stay in Rome with Rome's habits. And now come to England with Rome's habits. That is all that I want to say. It is very brief and it is very clear to all here. Thank you very much.

CHAIRPERSON : Thank you Sir. Alright, there on top and then here at the back.

SUBMISSION: Fine. I have a question. Seeing that we have gone over to a national unity, and we have received the right to claim our alienated land. It is clear to me that someone alienated from a land is the owner of the land. His native is there. But my question is: if one is not alienated, can one claim land that one does not legally have, just incorporate it or move onto it? That is the question that I wish to pose. Because alienated ground is being claimed from certain political parties. Not political parties. For certain people such as Riem Vasmaak. We saw this clearly on the television. Many people, everyone saw on the television that Riem Vasmaak's people claimed it. It is not said whose it is. It is people, it may be mixed-up races, but it is races that came for that. But races that were not found in such area. May he just move into such area? That is the question that I wish to ask.

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KUBOES
11 MARCH 1995

CHAIRPERSON : That the people should not return to Riem Vasmaak?

SUBMISSION: People did return. But I am asking specifically about our area. It is clear to us. We saw that Riem Vasmaak's people claimed the land. It was said what type of people are here. We know who they are who claimed. They got their land back but those who were not previously native to Kuboes, can they claim Kuboes and just move into Kuboes? That is actually the specific question that I wish to ask.

CHAIRPERSON : This is a very important problem this one. Alright, just here in front. The people who have already spoken, is the microphone up there in the gallery? Alright, very, very quickly, because there are many other people who now wish to speak. 10

SUBMISSION: Fine. With the declaration of human rights then. To concur here with people that it must summarize that a person must have a certain measure of privacy. One must feel protected whatever one's transgression. But now I link up with the security network, where the police were mentioned. This means that in the long run a lot of criminals are being cultivated. Because I get a light punishment for a murder, for example. And the others see this and they do the same things. This causes things such as violence to increase in the country. And all those things. There must be stricter action, but without infringing on one's personal rights. That is a few things that I have summarized. For example, say we are not going for the death sentence. But the person is 20

KUBOES
11 MARCH 1995

kept in jail, then it means that that person cannot become a danger to the community. That is the one thing. Then the Local Government I feel should have greater say than the Provincial Government because Local Government may understand certain matters better than the Provincial Government.

CHAIRPERSON : Thank you very much. Did people understand that?

SUBMISSION: I am standing here as an REC member in the name of the ANC Women's League here in Namaqualand. And what I would like to raise is that the Act 9 of 1987 must be abolished.

CHAIRPERSON : Could you just tell people what that Act is, please. 10

SUBMISSION: The outsetting of the people. It is still existing here in the Richtersveld. And in the name of the women's rights.

CHAIRPERSON : Can we just ask that the interpreter can just translate it for the people.

Translation for the public

And in the side of the women's rights, I would like that there will be no discrimination into job creation. And there must be equal rights. And women, we must receive same salaries. And the pension benefits, the old pension, from 50 years of age. All women.

Translation for the public 20

And the Freedom of Speech inside any legal department of the Society, and in the Court of Law.

KUBOES
11 MARCH 1995

Translation for the public

And we would like to learn to read and to write our own languages. Our mother tongues must be taught at school.

PANEL : Madam, about the... Mr Chairman, about the Act No. 9 of 1987 I just want to say. This is the Act according to which this area is administered at present. If it is removed now, then there is no Act. This Act will have to fall away at some or other time. Fine. We have already said that this Act must go. But, unfortunately, there is not at present a replacement for this Act. This Act only concerns the reservations, such as for example Steinkopf, Richtersveld, Mier, and those places there. The rural areas that were previously the "Coloured" rural areas. 10

Now, at this stage, we do not have an Act to replace it. We want to replace it. We want that Act to be scrapped. But if we scrap that Act today, then there will be chaos. But we have listened to what was said. We will take in what was said. We will submit it here to the constitution.

CHAIRPERSON : The lady here please.

