

18 January 1995

Democratic Party: Initial Submission on the New Constitution - January 1995

1. In response to the Constitutional Assembly's invitation to the public to make initial submissions on the new Constitution, the Democratic Party has pleasure in submitting the following:-
2. The Democratic Party believes that a Constitution that is liberal, democratic and federal is best suited to meet the needs of our people and :reflect the realities of our country.
3. Many of the features associated with this form of Constitution are itemised in the Constitution Principles which are binding on the Constitutional Assembly. Others, to a greater or lesser extent, are given effect to in the present interim Constitution.
4. The Democratic Party submits that
 - (i) the Constitution Principles and
 - (ii) the present interim Constitution, shorn of its transitional and interim features,provide a useful starting point for the Constitutional Asserribly when it considers and drafts the new Constitutional Text.
5. Against this background the Democratic Party believes that the following priorities should be born in mind when drafting the new Constitutional Text.
 - 5.1 The new Constitution must bring government closer to the people - and the people closer to government. Wherever possible people must be empowered to make decisions on matters directly affecting their lives and their communities.

This can be done by strengthening the Provincial System - allocating more original powers to the Provincial Governments and ensuring their financial and fiscal viability. In addition there must be effective people-driven Local Governments in both the urban and rural areas through which communities can exercise a considerable degree of local autonomy.
 - 5.2 The new Constitution must maximise openness and accountability at all levels of government.

This can be done by introducing strong checks on the executive government and on the decisions of bureaucrats, and by introducing direct constituency accountability for elected public representatives. The public must have the right of access to information relating to executive and administrative decisions.
 - 5.3 The Bill of Rights in the new Constitution must guarantee to all the people of our country fundamental human rights, civil liberties and equality before the law.

The Bill of Rights must be written in a language that can be understood by and be meaningful to the individual citizens of our country.

- 5.4 If the new Constitution with its Bill of Rights is to provide the legal framework within which our society will function and governance can take place, it is essential that there should be a strong and independent judiciary.

The courts as well as the legal system should be readily accessible to the ordinary citizens of our country.

- 5.5 The new Constitution should reject totally all forms of racial discrimination. It must also provide for the cultural, religious and language diversity that is part of our country's rich heritage.

Each South African, whether acting as in an individual or acting together with others with whom he or she shares a common heritage, must feel comfortable and secure under the new Constitution.

The new Constitution must encourage our people to say "In spite of our diversity, we are all South Africans. Because the Constitution respects our rights, we respect the Constitution. "

- 5.6 Representativity and accountability makes it necessary for South Africa to have a range of legislative, executive and judicial structures. However, a developing country like ours must take the cost factor into account.

Accordingly, the government structures under the new Constitution should be as small and as cost effective as possible.

6. The Democratic Party will make further detailed submissions on specific aspects of the new Constitutional text as the work schedule for the various Theme Committee 'Blocks' unfolds.

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Democratic Party