

**GENERAL CONSTITUTIONAL PRINCIPLES WHICH SHOULD  
BE ENSHRINED IN A NEW CONSTITUTION FOR THE  
REPUBLIC OF SOUTH AFRICA**

**1 The supremacy and rigidity of the Constitution**

*The Constitution must have a legal status above all laws, its amendment must be subject to rigid procedural constraints and its stature must be such that it will serve as guideline for the conduct of all matters of government.*

**2 The Constitutional State**

*South Africa must in the new dispensation display the characteristics of the constitutional state in the formal and material sense.*

**3 Fundamental Rights**

*A Charter of Fundamental Rights, establishing, entrenching and providing for the effective protection of specific rights of individuals against the state must form an integral part of the Constitution.*

**4 Separation of Powers**

*The Executive (head of state and Cabinet) must in a new dispensation be accountable to Parliament and unable to dominate the outcome of Parliamentary deliberations unilaterally; Parliament must not be competent to become involved directly in the routine administration of the country or in the judicial process or to counter executive acts or judicial decisions by means of ad hoc legislation; the judiciary must have the jurisdiction to apply the provisions of the Constitution as the supreme law, but not to exercise its jurisdiction in such a manner that it performs executive or legislative acts.*

## **5 Meaningful Participation of Political Minorities**

*The Constitution must provide for mechanisms and structures that will ensure meaningful participation of political minorities in government at the levels relevant to such minorities.*

## **6 Regional and local autonomy**

*The Constitution must accord a significant measure of constitutional autonomy to the regions and the autonomy of democratically elected local government institutions must be acknowledged in the Constitution.*

## **7 Autonomy of Civil Society and community self-determination**

*The Constitution must ensure that both community self-determination and the autonomy of civil society be maintained.*

## **8 Socio-economic freedom and state responsibility**

*The Constitution must embrace principles and structures that will provide a framework for and secure a proper balance between healthy economic development and the social responsibility of the state.*