

# CHAPTER 1

## FOUNDING PROVISIONS

### 1. Republic of South Africa

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.
- (b) Non-racialism and non-sexism.
- (c) Supremacy of the constitution and the rule of law.
- (d) Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

### 2. Supremacy of Constitution

This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.

### 3. Citizenship

- (1) There is a common South African citizenship.
- (2) All citizens are—
  - (a) equally entitled to the rights, privileges and benefits of citizenship; and
  - (b) equally subject to the duties and responsibilities of citizenship
- (3) National legislation must provide for the acquisition, loss and restoration of citizenship.

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### 4. National anthem.

The national anthem of the Republic is determined by the President by proclamation.

### 5. National flag

The national flag of the Republic is black, gold, green, white, red and blue, as described and sketched in Schedule 1.

### 6. Languages

- (1) The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- (2) Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.
- (3) (a) The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages.  
(b) Municipalities must take into account the language usage and preferences of their residents.
- (4) The national government and provincial governments, by legislative and other measures, must regulate and monitor their use of official languages. Without detracting from the provisions of subsection (2), all official languages must enjoy parity of esteem and must be treated equitably.
- (5) A Pan South African Language Board established by national legislation must –
  - (a) promote, and create conditions for, the development and use of –

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- (i) all official languages;
  - (ii) the Khoi, Nama and San languages; and
  - (iii) sign language; and
- (b) promote and ensure respect for—
- (i) all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and
  - (ii) Arabic, Hebrew, Sanskrit and other languages used for religious purposes in South Africa.