

THE WAY of Infinite Consciousness:

(Life Centre: Ten Einde, Stilbaai)

P.O. Box 54 STILBAAI 6785 SOUTH AFRICA

Phone:

THE SECRETARY
CODESA
P.O. BOX 307
ISANDO
1600

re: GROUP 2 . CONSTITUTIONAL PRINCIPLES

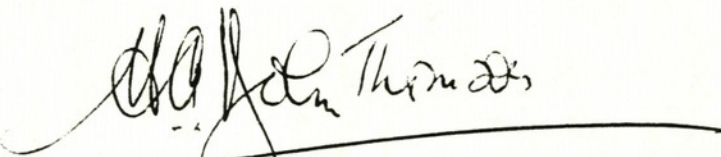
Sir,

In terms of the invitation to make submissions in respect of Constitutional principles, we hereby submit our concept which we feel should be incorporated, into the final Constitution.

We understand that at some time in the future Oral representation will be encouraged and we would like to be given the opportunity to present these views in person before the relevent working group.

We await your advices in due course.

Yours faithfully,


.....
H.A. ST. JOHN THOMSON
KANCHO

PROPOSALS TO BE INCORPORATED IN THE NEW CONSTITUTION

Submitted by:

THE WAY OF INFINITE CONSCIOUSNESS

P.O. BOX 54,

STILBAAI,

6785

1. The new Constitution must be Federally based. Decentralization of power to Regional ie. provincial or county, authorities and local level must be entrenched. The number of provinces should be dramatically increases to between 10 + 12 in number to take into account the wide diversity of cultures. This Constitution must be the highest level of authority. Alterations to the Constitution should be made extremely difficult and a 75% open vote in a Referendum should be regarded as minimum. A suitably appointed Constitutional Court should be appointed as the final protector of the Constitution. Such court must be accessible by everyone without regard to wealth.

2. Incorporated and entrenched into the constitution must be a Bill of Rights. Owing to the wide diversity of Religions, cultures, races and individuals the Bill of Rights must be most comprehensive and protective not only of the individual but also specifically of all groups, however small, otherwise suppression and subjugation to the "Will of the Majority" is inevitable. This would be unacceptable. Protection, must be ensured against the whims of governments to criminalize acts and action of conscience.

3. Accountability of decisions and actions at every level of Government and its administration should be an entrenched aspect. The history of the past 40 odd years makes it imperative that every elected or appointed members of Government and the bureacracy must be held accountable for the decisions he/she makes and

decisions must be open and public. Every present statute limiting disclosure of decisions must be scrapped. The moment an individual, board or committee can be protected from disclosing its reasons for decisions being made, corruption and suppression becomes inevitable.

3. Persons holding public office at any level must be limited in power to distinctly defined areas of authority,, these areas must be publically proclaimed. All decisions must be open to scrutiny and reversal by the constitutional Court. No person should be allowed to use the excuse of "not in the public interest to disclose" - for inevitably such an excuse conceals what the public has a right to know.

4. The legal system should be entirely separate from the legislative and executive functions of Government. All positions of adjudication from Magistrate upwards should be made from the ranks of the legal profession by them. A total cleanup of the legal processes should also be undertaken prior to the new Constitution coming into play. Adjudication should be on the basis of Justice, not merely of applying laws. And this should be a stated aspect in the Constitution.

5. Regional and local governments must not be permitted to make laws or by-laws at variance with the main Constitution.

6. National government should be divided into 2 houses; a legislative with a limited number of seats - (maximum number 120) on a proportional basis; and an upper Senate which is elected at regional level giving each province 3 or 4 representatives. All legislation must be passed by both houses sitting separately.

7. The head of Government should be primarily a figurehead President or Regent and should not be a politician or former politician so that all persons can freely relate to such a Regent. His/her powers should be specific and defined

and totally non-political.

A Prime Minister appointed from the party which achieves the greatest number of seats in parliament or coalition of parties, should establish a government of ministers whose number is prescribed by the Constitution and must include persons from parties who achieve at least 18% of parliamentary seats. Portfolios should be limited to 7 being: a) Finance + Economic Affairs; B) Home Affairs; C) Foreign Affairs; D) Defence; E) Education + Health; F) Environmental Affairs; G) Justice.

Bureaucracy should be trimmed accordingly to about 40% of present numbers.