SUBMISSION: Viva Comrade, Viva. Viva Comrade. I am very thankful that my brothers have come from Kimberley. I am also from Kimberley. But I hear that our minister says that he does not want black people here. The Lord did not write like that in the Bible. It is the minister that speaks like that. God did not write like that way. So I cannot take it. This hit me hard so that I did not come to the place. 20

KUBOES

11 MARCH 1995

Since '85 I cannot go. Where I went to school for a long time was a Roman Catholic School. My teacher was a white woman. So we got no apartheid to Kimberley. So that thing have to be stopped. So we have to respect our President. So we respect the priest, so the priest must respect our President. So they say they do not want us here. I heard Paul say we come from the law of Kimberley, we have made the law of here. So we have come for suffering. We are suffering.

Therefore we have come here. To give my children school. And the work that God give me for help for other people. So we hear that we must not be here. We have come here. The others come from Cape Town, Johannesburg, Kimberley. We make our mothers lie. We also want to teach them the law. Work and sewing, the work that we teach them and help we ask from the ANC. Let us learn for free. Work is any work. So they don't want to do that thing. So therefore we can go about our business. Thank you my Chairperson and my Comrades.

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CHAIRPERSON : Thank you very much. Hang on, there are other people who had their hands up before. There is a gentleman here with a South African flag on him. Alright.

SUBMISSION: Thank you. I just want to ask. We Richtersvelders. I was born a Richtersvelder. Here we got old. But we want to be recognised. Because we are people that do not like people who come and smuggle. And we would like such things out of here.

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KUBOES
11 MARCH 1995

SUBMISSION: Honourable chairperson and comrades, I just want that turn addressed by that woman. In connection with the conversation that there may not be black people amongst us. We are not like that. It is a new South Africa. We cannot push one another away. The fact remains. The prominent amongst us, the transitional council, the management council, must consult the community in the matter. It does not matter who it is. Whatever person applies, you must see. You must not just act. No-one can act just as one pleases.

We want to make a friendly request. Let the prominent ones consult the community. Let these conflicts be done away with. Thank you.

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CHAIRPERSON : Thank you very much for that contribution. Thank you very much. In front please.

SUBMISSION: Thank you very much. Fine. I would like to make my contribution around a few things mentioned by the various senators. In the first place, the death sentence. I personally feel that the death sentence is very important. If there was not such a thing as the death sentence, then our country is in chaos. The fact that you kill. After a year you are in court. If you are on the streets again, then you do the same offence. Therefore, as far as I am concerned this concerns the issue of an eye for an eye.

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The second point that I wish to make is that mineral rights must be

KUBOES
11 MARCH 1995

very clearly stated in the constitution. So that when I inhabit a piece of ground and there happens to be minerals in the specific area where I have established myself, that the minerals belong to me and not the State. The piece of ground must be allocated to me with mineral rights and all. For me the fact that I own the ground, I sit on the ground, and the State has the right of ownership it is an unnatural thing. The minerals and the ground above and below must be mine. The third point that I want to make is that this must be very clearly defined in the mineral act of the new South Africa that in the area, now I am not mentioning any place's name, I am speaking of the area, where any minerals, I am not speaking of diamonds, remember very clearly. Any mineral is mined. In the old situation it was so that a certain percentage of the proceeds had to go to the government. It must be clearly explained that the percentage that must go to the government must be ploughed back into the immediate environment.

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CHAIRPERSON : That is actually the point of the previous speaker.

SUBMISSION: That is the only way in which the tensions that came to the fore earlier can be calmed...

[END OF TAPE]

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SUBMISSION: Mister master of ceremonies, thank you very much for

KUBOES
11 MARCH 1995

the opportunity. I am not a Kuboeser, I am a Namaqualander and I speak on behalf of the people of Namaqualand. Mister, madam master of ceremonies for the first in history we have the privilege to speak about and make a contribution to the future constitution of our country. And I want to make use of this opportunity and I am very thankful and happy that my old friend Cyril is himself the chairperson of this constitutional writing committee, and I would like you to convey my greetings to him. And I trust that the product will be achieved in his chairpersonship with all the experts around him, that in the end it will be the product about which we will all be happy and thankful.

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It was also so in the past that we here in Namaqualand felt that we were unknown to the government, we were never taken into consideration. We were always the ones bringing up the rear of society and as a result we lost a great deal. People made decisions about us, we were never given the privilege, the opportunity to speak on our own behalf and to plead for ourselves. And therefore I am glad that today we have the opportunity to also say something.

