

WORK GROUP TWO : FIRST ASSIGNMENT

PARA 1.1.3 - AREAS OF COMMONALITY AND ASPECTS WHERE AGREEMENT  
ALREADY EXISTS BETWEEN THE PARTICIPATING DELEGATIONS

A. Specific Constitutional Concepts contained in the Declaration  
of Intent

1. Whatever the form of the constitution that will apply within its borders South Africa will be a single (unfragmented/ undivided, united) sovereign state.
2. The character of the state will be democratic, non-racial and non-sexist.
3. The diversity of languages, cultures and religions will be acknowledged.
4. All shall enjoy universally accepted human rights, freedoms and civil liberties, including freedom of religion speech and assembly.
5. The Constitution will be the supreme law.
6. There shall be separation of powers between the legislature, executive and judiciary - with appropriate checks and balances (unspecified).
7. The Legislature will embrace the following -
  - 7.1 multi-party democracy
  - 7.2 regular elections
  - 7.3 universal adult suffrage
  - 7.4 common voters roll
  - 7.5 in general proportional representation
8. The Judiciary
  - 8.1 The Judiciary will be independent, non-racial, impartial
  - 8.2 There will be an entrenched and justiciable Bill of Rights
  - 8.3 There will be a legal system that guarantees equality of all before the law.
9. The Executive (no specific comment).

B. Commitments contained in the Declaration of Intent which may\may not have a bearing on Constitutional Issues

1. An undivided South Africa (See also A1)
2. A common South African citizenship.
3. One nation sharing a common patriotism and loyalty.
4. Freedom, equality and security for all.
5. Freedom from -
  - 1) apartheid
  - 2) any other form of discrimination
  - 3) domination
6. Heal divisions of past.
7. Secure advancement of all.
8. Establish a free and open society.
9. Improve the quality of life of our people through -
  - 1) economic growth
  - 2) human development
  - 3) equal opportunities for all
  - 4) social justice for all.
10. Create a climate conducive to peaceful constitutional change by -
  - 1) eliminating violence, intimidation and destabilisation
  - 2) promoting free political participation, discussion and debate. (See First Assignment - Working Group 1)

C. Matters relevant to the Constitution, not referred to in the Declaration of Intent on which these may/may not already be agreement

1. A bi-cameral central legislature.
2. Strong central, regional and local governments.
3. A constitutional court.
4. An ombudsman.