

**PEACE**



**RECONCILIATION**



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**SOLIDARITY'S DRAFT  
CONSTITUTIONAL PRINCIPLES  
FOR A NEW  
SOUTH AFRICA**



## THE TEN PRINCIPLES

### 1. A CONSTITUTIONAL STATE

South Africa should be governed under a Constitutional State.

### 2. A BILL OF RIGHTS AND A CONSTITUTIONAL COURT

There should be a justiciable Bill of Rights, a Constitutional Court and a constitutional code of conduct for public representatives.

### 3. SEPARATION OF POWERS AND CHECKS AND BALANCES

There should be a separation of powers as between the Legislature, the Executive and the Judiciary with appropriate checks and balances. There should also be an independent Ombudsman, Auditor-General and Civil Service Commission appointed by, and answerable to, Parliament.

### 4. UNIVERSAL FRANCHISE

There should be universal adult franchise based on proportional representation with periodic elections in a multi-party system.

### 5. DIRECTLY ELECTED PRESIDENCY

The Head of State should be a State President directly elected by the people. He may choose not more than five running mates to serve as Vice-Presidents. They may serve in the cabinet.

The directly elected State President-in-Council could act as a conflict-resolving mechanism in the multi-party Cabinet. The choice of Vice-Presidents should serve the important function of reflecting the heterogeneity of South Africa's people. This office would also serve to underpin the principle of meaningful minority inclusion.

## SOLIDARITY'S CONSTITUTIONAL PRINCIPLES

For any constitution to endure in a state, it must reflect the political realities of the society which it intends to serve.

South Africa, at this stage, is undergoing an evolutionary experience in transition which attempts to address the historic deficiencies of constitutional development in the country.

**SOLIDARITY** therefore proposes principles that enunciate the values of a multi-party democracy which could be acceptable to the overall majority of South Africans.

**SOLIDARITY** believes that the proposed Multi-Party National Convention should agree on a set of constitutional principles which could then be tested in a nation-wide referendum. A Constituent Assembly could thereafter be entrusted with the task of writing the final text of the new Constitution within the parameters of the principles endorsed by the electorate in the referendum.

The following principles would serve as **SOLIDARITY'S** contribution towards achieving a broad consensus on the fundamentals of the Constitution.

## **6. A MULTI-PARTY CABINET**

A multi-party Cabinet under the chairmanship of the President should reflect:

- \* the proportional representativity of electoral choice in the National Assembly; and
- \* symbolise a government of national unity.

This structure represents an important deviation from the principle of adversarial politics which is a major drawback of the 'winner-take-all' system.

## **7. A BICAMERAL PARLIAMENT**

There should be a bicameral legislature comprising of:

- \* A National Assembly elected on the basis of proportional representation by a combination of the list and constituency systems. Multi-party Standing Committees should be consensus orientated.
- \* A Senate with equal representation from the Provinces.

## **8. A DECENTRALISED PROVINCIAL SYSTEM**

South Africa should be governed on the basis of a decentralised regional system, the final number of provincial governments or administrative units to be determined by negotiations among the constituent structures as demarcated at the time of Union in 1910. The structure, powers and functions to be negotiated, should be within the parameters of the principles agreed to at the Multi-party National Convention.

## **9. LOCAL GOVERNMENT**

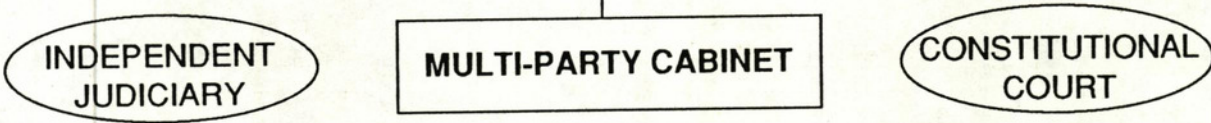
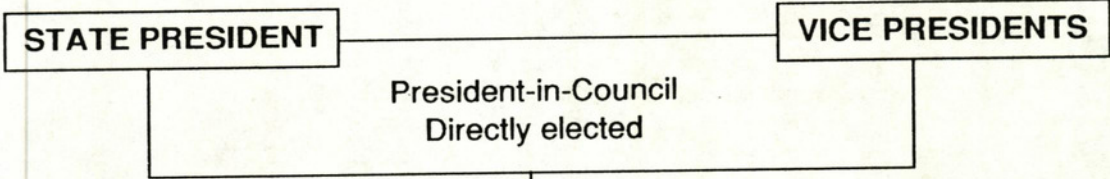
There should also be a third tier of government with powers and functions relevant to the needs of the local communities.

## **10. MINORITY INCLUSION**

Minorities should be protected by the principle of inclusivity at all levels of government.

# SCHEMATIC REPRESENTATION OF THE CONSTITUTIONAL PRINCIPLES

## CONSTITUTION AND BILL OF RIGHTS



Reflecting: Representativity of Electoral choice and Government of National Unity

