

MEMORANDUM

DATE: 28 FEBRUARY 1995

TO: COMMUNITY LIAISON

FROM: LEOLA RAMMBLE
 MANAGING SECRETARY
 THEME COMMITTEE 1
 CHARACTER OF THE DEMOCRATIC STATE

SUBJECT: 1. REPORT ON PUBLIC PARTICIPATION PROGRAMME ON SATURDAY 25 FEBRUARY 1995
 2. DELEGATES FOR SATURDAY 11 MARCH 1995

1. At a meeting of Theme Committee 1 on Monday 27 February 1995 members who had participated in the Public Participation Programme over the weekend gave a brief report and raised a number of issues which they asked be conveyed to the organisers of the events. These included the following:

- 1. Poor advertising of the events in the different areas. ✓
- 2. The timing of the meetings - 9 a.m. was too early for many members of the public to participate. ✓
- 3. The accessibility of the venue. ✓
- 4. Inadequate representation of political parties.
- 5. Short notice and lack of proper preparation for delegates. It was stressed that members should be briefed well ahead of time. ✓
- 6. Concern that issues raised by members of the public at the events be noted and tabled in a report.

On the positive side, it was reported that there was clear appreciation of the events by the public and that most people had come to the meetings to make an input. ✓

2. Names of delegates for Saturday 11 March 1995

Members of Theme Committee 1 available for the CPM's on 11 March 1995 are:

- Goosen A D
- Gumede D M
- Kekana N N
- Mngomezulu P G

THEME COMMITTEE 1
DRAFT SUPPLEMENTARY REPORT
ON PRIVATE SUBMISSIONS

The Summary Overview which follows seeks to provide members of the Theme Committee with brief notes on the main points of relevance contained in submissions from members of the public. Some of the submissions were long, with only a few points germane to this Theme Committee's task.

In the view of the compiler, Prof. H Corder, several issues stand-out for the frequency of their occurrence, and the urgency with which they are expressed viz.

(a) accessibility of Members of Parliament (including methods of direct contact and a return to some form of constituencies);

(b) accountability of those in public office (including incorruptibility and a possible mechanism of recalling those who fail to live up to standards of accountability);

(c) that the Constitution should be simple, concise, principled and understandable; and

(d) there is a clear difference of opinion on the extent to which religious reference should be made in the Constitution.

These issues form part of the forthcoming work of this Committee.

It is hoped that this compilation will be of assistance. As with any such exercise, however, it is no substitute for a perusal of the originals.

**SUMMARY OVERVIEW OF SUBMISSIONS
FROM SOURCES OUTSIDE PARLIAMENT**

NAME & LOCALITY	SUBJECT MATTER OF SUBMISSION GERMANE TO THEME COMMITTEE 1	DATE SUBMITTED
Dir-General, Dept Env. Affairs and Tourism	Embodiment of a reference to a "healthy environment" in the Preamble to the Constitution	05/01/1995
Pretoria Buddhist Group	Reference to the "Declaration on Religious Rights and Responsibilities" as impacting on the Character of the State: essentially, freedom of religion and conscience, equality of religious communities before the law, the right to religious education, religious access to media, religious ownership of property and exemption from taxation, etc.	28/12/1994
WS Bennett Johannesburg	Popular contact with Parliament: suggests a "Freepost" service available at all Post Offices for questions to be put to Parliamentarians	05/01/1995
O Bothma Mossel Bay	Sets out scheme for division of powers vertically, relying on three levels of independence for provinces (States)	27/12/1994
E R Jenkins	Language Policy: Language rights should be individual rights; all eleven official languages should continue to be so recognised; the emphasis should be on putting language to use; the Pan-South African Language Board should be retained	27/12/1994
M S Dimba Plessislaer	Democracy must be "proper and pure". SA must be a unitary state, with a strong central government; a Volkstaat must be rejected	09/01/1995
Council of Muslim Theologians Durban	Muslims cannot use the words "Woza Moya" in the National Anthem, as they contravene the belief in the Doctrine of monotheism	10/01/1995
G B McIntosh Estcourt	Concerned about the absence of constituency links of MPs, also about section 43(b) of the transitional constitution. Reduce the size of representative bodies. The spirit of Human Rights should be included in the Preamble, following immediately after the reference to Almighty God	28/12/1995

