



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

UKUBHIYOZELA IMINYAKA
ENGAMA-20 YOMGAQO-SISEKO

UXWEBHU LWEMIBA 18

UHLAZIYO 1, 1 JUNI 2017

Ukubhiyozela iminyaka

engama-20

yoMgaqo-siseko
kunye nama-20 eminyaka
oko kwasekwa i-NCOP

INTSHAYELELO

- Lo nyaka uphawula isikhumbuzo sama-20 soMgaqo-siseko woMzantsi Afrika.
- UMgaqo-siseko ngumthetho omkhulu welizwe. awukho omnye umthetho okanye inyathelo likarhulumente elinakho ukugqitha ngaphaya kwezibonelelo zoMgaqo-siseko.
- UMgaqo-siseko woMzantsi Afrika ngomnye weyona iphucukileyo enenkqubela ehlabathini kwaye unewonga eliphezulu kumazwe ngamazwe.
- UMgaqo-siseko wethu ubeka indlela imiba karhulumente eququzelelwa ngayo kwaye uqulathe imithetho emalunga nendela amagunya alawulwa ngayo, ingubani olawula wona kwaye nokuba ngubani alawulwa kuye kulawulo lwelizwe.

IMBELAPHI

- UMgaqo-siseko utyikitywe waba ngumthetho ngowayesakuba nguMongameli uNelson Mandela eSharpeville ngowe-10 Disemba 1996 waza waqala ukusebenza ngowe-4 Februwari 1997.
- Utyikityo loMgaqo-siseko eSharpeville lwaba luphawu lwesikhumbuzo kukhunjulwa abantu abasweleka ngenxesha lomngcelele woxolo owawuchasene nemithetho ekhohlakeleyo yamapasi ngowama-21 Matshi 1960. Njengoko uMongameli Mandela waluchaza, utyikityo loMgaqo-siseko eSharpeville lwaphawula ukuvalwa kwesahluko sokhutshelo ngaphandle nokuqinisekiswa kokuzimisela kwethu ekwakheni uluntu sonke esinakho ukungca ngalo .
- Uqulunqo loMgaqo-siseko lwaba sisiphumo zezindululo nothethethwano olwathabatha ixesha elide phakathi kwamaqela esopolitiko ahlukeneyo kwanamaqela anomdla eMzantsi Afrika. Lube phantsi kodakanco olunzulu yiNkundla yoMgaqo-siseko, osekwe ngokwemigaqo koMgaqo-siseko weThutyana ka-1993.

- UMgaqo-siseko uqalise ukusebenza ngowe-4 Februwari 1997 kwaye ukusukela ngoko uthe waguqula ngokukhawuleza inkangaleko yezomthetho, eyezopolitiko, eyezentlalo neyezoqoqosho yelizwe.
- Umgao-siseko liqoqo lemigaqo ebalulekileyo apho umbuso unokulawulwa ngayo. EMzantsi Afrika, uMgaqo-siseko ngumthetho omkhulu welizwe kwaye amanye amasuntswana omthetho makazayamanise nezibonelelo zawo.
- UMgaqo-siseko ubonelela, phakathi kwezinye, isiseko sezomthetho sobukho beRiphabhliki, udakanca amalungelo ethu, amalungelo nemisebenzi yabemi yayo, kwaye ichaza isiseko sikarhulumente.

ISAHLUKO 1 SOMGAQO-SISEKO

- ISahluko 1 soMgaqo-siseko siqulathe izibonelelo zesiseko kwaye sibonelela ukuba iRiphabhliki yoMzantsi Afrika ngumbuso omnye izimeleyo, wedemokrasi osungulwe ngezi ntsulungeko zilandelayo:
 - isidima somntu, ukufezekiswa kolingano nokuqhutyelwa phambili kwamalungelo neenkululeko zoluntu;
 - ukungacaluli nokungabukulani ngokwesondo;
 - ubunganga boMgaqo-siseko; kunye
 - nolawulo lomthetho.
- Ilungelo lokuvota lwabo bonke abadala, umqulu ofanayo wabavoti kazwelonke, ulonyulo lwarhoqo kunye nenkqubo yamaqela onke karhulumente wedemokrasi ukuba ibekho ukuqinisekisa ukunika inkcaza, ukuphendula nokuvuleleka.
- ISahluko 1 uphinda ubonelele ubunganga boMgaqo-siseko, ubume, umhobe wesizwe, iflegi yesizwe neelwimi ezisemthethweni zonke zelizwe lethu.
- Imigaqo-siseko kunye nokuba kumgaqo-siseko kuhamba kunye namalungelo oluntu. Amalungelo asoloko ebethelelwa kwicandelo elilodwa lomgaqo-siseko, abizwa umqulu wamalungelo.

