

Country/entity	South Africa
Region	Africa (excl MENA)
Agreement name	CODESA Declaration of Intent
Date	21 Dec 1991
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict Post Apartheid South Africa and Namibian Independence (1990 - 1994) South Africa – internal. The roots of the modern South African conflict are found in the British and Dutch colonization of Southern Africa, which resulted in the introduction of a white minority who soon held power in the region. The South African state emerged following a hard-fought pact between the British government and the white Afrikaner minority. ‘Apartheid’ – the Afrikaans word for separateness – became official government policy after 1948. Resistance to this system was widespread and took diverse forms. In 1912, the African National Congress (ANC) was formed to push for reforms in the country. After the 1960 Sharpeville massacre several organisations around the ANC took up arms and began to fight the Apartheid government using violent means. During the 1980s, President P.W. Botha introduced a reform policy that enabled the post-1990 peace agreements, which paved the way for the end of the apartheid system. South Africa- Namibia. One set of agreements relates to the independence of Namibia which followed from the end of apartheid. Close Post Apartheid South Africa and Namibian Independence (1990 - 1994)
Stage	Pre-negotiation/process
Conflict nature	Government
Peace process	South Africa peace process
Parties	SAG, CODESA (Democratic Party, Dikwankwetla Party, Inkatha Freedom Party, ANC, Bophuthatswana Govt, Inyandza National Movement, Intando Yesizwe Party, Labour Party of SA, Natal/Tvl Indian Congress, National Party, National People's Party, Solidarity, SA Communist Party, Transkei Govt, United People's Front, Venda Govt, Ximoko Progressive Party)

Third parties

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Description

This short agreement outlines agreed principles for a future constitution as a result of the Convention for a Democratic South Africa. It provides for present and future participants to put forward democratic proposals, and that the Convention will establish a mechanism for co-operation of parties with administrations and the South African Government.

Agreement document

[ZA_911229_CodesaDeclarationIntent.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups**Children/youth**

No specific mention.

Disabled persons

No specific mention.

Elderly/age

No specific mention.

Migrant workers

No specific mention.

Racial/ethnic/national group

Groups→Racial/ethnic/national group→Rhetorical
Page 1, PREAMBLE

... to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination;

Page 1, PREAMBLE

... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:

- that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;
- that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;

Page 1, PREAMBLE

... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:

- that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;

Religious groups Groups→Religious groups→Rhetorical
Page 1, PREAMBLE
... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:
... • that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender Page 1, PREAMBLE
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Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general)

Page 1, PREAMBLE

We, the duly authorised representatives of political parties, political organizations, administrations and the South African Government, coming together at this first meeting of the Convention for a Democratic South Africa, mindful of the awesome responsibility that rests on us at this moment in the history of our country, declare our solemn commitment:

Page 1, PREAMBLE

... to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination;

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State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

Political institutions (new or reformed)	Governance→Political institutions (new or reformed)→General references Page 1, PREAMBLE [Declaring a solemn commitment to] establishing a constitution that will ensure, inter alia: • that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;
Elections	Page 1, ... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia: ... • that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;
Electoral commission	No specific mention.
Political parties reform	Governance→Political parties reform→Other political parties reform Page1 We, the duly authorised representatives of political parties, political organizations, administrations and the South African Government, coming together at this first meeting of the Convention for a Democratic South Africa, mindful of the awesome responsibility that rests on us at this moment in the history of our country, declare our solemn commitment: that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory; that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary; that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;
Civil society	Page 2, ... We, the representatives of political parties, political organizations and administrations, further solemnly commit ourselves to be bound by the agreements of CODESA and in good faith to take all such steps as are within our power and authority to realise their implementation.
Traditional/religious leaders	No specific mention.

Public administration

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making

Page 1, PREAMBLE

... to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilization and by promoting free political participation, discussion and debate;

Page 1, PREAMBLE

... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:

- that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;
- that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;
- that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;
- that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances;
- that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;
- that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees

Power sharing

Political power sharing

No specific mention.

Territorial power sharing

No specific mention.

Economic power sharing

No specific mention.

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL Page 1, PREAMBLE

general

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Bill of rights/similar Page 1, PREAMBLE

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... • that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees

Treaty

incorporation

No specific mention.

Civil and political rights

Human rights and equality→Civil and political rights→Equality

Page 1, PREAMBLE

... to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination;

Page 1, Preamble

[...] to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans;

Human rights and equality→Civil and political rights→Freedom of association

Page 1, PREAMBLE

... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:

... • that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees

Human rights and equality→Civil and political rights→Vote and take part

Page 1, PREAMBLE

... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:

... • to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilization and by promoting free political participation, discussion and debate;

... • that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 1, PREAMBLE

... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:

... • that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees

Human rights and equality→Civil and political rights→Other

Page 1, PREAMBLE

... to work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;

Socio-economic rights

No specific mention.

Rights related issues

Citizenship	<p>Rights related issues→Citizenship→Citizen, general</p> <p>Page 1, PREAMBLE</p> <p>... to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination;</p>
Democracy	<p>Page 1, PREAMBLE</p> <p>... to work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;</p> <p>Page 1, PREAMBLE</p> <p>... to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilization and by promoting free political participation, discussion and debate;</p> <p>Page 1,</p> <p>... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:</p> <ul style="list-style-type: none">• that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;... • that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation; <p>Page 2,</p> <p>We agree:</p> <ul style="list-style-type: none">• that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts Page 1, PREAMBLE
... to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:
... • that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;
... • that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances;
... • that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 1, PREAMBLE
... to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans;

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** Page 1, PREAMBLE
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Page 1, PREAMBLE
... to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilization and by promoting free political participation, discussion and debate;

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	Page 1, PREAMBLE ... to work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Agreed that the present and future participants be entitled to put forward any proposal consistent with democracy; CODESA to establish mechanism to agree leg with SAG to implement agreements

Page 2,

- that CODESA will establish a mechanism whose task it will be, in cooperation with administrations and the South African Government, to draft the texts of all legislation required to give effect to the agreements reached in CODESA.

Related cases No specific mention.

Source UN Peacemaker [peacemaker.un.org]
