

CONSTITUTIONAL Weeeere

Official Newsletter of the Constitutional Assembly 13 â\200\224 26 January 1995 Number I

Building the cornerstone
of the nation =

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Continued on page 2

Inside id e se

Interviews with the chief negotiators of the seven CA political parties, African National Congress, National Party, Inkatha Freedom Party, Pan Africanist Congress, Democratic Party, Freedom Front and African Christian Democratic Party»

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IFP seeks strong provincial government

When the Inkatha Free

dom Party (IFP)

leaves the National

Assembly chamber on May 10

next year, after the new constitu-

tion has been adopted, the party

would like to take a rigid con-

stitution to its constituency and the people of South Africa.

IFP chief negotiator,

Walter Felgate told Constitu-

tional Talk that only a constitution which provides for residual powers to lay with the provincial governments would be regarded by his party as an important element in the preservation of the constitution as the supreme law of the country.

Felgate said the IFP would also want to ensure that more powers are given to the provinces, arguing that even the Interim Constitution stipulated that the provinces will have no less than...

This for us means that the Interim Constitution anticipates that more powers will be given, said Felgate.

The IFP, Felgate said, had not yet developed a firm position on the type of a constitu-

ency-based system it would like the new constitution to provide for.

We are looking at the is-

sue fairly question, closely, Felgate he said. said his But party be-

the IFP believed would that it

certainly would be
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Unity based
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GNU is a Walter Felgate approval
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GNU is people

only thought about in a bad de-
mocracy. In a good democracy
you donâ\200\231t need it,â\200\235 said Felgate.

He acknowledges that it
might have been needed to

achieve reconciliation, but he

noted: â\200\234The IFP wants reconcili-

ation under true democracy.â\200\235
Turning to the Volkstaat

living in whatever area that is
supposed to be declared a
Volkstaat,â\200\235 he said.

Another matter that the

IFP will pursue during the proc-
ess of writing the new constitu-
tion is that of provincial
boundaries.

But he said the current
boundaries were â\200\234fairly satis-
factory, although we will need
some adjustments in areas
such as the Eastern Cape
Provinceâ\200\235. The protection of
traditional law and custom is
also on a list of issues the IFP
will want the CA to consider.
Felgate said the IFP wanted an
arrangement where traditional
authorities will be sub-struc-
tures of elected bodies, in-
stead of falling under them
which would â\200\234destroy tradi-
tional authorityâ\200\235.

The IFP had no problems
with the time frames for writ-
ing the new constitution. But,
Felgate said: â\200\234We want the

â\200\234new constitution to be written

efficiently and quickly, if possible, within the existing time frames.

â\200\234But we must not sacrifice the integrity of the constitution by taking short-cuts to force things into time frames,â\200\235 he said.

Building

from page 1

6 6 s we are all aware, problems caused by these laws, did

not affect lawyers and academics alone. All of us paid the price â\200\224 one way or the other.â\200\235

Responding to comments made by some CA members and other commentators that the time available for writing the new constitution was not adequate, Ramaphosa said: â\200\234We have close to 18 months in which to write and adopt the new constitution. If we use this time with the resolve of doing just that, the time will certainly be enough.â\200\235 However, he did not dismiss suggestions that because of the PPP element, there might not be enough time for all South Africans to be given the opportunity of making an input. Ramaphosa believes that â\200\234we should proceed with our work and review the time frames

the cornerstone of the nation

should we realise that the time is insufficient.

â\200\234We canâ\200\231t have an open ended process, for numerous reasons. Firstly we are using taxpayersâ\200\231 money . We cannot continue spending without giving an indication to our people about when we will deliver.

â\200\234We also need to deliver the new constitution as soon as possible, because of the various inefficiencies of the Interim Constitution,â\200\235 he said.

Ramaphosa is convinced

that should an extension be required, all seven parties in the CA will unanimously vote to amend the Interim Constitution's provision which stipulates that the constitution-making

process should run for two years.

We demonstrated that flexibility when there was a need to increase the number of

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members of the Panel of Independent Constitutional Experts from five to seven. No party or member of the CA voted against this amendment, he said.

He was referring to the recent amendment to the constitution which was required to ensure

that face. and sender representivity was accommodated in the panel.

