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At long last, after eight decades of struggle, the dream of the founders of the ANC is about to be realised. We are on the eve of the achievement of a new constitution for South Africa which will, for the first time, recognise that all its citizens are free and equal. The colonial and racist laws and practices which kept the majority of the people, the African section of the community in particular, out of citizenship, will be swept away by the new constitution. For the first time, everybody will enjoy the vote on the basis of full equality; for the first time, South Africa will be regarded as a single and undivided country in which all enjoy equal rights.

The central demand of the oppressed people has been for the vote. Agreement at CODESA that South Africa will be a united, non-racial, non-sexist, democratic country in which all will exercise the vote on the basis of universal suffrage and a common voters roll, represents the achievement of the essential political goals set out in the Freedom Charter in 1955.

We have long opposed the idea of entrenching race or ethnic group rights in the constitution. We feel that the diversity of our population will best be catered for by a system of non-racial democracy with appropriate checks and balances.

One result of this approach is that we favour a system of voting by Proportional Representation. Instead of voting for single candidates who represent people living in geographically defined constituencies, people will vote wherever they are for national party lists. A party that gets a quarter of the votes will then receive a quarter of the seats. Our proposal is that the lists, which are of candidates in the order of preference of the parties, be organised on both a national and a regional basis. This will ensure that people in the regions have a strong say in the selection of candidates.

The precise institutional mechanisms of government have to be worked out by negotiation. In general terms we favour a second chamber of parliament with powers of review and delay, and with special responsibility for encouraging regional development and for maintaining respect for the constitution. We also favour a President either directly elected or else chosen by parliament at its first sitting. He or she will have a fixed term of office, be available for re-election only once, and will have significant executive powers to be exercised in liaison with a Prime Minister accountable to parliament.

We will need strong and democratic central government to deal with the tasks of the nation as a whole, strong and democratic regional government to deal with problems of development in the regions, and strong and democratic local government to ensure active involvement of the people at the grass-roots level in determining how they live. We propose that South Africa be divided into the following ten regions; Western Cape, Northern Cape, Eastern Cape, Ciskei-Border-Transkei, Natal, Orange Free State, Western Transvaal, Northern Transvaal, PWV, and Eastern Transvaal. Within those areas, the 1910 boundaries should apply. Small adjustments could, if necessary, be made by a Regional Boundaries Commission.

We envisage that Regional Councils will be elected on non-racial principles. Their powers and their right to exist will be determined by the constitution.

Such powers must be exercised within the framework of national legislation, and regional ordinances should not be able to over-ride or conflict with Acts of the central parliament. In any event, the principles of the constitution and of a Bill of Rights shall apply throughout the land, so that no region should be capable of attempting to retain any form of apartheid.

Although each region will have some power to raise its own revenue, the key question will be to ensure social and economic equalisation between the regions by means of appropriate transfer of funds from the centre.

A central place in the Constitution will be occupied by a Bill of Rights which will set out the fundamental rights and freedoms which all South Africans irrespective of race, colour, creed or gender, shall be able to enjoy.

The Bill of Rights will guarantee that South Africa will be a multi-party democracy with freedom of speech and assembly. It will also contain clauses acknowledging the diversity of the people of our country, by means of firm guarantees in relation to religious, language and cultural rights.

The great majority of South Africans are believers. Everyone should have the right to follow his or her Faith, and religious communities shall be free to organise themselves and maintain links with their brothers and sisters in other lands. The state shall respect all faiths and denominations and shall co-operate with religious bodies in achieving the aims of the constitution without taking away from the latter their right to bear witness.

We feel that all the major languages spoken in our country should be regarded as the languages of South Africa (in alphabetical order - Afrikaans, English, Ndebele, Pedi, Sotho, Swati, Tsonga, Tswana, Venda, Xhosa, Zulu). Everyone should be free to use his or her language in dealings with the state, and there shall be a policy of active promotion of all languages.

