

BIBLIOGRAFIE

1. PRIMÈRE BRONNE:

ANC, 1989. *Harare Declaration*, 21 Augustus 1989.

ANC, 1991. *Constitutional Principles and Structures for a Democratic South Africa*, April 1991.

ANC, 1992(a). *ANC Regional Policy, Draft Discussion Document*, Oktober 1992.

ANC, 1992(b). *Memorandum to Mr F W de Klerk, from Mr N Mandela, 9 Julie 1992*.

ANC, 1992(c). *Negotiations: A Strategic Perspective, As adopted by the National Executive Committee of the ANC*, 25 November 1992.

ANC, 1992(d). *Policy Guidelines for a Democratic South Africa*, 27 April 1992.

ANC, 1992(e). *The ANC's Proposals on Interim Government*, 1992.

ANC, 1992(f). *Transition to Democracy Act, 1992*. Submitted to the Technical Committee on Fundamental Rights during the Transition, 15 Mei 1993 as bylae A.

ANC, 1993(a). *ANC Draft Bill of Rights. Preliminary Revised Version*, Februarie 1993.

ANC, 1993(b). *ANC Policy Guide*, Maart 1993.

ANC, 1993(c). *Submission by the African National Congress to the Technical Committee on the question of Fundamental Rights during the Transition*, 12 Mei 1993.

ANC, 1993(d). *Submission by the African National Congress to the Technical Committee on Constitutional Matters*, 12 Mei 1993.

ANC, 1994. *Submission to TC 1, Block Two Sovereignty of the State and Equality in Theme Committee 1 Report for Block 2*, 20 April 1994.

ANC, ongedateerd(a). *Preliminary ANC Submission*, Party Submissions received after the completion of the work programme of Theme Committee 4.

ANC, ongedateerd(b). *Preliminary ANC Submission, TC 4 - Interpretation of the Bill of Rights*. Submissions received after the completion of the work programme of TC 4.

ANC, ongedateerd(c). *Preliminary Submission of ANC on item 14 of the Work Programme*. In: *Constitutional Committee Sub-Committee, Theme Committee Four Fundamental Rights, Party Submissions: Socio-economic Rights*.

ANC, 1995(a). *ANC Submission: Theme Committee 2*, 25 Januarie 1995.

ANC, 1995(b). *Discussion Paper and Policy Proposals, ANC Constitutional Conference, 31 March to 2 April 1995*.

ANC, 1995(c). *Financial and Fiscal Relations, Amended Submission to Theme Committee 3*, 3 Augustus 1995.

ANC, 1995(d). *Further Preliminary ANC Submission – the Senate/Council of Provinces*, 5 September 1995.

ANC, 1995(e). *Memorandum, African National Congress, Submission to Theme Committee II, Executive and Legislative Structure at the National Level of Government*, 23 Maart 1995.

ANC, 1995(f). *Preliminary Submission to Theme Committee 2*, 21 Junie 1995.

ANC, 1995(g). *Submission to TC 1, Block Two, Sovereignty of the State and Equality*, 20 April 1995.

ANC, 1995(h). *Summary of ANC Proposal, TC 5 Report on blocks 1-4*, 3 April 1995.

ANC, 1995(i). *The Nature and Application of a Bill of Rights - preliminary submission of the ANC, 1995*.

ANC, 1995(j). *Theme Committee 3, Summary, Areas of Agreement and Contention: National and Provincial Legislative and Executive Competencies*, 15 Junie 1995.

Bilateral understanding on outstanding constitutional issues between the South African Government and the ANC, 17 November 1993.

Butterworths Law Reports, Januarie 1997, No. 1, **Certification of the Amended Text of the Constitution of the Republic of South Africa**, 1996, Durban: Butterworths.

Constitutional Assembly Refined Working Draft of the Constitution, 12 Oktober 1995.

De Klerk 1990(a). Toespraak deur mnr. F W de Klerk, 4 Oktober 1990.

De Klerk, 1990(b). Toespraak deur mnr. F W de Klerk, 25 Oktober 1990.

De Klerk, 1992. *Opening remarks by State President F W de Klerk, A New South Africa, Documents on Constitutional Reform*, 7 September 1992.



De Klerk, 1993(a). Televisie-onderhoud met sir David Frost op 14 Februarie 1993, *A New South Africa, Documents on Constitutional Reform*, 26 Februarie 1993.

De Klerk, 1993(b). Toespraak deur mnr. F W de Klerk, Opening van die Wetgewende Vergadering van die Gazankulu Selfregerende Gebied, Oktober 1993.

De Klerk, 1995. Toespraak deur Adjunk-president F W de Klerk, Senaat, 4 April 1995.

De Klerk, 1996. *Statement by Mr. F W de Klerk, Leader of the National Party*, 9 Mei 1996.

De Klerk, 1997. Mnr. F W de Klerk in 'n "SAFM" radioprogram, 28 Mei 1997.

Document drafted by Theme Committee 5 Technical Advisors on the Courts and the Administration of Justice, 10 Augustus 1995.

Dokument van Departement van Justisie wat partyvoorstelle aangaande handveste van menseregte vergelyk, ongedateerd.

Grondwet van die Republiek van Suid-Afrika, 1993 (Wet no. 200 van 1993).

Grondwet van die Republiek van Suid-Afrika, 1996 (Wet no. 108 van 1996).

