

Free the press – one of the many protests held during the 1980's calling on the state to remove curbs on freedom of expression.

Changes needed to assist press freedom

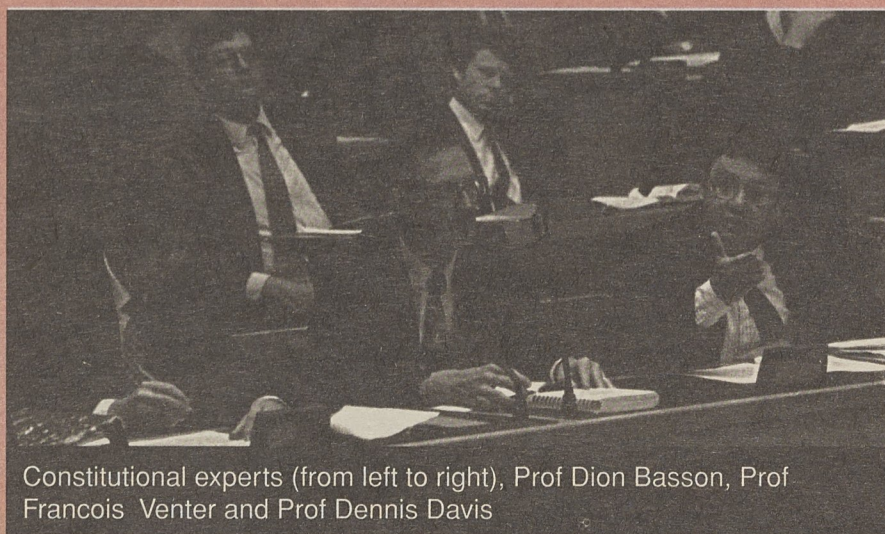
Top newspaper editors met the Constitutional Committee Sub-Committee this week to ask that certain provisions in the interim constitution be written differently in the new constitution to ensure that the Bill of Rights gives South Africa's new democracy the free press it needs to flourish.

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Constitutional principles not rules - say experts

The debate over the division of powers and functions between the national and provincial governments started in earnest this week when the Constitutional Committee (CC) Sub-Committee met to receive a report from constitutional experts on the meaning of Constitutional Principles relating to this subject.

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Constitutional experts (from left to right), Prof Dion Basson, Prof Francois Venter and Prof Dennis Davis

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Ensuring free and fair elections

The draft text on an Electoral Commission to manage all future elections was unanimously approved by the Constitutional Committee.

When Theme Committee 6.1 presented its report and draft text on the Electoral Commission, there was little to debate.

The content of the short clauses was supported by all parties.

The report on the Electoral Commission suggested some matters that could be considered for general legislation. These included giving the Commission its own budget. Financial re-

ports should be approved by the Auditor General before being submitted to parliament.

The question of the appointment and dismissal of commissioners was not discussed by the CC.

This will be dealt with by general provisions covering what are now called the "independent institutions". These include the Auditor General, Public Protector and Human Rights Commission, among others.

The chairperson of the CA, Cyril Ramaphosa said the appointment and dismissal procedures for all these would be discussed further by the full Constitutional Assembly.



Finally, after years of waiting, a pensioner is about to cast her vote. The CA is ensuring that her democratic rights will be protected by the establishment of an Electoral Commission

Provisional draft text

(1) There shall be an Electoral Commission which must be independent, impartial and accountable to Parliament.

(2) The Electoral Commission shall be composed of a minimum of three persons who must be nominated by a representative parliamentary committee on elections,

approved by a seventy-five per cent majority of members of parliament and appointed by the President.

(3) The Electoral Commission shall be responsible for the management of free and fair elections conducted at national, provincial and local levels of government.

CA holds crucial session

The Constitutional Assembly (CA) held a crucial session this Friday in which it received several reports from the Constitutional Committee on matters that could see about a third of the new constitution agreed upon

All the reports discussed by the Constitutional Committee thus far would be placed before the full Constitutional Assembly for further debate. This would help bring "fresh ideas and insights to outstanding matters", as CA chairperson Cyril Ramaphosa put it.

In each report, issues have been identified for further discussion. These include:

The National Assembly

- The size and term of the National Assembly.
- Whether members should give up their seats when they cross the floor to another party.
- How long the disqualification for standing in an election should be for people who have served prison sentences of more than 12 months without the option of a fine.
- Whether the President should examine the content of a Bill for consistency with the Constitution before signing it into law, and his power to refer Bills to

the Constitutional Court.

The Independent Institutions

- Appointments and dismissals of the Reserve Bank, Public Protector, Auditor General, Electoral Commission and Human Rights Commission.

Courts and Systems of Justice

- The jurisdiction of the Constitutional

Court.

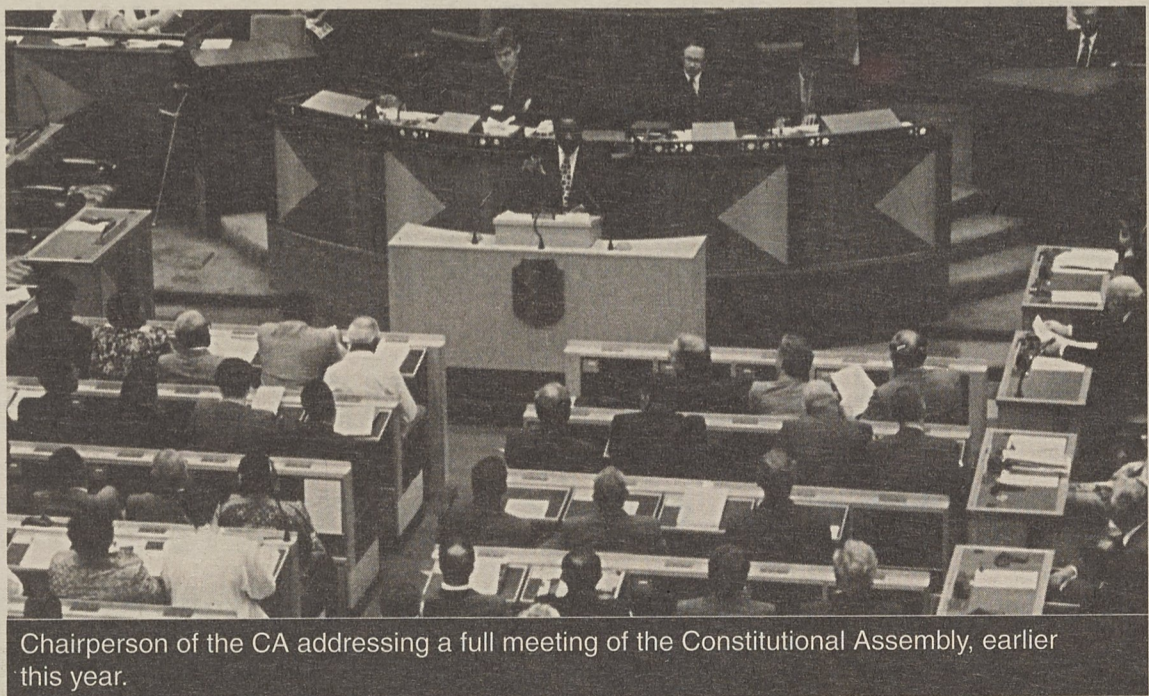
- The stage at which a Bill or Act should be referred to the court.

Security Services - Defence

- The meaning of "national interest" and its definition in the Constitution. Whether it should be specific or general?

- The procedure for appointing the Chief of the Defence Force.

There was also an open time during which any other matters of constitutional interest were raised. The debates were still in progress at the time of going to press. A full report on the session will be in the next edition of *Constitutional Talk*.



Chairperson of the CA addressing a full meeting of the Constitutional Assembly, earlier this year.

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THE NEW CONSTITUTION



Freedom of Expression without voices?

Freedom of expression would mean nothing unless the government promoted media diversity by funding emerging black broadcasters and publishers. This was the view of the Black Editors' Forum, presented to the Constitutional Assembly this week.

role.

Mazwai also said the Constitution should prevent foreigners from "grabbing control" of local media. Many other countries, including France, the United States and Australia, limited foreign ownership of the media.

Monopolies, particularly when big groups also controlled the printing presses and distribution companies, also hampered true freedom of expression. Theoretical rights had to be placed in the context of South Africa's past.

