

Law

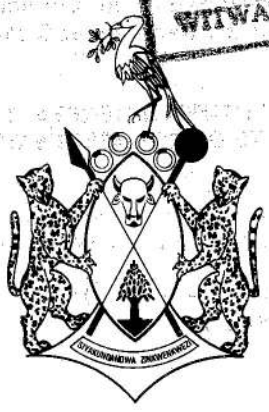


**IRIPHABLIKI
YECISKEI**

**REPUBLIC OF
CISKEI**

**IGAZETHI
YOBURHULUMENTE**

**GOVERNMENT
GAZETTE**



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DEPARTMENT OF THE COUNCIL OF STATE

GOVERNMENT NOTICE No. 104

It is hereby notified that the Chairman of the Council of State has assented to the following decree which is hereby published for general information:-

REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990

DECREE No. 45 OF 1990

DEPARTMENT OF THE COUNCIL OF STATE

PROCLAMATION No. 2 OF 1991

by the Chairman of the Council of State
of the Republic of Ciskei

REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990 (DECREE 45 OF 1990):
DATE OF COMMENCEMENT

Under the powers vested in me by section 42 of the Republic of Ciskei Constitution Decree,
I declare that the said Decree shall come into operation on 5th February 1991.

Given under my Hand and the Seal of the Republic of Ciskei at Bisho on this fifth day of February,
One thousand Nine hundred and Ninety-one.

O.J. GQOZO, BRIGADIER
Chairman of the Council of State

DEPARTMENT OF THE COUNCIL OF STATE

REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990

DECREE

To provide for the peace, order and good government of the Republic of Ciskei until such time as civilian rule is restored, and to provide for matters incidental thereto.

(English text signed by the Chairman of the Council of State. Assented to on 12 December 1990)

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-

CHAPTER I

THE REPUBLIC

1. **Continued existence of Republic of Ciskei.** - The Republic of Ciskei, consisting of the districts mentioned in Schedule 1, shall continue to exist as a Republic under that name.
2. **Seat of government.** - Bisho shall be the seat of government.
3. **International law part of law of Ciskei.** - The general rules of public international law shall be an integral part of the law of Ciskei, and subject to the provisions of this Decree, they shall take precedence over the laws of Ciskei and shall directly create rights and duties for the people of Ciskei.
4. **Rights and obligations.** - All rights and obligations under conventions, treaties or other similar agreements which were binding on the Government of Ciskei immediately prior to the commencement of this Decree, shall be rights and obligations of the Republic of Ciskei.

CHAPTER II

SYMBOLS AND OFFICIAL LANGUAGES

5. **Official Seal.**
 - (1) There shall be a Seal of the Republic of Ciskei, designed as set out in Schedule 2.
 - (2) The Seal shall at all times be in the custody of the Chairman of the Council of State and except in so far as may be otherwise determined by the Chairman, shall be used on all public documents on which such use is required by this Decree or any other law.
6. **National flag.** - There shall be a National Flag of the Republic of Ciskei, designed as set out in Schedule 3.
7. **Coat of Arms.** - There shall be a Coat of Arms of the Republic of Ciskei as set out in Schedule 4.
8. **National Anthem.** - The National Anthem of the Republic of Ciskei shall be Nkosi Sikelel' iAfrika as set out in Schedule 5.
9. **Languages.** - Xhosa and English shall be the official languages of the Republic of Ciskei.

CHAPTER III

CITIZENSHIP

10. **Acquisition of Citizenship.** - Citizenship of Ciskei may be acquired on account of birth, descent and naturalisation on such conditions as are prescribed by law.

CHAPTER IV

THE HEAD OF STATE

11. **The Head of State.** - The Chairman of the Council of State is the Head of State.