I want to ask the committee two that asked about the powers of the State President and the powers of the law, that it be written into the constitution that Parliament never, never, ever again have power over the law but that the law must have power over Parliament. In the past it was so that Parliament decided to write the law and also change the law

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KUBOES
11 MARCH 1995

whenever it suited it. And the constitution must make provision that something like that never happen again in future. The constitution must determine that when Parliament has made a wrong decision then the law must be higher than Parliament and not Parliament be higher than the law. That is what I want to state very clearly.

As far as traditional rights are concerned, I would like the law to state that traditional rights must be respected. Because we are rather tradition-bound and we will not like it if the traditions are now just swept out of the way, and therefore we would like traditional rights to be protected in this new constitution of South Africa.

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Then I would like to ask, as stated by the previous speaker, there is a little misunderstanding in the community of Namaqualand about the royalties paid by the various companies that mine diamonds and other minerals in our area. They pay a certain royalty. In the past years we fought about these royalties administered by the SBDC and a previous organisation before the SBDC was there and distributed our money all over the country. We fought that this money is now in a trust in Namaqualand, they call this the Diamond Trust.

CHAIRPERSON: Okay, could you please speed up your point Sir. It is a bit long now and there are many people in line.

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SUBMISSION: These royalties that the community can now use, they can decide over the money. But I would also like to agree with him that

KUBOES
11 MARCH 1995

these mineral rights must be given back to within the community. The government must not have the right to these rights.

CHAIRPERSON: It would appear as if this is problem for many people that the money is going out of the public. There at the back, there at the back was a person. Here was a new person who has not yet spoken. I want to give as many people as possible a chance to speak, there are many people who want to speak a second or a third time, please you must just wait so that other people, everyone can have a chance and a turn. Okay.

SUBMISSION: Thank you people. My turn to speak has already been taken by Mr de Wet but I want to mention something else. I understood at the beginning of our agreement that there are 11 official languages if I am correct. 10

CHAIRPERSON: Yes, that is so.

SUBMISSION: Of which perhaps the language that I would like to speak, Nama, is excluded.

CHAIRPERSON: Yes, that is so.

SUBMISSION: That is one of the things that I would like to address that this language must become an official language. You know there are many of our people here today, many of our old people speak Afrikaans poorly and I must serve my people in the language which they understand, and therefore I would like for our language to become official. 20

CHAIRPERSON: Official in this area? Is that what you say, official in

KUBOES
11 MARCH 1995

the area in which it is spoken or official in the entire country....?

SUBMISSION: In the Richtersveld.

CHAIRPERSON: Alright, thank you very much Sir. In the Richtersveld. Alright, 30 second Sir.

SUBMISSION: Sir, Madam the Master of Ceremonies, theme committees, ladies and gentlemen, I just want to make this contribution to say that the transitional council and the police tell me that they do not have a position of authority. Their hands are cut off in certain aspects. You must not ask me what it is, you must ask the transitional council and the police what is in the constitution that cuts off their hands. And then I feel that the new constitution must strongly upgrade the position of authority of the transitional council so that they can have control over the state, I speak of Namaqualand and the Richtersveld in total. Thank you very much.

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CHAIRPERSON: There was a person here. Is this person there? I do not think that we can hear you up there. Where is the microphone?

SUBMISSION: Thank you very much, thank you very much. I just want to emphasize the previous speaker's words strongly. What I would like to say the Richtersveld consists of Namas and I would like to ask that it be written into the constitution that the Nama culture be respected. The Nama habits must be respected as the different speakers have said, it is so

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KUBOES

11 MARCH 1995

that we in Richtersveld on the last sign in Richtersveld is written "Welcome". It is not just written, it is so. Everyone is welcome in Richtersveld but what must survive is the culture of the Namas and the Nama language must be recognised as registered and the Nama language must be developed. Our children that are being born now cannot speak the Nama language, but they can understand. Thank you.

CHAIRPERSON: Thank you very much, thank you very, very much. I think I just want to give people in the audience opportunity to comment in order to solve certain problems before we continue. O.K. Thank you very much.