IVP, 1992(a). *Synopsis of the Constitution of the State of KwaZulu-Natal*, Inkatha Freedom Party, 1 Desember 1992. In: **Negotiation Perspectives in South Africa**, March 1993, Compiled by the Constitutional Development Service.

IVP, 1992(b). *Transitional arrangements/Interim Government/Transitional Authority. Working document for submission to a Codesa meeting on 6th February 1992.*

IVP, 1993(a). *IFP/KwaZulu. Freedom Under the Rule Of Law: Advancing Liberty in the New South Africa*, 13 Mei 1993.

IVP, 1993(b). *IFP, Our objectives in the negotiations*, 27 Julie 1993.

IVP, 1993(c). IVP-voorlegging aan VPOP, 24 Junie 1993.

IVP, 1993(d). *Position of the Inkatha Freedom Party*, World Trade Centre, 18 Mei 1993.

IVP, 1993(e). *Preliminary Comments of the Inkatha Freedom Party on the partial draft for an Interim Constitution tabled by the Technical Committee on Constitutional Matters*, 27 Julie 1993.

IVP, 1993(f). *Press Statement from the office of the Chief Minister of KwaZulu*, Ulundi: 28 Julie 1993.

IVP, 1993(g). *The Constitution of the Federal Republic of South Africa, draft, 18 June 1993.*

IVP, 1994(a). *Inkatha, TC 1, Submission on Equality and "One, Sovereign State" in Theme Committee 1 Report for Block 2, 20 April 1994.*

IVP, 1994(b). *Preliminary Submission to the III Theme Committee on the relation between levels of government, 7 November 1994.*

IVP, ongedateerd(a). *IFP, TC 5 Judiciary and legal systems - Comments on the schematic summary on report of block 1-4.*

IVP, ongedateerd (b). *IFP, Theme Committee No 2, Structures of Government, 1st Report on Separation of Powers.*

IVP, 1995(a). *IFP Proposed Draft to the Theme Committee for: Report to the Constitutional Committee from Theme Committee No 2, Structures of Government on Block 1: Separation of Powers, 13 Februarie 1995.*

IVP, 1995(b). *Inkatha Freedom Party's General Submissions, Theme Committee 2, Structure of Government (as at 24 February 1995).*

IVP, 1995(c). *Report, Theme Committee 3, Summary: Areas of agreement and contention, national and provincial legislative and executive competencies, 15 Junie 1995.*

IVP, 1995(d). *Supplemental Submission to Theme Committee No 4 for block No. 1, 17 Februarie 1995.*

IVP, 1995(e). *The composition of the courts and the appointment of Judicial Officers - TC 5 Report on Blocks 1-4, 3 April 1995.*

Konstitusionele Hof. *Certification of the Constitution of the Republic of South Africa, 1996 Judgement. Volumes 1 & 2, 6 September 1996.*

Mbeki, 1995. *Toespraak deur mnr T M Mbeki, Debatte van die Grondwetlike Vergadering (Hansard), Tweede Sessie - Eerste Parlement, Dinsdag, 24 Januarie 1995, Kaapstad: Die Staatsdrukker*

Memorandum deur die Paneel van Grondwetkenners van die Grondwetlike Vergadering, 5 Februarie 1996.

Memorandum deur die Paneel van Grondwetkenners van die Grondwetlike Vergadering, 23 April 1996.

Memorandum van Ooreenkoms van Versoening en Vrede tussen die IVP/KwaZulu-regering en die ANC en die Suid-Afrikaanse Regering/NP, 19 April 1994.

Meyer, 1992. *Media Statement by the Minister of Constitutional Development and of Communication, Mr R P Meyer*, Pretoria, 5 November 1992.

Meyer, 1993(a). *Parliamentary speech by the Minister of Constitutional Development and of Communication, Mr R P Meyer*, 1 Februarie 1993.

Meyer, 1993(b). *Parliamentary speech by Minister R P Meyer*, 5 Mei 1993.

Minutes Theme Committee 2, 22 Mei 1995.

NP, 1991. *Grondwetlike Regering in 'n Deelnemende Demokrasie*, September 1991.

NP, 1992(a). "Ja" *Hiervoor*, ongedateerde pamflet tydens die 1992-referendumveldtog gepubliseer.

NP, 1992(b). *Nasionalis, Op pad na 'n nuwe grondwet*, Julie 1992

NP, 1993. Voorstel aangaande Grondwetlike Beginsels. In: *A New South Africa, Documents on Constitutional Reform, Constitutional Development Service*, 12 Februarie 1992.

NP, 1994. *Submission, TC 1, Report for Block 2, Quality and single Sovereign State*, 20 April 1994

NP, ongedateerd(a). *National Party Preliminary Submission, Theme Committee 4, Item 14(vii): Other socio-economic rights*. In: **Constitutional Committee Sub-committee, Party Submissions: Socio-economic Rights**.

NP, ongedateerd(b). *National Party Preliminary Submission to Theme Committee 4, Item 14(ii): Education*.

NP, ongedateerd(c). *Submission TC 4, Interpretation of the Bill of Rights, undated*. In: **Theme Committee 4, Fundamental Rights, Report on Interpretation, undated**.

NP, 1995(a). *NP Preliminary Submission, Theme Committee 2, The Senate*, 16 Mei 1995.

NP, 1995(b). *NP Submission, Theme Committee 2, Block 2, The National Executive*, 28 Maart 1995.

NP, 1995(c). *NP Submission, The role of the senate*, 5 September 1995.



