

Principles: Rough draft. Version 2.

in a unitary state

We envisage a united, democratic, non-racial and non-sexist South Africa where a Bill of Rights guarantees fundamental rights and freedoms for all on an equal basis, where our people live in an open and tolerant society, where the organs of Government are representative, ~~professional~~ *competent* and neutral in their functioning, and where opportunities are progressively and rapidly expanded to ensure that all may enjoy dignified, comfortable and happy lives.

A United South Africa

When we speak of a united South Africa, we have in mind in the first place the territorial integrity of our country. The outer limits of South Africa are well known.

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Secondly, we envisage languages, have different Africans.

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nal community
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Thirdly, the institutions of Government must be integrated and a coherent whole, be drawn from all the people, and be accountable to the whole community.

Our country must be amongst the most divided and fragmented in the world. We have seven armed forces, almost twenty Departments of Education, unpteen forms of local Government, and a tri-camarel Parliament. We need institutions of Government that are truly South African in the full sense of the term.

Fourthly, there must be a single system of fundamental rights guaranteed on an equal basis for all through the length and breadth of the country. Every South African, irrespective of race, colour, language, gender or creed should know that his or her basic rights and freedoms are guaranteed by the Constitution and enforceable by recourse to law.

Cont/.....2

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A United South Africa

When we speak of a united South Africa, we have in mind in the first place the territorial integrity of our country. The outer limits of South Africa are well known. The problem is not with the external frontiers but with attempts to carve up the country by means of the Bantustan system. South Africa must be seen territorially and constitutionally as a whole. Precisely how the Bantustans are reincorporated is a matter that can be left to sensible negotiations. Similarly the reintegration of Walvis Bay into Namibia should be arranged in a dignified way.

with a constitutional
territorially as a
fragmented as a unit
as it is recognised by the international community

Secondly, we envisage a single nationhood and loyalty. We speak many languages, have different origins and varied beliefs, but we are all South Africans.

citizenship and

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all apartheid structures must be dismantled and replaced by institutions of govt, that are truly non-racial and democratic. central, regional and local. that are truly

Fifthly, the flag, names, public holidays and symbols of the country should encourage a sense of shared South Africaness.

requires a strong and effective Parli. capable of leading with the legacy of a united & bonded nation.
A unified South Africa should not mean an over-centralised or over-bureaucratized South Africa.

We believe that there is a need for strong and effective central Government to handle national tasks, strong and effective regional Government to deal with the tasks of the region, and strong and effective local Government to ensure active local involvement in handling local issues.

The precise relationships between central, regional and local Governments can be worked-out on the basis of acknowledging the overall integrity of South Africa and the existence of fundamental constitutional rights for all citizens throughout the land.

The regions should not be devised as a means of perpetuating ethnic or racial divisions, but as territorial zones that make sense in terms of distribution of population, availability of economic resources, communications and urban/rural balance.

They should not be such as to lock-up the riches of the country in some areas while others remain poverty-stricken.

based upon
National tasks would include external links and representation, defence and ensuring the basic security of the country, general economic and fiscal policy, and the creation of a national policy framework and the furnishing of resources for tackling the vast problems of education, health, housing, nutrition, employment and social welfare.

Regional tasks would include development and the carrying-out of the basic tasks of Government at a regional level bearing in mind regional particularities and resources. Without restricting regions to any particular ethnic or language group, and without detracting from basic constitutional rights and freedoms, provision could be made for special recognition of language-use and other cultural features in the different regions.

Local tasks cover all the day to day aspects of living in the community. A single tax base and active local involvement of all sections of the population will be necessary in the fulfillment of these tasks.

which most directly and intimately affect the citizen

integrated and
in an *area* single non-racial authority

however,
It is not the function of central Government to involve itself in each and every decision that has to be taken at the regional or local levels. At the same time central Government has the responsibility for ensuring that there is a common framework of principles and practices applicable to the whole country and for seeing to it that all areas of the country have equitable access to national resources.

