

(14/30)

MCNCH-26-3-2

FOUNDATIONS OF GOVERNMENT IN A DEMOCRATIC SOUTH AFRICA

Preamble. Freedom Charter.

1. Objectives of a New Constitution

The New Constitution shall have the following objectives:

- a) The granting to the oppressed majority of their just national rights;
- b) The outlawing of racial discrimination in all its forms;
- c) The ensuring of the complete dismantling of apartheid structures and their replacement by democratic ones; *guaranteeing of equal rights to all citizens without distinction of race, colour, or creed.*
- d) The prevention of the resurgence of racial policies, programmes and practices, whether in old form or new;
- e) The overcoming of the effects of centuries of racial domination and inequality by ensuring substantial redistribution of wealth and complete opening up of facilities for all;
- f) The encouragement of the active involvement of all sectors of the population in government and economic and cultural life;
- g) The promotion of the habits of non-racial thinking, the practice of anti-racist behaviour and the acquisition of genuinely shared patriotic consciousness;
- h) The creation of the conditions and guaranteeing of the security necessary for the achievement of these goals.

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Equal rights

2. The New Constitution shall be based on the following principles:

- a) South Africa shall be an independent, unitary, democratic and non-racial state; *Nature of the State.*
- b) (i) Sovereignty shall belong to the people as a whole and shall be exercised through one central legislature, administration and executive;
- (ii) Provision will be made for the regional and local delegation of the powers of the central authority to smaller administrative units for purposes of more efficient and effective administration;
- c) In the exercise of their sovereignty, the people shall have the right to vote under a system of universal suffrage based on the principles of one person, one vote; *Voting System*
- d) Every voter shall have the right to stand for election and be elected to all legislative bodies;
- e) The system of universal and equal franchise will apply also to the election of all regional and local bodies;
- f) It shall be state policy to promote the growth of a single national identity and loyalty binding on all South Africans; at the same time, the state will recognise the linguistic and cultural diversity of the South African people; *National Identity*

f. Chiefs.

~~have, colour, race or creed.~~

and provide facilities for free linguistic and cultural development;

g) The institution of hereditary rulers and Chiefs shall be transformed to serve the interests of the people as a whole in conformity with the democratic principles embodied in the constitution;

h) The Constitution will include a Bill of Rights based on the Freedom Charter guaranteeing the fundamental human rights of all citizens and providing appropriate mechanisms for their enforcement;

i) The State and all social institutions shall be under a duty to eradicate apartheid in all its forms, as well as to take measures to overcome its consequences;

j) The advocacy or practice of racism, fascism, nazism, tribalism or regionalism shall be outlawed;

k) Subject to clauses (i) and (j) above, the democratic state shall guarantee the basic rights and freedoms such as freedom of association, expression, thought, worship, press and a multi-party system.

l) Participatory democracy shall be encouraged by means of involving the community, and community and workers organisations, directly in public and economic administration;

m) The state and all social institutions shall take active steps to redress as speedily as possible the economic and social inequalities produced by apartheid, in particular the unjust dispossession of the African people of their land (shall be corrected through the abolition of all legislation restricting land ownership and use on a racial basis and all other apartheid measures designed to deprive the people of their land and live-stock.

The victims of forced removals carried out by the apartheid regime shall be given proper redress by the state. In particular they shall be given the right to return to their land or ancestral homes wherever possible;

n) The State shall have the right to determine the general context in which economic life takes place and to define and limit the rights and obligations attaching to the ownership and use of private productive capacity;

The economy shall be a mixed one with a public sector, a cooperative sector, a private sector and a family sector.

The entire economy shall be placed under democratic control and direction to ensure that it serves the interests and well-being of all sections of the population.

Cooperative forms of economic enterprise, and the family sector shall

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be supported by the State.

Property for personal use and consumption shall be constitutionally protected;

o) The State shall promote the acquisition of managerial and entrepreneurial skills, and provide facilities to encourage commercial and industrial activities amongst all sections of the population, especially the Africans;

p) Workers and trade union rights shall receive special constitutional protection;

q) All organs of government, justice and security shall be transformed so as to make them representative of the people as a whole, democratic in their structure and functioning, and dedicated to defending the principles of the Constitution;

r) Steps will be taken to introduce a uniform system of family law relations including marriage, divorce and succession, with equal rights for women and provision for the protection of children.

that will ensure equal rights.

Women shall have equal rights in all spheres. The family, maternity and children shall be protected.

Democratic Participation.

to close gap
disadvantaged sections
Charter of Workers be incorporated to the
Constitution.

