

CONSTITUTIONAL ASSEMBLY

Theme Committee 1 Meeting

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CHAIRPERSON:

Good morning to you all and welcome to this meeting. A special word of welcome to the sitters representing the United Christian Action, Reverend Peter Hammond and Mr Charl van Wyk. They are going to make an input on behalf of their movement, but before them an opportunity to address us, let me first of all tell you that I am going to deal with the second item on the agenda, apologies and then I am going to give the two gentlemen the opportunity to make their input, and only after that will we deal with the third and fourth item on the agenda, namely the adoption of the meeting, of the minutes of 2 previous meetings and matters arising from those meetings, from those minutes.

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Are there any apologies that any of you would like to be recorded. I have received an apology from Mr Williams. Any other apologies. Dr Nzimande. No other apologies. Thank you those names will be duly recorded. That brings us then to item 5. Once again I want to tell the two gentlemen who are visiting us that they are most welcome, and we are looking forward to listening to them.

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We can make available about 15 minutes for you to make your input, and after that more or less 15 minutes will be given for questions. So who's going to address us. Reverend Hammond, are you going to be the spokesperson. Welcome.

REV HAMMOND:

Thank you, Mr Chairman. We greet each one of you in the precious name of the Lord and Saviour Jesus Christ. On the issue of the Secular States it says the strong conviction of the various members of the United Christian Action, that it would be unacceptable and undemocratic to have a secular state, because the vast majority of the people in this country believe in Almighty God and want an acknowledgement in the constitution. 10

In addition, we believe that any government which refuses to acknowledge its accountability to a higher power, to the highest power in the universe would tend to become a law unto its self. There are over forty countries in the world which are officially Islamic states. Because the majority of the population adheres to Islam and a Muslim religion, therefore we ask, why is it that South Africa cannot be 20

recognized as a country which has Christian principals when over 75% of the people in this country have identified themselves as such. To declare South Africa a country that recognizes Christian principals, a Christian constitutional republic, we would recommend, would in no way infringe upon religious freedoms and the followers of other religions.

Unlike those Islamic states which may forbid the people to have alcohol or eat pork or enforce strict dress codes or not allow Sunday worship, there is no intention in a Christian state to infringe upon the religious liberties and full exercise of religious liberties of other religions. Christian nations such as Zambia and Swaziland, which are near us, have a history of religious toleration of other faiths. We recognize that God has given man free will and personal responsibility, nobody would be forced to become a Christian. In fact, Christianity has a history of religious toleration. There have been many slanderous attacks upon the record of the Christian Church, as we have suggested the need for a country which recognizes Christian principals. But this slanderous attack on the

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history of the Christian Church, is not balanced. The Church has never been perfect, but its track record in history should be remembered for its good achievements as well as for its bad failures. The sins of the Church should never be taken out of their context, blown out of proportion and remembered forever more as if this was the only activity of the Church.

People have always done evil, and this has included many who have claimed to become - to be Christians. 10
However, such evil has never been done because of the Christian faith, but always despite of it, in violation of God's holy laws. The Christian Church, we maintain, has made more positive changes on earth than any other force or movement in the history of the world. The Christian Church numbers amongst its achievement for human rights, the establishment of hospitals. To this day hospitals are still represented by the cross, for good reason. Literacy. Most of the languages of the world were first clarified and put into writing by Christian 20
missionaries, including the Syriac alphabet, for example, was devised only by missionaries. The vast majority of

languages in this country and throughout this continent were first clarified and put into writing by Christians, the greatest amount of literacy work and translation work in the world has been done by Christians.

More schools and universities have been started by Christians than any other group, in fact universities are a Christian innovation. The elevation of women from second-class status, that they were kept in by other religions is another of the great achievements of Christianity. The abolition of slavery is an achievement of the Christian Church. The abolition of cannibalism and child sacrifice and widow burning and many other evils, social evils have been achieved by the Christian Church. The Christian Church has often been the supreme, and many times the only, force in restraining mans inhumanity towards man. Almost every civilization and country had slavery and human-sacrifice before the Christian influence came in. Those countries, which include, which enjoy the most civil liberties are generally those lands where the gospel of Jesus Christ has penetrated the most. The whole concept of charity was a Christian innovation. The

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Church of Jesus Christ has done more than any other institution in history, to alleviate poverty and suffering.

Before Christ, this interested benevolence to strangers was unknown, but where the Bible became known, compassionate generosity and unselfish sacrifice flourished. Every day and night, many Christians are picking up the casualties of society, giving them a bath and meal and a bed for the night and many other things.

Christians have always been at the very forefront of relief aid, caring for widows and orphans and for refugees. And accordingly we believe a Christian Republic based upon the law of Christ, love your neighbour as yourself, do unto others what you would have them do to you, would provide the best safeguards against theft, exploitation, rape, murder and other social evils. We believe that a Godless state will be a hopeless state. Over 44 states this century have declared themselves Atheistic or secular states. In every single case religious persecution and oppression has followed.

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All the written constitutional guarantees of freedom of

expression, freedom of the press, freedom of religion by association and freedom of movement in the Soviet constitution, or even the Cuban constitution, proved to be ineffectual. Also in Ethiopia, also in Angola in Mozambique in Albania in Poland, most of these countries I have been in personally and seen the incredible sufferings and human repression that has been experienced in those secular states. The most recent that we found was in one secular state in the Caribbean, in Cuba, in the name of the secular state, they are repressing the House Church Movement. There are over 5000 House Churches in Cuba and they have closed down 86 Churches recently for being illegal and illicit, including the arrest of a popular Pentecostal pastor, Orson Villa, for running an illegal unregistered church.

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They can't get their churches registered easily because of tremendous difficulties and also they cannot even get permission to build new churches, even if they had the funds to do so because of the peculiar situation they're in. But these House Churches, which are the only places of worship for many tens of thousands of people in Cuba

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have been repressively closed and there's a very vigorous move right now to close down the 5000 House Churches in Cuba. Therefore, we say that it is the secular states that have a history of oppression and a history of abusive human rights, and we believe one of the greatest protections for human rights would be a state that isn't a state that claims to be Christian, it isn't a state that claims that everybody in this country needs to be a Christian, it's not a state that seeks privileges or exclusivity for Christians. No, what we want is a state which holds to the right to life of pre-born babies, religious freedom, right to decency, right to protection from abuse and exploitation, Christian responsibility, assault and life, to honour God and to love our neighbours.

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We want a state where God is recognized as the highest source of authority, where the biblical principals are applied as a foundation for all law, we do not believe that one can do better than the Ten Commandments, respect for life, respect for property, respect for reputation, all this is protected by the Ten Commands, we believe the Ten Commands is the finest foundation for law in the world.

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We believe that a state that honours God should be committed to upholding the right to life of the innocent including pre-born babies, that would show love and concern for our neighbours by upholding human dignity and moral standards, that it will protect people, especially women and children from exploitation and abuse, such as pornography, that would effectively deter crime by prompt and appropriate punishment of criminals and that would respect the parental responsibility for education of their children and therefore parental authority over the schools. 10

And therefore, we believe that it is vital that we do not have a secular state, but a state that recognizes Christian principals. We have provided as documentation, this manual which includes many Church documents such as the Confess to Vote Affirmation (*sic*) of 1991 and the Christianity and Religious Freedom documents of 1992, which specially request the leaders of this land to formulate laws that will acknowledge Almighty God in the constitution of the country.

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This documents the Christianity and Religious Freedom documents on page 10 or 11, actually has been

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supported by over 230 000 signatures, making the Christianity and Religious Freedom document the most popularly religious document in South Africa. There's been no similar expression of mass support for the removal of God from the constitution. The march on parliaments by over 20 000 Christians which is depicted on the covers of this document on the 30th May, again reminds us of the fact that Christianity will not divide this country. Christianity will unite this country. We saw on the 30th May the greatest expression of racial harmony, religious tolerance, it was a peaceful march, no damage to property, a good spirit. What we saw there was people of all ages, all race groups, all denominations working together, saying we want God to bless our country. And we see this as positive. There's been no similar expression of mass support for the removal of God from our constitution or for South Africa to be termed a secular state. It would seem that as in the case of the flood of pornography being allowed into our country, that basically the will of the majority is being ignored and that a tiny minority of elite experts are seeking to impose their will upon the majority of our expressed convictions. God has

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ordained three distinct institutions for the good ordering of society, family government, Church government and civil government.

Each is accountable to God, each is under God, we believe in the separation of Church and state, in the sense of separation of functions, the Church is the minister of grace, the state is the minister of justice. There's a difference. But we do not believe in the separation of state and God. The state is under God, just as the family and the Churches and each are answerable and accountable to Him. Therefore it is our request that this committee strongly recommend that we have a constitution that respects the right of the majority of this - of the citizens of this country, to have Almighty God honoured and acknowledged in the constitution, and that the religious convictions of the Christian majority in this country be honoured. This, we must hasten to add, in no way infringes upon the full religious liberties of all other religions. We have no intention of one denomination being elevated above the other, we are, have no intention of Christianity seeking privileges over other religions. We

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want Muslims and Hindus and Atheists to have the fullest liberty for their religious or nonreligious convictions, but what we want is the will of the majority of the population recognized and that is that Almighty God rules over the nations, he is the King of Kings and the Lord of Lords, there is no hope without the Prince of Peace, and therefore we want to find it in our laws. Thank you Mr Chairman.

CHAIRPERSON:

Thank you Rev Hammond. Actually you used only just over 11 minutes of the time allocated to you, so I would like to learn from Mr van Wyk if he wants to add anything. Mr van Wyk.

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MR VAN WYK:

Thank you Mr Chairman. Thanks for the privilege that we can come before you this morning. I would just like to make a few comments, and that is that in Germany under Hitler, the Jews were disenfranchised, and what many people don't know is that the Christians were next. What we have to ask ourselves is why this would take place, and the reason there is that both of these Christianity and Jews believe that there is a sovereign who govern, and all

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governments are responsible to that sovereign and you cannot have a dual allegiance to God and to the State.

We believe that there is no Utopia, we are quite happy with that, we understand that. The reason for that is because we believe in sin and we believe in a decentralized society and a decentralized government, because man takes over the weaker elements of society, where much power is in the hands of too few people. We see Jesus Christ as our Lord and Saviour. He was born a King, and civil governments, instituted by God, are there to punish the evil and to promote the good. What standard is this state going to use to distinguish between good and evil? Is it going to use man or God's word? What we are going to ask, we have to ask ourselves it, who is going to rule. Is it going to be God or is it going to be man. We have to also state that we are not calling for Iranian rule, where religious rulers rule in South Africa, we are not wanting that at all. We must have a jurisdictional separation between Church and state.

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State has no business in involving itself in the sacramental

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aspects of the government of the Church, just like the Church has no business directing the state in imposing upon the citizenry a certain form of ecclesiastical establishment. The Church has the power of the keys that is to heaven, and the state has the power of the sword, as Reverend Hammond has already stated. They are both under the sovereign rule of God and we have one standard of righteousness and that is the Word of God. Thank you very much, Mr Chairman.

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CHAIRPERSON:

Thank you, Mr van Wyk. Now, Ladies and Gentlemen, colleagues, it's now question time. I have said earlier and I would like to repeat it again that I am going to allow about 15 minutes for questions. My - The first name that I've got on my list is my friend next to me, Mr Mahlangu. Mr Mahlangu. And then I see Mr Niehaus. Mr Kekana.

MR MAHLANGU:

Thank you, Mr Chairperson. Mr Chairperson I just want to ask the - our Honourable guest whether if one removes the word - secular state - we just say there will be a freedom of religion in this country? Will that solve their problem, in the first place. In the second place is, if one

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then allows every religion to participate in any man, in other words not oppressing as it's alleged in Cuba or any other state, let's say we allow anybody to pray in the manner he likes, at any time and he uses the government facilities as he pleases, will that solve the whole problem against the question of a secular state when it is removed, we just talk of freedom of religion. Thank you.

CHAIRPERSON:

Who's going to respond? Reverend Hammond.

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REV HAMMOND:

If I may be first Mr Chairman. It would certainly be preferable to avoid the words - secular state - but we believe to ignore God is also breaching the First Commandment, we are to have no other gods before us, that includes humanism or man or parliament as a god as the high source of authority. We believe that God must be acknowledged and, yes, we do want freedom of religion for all religions, obviously we are representing the Christian Church, especially the Bible-believing Protestant or evangelical community. But it is our concern that all religions be tolerated, including Islam and so on, we want, we want the freedom for Muslims in this country that we

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would like to see for Christians in their countries.

