

15. Ecumenicity and Government

15.1 REPORT DEPUTY ECUMENICITY AND GOVERNMENT (Artt 57, 58, 162, 163, 271, 324)

- A. Dr N Vorster delivers the Report.
- B. **Decision:** The Report is referred to the Commission Ecumenicity.
- C. **Decision:** Financial matters are referred to the Commission for Finances.
- D. Prof SJ van der Merwe reports on behalf of the Commission Ecumenicity.
- E. Rev J van Schaik reports on behalf of the Commission for Finances.

F. REPORT

1. Mandate (Acta, GKSA, 2006:176-177)

Deputy is appointed to:

- 1.1 consult with the government of the Republic of South Africa and other relevant institutions with which the Gereformeerde Kerke can/should consult (such as Solidarity) on behalf of the Reformed Churches of South Africa;
- 1.2 assist churches of the GKSA in consultations with authorities on different levels of government, and where possible, to participate with these churches in their consultations with such authorities;
- 1.3 co-operate with the *Parliamentary Office of the Dutch Reformed Church* and budget for this endeavour,
- 1.4 name a representative that will represent the GKSA at the SACC so that our churches will have more direct access to government;
- 1.5 monitor legislation and, if necessary, act in the light of Synodal decisions by utilising the possible and accessible mechanisms that the state provides. The Deputy must furthermore study new legislation and comment on it in the light of Scripture, Confession, Church Order, Synodal decisions, and Reformed ethics through the most effective means at its disposal;
- 1.6 if necessary, consult with the independent mechanisms that the Constitution provides to support our constitutional democracy such as the *Public Protector, the Commission for the Promotion and Protection of the rights of Cultural, Religious and Linguistic Groups* and the *Human Rights Commission*;
- 1.7 to investigate the possibility of an inter-denominational monitoring group for legislation. African and English speaking Reformed churches should, where possible, be incorporated together with the three main Afrikaans churches. This group ought to consist of Reformed ethicists that are able to monitor legislation and react on it in light of Scripture;
- 1.8 co-ordinate communication between different Deputies to ensure that discussions with governmental authorities and public declarations are consistent;
- 1.9 discuss the relevant themes of the letter that the Synod received from the Transvaal Agricultural Union (TAU) with government.

Decision: Points 1.1 to 1.9 noted.

2. Issues to be noted

- 2.1 The Deputy consulted by means of telephone conferences, email and meetings. Rev Casper Breed was co-opted to assist local churches in their discussions with local authorities.
- 2.2 The Deputy addressed a letter in 2006 to the regional Synods in which it offered its assistance in consultations with governmental authorities. The letter also encouraged churches to make contact with local authorities.

- 2.3 A letter was received from the TAU informing the GKSA of the socio-economic situation of farmers. The deputy had a meeting with representatives of the TLU on 6 September 2006 regarding this matter.
- 2.4 A meeting was held on 1 March 2007 between representatives of the *Deputies Ecumenicity: Interior* and the *Deputies Ecumenicity and Government* in order to decide on an orderly distribution of work. The meeting decided that the *Deputy Ecumenicity: Interior* will be responsible for the GKSA's application for membership of the SACC. The *Deputies Ecumenicity and Government* will henceforth deal with issues pertaining to the SACC.
- 2.5 The SACC has temporarily accepted the GKSA as observers. The Council wants to attain more information regarding the background of the GKSA, before it accepts the GKSA as permanent members. This issue will be dealt with by the SACC in July 2008. The Deputy has, however, decided not to ask the Central Committee of the SACC for permanent membership, but rather temporary observer status. The Deputy is currently awaiting feedback and will report additionally on this matter.
- 2.6 The Deputy presented a written statement to the *Portfolio Commission of the Department of Home Affairs* with regard to the proposed *Concept Act on Civil Unions*. Prof Koos Vorster also made an oral representation at the hearings held by the *Portfolio Commission of the Department of Home Affairs* on this subject (see Addendum 1).
- 2.7 The Deputy produced a declaration in August 2007 in which it expressed its concern on the way in which the government enforces transformation. The declaration was presented to the presidency (Addendum 2).
- 2.8 The *Parliamentary Office of the Dutch Reformed Church* is not functioning efficiently, as yet. The *Deputy Ecumenical Affairs: Interior* is currently in discussions with the Dutch Reformed Church regarding this issue. Due to the insufficient functioning of this Office the Deputy has divided itself according to the different state departments to monitor legislation (addendum 3). The Deputy will report additionally on this matter.
- 2.9 The Deputy participated on 14 February 2008 in the drafting of a concept Bill of Religious Rights in Stellenbosch. The goal is that Parliament should accept this Bill as law that will in future guide jurisprudence on religious rights. Several proposals of the Deputy was included in the Concept Bill. It is currently circulated among churches before it will be presented to Parliament for adoption (see Addendum 4 and 5). The Deputy will report additionally on this matter and will make recommendations to the Synod.
- 2.10 Prof Koos Vorster made, on behalf of the Deputy, a short presentation to the National Assembly in which he asks for the extension of Parliamentary debate on the *Choice on Termination of Pregnancy Amendment Bill*. He also stated the view of the GKSA in two radio programs on RSG (See addendum 6).
- 2.11 The *Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Groups* has thus far not functioned efficiently. A Commission of Parliament under the chairmanship of Prof Kadar Asmal proposed that this Commission must amalgamate with the *Human Rights Commission*. The Deputy has decided to write a letter to this Commission in which it asks that the protection of minority rights must still receive attention when the two Commissions are joined together. Prof Koos Vorster and Rev Cassie Aucamp is currently busy drafting this letter. The Deputies will report additionally on this matter.
- 2.12 A new concept-marriage act is currently considered that will reconcile the existing three acts on individual unions. Prof Koos Vorster is currently busy compiling a declaration in which the Deputy states its view. The Deputies will send this declaration to the *Portfolio Committee of the Department of Home Affairs* and will report additionally on this matter.
- 2.13 A declaration has been compiled by Rev Cassie Aucamp on behalf of the Deputies with regard to the proposed School-oath. It was send to the *Department of Education* (Addendum 7).