Such functions should be clearly delegated to regional or local authorities to be performed by them.
Similarly, when we speak of a united South Africa we do not envisage the elimination of cultural, linguistic, religious and political differences. On the contrary we regard the multiplicity of ^{opinions} beliefs, faiths, tastes, cultures and preferences as contributing towards the richness and texture of South African life. What the new Constitution should avoid at all costs is the ^{vesting of political} association of political rights with social and cultural differences. When such differences are connected with domination or ^{or religious groups} privilege, they become sources of division and conflict.

The new Constitution must consistently and clearly affirm the fundamental principle of equal and undifferentiated citizenship so that differences of culture, interests and personality can then express themselves in a free and non conflictual-way. ^{constructive}

Democratic

^{that free SA should must ensure that these diff. do not become sources of div. & conflict or means of separatism}
The Government must be democratic in the universally accepted meaning of the term. It must be Government of the people, by the people, for the people. It must be chosen by the people in free, fair and regular elections. It must be removable if it loses the confidence of the voters. Elections ^{should be on a common voters roll} must be based on the principle of universal and equal suffrage, without distinction as to race, language, creed, riches, social position, birth or gender. Illiterate voters should not be disadvantaged. The precise forms of suffrage can be negotiated within the framework of these universal principles. We favour proportional representation coupled with regional and national lists.

Secondly, the legislature should be representative of the people as a whole, reflecting the ~~such~~ differences of political views and interests as may be present in the community at any particular time.

4.

central, regul & local government administrative incl. agencies of laws, the enforce. & admin of just

Thirdly, the ~~institutions~~ of Government should not be restricted to or dominated by any language, religious, racial or cultural grouping. The institutions of Government should reflect the composition of South Africa as a whole and draw on the talents and experience of all. Similarly, they should act in a fair and objective manner towards all, without fear, favour or prejudice.

repeal SA

Fourthly, Government must be open. Ours has been a highly authoritarian society, characterised by arbitrary decision making by officials, and by excessive secrecy. All South Africans have the right to be informed about the issues and to know what the basis of Governmental decisions is. There is far too much fear of the Government. We must secure constitutional barriers to detention without trial, to spying on citizens, secret files, dirty tricks departments, disinformation and the use of Government money to promote party political objectives.

Fifthly, Government should be based on the principle of active involvement of the people. The existence of civic associations, ratepayers organisations *f.u.s, relig orgs* and other independent bodies should be encouraged. Similarly, Government should collaborate with non-Governmental Organisations, without depriving the latter of their autonomy.

reflecting the will of the majority in Parli

Finally, Government should be effective, but not all-powerful. It should operate within the framework of the Constitution, acknowledging a separation of powers and the existence of fundamental rights and freedoms as guaranteed in a Bill of Rights.

Non-racial

A non-racial South Africa means a South Africa in which all the artificial barriers and assumptions which have kept people apart and maintained domination, are removed. In its negative sense, non-racial means the elimination of all colour bars. In positive terms it means the affirmation of equal rights for all. It presupposes a South Africa in which every individual has an equal chance irrespective of his or her birth or colour. It recognises the worth of each individual.

A non-racial Constitution can be adopted rapidly but a non-racial South Africa would take many years to evolve. Yet although the massive discrepancies in education, health and living conditions imposed by decades of racial discrimination cannot be eliminated by constitutional declaration, the Constitution ~~can~~ ^{must provide positive} ~~furnish~~ means progressively to reduce the imbalances and to ensure that everybody truly has an equal chance in life.

Non-sexist

~~The new Constitution will be incomplete if it fails to respond to the claims of women to be full, free and equal participants in the new South Africa.~~ ^{The new Const. must reflect a commitment} Law and practice keep South African women out of their rightful place in helping to build democracy and enable a new nation to evolve, and deprive them of their human rights as individuals.

The new Constitution must:

guarantee equal rights for ^{women and} ~~men and women~~ in all spheres of public and private life;

create mechanisms whereby the ^{discrimin.} ~~disabilities~~ and disadvantages to which women have been subjected are ~~progressively~~ and rapidly removed;

give appropriate recognition to reproductive and birthrights;

guarantee constitutional protection against sexual violence, abuse, harrassment or defamation;

ensure that ~~the voices~~ of women are heard in relation to all issues. ^{and that they participate actively in all aspects of our resolving} ~~at all levels of society.~~ ^{at all levels of society.}

A Bill of Rights

A Bill of Rights based on universally recognised principles of human rights should form an integral part of the new Constitution. In particular, it should guarantee all South Africans against the violations of human rights associated with apartheid and stress the principle of the equal dignity and worth of all South Africans.