NP, 1995(d). *Report Theme Committee 3 Summary: Areas of Agreement and Contention, National and Provincial Legislative and Executive Competencies*, 15 Junie 1995.

NP, 1995(e) *Submission, Theme Committee 1, Block 2*. In: **Management Committee**, 4 Mei 1995.

NP, 1995(f). *Submission on the Senate and Competencies of Provinces*, 25 Oktober 1995.

NP, 1995(g). *Summary of NP proposal, TC 5 Report on blocks 1-4*, 3 April 1995.

NP, 1995(h). *Theme Committee 4, National Party Submission - Notes on Aspects Pertaining to Bills of Rights, 1995*.

NP, 1995(i). *Voorstel aan Temakomitee 2*, 15 Junie 1995.

Opinie van Staatsregadviseurs, 21 April 1995. Aard van bevoegdhede wat in Grondwet as provinsiale bevoegdhede gemeld word.

Presidentsraadsverslag 1/1990. *Verslag van die Komitee vir Staatkundige Aangeleenthede oor Besluitnemings- en Konflikbeslegtingsmeganismes en –tegnieke in staatkundige stelsels*, Kaapstad: Staatsdrukker.

Record of Understanding. Meeting between the State President of the Republic of South Africa and the President of the ANC held at the World Trade Centre on 26 September 1992.

Report from Theme Committee One, Block 2: Equality and Single Sovereign State, 20 April 1995.

Report of Steering Committee Working Group 2, Kodesa, 27 April 1992.

Report of Working Group 3 To Codesa 2, 13 Mei 1992.

Report on Codesa Agreements, Addendum C to Agenda for the Meeting of the Negotiating Forum held on 1 & 2 April 1993.

Resolution on steps to be taken for the purposes of establishing a new constitutional order adopted by the Negotiating Council, 30 Junie 1993.

RSA-Beleidsorsig, Mei 1991. **Magsdeling die grondslag**. Jaargang 4 no. 4, p. 4-21.

RSA-Beleidsorsig, Jan/Feb 1992. **Interimregering per dekreet onaanvaarbaar**. Jaargang 5 no. 1, p. 3-17.

SAR, 1992(a). *Government proposals regarding a transitional constitution for South Africa*, 2 Julie 1992.

SAR, 1992(b). *Opposing views regarding a future constitution. A New South Africa, Documents on Constitutional Reform*, Constitutional Development Service, 31 Julie 1992.

SAR, 1992(c). *Statement by the Government on Proposed Transitional Arrangements*, 24 April 1992.

SAR, 1992(d). *Voorstel aan Werkgroep 2 van Kodesa ten opsigte van die verdeling van bevoegdhede tussen regeringsvlakke*, 17 Februarie 1992.

SAR, 1993(a). *A New South Africa, Documents on Constitutional Reform*, Constitutional Development Service, 15 Mei 1993.

SAR, 1993(b). *Comments by the Government regarding the possible enforcement of fundamental rights against non-state bodies and persons*, 9 Julie 1993.

SAR, 1993(c). *Eerste konsep van 'n voorgestelde Grondwet van die Republiek van Suid-Afrika, 1993, voorgelê aan die Veelparty Onderhandelingsproses deur die Suid-Afrikaanse Regering*, 27 Mei 1993.

SAR, 1993(d). *Regeringsvoorstelle oor 'n Handves van Fundamentele Regte*, 2 Februarie 1993.

SAR, 1993(e). *Preliminary views and proposals of the government regarding the desirability of the establishment of certain mechanisms during the transitional period in order to promote the independence of the judicial authority*, 8 Junie 1993.

SAR, 1993(f). *Submission by the South African Government for the attention of the Technical Committee: Fundamental Rights during the Transition*, 9 Junie 1993.

South Africa Yearbook, 1995. Pretoria: South African Communication Service.

Submission by the SA Government and the African National Congress to the Technical Committee on Constitutional Affairs, 12 November 1993.

Suid-Afrikaanse Regskommissie 1991. *Verslag oor Grondwetlike Modelle*.

Technical Committee on Constitutional Affairs, fifth report, 15 Junie 1993.

Technical Committee on Constitutional Affairs, twelfth report, 2 September 1993.

Technical Committee on Constitutional Affairs, twenty-fifth report, 15 November 1993.

Technical Committee on Fundamental Rights during the Transition, fifth progress report, 11 Junie 1993.

Technical Committee on Fundamental Rights during the Transition, sixth progress report: 15 Julie 1993.

Technical Committee on Fundamental Rights during the Transition, seventh progress report, 29 Julie 1993.

Technical Committee on Fundamental Rights during the Transition, tenth progress report, 5 Oktober 1993.

Theme Committee 2, Report on Block 2, The National Assembly, the Presidency and the Cabinet, 22 Mei 1995.

The Making of the Constitution, 1997. The story of South Africa's Constitutional Assembly, May 1994 to December 1996, Cape Town: Churchill Murray.

The Technical Committee on Fundamental Rights: Memorandum on the draft chapters on the Administration of Justice in the Interim Constitution, 6 September 1993.

Theme Committee 4 Fundamental Rights, Schematic report on Interpretation, undated.

Theme Committee 5 Report on blocks 1-4, The composition of the courts and the appointment of judicial officers, 29 Maart 1995.

Transitional Executive Council Bill, Fourth Working Draft, 22 Julie 1993.

Verduidelikende Memorandum, Konsephandves van Regte, Oktober 1995.

