

WORKING GROUP 2

CONSTITUTION - MAKING BODY/PROCESS

The bottom line is that the new constitution for an undivided South Africa must be drawn up by a body with the mandate from all the eligible voters in this country, including the TBVC states. It is therefore our considered opinion that the process through which such a constitution may be formulated is by holding elections for a Constituent Assembly (hereinafter referred to as C.A) according to the principles of universal suffrage.

This C.A. elected on a proportional representation, should be inclusive in nature, representing all the political parties that contested the elections. This inclusiveness may be guaranteed by dividing up the whole country into negotiated regions that will serve as constituencies; or the whole country can be treated as one constituency with about four hundred seats to be contested on a proportional basis.

It is proposed that all political parties taking part in the elections for a C.A. should provide national lists and/or regional lists of their candidates so that proportional representation can be worked out in accordance with the percentage of popular support.

It is submitted that the C.A. constituted as spelt out above will not only have legitimacy in the eye of the law but also in the eyes of the whole nation.

The C.A should consist of one chamber and be in charge of its own procedures, that may have been agreed previously. All decisions/resolutions shall be reached by consensus or sufficient consensus. However, in the event of a deadlock, a  $\frac{2}{3}$  majority shall be required and be decisive.

The C.A. should be sovereign and its decision should be that of the supreme legislature. The Interim Government should be made of representatives of the parties that gained seats in the C.A. on the basis of proportional representation.



It is our view that such an Interim Government should not be in office for more than eighteen months (18). As soon as the C.A. would have drafted and adopted our new constitution in accordance with the constitutional principles adopted by CODESA, the Interim Government should make arrangements for a general elections for the First National Assembly (Parliament).

If need be, the Interim Government and the C.A. should arrange for a truly national referendum to assess national acceptance of the newly adopted constitution.

Again, it is possible for the C.A to convert itself into the First National Assembly.

In Conclusion, we would like to stress that regardless of the route followed in the establishment of the next government it should, preferably, be one of national unity.

VENDA GOVERNMENT: CODESA  
30 MARCH 1992.