~~without~~ protect and enhance
6. the rights of ~~the~~ individual
to practise his or his relig-
ous beliefs or his language

The Bill of Rights should in clear and unambiguous language guarantee rights of personal freedom and political expression. It should also protect religious rights and freedoms and language rights. It should acknowledge the importance of ~~guaranteeing~~ ^{securing} minimum conditions of decent and dignified living for all South Africans.

It should create mechanisms for enforcing these rights. In particular, the Courts should have a primary role in ensuring that the Bill of Rights is ^{effective} operative. A Constitutional Court that enjoys the respect of all South Africans, that draws on the experience and talents of the whole population, that is independent and that functions in a manifestly fair and objective fashion, accountable only to the principles of the Constitution, should be created.

Similarly, a Human Rights Commission should be established to ensure that violations of human rights are investigated and appropriate remedies found. ^{It shall examine patterns of discrim & make proposals for their elimination.}

Finally, the post of Ombudsman should be created to deal with questions of abusive, arbitrary, ^{or corrupt or} discourteous exercise of office by any official.

Open Society

The Constitution should recognise that South Africa is a country with people of diverse origins, speaking many languages, and having a variety of beliefs, opinions and preferences. Instead of setting group against group, The Constitution should guarantee the free articulation of differences within the framework of equal rights and tolerance.

An open society requires guarantees of the free functioning of non-Governmental Organisations, such as religious bodies, trade unions, sporting and cultural associations subject only to respect for fundamental human rights as set out in the Constitution.

Non-Governmental Organisations should be encouraged to collaborate with the Government in furthering the aims of the Constitution, without thereby losing their identity or independence.

compromising

There should be freedom of the press, and the media should be open and respond to all the views, opinions and interests of the community.

accessible

art 40/ B of Rts.

The Civil Service, the Army, Police and Prisons

The three principal qualities of the Civil Service, the Army, Police and Prisons shall be: representativity, ^{competence} professionalism and ^{impartiality} neutrality.

Representativity - All organs of Government shall draw on the experience and talents of all sectors of the community. The present barriers based on race shall be eliminated and special steps shall be taken to ensure balanced participation.

in such a manner as to promote a common perspective of public service
address redress patterns of discrim. attributable to apartheid

^{Competence} Professionalism - In order to promote the interests of the whole population of South Africa, it will be important that the quality of service is high. So as not to contradict the principle of representativity, special programmes of training and advancement should be undertaken to ensure that the best South Africans give the best possible service to all their fellow countrymen and women.

to attain this goal and state the objective of representativity
re-training
enable
citizen

Impartiality

Neutrality - The organs of Government shall be accountable to Parliament and to the whole community. It is not their function to serve the interests of any party or sectional grouping. Neutrality presupposes a balanced composition of the bodies concerned and a sensitivity to the needs and aspirations of all sections of the community.

The Admin.

Guarantees of opportunities for a dignified and comfortable life for all

A new South African nation can never evolve if the white part of the population lives in relative luxury while the great majority of black South Africans exist in conditions of squalor and deprivation.

The best shall be guaranteed equal before the law.

there shall be adequate control and supervision over the exercise of power by the 25, army, pol. & prisons, - effective machinery shall be established to deal with invest. of capt. - or release

In the interests of the entire pop. of a free SA, the stds of qual. of service should be as high as possible

Appropriate constitutional expression must be found to guarantee basic human rights in relation to nutrition, shelter, education, health, employment and welfare. Government should be under a constitutional duty to work towards the establishment of a guaranteed and expanding floor of social, economic and educational rights for everybody.

It is particularly important that the Constitution facilitates access to education, employment and land, so that people have real and effective opportunities for improving their situation and pursuing happiness.