Viljoen, 1991(a). Toespraak deur dr. G van N Viljoen, 24 Maart 1991.

Viljoen, 1991(b). Toespraak deur dr. G van N Viljoen, 30 Julie 1991.

Working Draft of the New Constitution, 22 November 1995.

2. SEKONDÊRE BRONNE:

2.1 Vakkundige publikasies

Abcarian, G en Masannat, G S 1970. *Contemporary Political Systems*, New York: Charles Scribner's Sons.

Almond, G A en Coleman, J S 1960. *The Politics of the Developing Areas*, Princeton: Princeton University Press.

Almond, G A en Powell G B 1966. *Comparative Politics*, Boston: Little Brown and Company.

Apter, D E 1965. *The Politics of Modernization*, Chicago: the University of Chicago Press.

Apter, D E 1977. *Introduction to Political Analysis*, Massachusetts: Winthrop Publishers.

Arblaster, A 1987. *Democracy*, Milton Keynes: Open University Press.

Atkinson, D 1994. *Brokering a miracle? The multiparty negotiating forum*. In: Friedman, S en Atkinson, D, **South African Review 7. The Small Miracle. South Africa's negotiated settlement**, Randburg: Ravan Press.

Atkinson, D 1994. *Insuring the future? The bill of rights*. In: Friedman, S en Atkinson, D, **South African Review 7. The Small Miracle. South Africa's negotiated settlement**, Randburg: Ravan Press.

Atkinson, D 1994. *Principle born of pragmatism? Central government in the Constitution*. In: Friedman, S en Atkinson, D, **South African Review 7. The Small Miracle. South Africa's negotiated settlement**, Randburg: Ravan Press.

Ball, A R 1983. *Modern Politics and Government*, London: Macmillan Education Ltd.

Banting, K G en Simeon, R 1985. *Redesigning the State. The Politics of Constitutional Change*, Toronto: University of Toronto Press.

- Barrie, G 1995. *Self-determination in Modern International Law*. In: **Konrad-Adenauer-Stiftung Occasional Papers**, Julie 1995 Johannesburg: Konrad-Adenauer-Stiftung.
- Barry, N P 1981. *An Introduction to Modern Political Theory*, London: The Macmillan Press.
- Basson, D A en Viljoen, H P 1988. *Suid-Afrikaanse Staatsreg*, Kaapstad: Juta & Kie, Bpk.
- Basson, D 1994. *South Africa's Interim Constitution, Text and Notes*, Kenwyn: Juta & Co, Ltd.
- Bekker, T 1994. *Enkele Staatskundige Konsepte*, Pretoria: AMB Uitgewers.
- Bentley, A F 1949. *The Process of Government*, Bloomington, Ind: The Principia Press, Inc.
- Bogdanor, V 1983. *Multi-party politics and the Constitution*, Cambridge: Cambridge University Press.
- Botes, P S, Brynard P A, Fourie, D J en Roux N L 1992. *Publieke Administrasie en Bestuur. 'n Handleiding in Sentrale, Regionale, en Munisipale Administrasie en Bestuur*, Bloemfontein: Haum.
- Cachalia, 1992. *A Report on the Convention for a Democratic South Africa*, **South African Journal on Human Rights**, vol. 8, deel 2, p. 249-262.
- Carnoy, M 1984. *The State and Political Theory*, Princeton: Princeton University Press.
- Carpenter, G 1994. *Strengths and Limitations of a New National Government*. In: Licht, R A & De Villiers, B **South Africa's Crisis of Constitutional Democracy**, Cape Town: Juta & Co, Ltd.
- Cloete, G S 1981. *Etnisiteit en groepsverteenvoording in die Staatskunde – 'n vergelykende studie*, Proefskrif: Universiteit van Stellenbosch.

- Cloete, J N N 1993. *Democracy Prospects for South Africa*, Pretoria: J L van Schaik.
- Cummings, L L Harnett, D L en Schmidt, S M 1972. *International Cross-Language Factor Stability of Personality: An Analysis of the Shure-Meecker Personality/Attitude Schedule*. In: **The Journal of Psychology**, 1972, 82, p. 67-84.
- Davis, D, Chaskalson, M en De Waal, J 1994. *Democracy and Constitutionalism: The Role of Constitutional Interpretation*. In: Van Wyk et al. **Rights and Constitutionalism. The New South African Legal Order**, Kenwyn: Juta & Co Ltd.
- De Klerk, F W 1998. *Die Laaste Trek - 'n nuwe begin*, London: MacMillan.
- Departement van Staatkundige Ontwikkeling, 1994. Besprekingsdokument. *Die aard, rol en samestelling van die senaat in die RSA in vergelyking met tweede huise in ander state*, September 1994.
- Devenish, G E 1996. *The Legal and Constitutional Significance of the Equality Clause in the Interim Constitution*, **Stellenbosch Regstydskrif**, no. 1, p. 92-113.
- De Villiers, B 1990. *Groepe: Meulsteen of Bousteen? 'n Regsvergelykende oorsig van state se pogings om groepe te beskerm – lesse vir Suid-Afrika*, Pretoria: RGN-Uitgewers.
- De Villiers, B 1994. *Social and Economic Rights*. In: Van Wyk et al. **Rights and Constitutionalism. The New South African Legal Order**, Kenwyn: Juta & Co Ltd.
- De Wet, E 1995. *Can the Social State Principle in Germany guide State Action in South Africa in the Field of Social and Economic Rights?*, **South African Journal on Human Rights**, vol. 11 no. 1, p.30-49
- Diamond, L 1999. *Developing Democracy Toward Consolidation*. Baltimore: The Johns Hopkins University Press.
- Di Palma, G 1990. *To Craft Democracies: An Essay on Democratic Transitions*, Berkeley: University of California Press.
- Dlamini, C 1994. *Culture, Education, and Religion*. In: Van Wyk et al. **Rights and Constitutionalism. The New South African Legal Order**, Kenwyn: Juta & Co Ltd.
- Dowse, R E & Hughes, J A 1972. *Political Sociology*, New York: John Wiley.

