

WHAT DOES THE ENTRENCHED BILL OF RIGHTS ENTAIL

- (a) The concept "entrenched Bill of Rights" was referred to in ^{our} one President's Press Statement of the 9th January, 1986.

Clarification is sought as to whether the Bill of Rights will constitute some of the entrenched clauses in a future Constitution.

- (b) The formulation of such clauses should be carefully worded as it could be exploited by our enemies. The following points should be ~~exploited~~ ^{considered}:-

i) Entrenched clauses of a constitution require special majorities and are therefore not easily altered or amended;

iii) It is impossible to proclaim that which cannot be effectively guaranteed by the resources available to the state;

iii) Bills of Rights in constitutions are sometimes used as a device by minorities to protect and entrench their former positions;

iv) Human rights cannot be regarded in the absolute since they are limited by the obligations of the society.

- (c) Which organs of state will be empowered to enforce the said Bill of Rights.

- (d) The following categories of fundamental rights are contained in various constitutions: OAU and United Nations Documents:-

i) First Generation of Rights which are classical liberal rights contained in UN Universal Declaration.

ii) Second Generation of Rights which are the Social, Economic and Political Rights contained in U.N. Conventions of the 60s.

iii) Third which includes the Rights of Peoples to Peace,
Development and a Clean Environment.

The question is, does the entrenched Bill of Rights envisaged
include all or part of these contained in the three categories?