To overcome the practical problems of multi-lingualism, it will be possible to designate a single language or group of languages to be used for record purposes or for other special use, either at the national level or the regions. There would be a need for developing translation services, and there should also be respect for other languages such as Gujerati, Portuguese, Arabic and Hebrew.

The Bill of Rights will pay attention to environmental rights, the rights of the child and the rights of disabled persons.

Special emphasis will have to be given to the realisation of gender rights.

Women are discriminated against in every area of life, both public and private. They cannot walk freely in the streets without fear of being assaulted and, in many cases, they are not free from fear even in their homes. The law must provide guarantees that women participate as full citizens in the new South Africa, free from discrimination, oppression and abuse. People shall be free to form families on a voluntary and equal basis and the law shall help to repair the damage done to family life by decades of apartheid. No one should be penalised or harassed because of being a single parent or because of sexual orientation.

The long struggle of workers for rights to form independent Trade Unions engaged in collective bargaining and to go on strike, must be recognised by the constitution.

The property rights of the majority have been systematically ignored and violated by apartheid. A new system of just and secure property rights must be created. People should have undisturbed enjoyment of their personal possessions, and all should be protected against arbitrary interference with their property rights.

The Bill of Rights should establish the principles and procedures for ensuring in a fair and equitable way that land rights are restored to those whose property rights in the past were annihilated.

The objectives of new legislation on the land should be to assure fair access, maintain the production of food, help build a national consciousness and preserve the quality of the land. A Land Tribunal will have to be established with power to return victims of forced removal to land from which they were evicted, to protect the rights of farmworkers and others who have had long association with particular pieces of land and to give

access to land to those historically discriminated against. Wherever existing titles stand in the way, appropriate forms of compensation shall be paid by the state, achieving an equitable balance between the public interest and the interest of those affected. The last word with regard to compensation shall rest with an independent Tribunal and the courts.

The ownership of property implies obligations. Legislation will be required in the public interest to promote conservation, prevent monopolies and cartels from restricting competition, and impose taxation. The law may also provide for the regulation of the use of property as well as for its acquisition by the public authorities in the public interest and subject to reasonable compensation.

The Bill of Rights should ensure that all future governments are committed to a programme of guaranteeing an expanding floor of minimum social welfare and educational rights for all. We propose a framework for legislative action as a constitutional obligation at all levels of government in order to combat malnutrition, homelessness, unemployment and illiteracy, and to provide basic health and education services and social security. Pensions should immediately be equalised and a vigorous programme embarked upon to ensure that every household has electricity, access to clean water, and the benefit of sewage disposal.

Finally, the Bill of Rights should establish principles for ensuring that affirmative action to overcome the effects of past discrimination takes place both in the public and private spheres, and does so according to equitable principles and procedures.

The Bill of Rights will be enforced by the courts, headed by a newly created Constitutional Court, which will have the task of upholding the fundamental rights of all citizens. The judges shall be drawn from all sectors of the community on the basis of their skills, life experience and wisdom.

In general terms the whole of the civil service will have to be opened up and restructured so as to make it representative of all South Africans and not just of a minority. We envisage a single non-racial defence force, police organisation and prison service, composed of well trained, disciplined and loyal personnell, drawn from all sections of South African society and answerable to the law and constitution. The Public Service must be drawn from the whole public and must serve all members of society.

South Africa has never had good government for all its people. Successive administrations have always favoured a small section of the population as against the majority. What we need is government that is representative, competent, impartial, and accountable to the whole community. These should become constitutional principles, binding on all future governments. Never again shall we have

government that serves the interests of one section of the community at the expense of another. Never again should we have domination, whether of the majority or the minority or of individuals.

We look forward to the establishment of the rule of law in the context of democracy and equal rights. The law should be there to defend the rights of everybody, black, brown and white, male and female, Christian, Muslim, Hindu, Jew, urban or rural, speaker of any language. The constitution unites the nation by granting equal rights to everybody, without forcing anybody to give up his or her language, culture or beliefs. There must be no areas of the country where the law does not operate. People should feel free to be out on the streets and to travel, without fear of being assaulted. People should be able to sleep securely in their homes without fear either of being raided by the police, or of being burgled by criminals. While we need an efficient, well-trained and well disciplined police force, it can only combat crime effectively if it has the support of the community

We envisage an open society in which government is directly accountable to the people, and where there is free circulation of information and ideas, and exposure to different ways of seeing and interpreting the world.