2.14 The Deputies are currently considering ways in which to co-operate in the drafting of the Act of Duties.

Decision: Points 2.1 to 2.14 noted.

3. Matters to be decided upon

The Deputies will report additionally regarding issues that the Synod must take decisions on.

Decision: Noted.

4. Budget

Will be presented separately.

Decision: Noted. The expences requested and recommended are all existing expences and thus part of the budget.

G. SUPPLEMENTARY REPORT

1. Matters for notice by Synod

1.1 Participation in Interim Ad Hoc Committee

1.1.1 The Deputies received the assignment to “*sustain the necessary contact ... with other institutions with which we as Gereformeerde Kerke should/can establish contact (for instance Solidarity Alliance)*” (Acta 2006:176, 4.1).

1.1.2 In order to give adequate testimony regarding the *Concept Legislation on Expropriation* that was submitted to parliament in 2008, the Deputies joined in with the ***Interim Ad Hoc Committee for the Protection of Property Rights***. A number of organisations from the civil society cooperate in this Committee. The organisation are AfriForum, the Afrikanerbond, Agri SA, TLU SA, the Agriculture Employers Organisation (AEO), the Afrikanerfront, the FW de Klerk Foundation, ATKV, the FAK, the National Taxpayer’s union (NBU), Regslui vir Afrikaans (RA), Solidarity, Institute for Constitutional and Labour Related Matters, the ACDP, the DA and the FF+.

1.1.3 The Deputies are of the opinion that the *Interim (Ad Hoc) Committee for the Protection of Property Rights* is the most effective instrument through which to testify towards government due to the large representation of the Committee. The Deputies can also agree with the norms and values according to which the *Interim Committee* acts. The *Interim Committee* has approved the application of the Gereformeerde Kerke and welcomed our involvement. They regard our input as important.

1.1.4 The particular Concept Legislation has in the meantime been retracted, and the reasons sighted by the Minister are some of the matters highlighted by the Ad Hoc Committee, especially with regard to the unconstitutionality of the intended legislation.

1.1.5 The Ad Hoc Committee decided to continue, since the concept legislation will probably be submitted with a few changes.

1.1.6 The Committee also decided to cooperate in the testimony against other aspects of government behaviour through which the principles of the constitutional state is violated and the where the government transgresses its authority. The cooperation takes place on an agenda-driven *ad hoc* basis, which gives participating organisation the opportunity to cooperate selectively with regard to those matters that fall in their authority (in our case as stipulated by our mandate in CO, art 30).

1.1.7 The three matters where the Deputies are currently cooperation is the expected Concept Legislation on Expropriation, Education and Safety. The Deputies are of the opinion that all three these matters fall within the scope of CO, art 30.

1.1.8 The Deputies are of the opinion that this cooperation should be continued in order to ensure effective and coordinated testimony towards the government, as well as to receive timely information regarding aspects we should give testimony on.