12. **Powers of Chairman.** -

- (1) The Chairman is the Head of Government and Commander-in-Chief of the armed forces of Ciskei.
- (2) The Chairman, in his capacity as Commander-in-Chief of the armed forces of Ciskei may, subject to such conditions as may be prescribed by this Decree or under any law -
 - (a) Mobilize and call out the armed forces or any part thereof for operational purposes or otherwise for the maintenance of law and order, the preservation of the peace, the protection of life, health or property or the provision or continuance of essential services; and
 - (b) confer commissioned ranks in the armed forces on any person serving or qualified to serve therein.
- (3) The Chairman shall, in addition to any other powers conferred upon him by this Decree or any other law and subject to the provisions of Schedule 6, have power, acting on the advice of the Council of State -
 - (a) to confer honours;
 - (b) to appoint and to accredit, to receive and to recognise ambassadors, plenipotentiaries, diplomatic representatives and other diplomatic officers, consuls and consular officers;
 - (c) to pardon or reprieve offenders, either conditionally or unconditionally, and to remit any fines, penalties or forfeitures;
 - (d) to enter into and ratify international conventions, treaties and agreements;
 - (e) to declare a state of national defence and make peace;
 - (f) to act as mediator in matters pertaining to traditional authorities; and
 - (g) to make such appointments as he may deem fit under powers conferred upon him by any law, and to exercise such powers and perform such functions as may be conferred upon or assigned to him under this Decree or any other law.
- (4) The Chairman shall exercise any power and perform any duty conferred or imposed upon him by or under this Decree, or any other law, in writing under his hand and the Seal of the Republic of Ciskei.

14. **Acting Chairman.** -

- (1) The Chairman may at any time, whenever he is indisposed or otherwise temporarily unable to perform the duties of his office, designate a member of the Council of State to act as Chairman during his pleasure.
- (2) If the office of the Chairman becomes vacant or the Chairman is for any reason (in circumstances other than those contemplated in sub-section (1)) incapable of carrying out the duties of his office, a member of the Council of State designated by the remaining members of the Council of State shall act as Chairman for the period for which the Chairman is incapable of carrying out the duties of his office or, if the office of Chairman is vacant, until a Chairman is elected by the Council of State.

15. **Oath of office of Chairman.** - Before assuming the office of Chairman or acting Chairman, the person elected or designated, as the case may be, shall make and subscribe before the Chief Justice or any other judge, the following oath or affirmation:

"I, do hereby swear/solemnly affirm,

That I will strive to the best of my ability to uphold, protect and to defend as the supreme law the Constitution of the Republic of Ciskei, and faithfully to obey and to execute and administer the laws of the Republic of Ciskei;

REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990

that I will serve the people of the Republic of Ciskei and promote human rights and freedoms;
and

that I will endeavour to the best of my ability to ensure justice, peace and prosperity for
all the inhabitants of the Republic of Ciskei;

(In case of an oath)

SO HELP ME GOD."

16. **The salary of Chairman.** - There shall be paid to the Chairman as a charge on the Revenue Fund, a salary and allowances determined by the Council of State, which Council should also determine what portion of the allowance shall be non-taxable.

CHAPTER V

COUNCIL OF STATE

17. **Council of State.-**

- (1) There shall be a Council to be known as the Council of State.
- (2) Members of the Council of State, who shall be known as Councillors of State, shall hold office at the pleasure of the Chairman.
- (3) The Chairman may from time to time appoint such further members to the Council of State as he deems fit.
- (4) Councillors of State need not be citizens of the Republic of Ciskei.
- (5) The remuneration of a Councillor, and the portion of that remuneration which shall be non-taxable, shall be determined by the Chairman and shall be payable out of monies appropriated by the Council of State for that purpose.
- (6) If any Councillor is unable to perform any of the functions of his office, the Chairman may appoint any other member of the Council of State to act in that Councillor's stead either generally or for the performance of any particular function.
- (7) A Councillor shall before assuming office make and subscribe the following oath or affirmation before the Chief Justice or a person designated by the Chairman:

"I,....., do hereby swear/solemnly affirm that I will be faithful to the people of Ciskei and undertake to hold my Office as a Councillor of State with honour and dignity, to uphold the laws of the Republic and to serve the people as a true counsellor. I undertake further not to divulge any matters brought before the Council of State which are entrusted to me under secrecy and to perform the duties of my office conscientiously and to the best of my ability.