The public media should not be controlled either by the state or by any of the political parties but should be managed and directed by an impartial and independent broadcasting authority. There should be freedom of the Press.

The responsibility of moving all South Africa's institutions and practices away from apartheid to democracy is the responsibility of all of us. We envisage a relatively short period in which this joint responsibility will receive formal recognition in the form of power-sharing governmental mechanisms. These should not, however, enter into the new constitution.

The new constitution will encourage flexibility and accountability in the national interest. It will do so by the system of proportional representation which favours electoral alliances and coalition governments. It will guarantee freedom of association and regular, free and fair elections, so that opposition parties can contest elections and become majority parties. It will permit regional governments, headed by parties that are not necessarily represented in the cabinet at the centre. It will guarantee space for strong organs of civil society which are independent, both of the state and of the ruling party, such as religious bodies, trades unions, employers associations, cultural groups, sporting bodies, and residents organisations.

It will be a constitution that promotes advancement and guarantees freedom, democracy and human rights for all.

At long last, after eight decades of struggle, the dream of the founders of the ANC is about to be realised. We are on the eve of the achievement of a new constitution for South Africa which will, for the first time, recognise that all its citizens are free and equal. All the colonial and racist laws and practices which kept the majority of the people, the African section of the community in particular, out of citizenship, will be swept away by the new constitution. For the first time, everybody will enjoy the vote on the basis of full equality; for the first time, South Africa will be regarded as a single and undivided country in which all enjoy equal rights.

The central demand of the oppressed people has been for the vote. In 1910 the right to be elected was confined to whites and only in two parts of the country were blacks given a limited form of participation in voting. Agreement at CODESA that South Africa will be a united, non-racial, non-sexist, democratic country in which all will exercise the vote on the basis of universal suffrage and a common voters roll, represents the achievement of the essential political goals set out in the Freedom Charter in 1955. The Charter opens with the words: "South Africa belongs to all who live in it" and "The People shall govern". The new constitution for which we have been struggling so long will be based on these two fundamental concepts.

In November 1990 the ANC became the first major political party to declare itself in favour of the system of proportional representation for elections. The Constitutional Committee of the ANC proposed that, for all national elections, PR be used on the basis of voters voting once for a party symbol, and the vote counting for both national and regional lists of the party. We favoured PR because it would enable all significant trends and currents to be represented in the legislature. We also saw it as a means of avoiding fights over constituency boundaries which, in apartheid-ridden South Africa, would inevitably mean constituencies based on racial group areas. We feel that, having regional lists would ensure that the people in the regions would have direct say in the selection of half the members of parliament.

In this and in other respects we see the regions as playing a major role in the development of democracy in our country. In our view, we will need strong and democratic central government to deal with the tasks of the nation as a whole, strong and democratic regional government to deal with problems of development in the regions, and strong and democratic local government to ensure active involvement of the people at the grass-roots level in determining how they live. We propose that South Africa be divided into the following ten regions; Western Cape, Northern Cape, Eastern Cape, Ciskei-Border-Transkei, Natal, Orange Free State, Western Transvaal, Northern Transvaal, PWV, and Eastern Transvaal. Within those areas, the 1910 boundaries should apply. Small adjustments could, if necessary, be made by a Regional Boundaries Commission.

We envisage that Regional Councils will be elected on non-racial principles. Their powers and their right to exist will be determined by the constitution. In our view, such powers must be exercised within the framework of national legislation and regional ordinances should not be able to over-ride or conflict with Acts of the central parliament. In any event, the principles of the constitution and of a bill of rights shall apply throughout the land, so that no region should be capable of attempting or retain any form of apartheid.

