

INTANDO YESIZWE PARTY'S CONSTITUTIONAL PRINCIPLES OF THE EN-VISAGED NEW DEMOCRATIC SOUTH AFRICA: CODESA WORKING GROUP

INTRODUCTION

We in the IYP believe that a constitution is a fundamental document in the construction of a social order. It necessarily therefore means a constitution cannot be a document in public relations exercise; it cannot be a document of political expediency. The constitution establishes and defines political and civil rights of a country's people and for it to be respected it should enjoy legitimacy in the eyes of the majority of the people in the country. For this reason we in the IYP believe that CODESA is a step in the right direction towards establishing a democratic order in South Africa.

IYP therefore put forward the following as the principles that should be enshrined in a constitution for the New South African Society.

A. 1. NATURE OF GOVERNMENT

The IYP believes in the following format of the Government:

- United, democratic, non-racist, non-sexist, multi-party South Africa with sovereign authority over the whole of its territory.
- The Constitution shall be the supreme law of the country. And an independent judiciary shall constitutionally ensure this.
- There shall be three tier-system of Government viz. National, regional and local government to actualise non-racial, democratic participation in the administration of the country at all levels.
- There shall be regular elections on the basis of universal adult suffrage on a common voters roll. Proportional representation shall serve as the basic electoral system. There shall be equality of citizens before the law.

A. 2. SEPARATION OF POWERS

Executive: - There shall be an Executive President elected by the general populace. The President shall serve a maximum of 2 terms of 5 years.

Cabinet shall be elected by President amongst members of Parliament.

Legislature: - There shall be a single house of Parliament elected on proportional representation basis whose life shall not exceed five years.

Checks and balances

- a. Regular Elections
- b. Independent judiciary to test the validity of Legislation against the constitution.
- c. Ombudsman: - There shall be established an effective system of Ombudsmen which is effectively staffed and effectively protected by the law against abuse by the executive powers that be.

Judiciary

- There shall be an independent, non-racial, non-sexist judiciary
- There shall be a judicial Committee appointed by President to appoint
 - judges and establish regional and local judicial committees to appoint:
 - magistrates or to ratify appointments at this level made by Department of Justice

A. 3. FUNDAMENTAL HUMAN RIGHTS

Bill of rights: there shall be enshrined in the constitution of the New South Africa a Bill of Rights which shall acknowledge universally accepted human, rights, freedoms and liberties including freedom of speech, association diversity of languages, religions and cultures of the people of South Africa etc.

B. 1. CONSTITUTION MAKING BODY

The IYP believes that in order for any Future Constitution to enjoy legitimacy it must have the support of the majority of the people of South Africa.

In order to achieve this the IYP believes that the People themselves must be involved. This involvement can be undoubtedly ensured in the popular election of a Constitution making body.

Election to Constitution making body shall be on the basis one-voter-one-vote, based on common voter's roll which shall be non-racial and non-sexist. Representation in this body shall be on a proportional representation basis.

SUMMARY OF PRINCIPLES

1. United Democratic, Non-racist, non-sexist, multiparty South Africa.
2. Supreme of Constitution and the Law - (subject to the rule of Law.)
3. Three tiered Government and Legislative, Executive and Judiciary.
4. Three levels of Government i.e. Central, Regional and Local.
5. Independence of Judiciary.
6. Equality before the Law.
7. Universal adult franchise - 18 years and above.
8. Bill of rights as envisaged by universal Declaration of human rights.
9. Citizenship - (common)
10. Regular election: President and Members of Parliament Maximum term of five years.