Nevertheless, it would be vital to us that God be honoured and that His laws be respected in the constitution. We don't see what is unreasonable about that, because the Ten commands is very reasonable. Don't kill, don't steal, don't bear false witness, it's only positive laws, and we are not speaking about pushing our denominational distinctiveness, not at all, we don't want a denominational rule, we don't want an election-crazy. What we want is just a nation that recognizes Christian principals, and acknowledges Almighty God.

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Therefore opening prayer in opening parliament in prayer, name Almighty God is a good tangible reminder to all rulers that they are not the ultimate law in the universe or the ultimate source of authority, but they are seeking God's blessing on this nation and this is our design. Thank you sir.

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CHAIRPERSON:

Thank you Reverend. Just one moment. I've noticed that in the meantime we've been joined by our delegation from

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Bloemfontein, under the leadership of the Premier of the Free State Province, Mr Lekota. I would like to welcome you all here, you are going to be given the opportunity to address us at 10:30. I understand that you are looking for a place to work for an office, my office is available on the second floor, Room 240, all that you need to do is to push all the papers a little bit aside on the desk. Thank you. It's okay. You can add now.

MR VAN WYK:

Thank you Mr Chairman. There's something that we have to say just concerning the question that the gentleman asked us, and that is secular humanism is a religion and it is registered as such in America. And that is, it is a religion that defies man, man is seen as the top of the structure, and man decides on what is going to happen and man is the ultimate authority according to this religion. What we're saying is we don't want that. We want man to realize that there is a greater authority than him and we live according to that Sovereign's principals. Thank you very much.

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CHAIRPERSON:

Thank you Mr van Wyk, I, the next name that I have on

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my list is Mr Niehaus' name and then after that Mr Kekana.
Mr Niehaus.

MR NIEHAUS:

Thank you Chairperson. Chairperson, it seems that we have a bit of a fixation on this word, secular, and I would like to ask Reverend Hammond and also Mr van Wyk, if they can please give us an indication of what definition of this word secular they're using, because I've had a look at the dictionary, I've had a look at the encyclopedia on religious terms, and there seems to be many different definitions of what secular means. Among those definitions, were also these simpler definitions which say that 'not a particular reference to God or to a deity, but an acceptance of the right to freedom of religion and the right to freedom of expression of that religion to all those in a particular state.'

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Now that definition seemed to me to be different from the definition that had been used by Reverend Hammond. If we then also take into consideration that there are states that are secular states in Europe for example, such as the Netherlands, which will be very different from the kind of

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definitions and examples that Reverend Hammond has given us here, so how does he relate to that particular example. And then further on, we must accept that the particular presentation of Christianity that Reverend Hammond and Mr van Wyk represents here is not representative of all Christians in South Africa, there are a wide variety of different expressions of Christianity. Now, a phrase that had been used by Reverend Hammond a number of times has been "God be honoured and His laws respected" and then there were particular reference to issues such as homosexuality, abortion, the right to life and I see also in the forward, there's a reference to AIDS.

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Now I would just like to know whether the particular interpretation that is given by your side of the Christians that are represented in South Africa, how you would like to see that being set out in the constitution. And whether you don't feel that if you actually follow that interpretation that you give, that it will then mean not only an imposition on people who are Christians but who have another interpretation of God's law, first of all and then secondly, also a very serious imposition, are people who may not

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be Christians and of people of other faiths.

Lastly, then Chairperson, if one follows the definition of secularity that I have mentioned, on secular state and also examples such as the Netherlands, what is the problem with having a state with religious freedom as defined in those examples, and why should it then be necessary to have the name of God specifically mentioned in the constitution, firstly in order to honour God and secondly in order secure that Christians are able to practise their faith freely, and in a free society like everyone else, and isn't there a possibility that people of other faiths may indeed feel that they are being excluded by such a reference in the constitution. I've asked people of other faiths this question and in many instances I've in fact received the answer that they will feel that exclusion. Why should one do that if there's no imposition on freedom of faith in terms of the definitions that I have given you.

Thank you.

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CHAIRPERSON:

Reverend Hammond.

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REV HAMMOND:

Thank you, Mr Chairman. Thank you, Mr Niehaus, we appreciate those questions and the opportunity to clarify our position. First of all, we have been amazed at the broad base of support for these principals that we represent. For example, I never expected anything like the turn out we had on the march of parliament on the 30th of May, and in that march we had a wide body of people of every kind of denomination, although we ourselves represent the Protestant faith, holding to the reformed tradition, yet we saw there, Roman Catholics and Anglicans and Methodists and a wide variety in that march.

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Not only that, but in the Christian to religious document we have found people of other faiths supporting it. When we had a march in parliament against pornography on 11 April, you will recall there was a large party of Muslims in that march, and we spoke to some Muslim believers who have said how they see no problem with and agree that why shouldn't there be acknowledgement the Christian God in South African constitution. I'm sure there's a wide variety of opinions in South Africa, you can have four

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people in a room and you can have five political opinions, so we know that we've got a great tradition of debate, both religiously and politically. We do not pretend to speak for the vast majority of people in this country, let alone Christians, however, on this particular point, I believe that the majority of people are in agreement on these, on the narrow issues we're speaking about. It is not our desire to impose specific Christian denomination issues. This is not about eschatology, Church government, modes of baptism or modes of worship. All we are speaking about here are simple facts of God's name being honoured in the constitution, pre-born babies being protected from abortion, women being protected from pornography.

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We are speaking about simple issues on which a wide variety of people agree. We have limited our focus, we have limited our agenda on these issues. What we believe is important about a state that recognizes Christian values, notice I do not say a Christian state because I don't think we could have a Christian state on this side of heaven, I'm saying a state that recognizes

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Christian beliefs of the population. To us therejs a vast difference between the United States constitution saying we recognize that our Creator, Creator capital lCk, has endowed us with certain inalienable rights, and a government saying, we grant these rights.

A government who gives rights to people can change or aggregate those rights and we believe that the government should not give us rights or give us a Bill of Rights. A government should recognize inalienable rights 10 from a Creator who is way beyond their own power and therefore these rights are fixed and cannot be changed, and to us it is very dangerous when rights are granted by government and not recognized by the government, therefore we support inalienable rights endowed by our Creator, that kind of phrase like in the US constitution is an ideal one. As far as the Netherlands goes, we do see - it is a secular state of a different hew to Cuba or Albania or Ethiopia, obviously we were using extreme examples, we recognize nothing, not all secular states are the same 20 extreme but nevertheless that is a concern.

I donjt believe that that would be an immediate problem in this country, but why set, why follow in the steps of failure. But the Netherlands does have abortion all through nine months, it does have euthanasia, voluntary and involuntary and assisted suicide, legalized, and it even has lowered the age of consent for sex down to 12 years old, which is child abuse in this country, and I believe therejs moves to bring it down to 8 years old and, to us, that is another unacceptable side of a secular state that the moral degeneration and erosion of the family, 10 which we believe would bring the curse of God upon nation. We recognize that God is sovereign over the nation and we depend on Him for rain, for example, and we have national days of prayer and humiliation when therejs no rain, because we recognize the nation as a whole is accountable to God and we need to trust God and seek him and repent of sins when we see that God in withholding rain from our land and perhaps Hejs using it to draw to our attention national sins, and for this reason we can see that in our history we have recognized God 20 controls even things like the weather and therefore there

are crop failures.

So, we believe that it is vital that God is honoured in the constitution if we want God's blessing in our land.

CHAIRPERSON:

Ladies and Gentlemen, we are running out of time and I still have the following names on my list. The next one is Mr Kekana. Then I'm going to give Sister Bennett an opportunity, after that Mr Booie and then Dr Mulder. And may I also appeal to Rev Hammond to try to respond more briefly. Mr Kekana, you're next.

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MR NIEHAUS:

Chairperson, sorry if I could just ask one follow-up question.

CHAIRPERSON:

Would you like to follow up. Okay, it's Mr Niehaus again.

MR NIEHAUS:

Thank you. Can I just ask, are you proposing that a constitution, in your definition that should honour God's laws, must then include specific clauses against, for example, homosexuality, specific clauses defending the

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right to life against a pro-choice position, and I don't know where or how, but there's also this reference to AIDS, are you also suggesting something? In your forward you mentioned a lot of things that, according to you, that we face the great moral challenges of our day, including the symptoms of moral sickness, and amongst that you then also mention the problem of AIDS.

But more specifically this homosexuality and abortion, do you actually say there should then be clauses in that constitution which very specifically outlaw homosexuality and then also specifically define the right of life against the pro-choice position.

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CHAIRPERSON:

Reverend.

REVHAMMOND:

Thank you Mr Chairman. Mr Niehaus, yes, in this manual you will find our view very well spelt out on most of these issues, with direct appeals to governments on suggestions and we've even included, for example, the Lusaka declaration and the Indoma (sic) declaration to bring a

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Zambian flavour on that.

It is not our intention to specifically mention homosexuality in the constitution, I would just prefer that they not be given special privileges, for example, the recognizing homosexual marriages or adoption of children. We would oppose that. So I would not see the need to wage war against homosexuals, or infringe on their rights, let them have the same law and the same protection from slander, the same right to life, the same right to property as 10 anyone else but we would oppose them receiving privileges that somehow or another they are going to receive a special position.

As far as the issue of AIDS goes, I don't think it's dealt with here, except that we are obviously opposed to immorality and the propagation of it through dishing out of condoms to school children against their parents' wishes and so on. As far as abortion, pornography goes.

Yes, we see that it's vital that the right to life of all 20 innocent people be protected, especially pre born babies,

and of course the right for women to be protected from exploitation abuse especially from pornography should be in the constitution, simply because we stand for the right to decency and the right to life and the right to protection. Thank you.

CHAIRPERSON:

Thank you Reverend. Mr Kekana.

MR KEKANA:

Thank you. Your opening statement on the fact that you mentioned that the fundamentalists and the Islamic states in those countries, have this negative practices and, however you agree that there is a need, you know, for, of course, an Islamic state on the other hand, you use that same argument to say that why in South Africa should we not have something that, to me sounded like, a Christian state, although you are now, I believe you are now retracting from that, but what I found quite disturbing in your submission is this one-sided definition or interpretation of history.

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Christianity has done all good to humankind. There were

no evils committed in the name of Christianity. That is the impression that I am getting and having being a person who comes from anti-apartheid organization, I find it quite disturbing that the likes of, you know, the people that you are talking about, the majority that you are talking about, they were not there when we were condemning apartheid. In fact they were silent, conspicuously silent when apartheid was condemned, and apartheid having been used and being used by Christians, I find it quite disturbing frankly, to hear a one-sided view from a religious person like you, on history. However, I think my question relates more, let me say also that it is encouraging to, for your to quote majority rule in saying, or not majority rule that majoritism that there is the majority of people believe in this, the majority of people believe in that. And I think that, that on principal you need to apply in all cases.

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20 000 to me is not majority view, there are other people who could pull a bigger crowd than yours. But Ijm not really going to base my question on that. My question ...

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CHAIRPERSON: Mr Kekana, can we please get to the question now?

MR KEKANA: Okay, my question relates to the interim Constitution. The preamble mentioned, I quote in humble submission to Almighty God, we the people of South Africa declare have you got any problem with that. Secondly the national anthem talks about God bless Africa have you got any problem with that. And thirdly, the morals, the values that you are talking about, moral values that you are talking about, thy shalt not kill and so on. I believe that it is the views of any other religion it is not specifically Christian beliefs and as such your motivation that you know we need to put much more than is what is in the preamble.

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I find it quite disturbing because then you wouldn't be different from those fundamentalists that you mentioned as evil.

CHAIRPERSON: Seeing as Mr Kekana made a fairly long input but he posed only a few questions to you, can we just stick to

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the questions.

REVHAMMOND:

Thank you, Mr Chairman. I will endeavour to do so. If I could just begin with my definition of secular states I noticed that I didn't give earlier to Mr Niehaus. Amongst the different dictionary definitions, I've noticed in Oxford dictionary, one of the options they put there is a secular state is one that is hostile to Christian - hostile to religious values and religious education.

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That is the definition we are concerned about. That if it is hostile to religious education and values that would be a problem, obviously other people have different definitions and it would need to be very clearly spelt out what one means. As far as the Christian history goes being one-sided, if I can just read again what I said was that, the Church has never been perfect, it's track record in history should be remembered for its good achievements as well as its bad failures. The sins of the Church should not be taken out of context, blown out of proportion, remembered for evermore.