1.2 The Parliamentary Desk

1.2.1 The Deputies confirm the finding in the First Report that the Desk did not function effectively as an instrument to establish contact with the government. This goes for

receiving timely information regarding coming legislation as well as for the opportunity to give input in the comments and presentations to the particular portfolio committees.

- 1.2.2 The Deputies have requested formal consultation with drs Kobus Gerber and Ben du Toit to address above-mentioned problems.
- 1.2.3 The Deputies contacted br Johan Kruger who fills Solidarity's parliamentary look-out position, and he promised to send the required information to us (also see 4.1.1 of our assignment on p176 van Acta 2006).
- 1.2.4 The Deputies also consulted with certain MP's who promised to send information relevant to the churches through to us.
- 1.3 *The SACC*
 - 1.3.1 The GKSA currently has observer status with the SACC.
 - 1.3.2 The Deputies for Government Matters did not have any discussions with the government of give any testimony towards the government along the route of the SACC. The reason for this is that the communication channels between the GKSA and the SACC is not yet satisfactory due to the uncertainty regarding the precise status of the GKSA at the SACC. However, the Deputies are of the opinion that access to the government along the route of the SACC's channels is possible if communication is improved.
 - 1.3.3 The Deputies for Ecumenicity National will make a recommendation to Synod regarding the continued participation of the GKSA in the SACC (see the Supplementary Report of the Deputies Ecumenicity National).

Decision: Points 1.1.1 to 1.3.3 noted.

2. Recommendations

2.1 Regarding the Interim Ad Hoc Committee

- 2.1.1 Synod approves the actions of the Deputies to cooperate with the *Interim Ad Hoc Committee for Property Rights*, as well as other initiatives that could possibly arise from the civil society with the aim of protecting the constitution and the promotion of orderly governance.
- 2.1.2 The Deputies receive the assignment to, with thorough consideration of CO, art 30, continue their selective participation in extended activities of the Ad Hoc Committee for as long as they regard it as effective.
- 2.1.3 Synod expresses its thanks towards the *Ad Hoc Committee* for the opportunity offered to the GKSA to cooperate with them, as well as for the manner in which they accommodate the input of the GKSA.

Decision: Approved. According to BC, art 36 as well as Romans 13, the church has a prophetic task and calling towards the government so that they will fulfill their God-given task with responsibility. The Interim Ad Hoc Committee can be used as a vehicle to be true to this calling in the same manner as it has been used already.

2.2 Regarding the 2009 election

- 2.2.1 The Synod calls on churches to pray for peace in the build-up to the following election.

Decision: Approved with amendments already added – Deputies Acta.

3. Assignment to the to-be-appointed Deputies

- 3.1 To enter into talks with drs Kobus Gerber and Ben du Toit in order to sort out the problems around the effective functioning of the Parliamentary desk.
- 3.2 The Deputies receive the mandate to withdraw from the Parliamentary Desk if the problems can not be resolved.

Decision: Approved.

3.3 The Deputies receive the further assignment to:

- 3.3.1 sustain the necessary contact with the Government of the Republic of South Africa and other institutions with whom we as GKSA should/can have contact (for instance Solidarity Alliance);

- 3.3.2 support churches of the GKSA in their liaison with the authorities on the different levels; as well as to cooperate with other churches where possible in establishing contact with the government;
- 3.3.3 adjudicate the possible participation to the Parliamentary Desk, and if cooperation is viewed as preferable, to continue;
- 3.3.4 monitor legislation and its enactment and if necessary, to act in the light of the decisions of Synod by using possible and accessible channels provided by the government. The Deputies should study the suggested legislation and in the light of Scripture, Confession, Church Order, Synod decision and Reformed ethics comment on it in the most effective manner;
- 3.3.5 when needed enter into discussion with the independent mechanisms that the Constitution offers in support of the constitutional democracy such as the Public Protector, The Commission for the Promotion and Protection of Rights of Culture, Religion and Language Communities, and the Human Rights Commission;
- 3.3.6 establish liaison between the different Deputy Groups so that there can be a coordinated effort with regard to discussion with and commentary on the government. Other Deputy Groups of the GKSA should first contact these Deputies before they enter into discussions or comment on the government;
- 3.3.7 appoint persons to serve on the Church Leaders Forum;
- 3.3.8 represent the GKSA at the Ad-hoc committee that initially focused on the protection of property rights.

Decision: Approved – amendments already included – Deputies Acta.