(In case of an oath)

SO HELP ME GOD."

CHAPTER VI

EXECUTIVE AUTHORITY

18. **Executive authority.** - The Executive authority of the Republic of Ciskei is vested in the Chairman acting on the advice of the Council of State and shall be exercised in accordance with the provisions of this Decree and Schedule 6.

19. **Council of Ministers.** -

- (1) There shall be a Council to be known as the Council of Ministers.
- (2) Members of the Council of Ministers who shall be known as Ministers of State, shall hold office at the pleasure of the Chairman.
- (3) Ministers of State need not be citizens of the Republic of Ciskei.
- (4) The Council of Ministers shall advise the Council of State on policies concerning the administration of departments of State.

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- (5) The remuneration of a Minister and the portion of that remuneration which shall be non-taxable shall be determined by the Council of State and shall be payable out of monies appropriated by the Council of State for that purpose.
- (6) If any Minister is unable to perform any of the functions of his office, the Chairman may appoint any other person to act in that Minister's stead, either generally or for the performance of any particular function.
- (7) A Minister shall before assuming office make and subscribe the following oath or affirmation before the Chief Justice or a person designated by the Chairman:

"I, ..., do hereby swear/solemnly affirm that I will be faithful to the people of Ciskei and undertake to hold my Office as a Minister of State with honour and dignity, to uphold the laws of the Republic and to serve the people as a true counsellor. I undertake further not to divulge any matters brought before the Council of Ministers which are entrusted to me under secrecy and to perform the duties of my office conscientiously and to the best of my ability.

(In case of an oath)

SO HELP ME GOD."

20. Departments of State. -

- (1) The departments of State in existence immediately prior to the commencement of this Decree shall continue to exist.
- (2) Ministers of State appointed for such purpose shall administer such departments of State.
- (3) The Chairman may from time to time establish such additional departments of State as he may deem necessary for the government and shall appoint Ministers of State to administer such departments and may dis-establish existing departments of State as he may deem necessary.

CHAPTER VII

LEGISLATIVE AUTHORITY

21. **Legislative authority.** - The legislative authority of the Republic of Ciskei is vested in the Council of State.

22. Legislative power. -

- (1) The Council of State shall exercise its powers to make laws by issuing Decrees (in the one or the other or both of the official languages).
- (2) The presence of two thirds of its members shall be a prerequisite for the exercise by the Council of State of its legislative powers.
- (3) Laws shall be passed by a majority of votes of members present: Provided that, in the event of an equality of votes, the Chairman shall have a casting vote.
- (4) Save as provided in sub-section 5, the Council of State shall not have the power to make any law abolishing, diminishing or derogating from any fundamental right as set out in Schedule 6.
- (5) The rights and freedoms conferred in Schedule 6 may be restricted by a Decree with general application for reasons which are necessary in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or the rights of others, for maintaining the authority and impartiality of the judiciary and for the social, moral and economic well being and upliftment of all the inhabitants of the State, provided that such a restriction shall not negate the essential content of the said rights and freedoms.

REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990

23. Signature and enrolment of laws. -

- (1) A Decree shall become law upon being signed by the Chairman.
- (2) The Director-General of the Department of the Council of State shall cause to be enrolled of record in the office of the registrar of the Supreme Court, in the language in which it was signed by the Chairman, a fair copy of every Decree and such copy shall be conclusive evidence of the provisions of such Decree.

24. Promulgation and commencement of laws. -

- (1) The Director-General of the Department of the Council of State shall cause every law to be published in the Government Gazette in the official language in which it was signed by the Chairman and may cause it so to be published in the other official language.
- (2) A law shall come into operation on the date of its publication in the Gazette unless the law itself provides that it shall come into operation on another date or on a date to be fixed thereunder by proclamation by the Chairman.

25. Advisory committees. - The Council of State shall have the power to appoint advisory committees on such terms and conditions and with such remuneration as may be determined by the Council of State.