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And it continued saying that people have always done evil, this has included many, quite a few Christians, so I did not claim a on-sided history, I was just trying to set the record straight in that secular state debate of those who tried to suggest that Christianity has a great history of repression. I claim those repressions had been done in spite of Christianity in violation of its laws and its not the majority position of the Church. As far as the anti-apartheid side goes, there was an enormous amount of people in our march who voted for anti-apartheid parties, 10 but there was an enormous majority of our people who were taking part in many (inaudible) ...

You know, I was marching against the previous government a short while ago and there were people who were members of the majority party and so on. So we mustn't start to colour this and say that, what we are dealing with here is a bunch of people who are repressive and harking after some kind of pre-situation, not at all, we want to be progressive and head for something far better 20 than anything we've ever had before. A state which

acknowledges Christian principals, and in humble submission to Almighty God, we like that phrase, we believe that's good, we'd like it to say "God bless Africa".

This is our whole principal, we want God to bless South Africa and we haven't changed our request for a Christian state we have, that's theological shorthand, we don't want a Christian state, because we recognize that it isn't actually possible unless everyone is a Christian, which isn't going to happen this side of the millennium, but what we want is a state that recognizes biblical values, the authority of Almighty God. As far as Islam goes, we are not seeking the same thing as the fundamentalists in Iran or in any other of the other Muslim states like Sudan.

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What we - we are not intending to regulate peoples clothing or their drinking habits, we are not seeking to flog people for their bathing costumes, or something like this, what we are after is simple things such as right to life and right to decency and that's what we've limited it to and this document includes direct pleas to the government

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and it includes some suggestions and it's a discussion document and I hope it will, have people see it is a great positive input that Christians can make into this debate. Because we do have a history of fighting for civil liberties through the last 2000 years, and we believe it should be acknowledged and respected. Thank you sir.

CHAIRPERSON:

Thank you, Reverend. Sister Bennett.

S BENNET:

Thank you Chairperson. Sometimes when one is listening to submissions one actually, you get more or less like, maybe let me just put it straight. Do you really recognize that if this present government was put in place by people who were driven by the principals and values of the kingdom, do you believe in that. And secondly, the majority of South Africans we are talking about who voted for this government in place, are Christians and sometimes when we more or less listen as people give us submission it looks like you are talking to some pagan government that does not know much about what God is all about and we are more or less taken as if God is an

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entity of some church that is coming.

People, I also believe that, Christianity is not a homogenous one, a united issue. We are so divided within Christian beliefs. I could even speak of why in the middle of the heaviest of the struggle to these kingdom values that we are actually today trying to implement in the country. It was that sub - we are divided even within Churches, Christian Churches about what is a Church State, a theology, what is Church theology, and what is prophetic theology. And even today, that's for these reasons that most of the Churches are picking up issues, not a holistic approach of actually bringing the kingdom values to people. You speak of pornography somewhere there, because it's something that actually doesn't challenge, doesn't do much.

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We are actually dealing with a society that has been plunged in - lost it's dignity, lost it's direction, lost its identity. Those issues for me are more important than actually arguing with the poor, what is pornography. I am

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dealing with an issue that actually protects life but you -
Ijm coming at the Churches today to speak about issues
that more or less are not holistically approaching the
whole kingdom values. You know. And in the name of
Christ, anything can be said, anything can be done. We
know that. Thank you so much.

CHAIRPERSON:

Thank you, we - all that we have, time that we have left
now is four-and-a-half minutes, and I'm going to give our
friends, visitors, an opportunity to respond to the sister, 10
then I am going to go give Mr Booie an opportunity and Dr
Mulder. And please can we be brief.

REVVHAMMOND:

Thank you Mr Chairman. Mam, we most certainly do
stand for a holistic approach to the Gospel, we do stand
for kingdom values, that is why we are here, that is why
we are trying to interact with government and I know that
may not be so with all, but myself as a Christian over the
last 17 years, although for the last 14 years in the ministry,
I have been very much involved in taking food, clothing, 20
medical supplies to the most downtrodden of society, and

seeking in every way to assist the suffering and the oppressed.

What I do agree that the majority of the people who voted for this present government are confessing and true, in many ways, Christians. But I will state this, it is clear that the majority of people who voted for this government and the major parties in parliament, did not give them a mandate to legalize pornography. That was not on the agenda, they didn't give them a mandate to kill unborn babies, that wasn't on the agenda. What they gave them a mandate for was to get rid of apartheid and all its vestiges, that was it. There was no mandates given to make a secular state or to kick God out of the constitution or to abolish prayer, and put those things on the agenda, have a referendum on it, discuss those things directly and I will think you will find the majority of the supporters of the majority of parties in parliament don't support the pornography and the abortion which we see being propagated. You ask, do we see this as a pagan government. Ma'am we have no doubt that there are

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many fine Christians in parliament and we hear, with joy, of the bible studies and prayer meetings taking place here and this encourages us.

However, when we look at the fruit of this government, we are deeply disturbed that our streets are overflowing with pornography and on the radio this morning I hear they are planning to submit to parliament a suggestion of legalizing of abortion. This is horrific. Abortion is not just the discrimination on the basis of age, but it doesn't just take away the right to vote, it takes away their life. It kills unborn babies and we, today, are offended by apartheid. I tell you future generations will be horrified at this generation if we legalize abortion and so we say if this government is Christian, let us see it by its fruits, as our Lord asked. 10

CHAIRPERSON:

Thank you, Mr Boo. I know that you can be very ...

MR BOOI:

No, I will be very short, I don't want to be long, but I just want to make one thing. That the Monday, that before the 20

march, there was a like a submission by many religious infrastructures of the country, where they're debating about the issue of secular state. And then what was disturbing is that all the time that you were talking about the march itself, it was based on a rumour. It was not based on submission that had been made to the Theme Committee itself and I want you to verify that.

I mean at no stage, before that time has this Theme Committee said what you said and the march that you are claiming was a success, if you look at the posters and the word that was going around, it was not based on the fact that it is a secular state, it is based on what, the sisterjs made the point, now there is a belief that there are no Christians in the particular parliament. They are communists and they are the ones that are busy trying to change, I mean like the constitution into their own thing and this is what we are saying, it's not truth, you see, it was no truth at all that we've agreed on the secular state, it was no truth at all that we are not Christians, I mean at this level of government, and I wanted to comment on

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that.

REVVHAMMOND:

Thank you Mr Chairman. I think that it was not based on rumour actually, but on the written suggestions of the Theme Committee, that was Theme Committee One's supplementary report to the amended report to Theme Committee 1, 28 February. There was put there the, South Africa shall be a secular state and they actually mentioned no reference to deities and itjs put in a question form, but the point of the questions were asked 10 should the state allow religious observances in itjs institutions, would religious office bearers be barred from holding office of state.

We wonder if we had'nt brought up this issue and marched if people would be so reasonable in their responses now. Our impression at this stage is that we have moved them to a time of street politics where if you donjt demonstrate and make your views strongly made, it could be steamrolled over and therefore we are deeply 20 concerned that these questions could have even been

raised as to suggesting that religious office bearers not be allowed in the state and so on. And these weren't rumours, these were written questions which were put forward and we realized the debates still open, the submission deadline was the 31st May as far as we understood, and therefore it was important to put our input in, in a healthy interaction.

We cannot question people's motives, we would like to believe the very best of everyone here, we want God to bless our country, therefore we wanted to have a positive input. Thank you sir.

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CHAIRPERSON:

Please, we are already using the time that we have made available to our other delegation, so Mr Booi if you want to follow up three or four words, please, and a very brief reply please.

MR BOOI:

I just want to say that it looks as if there's still a lack of knowledge of the processes that are taking place here, submissions have to be made by parties and we are not here to block any party who says they would like to have

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a secular state. It's our duty to listen to them and it's out of that nature that our report has risen, and questions have been risen. There was no way that we would have stopped anybody and that's why I'm saying that, that - I mean, I still say that the march could, can't be used here as a decisive march but it has proven that Christianity, I mean Christians like the secular state, it was even through them that came out of it.

We are not slogans based on a secular state. If you are saying that it has to be contested, submissions are in front of us and that is what we will be looking at. That others submissions persuading us to say that there should be a secular state or not. But on that particular note I just want to say that the rumour is still standing that you are mobilizing and moving along people around a wrong, like understanding that we have agreed upon that position and we have not done that at this stage.

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CHAIRPERSON:

Well, that was a statement of clarification, you needn't respond to that unless you wish to when you respond to

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Dr Mulder, who is now going to be our last questioner.

DR MULDER:

Most of my questions have been answered, but just this. If I listen to the debate and I would like to take part in that part of the debate, but I'm going to this part. I think the argument boils down to the definitions in the end. And Mr Niehaus asked it and I think it's come to the front more and more. And personally I think it was sorry that the word secular was used in the beginning because the whole total debate was confused after that. Now the 10 different definitions, Mr Niehaus gave the definition there that seems innocent there in a sense, you gave a definition that says it can be hostile toward Christian values, and that makes me nervous in the end because in the final analysis this constitution must be interpreted by a Constitutional Court, and they don't hear this debate so maybe the Constitutional Court may at one stage, if the constitution is written wrongly, interpret the constitution hostile towards Christian values, and make up certain 20 decisions that's been done in other countries and I think that's, from my point of view, the risk at the moment.

Now, you said acknowledgement of God in the constitution, God must be honoured in the constitution. Now, if it is in the preamble, is it being read to you by one here, in humble submission etc. etc. Will you still define it as a secular state then. Is that enough, do we need much more or your interpretation from that point of view, because we must solve it in the end in writing the constitution, that is the technical part that we must do.

CHAIRPERSON:

Right Reverend.

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REVVHAMMOND:

Thank you sir, in the interests of time I would just draw one's attention forward to look at the Christian and religious freedom document, which was signed by the 230 000 people in this country, which speaks of the freedoms that we want, the freedom to proclaim the Lord Jesus Christ as the only media, the freedom to point out, to proclaim the God of the Bible to be the true and living God, to educate our children according to our faith, it's very, education is of course key here.

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So in humble submission to Almighty God in the beginning of the constitution is good, but we do need more. Because as we know, words alone are not enough, we do need to have protection. In the past we had that phrase, but we didn't have all the fruit that we would like to see at all and there's many evils which we want to see addressed and therefore some of these freedoms we've listed out here, also the Cape Town declaration of freedom later also, we think, spells it out our opposition boldly. Thank you sir.

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CHAIRPERSON:

Thank you very much, Rev Hammond, Mr van Wyk, thank you for having made time available to come and meet with us, for the submissions that you've made to us, for the document that you have placed at our disposal, and for the way in which you responded to the questions. May I wish you well with all your endeavours wherever you go throughout our country. Thank you.

REVVHAMMOND:

Thank you Mr Chairman.

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CHAIRPERSON:

Allow me to once again to extend a word of hearty welcome to our visitors from the Free State. We are in particular honoured to be - to have as leader of the delegation, the premier of the Free State Mr Lekota. Thank you very much for being here. I must say that I have a soft spot for Bloemfontein because that is the birth place of my wife. I married her fifty-seven years ago we are still happily married and if there's one thing that's certain and that is that you produce good women. I would like to give here an opportunity now to introduce your delegation to the meeting. The members.

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MR LEKOTA:

We are very grateful that the committee gave us an opportunity to appear before it. With me is, to my left, Mr Peter Hancock, who has just completed a thesis on the subject we are about to deal with. To my right is Mr Magoshulo (sic) who is a consultant and who works very closely with Mr Haycock, and then we have also Mr Krog, who's a constitutional expert and consultant to us, and a member of the Law Society of the Free State. I may indicate that this is not the full complement of our team,

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but it will become clear why that is so at a later stage as we make our presentation. Thank you.

CHAIRPERSON:

Thank you Mr Premier. We are going to treat you more or less in the same way that we treated the other people who came to make bids, Pretoria, Cape Town and Midrand, by giving you about twenty minutes to make an input and after that I'll allow about twenty minutes again for questions. Now who is going to be your spokesperson.

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MR LEKOTA:

Mr Chairman, I will make the main presentation and we will tackle whatever questions are raised together as a team.

CHAIRPERSON:

Sir, you're welcome, you may proceed now.

