

Ministerie van
Pinnelandsse Sake



Ministry of
Home Affairs

[70]

10/11/93

The Head: Administration of the
Multi-Party Negotiation Process

Dear Dr Eloff

ENTRENCHMENT OF CERTAIN MATTERS IN CONSTITUTION

Attached hereto the Government's proposals for certain matters to be entrenched in the Constitution and to be included in the Constitutional Principles contained in Schedule 7 thereof.

It would be appreciated if you could present these proposals to the Technical Committee on Constitutional Issues.

With kind regards

D P A SCHUTTE
MINISTER OF HOME AFFAIRS

**SOUTH AFRICAN GOVERNMENT OFFICE
- WORLD TRADE CENTRE -**

10 November 1993


Head of the Administration
Multi-Party Negotiating Process
World Trade Centre

Dear Dr Eloff

**SUBMISSION BY THE SOUTH AFRICAN GOVERNMENT FOR THE
ATTENTION OF THE TECHNICAL COMMITTEE ON CONSTITUTIONAL
ISSUES**

1. Attached is a submission by the South African Government entitled *ENTRENCHMENT OF CERTAIN MATTERS IN CONSTITUTION*.
2. Kindly transmit the document for immediate attention to the Technical Committee on Constitutional Issues.

Yours sincerely


GOVERNMENT OFFICE: WORLD TRADE CENTRE

ENTRENCHMENTS

Elections

- ... (1) Any election for the members of a legislature referred to in this Constitution, shall be conducted by an Independent Electoral Commission with the following objects:
- (a) to administer, organize, supervise and conduct free and fair elections for the National Assembly and all other legislatures;
 - (b) to promote conditions conducive to free and fair elections;
 - (c) to determine and certify the results of elections; and to certify to what extent such elections have been free and fair;
 - (d) to conduct voter education; and
 - (e) to make and enforce regulations for the achievement of such objects.
- (2) Unless new provision is made for the appointment of an Independent Electoral Commission and the regulation of elections, the provisions of the Independent Electoral Commission Act, 1993, and the Electoral Act, 1993, shall, despite the dissolution of the said Commission as contemplated in sections 9 and 35 of the Independent Electoral Commission Act, 1993, and as far as the provisions of the said Acts are not inconsistent with this Constitution, be deemed to be in full force and effect in respect of any election for any legislature to be held under this Constitution.

Entrenchment of certain laws

- ... The provisions of section 4 of the Broadcasting Act, 1976 (Act No. 73 of 1976), and the Independent Broadcasting Authority Act, 1993, shall not be repealed or amended unless such repeal or amendment is approved by a two-third majority of all the members of the National Assembly.

SCHEDULE 7

Constitutional Principles

I

Provision shall be made for an Independent Electoral Commission to administer, organize and conduct free and fair elections in terms of the Constitution and the Electoral Act in an impartial and non-partisan way.

II

Provision shall be made for an Independent Broadcasting Authority to be responsible for the regulation of broadcasting activities in the public interest on a permanent basis in an impartial and non-partisan way.