K R Maughan-Brown Fish Hoek	Constitution must provide a framework, the local community being the most important element. Individual apathy and antipathy must be countered. There should be direct democracy at local level, and representative democracy at higher levels. Popular ballots, referenda and initiatives should be used.	10/01/1995
Rev M A Mncwabe Wartburg	In Zulu - no translation	02/01/1995
B J Mnisi Balfour	Equality must be preserved, the "GNU is correct"	11/01/1995
R Porteous Eikenhof	Emphasis should be on non-establishment of religion, not on the separation between religion and state	11/01/1995
H B Narian / Richmond	No fear or intimidation, a Federal state	29/12/1994
H Prozesky Pietermaritzburg	Separation of state and religion; freedom of belief, equality for all forms of religious and secular beliefs; remove "In humble submission to Almighty God", "Nkosi sikilel' iAfrika" and "so help me God"	10/01/1995
T M Shaku Atteridgeville	Use "Sepedi" not "Nothern Sotho"; Motswana - Batswana; and Mopedi - Bapedi	02/01/1995
R Southall Grahamstown	Proofs of an article reviewing the 1994 elections, and speculation on the re-emergence of a dominant-party state in South Africa	
(Unknown) Plettenberg Bay	Education on democracy is needed; State must value openness, honesty and fairness and be positive and progressive and above all uncorrupt	07/01/1995
ETM Tshigeng Phokeng	Statehood should embrace local custom	
D Verster Westgate	Emphasis on democracy and a Bill of Rights, as well as freedom inside the law of the land	
S Abrahams Yeoville	Rights must be accompanied by responsibilities (obligations or duties); liberty not licence	21/12/1994
D Black / Parklands	In favour of minimalist government, not majoritarianism	08/01/1995
R Brijraj Durban	Promote nation-building and democracy; and affirmative action	03/01/1995

T W Button Somerset West	Sees social structure as three-fold: cultural, social and economic; government should provide for free expression of culture, have greatest responsibility in social matters on basis of equality, and should not be directly involved in economic matters i.e. liberty, equality and fraternity	13/01/1995
A J Caser Pietermaritzburg	Greater public information and parliamentary accountability to ordinary people	12/01/1995
R E Chalom Johannesburg	Citizenship should be further regulated in a constitution	11/01/1995
D Drummond Gardenview	All voters and all parties should be represented in government	15/01/1995
S Evans Cape Town	There should be guidelines for ethical conduct of officials	10/01/1995
N K Govind Durban	There must be a secular state, with English the only official language	07/01/1995
K Hunter Greenside	Federal nature with one official language; those who pay more tax should have a greater say. The constitution should be simple	20/12/1995
S Kirchoff (Natal?)	Direct election of President and Senate; Federal character of state	12/01/1995
J Katz Kimberley	Favours Democracy, transparency and accountability	08/01/1995
T Makegabo Pretoria	Constitution must be understandable, simple, and accessible, with a mechanism for the proactive enactment of enabling legislation	
J A McMorran Florida Hills	Education, ethics and efficiency are important values	
M Peer / Odin Park	Elections every four years; accountability, etc; delimited voting wards; basic rights protection; benign state; racists and criminals not to hold public office	12/01/1995