MR LEKOTA:

Thank you very much. Mr Chairman, we wish to start off by indicating that we are very grateful for the opportunity to appear before the committee. The question of the seat of government is a very significant one, and the fact that the committee saw it fit even in spite of the deadline to

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allow us to appear here shows clearly that the committee itself realizes how important this matter is. Our approach is set out - first of all the initial documentation we sent was this copy of this nature, I believe that is also been made available to everybody. We will deal with this at a later stage in more detail.

We have also, we have given out, I believe everybody has a copy of this document, that is the document that I would like to address myself to very quickly, and I wish to ask the members to refer immediately to page 2 or the page marked 2 at the top. Mr Chairman, the submission, our submission is that there is a philosophy behind the setting up of seats of government, that a study of capitals of seats of government from ancient times to our day, through the world, will show certain indicators or consideration which are vital in this matter, the first point is that of financial considerations.

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This question of the seat of government has to do with expenditure of the tax-payers money. And the intention of

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government is always to spend the tax-payers money as thriftily as possible, and it will be, it is our submission that Bloemfontein makes it possible to spend the least amount of money in running government, if the seat of government was there. Indeed, our view is that even the administration ought, in ideal conditions, be situated there. A look at the map that is in page 1 of this document, shows immediately that Bloemfontein is accessible to the majority of the major cities of the country, it's almost equal distance to all of them. You can use either the smaller map in this book or you can use also we give some copies of this bigger map, it is of equal distance to most of the centres, the two centres which are somewhat of longish distance would be Cape Town and Pietersburg, the rest of the others are within equal distance to Bloemfontein.

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Secondly, the issue of the defensibility of the seat of government from external attacks, military considerations are always taken into account, and situating the seat of government has tended to always be to the centre of the

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country, which is most inaccessible from external enemies and attacks. That would be the example that would be seen in countries such as the United States. Washington DC would be almost in the centre of the country, Canberra in the case of Australia, New Delhi in the case of India, Abujai in the case of Nigeria and we could come to more examples, Ottawa in the case of Canada. We are saying, therefore, that Bloemfontein will be much more defensible, much more secure seat of government as opposed to others. The third element that we feel is vital, is that the seat of government, to the extent that it is possible must always preserve something of the history and culture of the people of the country, and Bloemfontein is best for this purpose.

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Van die oorsig, oorsig van die Afrikaner gemeenskap, Bloemfontein is die wortel, die sleutel van die Afrikaner stryd, teen Brits imperialisme. En daar ook is gestig die Nasionale Party. From the point of view of the English speaking section of the population, they united the old United Party and the present Democratic Party, who were

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founded there. The present Democratic Party is in fact the old Progressive Party. Yes indeed, yeah. It is so and from the point of view of the African section of the population of the country, the struggle for racial equality began in Bloemfontein and it is traceable there. The ANC's roots are there, and in fact, from that point of view, Bloemfontein unites Africans, inside and beyond the borders of South Africa.

Those in Lesotho, those in Swaziland and those in 10
Botswana, there are paramount chiefs and significant leaders who were involved in that meeting. We would like to see that the seating, the sitting of parliament in Bloemfontein would actually be a tribute to generations of South Africans, black and white, who have come down history in various struggles and it is something, that now that we have found each other. We could set up an memorial of some nature that honours them. Thirdly, we would like that our grandfathers and grandmothers who gathered at Bloemfontein, should remember that when 20
freedom came we didn't forget the humble meeting that

gathered there earlier on.

Then there's a question of the capacity. The capacity of the seat of government, to reconcile and unify the people of the country, that we cannot think of any city that would be able, any seat that would be able to do that better than Bloemfontein. It is not a history of racial tensions to the extent that other parts of the country have got. The region of the Free State generally has enjoyed long periods of stability and peace and we think that, even in the current situation, it continues to be one of the most stable areas of the country and therefore an excellent area where we can bring various differing opinions of the people of our country. There's a point also of the longevity of the life of parliament. When we take the decision to set up parliament, when nations take that decision, it is a decision with long term implications for a nation.

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People usually prefer, nations prefer to build parliament and build it once. And let it survive and survive for

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generations and generations. We think of that both in terms of physical setting and in terms of it's conditions, Bloemfontein is suitable for this. There is a danger, and I'm not intending to run down Gauteng here, if you set up and build and invest the tax-payers money in an area like that, where most of the soil is resting on stumps of wood, because of the tunnels underground, imagine, I'm not intending to, as I say, a major, a major seismic movement could lead to the cracking of buildings and things like that. We would like to avoid that kind of situation. There are of course loyalties, all of us have some loyalties in terms of local geographic situations and things like that, but I think that our view, our view is that in looking at this question, we should look at beyond, beyond local and regional interests. One of the questions that confront nations when this question is being debated, is that of the even distribution of the resources of the country, as even a distribution as is possible. Mr Chairman, the position is that most of the industries of this country are concentrated in Gauteng, of the three-hundred companies that have come back, more than 80%, after the lifting of sanctions,

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more than 80%, in fact more than 90%, have relocated to Gauteng.

The rest of the other parts of the country have very little. We think that the setting up of parliament in a city like Bloemfontein would inject lifesomewhat into the economy of the Free State, the economy of the Northern Cape. Kimberly is essentially dying at the moment. Now we do think that it would inject life into the economy of that province. It would inject life into the economy of the 10 Northern parts of the Eastern Cape. Instead of people drift, everybody is moving towards Gauteng at the present time. Our country is very skew in terms of this development. This decision in terms of our immediate short-term and longer term considerations, could go a long way towards balancing out somewhat the distribution of the resources of the country. We appeal that this matter should be taken into account. Then there's the question of internal stability, the question really of the security of parliament, even against the citizens. Because there are 20 periods in the history of any nation, when citizens are

agitated in periods of starvation, such as what we saw in the 1929-1933, when we had large numbers of riots and things like that and nations have generally shown that in setting up their capitals or seat of government, they always tried to find an area that would make it possible for it to be easily secure in the event of social upheavals inside the country.

Bloemfontein is a very ideal spot in what is called Naval Hill. It is hill right in the centre of the city with ample space for fantastic development there of this kind of setting. We have in the main document, we have tried to indicate the location of Naval Hill and to show what is possible, what can be done. This is just an option, one of the options that can be used. We will just send copies, loose copies of the map out. We are saying that from this point of view, the reason why, even in Washington, you find Capitol Hill, Greece on the Acropolis, and so on. Why nations which have capacity to do use such natural obstacles. Itjs so that you secure your parliament without shooting at your citizens. But there is natural obstacle

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that makes it not possible for them to run it down in a moment of extreme agitation and Bloemfontein is, has got this exceptionally ideal spot on which this can be done. Then one of the considerations, it goes back to the question of military considerations, is that many nations have now, over a period of time in history, come to realise that it is suicidal to put your seat of government together with your industrial, in your industrial heartlands, because whenever wars break out your enemies target your industrial, your industrial centres and smash those, 10 compelling you to run short of supplies and therefore to sue for peace very early and once you put your industries together with your seat of government, one bomb smashes everything.

But if you separate them and this is the approach that has been taken by many nations, again the example, for instance, that of Germany, which is now moving Bonn back to Berlin, out further away from the industrial heartlands of the Rhine Valley. If you take the case of 20 India, which moved it from Calcutta and moved it deep

into the centre of the country to Delhi. Canberra in fact, when it was developed they moved it from Melbourne, separating all the time doing that, Washington separate from New York, Ottawa from some of the major centres of industrial output. It is always intended that you separate and you are not extremely vulnerable in periods of war.

Now I know we have exchanged on this, but it may well be that some people will say, well then we have no, we are not in danger of war, nobody's going to attack us. We would like to warn that the balance of forces in the world, never stayed constant forever. It always changes. Sometimes neighbours, which are friends today, could strike alliances with hostile enemies any time, and suddenly where there was no consideration of this, you suddenly find that, in fact, you have to contend with military considerations and that if you had not planned it carefully you are in trouble. We would like also to add a number of, make a number of points with regard to this, the city is situated in a province which is one of the most productive in agriculture, so from the point of view of the

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supplies, the province has got mutton, beef and all dairy products that one can think of. We are the granary also, a major granary, of the country, maize, wheat, groundnuts, potato.

The eastern part of the province, a huge fruit, fruit basket for the country and the bonus of the province are drawn in water and there is no - the question of supplies in this regard are certainly, you know, ample enough. From the point of view of land availability, there is tremendous amounts of available land in the province. Certainly not at the market rates at which you would have to purchase land if you are a government paying for this in centres in which there is huge concentration of industries and other, because competition is much higher there. We think about this should be a tremendous advantage for the country.

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From the point of view of rationalisation, from the point of view of our immediate considerations, we also venture to say that moving parliament to Bloemfontein would assist

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even the current rationalisation that is taking place in the civil service and so on, because some of the people who may not be keen to move to Bloemfontein, they can opt for other jobs where there's higher employment rate in cities such as Gauteng, Pretoria, Johannesburg, Cape Town in the case of the Western Cape and so on. And that would assist tremendously to redistribute, as evenly as is possible, the resources of the country. I do need to say that, I do need to say that, well I think the Oranje will also benefit from this proposal, certainly. Now, I would like to say that whilst we have made that broad and general input, we want to underline the fact that it is upon, it is the right of this country, once it has taken a decision, it would work out phases in which it could implement that but we consider that, as in the case of other nations, a once off investment of this nature, has in the long term and because tax-payers money is always long-term expenditure that in the long term this is the best choice for South Africa. And having said that I would like to say, I'd said that our team is not complete, Mr Chairman, we would like to make an appeal, because we want to make

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CONSTITUTIONAL ASSEMBLY

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a very detailed presentation, and our team is completing that, on the specific element, financial because we will be able to show how much saving, taking even the figures, taking the figures of the people now who are representing the people of the country in the legislature, in senate and so, we are working out a very detailed presentation which we are asking the committee to allow us at a later stage, may next week, or whenever it is suitable, that our team should just come and present only on that aspect. For the rest we have tried to cover the main points that we feel speak only Bloemfontein can satisfy. And I would like to rest my input at that point. We will be ready to entertain some of, whatever, you know, questions that can be raised with us. I thank you sir.

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CHAIRPERSON:

Thank you very much, Mr Premier, for your very thorough explanation to us of your reasons for making this bid. In regard to the request to make a further submission, that will be dealt with by the committee at a later stage. It is now time, and may I say I really appreciate it that you could keep well within the time that I've allocated to you.

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It is now question time, I will allow about twenty minutes for questions. Mr Booie.

MR BOOIE:

Morning Mr Premier. I'm on this end. Premier in your submission, I must say I accept what you are raising the latter point to say that the funding shall cost, you are going to bring that in later, but I just want you to be able to give us a sense of exactly what you are talking about. Because that is what is our major consideration, you know. All of us are talking about expenditure around tax-
payers money. And this is what we want to clear our
mind on is that really, that when you take it to
Bloemfontein that will resolve our crisis. Another part in
your submission that you have given us, in our document,
the blue one, it's page number 10 it looks as if you are
only arguing for the legislative arm and there is also an
argument that says, what about the executive in the
administration, what should happen to them.

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I mean, this is one argument that has arisen here which
is being presented by some grouping that are also calling

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for the moving of parliament, because if you call for the legislative then you have to convince us that what happens about Cape Town, because the same property that you're arguing against is the same property that Cape Town is arguing, that it is, there is going to be that state of peace. What do you say exactly. Mr Premier.

CHAIRPERSON:

Mr Premier.

MR LEKOTA:

First of all, with regard to this question of the 10
administration, we should like to say quite boldly that the arrangement of 1910, to split the capital into three little bits and pieces all over the country was a compromise, frankly in our view, compelled by a foreign country, Britain, which had won the war and did not want government to be situated deep inside the country, because of the hostilities between the particularly between itself and the Afrikaner republics of the north, that is the Free State and then the South African Republic. That compromise, and also of course, the majority of black 20
South Africans who were not even part of that, that is the

very abnormal situation, there is no where in the world you find a country with that kind of arrangement. The debate, sir, on this question took place in the convention, debate 1909-1910.

