CONSTITUTIONAL ASSEMBLY

2/4/16/5

THEME COMMITTEE 1

CHARACTER OF DEMOCRATIC STATE

SYNOPSIS OF PARTY SUBMISSIONS AS AT 31 JANUARY 1995

VOLUME 2

NO.	PARTY	SUBMISSION	CATERGORY
1.	ACDP	There shall be multi-party Democracy with regular elections.	Democracy
		A common citizenship for all and voting based on PR and a common voters roll.	
		All basic God-given human rights must be protected.	
	-	The govt in power must be subject to the constitution.	Supremacy of the constitution
		The rights of individuals must be guaranteed.	
		government should be kept as close to the people as possible, there should be a small central government and strong provincial and local governments.	Accountable government
2.	FF	The rights of individuals must be constitutionally enshrined and judicially guaranteed.	Democracy
		Representation must be authentic.	
	-	Checks and balances in democracy against abuse of power must be included.	Checks and balances - T/C 2
		The constitution must create overall trust, hope and loyalty.	

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	3.	DP	The DP believes that CP XIV of Schedule 4 will be best furthered by a constitution containing the following provisions:	Democracy
			Supremacy of the Constitution over the ordinary law.	Supremacy of Constitution
and the second			The maximum devolution of power.	
			The power of the Federal Government and States to be specially defined and entrenched.	Character of state
			A system of voting based on Proportional Representation.	Representative government
			The hallmark of a democratic state is the existence of a representative system of government.	Representative government
			There should be regular and fair elections, freedom of the media and information, and the protection of human rights.	

4.	ANC	There shall be elected government at Regional and	Character of State
•***		Local levels whose powers shall be set out in the constitution.	
		Parliament shall be the supreme law-maker.	
		Government shall be formed by the majority party.	
	-	There shall be regular elections on a common voters roll.	Democracy
		South Africa will be a united and undivided nation	
		The Constitution shall commit the country to a non-racial and non-sexist order.	
		There shall be a Bill of Rights guaranteeing all accepted human rights applicable against all sources of power.	
		South Africa shall be a multi-party democratic state.	

A CONTRACT OF A	5.	IFP	The principle of participatory and / or direct democracy should be constitutionally entrenched in addition to the principle of representative democracy.	Democracy
			The principle of autonomy of individuals as well as of economic, social, political and cultural formations should also be entrenched with respect to all activities for which any level of government does not have a compelling justification of public or national interest to regulate, control or directly exercise.	
			The principles of transparency, political accountability and civil accountability of governmental structures shall be constitutionally entrenched.	Accountable government
			South Africa should be a social but not a socialist state.	Character of state
			Private property and free- market enterprise shall be protected.	
			The constitution should contain all socio-economic rights along with constitutional imperatives which mandate the legislature to operate to remove social injustice, and promote the social economic growth of all South Africans.	Accountable government

6.	NP	On the basis of Freedom and Equality:	Democracy Equality
••••		the State obtains its values by securing the liberty of the people	-
		no discrimination on whatever grounds shall be tolerated	
	-	the minority shall have the right to political opposition	
		the majority has to respect the liberty of the people and the rights of the minority	
		A Constitutional State (Rechsstaat)	Character of state
		Formal Aspects:	
		1) Separation of powers	
		2) Principle of legality	
		3) Protection of fundamental rights	
		4) state action shall be transparent, predictable and proportional	
		5)independent judiciary	
		6) exercise of state power	
		Material Aspects:	
		All state organs will exercise their powers with a view to the advancement of higher values.	
	6.	6. NP	and Equality:the State obtains its values by securing the liberty of the peopleno discrimination on whatever grounds shall be toleratedthe minority shall have the right to political oppositionthe majority has to respect the liberty of the people and the rights of the minorityA Constitutional State (Rechsstaat)Formal Aspects:1) Separation of powers 2) Principle of legality 3) Protection of fundamental rights4) state action shall be transparent, predictable and proportional5) independent judiciary 6) exercise of state power Material Aspects:All state organs will exercise their powers with a

7. F	PAC	All democratic rights of citizens must be protected by the constitution.	Democracy
		Periodic elections of the govt should be established.	1999
		The state shall be a constitutional one.	Supremacy of the constitution
		There shall be a unitary state.	Character of state
	-	The govt shall be accountable to the civil society via its elected representatives	Accountable government