Dugard, J 1994. *International Human Rights*. In: Van Wyk *et al.* **Rights and Constitutionalism. The New South African Legal Order**, Kenwyn: Juta & Co Ltd.

Du Plessis, L M 1988. *Filosofiese perspektief op 'n Menseregtehandves vir Suid-Afrika*. In: Van der Westhuizen, J V en Viljoen, H P, **'n Menseregtehandves vir Suid-Afrika**, Durban: Butterworths.

Du Plessis, L M 1994. *Die inhoud, betekenis en enkele implikasies van Suid-Afrika se eerste Menseregtehandves*, **Politikon**, vol. 21 no. 1, p. 20-41.

Du Plessis, L M 1994. *The genesis of the chapter on fundamental rights in South Africa's transitional constitution*, **SA Publiekreg**, vol 9 no 1, p 1-21.

Du Plessis, L M 1996. *The Bill of Rights in the Working Draft of the new Constitution: An Evaluation of aspects of a Constitutional Text Sui Generis*, **Stellenbosch Regstydskrif**, no. 1, p. 3-24.

Duverger, M 1972. *Party Politics and Pressure Groups*, Kenya: Thomas Nelson & Sons Ltd.

Duverger, M 1976. *Political Parties: Their organization and activity in the modern state*, 11 New Fetter Lane E.C. 4: Methuen & Co Ltd.

Easton, D 1965. *A system's analysis of political life*, New York: Wiley.

Ebrahim, H 1998. *The Soul of A Nation – Constitution-making in South Africa*, Cape Town: Oxford.

Fast Facts, April 1994, South African Institute of Race Relations.

Filley, A C 1975. *Interpersonal Conflict Resolution*. Glenview, Illinois: Scott, Foresman and Company.

Finer, S E 1958. *Anonymous empire – A study of the lobby in Great Britain*, London: The Pall Mall Press.

Finer, S E 1970. *Comparative Government*. London: Penguin Books.

- Friedman, S 1993. *South Africa's Reluctant Transition*. In: **Journal of Democracy**, vol. 4, no. 2 April 1993, p. 56-69.
- Friedman, S 1993. *The Long Journey. South Africa's quest for a negotiated settlement*. Johannesburg: Ravan Press.
- Giliomee, H en Schlemmer, L 1994. *The Bold Experiment, South Africa's New Democracy*. Halfway House: Southern Book
- Govender, K 1998. *The Equality Provision, Unfair Discrimination and Affirmative Action*. In: **Indicator South Africa**, vol. 15, no. 1 Herfs 1998, p. 79-84.
- Gulliver, P H 1979. *Disputes and Negotiations: A cross-cultural perspective*. New York: Academic Press.
- Hall, R 1971. *Decisions, decisions, decisions*. **Psychology Today** 5, 1971, p. 51-58.
- Henwood, R 1994. *Die moderne staat: staatsvorme*. In: Bekker, T **Enkele Staatkundige Konsepte**, Pretoria:AMB Uitgewers.
- Hornby, A S 1974. *Oxford Advanced Learner's Dictionary of Current English*, London: Oxford University Press.
- Humphries, R, Rapoo, T en Friedman, S 1994. *The Shape of the Country. Negotiating Regional Government*. In: **South African Review 7 The Small Miracle. South Africa's Negotiated Settlement**, Johannesburg: Ravan.
- Isaak, A C 1975. *Scope and methods of political science*, Illinois: The Dorsey Press.
- Janda, K et al. 1994. *Democracy Government in America*, Boston: Houghton Mifflin Company.
- Jeffery, A 1996. *Horizontality watered down, but not removed*. In: **Fast facts**, no. 6/96, Junie 1996, South African Institute of Race Relations, p. 2-4.
- Jeffery, A en Douglas, C 1996. *Hard work rewarded*. In: **Fast facts**, no. 6/96, Junie 1996, South African Institute of Race Relations, p. 5-6).

Key, V O 1952. *Politics, Parties, and Pressure Groups*. New York: Thomas Y Crowell Company.

Kotzé, H J en Van Wyk, J J 1980. *Basiese Konsepte in die Politiek*, Johannesburg: McGraw-Hill Boekmaatskappy.

Kriek, D J 1982. *Federale Staatsvorme*. In: Van Vuuren, D J en Kriek D J **Politieke Alternatiewe vir Suider-Afrika**, Johannesburg: Macmillan.

Kritzinger, M S B, Labuschagne, F J en Pienaar, P de V 1972. *Verklarende Afrikaanse Woordeboek*, Pretoria: J L van Schaik Beperk.

Kruger, J 1994. *Regstaat, Kultuurstaat, Welvaarstaat: Bestanddele van 'n nuwe staatsmodel?* In: **Stellenbosch Regstydskrif**, vol. 5, no. 1, 1994.