Ramaphosa was confident that it won't be necessary to resort to referenda to help the CA break deadlocks should any arise.

He is convinced that all seven par-

ties will always strive to find consensus even on issues that could be regarded as contentious.

We went through the first six months of the process without any hurdles at all. Our deliberations have been marked by an honest desire by all to ensure that we reach as much consensus as possible. I have no doubt that

the same spirit will prevail during the equally difficult stage that we will enter when we resume our work soon, he said.

About the PPP, Ramaphosa said: No citizen of our country should fail to answer to this noble challenge of taking part in the writing of the new constitution.

Every weekend CA members will travel to townships, villages, suburbs, informal settlements and farms to address workshops, seminars, sector and area

forums where people will be given the opportunity to make inputs.

â\200\234This year is the year in which the future of our country will be decided through the writing of the new constitution
â\200\224 1995 is therefore the year of the new constitution,â\200\235
Ramaphosa said.

People's aspirations
come first - ANC

As the Constitutional Assembly (CA) begins to deal with substantive issues, the ANC will try to ensure that the final constitution reflects the aspirations of all South Africans, according to the party's chief negotiator, Mohammed Valli Moosa.

The constitution the ANC would like to see at the end of the process should unambiguously reflect the principle of majority rule, Moosa explained. It will have to provide that future governments will be based on that principle.

He said the ANC was entering this stage of the constitution-making process with the principle that nobody, no political party should assume that it knows best what the people of the country want.

We will insist that the CA leaves no stone unturned in consulting with people throughout the country. Whatever emerges from that process will have to be reflected in the new constitution, he said.

On the question of a federal system of government being enshrined in the new constitution, Moosa said his organisation would rather opt for a constitution that is not for or against federalism, as such,

We will take note of the experiences we have learnt from the way provincial governments are operating now. We will consult with our structures in the provinces whether to leave or change that system, said Moosa.

Regarding the question of rights of citizens being enshrined in the new constitution, Moosa said

the ANC would like to ensure that

the final text contains a Bill of Rights, instead of a chapter (on fundamental rights) contained in the Interim Constitution.

â\200\234More careful thought will have to be given to second and third generation rights. We understand that this issue could not be finalised at the multi-party negotiating process because we thought that that body could not perform this

_ zontal application of the task.

â\200\234The constitution must guarantee that there will be a vertical and hori-

Bill of Rights so that citizens can know how to relate to each other, instead of the constitution providing only for a relationship between the citizens and the state,â\200\235 he said.

The ANC will also want a constitution that unequivocally provides for democratic representation at all levels. â\200\234The constitutional principles say that there should be democratically elected governments at all levels, from national to local level,â\200\235 Moosa said.

Asked whether this provi-

â\200\230sion would not lead to clashes

with traditional authorities since traditional leaders are not supposed to be elected, Moosa said: â\200\234Democratic representation at all levels does not in any way mean that we will not give recognition

Mohammed Valli Moosa

to traditional authorities and traditional leaders.

â\200\234We will be fortunate that when we draft the new text the House of Traditional Leaders will already be in place and we will draw on their input on how traditional authority can be embodied in the new constitution without resulting in any confusion.â\200\235

Regarding the issue of a Volkstaat, Moosa said the ANC would wait until the Volkstaat Council has made its submissions on this issue and the nature of the Volkstaat is explained.

â\200\234The nature of their input will inform us about the response we should give,â\200\235 he said.

Minority rights must be protected - NP

he National Party (NP)

wants a new constitu-tion

that will enhance the Interim Constitution, says the partyâ\200\231s executive director Fanus Schoeman.

The NP, which is the second largest party in the Constitutional Assembly, will certainly play a key role in shaping the new constitution.

Schoeman said the NP wants to ensure a new constitution that will have a â\200\234balancedâ\200\235 charter on fundamental rights to satisfy the different interest groups in the country, â\200\234taking into account international protocols and minority rightsâ\200\235.

This, Schoeman said, was not an attempt to secure a minority veto, but a way to ensure that all cultural, language, political and religious, however small, are recognised and given a role to play.

However, Schoeman said the NP was still trying to work out whether the system of proportional representation â\200\224 which en-

sures a role for political minorities, at least â\200\224 should be retained in the new constitution.