26. Validity of laws. -

- (1) The Supreme Court shall be competent to enquire into and pronounce upon the validity of a Decree in pursuance of the question:-
 - (a) whether the provisions of this Decree were complied with in connection with any law which is expressed to be decreed by the Council of State; and
 - (b) subject to the provisions of this Decree, whether the provisions of any such Decree abolish, diminish or derogate from any fundamental right as set out in Schedule 6.
- (2) When the Chairman or an aggrieved person has any doubt on the question whether any law or provision thereof which was in force in the Republic before the 4th of March 1990 or of any draft Decree which is to be considered by the Council of State, abolishes, diminishes or derogates from any fundamental right as set out in Schedule 6, the Chairman or such person may cause such question to be submitted to the Supreme Court for argument and decision.
- (3) If the Supreme Court decides that any law, draft Decree or provision referred to in subsection 2 abolishes, diminishes or derogates from any fundamental right so referred to, the Chairman shall cause such law, draft Decree or provision to be submitted to the Council of State for decision as to whether such law, draft Decree or provision ought to be repealed, amended or reconsidered.

CHAPTER VIII

ADMINISTRATION OF JUSTICE

27. **Constitution and powers of Supreme Court of Ciskei.** - The judicial authority of the Republic of Ciskei is vested in the Supreme Court of Ciskei consisting of an Appellate Division and a General Division.
28. **Administrative functions relating to the administration of justice.** - All administrative powers, functions and duties affecting the administration of justice shall be under the control of the Minister of State for Justice.

CHAPTER IX

FINANCE

29. **Revenues vest in Treasury.** - All revenues of the Republic of Ciskei from whatever source arising, shall vest in the Treasury.

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30. **Revenue Fund.** - There shall be a Revenue Fund into which shall be paid all revenues as defined in section 2 of the Exchequer and Audit Act, (Act No. 28 of 1985).
31. **Withdrawal of moneys from Revenue Fund in anticipation of formal appropriation.** - Subject to the provisions of this Decree no moneys shall be withdrawn from the Revenue Fund except under appropriation: Provided that -
- (a) until such appropriation has been made and for a period not exceeding three months after the end of a financial year, or
 - (b) if by reason of the existence of exceptional circumstances the making of an appropriation is likely to be delayed for a period not exceeding seven months after the end of a financial year, moneys may be withdrawn from the Revenue Fund without such appropriation for the purpose of meeting expenditure on services in respect of which there has been an appropriation in the immediately preceding financial year or in respect of which there is other statutory authority.
32. **Annual estimates.** - The annual estimates of revenue and expenditure for Ciskei shall be prepared by Accounting Officers to the Treasury and submitted by the Minister of State for Finance for the purposes of appropriation.
33. **Existing debts and liabilities of the Republic.** - Nothing in this Decree contained shall affect any assets or rights belonging to the State or any debts or liabilities of the Republic as existing immediately before the commencement of this Decree and all such assets, rights, debts and liabilities shall remain assets, rights, debts and liabilities of the Republic, subject, notwithstanding any other provisions contained in this Decree, to the conditions imposed by any law under which such debts or liabilities were raised or incurred, and without prejudice to any rights of security or priority in respect of the payment of principal, interest, sinking fund and other charges conferred on the creditors concerned, and the Republic may, subject to such conditions and rights, convert, renew or consolidate such debts.

CHAPTER X

LAND

34. **Vesting and use of certain land.** - All Government land owned at the commencement of this Decree or acquired at any time thereafter vests in the Republic and the Chairman shall determine the future use and alienation thereof on the advice of the Council of State.

CHAPTER XI

LOCAL GOVERNMENT

35. **Local Government.** - Local Government shall be constituted by a Decree in terms of which provision shall be made for:
- (a) regular and fair elections;
 - (b) financial management and control;
 - (c) qualification of voters and office bearers;
 - (d) delimitation of authorities;
 - (e) powers, functions and duties as well as control by the government of the exercise thereof;
 - (f) legislative procedures;
 - (g) approval of local government ordinances and by-laws.
36. **Duties, powers, authorities and function of chiefs.** - Subject to the provisions of this Decree and any other law, all duties, powers, authorities and functions lawfully exercised by chiefs immediately prior to the commencement of this Decree shall remain in force until varied or withdrawn by the competent authority.