We know that, we know how the run of that is going but we are not dealing with this point until we get the, there is material that we are just about to lay our hands on. We would like to talk more positively on that when we can prove it. We can say, though, that after the second world war, the matter arose, was discussed again, in the white parliament and a straw vote that was taken there, in 1952, Bloemfontein won by 65 votes to 35, that was only purely among white South Africans. The point is that we need one capital for the Country, for this, this question is arising for the first time when black and white South Africans can participate in the debate. 10

And that is why it is wrong that this question should be decided on the basis of how many rich men, how many white rich men are there in Cape Town, or how many rich 20

white men are there in Gauteng. This question must be decided, taking into the account the interest of the people across the board, black and white. For the first time the black section is participating in this. We must now make a choice that encompasses all of us and we are saying that Bloemfontein is that choice. So when it comes to expenditure, the nation will spend, it will spend once, it's not a thing you do every year, developing and building government. In Pretoria, we have the Union Buildings, sir, there is only the State President has got offices in there, 10 and the Minister of Foreign Affairs or Ministry of Foreign Affairs, all of the other offices are rented buildings in the city of Pretoria.

Private sector is making money out of that, not of the nation benefiting. We are saying when you come to Bloemfontein, the tax-payer will build their own buildings and they will be investing much cheaper. In the long-term the tax payer is going to be making more gain than what is happening at the moment. For centuries, 20 governments have been paying huge rentals to the private

sector, and that is why some of the - a lot of the money that has been put in this campaign by rich people is because they want more new buildings there, so that they make more profit for themselves. We are interested in the tax payer, who's poor, who have no homes, who in the long term must give education to all of their children, black and white. We must take a drastic change from the line that has been used to spend the tax-payers money and that is why we are saying, donjt look at the short-term, the immediate short-term gains of this businessman and that businessman. 10

Think about the long-term implications for the tax payer. There is cheap land in Bloemfontein, there the nation can build itjs own buildings at itjs own pace, it can develop that, as in the case of, you build these cities who have been, Canberra was built from nothing, Washington DC was built right from scratch, planned to be seat of government. Bloemfontein is so available to that. The city is not even congested. You can do so many things 20 with it that you want to do, we appeal that in the interests

of the people of the country, black and white, please think about the majority and what it means for them. And not just about Bloemfontein and the Free State, think about the provinces, the two sister provinces in particular, of the Northern Cape and the Eastern Cape, where there is no employment, there's nothing, and I don't know what the future is for that region, unless Theme Committee 1 was to say, we would inject something of the expenditure of the nation into that region.

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Even the Western Cape, the Western Cape at the moment is one, it has been one of the fastest growing points in the continent, and whichever you look at it will always be like that. There is no doubt about the fact that it's got problems and one doesn't want to say that it's heaven on earth. It is not. But it has far more resources than anything, people are even refusing to go to the Northern Cape to back up the government of the Northern Cape, sir. So on that part, I would like to say that even administration in the long term must go next to where the legislature is going to be situated. Where the judiciary, by

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the way, is already sitting. Thank you, sir.

CHAIRPERSON:

Thank you Mr Lekota. I have now the next name, Mr Chikane and then Mrs Routledge. Mr Chikane.

MR CHIKANE:

Thank you, Mr Premier. Wouldn't you agree that in fact, trade is peace in another sense. I'm saying this because South Africa has now become part of the SADEK (sic), and therefore trade with Southern African countries, south of the equator, is going to be one of our major flash points, in terms of the economic growth of this country. 10

Secondly, that in fact, this whole issue unfortunately, and I'm sure this I represent some of my, most of my colleagues in tipping one, has been politicised, people are looking at it in terms of depriving one from the other. They are no longer looking at it from the position where we all have to look at it commonly, which is the economic consideration and efficiency, but having said so, wouldn't you say that one of our major long-term plans is to move away from, because we have moved away from the 20

political lager, we must now look, move away from the economic lager as well.

That we are not going to be trading with ourselves. We are going to attempt to trade with the world and bring, possibly, everlasting peace in South Africa and of course in Southern Africa, and we really owe it to our neighbouring states. The map, therefore, doesn't seem to, your map from the Free State, doesn't seem to reflect the countries like Zimbabwe, Mozambique, which I believe are our almost natural trading partner, especially based on the condemnation that we have already made. I'm quite aware, sir, that you have mentioned Lesotho. Thank you.

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MR LEKOTA:

Mr Chairman, with respect, we would like to say in response to Mr Chikane's question. There is a difference between trade and government. When governments, when nations set up their governments, that is a different matter as to trade. New York city is still the centre of trade between United States and the nations of the world. Government, and it's a very prosperous city and it's a very

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prosperous nation, but the government situation is separate. Calcutta, in the case of India, is one of the major centres of trade in that country. You don't put your government there.

Lagos, what is the centre of Nigerian trade, you don't, but Abuja, the seat of government is different, so there is nothing that says because you are trading your main industries, trade centre is in Gauteng, therefore your government must be there. Government is about 10
spending money, which is tax payers money to run the country. It's not to trade really, if you want to trade have a centre like that. The rich Rhine lands parts of Germany are therefore trading with nations of the world. But government, they are taking it back to Berlin, out of that, you must separate it. There's another reason for this. One of the considerations is that huge industrial centres tends also to be areas of heavy social upheavals and governments always, nations always choose to place government away from what could give the country, you 20
know, you know, without intending to do so, a negative

image.

If you want to have a major demonstration, such as what you can have in Cape Town here, any time of the day or in Gauteng, you would have to transport people here by trains and what not to Bloemfontein. You could have it very easy here, they even come into the passages of parliament and smoke dagga, they can do that, you can do this very easy to be it here. You can do it very easily in Gauteng, because the numbers of people, the sheer 10 numbers of people is so huge, if you want to do the same, they are in Durban, if they want to do the same in Bloemfontein, you have to plan that now everybody must come from all parts of the country and then the security forces become aware of it, and even the government can act to undermine that, in time.

But you want a more secure place for government, so that your government, your layers of government must always be reflecting on issues. And by the way, the cause of its 20 strategic position, when, if parliament, Mr Chairman, was

in Bloemfontein, these members here could knock off from parliament at four in the afternoon. In 40 minutes time, those who are in KwaZulu Natal would be in Durban and they would be talking to their constituencies. Those who are in Gauteng, 40 minutes, those who are in the Eastern Transvaal, a similar amount of time. North West, Kimberly, you just actually drive and you are there. And then the Eastern parts, the Eastern Cape. Even in the Western Cape you just fly a short flight down and you are there, you talk to your people. You wake up in the morning at 10:00, you would be sitting in session when parliament starts.

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We are saying, most convenient to everybody, to everybody. You could go home every weekend, every weekend. Most of the members would be able to go home every weekend if parliament was in Bloemfontein, and it makes the burden easier on members of parliament, it makes the burden easier on the side of the tax payer. I thank you sir.

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CHAIRPERSON:

Thank you sir. Mrs Routledge and then Mr Kekana.

MS ROUTLEDGE:

Thank you Mr Chairperson. I just have two questions. One is around the issue of cost. Because I would agree with you, Mr Premier, that the cost would be one of our key considerations, regarding whether to move or not to move. It is unfortunate that you have not given us any figures. You have mentioned though that your team has prepared something around cost, because from what you presented to us, your cost considerations are around 10 travel, from what I've read, you haven't really given us any indication of what the move, what the cost of the move would be, considering that Cape Town already has buildings.

I'm not arguing for Cape Town, necessarily. I'm from KwaZulu Natal so to me it doesn't matter where we go. The second thing is around the issue of the move itself, because I can see you are advocating for a move. When would you consider this to be the right time. I'm 20 concerned that, at this point in time, the constituency our

people are worried about delivery. Would that not affect our, if we moved say now, maybe next year or, of course it wouldn't be possible to move next year, because you would still have to build. But what sort of time frame are you looking at for moving.

What I'm raising is the question of the instability. You know, at this point in time, we are trying to set things in place and we need time to do that, would the move not affect that ...

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MR LEKOTA:

I must make the point, first of all, that we are not even pretending that we are, we have presented on this question of the cost and finances yet. We have merely mentioned, what we are doing today is to try and mention to you only that our assessment is, that it will be cheaper, it will be more economical for the tax payer. That is why we have asked, so that we should come and make the kind of detailed presentation, count the figures and all of that which you are raising, and I would like to appeal that you, that committee please be patient with us on this

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particular one.

Nevertheless, when it comes to the question of moving, that would require a very special study of its own. You would need to, you would need to plan the move, you'd need to check priorities that are facing the nation, and there is no point in saying that it's going to move next year or it's going to move this year, when perhaps our budget constraints suggested that we need to mount a campaign to do something, for instance, about the wages of civil servants, police and what not and so on. We may find that when you balance that, you do that. So we are open on this question. 10

The critical issue here is an imprincipled decision that parliament must move there. We can then develop a program and phases in which you do that. Because even then you don't take every body and everything all at once. You phase it, you would have to work a plan to see if this is the plan that we, and then you work on it. So we are open on that issue. I am, I am, I must just take advantage 20

of this moment and say, Mr Chair, that although my former (inaudible) ... accused, and I am always wary of agreeing with him now because he took me to jail once I agreed with him, is that Mr Chikane is that, actually we were not only concerned about Lesotho.

The issue we are concerned about, Bloemfontein is accessible also to our neighbours. We are within easy reach from Maseru, of course, but also from Babani, equal to Nelspruit almost. Gaborone is immediately, you know, within reach and therejs a direct flight from Windhoek to Bloemfontein, its 1 150. Its a very reasonable distance, not particularly different from that of one of (inaudible) ... Mozambique is the part that is immediately east of Swaziland, and we have taken that into account as well.

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CHAIRPERSON:

Thank you, MrPremier. Now Ladies and Gentlemen Iwill, I would be able to allow two more questions and I have two names on my list. I will give those two persons an opportunity to put their questions, the first one will be put by MrKekana and then it will be MrStreicher. MrKekana.

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MR KEKANA:

Thank you, Premier, for such a convincing, or most convincing input. However, I must indicate that, you know, in this age, of technology distance is not really a big issue. There might be an argument which says that it is better to investment in improving what already exists. Meaning here, that I think in every MP's lips, the problems that are raised about parliament is, for instance, lack of computing, telephones, you know, your - the functioning of parliament is hampered mainly by those kind of, you know, the administrative back-up and so on. So for a country, the tax payers money should be spent more in improving what already exists, unlike spending more money on buildings.

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So what I'm saying is that there is technology. You have faxes, you do have your Internet, satellite technology and all that. Now that has shortened distance, the distance between, you know, your administration and your capital and so on, so it doesn't really matter at the end of the day, you know, the kilometres as indicated here. So my question is, is Bloemfontein having that capacity to, not

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only to build buildings, but to be a home for, you know, has it got this communication infrastructure that I'm talking about, or are we going to, as a country, to try to invest and pull everybody to start introducing your communication infrastructure in Bloemfontein as a result.

So it will be like parliament backward instead of moving it forward. That is one argument that I propose. The second one which is very important also, is that Embassies are mainly based in one particular region, so is the HQ of many other companies and you name it. I understand that even the Navy is in Pretoria, I stand to be corrected there. But what is important again is access to foreign governments, and what are your comments on those two questions.

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CHAIRPERSON:

Mr Premier.

MR LEKOTA:

Mr Chairman, I am advised by my team that not long ago Brazil had to decide to move it's, or they decided to move government from Rio de Janeiro and build a new seat of

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government, Rio De Janeiro being one of its major industrial centres. The exercise involved moving 3 million people to go and develop Brasilia. The reason the nation did so, was because of the congestion that they found their government in, and of course also defence considerations, they moved it to a place where there was nothing, and with respect sir, Bloemfontein is not a farm.

I know people believe the Free State is an agricultural region, but Bloemfontein is not a farm at all. It's one of 10 the cities of this country, so there is - one of the capitals in fact. There is a fair amount of infrastructure in there. Even Midrand, which is just that piece of ground that you pass when you are driving to Pretoria, it is nothing. And you wouldn't have to do that. But, what I'm trying to say is that, there is a case of rudimentary, there is a rudimentary, very strong rudimentary infrastructure for that communication, sir. We have cellular phones as well.

UNKNOWN:

Yebo Gogo. (Laughter).

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MR LEKOTA:

But, as you see, on the top of Naval Hill, you will see, and some people don't realize this, but one of the biggest defence, defence posts of this country is actually in Bloemfontein. So there is some communication infrastructure, some of it is reflected there, we are satisfied, sir, that it can be done, indeed. Now the issue of Embassies. Again I am advised by my colleagues, when nations decide to move a place or to locate their government, they have to think about the interests of their nation.

