

AFRICAN CHRISTIAN DEMOCRATIC PARTY (ACDP)

Preamble

As a starting point it needs to be pointed out that "[p]reambles are included in Constitutions for symbolic and biblical purposes. One of the functions of Constitutions is to legitimise the state and government, and preambles, with national symbols such as the flag, motto and anthem, are prominent in this objective. Reference is invariably made to the Almighty guidance bestowed on the state in the past, and to the benevolent principles by which it will be governed in future."

Thus, writes Boule *et.al.* (**Constitutional and Administrative Law**) Cape Town: Juta 1 989 on p58). He continues ". . .[W]hile Constitutions are a form of statutory law, they do more than just define rights and prescribe procedures, but also, in their preambles, espouse values and principles..."

It is thus clear that aspects such as the distribution, exercise and control of authority and accession to and succession of the power bearers, with which Constitutions are concerned, form as it were, the skeleton of the Constitutional body. The *lifeblood* that animates this body, namely values and principles, is partly to be found in the Preamble.

While this section of a Constitution may thus be of lesser legal importance where the interpretation of Constitutions is concerned, it is undoubtedly important to the inhabitants of a nation as it reflects the hopes, aspirations and value beliefs and it acknowledges the diverse nature of a national culture.

The *South African Law Commission* (**Report on Constitutional models**, Pretoria: 1991, from page 366) sums up this aspect as follows:

"...the preamble, though of little value in juridical terms, nevertheless plays an important role as a practical reflection of the aspirations of a country's population."

The reflection mentioned undoubtedly includes a reference to a belief system for the vast majority of all South Africans and, as such a reference to the guidance of the Almighty God is definitely not inappropriate while it will simultaneously reflect the diverse aspects of religion that are so inherent in inseparable from the national character.

The ACDP, therefore, declares that wording similar to the following be introduced into the Preamble of the new Constitution to form a focus point for the role that a belief system such as is adhered to by the vast majority of all South Africans to play in the process of nation-building that takes due cognisance of the vital role that these aspects play in aspects of cultural and national life:

Option 1:

WHEREAS the People of South Africa

affirm that the Nation of South Africa shall be founded upon principles which acknowledge the supremacy of God, faith in human rights and fundamental freedoms, the position of the family in a society of free men and women, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator, including the right to enjoy and defend life and liberty, to acquire, possess and protect property, and to pursue and obtain happiness and safety;

recognise that men and women remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law.

While the above mentioned wording constitutes the most favoured wording for inclusion into the Preamble from the ACDP's perspective we are prepared to discuss the following additional options in order of preference:

Option 2:

WHEREAS South Africa under the authority of God, is a sovereign and democratic constitutional state;

WHEREAS recognition of the inherent dignity of the individual, respect for fundamental human rights and freedoms, and the central position of the family as the bastion essential for a stable society, are enshrined within the constitution; and

WHEREAS such rights as constituted involve the individual responsibilities, and include the rights to life, freedom to pursue personal development and contentment, justice, faith and worship, equality of economic opportunity and unrestrained movement, regardless of colour, creed or race; and

WHEREAS the government is governed by the democratic principle of being a government for the people by the people by virtue of its service to the people and are elected representatives of the people, operating under a sovereign Constitution and a free and independent judiciary; and

We. therefore, adopt this constitution as the fundamental law of our sovereign, independent South Africa.

Option 3:

That the current phraseology of "***In humble submission to Almighty God***", as contained in the Interim Constitution be retained.