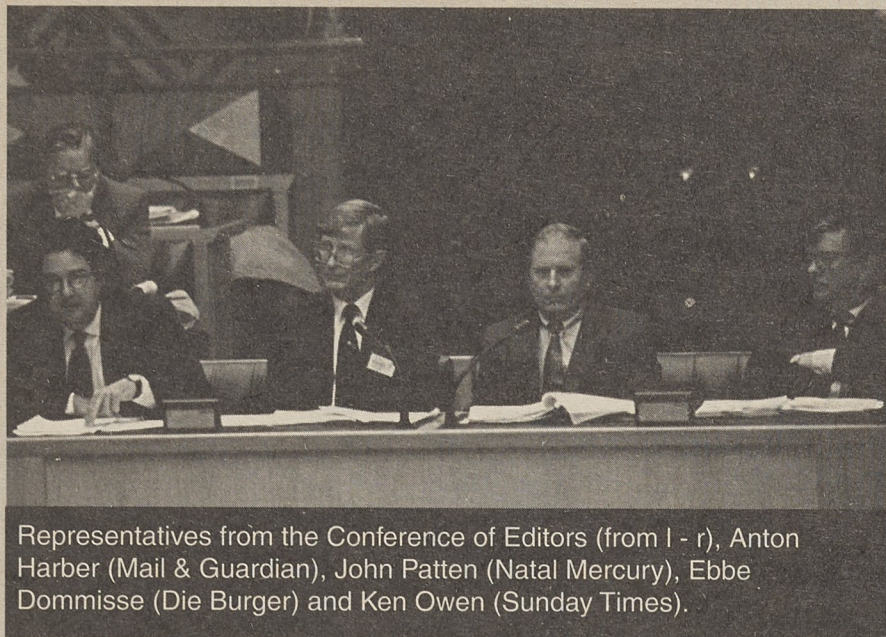
"We can't afford to hide behind dictionary definitions when what the people have fought for has not been delivered," he said.

The delegation argued for the dismantling of monopolies. They should be divided into publishers, printers and distributors so that no one group had an advantage.

"Big companies are not necessarily a bad thing. But right now we want to bring in others. In this way, we could also broaden the tax base."

The Conference of Editors argued that foreign ownership brought much-needed investment and assisted with the process of transformation.

The only way to keep foreigners out would be to "shoot down their satellites", commented Sunday Times editor Ken Owen.



Representatives from the Conference of Editors (from l - r), Anton Harber (Mail & Guardian), John Patten (Natal Mercury), Ebbe Dommissie (Die Burger) and Ken Owen (Sunday Times).

Changes needed to assist press freedom

From page 1

What rights should a newspaper have to access information from the State and to print damaging information about private individuals in the name of public interest? How can real freedom of expression be achieved when the media is dominated by big business and monopolies? Should foreigners be able to buy up the South African media?

These were just some of the issues addressed when delegations from the Black Editors' Forum and the Conference of Editors addressed the Constitutional Committee Subcommittee on the constitutional rights that affect press freedom.

A major concern was that the present interim constitution divides rights in two groups with some given a higher value than others. Some, like freedom of political activity, dignity and privacy, can only be limited when it is reasonable and necessary to do so. On the other hand, freedom of expression could be much more easily limited because the only test was reasonableness.

"If freedom of expression could be raised to the highest plane of human rights, and subjected to the test of necessity as well as reasonableness, we would be satisfied," said Conference of Editors spokesperson John Patten.

Sunday Times' editor Ken Owen said it was accepted that there had to be limits on freedom of expression.

"But I don't think it should be made easier than in the case of any other right. The present constitution has singled out political speech for the highest level of protection but not other speech. This is bizarre."

He argued that if limits had to be proved necessary it would "force parliament and the courts to consider the matter very, very carefully".

The second argument was that common law should be made subject to the Constitution so that a narrow definition of defamation couldn't be used to suppress information that was in the public interest.

Weekly Mail and Guardian editor Anton Harber said that, in his experience, recent court decisions involving defamation and public officials had severely hampered the freedom of the press.

Debating this issue, CA members asked how what rights the ordinary citizen had to be protected from untrue and damaging newspaper reports? Should newspapers be able to "hide behind unnamed and so-called highly placed sources"? Wasn't this a "tyranny of editors"? asked the ANC's Professor du Toit.

The position of the editors was that individuals should be protected from irresponsible journalism. It was up to the courts to balance the rights to human dignity and privacy with the right to freedom of expression.

Another clause that restricted the press was the right of access to information held by the State. The leader of the Black Editors' Forum delegation, Thami Mazwai, said that at present this right only applied where the information was needed "in the exercise or protection of an individual's rights".

"We want this extended to include information needed in the exercise or protection of the rights of the general public," he said.

Patten, heading the Conference of Editors' team, agreed. "This is extremely limited. For the press to fulfill its democratic duty, it needs access to information held by the state." He said access to information should be guaranteed in the Constitution and regulated by detailed legislation.

Raymond Louw, former editor of the Rand Daily Mail, said in the past "access to information had been denied to the people to dramatic and traumatic effect" and had prolonged the apartheid era. He argued that the current clause empowered the State to continue doing this.

The editors said they were not asking for the media to have more rights than individuals, simply that they should not have fewer. This would be in keeping with the spirit of "openness and transparency" in the new South Africa.

The Constitution should do more than guarantee rights; it should wipe out the imbalances of the past. Speaking on behalf of the Black Editors' Forum, Thami Mazwai, who is editor of Enterprise magazine, said that in reality freedom of expression, and press freedom, would remain nothing if the media was dominated by "yesterday's ruling class".

The government said it was committed to encouraging diversity in the media but new licences granted by the Independent Broadcasting Authority were "useless" if emerging entrepreneurs were not given funding, too.

In the past, foreign funding had helped the so-called alternative media survive. As funding had dried up, so these newspapers had become "victims of the death of apartheid". The government should take over this funding



Essop Pahad (ANC) questioning the editors after their presentation.

Submissions barometer

The CA has been flooded with submissions from individuals and organisations. These submissions have formed the basis of reports submitted to the Constitutional Committee. This process reflects the truly democratic and inclusive nature of the constitution-making process.

The total has risen to 1 763 729 written submissions. This excludes oral submissions.



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The security services in a human rights culture

The constitution should contain sufficient guidelines on how the security services should operate in a democratic state based on a human rights culture. This was the view of Theme Committee 6.4 chairperson Jenny Schreiner, who was presenting the report and draft text to the Constitutional Committee for debate.

Once again, the history of South Africa and the problematic role of the security forces in maintaining the apartheid state has influenced the drafting of key constitutional text.

After months of considering the views of the security sector, including the police, defence and intelligence communities, political parties, NGOs and other parts of civil society, and individual submissions from concerned South Africans, Theme Committee 6.4 has presented a complete draft chapter on the security services to the Constitutional Committee.

Key features include an opening statement of principle that spells out the context within which the security services will safeguard the rights of South Africa and all its people. While the exact wording will be redrafted, the intention is to ensure that national security will be pursued in the context of democracy, respect for human rights and social justice, and in strict compliance with the Constitution, the law and international conventions.

There is also a code of conduct which makes it a duty for a soldier or policeman to obey all lawful orders, disobey all unlawful orders and to refrain from furthering party political interests.

Strict multi-party control and review of all security service activities will take place through parliamentary oversight committees.

Presenting the Theme Committee report, Jenny Schreiner said there had been a "high degree of agreement" between the political parties. The committee had also considered fully an Inkatha Freedom Party submission which had arrived at the end of June - about three months after their withdrawal from the CA.

The only disagreement between the parties was that the IFP wanted much more detail on security services in the Constitution and a greater role for the provinces.