ISAHLUKO 2 SOMGAQO-SISEKO

- UMqulu waMalungelo (iSahluko 2 soMgaqo-siseko) sisikhonkwane sedemokrasi yoMzantsi Afrika. uqaqambisa amalungelo abo bonke abantu eMzantsi Afrika kwaye uqinisekisa iintsulungeko zedemokrasi sesidima soluntu, ulingano neenkululeko.
- UMqulu waMalungelo udibanisa iPalamente, isigqeba, ubulungisa nawo onke amanqwanqwa ombuso. Amalungelo aqulathwe kuMqulu waMalungelo axhomekeke kwiminyino equlathwe okanye ekubhekiswe kuyo kwicandelo 36 loMgaqo-siseko, okanye kwenye indawo kuMqulu waMalungelo.
- Iinjongo zomgaqo-siseko zibekwa phambili kwimbulambethe, apho kuxelwa ukuba iNdlu yoWiso-mthetho yoMgaqo-siseko yaphehlelela uMgaqo-siseko ukuba wenze oku kulandelayo:
 - upholise iiyantlukwano zamandulo;
 - useke uluntu olusekelezwe kwiintsulungeko zedemokrasi, ubulungisa bezentlalo, kunye neziseko zamalungelo oluntu;
 - wandlale iziseko zoluntu lwedemockasi noluvulelekileyo;
 - uqinisekise ukuba urhulumente welizwe usekelezwe kwintando yabantu;

- wenze ummi ngamnye ukuba akhuselwe ngumthetho;
- uphucule umgangatho wobomi;
- ukhulule amandla omntu ngamnye;
- wakhe ilizwe elimanyeneyo noMzantsi Afrika wedemokrasi; kwanokuba
- uxhobise ilizwe ukuba lithabathe indawo yalo elifaneleyo kusapho lwezizwe.
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ISAHLUKO 3 SOMGAQO-SISEKO

- ISahluko 3 soMgaqo-siseko libeka amanqwanqwa karhulumente. KwiRiphabhliki, urhulumente wakhiwa njengamanqwanqwa karhulumente kazwelonke, awamaphondo nawommandla abonakalayo, axhomekeke elinye kwelinye nazalanayo.
- Onke amanqwanqwa karhulumente makaqaphela kwaye athobele imigaqo iSahluko esiyibonelelayo kwaye aqhube imisebenzi yawo phakathi kulo mida.
- Sidakanca imigaqo yolawulo lwentsebenziswano kwakunye nobudlelane boorhulumente obuquka, phakathi kwezinye, ukugcina uxolo, umanyano lwesizwe kunye nokungahluli kweRiphabhliki, ukugcina intlalontle yabantu beRiphabhliki nokubonelela ngorhulumente osebenzayo, ongafihlisiyo, onika inkcaza noyondeleleneyo kwiRiphabhliki iyonke.

ISAHLUKO 4 SOMGAQO-SISEKO

- ISahluko 4 sichaza isiseko sePalamente, isebe lowiso-mthetho likarhulumente kazwelonke.
- IPalamente yenziwa yiNdlu yoWiso-mthetho kaZwelonke kunye neBhunga leSizwe laMaphondo.
- INdlu yoWiso-mthetho kaZwelonke yenyulelwa ukumela abantu nokuqinisekisa urhulumente wabantu phantsi koMgaqo-siseko. Ikwenza oku ngokuchonga uMongameli, ngokubonelela iqonga lesizwe loqwalaselo loluntu lwemiba, ngokuphumeza imithetho nangokubhenca nokongamela inyathelo lesigqeba.
- IBhunga leSizwe laMaphondo limele amaphondo ukuqinisekisa ukuba imidla yamaphondo iselwa iso kwinqanaba likarhulumente kazwelonke. Likwenza oku ukakhulu ngokuthabatha inxaxheba kwinkqubo yowiso-mthetho kazwelonke kwakunye nokubonelela iqonga lesizwe loqwalaselo loluntu lwemiba echaphazela amaphondo.

ISAHLUKO 5 SOMGAQO-SISEKO

- ISahluko 5 sicacisa ngesiseko sesigqeba sikazwelonke namagunya kaMongameli.
- UMongameli uyintloko yelizwe kwakunye nentloko yesigqeba sikazwelonke kwaye kufuneka agcine, akhusele aze anike imbeko kuMgaqo-siseko njengomthetho onobunganga weRiphabhliki kwaye akhuthaze umanyano lwesizwe nokuza kusa phambili iRiphabhliki.
- UMongameli unamagunya awanikwe nguMgaqo-siseko nomthetho, kuquka lawo afunekayo ukuqhuba imisebenzi yentloko yelizwe kunye nentloko yesigqeba sikazwelonke.
- UMongameli unoxanduva loku, phakathi kwezinye, ukwamkelwa nokutyikitya imithetho esayilwayo, ukubuyisela imithetho esayilwayo kwiNdlu yoWiso-mthetho ukuba iphinde

iqwalasele ukuba kumgaqo-siseko komthetho osayilwayo kwakunye nokuseka iikhomishoni zophando.