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SUBMISSION: I just want to say we must not get very excited about this matter. Because this is a matter that we have seen coming for a long time, we did not ask for it, it came to us by itself. Therefore I want to plead with you that the person who wants to say something must not speak only for himself. We have here a hall full of people and if I speak it then the whole Richtersveld is together here. And there are very, very important matters that we must bring to the attention of the people so that they can take something away here. I want to say as the previous two speakers said. Namaqualand I don't know where you got the name, why you are called Namaqualand, but I was a Nama and then suddenly at some time I became a coloured. But I keep my right to speak my language although I did not learn it in the school. No provision is made for a

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KUBOES

11 MARCH 1995

school here in the Richtersveld where you can learn Nama. Someone just now said he wanted to keep the diamonds. How long have the diamonds been here? There are people that have received 99-year mining concessions. I wish to plead with the government that this ground belongs to the Namas of Richtersveld. They have their licence and we want to plead with you that that ground must be transferred onto Richtersveld's name. It must not be transferred onto the name of the State as it was previously. There is Alexander Bay where my ancestors' graves are but today I must "please Sir" in order to get in there.

We Richtersvelders wish to plead to get it back, we have proof. We do not want to say that no-one else may be there, but I feel that each person who comes in here to Kuboes or Sanddrif, must get permission from the government of the day, the local government, to stay here. But now he just comes in and puts up his house. This is what I plead that these things must stay in the law, or if it is not in the law, it must come there. 10

CHAIRPERSON: Thank you very much Sir. I just want to say that we don't have much time left, okay. I think that people have spoken much about own culture in the area and what I hear appears as if people want to have more from central government concerning respect for the Nama culture, the Nama language, the Nama heritage and the economy of the district, the people that must benefit from those diamonds must be part of 20

KUBOES
11 MARCH 1995

the area.

So what I think, I do not want to contribute anything more on those problems. We do not have much time left. I just want to ask people, before I ask other speakers for comment or clarification, I want to ask people for other things about the constitution please. Just a moment Sir. This man here in front has not yet spoken. Do you want to speak now madam? Alright. First this man then that lady or the other way around, I don't mind.

SUBMISSION: I just perhaps want clarity from you as to when we still have grace to make a contribution, and how we must do so in Richtersveld, perhaps hold a meeting in each town, write down their contributions and then compile these together and send them through? Perhaps you can provide us with an address and say until when we still have time?

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CHAIRPERSON: I would have said so at the end of the meeting but now is also a good time. People have until the end of June, okay. And people must write to the Executive Director of the Constitutional Writing Committee or just Executive Director CA, "Constitutional Assembly", PO Box 15, PO Box one five, Cape Town, 8000. It is a very simple address. No, he has finished speaking. Not yet! Sorry. Apologies Sir.

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SUBMISSION: I want to move away from the Richtersveld tradition, I want to move away from the diamond mining. People, where is our

KUBOES
11 MARCH 1995

scholastic training? If you see an advertisement from ALEXCOR, you must have a BA degree. Where are the universities - Cape Town and Johannesburg. I wish to make a request that those tertiary training centres move closer to us. My parents kept me for 5 years from Std 6 - Std 10, and then they could no longer keep me at school because those university costs are too great. I want to request that the people bring the tertiary training closer to us, because it is too far to the Cape.

CHAIRPERSON: Thank you very much.

SUBMISSION: I just want to add to what the previous speaker mentioned concerning the declaration of human rights - is it each individual's right. If I look at what is happening in the country at the moment with rationalisation of teachers, how are teachers being protected? Teachers are being dismissed. Many teachers are breadwinners and they are facing a very dark future. How are the teachers, the educator, protected against the background of the rationalisation?

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CHAIRPERSON: Thank you very much Sir. Alright, here in front, in front please.

SUBMISSION: Thank you. I want to say in the new South Africa we all want everything new and we can really see that in the Richtersveld it is new and we can live together with other races and we are glad about that. But now we in the Richtersveld want a better life, actually the best for our children in the future and also for the young people and for our

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KUBOES
11 MARCH 1995

community. Seeing that we are a backward community, and we know what it is like to be oppressed, we know that, let us say, as a coloured nation, let us say as a Nama nation, liquor is a destroyer in any community and at the moment it is so that liquor and drugs have become an evil in our community. Therefore we want to ask that this contribution that I am making now that it be written into the constitution that smuggling liquor and drugs must please remain illegal. And then the free market system, the approval of the free market system must specify what can be traded freely. And then I want to ask very much that it please not be liquor and drugs.