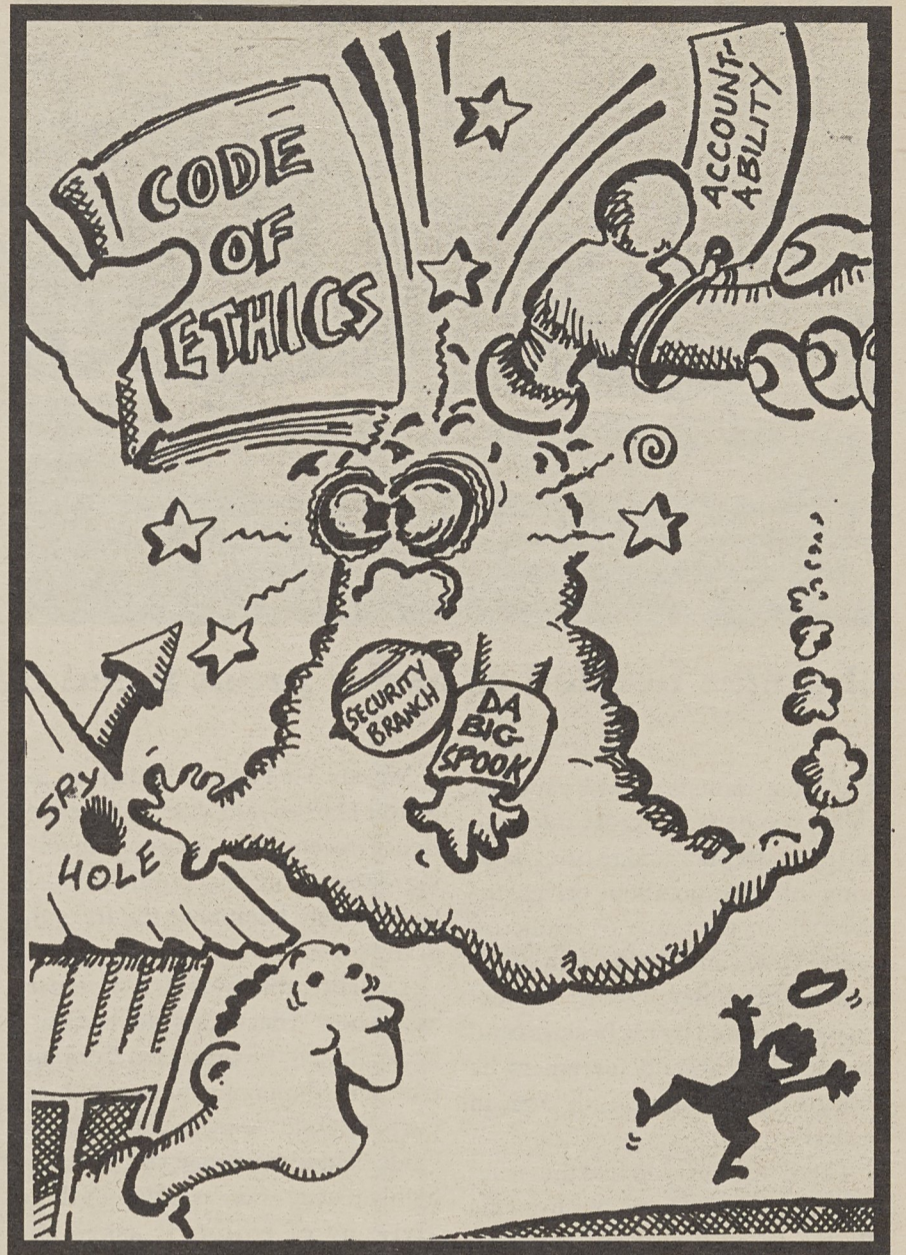
The importance of security matters was underlined by the interesting debate at the 46-member Constitutional Committee.

There was a great deal of discussion about the international laws, conventions and treaties that would guide the security services. ANC members, including Valli Moosa, Johnny de Lange and Willie Hofmeyr, requested more clarity on what these were. Members of



Johnny de Lange

the Theme Committee said a reference like this was needed so that behaviour outside the borders of South Africa, including foreign peacekeeping operations, would be covered. Schreiner said international conventions would also regulate issues like torture by the police.



In the section on defence, the main issue was the clause that the defence force should be guided by the "principle of non-aggression". The Theme Committee felt this was better than the idea in the interim constitution that it should be "primarily defensive".

In a general discussion of military tactics and strategy involving all kinds of possible scenarios, General Constand Viljoen of the Freedom Front pointed out that it was the State and not the defence force that should be bound by a principle of non-aggression. "Sometimes the best form of defence is offence," he said. "This is not a very wise phrase."

The ACDP asked whether the reference to a "professional" military would limit conscription. The Theme Committee said it would not but, after several speakers said it was "vague" and "added nothing", it was decided to remove the word.

The DP's Colin Eglin said the objective mentioned in clause (2) (see text on page 5) was too narrow. He suggested it should read "primary objective". This would cover other areas like helping with elections and community assistance in times of natural disasters.

The draft text on the police provides for a police service operating at both national and provincial levels. While there was consensus among the parties represented in the Theme Committee, the IFP submission calls for a greater powers for the provinces. The IFP wants the responsibilities of the

national police spelt out and all other policing left to the provinces.

There was wide support for multi-party parliamentary oversight and a civilian secretariat to govern the police services.

It was agreed to scrap the final clause of the section dealing with enlisting the support and co-operation of the people, because it was vague and meaningless.

The need to regulate intelligence activities meant that this should be covered in the Constitution but exactly how and in what detail could not be agreed upon by the CC.

The ANC's Valli Moosa questioned whether these clauses were all necessary in the Constitution. The DP wanted a coordinating mechanism between the various national, police and military intelligence bodies and parliamentary oversight of intelligence activities entrenched.

After some debate, it was decided that the key areas were that the President would establish such intelligence agencies as were needed and would be politically accountable for their activities, and that there was a need for a parliamentary oversight committee. The CC Sub-Committee was asked to take the matter further and consider redrafting the section.

The general provisions, which included the code of conduct, training and personnel administration, were unanimously supported.

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Provisional Draft Text

STATEMENT OF PRINCIPLE

Whereas there is a need

- that national security should be based on the resolve of all South Africans, as individuals and as a nation, to live as equals and in peace and harmony, to be free from fear and want, and to seek a better life; and

- that national security should be pursued in strict compliance with the Constitution, the law and all applicable international conventions and norms;

Now therefore the following provisions and the principles enshrined therein are enacted to govern national security and the security services of the Republic, and these provisions shall be interpreted and understood in the spirit of this Statement of Principle.

★ SECURITY SERVICES

Composition and structuring of security services

1. (1) The security services of the Republic consist of a single defence force, the police service and such intelligence services as may be established in terms of the Constitution.

(2) The security services shall be structured and regulated by law.

(3) The security services are subordinate to the will of the people as expressed in terms of the Constitution. They shall at all times act in accordance with and within the confines of the Constitution and the law, including the norms of international customary law and treaties binding on the Republic.

(4) The security services shall discharge their powers and functions in the national interest. It shall therefore be unlawful for the security services to further or prejudice party political interests.

★ DEFENCE

Defence force

2. (1) The defence force shall be structured and managed as a disciplined professional military force. Its object shall be the defence and protection of the Republic, its territorial integrity and its people.

(2) In pursuing its object the defence force shall be guided by the principle of non-aggression.

Political responsibility and accountability

3. (1) A Minister of the Cabinet shall be charged with the political responsibility for defence and shall be accountable to Parliament.

(2) A (joint) multi-party committee of Parliament shall be established and maintained for the purpose of continuous parliamentary oversight of all defence matters. In particular the committee shall be competent to investigate and make recommendations regarding the budget, functioning, organisation, armaments, policy, morale and state of preparedness of and draft legislation on the defence force and to perform such other functions relating to parliamentary supervision of the defence force as prescribed by law.

Command of defence force

4. (1) The defence force shall be under the command of a chief of the defence force who shall be appointed by the President.

(2) The chief of the defence force shall exercise command of the defence force in accordance with the directions of the

Minister of the Cabinet responsible for defence and, during a state of national defence, of the President.

Civilian secretariat

5. A civilian secretariat for defence functioning under the direction and control of the Minister of the Cabinet responsible for defence, shall be charged with the administration of such matters in connection with defence as may be entrusted to it by law or the Minister.

Employment of defence force

6. The defence force may be employed only in the national interest and as authorised by law. Such a law shall be consistent with this Constitution and shall comply with the norms of international customary law and treaties binding on the Republic.

★ POLICE

Police service

7. (1) The police service shall be structured and managed as a disciplined professional police service. Its object shall be the prevention and investigation of crime, the maintenance of public order and to secure the safety and security of people and communities in the Republic.

(2) The police service shall be structured to function at both national and provincial levels under the direction of the national government and the provincial governments, respectively. The police service at provincial level may include police formations operating at the local level.

Political responsibility and accountability

8. (1) A Minister of the Cabinet shall be charged with the political responsibility for police and shall be accountable to Parliament.

(2) A (joint) multi-party committee of Parliament shall be established and maintained for the purpose of continuous parliamentary oversight of all police matters.

Control of police service

9. (1) The police service shall be under the [operational] command of a national commissioner who shall be appointed by the President.

(2) The national commissioner of the police service shall exercise command of the police service in accordance with the directions of the Minister of the Cabinet responsible for police.

(3) A provincial commissioner for each province shall be appointed by the national commissioner in accordance

with a national law who shall be responsible for all visible policing functions in the province and such other functions as prescribed by a national law.

Civilian secretariat

10. (1) A civilian secretariat functioning under the direction and control of the Minister of the Cabinet responsible for police, shall exercise such powers and functions in connection with police as may be entrusted to it by law or the Minister.

(2) A province may establish a civilian secretariat to function at the provincial level of the police service as prescribed by law.²³

Powers and functions of police service

11. (1) The powers and functions of the police service shall be as set out in a national law. Such a law shall entrust sufficient powers and functions to the police service in order to enable the national and provincial commissioners to discharge their respective responsibilities effectively.

(2) In discharging its powers and functions the police service shall endeavour to enlist the support and co-operation of the people and communities except where this is inappropriate.

★ INTELLIGENCE

Establishment of intelligence services

12. An intelligence service operating independently from the defence force or the police service may only be established by the President. The objects, powers and functions of such an intelligence service shall be set out and regulated in a national law.

Political responsibility and accountability

13. The President or a Minister of the Cabinet designated by the President shall be charged with the political responsibility for an intelligence service and shall be accountable to Parliament for such intelligence service.

