

1982

Principles for a Constitution for an Independent Namibia

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Summary:

Declaration of the principles that will be incorporated into the new Namibian constitution.

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Transcript - English

Namibia will be a unitary, sovereign and democratic state.

The Constitution will be the supreme law of the state. It may be amended only by designated process involving the legislature and/or votes cast in a popular referendum.

The Constitution will determine the organization and powers of all levels of government. It will provide for a system of government with three branches: an elected executive branch which will be responsible to the legislative branch; a legislative branch to be elected by universal and equal suffrage which will be responsible for the passage of all laws; and an independent judicial branch which will be responsible for the interpretation of the Constitution and for ensuring its supremacy and the authority of the law. The executive and legislative branches will be constituted by periodic and genuine elections which will be held by secret vote.

The electoral system will be consistent with the principles in A.I. above.

There will be a declaration of fundamental rights, which will include the rights to life, personal liberty and freedom of movement; to freedom of conscience; to freedom of expression, including freedom of speech and a free press; to freedom of assembly and association, including political parties and trade unions; to due process and equality before the law; to protection from arbitrary deprivation of private property without just compensation; and to freedom from racial, ethnic, religious or sexual discrimination. The declaration of rights will be consistent with the provisions of the Universal Declaration of Human Rights. Aggrieved individuals will be entitled to have the courts adjudicate and enforce these rights.

It will be forbidden to create criminal offences with retrospective effect or to provide for increased penalties with retrospective effect.

Provision will be made for the balanced structuring of the public service, the police service and the defense services and for equal access by all to recruitment of these services. The fair administration of personnel policy in relation to these services will be assured by appropriate independent bodies.

Provision will be made for the establishment of elected councils for local and/or regional administration.