â\200\234It is too early to have a fixed view about what kind of a system we want.â\200\235

â\200\234We are considering a dual system of proportional representation as well as constituencies to reflect proportionality and retain the line between the electorate and their representatives.

Equally, the NP has as yet not taken a final decision on whether they would like the new constitution to provide for a Government of National Unity

(GNU) .

It's also too early to tell. As far as we are concerned, the GNU is working well, it is helping us through the difficult phase of transition.

We are studying other models in several parts of the world, to determine whether we should have a 100 percent proportional representation system or a constituency-based system," he said.

The NP, Schoeman said, be-

lieves that a constituency-based

_ system was essential because it

provides a direct link between party elected representatives and voters, which the proportional representation system fails to do.

One other aspect the NP would like to see enshrined in the new constitution is the powers of provincial governments.

We will want a fuller and detailed situation as far as the powers for provincial governments are concerned.

The new constitution should make it certain to them (the provinces) about what their powers are," said Schoeman.

This, he added, did not necessarily mean that the NP wanted more powers for provincial governments than those provided for in the Interim Constitution, but that there should be more clarity in the new constitution.

Equally, the NP would want the functions of the second house of parliament, the Senate, clearly defined in the new constitution.

We would like Senators to

Fanus Schoeman

play their role as representatives of the provinces. As it is now, the Senate is trying to work out its functions for itself. The new constitution should make it easier for

them.â\200\235

The size of Parliament â\200\224 400
National Assembly and 90 Senate
members â\200\224 which for other parties
was too big and needed to be cut down
inthe new constitution, was not a pri-
ority for the NP, Schoeman said.

â\200\234Tf you have a country as big as
ours, it is important to ensure that you
give every citizen the right to be prop-
erly represented in parliament.â\200\235

Schoeman said his party would
not go back to its policy that South
Africa should be a Christian state.

â\200\234Ttis not wise for a government
to stand for a specific religion,â\200\235 he
said. â\200\234Religious freedom are the key
words.

INVITATION FOR SUBMISSIONS

The Constitutional Assembly is committed to a process of constitution-making which will involve the entire South African public.

As an elected body representing the different interests of the people of our country, we believe that you, as a South African citizen, have an important role to play in this process.

Accordingly, we invite you to make submissions on matters of relevance to you and your organisation with regard to the new constitution.

You may make submissions on any of the following subjects:

4. Constitutional
Principle 11:
An entrenched
Bill of Rights

4. The Nature of the
Provincial System
and Local
Government

1. Democracy 1. Separation of
powers

1. The relationship
between different

2. Character of
levels of the court.

State
2. A Single or Split
judiciary

1. Supremacy of the
Constitution,
Accountability and
Control of the
Security Forces

4. Commission on
Gender Equality

1. Financial and
Fiscal Commission

4. Public Service

2. Conduct in the

National Interest

Submissions in this regard are invited immediately and they should be received by the Constitutional Assembly not later than 12 January 1995.

Late submissions will be accepted, however, timeous delivery would greatly assist the Administration of the Constitutional Assembly in ensuring that they are processed in time for the resumption of Constitutional Assembly work on 23 January 1995.

Enquiries should be directed to:

Tel: (021) 403-2201 or
(021) 403-2257/8

Submissions should be sent to:

The Secretariat

Constitutional Assembly

PO Box 15 Cape Town 8000

Fax (021) 461-4339 or (021) 461-4487

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Constitutional Talk

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Know it all ...

This is the first issue of the Constitutional Assembly's news bulletin, Constitutional Talk.

This bulletin will be published every fortnight and members of the public will be able to purchase it from newspaper vendors throughout

the country from January 27.

Provision for subscriptions will also be made.

Look out for the next issue with more news on the constitution-making process.

Be part of it!

Your views are an essential ingredient to ensure that the constitution-making process succeeds.

In this regard, we would like to invite you to write to us and exchange views on the process.

No view is too small or too big for Constitutional Talk. Bring them all ... letters, academic articles, position papers are all welcome.