Control of intelligence services

14. (1) An intelligence service shall operate in accordance with the control and directions of the President or the Minister of the Cabinet responsible for such an intelligence service.

(2) The head of an intelligence service shall be appointed by the President [subject to parliamentary approval].

Co-ordination of intelligence activities

15. A mechanism regulated by a national law for the co-ordination of intelligence services and the intelligence divisions of the defence force and the police service shall be established by the President.

Parliamentary oversight of intelligence activities

16. A (joint) multi-party committee of Parliament shall be established and maintained for the purpose of continuous parliamentary oversight of intelligence matters as set out in a national law. Budgetary oversight of intelligence services shall be performed jointly with the parliamentary committee on public finance.

Civilian inspectorate

17. A civilian inspectorate shall monitor the activities of intelligence services and perform such other functions as prescribed by law. Inspectors shall be appointed by the President with the approval of Parliament by resolution adopted by a majority of at least two thirds of the members.

★ GENERAL

Code of conduct for members of security services

15. Members of the security services shall at all times act in accordance with a code of conduct prescribed by law. In particular members of the security services shall -

- (a) be obliged to comply with all lawful orders;
- (b) refuse to comply with a manifestly illegal order; and
- (c) refrain from furthering or prejudicing any party political interest.

Training

16. Members of the security services shall be properly trained in accordance with the relevant international standards of competency and discipline. The members shall be instructed in the applicable basic concepts of South African law, the inviolability of human rights and international conventions and law.

Personnel administration

17. The conditions of service and the rights and duties of members of the security services shall be regulated by law with appropriate mechanisms established to accommodate the specific needs of the security services. Mechanisms and procedures for the resolution of labour disputes within the security services shall be established.



Ohulumeni basekhaya - umbuso wentando yeningi ususemnyango

Iziphathimandla noma izakhiwo ezibhekene nokuthuthwa kwezibi, ukwakhiwa nokuqhutshwa kwemitholampilo ezindaweni zabantu, kanye futhi nokusondezela abantu izidingo ezisemqoka, yizona ezisondelene kakhulu nokunikeza abantu uhlelo lombuso oliphethe ngokwentando yeningi, (i-dimokhrasi). Ingabe oHulumeni basekhaya kufanele yini banikezwe ithuba lokuzikhulumela endlini ephezulu, esigungwini esishaya imithetho (i-Senate phela)? Lesi kwaba yisihloko esisematheni esadingidwa emhlanganweni wesiGungu wokwethula imibono wamalungu e-Theme Committee Three, (iKomidi Lendikimba Lesithathu).

Lomhlangano wokulalela imibono, wawudidiyele kusukela kubaholi bendabuko kuya kongqongqoshe bezifunda, abaphathi bamabhuku emadolobheni amancane kuya ezinhlanganweni zasemaphandleni ezingekho ngaphansi kukahulumeni (ama-NGOs), abazinyunyana, i-Volkstaaraad, kanye nendidiyela yezinhlobodnhlobo zabanamasheya, bonke lababantu beza e-Cape Town ukuzokwethulela i-CA imibono yabo emayelana nesimo nobuphathimandla kanye nemisebenzi ebhekene nohulumeni basekhaya.

Usuku lwaqalwa kahle ngokuthi kudingidwe isihloko esishisayo esimayelana nokuthi kufanele yini abaphathi basekhaya babe nokumelwa okuthize endlini ephezulu esigungwini esishaya imithetho (i-Senate).

Akavumelananga nalokhu undabizekwayo ongu-Pieter Marais, uNgqongqoshe kaHulumeni waseKhaya e-Western Cape. "Lokho kuyobangela ukuthi ahlakazeke amandla amavoti ezifunda uma sekufinyelelwa emazingeni e-Senate.

Waqhuba wathi iqembu elithize lingaphumelela okhethweni lwesifunda, kodwa lehluleke okhethweni lwasekhaya. Waqhuba wakubeka ngokusobala ukuthi omasipala abanikezwe amandla amancane, (ngenxa yokuthi abavoti babevame ukuba bancane okhethweni lohulumeni basekhaya), bangabe besakwazi ukushaya amaphiko ezifundeni.

"Lokho kungaba yingozi kakhulu. Umphumela wakhona kungaba isihlibhi esidonsa inkomo esikhundleni sokuthi kube inkomo ezidonsa isihlibhi, kanti-ke lokhu kungaba nomphumela wokuthi lemikhakha emibili bese ibhekana ngeziqu zamehlo." Kuqhuba yena belu oka-Marais.

Abanye futhi abangavumelananga nalomqondo kwaba abenhlangano yabaqashi bakamasipala, i-Federation of Municipal Employers, kanye

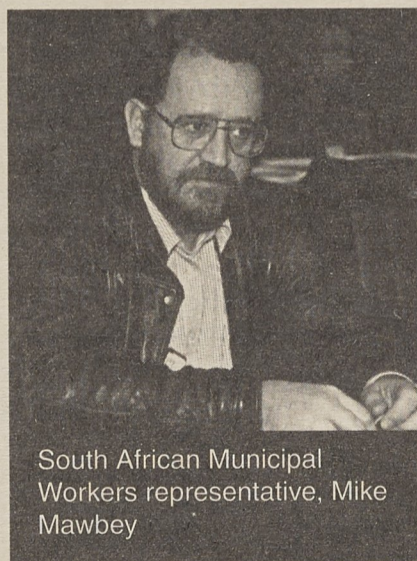


Western Cape Minister of Local Government Pieter Marais addresses striking municipal workers at a recent march.

neNkosi uNonkoyana wenhlangano yabaholi bendabuko i-Contralesa, owabeka ukuthi amalungu ephalamende (ama-MP), avele alumele uquqaba, waqhubeka wathi, abaholi bendabuko yibona okufanele babe sesiGungwini esikhulu esishaya imithetho.

Ezinye izikhulumeni zabeka ukuthi, ukunikezwa kohulumeni basekhaya ithuba lokuthi babenezwi endlini ephezulu esigungwini esishaya imithetho, kuyohambisana nomoya wokuphatha ngokwentando yeningi, kunikeze nalohulumeni wezigabagaba, ukuhlonipheka okulinganayo.

"Singathatha ngokuthi emva



South African Municipal Workers representative, Mike Mawbey

kwalokho, uhulumeni kazwelonke, ohulumeni bezifunda kanye nohulumeni basekhaya, bayobe sebeba namandla okusebenza ngokubambisana. Ukuba nabameli endlini ephezule esigungwini esishaya imithetho, kuyonikeza ohulumeni basekhaya ithuba lokuvikela amalungelo abo emazingeni kazwelonke. " kwabeka umnumzane Koos Smith oqhamuka

enhlanganweni yomasipala yase-Free State, I-Free State Municipal Association.

U-Ian Macintosh, omele i-Johannesburg Metropolitan Council, naye wavumelana nalokhu. Wabeka wathi, umqondo wohulumeni basemadolobheni amakhulu wokuphatha ezomnotho zasemadolobheni amancane ngokuphelele, kanye nowokuqinisekisa ukuthi umnotho wabiwe ngokulinganayo, ufanelwe ukulandelwa ngempela.

"Sifuna ukugwema impi yokubangwa kwamadlelo phakathi kwezifunda kanye namadolobha amakhulu." Kubeka u-Ian.

UMntwana uSifiso Zulu, ongosomlomo wesigungu seSilo samaZulu, wakwesekela kakhulu naye ukuba khona kwabamele ohulumeni basekhaya eNdlini ephezule esigungwini esishaya imithetho. "Kuzovimbela kusenesikhathi, noma kuthambise imikhuba emibi yokwehlukahlukana noma eyobuqembuqembu, bese kuqinisekisa ubuhlobo kanye nokubambisana kuwona wonke amazanga" Kuqhuba yena belu uMntwana.

Wabe esebeka futhi wathi kuyosiza kakhulu ekugcizeleleni ukubusa ngokwentando yeningi, kusebenze futhi njengonogada, kunikeze nesisekelo, kohulumeni bezifunda.

Inhlangano yomasipala baseNtilasifali, i-Transvaal Municipal Association, yethula ukuthi iNdlu ephezulu esigugwini esishaya imithetho (i-Senate belu), kufanele ibe mikhakha-mibili, omunye umkhakha oyomela izidingo zohulumeni bezifunda, omunye umele ezohulumeni basekhaya, kanti-ke

umkhakha umunye kuyofanele ube nengxenywe engokubili kokuthathu (2/3), yamalungelo okuphikisana noma okwala imithetho ethize noma izenzo ezithize zokushaywa kwemithetho, ongavumelani nakho.

UMnumzane Eddie Landsberg, (oqhamuka eInstitute of Municipal Treasures and Accountants), wathi ohulumeni basekhaya, bangakwazi ukulethela iNdlu ephezulu esigungwini esishaya imithetho, ulwazi okusebenziseka kalula, kanye nesipiliyoni. Ohulumeni basekhaya yibona abanobuchwepheshe obunzulu bokuphumelelisa uhlelo lokwakha kabusha kanye nokuthuthukisa (i-RDP).

