

CONSTITUTIONAL PRINCIPLES

DRAFT PROPOSAL BY NIC/TIC

1. The principles set out in the declaration are supported.
2. There shall be a legislature elected by all South Africans on the basis of proportional representation.
3. The central executive authority shall be separated from the legislature.
4. The independent judiciary shall have the power to test the validity of all legislation in relation to the constitution and any Bill of Rights, but these powers shall be carefully defined in order to ensure that an appropriate balance is preserved between the legislature and the judiciary.
5. There shall be a comprehensive Bill of Rights for the protection of the individual. This Bill shall include fundamental social and economic rights embracing the right of individuals to strike, organise themselves into trade unions, etc.
6. All minorities shall not be discriminated against, deprived in any way, or prevented from participating in social, economic, or political life or from participating fully in the organs of State or government merely because they are such minorities, except where affirmative action is applied. The Bill of Rights shall guarantee cultural, linguistic and religious freedom and security. Minorities should, on the other hand, be entitled neither to any special economic or political privilege, nor to any veto, by reason of the being a particular minority.
7. All power shall in the first instance reside in the central government, but the central authority shall be constitutionally obliged to effect maximum devolution of power to the regional and local level so that all citizens shall be empowered to control their own lives.
8. Each level of government shall be obliged, when making decisions or passing laws affecting any sector(s) of civil society (such as commerce, industry, trade unions, youth, etc.), to inform that sector(s) of the intended decision or law, to receive full representation from that sector(s), to be sensitive to the needs and aspirations of the sector(s) concerned, and to take full and meaningful account of the representations received in the making of the decision or determination of the legislation.
9. All central, regional and local authorities of government shall be obliged to account regularly to all citizens over whom such authority has power, to foster the fullest possible participation of all citizens in their decision-making processes and to create appropriate institutions or mechanisms for this purpose.
10. The government shall be obliged to practise and to foster the practice of affirmative action in order to effectively address the historical imbalances in South African society.