Kruger, J en Currin, B 1994. *Interpreting a Bill of Rights*, Kenwyn: Juta & Co Ltd.

Kweit, M G en Kweit, R W 1981. *Concepts and Methods for Political Analysis*, Englewood Cliffs, New Jersey: Prentice-Hall Inc.

Latham, E 1952. *The Group Basis Of Politics: Notes for a Theory*. vol. 46 p. 376-397.

Lawson, K 1980. *Political Parties and Linkage: A Comparative Perspective*, New Haven: Yale University Press.

Lawson, K 1993. *The Human Polity: A Comparative Introduction to Political Science*, Boston: Houghton Mifflin Company.

Leon, L 1996. Bill of Rights - *Pandora's box*. In: **Frontiers of Freedom**, no. 8, tweede kwartaal 1996, The South African Institute of Race Relations, p. 9-10.

Macridis, R C en Burg, S L 1991. *Introduction to Comparative Politics* Department of Politics, Brandis: University Harper Collins

Mahler, G S 1992 en 1995. *Comparative Politics. An institutional and cross-national approach*, New Jersey: Prentice Hall, Englewood Cliffs.

- Mainwaring, S, O'Donnell, G en Valenzuela, J S 1992. *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective*, Norte Dame: University of Notre Dame Press.
- Malherbe, E F J 1991. *Die Wetgewende Prosedure van die Parlement*, Proefskrif, Randse Afrikaanse Universiteit.
- Malherbe, E F J 1998. *The South African national council of provinces: Trojan horse or white elephant?* **Tydskrif vir die SA Reg**, no. 1 1998, p. 77-96.
- Mouton, J & Marais, H C 1990. *Basiese Begrippe: Metodologie van die Geesteswetenskappe*. Pretoria: RGN.
- Moodie, G C en Studdert-Kennedy, G 1970. *Opinions, Publics and Pressure Groups*, London: George Allen & Unwin.
- Murphy, W F 1993. *Constitutions, Constitutionalism, and Democracy*. In: Greenberg, D, et al. **Constitutionalism and Democracy - Transitions in the Contemporary World**, New York: Oxford University Press.
- Nieuwmeijer, L 1988. *Negotiation: Methodology and Training*. Pinetown: Owen Burgess Publishers.
- Nieuwmeijer, L 1990. Negotiation Workshop. 10-12 September 1990.
- O'Donnell, G en Schmitter, P C 1986. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, Baltimore: The Johns Hopkins University Press.
- Olivier, W H 1982. *Party- en kiesstelsels*. In: Van Vuuren & Kriek (reds) **Politieke Alternatiewe vir Suider-Afrika Grondslae en Perspektiewe**, Johannesburg: Macmillan.
- Olivier, P 1994. *Constitutionalism and the new South African Constitution*. In: De Villiers, B **Birth of a Constitution**, Kenwyn: Juta & Co, Ltd.
- Palmer, M 1989. *Dilemmas of Political Development. An Introduction to the Politics of the Developing Areas*, Itasca, Illinois: F E Peacock Publishers, INC.

- Palmer, M en Thompson, W 1978. *The Comparative Analysis of Politics*. Itasca, Illinois: F E Peacock Publishers, Inc.
- Pennock, J R 1979. *Democratic Political Theory*, Princeton, New Jersey: Princeton University Press.
- Pridham, G en Lewis, P G 1996. *Stabilising Fragile Democracies: Comparing New Party Systems in Southern and Eastern Europe*, London: Routledge.
- Pruitt, D G 1981. *Negotiation Behavior*. New York: Academic Press.
- Przeworski, A 1991. *Democracy and the Market*, Cambridge: University Press.
- Przeworski, A 1995. *Sustainable Democracy*, Cambridge: University Press.
- Ranney, A 1975. *The Governing of Men*, Hinsdale, Illinois: The Dryden Press.
- Rautenbach, I M 1988. *Menseregte-aktes: 'n vergelykende oorsig*. In: Van der Westhuizen, J V en Viljoen, H P **'n Menseregtehandves vir Suid-Afrika**: Durban Butterworths.
- Rautenbach, I M en Malherbe, E F J 1994. *Constitutional Law*, Johannesburg: Lex Patria.
- Rautenbach, I M en Malherbe, E F J 1996. *Constitutional Law*, Durban: Butterworths.
- Riggs, F W 1973. *Legislative Structures: Some Thoughts on Elected National Assemblies*. In: Kornberg, A (Editor) **Legislatures in Comparative Perspective**, New York: David Mckay Company, Inc.
- Riker, W H 1964. *Federalism, Origin, Operation, Significance*, Boston: Little Brown and Company.
- Roberts, G en Edwards, A 1991. *A New Dictionary of Political Analysis*, London: Edward Arnold.
- Rustow, D A 1970. *Transitions to Democracy: Toward a Dynamic Model*, Englewood Cliffs: Prentice-hall.
- SAIRR, 1991/92. *Race Relations Survey 1991/92*, Johannesburg, South African Institute of Race Relations, 1992.