Amanye amaphuzu abalulekile aphakanyiswa kwaba ukuthi ohulumeni basekhaya kufanele banikezwe amandla okuphatha alingana namakhono abo ekunikezeni umphakathi izidingo ezibalulekile, kwaphakanyiswa futhi nokuthi ohulumeni basekhaya basezindaweni ezisemaphandleni kufanele banakekelwe kakhulu, bathole noxhaso lwezimali futhi lapho kufanele khona.

USomlomo wenhlangano ebhekene nengxenywe yabantu abasemadolobheni, i-Urban Sector Network, u-Kim van Deventer, wagcizelela ukuthi uMthethosisekelo kufanele unikeze ohulumeni basekhaya ithuba lokuthi babambe iqhaza ngokusabalala olunentuthuko.

Amaqembu ehluahlukene - ayehlanguye izifundiswa, amadolobha kanye nezifunda - ethula imibono yawo ebhalwe phansi, echaza kahle konke okuyimibono yawo, ethulela iKomidi Lendikimba, i-Theme Committee.

It's your *right* to decide your *Constitutional* rights

THE NEW CONSTITUTION



Potso ho tsa setso



Patricia de Lille (PAC) exchanges views with delegates during the hearings on local government held in Cape Town recently

Seabo sa baetapele ba setso ebile taba ya bohlokwa eo ho ileng ha buuwa ka yona baholo puisanong tse mabapi le mmuso wa tikoloho, metseng eo eseng ya ditoropo, kapanong tsa Lekgotla la Molao wa Motheho, Constitutional Assembly.

Tsela e lebisana pele mmusong wa tikoloho, metseng e hole le ditoropo, e tswedipanngwa ke taba ya baetapele ba setso.

Baetapele ba setso ba ngangella hore tsela ya bona ya ho busa ke yona ya demokrasi ka sebele, mme, nakong e tlang, ba tla sebetsa mmobo le baetapele ba metse, ba voutetsweng ke setjhaba. Batho ba bang bona ba hanana le ntlaba ena, mme ba sisintse hore maemo a baetapele bana ba setso e mpe e be a boeletsisi feela tjena.

Morena M. Monkonyana ha a ne a tshetleba puo pela komiti a bitswang Them Committee, mabapi le yona taba ena ya mmuso wa tikoloho, ke hore local government, o itse boetapele ba setso bo itshetlehile hodima se labalabelwang ke setjhaba.

“Setjaba sa rona, batho ba dulang le rona moo re dulang teng, ba a re ananela. Ba hlompha baetapele ba setso” o ile a rialo mme a tswela pele ka hore le batho ba dulang metseng e haufi le ditoropo jwaloka baahi ba Khayelitsha ba tshetsa baetapele bana.

Vhudilangi kha maimo apo

Dzi Civic Council dzo toa u thomiwa kha vhuimo ha Muvhuso Wapo, u itela zwauri Mavhuru ane a dzula nga nda ha Volkstaat yo kumedzwabo, vha kone u dzudza vhune bavho ho ralo. Heli ho vha likumedzwa lo iswaho nga Volkstaat Council kha mirado ya CA.

Ndivho hu yauri, hune Mavhuru a dzula hone hu na dzinwe tshaka na swauri vha tshi zwi funa, vha nga kha di vha na mahoro aya uri vha kone u langa mvelele yavho, vhutshilo bavho na mafhungo a zwa pfunzo.

Dya nga vho Chris Jooste, vhane vha vha muambeli wa VC, Civic Council i do laulwa nga theo ya milayo ya dzingu.

O ile a phephetsa ba kgorwang hore baetapele ba setso ha ba na kabelo setjhabeng ho tshwara referendum, ba nonye maikutlo a batho.

O ile a re : “Baoba le nahana hore re mpa re leka ho seereletsisa maemo a rona feela, tshwarang referendum mme ka yona le tla fihlela hore batho ba tikoloho tsa rona ba a re tshetsa.”

Komiti ya Maha ya Kabo ya Mobu, National Land Committee, eli ya hlalosa hore ha fse feela boetapele ba setso ntlha e tla bang le kabelo ho tliseng demokrasi mmusong wa metse e hole le ditoropo. O ile a re dibopeho tse ntjha tse tlo voutelwang le tsona di tla ba le maemo a lekanang le a boetapele ba setso.

Modulasetulo, Patricia de Lille, o ile a re Theme Committee e sa ntsane e suhasubana le ntlhana tse itseng.

Kgosana Sifiso Zulu, boemong ba Lekgotla la Morena la Kwazulu-Natal, Kwazulu-Natal King's Council, o ile a dumela hore ho sa na le ho ngangisana ho hongata mabapi le boetapele ba setso. O ile a sisinya hore marena a diprofinsi kaofela a kopane, a dule majwana, ho fihlela tumellano ya hore maemo a morena ho ya ka molaotheho ke afe, mme ba fetisetse maikutlo a bona mabapi le ntlha ena ho marenana le dikgosana tseo ba di okametseng.

Ho pepeneneng hore tema e sa nanme pele ho ka fihlelwa ho lekalekana mahareng a tsamaiso yo setso le ya sejawejwale ya demokrasi, mmusong wa tikoloho, local government.

Vha ri a zwi nga konadzei zwauri hu nga vha na madzingu a no fhira 300 shango nga vhuphara. Ho tea u vha na vhatu vhane vha swika 9000, vhane vha khou dzula fhethu huthihi phanda ha musu Council i tshi nga sikwa.

Hedzino Concil dzi nga kha di thomiwa nga lushaka lu si gathi kha Volkstaat ya matshelo ine ya do tsireledza vhune ha mvelele yavho.

Transvaal Municipal Association i khou dovha ya ita khuwelelo ya Ndayotewa ine ya do shuma u fana na ya ngei Switzerland na Belgium he nyambo dzo fhambananaho dza newa pfanelo ya u di langa.

Constitutional principles not rules

- say experts

from page 1

The Constitutional Assembly (CA) is bound by 34 Constitutional Principles in its work of drafting the new constitution. This means that the new constitution has to conform to these principles that were agreed at the time of negotiating the interim constitution during the multi-party talks in Kempton Park.

The four experts Professors Dennis Davis, Franscois Venter, Deon Basson and Bongani Majola presented a report - which was hailed by the political parties' representatives who attended the meeting as being helpful.

CA chairperson Cyril Ramaphosa said the document “advances discussion on this very complex issue of competencies”.

“They have put an opinion that in many respects interprets the Constitutional Principles in a way that many parties tend to agree with,” said Ramaphosa.

Presenting the experts' report, Davis said it was of particular significance that the word “principles” was used in this case.

“Principles have a particular meaning in legal literature and this has been recognised by the courts. Principles differ from rules of law,” he said.

Davis said the Constitutional Principles performed the role of pointing the constitution-making process in a particular direction “rather than prescribing one narrowly defined result”.

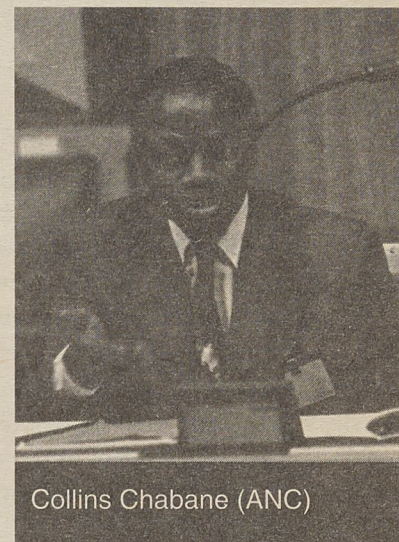
After his long but exciting presentation, the Democratic Party's Colin Eglin was the first to disagree with an opinion from the experts relating to their definition of “residual powers”.

The experts' opinion was that the expression “residual powers” meant that certain powers were allocated from a “specific reservoir of powers” and in their opinion, the present constitution was the said “reservoir”.

He said in the case of the United States of America's constitution-making process, the “reservoir” of powers would have been the various states that were autonomous before the process and were about to surrender their powers to one entity - the national or federal government.

South Africa's case is exactly the opposite, where the central government is supposed to surrender its powers to the provinces.

“From this, it is clear that the provincial competencies derive from the Constitution and there-



Collins Chabane (ANC)

fore that a construction of residual powers vesting in them is untenable,” said the report.

National Party's Dr Tertia King asked whether this would not create problems in the debates on this matter, saying that this might antagonise the Inkatha Freedom Party which believed that provinces should have residual powers.

They also said that the usage of the words “powers shall be defined” in the Constitutional Principles, did not mean that powers of the national and provincial governments should be “listed”, but “defined”.