How you can play a role in the
constitution - making process

The Constitutional Assembly (CA) has decided to
run a Public Participation Programme (PPP) to al-
low all South African citizens to take part in the
constitution-making process. The PPP includes a media
campaign to inform, educate and stimulate public interest
on the process. A multi-media strategy will ensure that peo-
ple throughout the country are informed and educated about

the process. This campaign will have a strong rural focus.

The PPP will be the first of its kind in the world with a
community liaison campaign which will provide a forum =
through which members of the public can take part in the

process. Because of this, several people have contacted

the CA to find out exactly how the PPP will work. Here

are some of the questions that were asked: _

How can I, as an ordinary
person, take part?

Members of the Theme
Committees will hold area forums
throughout the country where any
member of the public can express
his or her views on any issue about
the writing of the constitution.

Members of the public may
also make written submissions to
the CA.

The public will be constantly
informed, through the media,
about the issues that will be under
discussion at the Theme Commit-
tees. The Theme Committees may
also hold hearings on specific mat-
ters and may invite the public to
participate. These hearings, like the
area forums, can be held anywhere
in the country, not necessarily in
Cape Town. The public will be in-
formed about venues of each hear-
ing or area forum.

After I have made my
input, how will it reach
the CA?

Inputs from the public will be
written down, summarised and put
before the relevant Theme Com-
mittees together with submissions.
The inputs will then be processed
in the same way as submissions
from political parties and other
structures. Written submissions

will also be placed before the relevant Theme Committees.

The administration of the CA will note all submissions in a register which will contain, among other data, the nature of each submission, the name of the person or institution responsible for the submission and the Theme Committee to which the submission was referred. Through this any member of the public may, at any time, find out from the CA how his or her submission was treated.

Send your submissions to
The Secretariat
Constitutional Assembly
P.O. Box 15, Cape Town
8000

Is there a deadline for submissions?

The themes for discussion have been divided into blocks. Each block will run for a specific period. During that period, members of the public will be informed through the media about the deadline and the subject for which submissions should be made.

Although late submissions will be accommodated, timeous ones will ensure that the administration and Theme Committees have enough time to process them.

In the case of oral submissions, the public will make their inputs directly to Theme Committee members who will guide them on the issue under discussion in that particular period.

Members of the public can make inputs about any other matter relating to the process, even if such a matter belongs to a past or

future block. The final deadline for submissions is June 30 1995
â\200\224 the date on which all six Theme Committees will submit their final report to the Constitutional Committee.

After 30 June, will | have another opportunity to make an input?

Yes! On July 14, the CA will adopt a draft constitution and refer it to the Constitutional Court which will certify whether the draft complies with all the 34 Constitutional Principles.

After certification, the draft constitution will be published for public comment. Members of the CA will again hold meetings with the public throughout the country to hear what the public has to say about the draft. Written comments will also be accommodated. This process will run until May 10 next year when the CA will consider all the comments and adopt the final constitution after debate.

OW
to make
history.

The

Step 1
Step 2

Step 3
Step 4
Step 5

Step 6
Step 7

layman's guide.

You decide what you want in the constitution.

You air your views by contacting a member of the Constitutional Assembly, your organisation or write direct to The Secretariat, The Constitutional Assembly, PO Box 15 Cape Town, 8000.

Theme Committees will receive the proposals and compile reports for debate by the Constitutional Committee.

All 490 elected members of the Constitutional Assembly will debate and then draw up a draft constitution based on all the proposals that are submitted. ;

The Draft Constitution is made available to

the public for comment.

The Constitutional Assembly adopts the new
Constitution.

Our new Constitution is referred to the
Constitutional Court for certification.

For the first time in mankind's history a Constitution is
being drafted by the very people it will affect. You, the
citizens of our land. So don't keep quiet. Remember if you
don't live under your law you'll live under someone else's.

THE NEW CONSTITUTION

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Viljoenâ\200\231s Freedom

Frontâ\200\231s (FF) goal in the process of drafting the new constitution is the achievement of a â\200\234tailor-made constitution to satisfy the peculiar and specific requirements of South Africaâ\200\235.

Viljoen said no constitutional model applied elsewhere in the world could provide a lesson to South Africa, given the â\200\234â\200\234complexities of our situationâ\200\235.

â\200\234If you apply direct majority rule, you will permanently put some people outside decision-making.

