

MCH91-117-1-5 Are these all principles
or structures?

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PRINCIPLES OF CONSTITUTION FOR A NEW, DEMOCRATIC SOUTH AFRICA.

THE STATE

1. South Africa shall be reconstituted as a non-racial, non-sexist, democratic and unitary republic. It shall consist of the whole territory recognised by the international community as South Africa, and shall include Transkei, Ciskei, Venda and Bophuthatswana.

CITIZENSHIP

2. Provision shall be made for one common and equal citizenship acquired by birth, descent and naturalisation in accordance with conventional standards, for the restoration of South African citizenship to persons who lost their citizenship as a result of the de-nationalisation process, or as a result of having gone into exile for political reasons, and for the acquisition of citizenship by the spouses and children of such persons.

BRANCHES OF GOVERNMENT.

3. Provision shall be made for three branches of government with separation of powers, namely: the Executive, the Legislature and the Judiciary.

3.1 EXECUTIVE

The head of the Executive will be an elected President who will also be the Head of State.

Provision shall also be made for a Cabinet of Ministers headed by a Prime Minister. The Executive shall be answerable to Parliament.

3.3 LEGISLATURE

- 3.3.1 The Legislative branch of government shall consist of two Houses of Parliament. The first House, the National Assembly will be elected on

the basis of proportional representation by universal suffrage in which all persons will have an equal vote without regard to race, colour, gender, ethnic origin, language or creed. The power of the legislature will primarily be vested in this House.

- 3.3.2 The second House will be the Senate elected on the basis of universal franchise without regard to race, colour, gender, ethnic origin, language or creed.

The electoral system will make provision for representation on a regional but not an ethnic basis and on the principle of one person one vote of equal value.

The Senate will be the guardian of the Constitution and shall have the power to delay the passage of legislation passed by the National Assembly.

ELECTIONS

4. Provision shall be made for regular fair and free elections by secret ballot for the Presidency, the National Assembly and Senate, to be supervised by an independent Electoral Commission.

DEMOCRATIC REGIONAL AND LOCAL GOVERNMENT

5. Provision shall be made for elected local and regional government on the basis of universal franchise without regard to race, colour, gender, ethnic origin, language or creed to ensure the development of all regions and local areas on a completely non-racial basis as well as the promotion of the welfare of the people in the various regions.

INDEPENDENT AND REPRESENTATIVE JUDICIARY

6. Provision shall be made for an independent and representative Judiciary responsible for applying the

law of the land and a independent and representative Constitutional Court responsible for interpreting the Constitution.

JUSTICIABLE BILL OF RIGHTS

7. There will be a justiciable Bill of Rights leaving the way open for legitimate State action but affirming and protecting internationally recognised rights and freedoms including equality before the law; protection against arbitrary arrest and detention; protection against search and seizure; the prohibition of forced labour; the right to a fair trial; the prohibition of cruel and unusual punishment, protection of life including the abolition of the death sentence; the protection of women's rights; the protection of children; freedom from discrimination; the right to privacy; freedom of expression including a free press; the right to information; freedom of religion and conscience; freedom of assembly; freedom of association; freedom of movement including the right of citizens to leave and return to South Africa; trade union rights including the right to work and the right to strike; the right to form political parties; the right to education, welfare and health care consistent with the needs of the people and the resources of the State; environmental rights; family and cultural rights, and providing for the right to land with just compensation to be paid for property taken by the State. All persons entitled to vote will be entitled to stand for and be elected to any legislative body or elected office.

LANGUAGE AND CULTURAL RIGHTS

8. All languages of South Africa shall enjoy equal status. Provision shall be made for the protection of the language rights of all South Africa's people and for a language policy taking into account the needs of the country and the language and cultural rights of all South Africa's people.

ELIMINATION OF DISCRIMINATION AND INEQUALITIES

9. Provision shall be made for the removal of all forms of discrimination in substance as well as in form and for Affirmative Action as a necessary mechanism to effect

transformation and eradicate inequalities in all areas of South African life.

PUBLIC SERVICE COMMISSION

10. There will be a Public Service Commission charged with the responsibility of overseeing the recruitment promotion and dismissal to and from posts in the civil service. Provision will be made for the balanced restructuring of the public service, the police force and the defence services and for equal access by all to recruitment to these services.

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STATE OF EMERGENCY

11. The Constitution will make provision for a state of emergency to be declared only when the life of the nation is threatened, but this will be subject to strict controls, and the recognition and protection as far as possible of fundamental rights during the period of emergency.

OMBUD AND COMMISSIONS

12. There shall be an independent Ombud to act on complaints against public officials. Appropriate Commissions such as a Human Rights Commission shall be established to promote and protect human rights guaranteed in the Constitution.

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AMENDMENT

13. The Constitution will be subject to amendment only if a majority of two-thirds of the National Assembly approve of the amendment, or if approved by two-thirds of the votes cast at a national referendum.