While we envisage that each region will have some power to raise its own revenue, the key question will be to ensure that steady progress is made towards economic and social equalisation between the regions by means of appropriate transfer of funds from the centre to the regions.

In April 1991 the Constitution Committee published a draft Bill of Rights which set out fundamental rights and freedoms which all South Africans, irrespective of race, colour, creed or gender, shall be able to enjoy. The Bill of Rights will guarantee that South Africa will be a multi-party democracy with freedom of speech and assembly. It will also contain clauses acknowledging the diversity of the people of our country, by means of firm guarantees in relation to religious, language and cultural rights. The great majority of South Africans are believers. Everyone should have the right to follow his or her Faith and religious communities shall be free to organise themselves and maintain links with their brothers and sisters in other lands. The state shall respect all faiths and denominations and shall co-operate with religious bodies in achieving the aims of the constitution without taking away from the latter their right to bear witness. We feel that all the major languages spoken in our country should be regarded as the languages of South Africa (in alphabetical order - Afrikaans, English, Ndebele, Pedi, Sotho, Swati, Tsonga, Tswana, Venda, Xhosa, Zulu). Everyone should be free to use his or her language in dealings with the state, and there shall be a policy of active promotion of all languages. To overcome the practical problems of multi-lingualism, it will be possible to designate a single language or group of languages for record purpose or other special use at the national level or in regions. Thus, in parliament everybody would be free to address the house in any of the above languages, but the house could decide to have simultaneous translation into say, English, which could also be the language of record; the languages to be used in the Natal Regional Council could be Zulu, English and Afrikaans. There would also be place for the development of other languages such as Gujarati, Portuguese, Arabic and Hebrew.

The draft Bill of Rights gives special emphasis to the realisation of gender rights. Women are discriminated against in every area of life, both public and private. They cannot walk freely in the streets without fear of being assaulted and, in many cases, they are not free from fear even in their homes. The law must provide guarantees that women participate as full citizens in the new South Africa, free from discrimination, oppression and abuse. People shall be free to form families on a voluntary and equal basis and the law shall help to repair the damage done to family life by decades of apartheid. No one should be penalised or harassed because of being a single parent or because of sexual orientation.

The long struggle of workers for rights to form independent Trade Unions engaged in collective bargaining and to go on strike, must be recognised by the constitution. The Bill of Rights should establish the principles and procedures for ensuring in a fair and equitable way that land rights are restored to those whose property rights in the past were annihilated by colonialism and apartheid. The objectives of new legislation on the land should be to assure fair access, maintain the production of food, help build a national consciousness and preserve the quality of the land. A Land Tribunal will have to be established with power to return victims of forced removal to land from which they were evicted, to protect the rights of farmworkers and others who have had long association with particular pieces of land and to give

access to land to those historically discriminated against. Wherever existing titles stand in the way, appropriate forms of compensation shall be paid by the state, achieving an equitable balance between the public interest and the interest of those affected. The last word with regard to compensation shall rest with an independent Tribunal and the courts.

The great majority of South Africans have never had their property rights respected. The Bill of Rights should give strong protection for the enjoyment of one's personal possessions such as one's home, household goods, personal belongings, tools of trade or vehicles. All South Africans should be able on an equal basis to own property. There should be no arbitrary taking away of property and the state should only be able to expropriate property according to law and in the public interest and subject to compensation as set out above.

The ownership of property implies obligations. The above will not prevent legislation from dealing with property in the public interest so as to respect the principles of conservation, undermine monopolies and cartels, and impose taxation. The law may also provide for the regulation of the use of property as well as for its acquisition by the public authorities in the public interest and subject to appropriate compensation.

The Bill of Rights should ensure that all future governments are committed to a programme of guaranteeing an expanding floor of minimum social welfare and educational rights for all. We propose a framework for legislation action as a constitutional obligation at all levels of government in order to combat malnutrition, homelessness, unemployment and illiteracy, and to provide basic health and education services and social security. Pensions should immediately be equalised and a vigorous programme embarked upon to ensure that every household has electricity, access to clean water, and the benefit of sewage disposal.

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