CHAPTER XII

TRANSITIONAL AND GENERAL PROVISIONS

37. **Application of laws. -**

- (1) Subject to the provisions of this Decree, all laws which were in operation immediately prior to the commencement of this Decree, including all Acts of the National Assembly passed in terms of the Republic of Ciskei Constitution Act, 1981 and all Decrees of the Council of State published in the Government Gazette between 4th March, 1990 and the commencement of this Decree, shall continue to operate until repealed or amended by the competent authority.
- (2) Any reference in any law which continues to apply in Ciskei in terms of subsection (1) to -
 - (a) the Colony of the Cape of Good Hope, the Province of the Cape of Good Hope, the Union of South Africa or the Republic of South Africa, shall be construed as a reference to the Republic of Ciskei;
 - (b) the Crown, the King, the Queen, the Governor-General, the Governors or Lieutenant-Governors, the State President, or the President, shall be construed as a reference to the Republic of Ciskei or the Chairman as the circumstances may require;
 - (c) The King-in-Council, the Queen-in-Council, the Governor-General-in-Council, the State President-in-Council, the President-in-Council or the President-in-Executive Council, shall be construed as a reference to the Chairman;
 - (d) The Cabinet, the Cabinet of Ciskei or the Executive Council shall be construed as a reference to the Chairman acting on the advice of the Council of State;
 - (e) The Administrator of the Province of the Cape of Good Hope shall be construed as a reference to the Chairman or to the responsible Minister, as the circumstances may require;
 - (f) National Assembly or Assembly shall be construed as a reference to the Council of State;
 - (g) The Supreme Court of South Africa or any division or judge (including the Chief Justice) thereof, shall be construed as a reference to the Supreme Court of Ciskei or the corresponding division or judge (including the Chief Justice) thereof having similar powers, authorities or functions in the Republic of Ciskei;
 - (h) The Official Gazette or the Official Gazette of Ciskei or the Gazette, the Government Gazette of the Republic of South Africa or the Provincial Gazette, shall be construed as a reference to the Government Gazette of the Republic of Ciskei.
- (3) Subject to the provisions of this Decree, the Chairman, acting on the advice of the Council of State, may by proclamation in the Government Gazette make such orders or provisions as he may deem necessary -
 - (a) to ensure the effective application of any existing law;
 - (b) to determine the vesting and devolution of any powers, functions, duties, authorities, rights or obligations conferred, authorised, recognised, created or imposed by or under any existing law;
 - (c) to resolve any administrative difficulty arising from any of the foregoing provisions of this section or the application of the provisions of any existing law;
 - (d) to ensure the continuation of the administration and government in any area in Ciskei.

38. **Official appointments. -** Any appointment made in any office by any authority under any law prior to the commencement of this Decree, shall continue in force in accordance with the provisions of such law.

39. **Definitions. -** In this Constitution, unless the context otherwise indicates -

"Chairman" means the Chairman of the Council of State;

REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990

"chief" means any chief in office at the commencement of this Decree, and includes an acting chief;

"Chief Justice" means the Chief Justice of the Supreme Court and includes an acting Chief Justice;

"Ciskei" means the Republic of Ciskei;

"Council of Ministers" means the Council of Ministers as established in terms of section 19;

"Council of State" means the Council of State which assumed control of the government and administration of the Republic of Ciskei on 4th March, 1990, as constituted from time to time under this Decree;

"Councillor" means a Councillor of State as envisaged in the provisions of section 17 (2);

"judge" means a judge of the Supreme Court;

"law" means any law, Decree, proclamation, Act or other enactment having the force of law;

"Minister" means a Minister of State as envisaged in the provisions of section 19(2);

"Treasury" means the Treasury as defined in section 2 of the Exchequer and Audit Act (Act No. 28 of 1985);

"Republic" means the Republic of Ciskei.