On the question of the Constitutional Principles calling for powers of provinces not to be “substantially less or substantially inferior” to the present ones, the experts' interpretation was that whatever powers the provinces would be allocated, would not be less or inferior in substance.

It did not mean, they said, that provinces could not be allocated less or inferior powers than those that they have in terms of the present Interim Constitution.

The ANC's Collins Chabane and the PAC's Patricia de Lille were visibly full of delight at the experts' opinion.

Wrapping up the discussions, Ramaphosa said “the fact that parties do not fully agree with some of the opinion, is in the nature of negotiations”.

After a discussion that lasted over an hour and half, the meeting decided that the experts be asked to draft constitutional text on the subject of competencies, taking into account their opinion on the Constitutional Principles as well as the submissions of the various political parties, organisations and individuals.

Ramaphosa also said the opinion of the experts would “allow parties to hold bilateral talks” on this matter.

“We have reached a stage where bilateral talks may be necessary to enhance the constitution-making process,” said Ramaphosa.

Justice for all

One of the most important aspects of a fair and just society is the court system. Right now, the Constitutional Assembly and its various committees are considering the draft for a new judiciary and legal system. (See page 9 for the draft text.)

Legal systems can be very complicated and seem to be far removed from the concerns of the ordinary citizens. But how the courts work and who may be appointed as judges, are very important issues for everyone. This is especially so in a state where the Constitution is the highest law and the courts have to see to it that everyone enjoys their rights.

Theme Committee 5 of the CA has spent months considering the various options with input from interested parties, individuals and legal experts. The result is a proposed draft text for the new Constitution which was discussed by the Sub-Committee of the Constitutional Committee. Chairperson Cyril Ramaphosa thanked the Theme Committee for the "tremendous" amount of work that they had done.

There are still some areas of difference and these have to be taken further by the Constitutional Committee and the Constitutional Assembly.

These include the constitutional ju-

risdiction of the Magistrate's Courts and other Courts, the judicial system, the jurisdiction of the Constitutional Court and the appointment of judicial officers.

There was a general discussion of the problem areas. The difficulty of deciding how the Magistrate's Courts could enforce a person's fundamental rights was technical and highly complex. Some serious thinking would have to be done.

There was also the matter of the Hoexter Commission which is currently investigating the judicial system at the instruction of the Ministry of Justice. But its report may not be ready by the

time the first draft of the Constitution is expected.

An interesting discussion was held about exactly how and when the Constitutional Court would review parliamentary bills to check whether they conflicted with the Constitution.

In clause 3 (1) (b) of the proposed constitutional text, there is a proposal that if 20 percent of members of the national or provincial parliament petition the Speaker, or all the members of all parties who are not the majority party, and with the leave of the Constitutional Court, Bills may be referred to the Court to test their constitutionality.

Doug Gibson of the DP argued in favour of this. "It is a very important check and balance on the government," he said, adding that the "carefully circumscribed number of MPs" would prevent frivolous applications.

The question of whether the Bills should be referred - before or after they had become law - was discussed. The ANC felt that the political process should be allowed to take its course otherwise government could be paralysed and the Court would waste its time considering theoretical Bills.

This matter will be discussed further by the full 490-member Constitutional Assembly. "Let's take it to the legislators," said Ramaphosa. "They are very interested."

There was no agreement on the way the Chief Justice and the President of the Constitutional Court should be appointed.

All the parties except the National Party agree, that they shall be appointed by the President in consultation with the Cabinet and after consultation with the Judicial Service Commission. The National Party wants the last phrase to read "on the advice of the JSC".

The NP's Danie Schutte also said that, unless the Cabinet was constituted as presently along multi-party lines, the cabinet should not be consulted at all.

This is also a matter for further debate, and lively discussions can be expected before the new legal system and judiciary is finally drafted for inclusion in the Constitution.



Members of Theme Committee 5 consulting with judges from the Constitutional Court in Johannesburg

Taxi commuters enjoy reading Constitutional Talk - survey

Taxi commuters in 20 strategic areas throughout the country "enjoy reading" *Constitutional Talk* and passing it on to their friends and relatives.

Since April, this year, 100 000 copies of the Constitutional Assembly (CA) newsletter have been distributed to taxi commuters in 20 of the busiest taxi ranks throughout the country.

A survey of 1000 commuters - 50 from each kiosk - has shown that 66 percent of the commuters have received the free newsletter. Of these, 81 percent have received a copy of the publication more than once.

The survey was commissioned by Taxinet, the agency distributing the publication on behalf of the CA.

"The research clearly shows that *Constitutional Talk* is popular with the commuter base, with 64 percent stating that they enjoyed reading it," said the survey.

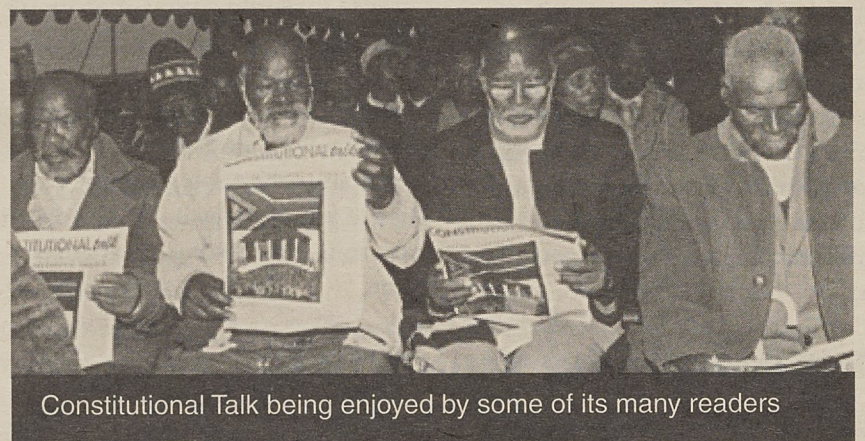
The survey found that 70 percent of the commuters said that receiving *Constitutional Talk* had helped them learn a lot about the constitution-making process.

Also encouraging, the survey said, was the fact that 75 percent of those commuters that had received a copy, had passed it on to friends and relatives.

The survey also found that 12 percent of commuters did not enjoy reading the newsletter, on grounds that they did not understand it.

A further eight percent said it was not interested in reading the publication - without stating reasons - while six percent said they found it "boring".

"These results clearly show that the publication is helping the CA achieve



Constitutional Talk being enjoyed by some of its many readers

the desired result - namely to supplement the mass media in providing information about the constitution-making process," said CA head of media and editor of the publication, Enoch Sithole.

The fact that some commuters do not understand the contents of the publication, said Sithole, is a "challenge" that has to be faced.

"We are trading on previously untouched area. We could not hope to achieve a 100 percent success. But what

we have achieved, so far, augurs well for the future. We are putting in place other mechanisms that will ensure broader understanding of constitutional matters and the constitution-making process, in particular," he added.

These include the CA's Constitutional Education Programme which is run through workshops with communities throughout the country.

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THE NEW CONSTITUTION



Proposed Draft Text

THE COURTS AND THE ADMINISTRATION OF JUSTICE

JUDICIAL AUTHORITY

1. (1) The judicial authority of the Republic shall vest in the courts established by the Constitution or an Act of Parliament.
- (2) The courts shall be independent and subject only to this Constitution and the law.
- (3) The courts shall apply the Constitution and the law impartially and without fear, favour or prejudice.
- (4) No person and no organ of state shall interfere with the courts in the performance of their functions.
- (5) The orders issued by the courts within their respective jurisdictions shall bind all persons and organs of state.
- (6) Organs of state shall, through legislative and other measures, give the courts the necessary assistance to protect and ensure their independence, dignity and effectiveness.
- (7) The constitutional jurisdiction^{1} of all courts and the jurisdiction of the Supreme Court of Appeal shall only be determined by this Constitution; the ordinary jurisdiction of all other courts shall be determined by an Act of Parliament.
- (8) All other matters pertaining to the functioning of any court shall be regulated only by an Act of Parliament or regulations or rules made thereunder.

THE JUDICIAL SYSTEM

2. There shall be the following courts of law in the Republic:
 - (i) The Constitutional Court, which shall be the highest court with constitutional jurisdiction, and which shall consist of a President, a Deputy President and nine other judges, four of whom shall be appointed from among the judges of the Supreme Court of Appeal or the High Court.
 - (ii) The Supreme Court of Appeal^{2}, which shall be the highest court of appeal in all matters other than those within constitutional jurisdiction, and which shall consist of the Chief Justice, a Deputy Chief Justice and such number of judges of appeal as may be determined.
 - (iii) Such Courts of Appeal as may be established by Act of Parliament, to hear appeals from the High Court or courts of similar status.
 - (iv) The provincial and local divisions of the High Court and other courts of similar status.
 - (v) Magistrates' Courts and other courts of similar status.
 - (vi) Other courts established by law.