ISAHLUKO 6 SOMGAQO-SISEKO

- ISahluko 6 siseka amaphondo alithoba oMzantsi Afrika kwaye uchaza amagunya nesiseko soorhulumente bamaphondo.
- IRiphabhliki inala maphondo alandelayo:
 - IMpuma Kapa;
 - IFree State;
 - IRhawuti;
 - IKwaZulu-Natal;
 - ILimpopo;
 - IMpumalanga;
 - UMntla Koloni;
 - UMntla Ntshona; kunye
 - neNtshona Koloni.

ISAHLUKO 7 SOMGAQO-SISEKO

- ISahluko 7 sibeka isikhokelo kurhulumente wommandla nakoomasipala bakhe.
- Inqwawqwa lommandla likarhulumente lenziwa ngoomasipala, emabasekwe kuyo yonke imida yeRiphabhliki.
- Igunya lesigqeba nelowiso-mthetho likamasipala libekwe kwibhunga limasipala wakhe.
- Umasipala unelungelo lokulawula, ngelinge lakhe, imiba karhulumente wommandla yoluntu lwakhe, kuxhomekeka kumthetho kazwelonke nowephondo, njengoko kubonelelwe kuMgaqo-siseko.
- Urhulumente kazwelonke okanye owephondo akanakho ukubeka esichengeni okanye abe ngumqobo kwisakhono okanye ilungelo likamasipala lokusebenzisa amagunya akhe okanye ukuqhuba imisebenzi yakhe.
- Iinjongo zikarhulumente wommandla zezi, phakathi kwezinye, ukubonelela ngorhulumente wedemokrasi nonika inkcaza kuluntu lwemimandla, ukuqinisekisa ubonelelo lweenkonzo kuluntu ngendlela ezinzileyo, ukuphakamisa uphuhliso lwezintlalo noloqoqosho kwanokuphakamisa imeko ekhuselekileyo nesempilweni.

ISAHLUKO 8 SOMGAQO-SISEKO

- ISahluko 8 soMgaqo-siseko simisela iinkundla nolawulo lobulungisa ngenkqubo yobulungisa kunye negunyabantu lobulungisa.
- Sichaza ubume obenziwa ziiNkundla zooMantyi, iNkundla ePhakamileyo, iNkundla ePahakamileyo yeZibheni, kunye neNkundla yoMgaqo-siseko.
- Sibonelela ngolonyulo lweejaji nguMongameli ngengebisayo yeKhomishoni yeNkonzo yezoBulungisa kwaye siseka iGunyabantu lezoTshutshiso liikaZwelonke elilodwa elinoxanduva lwalo lonke utshutshiso lolwaphulo-mthetho.

ISAPHLUKO 9 SOMGAQO-SISEKO

ISahluko 9 siqaqambisa amaziko ombuso aqinisa idemokrasi yomgaqo-siseko kwiRiphabhliki. La maziko ombuso aquka la landelayo:

- UMkhuseli woLuntu;
- IKhomishoni yaMalungelo oLuntu;
- IKhomishoni yoPhakanyiso noKhuselo lwaMalungelo oLuntu ezeNkcubeko, iNkolo neeLwimi;
- IKhomishoni yoLungelelaniso ngokweSini;
- UMphicothoi-ziNcwadi Jikelele; kunye
- neKhomishoni yezoLonyulo.

ISAPHLUKO 10 SOMGAQO-SISEKO

- ISahluko 10 siqaqambisa ulawulo lukarhulumente omalulawulwe ngeentsulungeko zedemokrasi nemigaqo efakwe kuMagqo-siseko. Le migaqo iquka oku kulandelayo:
 - Umgangatho ophezulu weentsulungeko zobungcali mawukhuthazwe kwaye ugcinwe.
 - Usetyenziso olubonakalayo, olwezozoqoqosho nolusebenzayo lwemithombo malukhuthazwe.
 - Ulawulo lukarhulumente maluqhutywe luphuhliso.
 - Iinkonzo makubonelelwe ngazo kungakhethwe cala, ngefeya, ngolingano nangokungakhethi iphela emasini.
 - Iimfuno zabantu makuphendulwe kuzo kwaye uluntu malukhuthazwe ukuba luthabathe inxaxheba kulwenziwo lwemigaqo-nkqubo.
 - Ulawulo lukarhulumente amalunike inkcaza.
 - Ukungafihlisi makaubethelelwe ngokubonelela uluntu ngolwazi kwangexesha, olufikelelekayo noluchanekileyo.
 - Ulawulo lwabasebenzi oluhle kunye nezenzo zophuhliso lwamakhondo kufuneka zibethelelwe ukwandisa amandla oluntu.
- Ulawulo lukarhulumente malumelwe ngokuxananazileyo ngabantu baseMzantsi Afrika, zibe izenzo zengqesho nolawulo lwabantu zisekelezelwe kwisakho, ingqiqo, ifeya, kunye nemfuno yokulungisa ukungalingani kwexesha langaphambili ukufezekisa umelo oluxananazileyo.