40. **Repeal of laws.** - The Republic of Ciskei Constitution Act (Act No. 20 of 1981) and the Constitutional Laws Consolidation Decree (Decree No. 33 of 1990) are hereby repealed.

CHAPTER XIII

REPEAL AND AMENDMENT OF DECREE

41. **Repeal and amendment of Decree.** -

- (1) Subject to the provisions of subsection (2) the Council of State may by Decree repeal or amend any provision of this Decree.
- (2) No repeal or amendment of any of the provisions of sections 22(4) and (5), 26(1) or of this section or of any of the provisions of Schedule 6 of this Decree or of any corresponding provisions of any law substituted for them insofar as such repeal or amendment might diminish or detract from the fundamental human rights and freedoms contained and defined in that Schedule shall be valid unless such repeal or amendment has obtained the support of not less than two thirds of those voting in a referendum conducted amongst all citizens of Ciskei over the age of 18 years not disqualified from so voting by provisions which would be acceptable in a democratic society.

42. **Short Title and commencement.** - This Decree shall be called the Republic of Ciskei Constitution Decree 1990, and shall come into operation on a date to be fixed by the Chairman by proclamation in the Gazette.

BRIGADIER O. J. GQOZO

12.12.1990

REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990

SCHEDULES

SCHEDULE 1:	Districts of Ciskei (section 1)
SCHEDULE 2:	Seal of the Republic of Ciskei (section 5 (1))
SCHEDULE 3:	National flag of the Republic of Ciskei (section 6)
SCHEDULE 4:	Coat of Arms of the Republic of Ciskei (section 7)
SCHEDULE 5:	National Anthem of the Republic of Ciskei (section 8)
SCHEDULE 6:	Fundamental Rights and Responsibilities

SCHEDULE 1

AREA COMPRISING CISKEI

The districts of Hewu, Keiskammahoek, Mdantsane, Middledrift, Mpofu, Peddie, Victoria East and Zwelitsha, together with the seashore and territorial waters thereof.

For the purpose of this Schedule 'territorial waters' means the territorial waters of the Republic of Ciskei defined and determined in accordance with the provisions of the Territorial Waters Act, 1986 including, within the meaning and for the objects of that Act, the exclusive economic zone and the continental shelf.

SCHEDULE 2

DESIGN OF SEAL OF THE REPUBLIC OF CISKEI

The Seal of the Republic of Ciskei shall be in the form of a circle in which shall appear the coat-of-arms of the Republic of Ciskei surrounded by a larger circle containing the words —

IRIPHABLIKI YE CISKEI



REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990

SCHEDULE 3

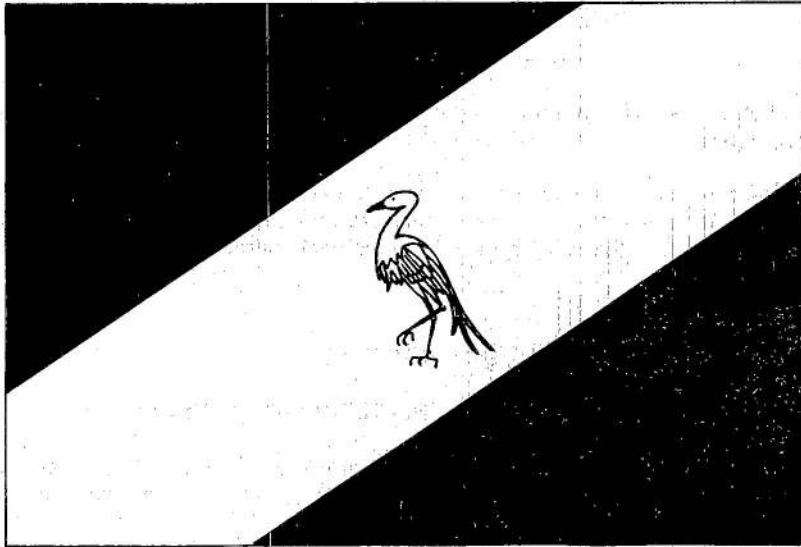
NATIONAL FLAG OF THE REPUBLIC OF CISKEI

A blue flag with a bend sinister of white, over all a Blue Crane proper edged white.