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And then the second point concerns training. That the State make it compulsory for children to go to school, because we remain behind because we do not have school and that tertiary training be brought closer to us.

CHAIRPERSON: Thank you very much. Thank you very much madam. I just want to say something about the last point. Look, the constitution is a very important document. But not everything that one wants from the State can go into the document. The document must be a general framework for the State. There are many things that people are talking about today that cannot go into the constitution.

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I do not want to say that it is not very important problems, such as drug dealing, liquor smuggling and so on, but the abuse of liquor and the

KUBOES
11 MARCH 1995

abuse of drugs cannot go into the constitution, it must be taken up in others, amongst others the MP's and so forth. Thank you very much madam. This lady here.

SUBMISSION: I want somebody to help me please. I can't speak Afrikaans... I can speak Xhosa, because I am Xhosa. Thank you. I am from that world of the Cape. I am here in the state of Namaqualand. I am here because of my domestic problems. I find that there are certain races of people who want to give us problems because they do not really want to move away from this old part or where they are. Here are people who hire certain people and they threaten us - some of our people are smugglers and that is the point of their hold. Then they cause that at the end of the day we must be smuggler, we do not have work, and then they follow us because they say we are here as smugglers. They say we are black people. It is because we are black people that we cannot get work, this causes at the end of the day that we sit and smuggle, because we cannot live at all without something to live with. Churches know us, we take our church cards and go to the minister. There is a way that we are taken away here then this chairperson takes of us, gives us to other people. Thank you.

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CHAIRPERSON: Alright, I think we can still only take a couple of contributions and questions. Yes, you do have a right to speak. Here's your chance. Take the chance.

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KUBOES
11 MARCH 1995

SUBMISSION: Comrade chair, I am here to protect my people, I am an ANC member. What we asking and what we asked in the past from the past government, we fought them and we won them. What we asked is freedom of movement, because right here you not suppose to stay here, you don't have the right to own a shop. These kind of things they are discriminating. This is the question that is been raised and that was elaborated and that was classified that people are smugglers and all that. What we really asked in the constitution of South Africa is that we will be recognized whether you black, pink, yellow or green equality for all and that we should be addressed as such and that we should recognized as such. That we are all equals. The other point is freedom of movement. We know the bantustans we know the dompas, we know all of those kind of things. We don't want any restrictions any more, please. In the name of God we don't want any restrictions, so as to, if you want to enter any area in South Africa, that you have to prove, or have to apply to some certain place where to go, may I have the right to go, may I have the right to stay. We need the right to freedom of movement. It is already inscribed in the new, interim constitution. The second point is ...

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CHAIRPERSON: Make it quick we want to allow at least a couple of more speakers, before we finish please. But make your point, but make it quick please... Okay.

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I only want to take two more from people who have not yet had a

KUBOES
11 MARCH 1995

chance. That one by the window. There's a man.

SUBMISSION: Lady, what I would very much like to ask is, if theme committee one can give the government the message very clearly that I, for example, stand for a sovereign government, not a federal government. And away with the traditional leaders and so forth, that is where conflict is caused in areas. We have the many cases in places where federal or traditional leaders state their points.

The other thing that I would like to mention is that the central government must rotate the powers down to provincial level. I have listened to many people who spoke of regional level, but I would like to propose that powers must be rotated down to the provincial level because we have now, for example, where the government speaks of where semi-state institutions are privatised. And the provincial people do not have the power to address this things. Thank you very much.

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CHAIRPERSON: Thank you very much. The last speaker.

SUBMISSION: Thank you very much and I also want to speak in my mother language. I also want somebody to translate. I direct everyone on the stage. I also say thank you very much that I can also stand up here to speak of the law. I am going to speak about the theologian who does not like brown people or black people. When I was still small then I got big, this theologian was theologian who lived by the straw huts. It was someone who was allowed to baptise the children as they went to the

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KUBOES

11 MARCH 1995

church. It amazes me now that this pastor now makes an appearance or yes in other words he has a judgemental...

