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RRQARDIAG:

COSSTITUTIONAL PRINCIPLES; ARD
FUNDANENTAL HUNAN RIGHTS.

PAPBR 1

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~me Declaration of the OAU Ad_ Hog Committee on Southern
Africa on the Question of South Africs: Harzare, Zimbabdwel
August 21, 1988 sontains the following Stateaent of
Principles:

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non-zssial stats;

All ite peopls shall enjoy coamon and equal citizenship and
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All its people shall Dhavse the right %o participate in X
governaent and administracirn of the country on the basis o
univezsel suffrage, exercised through one person one vate
under & COABGR voter's voll;

All shall have ;ho pight to form snd join any politics
party of their oholsce, provided that this i8 not
furthecance of raciss)

All shall enjoy snivecsally recognised husan cight
fzeedoas and civil libertiss, protected under an sntzendh
8411 of Rights;

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South Africa shall have a new legal system which shall
guarantee equality of all before the law;

South Africa shall have an independent and non-racial
judiciary;

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There shall be created an economic order which shall promote
and advance the well-being of all South Africans;

. 4 democracies South Africa shall respect the rights,

sovereignty and territorial integrity of all countries and
pursue & policy of peace, friendship and mutually beneficial
cooperation with all peoples.â\200\235

The Resolution Adopted on the Report of the Ad Hoc Committee
of the Whole of the Sixteenth Special Session of the General
Assembly of the United Nations 14 December 1966 identifies
the following Fundamental Principles:

"South Africa shall become a united, non-racial and
democratic State)

All its people shall enjoy common and equal citizenship and
nationality, regardless of race, colour, sex or creed;

All its people shall have the right to participate in the
government and administration of the country on the basis of
universal, equal suffrage, under a non-racial voting system,
and by secret ballot, in a united and non-segregated South
Africa;

All shall have the right to form and join any political
party of their choice, provided that this is not in the

of SLE

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All shall enjoy universally recognized human rights,

and civil liberties, entrenched under an entrenched Bill of rights;

South Africa shall have a legal system that will guarantee equality of all before the law;

South Africa shall have an independent and non-racial Judiciary;

South Africa shall create an economic order that will develop and advance the well-being of all South Africans;

A democratic South Africa shall respect the rights, sovereignty and territorial integrity of all countries and pursue a policy of peace, friendship and mutually beneficial co-operation with all peoples.

The above principles not only support the desirability of a constitutionally entrenched and judicially enforceable Bill of Rights in the future Constitution for a democratic order

South Africa, it also enshrines all three tiers of realization of human rights, that is, First, Second and Third Generation Human Rights.

For a full discussion of the PAN AFRICANIST CONGRESS OF AZANIA 9 proposals on CONSTITUTIONAL PRINCIPLES AND FUNDAMENTAL HUMAN RIGHTS: SEE PAPER 2 WITH THE SAME HEADING.

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THE PAN APRICANIST CONGRESS OF AZANIA: INPUT REGARDING:
THE TECHNICAL CONNITTEES DEALING VITH:

COMSTITUTIONAL PRINCIPLES:

ARD PFUNDAMBNTAL HUNAN RIGHTS

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A: DEMOCRACY

There shall be a descocratic state:

1. Universal Adult Suffrage

tvery citizen of the required age (18 {8 reconmended) shall
nave the =right to vote. The right to vote shall e
guaranteed in a justiciable Bill of Rights. There shall be a
c oBaen votersâ\200\231' roll and there shall Be no discrisination on
cgiutl of race, colour, sex or creed.

2. Free and Tair Klections (Represeataative Governaent)

Periodioc slections %o eleot representatives shall be held (a
paxinus period of five 7years Between elections is
reconmended). Bvery oitigen that has the pight to vote shall
have the right to be a candidate in the elsctions. Bleotions
shell take place on & propertional basis and there shall be
no undue influense in order te ensuze that the result of the

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Page 2

slections shall Be free and fair, The secrscy of â\200\234he ballat shall be gusranteed.

3. Free Political Activity

The freedom of association in pblttictl perties and :he right to organise shall Be protscted, provided that this is not done in the furtherance of racism or in the pursuance of anti-demccratic strategies. The freedom novement and the freedom of assenmbly as well as ths freedom of spesch and of the press shall likewise be protected. The mass zedia shall not be cocntzollod by any political grouping but shall De gonitored and controlled By an {ndepeadent dody.

3: UNITEO STATE

Theze shall be & united, unitary state:

â\200\230n well-defined 2\:&?:!â\200\2340'!0\!. powers of lourn:'oltmâ\200\230lâ\200\231hul be devolved lpon (s maxiaua of seven is reconnended) as wWell as upoa locsl government etructures without detrscting fros the residusl powere of central goverament which shall be unfettered in order tc undertake programs of restructuring and redistribution. All government structures shall be demoeratic in the sense 89t out above.

C: NOB-RACIALISE

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and nationality.

2. There shall be no discrimination based upon race, colour, sex or creed.

D: A JUSTICIABLE AND ENTRENCHED BILL OF RIGHTS

All shall enjoy universally recognised human rights, freedoms and civil liberties :

All government powers at national, regional and local government levels as well as the actions of private companies and individuals shall be restricted by the justiciable Bill of Rights. The Bill of Rights shall protect the first generation of human rights and freedoms (including the political rights as set out above as well as the procedural human rights) against infringements by the state

and by private companies and individuals. The court(s) shall enforce these rights shall be independent and representative of the people of the country. Second and third generations of human rights that secure social justice for all and aimed at restructuring and redistribution shall be protected in the Bill of Rights. Additional enforcement machinery such as an economic committee of parliament shall operate to ensure that these rights do not remain mere goals but are practically implemented as priorities of the legislative and executive branches of government.

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E: NEW LEGAL SYSTEM

There shall be a new legal system:

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. THE PAN AFRICANIST CONGRESS OF AZANIA: INPUT REGARDING:
TECHNICAL COMMITTEES DEALING WITH:
CONSTITUTIONAL PRINCIPLES; AND
FUNDAMENTAL HUMAN RIGHTS.

PAPER 1

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Principles:

"South Africa shall become a united, democratic and
non-racial state;

All its people shall enjoy common and equal citizenship and
nationality, regardless of race, colour, sex or creed;

All its people shall have the right to participate in the
government and administration of the country on the basis of
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under a common voter's roll;

All shall have the right to form and join any political
party of their choice, provided that this is not in
furtherance of racism;

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South Africa shall have a new legal system which shall guarantee equality of all before the law;

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There shall be created an economic order which shall promote and advance the well-being of all South Africans;

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All its people shall enjoy common and equal citizenship and nationality, regardless of race, colour, sex or creed;

All its people shall have the right to participate in the government and administration of the country on the basis of universal, equal suffrage, under a non-racial voters roll

and to elect representatives to the national and provincial legislatures

These principles shall be the basis of the new constitution

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For a full discussion of tha PAN AFRICANIST CONGRESS OFF AZANIA's proposals on CONSTITUTIONAL PRINCIPLES AND FUNDAMENTAL HUMAN RIGHTS: SEE PAPER 2 WITH THE SAME HEADING.

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