

**PROPOSAL PREPARED BY WORKING GROUP 2  
FOR SUBMISSION TO PRINCIPALS  
5.5.92**

1. Codesa shall agree to legislation that would make provision for a constitution making body operating within the framework of an interim constitution. The legislation shall be submitted to and legislated by parliament.
2. Codesa shall consult governments of the self-governing states and other interested parties in the drafting of the legislation and interim constitution.
3. Codesa shall agree on a set of general constitutional principles.
4. The interim constitution shall make provision for:
  - 4.1 An 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
    - 4.1.2 Act as an interim legislature in terms of such special majorities and general constitutional principles agreed upon.
  - 4.2 The composition, functions and procedures of a multiparty interim executive in accordance with the principle of an interim government of national unity.
  - 4.3 Justiciable civil and political rights during the transition.
  - 4.4 The balance between the executive, legislature and judiciary according to the principles underlying a constitutional state.
  - 4.5 Regional boundaries for the purposes of the implementation of the interim constitution.
  - 4.6 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.
  - 4.7 Decision making on all matters relating to the constitution to be taken in general by a special majority.
  - 4.8 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.
  - 4.9 Regional government and/or the phasing in of such government and entrenched powers, duties and functions for these regional governments in the interim/transitional phase.
  - 4.10 Transitional provisions to ensure that there is no legal, administrative or constitutional hiatus during the interim/transitional phase.

- 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.
5. The interim constitution shall not be amended unless the amendment has first been approved by the parties/organisations in Codesa in accordance with the standing rules of Codesa and after consulting the parties referred to in Clause 2 above.
6. 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.