CHAIRPERSON: Wait a bit, it is not going to help to speak about individual problems we actually want to speak about discrimination over people.

SUBMISSION: I am sorry, I think you must give me a chance please. I would like to turn back there where I wanted to go. The thing that I now want to propose is we have a hospital in Alexander Bay. There is a way when our women or mothers want to go to the hospital to give birth to babies, it is said that we are going to smuggle then it costs one that one must pay R6 000,00. Out patients who perhaps go there by accident then it is demanded up to R10 000,00 he can possibly pay. It hurts that there are certain people who represent people, who are the leaders and do not come with honesty and then there are which make these mistakes, careless mistakes and the mistakes come out.

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Secondly, if of our black people are caught in the street when they are under the influence of liquor or are drunk, then the police hit them and take them and throw them away.

CHAIRPERSON: I am very sorry, we cannot take any more, but what we want to do now is just give the members of the theme committees a brief opportunity to comment on the problems, many different problems that people raised this afternoon. Just a moment.

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KUBOES
11 MARCH 1995

SPEAKER: Chairperson, thank you very much. May I first just say thank you. I think that the contributions made were fruitful, relevant and necessary. We came here to listen and we did listen. We certainly took note of the problems, the local problems that you also have and we did not expect that you would raise your local problems. We do not make promises but what we can promise is that your problems will be taken to the highest authority and there they will receive attention and we will continue with your problems until we find solutions.

SPEAKER: Thank you very much for all contributions made here. We took note and, as the previous speaker has already said, we will rub it in by our theme committees. Our committees will take note of it and we will submit it at the meeting of the constitutional writing committee and then we wait. And as we have already said, before the constitution can be applied, after it is written you will again have to give approval, and say yes, my contribution is in the constitution and I am satisfied. Thank you very much. 10

SPEAKER: Thank you, we are very glad because almost every speaker has talked about discrimination. It looks like the people here hate discrimination of whatever kind or whatever nature and we hope that ...

CHAIRPERSON: The speaker says it is noticeable that almost everyone spoke about discrimination and we hope that discrimination will be something of the past. 20

KUBOES
11 MARCH 1995

SPEAKER: And you also spoke against discrimination, economic discrimination and if people were speaking about the right of diamonds have the right to land. that we should have equal opportunities, which brings us to one issue which I left, which I hope people will be writing to parliament and take over. The whole issue of how do we, the issue of equal opportunities, other calls it affirmative action, to ... should we regard it as discrimination or as a method of empowering those who were disadvantaged or dispossessed. Thank you, very much.

SPEAKER: Ladies and gentlemen, the contributions that you made today lie very close to my heart, especially the following that there be no discrimination on the grounds of traditions, language, etc. And I agree with you that the Nama language and traditions have a right to exist so that you can teach these traditions and culture to the children and their children.

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Something else that I noticed is fresh water, and we know fresh water is very scarce in our province and it is the right of every person to have water which he or she can drink. Speaking of he or she, it was also something close to my heart to hear the lady say that women's rights must be protected. Our women have been oppressed for many years and it is now time for them to make their voice heard so that they can have an equal place in society as our men. Thank you very much.

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SPEAKER: Respected ladies and gentlemen, you see it is now a product

KUBOES
11 MARCH 1995

of the new government after last year's elections. We do not want to decide for the community, the community must tell us what decision must be taken. In English we call it transparency.

Today, you there on the ground level were the people who made the contributions, and those contributions which you did make, are recorded on tape and attention will definitely be given to them. It is what we say management style from the bottom. We must not sit at the top and make decisions left and right on your behalf as it suits us. But decisions must come from you so that we can carry them out at the top. It is a sign of new South Africa. I want to say thank you very much to the people of Kuboes and surrounding towns for the contributions that you made and I promise you that we will be back in Kuboes at one stage or another. I say to you thank you.

