

DEMOCRATIC PARTY: SUBMISSION TO THEME COMMITTEE 1 ON
(a) SINGLE SOVEREIGN STATE AND
(b) SUPREMACY OF THE CONSTITUTION

In respect of (a), a single Sovereign State, the Constitutional Assembly is required to give effect to the following constitutional principle:

Schedule 4 (1): "The Constitution of South Africa shall provide for the establishment of one sovereign state, a common South African citizenship and a democratic system of government committed to achieving a equality between men and women and people of all races".

The Democratic Party is committed to the creation of a single Sovereign State as required in terms of the above principle. We shall argue for the creation of a strongly federal system of government within this single State, but this argument will in no way detract from our commitment to the creation of a single South African nation.

In respect of (b) Supremacy of the Constitution, the C.A. is required to give effect to the following constitutional principle.

Schedule 4 (iv): "The Constitution shall be the supreme law of the land. It shall be binding on all organs of state at all levels of government".

The DP accepts this provision. It accepts that any law or act inconsistent with the provisions of the Constitution shall be of no force or effect. It accepts that the Constitution must bind all legislative, executive and judicial organs of state at all levels of government.

The DP believes that the Constitution should be the supreme law with which all executive actions and legislative measures should have to conform. The Constitution should also describe the architecture of government and the relationships which exist between various levels and different institutions of government. Critically, it should lay down powers, duties, responsibilities and entitlements of the levels and

institutions of government, procedures for adhering to these, and avenues to resolve disputes which may arise between various levels or institutions of government.