- SAIRR, 1992/93. *Race Relations Survey 1992/93*, Johannesburg: South African Institute of Race Relations, 1993.
- SAIRR, 1993/94. *Race Relations Survey 1993/94*, Johannesburg: South African Institute of Race Relations, 1994.
- SAIRR, 1995/96. *Race Relations Survey 1995/96*, Johannesburg: South African Institute of Race Relations, 1995
- SAIRR, 1996/97. *Race Relations Survey 1996/97*, Johannesburg: South African Institute of Race Relations, 1997
- Sarakinsky, 1995. *The Politics Behind South Africa's Negotiated Settlement*. In: **Joernaal vir Eietydse Geskiedenis**, Jaargang 20, no. 2, Desember 1995 p. 69-92.
- Sartori, G 1976. *Parties and party systems*, London: Cambridge University Press.
- Sartori, G 1987. *The Theory of Democracy Revisited*, Chatham, New Jersey: Chatham House Publishers.
- Scott, G M en Garrison, S M. 1995 *The Political Science Student Writer's Manual*. Englewood Cliffs, New Jersey: Prentice Hall.
- Sisk, T D 1995. *Democratisation in South Africa, the Elusive Social Contract*, Princeton, New Jersey: Princeton University Press.
- Strong, C F 1972 *Modern Political Constitutions*, London: Sidgwick & Jackson.
- Van Dyke, V 1960. *Political Science: A Philosophical Analysis*, Stanford, California: Stanford University Press.
- Van Maarseveen, H en Van der Tang, G 1978. *Written Constitutions. A Computerized Comparative Study*, New York: Oceana Publications.
- Van Vuuren, D J 1982. *Die uniale staatsvorm*. In: Van Vuuren, D J en Kriek, D J **Politieke Alterniewe vir Suider-Afrika**, Johannesburg: Macmillan.
- Venter, A 1994. *The Executive: A Critical Evaluation*. In: De Villiers, B **Birth of A Constitution**, Kenwyn: Juta & Co. Ltd.

Venter, A 1996. *Designing an Executive for South Africa: A Constitutional Engineering Perspective*. In: **Politikon**, vol. 23, no. 1 Junie 1996.

Venter, A J 1988. *Instellings van die Demokrasie*. In: Faure, A M et al. (reds). **Suid-Afrika en die Demokrasie**, Pinetown: Owen Burgess.

Waldmeir, P 1997. *Anatomy of a Miracle*, London: Penguin Books Ltd.

Watts, R L 1994. *Is the new Constitution Federal or Unitary?* In: De Villiers, B **Birth of A Constitution**, Kenwyn: Juta & Co. Ltd.

Welsh, D 1993. *Transition Two-Step*. In: **Indicator South Africa**, vol. 10, no. 4 Lente 1993, p. 7-12.

Wiechers, M 1989. *South African Political Terms*, Cape Town: Tafelberg.

Wheare, K C 1963. *Legislatures*, London: Oxford University Press.

Wheare, K C 1966. *Modern Constitutions*, New York: Oxford University Press.

Wolhuter, L 1996. *Horizontality in the interim and final Constitutions*, **S A Publikereg**, vol. 11, no, 2, 1996, p. 512-527.

Wootton, G 1970. *Interest-Groups*, New Jersey: Prentice-Hall, INC., Englewood Cliffs.

2.2 Nuusblaaie

Beeld, 11 Desember 1991.

Beeld, 8 Februarie 1993

Beeld, 15 Februarie 1993.

Beeld, 14 Junie 1993

Beeld, 14 September 1993.

Beeld, 27 Januarie 1995.

Beeld, 13 Februarie 1997

Beeld, 19 Februarie 1997.

Business Day, 19 Mei 1993.

Business Day, 4 September 1994.

Business Day, 11 April 1996.

Business Day, 18 Februarie 1997.

Financial Mail, 19 November 1993



Mayibuye, April 1993.
Rapport, 9 Maart 1997.
Rapport, 19 Oktober 1997.
The Star, 6 September 1991.
The Star, 8 Februarie 1993
The Star, 24 Februarie 1993
The Sunday Times, 13 Oktober 1991.
The Sunday Times 24 Oktober 1993
The Sunday Times, 23 Mei 1993.
The Weekly Mail, 8-15 April 1993
The Weekly Mail, 8-15 April 1995.
Work in Progress, no. 74, 1991.

OPSOMMING

‘n Staatkundige ontleding van geselekteerde standpunte tydens die grondwetlike onderhandelingsprosesse in die Republiek van Suid-Afrika: 1992-1996.

deur

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In Suid-Afrika het ‘n onderhandelde oorgang na demokrasie van 1992 af tot 1996 voorgekom waartydens twee grondwette deur die betrokke politieke partye onderhandel is. Die eerste bydrae in die studie is dat aangetoon word dat die Suid-Afrikaanse voorbeeld van die onderhandelde oorgang die siening in die literatuur ondersteun dat politieke partye ‘n belangrike rol in die uitvoering van oorgangstake kan vervul indien hul oor die vermoë beskik.

Die hoof vakkundige probleem wat in die studie gestel is, is of die grondwetlike onderhandelingsprosesse daarop dui of daar ‘n noodwendige verhouding is tussen die verwesenliking van ‘n party se standpunte in ‘n grondwet, en die politieke mag waaroor ‘n party beskik. ‘n Analise van die standpunte van die drie grootste partye in vergelyking met die onderhandelingsresultate het getoon dat daar wel ‘n verhouding bestaan tussen die verwesenliking van die hoeveelheid standpunte in ‘n grondwet en die politieke mag waaroor ‘n party beskik. Waar die twee hoofpartye (die ANC en die NP) ten opsigte van die 1993-Grondwet in ‘n relatiewe magsewewig tot mekaar was, is ‘n kompromie tussen die NP se hoofdoelwit van magsdeling en die ANC se hoofdoelwit van meerderheidsregering basies getref deurdat kernaspekte van beide hierdie hoofdoelwitte verwesenlik is. Met die 1996-Grondwet, waar die ANC oor die

groter politieke mag beskik het, is die grondwetlike resultaat nader aan die hoofdoelwit van meerderheidsregering as aan magsdeling. Die IVP het aan beide onderhandelingsprosesse onttrek, maar sodoende is die invloed van die magsbalans tussen die partye op die grondwetlike resultaat nie ontduik nie. Die rede is dat dié Party nie daarin geslaag het om die oorhoofse beleidsdoelwit van 'n opvallende federale bedeling wat baie gedentraliseer is te realiseer nie.