â\200\234Afrikaners may be in the minority but they can play a key role in assisting the majority in decision-making... And that is the role

that the new constitution must de-

fine,â\200\235 he said.
Viljoen argues that a way

General Viljoen

has to be found to â\200\234acknowledgeâ\200\235 majority rule, but also to ensure that there is no oppression over the minority. His party, he said, cannot prescribe a solution to this. â\200\234That is what we have to negotiate.â\200\235

Discussing the notion of a Volkstaat â\200\224 a subject that is likely to dominate his partyâ\200\231s submissions â\200\224 Viljoen insisted that this was neither a demand for a separate country for Afrikaners nor for an area where Afrikaners can exercise racial discrimination over people of other races.

â\200\234Tf you look at the situation now, we (the Afrikaners) are distributed throughout the country. There is nowhere where we are

not. But there is no large area where we are in the majority because of mistakes of the past.

What we are talking about, when we talk about a Volkstaat, is an engine room to develop Afrikaner culture, religion and language, so that we can have our own radio stations, schools and universities and be sure that our language will be the official language in that area," he said.

He added that Afrikaners living in the Volkstaat would have to have political but not economic autonomy because "South Africa is inter-dependant economically."

The process of establishing the Volkstaat, he said, would start with the identification of an area where Afrikaners would be resettled voluntarily. Other nations could stay in this area and would not be denied franchise, he added.

Asked whether Afrikaners would enjoy any additional rights in the Volkstaat, he said: "No! This is not the purpose. The problem is that we are being swamped by other nations. Our language is slowly dying.

You will see now that many black kids will come to schools that teach in Afrikaans " not that I am against this " and what will happen is that they (the

schools) will have to change and teach in English simply because soon there will be a majority black rule."

Discussing the type of arrangement his party was looking for, he said: "We are looking for an area like Venda, where the majority are Vendas, they speak their language, they have their own leaders and exercise their culture, but they are still part of South Africa."

Should the envisaged Volkstaat be classified as a province, would they insist on an Afrikaner premier, for example? Viljoen said: "We will have a constitution there that will not

allow racial discrimination. But just as this country will always have a black president because of the numbers, in that province as well, we might end up with Afrikaner, dominated government all the time, because we will be in the majority.â\200\235

Fears that such an Afrikaner province or Volkstaat might later seek independence could be real, but he argued: â\200\234â\200\234To my mind there is no region in South Africa that can afford independence. Take KwaZulu/Natal, it is a big region, but it wonâ\200\231t survive on its own because our economy is so inter-dependent.â\200\235

Supreme laws of God
must prevail - ACDP

he African Christian Democratic Party (ACDP) is set to ensure anew constitution that â\200\234upholds Godâ\200\231s moral lawsâ\200\235, says its leader, Pastor Kenneth Meshoe.

â\200\234We donâ\200\231t want to see a constitution that undermines the supreme laws of God,â\200\235 he insisted during an interview with Constitutional Talk.

The ACDP is the smallest of the seven parties represented in the Constitutional Assembly. It was established shortly before the April elections and its electoral campaign was based on Christian principles, family values and an open economy. Although the party and its leadership believe in Christianity, Meshoe says the party does not favour a situation where a country is declared a Christian state.

â\200\234A country cannot become Christian but only itsâ\200\231 people. The constitution must allow Christians and other religious groups to worship freely without any government interference.â\200\235

What the ACDP wants, Meshoe says, is to ensure that â\200\234whether we are Christians, Muslims or any other religion, we have a constitution that respects the will of God. Christian and Islamic principles â\200\224 when it comes to moral issues â\200\224 are not in conflict with one another.â\200\235

The ACDP wants to ensure
the rights of victims, as well.

We want to see a constitution that protects the rights of all citizens, especially the rights of law abiding citizens. We hear all the time about the rights of culprits and prisoners," said Meshoe. Le

Although he did not suggest that convicted criminals should not have rights, Meshoe said: "It does not make sense that a convicted criminal would insist on a two-star accommodation in jail, when a law abiding citizen is living in a shack."

There also should be a balance between rights and responsibilities, Meshoe said.

When people demand certain rights, they must also be pre-

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pared to accept responsibilities."

