

MC Ho. 10-6 -T

February 12, 1993

To: A. Sachs
From R. B. Seidman

A possible alternative judicial review constitutional provision:

Article xy. 1. An official shall make a decision only in accordance with law. A decision shall have support in evidence.

2. The state shall provide an independent forum in which .a citizen aggrieved Dy an. official decision. That violates section 1 may receive an appropriate remedy.

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Ss om will have some power to raise its own revenue,

the key question will be to ensure that steady progress is made towards economic and social a between the regions by means of appropriate transfer of funds

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; aft B ill of Right agich set LO Rhigh
out fundamental rights and bs whe WN

colour, creed or gender, sirall-be-a

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To
overcome the practical problems of qu (is lggyalism, it will be possible to designate
a single language or group of languages for 16) d purpose of other special use at the
national level or in regions.

simultaneous Ltd

record; Solas also used in e Na

Welsh-and Afrikaans. There would also be place for the development of other
languages such as Galeroth) Portuguese, Arabic and Hebrew. ;

the pants on Pl

The-draft Bill- of Rights-gives Special emphasis to the role of gender rights.

The great majority of South Africans have never had their property rights respected. The Bill of Rights should give strong protection for the enjoyment of one's personal possessions such as one's home, household goods, personal belongings, tools of trade or vehicles. All South Africans should be able on an equal basis to own property. There should be no arbitrary taking away of property and the state should only be

able to expropriate property according to law and in the public interest and subject to compensation as set out above.

The ownership of property implies obligations. The above will not prevent b legislation from dealing with pro erty in the public interest so as OED: ct the No principles of conservation, ut monopolics and eT a Sa wk n.

The law may also provide for the regulation of the use of property as well as for its

acquisition by the public authorities in the public interest and subject to appropriate
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compensation.

f arter-opens with the words: "South-Africa belongs-te-alt
nd "The c People ull gover The new w constifiion ior which we

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ittee okthe ANC proposed that, for all nationa
ting once Or a party 8 mbel;-and-the \p Bi FO) â\200\234bot
d-regiona of the-party. We favourgdl PR betause-lt Wold enable all
significant trends and currents to be represented in the ining e also sÂ®X it as
a means of avoiding fights over constituency boundaries which, in apartheid-ridder
South Africa, would inevitably mean constituencies based on racial group areas.

eT A ame,
avaur of the system of proportional re
basi ters

have direct say in the selection of half the members of parliament.

In-this-and-in-other respects -we-see-the regions-as-playing-a-majorrole in-the
development of demecracy-inour-country. -In-our-view