JURISDICTION OF THE CONSTITUTIONAL COURT

3. (1) The Constitutional Court only shall have jurisdiction:
 - (a) to determine constitutional disputes between the national and provincial governments or between provincial governments.
 - (b) to consider the constitutionality of any Bill before (passed by) Parliament or a provincial legislature. At the request of the Speaker of the National

Assembly, the President of the Senate, or the Speaker of a provincial legislature acting on a petition by not less than 20% of each of the Assembly or Senate, or legislature, as the case may be, or all the members of all parties not constituting the majority party in such body, and with the leave of the Constitutional Court.

- (2) A decision of the Constitutional Court shall bind all persons and all legislative, executive and judicial organs of state.
- (3) The final decision as to whether a matter falls within its jurisdiction lies with the Constitutional Court.
- (4) There shall be direct access to the Constitutional Court where the interests of justice so require with leave of the Constitutional Court.
- (5) (a) If the Constitutional Court finds any law, executive or administrative act to be inconsistent with the Constitution, it shall declare such, law or act invalid to the extent of its inconsistency.
- (b) The Constitutional Court may in any matter make such further order as it may deem just and equitable, including whether or to what extent any declaration of invalidity is to have retrospective operation, and an order as to costs.
- (c) The Constitutional Court may suspend a declaration of invalidity for a specified period to allow the competent authority to correct the defect, and impose such conditions in that regard as it may decide.
- (6) (a) All other courts having constitutional jurisdiction may make the orders set out in clauses 4(a), (b) and (c).
- (b) If any other court other than the Constitutional Court holds a national or provincial statute or any executive action of the President to be inconsistent with the Constitution, such finding shall have no force or effect unless confirmed by the Constitutional Court on appeal to it or on application to it by any person or organ of state with a sufficient interest.

JURISDICTION OF OTHER COURTS

4. (1) The Supreme Court of Appeal, a Court of Appeal, a provincial or local division of the High Court and any other court of similar status shall, in addition to any inherent jurisdiction existing at the date this Constitution takes effect, have constitutional jurisdiction and any other jurisdiction conferred by an Act of Parliament.
- (2) The Magistrate's Courts and all other courts shall have such constitutional and other jurisdiction as may be conferred by an Act of Parliament.

APPOINTMENT OF JUDICIAL OFFICERS

5. (1) No person shall be qualified to be appointed a judicial officer or acting judicial officer unless he or she is a South African citizen and is a fit and proper person to be a judicial officer.
- (2) A judicial officer shall, before commencing to perform the functions of his or her office, make and subscribe an oath or solemn affirmation in the terms

set out in Schedule X before a judge.

- (3) The Chief Justice and the President of the Constitutional Court shall be appointed by the President in consultation with the Cabinet and after consultation with the Judicial Service Commission.

National Party: The Chief Justice and the President of the Constitutional Court shall be appointed by the President (in consultation with the Cabinet and) on the advice of the JSC.

(4) Appointment of Constitutional Court Judges.

ANC: Section 99(4) and (5) of the Interim Constitution

National Party: The Deputy President of the Constitutional Court and all the judges of the Constitutional Court shall be appointed by the President after advice by the Judicial Service Commission and in consultation with the leaders of all political parties represented in Parliament. In the event of no consensus having been reached by the party leaders, the judges will be appointed by a majority of more than 75% of the members of the National Assembly and Senate sitting together. (Please note that this is the Compromise position of the NP. The original position being appointment in the same way as the Human Rights Commission is appointed in the present constitution but after advice from the JSC).

- (5) The Deputy Chief Justice, Deputy President of the Constitutional Court, and all other judges shall be appointed by the President on the advice of the Judicial Services Commission.
- (6) The appointment of other judicial officers shall be regulated by an Act of Parliament.
- (7) Members of the Constitutional Court shall hold office for non-renewable terms not exceeding nine years.
- (8) The five oldest members of the Constitutional Court in office at the time of the expiration of the terms of office of the present judges of the Constitutional Court shall retire at such expiration and all other members after the expiration of a further period of four years.
- (9) Acting judges shall be appointed by the Minister of Justice on the advice of the President of the Constitutional Court, the Chief Justice, or the Judge President of the appropriate division of the High Court or other court constituted in terms of section 2(v), as the case may be. An Acting judge to the Constitutional Court shall not serve for a total period exceeding 6 months.

REMOVAL OF JUDGES FROM OFFICE

6. (1) The President may remove a judge from office on grounds of incapacity, gross misconduct or gross incompetence upon a finding to that effect by the Judicial Service Commission and the adoption by Parliament in joint

session and by a majority of two-thirds of members of a resolution calling for the removal of such judge from office.

- (2) A judge who is the subject of an investigation may be suspended by the President on the advice of the Chief Justice pending the finalisation of such investigation.
- (3) The emoluments and pension and other benefits of judges and acting judges shall be prescribed by Act of Parliament or regulations made thereunder and shall not be subject to reduction.

JUDICIAL SERVICE COMMISSION

7. (1) There shall be a Judicial Service Commission, which shall, subject to subsection (3), consist of -
 - (a) the Chief Justice, who shall preside at meetings of the Commission;
 - (b) the President of the Constitutional Court;
 - (c) one Judge President designated by the Judges President;
 - (d) the Minister responsible for the administration of justice or his or her nominee;
 - (e) two practising advocates designated by the advocates' profession;
 - (f) two practising attorneys designated by the attorneys' profession;
 - (g) one professor of law designated by the deans of all the law faculties at South African universities;
 - (h) four senators designated en bloc by the Senate by resolution adopted by a majority of at least two-thirds of its members;
 - (i) four persons, two of whom shall be practising attorneys or advocates, who shall be designated by the President in consultation with the Cabinet;
 - (j) on the occasion of the consideration of matters specifically relating to a provincial division of the High Court, the Judge President of the relevant division and the Premier of the relevant province.
- (2) The functions of the Judicial Service Commission shall be -
 - (a) to make recommendations regarding the appointment and removal from office of judges in terms of sections 5 and 6;
 - (b) to advise the national and provincial governments on all matters relating to the judiciary and the administration of justice;
- (3) When the Commission performs its functions in terms of subsection 2(b), it shall sit without the four senators referred to in subsection 1(h).
- (4) The Commission shall determine its own procedure, provided that the support of at least an ordinary majority of all its members shall be required for its decision.
- (5) The Commission may appoint committees from among its number and assign any of its powers and functions to such committee.

SEATS OF COURTS LANGUAGE

[TC 1 must report]

Feedback from the Constitutional Assembly

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and more.”



Thank-you for your overwhelming response to the Constitutional Assembly's request for submissions. Since the beginning of the year we have received nearly 2 million submissions and petitions. In addition we held public hearings attended by approximately 250 organisations of civil society and 70 000 individuals.

You will be glad to know that the Constitutional Assembly is now in the process of considering all submissions received and working towards writing a draft constitutional text. This will be published and you'll have another opportunity to air your views on this text... because we're committed to keeping everyone involved in the process every step of the way

Thanks again

Cyril Ramaphosa
Chairperson

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Sydney Mokoena (Nelspruit)
Tel: (01311) 52397
Fax: (01311) 52531

Free State

Glen Netshivodza
Dodo A. Ranth (Bloemfontein)

The CA is running a Constitutional Education Programme (CEP). Co-ordinators and monitors have been deployed in every province for this purpose. If you want to know more get in touch with our provincial co-ordinators

Tel: (051) 48-4504/5
Fax: (051) 30-7032

Gauteng

Oupa Moshebi
Nellie Malefetse (Johannesburg)
Tel: (011) 337-3120/1
Fax: (011) 333-2028

KwaZulu-Natal

Cassandra Gabriel
Boyce Mkhizi (Durban)

Tel: (031) 301-6787
Fax: (031) 305-9431

Northern Cape

Joseph Ngubo (Kimberley)
Tel: (0531) 21378
Fax: (0531) 21377
Gert Maarman (Upington)
Tel: (054) 27206
Fax: (054) 27218

Northern Province

Alvina Chabalala
David Mmela (Pietersburg)
Tel: (0152) 291-4689
Fax: (0152) 291-2045

North-West

Samuel Present (Potchefstroom)
Tel: (0148) 294-5306
Fax: (0148) 294-6586
Bouy Gaorekwa (Mafeking)
Tel: (0140) 81-1333
Fax: (0140) 81-1374