ISAPHLUKO 11 SOMGAQO-SISEKO

- ISahluko 11 siseka iziseko zolawulo lwabemi lomkhosi wezokhuseleko, inkonzo yamapolisa kunye nenkonzo yezobuntlola.
- Senza uMngameli inkumanda elawulayo yomkhosi wezokhuseleko, kodwa sibeka iimeko zokuba oku kungenziwa nini na nanjani na, kwaye sifuna iingxelo zarhoqo kwiPalamente.
- Inkonzo yamapolisa ibekwe phantsi kolawulo lukarhulumente kazwelonke kodwa sinika oorhulumente bamaphondo igunya elithile lokulawula nokongamela isipolisa.

ISAPHLUKO 12 SOMGAQO-SISEKO

- ISahluko 12 sinakana imeko negunya leenkokheli zemveli kwakunye nomthetho wezemveli, kuxhomekeka kuMgaqo-siseko.

- sivumela ukudalwa kwezindlu zamaphondo zeenkokheli zemveli kunye nebhunga likazwelonke leenkokheli zemveli.
- Umthetho kazwelonke ungabonelela ngendima yobunkoheli bezemveli njengeziko kwinqanaba lommandla ngemiba echaphazela uluntu lommandla.
- Ukuhoyana nemiba enxulumene nobunkoheli bezemveli, indima yeenkokheli zemveli, umthetho wezemveli kunye namasiko oluntu oluqaphela inkqubo yomthetho wezemveli, umthetho kazwelonke okanye owephondo ungabonelela ngokusekwa kwezindlu zeenkokheli zemveli kwaye umthetho kazwelonke ungaseka ibhunga leenkokheli zemveli.

ISAPHLUKO 13 SOMGAQO-SISEKO

- ISahluko 13 sihoyana nezimali zikarhulumente.
- Siseka iNgxowamali yeNgeniso kaZwelonke, apho le mali ingabiwa kuphela ngumthetho wePalamente, iiNgxowamali zeNgeniso zaMaphondo, apho le mali ingabiwa kuphela ngumthetho wendlu yowiso-mthetho yephondo.
- Sibonelela ngohanjiso olulingananyo lwengeniso kazwelonke ukuyisa kumaphondo noomasipala, kwaye sibonelele oorhulumente bamaphondo naboomasipala ngamagunya okunyusa emiye imirhumo neerhafu.
- Sifuna uhlahlo lwabiwo-mali olusebenzayo nolungafihlisiyo kuwo onke amanqanaba karhulumente kwaye sinika uNondyebo kaZwelonke igunya lokongamela iinkqubo zohlahlo lwabiwo-mali.
- Sibeka iminyino ethile kwintengo karhulumente nokuboleka kukarhulumente. Esi sahluko siseka iKhomishoni yezeMali neyokuBopha (ukucebisa urhulumente ngemiba yezemali) kunye neBhanki enguVimba (ukongamela uhlobo lwemali yelizwe).

ISAPHLUKO 14 SOMGAQO-SISEKO

- Isahluko sokugqibela sihoyana nezibonelelo zeenguqu nokunokuthi kwenzeka. Ngokuphandle, icandelo lokuqala lesi sahluko luhoyana nomthetho wamazwe ngamazwe, kuxhomekeka ukuba izivumelwano ezikhoyo ezibophelela uMzantsi Afrika ziza kuqhuba ziwubophelela, kwanokuba izivumelwano ezitsha (ngaphandle kwezo zobume bezobuchwepheshe) ziza kubophelela kuphela nje ukuba ziphunyezwe yiPalamente.
- Sikwabonelela nokuba umthetho wamazwe ngamazwe wezemveli uyasebenza eMzantsi Afrika ngaphandle kokuba ukhabana nomthetho kazwelonke, kwanokuba iinkundla mazithi, xa kuyimfuneko, zitolike umthetho kazwelonke ukuba ungqamane nomthetho wamazwe ngamazwe.