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It is very good that most of the Embassies are in Pretoria. Those nations which we have relations with are going to spend more money in this country, moving with us there. So that is to our benefit. It is certainly not to our disadvantage. We are not going to pay for the Embassy of one country to move from Pretoria to come to Bloemfontein. That country will pay for it. We are already spending money when we go to those other countries, we set our Embassies there. If they decided today to move their government to another place, we spend more money

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going there. So that is not, lets don't make it, nobody should make that an obligation, a burden on South Africans when it is not. It's a false argument actually, it has no foundation, but I know there are people who are doing that.

They are trying to justify why we should move to where they are and so on. I really, it has not, there is no basis for it.

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CHAIRPERSON: Thank you Mr Premier, last question Mr Streicher.

MR STREICHER: Thank you Chairman. The honourable Premier made quite a considerable case out of that fact that Bloemfontein is centrally situate. Isn't it also true, and I'll bear more than one example, of countries in the world, for example, London, which is the capital of the UK, it's not situated centrally. Lisbon is the capital of Portugal, it's not situated centrally. So I can mention many examples. Even the movement now toward Berlin, it is not centrally situated. Paris isn't centrally situated. So, that argument,

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although its important, I think there are many examples all over the world where that doesn't take place.

The second question that I'd like to ask is, if Bloemfontein is to become the capital of South Africa, does the Honourable Prime Minister or Premier, does he think that Bloemfontein should have everything then. And if it hasn't got congestion now, what will the position be in 25, 30, 50 years time, when it's got everything.

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CHAIRPERSON: Mr Premier.

MR LEKOTA: Mr Chairman, while there is no congestion in Bloemfontein today, some of the cities are already congested today. If Bloemfontein will be congested 25 years from now, how many more times will the ones who are already congested be congested. (LAUGHTER) But, Mr Chairman, I take the point. I did say, we did say already, that there is abundance of land space around Bloemfontein, to the north, to the south. Virtually to any direction, there is available land. And it is also true that not all the cities, not

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all the seats of government are centrally situated, one thing that is very clear from what, the question I've heard, is that all the cities that are referred to, they are indeed not centrally situated.

But there is another (inaudible) ... to them as well. Those are cities which were established long time ago. A long time, even before some of those countries actually took their boundaries that they took, if one looks at the history of feudal Europe, it would become clear that some of the seats of government were there even before the unification, or the rise of European states as we know them today. So that is an normally, a peculiarity of those cities.

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The point, however, even them being that, in most cases in those countries, people have tried and done their utmost to preserve something of the history and culture of that country. Something which we are saying, Bloemfontein answers more than just that. Modern cities, modern seats of government, show the trend that we are

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dealing with. They show the trend and Bloemfontein is the only city that is in keeping with that trend. But more than that, if Paris preserves something of the history of the French, if Berlin preserves something of the history of Germany, Bloemfontein preserves something of the history of the vast majority of the people of the country, not everybody, but the vast majority, it does. And in this particular aspect, Bloemfontein is indeed, it does match, not only modern requirements, but even requirements established even in ancient times. We are therefore 10 saying, we have benefited and we are, this position of Bloemfontein, is supported by considerations, both from ancient times to modern times.

And, so we think that we must insist on this position. Moscow also, is one of those old cities, old cities, which were have founded before modern states. Now you found even when the war came, Stalin was left alone, then everybody ran away and left the parliament behind, fortunately they had to come and salvage it. But it is 20 because of the awkward position that it is not situated,

and the nation is unable to run to its defence, you know. May I also say that there are other things - we have already indicated that we have substantial amounts, supplies of water and so on. And Ma'am, I must say this: Mme maMazibuko - Bomme, Baholoholo ba ne ba le Bloemfontein, re tshwanetse re ba etsetse sefika hore mohlang ba fihlile, ha tokoloho e fihlile, ba re ke sena re ne ra ba etsetsa sona. Ke a kopa. Mrs Mazibuko - ladies, our ancestors were here in Bloemfontein, we must make them an image so that when they return - when freedom is achieved they should say this is what we have done for them. That is my plea. 10

CHAIRPERSON:

Thank you. That brings us to the end of this session. May I say to you Mr Premier, thank you very much for your presence. Thank you for, may I say, thank you for (APPLAUSE)- what I would like to call your enthusiastic elicitation of your written submission. And for the way in which you responded to the questions. All the information that we now have and that you've also provided for, to us, will now be dealt with by the committee and a report will 20

be submitted to the Constitutional Committee, and may I also wish you a safe journey back and please keep the Free State on track.

MR LEKOTA:

Just before we go. We have asked and I would like some indication if it's possible. When can our financial team submit, make a presentation on the financial part of this.

CHAIRPERSON:

This, your request in that regard, I've given you an indication, will be dealt with by the committee. We will do that today and we will let you know immediately after that. Thank you. We adjourn this meeting for 5 minutes in order to give us all an opportunity to stretch our legs.

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ADJOURNMENT

ON RESUMPTION:

CHAIRPERSON:

We still have some work to do. Please, can we settle down. Before we discuss anything else, may I just get some sort of agreement with you that we should strive to adjourn this matter by not later than 12:30, whatever

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happens. And because, those matters that we cannot deal with before that will have to stand over for a next meeting. All in agreement. Thank you.

Then secondly, before we continue with dealing with the agenda, you've all heard the request that was made by the Premier, that they should be allowed to send people, a delegation to make a further submission on financial aspects. May I say this to you, that I understand from the secretary that all the other cities and areas that have made bids are trying to get approval for them to come and meet with us again, and that will mean that we'll have to set aside at least another day for that. Shouldn't we just let the Premier know that they should make a written submission and that whatever is in that submission will be taken into account. Are you not in favour of that. Mr Chikane.

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REVCHIKANE:

Chairperson, I am not actually in favour of that, because if you are going to deal with figures, figures you have to talk about, you know, otherwise they just become, you

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know, like an international phone number. I think if it was something like their, today's presentation, it would have been different, because it's something that you can read and follow, but once you deal with figures, it's best if people talk to them, you know. I think we should be able to afford them that sir.

CHAIRPERSON:

Could we then perhaps, because you, from the indications that I got from the other members of the meeting, you might be in a minority, but I want to try and accommodate you to. Shouldn't we then ask the Premier and his people to let us have a submission and once we've seen the submission, we will decide on his request. Is that in, are you all in agreement with that. Mr Chikane. Are you satisfied with that. Okay, then please, the secretary, as soon as possible you must pay attention to that. Now that brings us back to our agenda again. And we should start with item 3 on the agenda. The adoption of two minutes, the one minute, the one is of the meeting of the 1st of August, which will be found in our documentation, numbered A31 on page 3, and it will - it runs up to page

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7. Are there any comments that any of you would like to make in regard to the correctness or not of the minutes. I see a hand over there. Mrs Hangana.

MR HANGANA: Mr Maree, I just thought for record sake, that I was in fact present at last weeks meeting and my name is not in there.

CHAIRPERSON: I can clearly remember that, and will you please put it right. Oh, we are now dealing actually with the meeting 10 of the 1st of August first and your name is on the list. The 1st of August in the set of documentation numbered A31 on page 3, your name is there. Any other comments. No comments, can I then, yes Mr Kekana.

REVCHIKANE: I gave a standing apology for the last meetings because I was away.

CHAIRPERSON: Yeah, once again, we are coming to that and then it will be noted, but your apologyjs been duly recorded on the 20 minutes of the meeting of the 1st of August. So can I

then take it that the meeting - the minutes of the meeting of the 1st of August has been adopted. That's now, that finalizes that.

There are a few matters that I would like to raise in regard to that, a few matters, just bear with me for one moment. Firstly, on page - it's paragraph 3.1 on page 4, that deals with the report on Block 6 representative government. I just want to inform the meeting that report has been duly submitted and, to the CC, and adopted by that body. 10
Then secondly, 8.1, no secondly, 5.2 and 5.4, on page 5, which deals with the report on Block 8, if I'm not mistaken, what has happened to that? Professor Corder.

PROF CORDIER: Dr Heunis, sir, is drafting those constitutional provisions.

CHAIRPERSON: So it will come back to us.

PROF CORDIER: Yes, in fact, they, I was expecting him here this morning and to have them with him. But he's been otherwise 20
engaged in late last week.

CHAIRPERSON:

Sir, I saw him on TV wearing his gown and so on. Then on page 7, 8.1. It said in the last sentence of that paragraph, it was further agreed that the secretary would circulate a schedule of the forthcoming meetings of the Theme Committee to members. Now I donjt know what happened to that, but a problem actually arose in that I had a schedule that I got somewhere, which said that there was going to be a meeting tomorrow afternoon. Now apparently therejs going to be a meeting tomorrow morning. When can we get a new schedule of meetings. 10
Secretary.

MS RAMBLE:

I sent out a schedule to members immediately after this meeting to - a schedule of all the meetings that were taking place, but also members, members should also bear in mind that we postponed all the meetings after this. The schedule that you are referring to, that the Chairperson is referring to, is the schedule that came through from the secretariat, and since then itjs been changed, the meeting is scheduled for tomorrow morning 20
at 9 oj clock. And the next meeting will be taking place on

Monday, next week Monday, and that's scheduled for the afternoon.

CHAIRPERSON:

So if you'll please bring your diaries up to date in regard to. There's a meeting tomorrow morning at 9 o'clock in the same room. Okay. Right, that brings us then to the next minutes. The minutes of the meeting of the 31st of July which will be found on page 3 of today's documentation. Any comments in regard thereto. Are the minutes in order. Can we accept that you are all in 10 agreement with the contents and that it can be adopted. Okay, duly adopted. I have nothing arising from the minutes. Thank you that then deals and are there any other, any matters arising that any of you would like to discuss. No. Mrs Routledge.

MS ROUTLEDGE:

Maybe it's not a serious point, but I see that for the public meetings in Natal, the deadline was the 11th of August. I don't know whether the secretariat has received any names yet and how we should deal with that issue. 20

CHAIRPERSON:

Yeah, the secretary informs me that she was going to raise it under point 8, public participation, but as far as Ijm concerned it can just as well be done now. Welcome.

MS RAMBLE:

We haven't received any names of, for members who would be attending the CPM's in KwaZulu Natal as yet. We've got until tomorrow morning, 10 o'clock, that's the deadline given to us, okay, by which we have to submit the names through to the department that's dealing with it.

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CHAIRPERSON:

So, will members please take note of that, and that names should be in by not later than tomorrow morning at 10 o'clock. Okay. Anything else, Mrs Routledge? Nothing. Then that brings us to point 5, the discussion on draft report for block 7 and 9, language, name and symbols, seats of government and national territories. I'm going to ask Professor Corder to address on this but before he does that, may I just say.

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Do you want to come in before Professor Corder? I just

want to make a few brief points. From what I gathered in discussions, from discussions that we had in other bodies or structures of the Constitutional Assembly we also need to report on the seal of the Republic, that we haven't done, and then there was report from Theme Committee 2 which said that, they actually suggested that our report in regard to languages should be drafted, perhaps in consultation with Theme Committees 2 and 5, perhaps you could comment on that. And then according to a report that was submitted by Theme Committee 5, we also 10 have to report on the languages used in the Courts and, of course, we also have to report on the seats of the Utishare (sic).

But before I give you an opportunity to come in, first of all we are going to listen to Mr Mahlangu.

MR MAHLANGU:

Thank you Mr Chairperson. Do you remember last time we - there was a little bit - we asked for postponement so that we could reconsider our position regarding the 20 submission we have made in the regard. It is our

pleasure in this point in time, to withdraw both the submissions which we have filed before, and replace the submission with the submission dated 10th August 1995, which is a loose paper to everyone now, and seeing that we did not submit, or we did not talk to this new submission, if there is an opportunity to do so, I will right away do that.

CHAIRPERSON:

It's now your chance.

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MR MAHLANGU:

Mr Chairperson, our submission, the members are having the papers before them. I will just read it. It stands, Theme Committee 1. Name. The ANC maintains that the name - The Republic of South Africa - should be retained as it is acceptable to majority of our country citizens. Symbols. Code of Arms. It is the view of the ANC that a mechanism should be established to determine a new Code of Arms, which shall be both acceptable and have meaning for the majority of South Africans. 2. National Anthem. We propose that the issue of the national anthem, should be referred to the Constitutional

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Committee for the final decision. 3. The Flag. We propose that the issue of the flag be referred to the Constitutional Committee for final decision. 4. National territory.