'n Verdere bydrae in die studie is dat aangetoon is hoe suksesvol partye tot die bereiking van 'n demokratiese ooreenkoms in Suid-Afrika bygedra het. In hierdie verband is 'n oorhoofse onderhandelingsingesteldheid met behulp van 'n raamwerk geïdentifiseer wat elke party met onderhandelinge gevolg het. 'n Party dra hiervolgens suksesvol tot die bereiking van 'n demokratiese ooreenkoms by deur 'n basiese balans te handhaaf tussen 'n samewerkende onderhandelingsingesteldheid (waardeur die onderhandelingsverhouding bevorder word) en 'n handhawende onderhandelingsingesteldheid (waardeur ondersteuners se belange bevorder word).

Die ANC het ten opsigte van die 1993-Grondwet min of meer sodanige balans gehandhaaf ('n effens meer samewerkende as handhawende ingesteldheid), terwyl die klem van dié Party na die verwesenliking van die belange van ondersteuners verskuif het ('n meestal handhawende ingesteldheid) met die onderhandeling van die 1996-Grondwet. Die NP het ook ten opsigte van die 1993-Grondwet sodanige basiese balans gehandhaaf (effens meer handhawend as samewerkend), terwyl 'n ingesteldheid van meer samewerkend as handhawend ten opsigte van die daarstelling van die 1996-Grondwet openbaar is. Die IVP se onderhandelingsstyl van vermyding, deurdat aan beide grondwetskrywende prosesse onttrek is, het beteken dat dié Party nie 'n bewussyn openbaar het dat dit noodsaaklik is om ook toegewings te doen ten einde 'n wedersyds aanvaarbare oplossing te vind wat tot die vestiging van die demokrasie lei nie.

Sleutelterme

onderhandelde oorgang, oorgang na demokrasie, grondwetlike onderhandelingsprosesse in Suid-Afrika, rol van politieke partye, onderhandelingsstyl en -ingesteldheid, verwesenliking van partystandpunte, African National Congress (ANC),



Nasionale Party (NP), Inkatha Vryheidsparty (IVP), 1993- of “Oorgangsgrondwet,
1996- of “finale” Grondwet.

SUMMARY

A constitutional analysis of selected standpoints during the constitutional negotiation processes in the Republic of South Africa: 1992-1996

by

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A negotiated transfer to democracy took place in South Africa from 1992 to 1996. In this period two constitutions were negotiated by the political parties concerned. The study shows, as a first contribution, that the South African example of the negotiated transfer supports the view in the literature that political parties can play an important role in the execution of tasks related to a transition, if they have the necessary capability.

The main problem stated in the study is whether an analysis of the constitutional negotiation processes will show whether an inevitable relation exists between the realisation of the standpoints of a party in a constitution, and the political power of such a party. The standpoints of the three major parties compared with the negotiation results showed that there was indeed such a relation (between the realisation of the number of standpoints in a constitution and the political power of a party). The two major parties (the ANC and the NP) were in a relative balance of power with the negotiation of the 1993 Constitution, and a compromise was therefore reached between the NP's general policy goal of power sharing and the ANC's general policy goal of majority government. Core aspects of both these policy goals were realised. The ANC had the greater political power with the negotiation of the 1996 Constitution and the negotiation result was therefore closer to the policy goal of majority government than to power sharing. The IFP withdrew from both negotiation processes, but did not escape the influence of the balance of power between the

parties in so doing, because the general policy goal (of a strongly federal, decentralised system) were not achieved.

The study further shows to what extent parties contributed successfully to the democratic agreement in South Africa. In this regard, a negotiation disposition that each party followed in negotiations was identified by means of a framework. A party contributes successfully to the realisation of a democratic agreement by achieving a basic balance between a cooperative disposition (through which the negotiation agreement is promoted) and an assertive disposition (through which the interests of supporters are promoted).

The ANC managed to achieve such a basic balance regarding the 1993 Constitution (a disposition of being slightly more cooperative than assertive was identified), while the focus shifted to the realisation of the interests of supporters (a mostly assertive disposition) with the negotiation of the 1996 Constitution. The NP also achieved such a basic balance in regard to the 1993 Constitution (slightly more assertive than cooperative), while a disposition of more cooperative than assertive was shown in the realisation of the 1996 Constitution. The IFP's negotiation style of avoidance (in withdrawing from both constitution writing processes), meant that it did not reveal the consciousness that it is also necessary to make concessions in order to find a mutually acceptable solution that would lead to the establishment of democracy.

Key terms

negotiated transition, transition to democracy, constitutional negotiation processes in South Africa, role of political parties, negotiation style and disposition, realisation of party standpoints, African National Congress (ANC), National Party (NP), Inkatha Freedom Party (IFP), 1993 or "Interim" Constitution, 1996 or "final" Constitution.