J Roux / The Threefold Working Group Cape Town	On approach of Rudolph Steiner, see three sub-systems in modern society: the economy, the political-legal-rights life (government), and the spiritual-cultural-educational realm (individual development) - in other words, Fraternity, Equality and Liberty. Twelve proposals are made towards a threefold Constitution: among them - - a government to protect human rights and promote social justice; - intensive democracy and accountability; - meaningful regional and local government; - visible and limited government; - independent education and management of national finances; - co-operation via negotiation	
J Thuynsma Mitchells Plain	Right to recall MPs on certain grounds; two-tier government (no provincial level); unitary state	13/01/1995
J M Smalberger George	Votes on basis of income tax paid: one vote for every R100 paid; basic one vote for all	12/01/1995
E van Wyk Witbank	Central government override	11/01/1995
A Wilson Fish Hoek	Strong central government over provinces; English as official language	15/01/1995
African National Council of Churches (Pastor Masinga) Marshalltown	Freedom of worship; non-interference by State with religion; State should support certain aspects of Church Life (e.g. feeding schemes)	26/12/1994
United Christian Action Claremont, W. Cape	The rule of law; checks and balances; bi-cameral national legislature; a federal system; free enterprise market economy. Education independent of State; taxation powers of central government less than 10%	28/12/1994
Evangelical Fellowship of SA Pietermaritzburg	Power close to the people; State impartial as to religion but not secular; retain "In humble Submission..." and "Nkosi ..."	11/01/1995
Africa Muslim Party Cumberwood	Minority group participation at all levels of government; particular attention to Muslim interests in a range of government spheres	11/01/1995
Organisation Development Institute of SA Cape Town	Towards a Threefold Constitution (see above, <u>sub nom</u> J Roux / Threefold Working Group)	12/01/1995

English Academy of SA	Greater clarity to "equal use" of languages, and to activities of Pan-SA Language Board; no return to former (pre - 1993) style of Preamble	12/01/1995
Novalis Institute	Support for right to education and children's rights	11/01/1995
N Arthinodorou Pretoria	Right to recall government which fails to live up to campaign promises, by referendum	18/01/1995
TA de Bruyn Overport	Election of individuals, not parties, to Ministerial portfolios; Ministerial salaries to be negotiated with the people	18/01/1995
R C Haw Somerset West	A maximal devolution of power; the Swiss canton model; problems with the Westminster system in Africa	16/01/1995
P Lausberg Noordbrug	Separate governments for different "minorities" ("blacks" are largest minority)	
J O Kellermann Pretoria	Restrictions should be placed on increase in government spending, and on the ratio between government revenue and citizens' income	17/01/1995
A Stemmett Bonnievale	Concentrates on international law aspects of Constitution. Proposes new formulations of section 231 (4), and fundamental rights relative to international law	02/01/1995
T Xerokefalo Jeppestown	Must be some constituency aspect to proportional representation	23/01/1995
J A N Venter Pretoria	Free market, government by the people, for the people	10/01/1995
J M Vosloo Brackenfell	A non-entrenched Bill of Rights; various suggestions for organisation of government	18/01/1995
H W Brussow Honeydew	No right to strike; no race discrimination including affirmative action; recognition of social and cultural stratification must be respected	20/01/1995
P A Brussow Bethlehem	Minority parties should be heard; no socialistic ideas; uphold law and order; leaders of the State should <u>serve</u>	17/01/1995
H C & M I Botha Mtwalume	Vote for individuals, not parties; a code of conduct for governors; federalism	16/01/1995
H C de Villiers Empangeni	Constituency representation; no third level of government	09/01/1995