The Constitution must declare South Africa to be one sovereign state, and the territory of South Africa to be the whole territory of South Africa as it was on the 27th April, 1994, including our territorial waters and islands. 5. Seat of government. The ANC believes that any decision 10 concerning the location of the seat of government must take into account issues of cost effectiveness, and efficient government. We propose that this important issue be referred to the Constitutional Committee for final decision. I may add, Mr Chairperson, that with regard to the courts, although we did not mention anything there, we would suggest that this matter be, can only be, our, the feeling within the ANC is that it can only be addressed once the question of seat of government has been addressed and we, our stand being to refer this matter to the 20 Constitutional Committee. We believe that the question of

courts can also be dealt with in that vein, particularly that we are not aware what the Theme Committee dealing with costs is proposing the court systems in the new country or in the new constitution. We believe we could not deal with it now, and particularly that we are expecting the question of seat of government to be debated in the Constitutional Assembly.

CHAIRPERSON:

Thank you very much, Mr Mahlangu. Now ladies and gentlemen, as has become the normal procedure, and that we have followed also in the past, I am now going to give you an opportunity to put questions to the ANC. Mr Streicher.

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MR STREICHER:

(MICROPHONE OFF).

CHAIRPERSON:

Please activate your microphone.

MR STREICHER:

On the issue of the flag, the ANC now proposes that it should be referred to Constitutional Committee for a final decision. Am I not right in saying that according to all the

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submissions we've had so far, more or less everybody agreed that we, the present flag should remain as is. Why should it then be referred to the Constitutional Committee. Or can we just not report, just not report only and say that on the issue of the flag therejs general agreement.

CHAIRPERSON:

Ok, Mr Mahlangu. Are you ready?

MR MAHLANGU:

Yes, I think I've indicated that our submissions on block 9, that is on symbols, the two submissions which were in 10 are withdrawn and they are replaced with this one. So I donjt think we can then be said that wejve agreed with any other person. We say this matter needs to be debated further in the Constitutional Assembly, I mean in the CC, and that is our stand, at this stage.

CHAIRPERSON:

As I see it now, that, and if I read this correctly, perhaps could, if I'm wrong please tell me, Mr Mahlangu. But in fact it means that the ANC is not taking up a position in regard to that, at this point in time. It would like to have 20 that discussed in this Constitutional Committee.

MR MAHLANGU:

That is correct. It's not that we say we won't take any position but we are still discussing this matter, we are still consulting wildly on this matter and, at that stage we might agree with that flag, we might not. We cannot say, because as we say we are having a very, also controlling the whole of South Africa and even, we must make sure that we carry our supporters along so this matter is still, the consultation is still on with our structures and will come up with a position. In the CC we don't want to delay the Theme Committee either.

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CHAIRPERSON:

Mr Streicher.

MR STREICHER:

Am I then correct in my deduction that you really want to reopen this issue.

CHAIRPERSON:

Are you putting that question to Mr Mahlangu. Mr Booie, Mr Kekana. First Mr Booie, then Mr Kekana.

MR BOOI:

Mr Streicher, it's not an issue of reopening the matter, but it is the issue of saying that we are confident of all our

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positions, but we want to make sure that whatever we are presenting here is agreed upon by everybody in South Africa, as a party that leads in government. That is in majority. That's why we say, let's put it at the level of the CC so that we should be really confident and everybody is in agreement with us.

CHAIRPERSON:

Mr Kekana, you can have a few, it's been covered. Any further questions. No questions. Then I've been given to understand that, Professor Corder, that you've already take cognisance of this, that you have a proposal that you would like to put before the meeting, in regard to the drafting of the report. Okay, over to you.

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PROF CORDIER:

Yes, as a result of being informed by the secretariat that it would be an advantage were this report to be able to be approved as soon as possible to go before the CC, if possible on Friday. While the various public submissions were being made this morning, and with half an ear to them and half an eye to the report that the submission, the latest submission of the ANC or the submission of the

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ANC, and the draft report. I've made certain changes which I would like to suggest might accommodate the position of the ANC, but we haven't yet had a chance to consider the report and, except last week I did propose a couple of amendments, which were of a typographical nature. Really on pages 9 through to 20, 9 through to 20, that's really just a setting out of the provisions in the current constitution and the constitutional principals.

CHAIRPERSON:

You are now referring to page 9 through to 20 of 10 document A31.

PROF CORDIER:

A31. Sorry A31. Pages 9 to 20. I just remind you of the changes that we, that I noted last week and were approved in the minutes, just a few minutes ago. On page 12, to remind you that the, under at the bottom of the page, section 32, Education. The six words, "every person shall have the right" need to be added in there, before B and C. "Every person shall have the right." This is what I mentioned last week, I'm just repeating it. And 20 then the other typographical amendments take place in

the body of the report on page 21, so that I'll mention them as I move through it. Just to, before considering page 21 onwards, just to respond to the issue of the seal of the republic. As I understand it, the Seal of the Republic reflects the Code of Arms, as it currently is. I'm not sure, Ijve never seen the Seal of the Republic.

But I think it reflects the Code of Arms. It's just the stamp that the, which gets put on the sealing wax, and it therefore would flow from any changes in regard to the 10 Code of Arms, I think, but I'm not 100 per cent sure, but I'm pretty sure of that. As regards to the seat of the courts, you will - I can just refer you very briefly to page 24, page 24 under B, non-contentious issues. None of the parties expressed a view on the seats of either the appellate division and the Constitutional court, both of which are clearly within the jurisdiction of this Theme Committee. Itjs in the - I checked back at the agenda and the areas of jurisdiction given to the Theme Committees. This is clearly within the jurisdiction of this Theme 20 Committee and I think it is correct that they should be, the

question of seats of government should be looked as a whole, looked at as a whole. That once you've decided that there are four essential seats of government which one has to consider.

The Lawmaker, the Legislature, the Executive, the Appellate Division of the Supreme Court and the Constitutional Court. Those are the four seats of government which fall under seats of government. Clearly they would also, though the seats of the courts would have to be done in consultation with Theme Committee 5, because I understand that they are proposing, or on a way to proposing, quite substantially changed court systems with intermediate courts of appeal and all sorts of other possibilities. So, it's something which clearly should not be, should not be decided at this point, should await something. As regards then, back to Page 21, the language issue. Perhaps I could deal with agenda item 10, first languages. First of all just to note the two typographical errors. In the middle of the page under B2, this is just a repeat of what I said last week. Every person

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should have the right to use one of the above language, the word ONE was omitted from the typed version, and then under 3B(3), while acknowledging (2) the national and provincial governments, the word "governments" must be incorporated there. Those were both mentioned last week.

Now, the ANC submission of today doesn't deal with this agenda item, so effectively what is before the Committee on page 21 is, should be considered by the Committee as 10 to whether this accurately reflects the positions of the parties or not. One point which you raised sir, a few minutes ago, was liaison with Theme Committees 2 and 5 in regard to languages. Ijm not sure why Theme Committee 2, which has levels of government, has any thing to do with languages, unless they were proposing that they should be able to adopt an official language, at a local government level or a provincial government level. I think wejve dealt with that aspect in this broad, in fact under item B3, "while acknowledging to the national 20 provincial government should have the power to designate

in certain of the above languages as official means of communication and to devise practical mechanisms in this regard." As regards Theme Committee 5, there we've got the language of the courts, that also is covered in my submission by the three points, B1, B2 and B3 on page 21.

So Ijm, as an in principal position, from a technical point of view, I think that it would be advisable were we to communicate these in turn to Theme Committees 2 and 5. I don't think it decides anything in advance for either of them. If you would like, I could stop there or I could go to agenda item 12 and then Item 13 over the pages. Would you like me to deal with all of them first and then.

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CHAIRPERSON:

Yes I think you should now deal with all of them, and after that we can have a discussion.

PROF CORDIER:

Thank you, then over the page. This is when the changes certainly start coming in and if I might just refer members to the suggest changes. Firstly under B1, no changes

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necessary there because the ANChas in fact agreed with the idea that the name should remain the Republic of South Africa. Under B2, Code of Arms. Perhaps the following would be advisable, in order to incorporate the ANCjs position. To add the words in the first line, lall parties except the DP and the ANCsupport the retention of the existing Coat of Armsk. Like the PAC, as regards the name, the DP and the ANC, add the words land the ANCKagain in line 2, propose, drop the lSk, no alternative but advise that, drop the lSk, now this was, this might 10 have to be changed further unless the ANCCould live with this.

That a new design be called for and that a suitably qualified committee be called upon to make a choice, that was in fact the DP language which is reflected there. If that accommodates the ANC position, which is lthat a mechanism should be established to determine a new Code of Armsk, so they are calling for a new design, lwhich shall be both acceptable and have meaning for the 20 majority of South Africansk. That would be, that is clearly

for members of the ANC to state when we discuss this report, whether that language accommodates them or not or to make changes. It would, however, seem to me advisable to move this issue of Code of Arms, therefore, to contentious issues as a result. It clearly is not non-contentious any more. And so my proposal would be, we shift this just to the right hand side, onto page 23 and it will - the whole paragraph will move then to C2 on page 23.

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That's a suggestion. Then under the next item of anthem. And again we might want to move this now to contentious, but that is, we must be advised by the members here. I would say that under 1Anthemk instead of lall parties supportk we say lall parties, except the ANC support the retention of the current situation with some reservations and qualificationsk then to delete the item ANC immediately beneath that and just before item 4, under flag, to state, in other words immediately under PAC, what is there, in regard to the PAC to state the following, lthe ANCproposes that the issue be referred to

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the CCK. In other words, just to put the sentence in there under anthem, the ANC proposes that the issue be referred to the CC" and perhaps that must all then go to the contentious side although I don't know whether the reference to the CC means that it's contentious or not. We don't know yet.

CHAIRPERSON:

Can I just come in on this, at this point in time. I notice from other reports that I had to deal with as a member of the sub-committee of the Constitutional Committee, that in quite a number of instances, reports made issue of contentious issues, non-contentious issues and outstanding issues. So perhaps that could be moved to outstanding. But just keep that as a possible way of dealing with it. Okay, you may continue.

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PROF CORDIER:

Thank you, then as regards Item 4 at the bottom of page 22, really at the top of page 23, whereas beforehand we had all parties endorse the current flag, now it clearly must be all parties except the ANC endorse the current flag. And then to add the sentence the ANC proposes

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that this issue be referred to the Constitutional Committee. Again I'm not sure that, whether that should be put in the contentious category, but it seems, from a technical point of view, that it could just as well sit under the non-contentious category seeing that no exact position as to a new flag or the retention of the current flag has been adopted by the ANC. And Item 5 at the top of page 23, that stays unamended, because what the ANC says in its proposal under 4 today is an accurate, is on all fours with what is reflected in section 1.2 and schedule 1 10 to the 1993 constitution.

Then, I just draw member's attention to the drafters note. That is just to say that the allocation to contentious or non-contentious, in fact, it could go either way, and when the final report goes in this paragraph, which is in brackets, must be deleted. Then as to contentious issues under Name, that would stay in one, under Coat of Arms, it would clearly become contentious, under Anthem, that is the Theme Committee must decide whether it wishes 20 was appears on the left hand page, page 22 to go across

into the right hand page, page 23. Under Flag, perhaps that is still Inonek. I donjt know. Under National Territory, that remains as it is, because thatjs, perhaps this point of contentious - has now made no mention of itjs actual inclusion in the constitution, although they do say the constitution must declare, so that actually ought to remain.

Sorry, I just retract what I said, that should remain as a point of contention. Symbols, generally, the Freedom 10
Front proposes the Provinces be empowered to adopt provincial symbols, that is what, at a previous discussion was a point of contention. And then on agenda Item 13, Seats of Government. The change that I would propose in item C2, Contentious Issues, is where the paragraph which begins IANC believes thatl and then to scrap all the words after the word lthatk in paragraph 2, and say IANC believes that cost-effectiveness and efficient government should be the factors in this decisionk, sorry, lcost effectiveness and efficient government should be 20
factors in this decision, and that the matter should be

referred to the CC for final decisionk. In other words to change that paragraph to read IThe ANC believes that cost-effectiveness and efficient government should be factors in this decision and that the matters should be referred, the matter, of Seats of government should be referred to the Constitutional Committee for final decision.

The ANC believes that cost-effectiveness and efficient government should be factors in this decision and that the matter should be referred to the CC for final decisionk. 10

There will be consequential changes to the analytical survey is these are acceptable.

CHAIRPERSON:

Thank you, Professor Corder. Now this matter is now open for discussion. Ijve already been given to understand that MrMahlangu and perhaps MrBooi would like to come in on this. Mr Mahlangu.

