

CONSTITUTIONAL PRINCIPLES

We propose that the following general constitutional principles, which build on and clarify principles agreed to in the Declaration of Intent, be enshrined in the new constitution:

- a) ~~that~~ South Africa <sup>will</sup> be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;
- b) the Constitution will be the supreme law and will be guarded over by an independent, non-racial, <sup>non-sexist</sup> and impartial judiciary;
- c) there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage <sup>each vote shall be of equal value</sup> on a common voters roll; <sup>and</sup> in general

the basic electoral system shall be that of proportional representation; ~~and each vote~~

d) ~~that~~ there shall be a separation of power with appropriate checks and balances to prevent abuse of power or oppression of any groups;

e). the governmental system shall be such as to enable coalitions to be formed;

f). the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;

g). all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech

and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.

A) ~~Within the context of an undivided South Africa, government will be conducted at national, regional and local levels~~

h). Within the context of an undivided South Africa, government will function at national, regional and local levels; the <sup>appropriate</sup> territorial divisions of the country and de-centralisation of the country shall be such as to encourage non-racial <sup>and administration</sup> democratic participation at all levels.

it. Affirmative action to remedy past and  
containing racial and gender discrimination shall

i) The constitution will permit  
the application of affirmative action  
in order to help redress ~~the gender~~

~~past race~~ the racial and gender  
imbalances created by past  
discrimination.

# THE CONSTITUTION-MAKING BODY

We propose that;

→ CODESA creates the conditions for the election of a Constituent Assembly with full powers to draft a new constitution, by means of taking decisions on:

~~at Achieving agreement~~

a). The general constitutional principles which shall be enshrined in and not contradicted by any other provisions <sup>in</sup> of the new constitution;

b). The establishment of an Interim Government <sup>whose functions will include</sup> supervising the holding of elections for a Constituent Assembly;

c). The electoral system to be used ~~for~~ and the guarantees that the election will be free and fair;

d). The majority that will be required for decisions to be taken at the Constituent Assembly.