The width of the flag shall be equal to two thirds of its length.

The width of the bend sinister shall be one-sixth of the length of the flag.

The height of the Blue Crane shall be one-third of the width of the flag.



SCHEDULE 4

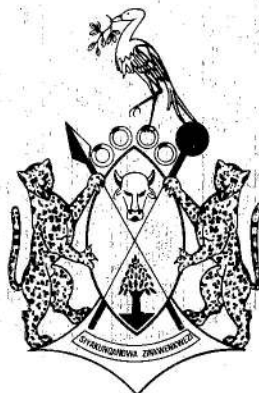
COAT OF ARMS OF THE REPUBLIC OF CISKEI

A coat-of-arms as follows:-

Per saltire OR and gules, in chief an ox's head caboshed proper and in base a tree proper, the whole ensigned with four annulets, ivory, fess-wise proper, issuant therefrom a crane passant, azure, holding in the beak a twig with leaves, vert, the whole in front of a knobbed stick and spear in saltire, sable.

Supporters: Two leopards rampant gardant proper on a field vert with an escroll OR with letters sable.

Motto: SIYAKUNQANDWA ZIINKWENKWEZI



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SCHEDULE 5

NATIONAL ANTHEM OF THE REPUBLIC OF CISKEI

"Nkosi Sikelel' iAfrika" is a revered African anthem composed in 1897 by Enoch Sontonga, a gifted Xhosa teacher at a Methodist mission school on the Witwatersrand. It was first sung in 1899, the year in which the Anglo-Boer War started. The occasion was the induction of a minister in Nancefield near Johannesburg. Later the renowned Xhosa poet, S.E. Mqayi, wrote seven more stanzas and the full text was published for the first time in 1927. Two years later it was included in the Presbyterian Xhosa hymnal.

GOD BLESS AFRICA — NKOSI SIKELEL' IAFRIKA

Lord, bless Africa;
May her spirit rise high up;
Hear Thou our prayers
And bless us.
Chorus: Descend, O Spirit,
Descend, O Holy Spirit.

Bless the public men.
Bless also the youth
That they may carry the
land with patience
And that Thou mayst bless them.

Bless the ministers
Of all churches of this land;
Endue them with Thy Spirit
And bless them.

Bless agriculture and stockraising;
Banish all famine and diseases;
Fill the land with good health
And bless it.

Bless our chief,
May they remember their Creator
Fear Him and revere Him,
That he may bless them.

Bless the wives
And also young women;
Lift up the young girls
And bless them.

Bless our efforts
Of union and self-uplift
Of education and mutual understanding
And bless them.

Lord, bless Africa
Blot out all its wickedness
And its transgressions and sins
And bless it.

Nkosi, sikelel' iAfrika
Malupakam' upondo lwayo;
Yiva imitandazo yetu
ususikelele.
Yihla Moya, Yihla Moya,
Yihla Moya Oyingewe.

Sikelel' amandol' esizwe,
Sikelel' kwa nomlisela
Ulitwal'ilizwe ngomonde,
Uwusikelele.

Sikelela abafundisi
Bemvaba zonke zelizwe;
Ubatwese ngoMoya Wako
Ubasikelele.

Sikelel'ulimo nemfuyo;
Gxota zonk'indlala nezifo;
Zalisa ilizwe ngempilo
Ulisikelele.

Sikelela iNkosi zetu;
Zimkumbule umDali wazo;
Zimoyike zezimhlonele,
Azisikelele.

Sikelel' amakosikazi
Nawe onk'amanenekazi;
Pakamisa wonk'umjinyana
Uwusikelele.

Sikelel'amalinga etu
Awonanyana nokuzaka
Awemfundo nemvisisiswano
Uwasikelele.

Nkosi Sikelel' iAfrika;
Cima bonk'ubugwenxa bayo
Nexigqito nezono zayo
Uyisikelele.