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CHAIRPERSON: Now I just want to ask Mr Farmer to say something and then Mr Diergaan will say thank you to everyone. I would like to say something from my side. Many of the problems that we are facing here there is perhaps not yet consensus from all on the part of the members of the people of Parliament that perhaps from today onwards, March and June people are going to talk further together and discuss further together these very serious problems such as the problems of language

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Now, in our present interim constitution we have 11 languages. Many of those languages are national languages, many of those languages

KUBOES

11 MARCH 1995

are, like Nama, a regional language and must there now be 11 official languages of which only a couple are national and perhaps people can ask for further information and discuss further, because many of the problems of today must definitely be discussed further, in order to be full submissions and contributions. We are very, very thankful from our side that we were part of today. Thank you very much. Just wait for Mr Painter.

MR PAINTER: Ladies and gentlemen, I just want to make an appeal to each and everyone that we no longer live in the past. Let us no longer look at others. Because I firmly believe that those who still do so today should throw their Bible away. Because God says, "In My eyes everyone is equal" and if He says so, who are we to change it? What must be rejected is the fact that we look down. A thing that the entire world has rejected we want to raise today here again. Let it be a warning that we never again go through a process whereby we oppress people, reject people, humiliate people. We know what happened. Today it came up so strong, and it is so disappointing from my own people. At the end of the day we are all South Africans. Let me not at a time not play an important role in the new South Africa, let us hold hands, let us do what is absolutely expected of us, let us enter the new South Africa with dignity. Let us not think of the past anymore, let us not make up part of the past, let us here hold hands now.

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KUBOES

11 MARCH 1995

It is not what I say, it is not what Mandela says, you have your Bible and the Bible preaches it and if you cannot do it, if you are not prepared to do it, then say I am no longer a Christian, say it so that we can understand and know and see what you really are.

Many people speak of the antiChrist. AntiChrist is someone who is absolutely opposed to the laws of the Bible. Let me never hear that again. Let it never again be said and looked down upon and reject a person. Let us be a part of a community in the new South Africa.

CHAIRPERSON: Thank you very, very much for those words. Thank you very, very much. We hope that this new Constitution will show the experience of all the people of South Africa.

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SPEAKER: Ladies and gentlemen, we have then heard the true words of Minister Dipico or Premier Dipico and I believe that we in the Richtersveld are known by those words: "Without His mercy we will get nowhere."

Before we express our thanks I would like to make an announcement that the choirs will perform after the close of the proceedings, that is after the expressions of thanks. Then the guests of honour will be served on the stage. Then the community will be served in the following sequence, because of the distances, so that there is not again a problem, because of the distances Eksteenfontein will eat first, be served first, then Lekkersing and then Sanddrif. So, while Eksteenfontein is

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KUBOES

11 MARCH 1995

eating, the choirs from the other places will perform while we eat. Then I want to appeal to every community represented here that today was not the end of the constitution - we have not finished writing it yet, but we must now go back to our communities and hold meetings and then our last contributions we will send through in writing to our staff represented here.

Firstly, I want to thank the person who helped with serving the food. We appreciate it and we believe that without them we would certainly have gone to bed hungry tonight and we know how far the places are.

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Secondly, I want to thank the choirs and they have already kept our communities busy and I believe that their contribution was very good.

Thirdly, I want to thank the community, I am really impressed with the attendance here today. I believe that it will be an injection in the future for all meetings here in the Richtersveld. You see for yourself that without you we cannot go forward.

Then to the bus company, bus owners we just want to say thank you for helping us get the people here. And then to our guests of honour and officers thank you very much for the effort although it is their work, but again thank you very much for that which you gave us here today. Then lastly, we also want to thank Vicky le Roux for the time, I understand that she is going to leave us now, there is another person who is going to

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KUBOES
11 MARCH 1995

assist us. We wish him all the best on the road ahead. Thank you very much. We can all please just stand. Sorry, they have just reminded me. Then I just want to say thank you to the interpreters. Actually we wanted to interpret in Nama, but Oom Paul said he would remain seated. We can then in conclusion just stand and then we say the Lord's Prayer to conclude our...

" Onse Vader wat in die hemel is, laat u naam kom, laat u koninkryk kom, laat u wil geskied, soos in die hemel, so ook op die aarde. Gee ons vandag ons daaglikse brood, vergeef ons, ons skulde soos ons ook ons skuldenaars vergewe, en lei ons nie in versoeking nie maar verlos ons van die bese, want aan u behoort die koninkryk, die krag en die heerlikheid tot in ewigheid. Amen "

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KUBOES
11 MARCH 1995