

2/4/16/2

**CONSTITUTIONAL
ASSEMBLY**

THEME COMMITTEE 1

**CHARACTER OF DEMOCRATIC
STATE**

**SYNOPSIS OF SUBMISSIONS
RECEIVED**

AS AT

12 JANUARY 1995

OVERVIEW OF ALL SUBMISSIONS RECEIVED AS AT 12 JANUARY 1995

TOTAL NUMBER OF SUBMISSIONS		18
i)	Party Submissions	1
	IFP	
ii)	Organisation Submissions	3
	Department of environmental affairs and tourism	
	Pretoria Buddhist Group	
	Jam'iatul Ulama	
iii)	Individual Submissions	14

SYNOPSIS OF ALL SUBMISSIONS RECEIVED AS AT 12 JANUARY 1995

NO	PARTY	SUBMISSION	CATEGORY
1	IFP	<p>If the Constitution contains a Preamble it shall have normative value.</p> <p>The principle of Equality should be entrenched in the national constitution but implemented by the Provinces.</p> <p>The IFP does not see a reason to change the name of our country but will consider reasons which other parties or persons may offer.</p> <p>The constitution shall not only apply to all organs of the Republic but also apply to legal relations under the control of the Republic.</p> <p>Greater emphasis must be given to official languages in the Provinces and there is a need to move away from the present system of 11 official languages.</p> <p>The establishment of a common citizenship should not hinder the establishment of provincial citizenship with respect to the functions of the Provinces.</p> <p>The principle of participatory democracy should be constitutionally entrenched.</p>	<p>Preamble</p> <p>Equality</p> <p>Name and Symbols</p> <p>Supremacy of the Constitution</p> <p>Language</p> <p>Citizenship</p> <p>Democracy</p>

1	IFP	<p>Only South African citizens 18 years and older should have active and passive voting rights for national and provincial elections.</p> <p>The principle of political representation of Government and regular elections should be constitutionally entrenched with respect to national, provincial and "primary" local governments.</p> <p>The electoral system should use the pure proportional system on national and provincial basis to determine the amount of representation to which each party contending the election is entitled.</p> <p>The right to access all government information and private data bank's information shall be recognized in the constitution.</p> <p>The notion of administrative justice and judicial reviewability of all administrative actions shall be constitutionally entrenched.</p>	<p>Suffrage</p> <p>Representative Government</p> <p>Proportional Representation</p> <p>Freedom of information</p> <p>Accountable Administration</p>
1	IFP	<p>There shall be separation of powers between national and provincial levels of government.</p> <p>There shall be separation of powers between any level of government and civil society.</p> <p>There shall be a set of economic provisions:</p> <ul style="list-style-type: none"> a) Limits on government interventions b) Entrenchments of the free market enterprise system c) Entrenchment of private and communal property d) Principle of constitutionally mandated privatization e) Limits on public property and accountability f) Requirements for a balanced budget with procedures for exceptions <p>Provision shall be made for the automatic reception of prevailing international law</p>	<p>Separation of Powers</p> <p>Economic Constitution</p> <p>International Law</p>

1	IFP	Church and State should be totally separate South Africa should be social but not a socialist state. For more specific reference see the IFP proposals to the WTC.	Separation between Church and State Type of State
NO	ORGANISATION	SUBMISSION	CATEGORY
2	Department of environmental affairs and tourism	The environment is of such importance that serious consideration should be given to embody a healthy environment in the preamble of the constitution.	Preamble
3	Pretoria Budhist Group	The issue of the relation between the state and religious organisations should be dealt with. For further reference refer to the Declaration on Religious Rights and Responsibilities.	Separation between church and state
4	Jam'iatul Ulama (Natal)	Two passages from the National Anthem which cannot be pronounced by Muslims because they contravene the belief of the Islamic Doctrine of monotheism.	Name & Symbols
NO	INDIVIDUAL	SUBMISSION	CATEGORY
5	W S Bennett	The people of the Republic of South Africa have little, if any, contact with parliament.	Accountable Government
6	E R Jenkins	Language rights should continue to be individual rights. The 11 official languages should remain. Emphasis on protecting languages should be moved to putting languages to use. A national policy for languages should be developed. PANSALE should be kept. The Constitution should make it possible for the State to grant subsidies which are based on language criteria.	Language
7	M S Dimba	We must have a proper and pure democracy. I believe that South Africa must be a unitary state.	Democracy Character of State

8	G B D Mcintosh	<p>The constitution should introduce a strong component which is based on geographic constituencies at both provincial and national levels which would enrich our democratic culture.</p> <p>The size of central and provincial government could be reduced. The number of cabinet ministers could also be reduced.</p> <p>Human Rights have to be derived in the Preamble.</p>	<p>Democracy</p> <p>Character of the State</p> <p>Preamble</p>
9	K R Maughan-Brown	<p>The new constitution should be formulated in such a way as to accommodate the concept of Electronic Direct Democracy and its future implementation which would result in the character of the state.</p>	<p>Democracy & character of state</p>
10	Rev MA Mncwabe	<p>State salaries should be paid to Ministers of Religion.</p> <p>The state should position the role of the Church centrally.</p>	<p>Separation between the Church and the State</p>
11	B J Mnisi	<p>Everybody must be equal in the eyes of the law.</p> <p>The G.N.U should continue to exist and there should be a head of state who would take decisions.</p>	<p>Equality</p> <p>Character of state</p>
12	R B Porteous	<p>The constitution should contain a clause which states that the government "shall make no law respecting an establishment of religion"</p>	<p>Separation between church and state</p>
13	Prof. M H Prozesky	<p>There must be a genuine separation between the state and the church.</p> <p>The provisions made in the interim constitution for the above must be retained in the final constitution.</p> <p>The first six words in the Preamble of the interim constitution should be replaced because they infringe the key principle of constitutional neutrality.</p>	<p>Separation between church and state</p> <p>Preamble</p>
14	T M Shaku	<p>All languages which will be promoted by the PANSALC should be listed. Provision must be made for the correct use and pronunciation of the African languages.</p>	<p>Language</p>

15	R Southall	In order for democracy to survive the vision of genuine liberation needs to be kept alive.	Democracy
16	Sratten P & N	Emphasis must be placed on Democracy at local government level. The state should have an open, honest, fair, positive and progressive nature.	Democracy Character of the State
17	E T M Tshigeng	The statehood of the country should embrace local custom.	Character of the State
18	D Verster	The principles of the Bill of Rights, encompassing in itself the principles of democracy, must be enforced. The principles of the Bill of Rights, protected by the Constitution, must be the deciding factor as to the character of state.	Democracy The character of state