



Members of the ANC delegation in Lusaka

Photo: GOPAL NARANSAMY

TIC comments on the ANC's constitutional guidelines

In the light of the debate about the constitutional future of South Africa, we consider it important to examine the ANC's latest constitutional guidelines.

The central features of the guidelines are set out below, as are the guidelines themselves.

The State

The apartheid state and the racial policies of the National Party have sown deep divisions and encouraged inter-racial hostilities. It is therefore appropriate that the ANC's guidelines begin with the restructuring of the state in order to achieve a strong non-racial government and thereby provide a firm basis for national reconciliation and co-operation between the different communities.

National Identity

The National Party has manipulated cultural and language differences amongst the people of South Africa to enforce division and to protect white minority rule.

The ANC's guidelines recognises the cultural and language differences of the people and provides the facilities for those different cultures and traditions to be freely expressed and developed, provided no single group claims special powers and privileges.

Bill of Rights

What is tragically absent in South Africa under Nationalist Party rule is the guarantee of fundamental human rights of all citizens irrespective of race, colour, sex or creed. The ANC's guidelines contain a Bill of

Full text of the 'constitutional guidelines'

The State

- a) South Africa shall be an independent, unitary, democratic and non-racial state.
 b) Sovereignty shall belong to the people as a whole and shall be exercised through one central legislature, executive, judiciary and administration. Provision shall be made for the delegation of the powers of the central authority to subordinate administrative units for purposes of more efficient administration and democratic participation.
 c) The institution of hereditary rulers and chiefs shall be transformed to serve the interests of the people as a whole in conformity with the democratic principles embodied in the constitution.
 d) All organs of government, including justice, security and armed forces, shall be representative of the people as a whole, democratic in the structure and functioning, and dedicated to defending the principles of the constitution.

Franchise

- e) In the exercise of their sovereignty, the people shall have the right to vote under a system of universal suffrage based on the principle of one person/one vote.
 f) Every voter shall have the right to stand for election and to be elected to all legislative bodies.

National Identity

- g) It shall be state policy to promote the growth of a single national identity and loyalty binding on all South Africans. At the same time, the state shall recognise the linguistic and cultural diversity of the people and provide facilities for free linguistic and cultural development.

Bill of Rights and affirmative action

- h) The constitution shall include a Bill of Rights based

on the Freedom Charter. Such a Bill of Rights shall guarantee the fundamental human rights of all citizens, irrespective of race, colour, sex or creed, and shall provide appropriate mechanisms for their protection and enforcement.
 i) The state and all social institutions shall be under a constitutional duty to take active steps to eradicate, speedily, the economic and social inequalities produced by racial discrimination.
 k) The advocacy or practice of racism, fascism, nazism or the incitement of ethnic or regional exclusiveness shall be outlawed.
 l) Subject to clauses (j) and (k) above, the democratic state shall guarantee the basic rights and freedoms, such as freedom of association, thought, worship and the press.
 Furthermore, the state shall have the duty to protect the right to work and guarantee the right to education and social security.
 m) All parties which conform to the provision of (i) to (k) above shall have the legal right to exist and to take part in the political life of the country.

Economy

Although greater thought and debate must take place around how the economy needs to be restructured, two basic principles set out in the ANC's guidelines are particularly noteworthy when we look at a future economy.

o) The state shall have the right to determine the general context in which economic life takes place and define the limit to the rights and obligations attaching to the ownership and use of productive capacity.
 p) The private sector of the economy shall be obliged to cooperate with the state in realising the objectives of the Freedom Charter in promoting social well-being.
 q) The private sector of the economy shall be a mixed one, with a public sector, a private sector, a co-operative sector and a small-scale family sector.

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Economy

n) The state shall ensure that the entire economy serves the interests and well-being of the entire population.

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The first is that the economy will be restructured to serve the interests and well being of all the people. The second is that changes in the economy will be made to harness our material and human resources effectively for economic advancement and prosperity.

Under National Party rule the tax burden of the individual is getting heavier while big businesses and mines contribute less.

Furthermore cases of corruption in government departments are reported daily, while legalised looting of the country's

wealth by MP's and councillors go unchallenged. For example, the buy-back pension schemes will cost ratepayers in the Transvaal over 45 million rands in the first year.

Under present conditions only the bureaucrats and state functionaries benefit, while the ordinary person in the street is faced with an ever increasing cost of living and rising GST.

Workers

The TIC fully endorses the concept of a Worker's Charter, protecting trade union rights and

r) Co-operative forms of economic enterprise, village industries and small scale family activities shall be supported by the state.

s) The state shall promote the acquisition of management, technical and scientific skills among all sections of the population, especially the blacks.

t) Property for personal use and consumption shall be constitutionally protected.

Land

u) The state shall devise and implement a land reform programme that will include and address the following issues: Abolition of all racial restrictions on ownership and use of land; implementation of land reform in conformity with the principle of affirmative action, taking into account the status of victims of forced removals.

Workers

v) A charter protecting workers' trade union rights, especially the right to strike and collective bargaining, shall be incorporated into the constitution.

Women

w) Women shall have equal rights in all spheres of public and private life and the state shall take affirmative action to eliminate inequalities and discrimination between the sexes.

The family

x) The family, parenthood and children's rights shall be protected.

International

y) South Africa shall be a non-aligned state committed to the principles of the Charter of the OAU and the Charter of the UN and to the achievement of national liberation, liberation, world peace and disarmament.

the right to strike. However, greater attention must be given to ways to increase the involvement and participation of workers in decision making at all levels in the economy.

The guidelines clarify the ANC's position on a number of different issues and as such are worthy of attention.

Furthermore, they improve the prospects for peace and stability and a smooth transition to a non-racial democracy.