

**Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>**

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) )
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	-
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.

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Agreement document [ZA\\_911229\\_CodesaDeclarationIntent.pdf](#)  | [Download PDF](#)

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## 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	<p>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;</p> <p>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;</p> <p>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;</p>
Religious groups	<p>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;</p>
Indigenous people	No specific mention.

Other groups No specific mention.

Refugees/  
displaced  
persons No specific mention.

Social class No specific mention.

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## Gender

Women,  
girls and  
gender 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;

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

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## State definition

Nature of state (general)	<p>Page 1, PREAMBLE</p> <p>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:</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> <p>Page 1, PREAMBLE</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"><li>• 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;</li></ul>
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.

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## 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

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## 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.

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### **Human rights and equality**

Human rights/RoL general 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

Bill of rights/similar 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

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.

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## **Rights related issues**

Citizenship      Rights related issues→Citizenship→Citizen, general  
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;

Democracy      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;

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,  
... 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 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;

Page 2,  
We agree:  
• 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.

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## Rights institutions

NHRI No specific mention.

Regional or  
international  
human  
rights  
institutions No specific mention.

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## 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.

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### **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.

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### **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.

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## Security sector

Security Guarantees 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 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.

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## **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;

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## 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](http://peacemaker.un.org)]

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