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INTANDO YESIZWE SUBMISSION TO THE TECHNICAL COMMITTEE ON CONSTITUTIONAL ISSUES.

1. We, in IYP have made submission to Codesa Working Group 2 as regards Constitutional issues we regards ourselves bound by Codesa agreements to the extent that these were agreements.
2. We, believe that South Africa should be a unitary state, democratic in form and process of operation, non-racial, non-sexist. That the boundries of South Africa shall be as recognised by 1910.
3. We, believe in devolution of powers and therefore accept that the government shall be structure on three tier levels of government, Central, Regional and Local.
4. We do not believe in a lame-duck type of central government. The reason is very simple indeed. The history of this country, the injustices and imbalances occasioned by apartheid governments calls for a Central Government which will begin to address and redress those imbalances and injustices in our country and rebuild our Nation. So Central Government shall have overriding powers in all matters even if the concept of current-powers would be enshrined in the constitution.
5. We, believe in separation of powers so that the Legislative, the Executive and the Judicial shall be independant of each other particularly the Judiciary.
6. We believe the Constitution of the Land shall be the Supreme law of the Country, therefore the independence of the Judiciary is crucial.
7. We believe therefore that for the Constitution to be Supreme and enjoy this supremacy a constitutional court should be established to protect this right.

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CONSTITUTION MAKING BODY

1. We, in IYP believe that the Constitution is the most fundamental and therefore the higher law of a Country.
2. That for the Constitution to maintain and continue to enjoy that status the Constitution must be respected by the greatest majority of the people.
3. That the Constitution should be respected and therefore protected by its people it must be legitimate.
4. Respectability and acceptability, therefore legitimation of the Constitution can only be accorded by the people to the Constitution if the people can identify with the Constitution.
5. We therefore believe, for the people to identify with the Constitution as their own they should be part of the process the product of which should be the National Constitution.
6. We therefore believe that the people should elect the body of persons who should draft and adopt the new and democratic constitution.
7. We, therefore call for an elected Constituent Assembly which shall be the body that will draft and adopt the Constitution.
8. We believe the Constituent Assembly should consist of 400 members half elected on Regional basis and the other half on National basis.
9. We believe that once elected the Constituent Assembly shall serve both to draft and adopt the Constitution on the one hand and be the government of the day on the other.

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ON SELF-DETERMINATION

1. We believe that self-determination simply put means governance based on the will of the people. Our understanding of a people - is that a people is equal to a nation No.1 we emphasise not a tribe as the Afrikaners argue in South Africa. They are a tribe (stam) not a nation (volk).
2. Self-determination secondly should imply governance clean of discrimination based on race, colour or ethnicity or in breach of basic rules of international law e.g. aggression against other nations.
3. Self-determination should not be abused to call for independence based on ethnicity as the call is currently made in South Africa by a small portion of South African Nation - the Afrikaner.
4. Yes the Afrikaner has the right to determine their political fate, they must choose who should govern. But they should do so as part of the whole not as a "special tribe". Afrikaners are entitled not to be discriminated on the basis of their race and their tribe but so too they should not ask for special treatment because of their tribal affiliation.

We can only say "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a Country is incompatible with the purposes and the dprinciples of the Charter of the United Nations."

ON THE FORM OF STATE

1. On the form of State, we in IYP believe that the historical background on this Country militates against any form of Government which is divisive inherently and too expensive.
2. We, believe, therefore that we need a period of healing from the near fatal wounds inflicted by the system of apartheid.

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3. We, believe, to repair the fabric of our society we need a government that inherently and practically is capable of fostering national unity.
4. We do not reject federal type of Government because we believe it is less democratic, far from it.
5. We do not call for Unitary State because we believe it cannot be abused not at all - that is why we say Constitutional principles should be agreed to upfront and the Constitution Making body should be bound thereby.
6. We call for Unitary State so that the historical imbalances coined by apartheid system should be redressed.
7. We believe that Federalism by its very nature is divisive and cannot afford this Country a period of healing and opportunity to rebuild the nation.

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