Meshoe is concerned about a provision in the Interim Constitution that, in his opinion, goes against "the will of God and African culture."

And that is the clause in the Interim Constitution that prohibits discrimination on grounds such as sexual preference.

The ACDP, Meshoe said, is against homosexuality, therefore giving no room for marriages of people of the same sex.

What people do not realise is that this clause puts us priests in a lot of trouble... What it means is that if two people of the same sex come to my church and ask me to marry them, if I refuse on grounds that they are of the same sex, they have recourse to the law," he said.

During the process of drafting the new constitution, the ACDP will make people aware of the real implications of a clause of this nature as the party would like it omitted when the new constitution is drawn. ;

Pastor Kenneth Meshoe

A provision allowing priests a choice on whether to perform this type of marriage would not be enough as far as the ACDP is concerned, Meshoe said. "We have to test the will of the people on this issue... And I am sure the majority of our people would not allow such marriages to be legalised. This is against the will of God and African culture. It is just the truth," he insisted.

Asked whether such a position would not antagonise the human rights movement, Meshoe said: "If human rights groupings want to be against the truth, so be it."

"And, as an African, I wouldn't like to see European liberals imposing their lifestyles on the African masses."

Structure
of the
Constitutional
Assembly (CA)

Constitutional Assembly
490 members
400 from the National Assembly
90 from the Senate

Constitutional Committee
46 Members

Character Structure Relationship | | Fundamental Judiciary Specialised

of State of State between Rights and legal structures
Pe Ss > eee levels of 2 systems of
â\200\224 : : 30 30 Government} |30 ar ae cae Government
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30 Members 30
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CONSTITUTIONAL ASSEMBLY

This is the highest decision-maker in the entire process. It will receive reports from the Constitutional Committee.

These will be debated and adopted as the constitutional text.

PANEL OF INDEPENDENT CONSTITUTIONAL EXPERTS

Their role is to help break deadlocks that may occur during the process.

They may also be asked to perform any other tasks by the Constitutional Assembly or the Chairperson.

CONSTITUTIONAL COMMITTEE

This structure receives summaries of submissions from the six Theme Committees, debate, formulate positions

of agreement and disagreement and process these for further debate by the Constitutional Assembly.

MANAGEMENT COMMITTEE THEME COMMITTEES

It deals with issues relating to the management. These receive submissions from political parties, or-

of the process. Its tasks include setting up agendas, organisations and the public. These submissions are

for Constitutional Committee meetings and attend to received in writing, hearings, public meetings or

administrative matters of the entire conferences. These will be the structures that Constitutional Assembly will interact with the public at large.

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Constitutional az

Clarify Court's
role - PAC

s the process of debating substantive issues starts, the Pan

Africanist Congress (PAC) is concerned that the Constitutional Court and not the people will have the final word on the new constitutional text, according to its chief negotiators, Gora Ebrahim.

The Constitutional Court is supposed to certify the new constitutional text to ensure that it complies with the set of 34 Constitutional Principles that the Constitutional Assembly (CA) has to abide by during its work.

Ebrahim argues that the Constitutional Court is not thoroughly representative of the entire South African population.

The Constitutional Court cannot claim to either have been elected or representative, he said.

He said the legal profession from which the majority of members of this court have been drawn, was made up of the same people who have ruled in

the past.

There are serious imbalances in the legal profession from the point of view of race and gender. If you have a composition of that kind and then draw people from that body to have a final say in the new constitution, then the whole purpose of having a CA is defeated, said Ebrahim.

His party did not have a problem with the principle of the CA being bound by Constitutional Principles in the performance of its tasks, but it was concerned with some of those principles.

We do have problems that some of those Constitutional Principles are merely aimed at protecting certain interests.

â\200\234If the idea is that they should be there to protect the interests of our people, against whom are we protecting them because the CA is a body elected by the people themselves?â\200\235

Ebrahim said his party wanted the principle of a unitary state to be enshrined in the new

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constitution. â\200\234We will not agree to any move towards fragmentation based on ethnicity or race.â\200\235

This, however, did not mean that the PAC would object to the existence of provincial and local governments, he said. â\200\234But these structures must be limited to the task of service delivery within a broad central

â\200\230government policy.â\200\235

The PAC, therefore, would not agree to the suggestion that provinces should have their own constitutions. â\200\234That will mean fragmenting the country,â\200\235 Ebrahim said.