SCHEDULE 6

FUNDAMENTAL RIGHTS AND RESPONSIBILITIES

1. **Human dignity and equality before the law. -**
 - (1) All human beings are born free and equal in dignity and rights.
 - (2) All persons shall be equal before the law.
 - (3) No persons may be favoured or prejudiced because of gender, descent, race, language, origin or religious beliefs.
2. **Right of life. -**
 - (1) All persons have the right to life, liberty and security of person.
 - (2) No persons shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
 - (3) No court or tribunal shall have the power to impose a sentence of death upon any person and no execution shall take place in Ciskei.
3. **Arrest and detention. -**
 - (1) No persons shall be subjected to arbitrary arrest, detention or denial of bail.
 - (2) Persons arrested shall not be detained in custody without being informed promptly, in a language they understand, of the grounds for such arrest or detention.
 - (3) All persons who are arrested and detained in custody shall be brought before a magistrate or other judicial officer as soon as possible after their arrest, and no such person shall be detained in custody beyond a period of 72 hours without the authority of a magistrate or judicial officer.
4. **Fair trial. -**
 - (1) In the determination of their civil rights and obligations or any criminal charges against them, all persons are entitled to a fair and public hearing by an independent, impartial and competent court or tribunal established by law: Provided that where the interests of juvenile persons or morals otherwise require, hearings may be conducted in camera.
 - (2) A trial, referred to in paragraph (1) hereof shall take place within a reasonable time failing which the accused shall be released.
 - (3) All persons charged with an offence shall be presumed innocent until proven guilty according to law, after having had the opportunity of calling witnesses and cross-examining those called against them.
 - (4) All persons shall be afforded adequate time and facilities for the preparation and presentation of their defence, before the commencement of and during the trial, and shall have the right of access to a legal practitioner.
 - (5) No persons shall be compelled to give testimony against themselves or their spouses, who shall include partners in a customary union.
 - (6) No court shall admit in evidence testimony which has been obtained in violation of Article 2 (2).
 - (7) No persons shall be tried or convicted for any criminal offence or on account of any act or omission which did not constitute a criminal offence at the time when it was committed, nor shall a penalty be imposed exceeding that which was applicable at the time when the offence was committed.
5. **Right of privacy. -**
 - (1) No persons shall be subjected to interference with their privacy, honour or reputation.
 - (2) The family is the natural and fundamental group unit and is entitled to protection by society and the State.
6. **Freedom of movement. -** All persons have the right to leave the country, and all citizens or persons lawfully admitted for permanent residence have the right to return and to reside and settle in any part of Ciskei.

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7. Citizenship. -

- (1) All persons have the right to a citizenship.
- (2) No persons shall be arbitrarily deprived of their citizenship nor denied the right to change their citizenship.

8. Personality, freedom of thought and expression. -

- (1) All persons have the right to the free and full development of their personalities.
- (2) All persons have the right to freedom of thought, expression, conscience and religion.

9. Political activity. - All persons shall have the right to participate in peaceful political activity intended to influence the policies of government.

10. Freedom of association and assembly. -

- (1) All persons have the right to freedom of association including the freedom to form and join associations, organisations or trade unions.
- (2) All persons have the right to assemble peaceably and without arms.

11. Education and cultural life. -

- (1) The system of education is protected by the State and the principle attaching to the establishment of private educational institutions is accepted.
- (2) All persons have the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

12. Work and Employment. - All persons have the right to free choice of employment, to just and favourable conditions of work and to protection against unjust interference.

13. Protection of Property. -

- (1) All persons shall have the right in any part of Ciskei to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees: Provided that the right to acquire such property by persons who are not Ciskeian citizens, may be regulated by law.
- (2) The State or a competent body or organ authorised by law may expropriate property in the public interest subject to the payment of just compensation in accordance with requirements and procedures to be determined by law.

14. Duties and responsibilities. - The rights and freedoms of all persons shall be exercised with due regard to rights of others, collective security, morality and common interest and all persons shall have the duty to respect and consider their fellow beings without discrimination, and to maintain relations aimed at promoting, safe-guarding and re-inforcing mutual respect and tolerance.

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