MR MAHLANGU:

Mr Chairperson, on page 22. Although a line is very between what we are saying and what one might term as 20 non-contentious. But we, as it can be understood on the

Code of Arms, we are proposing that you should have a mechanism, which seeks a new Code of Arms. In other words we throw the matter open. We donjt accept the retention of the existing Code of Arms. We say there must be a mechanism to look, in other words, like we did when we looking for an interim flag. In other words, some new mechanism must be looked - we donjt exclude the present Code of Arms, that it must not be one of the factors being looked at.

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But we donjt say it must be retained, so the moment one says itjs non-contentious it might give the impression that we accept it and we want it to be clear that we are calling for a mechanism to look at it now as global, look at the existing one and even others, and other designs so Ijm just having. Ijm not sure whether to say one must leave it at contentious on non-contentious. Because if you say non-contentious it brings us to a place where it is need be, there is no need then of establishing a mechanism, so it must be contentious so that a mechanism can be established. And then when you come to the National

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Anthem, also the same things applies, because here, we say we take it to there, we referred it to the Constitutional Assembly for, I mean the Constitutional Committee for decision. And we know they say the current one is wrong or right.

But we refer it to that. In other words, if we say we are not, we are in agreement with it or are not in agreement with it, it's a problem. I think the best would be if there's no other category then it's to call it contentious. 10

CHAIRPERSON:

Thank you Mr Mahlangu. I have on my list Mr Booie and then Mr Niehaus, Mr Booie and then Mrs Pikoli.

MR BOOIE:

Mr Mahlangu has covered most of what I was going to say. The only thing that I was going to say on the Code of Arms. It's not a point of designing, we are not concerned about how it's been, what we are saying is that the point is, there is a lot of political motivation that was why we were in disagreement. So maybe the word we used 20
designing, people think that we want to shift one part and

put it on top and another part underneath. We want to change the whole thing and this is what one maybe should come across in that particular message.

CHAIRPERSON:

Mr Niehaus.

MR NIEHAUS:

Chairperson. If we can just go to the flag, because I think what we need to say with regards to the flag, is that it should remain as non-contentious, it shouldn't come under contentious, but I think we need to change the 10 wording there in order to reflect correctly what the ANC is saying. And I would suggest something as follows. "The ANC has reserved its own - "the ANC has opted to reserve its position with regards to the current flag and recommended that it be given to the Constitutional Committee for final decision." Because I just want to emphasize that the ANC is not with requesting that this matter goes to the Constitutional Committee, their also saying that we are rejecting our current flag. We are taking at this stage not a position on that and refer it to 20 the Constitutional Committee. But let it remain then as

non-contentious.

CHAIRPERSON: Thank you Mr Niehaus. Mrs Pikoli.

MS MAJOLA-PIKOLI: In fact, what I want to say is I think I would prefer for us to really come up with that category that we suggested, where we talk about outstanding issues for the consideration of the CC, so that it is a different category that doesn't say it's contentious or non-contentious. Because we might come back to the same position or we might change the position, you know. So I would say it doesn't fall into the same category. In fact the issue of the national anthem, the flag and the seat of government, don't - would not fall in the same category with the issue of the Code of Arms, you know, where there is a specific proposal made but that, I think when a decision is made at Constitutional Committee level, perhaps this Theme Committee it will still have to come back to this Committee to further take up the process, you know.

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CHAIRPERSON: Thank you Mrs Pikoli. There's now a suggestion that the

third category option should be followed, that of outstanding issues. I also have Mr - Dr Mulder on my list now. Dr Mulder.

DR MULDER:

I think I heard the answer here. I'm not really clear on the ANC's position. After Mr Mahlangu spoke I thought the Code of Arms is also in this category that we want to consider all of them, not necessarily change them, but then Mr Booie said No, we want to change the whole thing. I tell you why, it makes us nervous about the anthem as such. Because in the beginning the argument is also the anthem, it's to consider the whole situation and in that atmosphere we also proposed that it stays as is. They are going to force us to go back to Die Stem and Die Stem alone and then we'll find ourselves in the Constitutional Committee at the end. So I just want to make clear which of these are reconsidering and which must change, because I can't get it here.

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CHAIRPERSON:

There's a question. Who wants to respond. Mr Kekana, are you going to respond?

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MR KEKANA:

I think we definitely need to go back to our submission because the interpretation, with due respect of the FF, you know, it's unfair. We said that the Code of Arms, we are talking about a mechanism should be established to determine a new Coat of Arms. Now that new Code of Arms, just like the same way that you, you know the old flag of South Africa had the Union Jack somewhere put in it, we are not dismissing totally that possibility, it is possible.

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But we are saying we need a new Code of Arms. Meaning that what you have now on your card is not, we don't want that, the way it is. A new Code of Arms, it could be any other design, you could have spears or you have something else there, but that in principal we are saying a new Code of Arms there. There must be a mechanism. If that mechanism says - proposes that, you know, in one corner you should have the old one and that you have a bigger one, or whatever. Whatever. But the principal is that a new Code of Arms. In as far as the national anthem and the flag. We are saying as the ANC

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that these are matters which need to be debated further even include the seat of government because, for instance, we can't say Bloemfontein now, no party can say Bloemfontein, despite you know Mr Lekotajs convincing argument, but we are saying that it is better dealt with at the level of the CC, because that is where we begin to negotiate and swip-swop and all that.

But, I think that is our position. That is exactly what we are saying. We are not saying Die Stem, Die Stem, 10
change Die Stem or whatever, and all that.

DR MULDER:

No sorry, sir, what makes me nervous is the previous one said, only Sikelele, and I know it's off the table now, but it says something and that's the argument.

CHAIRPERSON:

You reserve your position. Professor Corder was this helpful to you.

PROF CORDIER:

It would be more - it would be very helpful were there to 20
be - if there's first of all agreement that we do have a new

category called outstanding, and then whether we could go ...

CHAIRPERSON: Just stop there. Are we all in agreement that we should create a new, or follow the line of grading.

PROF CORDIER: If we do have a category of outstanding, what I would like to do is if we could go through the issues under agenda item 12, and particularly which seem to be the main ones at stake here, and ask whether the issue needs to be - to 10 go into contentious or outstanding. That's really the choice. Or to remain in non-contentious. I mean number 1 the name remains in non-contentious, that's my understanding.

CHAIRPERSON: Before we discuss this point any further I want to give Mr Moorcroft a turn.

MR MOORCROFT: Thank you Mr Chairperson. Now just before we move off of Agenda Item 10 on page 21, I just would like a slight 20 correction, or not a correction, an addition to be made,

under C1, line 3, "the DP proposes the six most commonly spoken languages", now I should like added there in the national assembly. This does not refer to the provincial government and since it's referring to point 3, where we speak of national and provincial I should just like that to be noted so that there be no confusion at all as to what we are proposing. "The DP proposes the 6 most commonly spoken languages," and in addition "in the national assembly, while the Freedom Front etc. etc. Thank you.

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CHAIRPERSON:

Thank you Mr Moorcroft. Shouldn't we decide that - we've now listened to all the various views in regard to this matter, and as we are in any case, going to have a meeting tomorrow morning, that shouldn't we request Professor Corder during the course of this afternoon or so, to prepare a new report and to have it discussed in tomorrow's meeting. Taking cognisance also of the view that a new, a new category under the heading Outstanding issues should be, should be inserted.

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PROF CORDIER:

It would help me a lot sir, if it's possible, as it seems it might be possible, if we could just have an indication of whether it should be in Outstanding or in Contentious, if that's easy to do. If it's difficult to do, otherwise it means I'll prepare a report which again has to be changed again tomorrow.

CHAIRPERSON:

May I request you to just run through it and then we can decide on each and every item. Whose hand is that? Mr Niehaus, I'm sorry I had your name on here, I missed it. I apologize.

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MR NIEHAUS:

No, that's fine. I just don't know if it's necessary for us to now run item by item, perhaps one can just give a position. There's only a few of these issues that we must decide on whether it has to be on the outstanding side or whether it's contentious. And if I can just say, I think from the side of the African National Congress, we will say that the Code of Arms go under the contentious side. But with regards to the Anthem and also with regards to the Flag that we say it goes under outstanding items. And we leave

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it at that.

CHAIRPERSON: Agreement? All in agreement, is that our situation.

MMMR NIEHAUS: And the seat of government as outstanding.

MR STREICHER: Mr Chairman. May I also for the benefit of Professor Corder, ask him to have a look at page 21, the first under contentious issues, that's on the languages. I think the National Party made it quite plain that whatever we do 10 with regard to the furthering the equality of all eleven of official languages in South Africa, provided we don't diminish in any way the position of the existing official languages. I think that is not quite plain in this.

CHAIRPERSON: Will you take note of that Professor Corder and also include that in your new report which will be considered by the meeting tomorrow.

MR MAHLANGU: Perhaps let's get an explanation, what is meant by 20 existing. Existing now under the interim constitution or

under the old constitution which is long (inaudible) ... The eleven languages. In other words, nothing to be diminished from the eleven languages which are official now. Oh.

MR STREICHER:

It also (inaudible) ... the position as far as I can recollect as agreed upon at Kempton Park when we drew up the transitional constitution, that one should leave the position of the existing languages intact.

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CHAIRPERSON:

Mr Kekana Wejve already run over our adjournment.

MR KEKANA:

I think we need to read the interim constitution carefully. Because it gives Afrikaans and English an added advantage, on about on, you know, the nine other languages and I donjt think we can accept that totally. We canjt accept that. Because the, I think we can, maybe Professor Corder will help us here, in the interim constitution the English and Afrikaans are accorded special status, that is exactly the writing of the constitution. Or my interpretation of that section. And we,

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if you are saying existing it means Afrikaans, English and the nine according to the Interim Constitution which is totally unacceptable.

It is different from one, one as it is written there. So I think that is, I have a problem with that unless the NP is talking about 1, B1.

CHAIRPERSON: Mr Niehaus.

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MR NIEHAUS: Chairperson, I think it just needs to be spelt out clearly what the National Party is saying, because if they are saying exactly what Mr Kekana had said now, then it must be clear that that is the position. Now obviously this document is conveying what the position of the different parties are, and we can't say that the National Party can have that position. But we do need to be absolutely clear of what the position of the National Party is, because just now there had been confusion on whether the National Party was actually saying that the eleven official languages will all have the same status or whether they're

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saying that English and Afrikaans, with regards to the interim constitution, will maintain that particular status that it had, even before the change of government.

Which is what the constitution is given, it's giving English and Afrikaans, it says that English and Afrikaans will maintain the status that it had, and I think we need to be clear on that. It just needs to be spelt out correctly so that everyone knows what the National Party is saying.

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CHAIRPERSON:

I think I should clarify the position for the sake of saving time. The last explanation that you put, that you gave, that is the position of the National Party, and obviously that will be in contention and it will have to be dealt with as such. Okay. Dr Mulder.

DR MULDER:

It's something different, sir. If they've finished this point.

CHAIRPERSON:

Okay, can we continue and take up another point.

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DR MULDER:

No, just to help Professor Corder in the final report, I go

to page 9 on the previous. And I just want to argue and for consideration, when he says the following constitutional principals refer. It is about language, culture, that principal 34, going on self-determination is also part of the whole argument about culture because you get different levels of self-determination and language surely is part of that. So, that would be our idea, if you could just.

CHAIRPERSON: So you would like that to be included. 10

DR MULDER: As one of the principals then, yeah. Included, yeah.

CHAIRPERSON: Professor Corder? Its been noticed.

DR MULDER: Can I go further, sir, so while Ijm having success. On page 13, itjs about the signature enrolment of provincial laws if Professor Corder will just look at principal 22 as well, because that handles also with provincial laws, and in our draft we said we refer to principal 22 when we 20 argued certain cases there. As a consideration.

CHAIRPERSON:

Okay, hejs nodding his head. Anything else. The reports, a new report, a re-drafted report will be submitted tomorrow morning I believe, or will it be done this afternoon. As soon as possible, but not later than tomorrow, at beginning of the meeting. So that deals then with that item on the agenda. Now I would to suggest that item 6, Discussion on the report for Block 10, stand over for tomorrow's meeting and that general should be, not be dealt with today because I believe therejs nothing under general and then itjs my pleasure to close the meeting and to at the same time to apologize, I wonjt be able to be present tomorrow morning. Thank you.

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ADJOURNMENT