While the PAC recognised that a constituency-based system would not have been possible in

the April election, the party would now go out to ensure that this system is enshrined in the final constitution. â\200\234The PAC recognises the fact that under the present circumstances, it would not have been possible to hold a constituency-based election, because we would end up having apartheid-based constituencies, because of the way in which the apartheid system has divided us.

â\200\234We must now strive towards demarcating constituencies. Fortunately, we will hold local government elections soon â\200\224 which cannot be held without a proper registration of voters.â\200\235

Asked about the PACâ\200\231s position on the Volkstaat issue, since it abstained when the vote on the

establishment of the Volkstaat Council was tabled in the National Assembly, Ebrahim said: â\200\234We could not vote on something that is not clear to us.

â\200\234The Volkstaat advocates have not yet submitted a full proposal on the said Volkstaat. We

want to know what will happen.

to non-Afrikaners living in that Volkstaat?

â\200\234If we are about to write a constitution that will guarantee equal rights to all, what other rights are the Volkstaat advocates would like to enjoy in the Volkstaat?â\200\235

Keep it liberal, democratic and federal - DP

emocratic Party (DP) chief De Colin Eglin, said

the starting point for his party when it comes to writing the new constitution is that of â\200\234a constitution that is liberal, democratic and federalâ\200\231â\200\231.

A constitution like this, he said, will be â\200\234best suited to meet the needs of our people and reflect the realities of our countryâ\200\235.

â\200\234Throughout the constitution-making process the Democratic Party will try to strengthen these features, some of which are present in the Interim Constitution and we will want to see them built into the new constitution,â\200\235 he said.

The overall DP input into the making of the new constitution will be based on the partyâ\200\231s desire to ensure that a constitution must bring government closer to the people â\200\224 and the people closer to government.

â\200\234Wherever possible, people must be empowered to make decisions on matters directly affecting their lives and their communities,â\200\235 he said.

â\200\234This can be done by strength-

ening the provincial system, allocating more original powers to the provincial governments and ensuring their financial and fiscal viability,â\200\235 Eglin said.

â\200\234Tn addition, there must be effective people-driven local governments in both the urban and rural areas through which communities can exercise a considerable degree of local autonomy.â\200\235 To ensure effectiveness whether at the national, provincial or local levels of government, the DP, will want to ensure that the constitution maximises openness and accountability at these levels.

â\200\234This can be done by introducing strong checks on the executive government and on the decisions of bureaucrats, and by introducing direct constituency accountability for elected public representatives.

â\200\234The public must have the right of access to information relating to executive and administrative decisions,â\200\235 said Eglin.

The Bill of Rights to be enshrined in the new constitution should

Colin Eglin
guarantee fundamental human rights, civil liberties and equality before the law to all the people of the country, he added.

â\200\234The Bill of Rights must be written in a language that can be understood and be meaningful to the individual citizens of our country.â\200\235

If the Bill of Rights will provide a legal framework within which the society will function and governance will take place, it is essential that there should be a strong and independent judiciary, he said.

This means that the courts as

well as the entire legal system should

be readily accessible to the ordinary citizens.

â\200\234While it is important that the new constitution should totally reject

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all forms of racial discrimination, it must provide for the cultural, religious and language diversity that is part of our countryâ\200\235s rich heritage.

â\200\234Each South African, whether acting as in an individual or acting to-

gether with others with whom he or she shares a common heritage, must feel comfortable and secure under the new constitution.

â\200\234The new constitution must encourage our people to say â\200\230inspite of our diversity, we are all South Africans. Because the constitution respects our rights, we respect it tooâ\200\231,â\200\235 said Eglin.

Although believing that representivity and accountability makes it necessary for South Africa to have a range of legislative, executive and judicial structures, the DP believes that a developing country like South Africa should take the cost fac-

tor into account.

In this regard, the DP will strive to ensure that government structures under the new-constitution are as small and as cost-effective as possible. â\200\234After all, there is not much point in having new constitutional structures if the country cannot afford to pay for them,â\200\235 he said.

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