

# **AFRICAN CHRISTIAN DEMOCRATIC PARTY**

## **SUBMISSION TO THE CONSTITUTIONAL ASSEMBLY**

### **THEME COMMITTEE THREE**

### **RELATIONSHIP BETWEEN**

### **LEVELS OF GOVERNMENT**

#### Biblical Foundations of Government

In accordance with the Biblical principles on which the party is based, the ACDP states that government is an institution of the triune God, Creator of all and the mandate God had given to His institution is related in **Romans 13:4:**

Government is to be the servant of God for the good of all citizens.

From this aspect, it follows that government exists for two very basic purposes: Firstly to regulate society as a ruler of men in the attitude of a servant to God, and secondly, to do this to the benefit of all who submit under it's authority.

#### Decentralisation of Government

Since power residing in the people is a basic premise of democratic government, the government should be kept as close the people as possible. This can be accomplished by establishing a small national government and strong local and regional governments.

History has shown that centralisation of governmental power destroys the liberty and the rights of man. The way to have good and safe government is to divide the power among the people and the localities, instead of entrusting it to one body.

### Delimitation of Powers and Capacities

Civil government in a country should be subdivided into many levels (local, regional, national.) The power of each level should be clearly defined and sovereign in those defined areas. No level of government should be able to usurp the jurisdiction of another. A great majority of the power should rest on the local level.

The limited powers of the national government should be clearly defined in a constitution and involve those things which affect the country as a whole, such as defence, foreign policy, regulation of interregional and foreign commerce, citizenship laws, coining money, and copyrights. All other powers should remain with the people, or with the local and regional governments. The powers of local and regional government can be written in a regional constitution and include such things as traffic regulations, business regulations, public works, voting procedures, and law and order.

The test should be whether these aspects of civil government can most effectively and efficiently be handled by an encompassing authority that has restricted resources with which to work - whether they be natural or otherwise.

Powers and competencies of the regions should not be a 'numerus clausus' or contained in the Constitution: this document, by nature should be tampered with as little as possible and it would be an extremely undesirable situation to have to amend this instrument every time a particular provincial government identifies a required competency in order to function smoothly.

In keeping with the inclusionary nature of the democratic process, currently underway in this country, a bottom to top approach is proposed for governmental relationships. This would mean

that the citizens be given the first opportunity to make their needs and requirements known on a regional geographic basis.

It has already become undeniably apparent that no two provinces have the same strong or weak points, needs or requirements. The only effective way to ensure that these be addressed in a satisfactory manner, with the most efficient and effective application of limited natural and human resources would be to leave the allocation of resources to the national government. It is further submitted that assisting services be provided by the national government in the forms of research to find.. eg. viable alternatives in an area where natural fuels are becoming scarce, or where the skills of the provinces are not sufficient, or the manpower not available to undertake a province-wide polio vaccination, or the supply of sufficient water, etc.

### Overriding Powers and Competencies

Referring to the Biblical mandate for civil government, the following aspect becomes relevant:

No government, at whichever level, should enact any law or have any competencies that transgress the law of God or the morality thereof. Should a province rule that only the religion of secular humanism be allowed in secondary and tertiary institutions, thereby discriminating against other religions, national government should eg. have competence to override this legislation. The same power should, however, exist for the provincial governments to override national decisions that are not in line with the scriptural principles referred to.

It is submitted that this would provide a system of checks and balances that have a fixed and defined content, no matter what the context and, as such, a definitive standard against which uses of competencies and powers shall be tested. Current thinking, following legally positivist tendencies, hold that societal changing needs will be the yardstick to measure when use becomes abuse and when corruption surfaces. A very real problem is

that no absolutes; no standards are set, that will not be capable of being overruled by anyone with hidden agendae.

Coupled herewith, comes the corollary that government must benefit the citizens thereof. Government has authority which it received from God, as shown above. The word authority, stems from the Hebrew word meaning "increase". The test for government should always be - are the citizens better off than before? This is always subject to the morality of God's law. Homosexuals and lesbians will not eg. be able to claim political rights as members of their particular sexual orientation because this would be directly opposed to God's Word.

Biblical Principles include the right to self-defence and mobilisation against attack - even on national level.

Keeping in mind that a powerful elite group can easily turn into an even more powerful totalitarian elite, the powers of the respective governments in terms of war and imminent attack from outside the borders, should preferably not allow any group to consolidate themselves into a mini-dictatorship and checks and balances must always be found. Again, having Godly men and women in Government, who are there because of a calling on their lives by the Most High God and, as such, not drawn to the power attendant to leadership, but rather to the opportunity to be leaders from a position of servanthood, is proposed by the ACDP, to be the most vital requirement for anyone wanting to enter for public office or to accept the mandate of the Creator of heaven and earth.

7 April 1995