S Galpin Durban	The State exists to serve the citizen; Strict limit of period of arrest before court appearance; no limit on right of defences, including arms; every five years, a Council of Review, to recommend constitutional amendments, with the approval of 75% of Parliament; no privileges for MPs	19/01/1995
R I Emery Nelspruit	Full transparency, to avoid corruption	23/01/1995
M Innes Melkbosstrand	Government from the bottom up; Christian nature of SA society	15/01/1995
VW Meyer Wingate Park	Capitalism and free market; multi-party democracy; Christian values; affirmative action on merit; fair balanced taxation; ownership of private property; etc.	24/01/1995
D S Mahabeer Reservoir Hills	In favour of: Bill of Rights, local to national democracy, House of Traditional Leaders, religious freedom, constituencies. Against: Traditional authorities, Volkstaat, proportional representation for minorities.	16/01/1995
H Smith Lindley	Freedom of the individual; an independent Republic; a President without legislative powers; a small legislative assembly	
L P Morris / Durban	Constituency representation	16/01/1995
G R Oliver / Cape Town	Federation	13/01/1995
A Hoffenberg Birnam Park	Referendum and recall of representatives; trial by jury; direct election of public officials; smaller political units; American constitutionalism; information on the Bahai faith	16/01/1995
National Spiritual Assembly of Bahai Houghton	Non-discrimination on race, creed, class, economic condition; personal rights and freedoms; right to basic education, to work; decentralised federation; solidarity of family; rights of men and women; one common language; etc.	09/01/1995
R Smit / Durban	Respect for one another	16/01/1995
J F Pretorius Pretoria	Code of ethics for political parties	12/01/1995
D Tim Johannesburg	Family life is the backbone of society; qualities must be instilled in children	
J J Steenekamp Constantia	Simple, concise and understandable constitution; concentrate on principle; no recognition of any religion; separation of powers	15/01/1995

M G Buthelezi Dept Home Affairs	Citizenship regulated along the lines of Citizenship Bill (1995?); franchise to SA citizens for national and provincial elections; may be widened by Act of Parliament for local elections	18/01/1995
Concerned South Africans Sun City	Control unscrupulous businessmen; legislate affirmative action; control the flow of expatriates and imported labour; scrutinise applications for citizenship; free enterprise	20/01/1995
SA Civil Liberties Union Rondebosch	Comment that SA run by an elite group	23/01/1995
World Conference on Religion and Peace Johannesburg	Separate State and religion; conduct the state free from bias to one or other religion; recognise public role of religious communities to promote moral and spiritual standards, and the duty of the State to support such. (Declaration on Religious Rights and Responsibilities attached - November 1992)	20/01/1995
Laissez Faire Books San Francisco, USA	Catalogue of books submitted	
J Carter Clifton	Retain "In humble submission to Almighty God"	29/12/1994
Boere-Vryheids Beweging Pretoria	A Christian republican Boerestaat; will be a blessing for South Africa, will promote peace, will accept responsibility, will not be a threat, will export food. (Authority sought in UN principles on the rights of indigenous people, 1994)	15/09/1994
T Oosthuizen Alberton	Right of recall of MP when changes party	20/01/1995
G Salzer Yeoville	Disturbed by pornography	24/01/1995
(J M Lasrag?) Durban	English the only official language	26/01/1995
R C Haw Somerset West	Maximum devolution of power	
A Reynolds San Diego, USA	An investigation of the application of five different electoral systems to the actual results of the 1994 Malawian and South African elections	18/01/1995
J E Stokes Goodwood	Power-sharing and fundamental rights	26/01/1995
Dr J L Steyn Pretoria	General subscription to the values embodied in the constitutional Principles	23/01/1995

Anonymous Springs	Retain the death penalty and abortion laws; withhold gay rights, stricter censorship	30/01/1995
M Durr Constantia	Stricter censorship, no gay rights, no prostitution	28/01/1995
A Reynolds San Diego, USA	An article on the importance of electoral system and constitutional design to the new democracies of Southern Africa. Attempts to show divided societies need proportional representation and parliamentary systems of government. Proportional representation needs to emphasise geographical representativeness and democratic accountability of MPs.	18/01/1995
N Romm Benmore	Non-sexism needs to be entrenched at all levels and in all structures and procedures; not marginalised in a Gender Commission (22 pages)	22/01/1995

Time: Proposed = 11:00

Venue: Boardroom

* Wordings - say what you want to say