

Principle

"There should be meaningful participation of political minorities, within a democratic structure of government."

All else has been covered in Declaration of Intent.

WORKING DOCUMENT PROPOSED BY THE STEERING COMMITTEE ON 11.5.92 FOR DISCUSSION BY WORKING GROUP 2 ON 12.5.92

draft and

6 weeks

1. Codesa shall agree to a transitional/interim constitution that will make provision for a constitution making body operating within the framework of that constitution. The agreed transitional/interim constitution shall be submitted to parliament for legislation.

*effectively
may*

in good faith with

within 6 weeks

How long?

2. Codesa shall consult governments of the self-governing states and other interested parties in the drafting of the interim/transitional constitution.

at all stages of

3. Codesa shall agree on a set of general constitutional principles.

4. The interim/transitional constitution shall make provision for:

transitional/interim

2

4.1 A democratically elected parliament, ~~the structure of which to be decided on~~, with the power to:

4.1.1

In terms of agreed procedures, draft a new constitution which shall enshrine and not be in conflict with the general constitutional principles, and which will replace the interim/transitional constitution.

which inter alia shall include the powers set out in the Sched. attached

4.1.2

Act as an interim/transitional legislature in terms of such special majorities and general constitutional principles agreed upon.

SAME

4.2 The interim/transitional parliament will be made up of a National Assembly and a Senate. The new constitution shall be drawn up and adopted by the National Assembly in terms of the procedure set out below. Legislative functions will be exercised by both the National Assembly and the Senate in terms of procedures to be agreed upon.

which

4.3 Regional government and/or the phasing in of such government including its boundaries, powers, duties and functions in the interim/transitional phase; which boundaries powers, duties and functions shall be entrenched and shall not be amended without the agreement of all the parties in the NA.

until the entry into force of the new Const.

4.4 The composition, functions and procedures of a multiparty interim executive in accordance with the principle of an interim government of national unity.

a charter of

4.5 Justiciable civil and political rights during the transition.

4.6 The separation of powers between the executive, legislature and judiciary according to the principles underlying a constitutional state.

4.7 Elections for a National Assembly on the basis of proportional representation and universal adult suffrage, half the seats being allocated through national lists and half being allocated through regional lists in order to ensure proper representation of regions and regionally based parties.

which may wish to participate in the elections

4.8 Decision making on all matters relating to the constitution to be taken in general by a special majority (66,7%, 70% or 75%) of the NA.

4.9 Decisions on matters relating to regional structures and the distribution of power between central, regional and local levels of government to require a special majority of the regional representatives in the NA in addition to a special majority of all the delegates in the NA.

electd on regional basis

the same

4.10 Transitional provisions to ensure that there is no legal, administrative or constitutional hiatus during the interim/transitional phase, which may include provisions regarding the phasing in of the new constitution.

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by the NA

(N.A. must decide)

4.11 The establishment of an independent mechanism which will be the only body to determine that the general constitutional principles (as referred to in paragraph 3 above) have been enshrined and not contradicted in the final constitution which determination may only be initiated by a party to the NA.

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5. Codesa shall agree upon special mechanisms to ensure that the NA completes the work of drafting and adopting the new constitution within a specified period of time. The transitional/interim constitution shall remain in force until replaced by the new constitution.

What about time frame for I.C.?