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UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

Private Bag 3, WITS 2050, South Africa • Telegrams Uniwits • Telex 4 271 255A • Telephone (011) 716 1111

Melody Emmett,  
Multi-Party Negotiating Process,  
Fax 011-397-2211

Dear Melody,

I understand that the Committee on Constitutional Principles is soon to consider the place of international law in the new Constitution. Kader Asmal<sup>and I</sup> have discussed this matter and Kader has drafted the attached proposal - which I support. We are both on the executive of the SA Branch of the International Law Association. So it enjoys the support of that body too. Please forward it to the Committee on Constitutional Principles for their consideration.

Thanks. As ever,

John Dugard

J. DUGARD.

## Chapter? International Relations and International Law

## Article?

- (1) The State affirms its devotion to the ideal of peace and friendly co-operation founded on international peace and morality and, in particular, respect for the rules of international law in its relations with other states.
- (2) The State, in its international relations, shall be governed by the principles of national independence, respect for human rights, the rights of peoples to self-determination and independence, equality among states, the peaceful settlement of disputes, support for general disarmament and the promotion of international peace and co-operation.
- (3) The State shall strictly observe the principles of non-interference in the internal affairs and good neighbourliness in relation to South Africa's neighbouring and other states.
- (4) Except for the purposes of self-defence as <sup>defined</sup> ~~identified~~ by Article 51 of the Charter of the United Nations or in pursuit of any special request by the United Nations or by a regional organisation, no military contingent or force under the direction of the State may be deployed outside the State without the authorisation of the National Assembly.

## Article?

- (1) Unless otherwise provided by the Constitution or any Act or Parliament, the ~~principles~~ generally accepted <sup>customary</sup> rules of international law shall be binding on the State and shall form an integral part of South African Law. Such rules shall directly create rights and duties for the inhabitants of the State and shall enjoy precedence over existing law.
- (2) Treaties and conventions duly ratified under the procedure laid down in Article? shall form part of the domestic law of the State and shall enjoy precedence over existing law.
- (3) The Government shall present all human rights treaties to the National Assembly as soon as they have been opened for signature, ratification or accession together with a statement of its policy towards them.