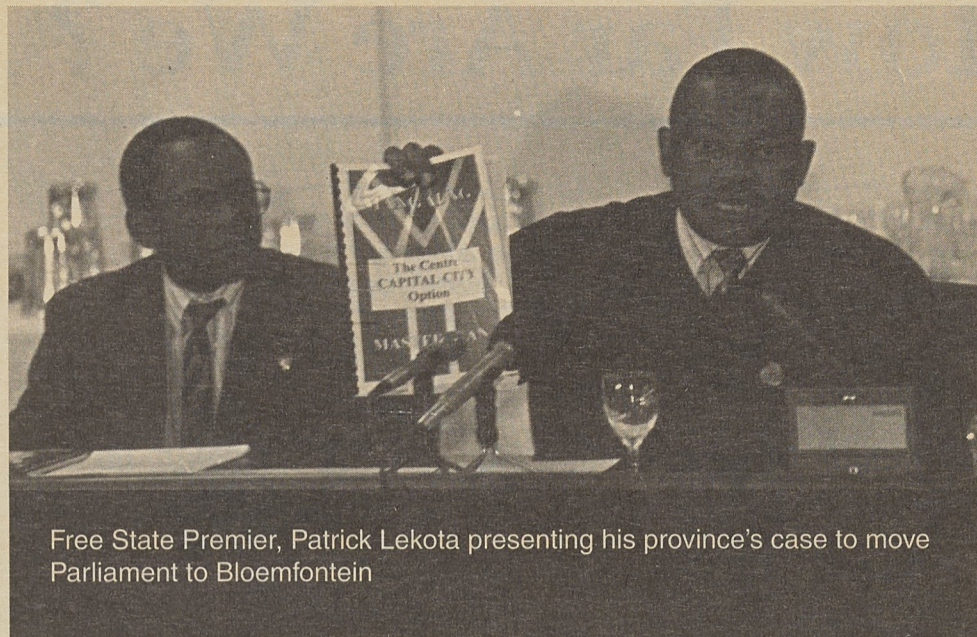
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Merle Brown
Stuart Mciteka (Cape Town)
Tel: (021) 21-5070
Fax: (021) 419-8846

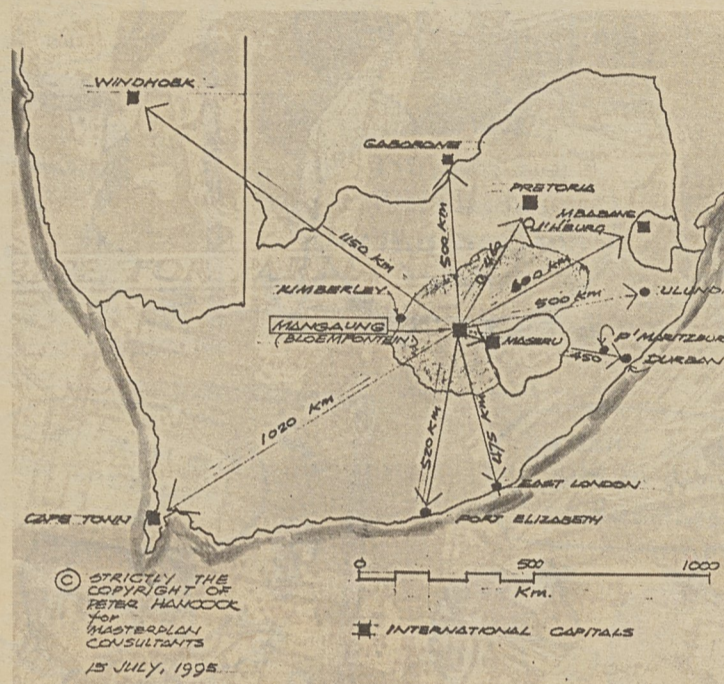
It's your right to decide your Constitutional rights

THE NEW CONSTITUTION 

Bloem bids for capital status



Free State Premier, Patrick Lekota presenting his province's case to move Parliament to Bloemfontein



MANGAUNG : the Centre City CAPITAL of SOUTH AFRICA

Mangaung (the Sotho name for Bloemfontein)– the centre of South Africa. The map which was presented as part of the motivation.

The case for Bloemfontein, the birthplace of the African National Congress and the National Party and predecessor of the Democratic Party, the Progressive Federal Party, was made by Premier Patrick Lekota, who presented a document called the "Mangaung Master Plan" to Theme Committee 1.

The plan to bring Parliament to the heart of the country and to site the new legislature on top of Naval Hill is an ambitious one. But, believes, Lekota, there are many reasons why Mangaung or the "Place of Leopards", would make a good capital city.

□ Bloemfontein is the centre-city of South Africa, strategically located between other major centres, and its accessibility would result in savings in both time and money.

□ The distance from borders and mountainous site would make it a difficult target from a military and strategic point of view.

□ It is the birthplace of both the ANC in 1912 and the Na-

tional Party in 1913. It is associated both with the ANC's reaction against minority rule and the NP's reaction against colonial rule.

□ The Free State has a culture of peace and stability and is known for its racial tolerance and spirit of reconciliation.

□ Factors also in its favour include the availability of land, the healthy climate, unpolluted air and ample water, the excellent road system, good food supply and range of entertainment facilities.

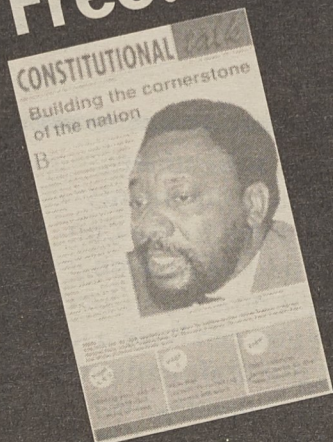
It is also interesting to note that Bloemfontein made a bid for Parliament in 1952, a debate recorded in Hansard, 43 years before either rival claimants Pretoria and Midrand.

In his presentation, Premier Lekota said the cost would be in the region of R450 million which could be financed by a once-off tax on the primary producers of gold and diamonds. "The price of South Africa's riches in gold has been high in human terms," he said. The new Parliament could serve as "a memorial to those who lost their lives in creating the wealth on which the country has flourished".

He said a team of experts was working on the cost implications of the move, but a preliminary indication was that the recurrent costs could be reduced by as much as R50 million a year.



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P. O. Box 15
Cape Town
8000

Fax: (021) 24 - 1160
Tel: (021) 24 - 5031

Name: _____

Address: _____

Code: _____

Tel: _____

Fax: _____

Constitutional talk is the official newsletter of the Constitutional Assembly.

Editor:
Enoch Sithole
Assistant Editor:
Pat Govender
Journalist:
Sarah Hetherington
Illustrations:
Trish de Villiers
Photographs in this issue by:
Subash Jeram

Address: P. O. Box 15, Cape Town, 8000
Tel: (021) 24 - 5031
Fax: (021) 24 - 1160
e - Mail: conassem@iaccess.za

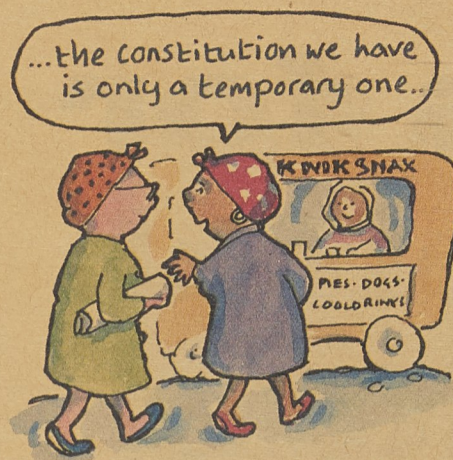
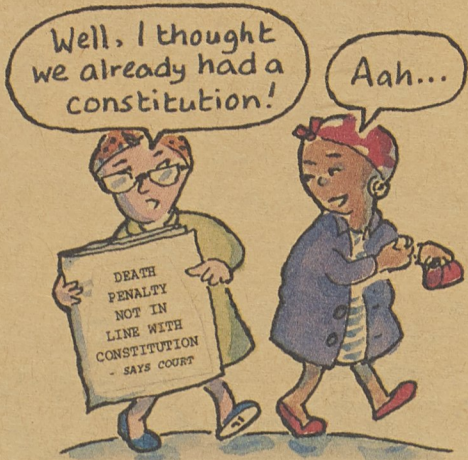
It's your *right* to decide your *Constitutional* rights

THE NEW CONSTITUTION

How Far Are We ?

with
writing
the

New Constitution



1 Up until now, people have been sending lots of ideas to the Constitutional Assembly...

2 These have been put together with the ideas of all the political parties of the Constitutional Assembly

3 The Constitutional Committee is writing the Draft Constitution, including all these ideas

This is happening now!

7 It will go to the Constitutional Court. They will check that the new Constitution is in line with the Constitutional Principles*

* For more about the Constitutional Principles, see Constitutional Talk, Issues 5 - 8

6 The Constitutional Assembly will look at what people have said about the draft. They will then draw up the new Constitution.

5 We will have a chance to say what we think about the draft

DRAFT CONSTITUTION

4 When it is done, the Constitutional Assembly will publish the Draft.

OCT. 1995

8 It will then be sent to the President for him to sign.

Madiba

9 The new Constitution will be adopted!

MAY 1996



You can send any ideas or comments you have to the Constitutional Assembly right now if you want. Or you can have a look at the draft and then have your say. Write to the CA at P. O. Box 15, Cape Town, 8000. Fax: (021) 24 1160