



**AFRICAN
NATIONAL CONGRESS**

LEGAL AND CONSTITUTIONAL AFFAIRS DEPT

FAX COVER SHEET

TO

ATTENTION: *ALBIE SACHS*

FAX NO: *021 222 626*

NO. OF PAGES INCLUDING THIS ONE: *2*

SENT BY: *ZOLA SKWEYIYA*

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MESSAGE

Dear Albie

You should read the document in the file I gave you yesterday - Discussion Document : Interim Government : Towards a viable option. Could you please give me a critique/appreciation of it as early as Monday 02 December, 1991. Please fax it to me fax (011) 333 4509.

Check the Statement of Principles I am sending to you if it reflects the discussion of Yesterday and should serve as basis for the statement of intent.

Your sincerely

Zola Skweyiya

ZOLA SKWEYIYA

ACH 911-65-5-12

STATEMENT OF PRINCIPLES

1. South Africa shall become a united, democratic, non-racial and non-sexist state.
2. All its people shall enjoy common and equal citizenship and nationality, regardless of race, colour, sex or creed.
3. All its people shall have the right to participate in the government and administration of the country on the basis of a universal suffrage exercised through one person one vote under a common voters roll. The basic electoral principle shall be that of proportional representation.
4. There shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances.
5. South Africa shall be a Multi-Party Democracy with regular elections. All shall have the right to form and join any political party of their choice.
6. All shall enjoy universally recognised human rights, freedoms and civil liberties, protected under an entrenched Bill of Rights.
7. South Africa shall have a legal system which shall guarantee equality of all before the law.
8. South Africa shall have an independent, non-racial and representative judiciary.
9. A democratic South Africa shall respect the rights, sovereignty and territorial integrity of all countries and pursue a policy of peace, friendship, and mutually beneficial co-operation with all peoples.

Cde Albie,

Have you given thought
to the type of document/
memo we would have
to prepare on both
tasks / ~~assignments~~ assignments
our W Group has.

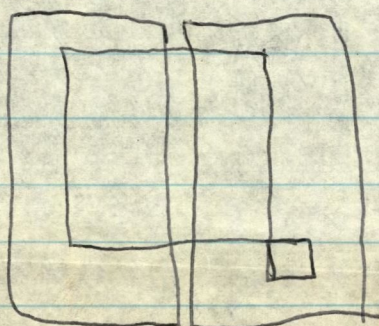
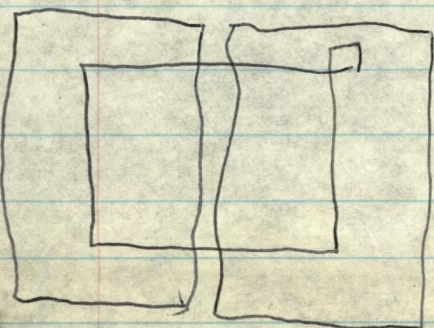
I think we will
need to prepare a
document.

Cym1

① Legitimacy,

② Abuse

③ Bunk off



Aspirin
I think disgen

Cde. Albie

Fax 011-290 0971

Tel. 081-011-0409 (car. phone)
011-298534 (office)

Beyril,

① ~~Do~~ Do you still want me to do a rough draft of possible constitutional principles? I could fax them to you Monday morning.

② In case I didn't stress it sufficiently, we have to coordinate all our constitutional work through Zola. So anything I send must go through him.

Albio

If you can't get him - just fax that I will send something on Monday morning to Zola via the S.G.

Yes. That would be most helpful.

Zola was with him in the office & he'll tell him to expect your draft.

Before 10th

With regard to paragraph 1, we suggest that the words:

"an undivided South Africa with one nation"

be omitted and substituted by the following:

"a new South African nation."

The reason for amendment: We of the IFP are moving this amendment because it might give the false impression that we are necessarily committed to a unitary State and will deny us the opportunity to advance the advantages of Federalism (at a later stage). Nevertheless the substituted wording would emphasise the desire to create a new South African nation.

(2) Paragraph 5(a) - that the words: "in which sovereign authority is exercised over the whole of its territory" be omitted.

The reason for amendment: We move for the elimination of the words concerned for the same reasons referred to in (1) above.

(d)(i) - that the word "horizontal" be inserted before the word "separation".

(ii) - that the words "and a vertical separation of powers between the central government and the regions and" be inserted after the word "judiciary".

The reason for the amendment: The intention of this amendment

/is ...

is again to make room not only for separation of powers between the legislature, executive and judiciary, but for devolution of power from the central government to the regions.

The essential theme that is running through in our approach is that it is important to know that regions exist and that regions have their own particular problems which need to be attended to by their own local regional areas or regional structures.

(3) Under the heading "We agree" - to delete the paragraph numbered 2 and substitute the following:

"That CODESA and all of the parties, signatories hereto, will make every effort to facilitate the process leading to a democratic constitution to be submitted to a referendum of all the people of South Africa."

The reason for the amendment: The IFP moves for this amendment because we cannot permit the recommendations here to be recognised as having the effect of formal binding legislation. Resulting from this change, the determinations made here must be subject to referenda before they are legally effective.

(4) That the final paragraph of the Declaration be omitted.

Reason for the amendment: The IFP moves for this deletion because the words might be interpreted as conferring parliamentary

/power ...

power to the results of the negotiations reached at this Conference.

This is our view Mr Chairman, and as I said earlier, we would be quite happy to have further negotiations about this in the Management Committee. How that then will fit with the rest of the procedure and how this accords with your Rules of Procedure, I do not know Mr Chairman, but we are honestly talking how we feel about it without any fear. Those that feel that they can sign, well alright let them sign. But I think those that are concerned about some of these things that I have raised, ought to search their consciences and find out whether they are really in a position to sign before they can clear these matters and be sure that they are not caught up in any manner that they may regret about in future. I thank you for your forbearance, Mr Chairman.