

ANC GUIDELINES ON A CONSTITUTION

In August this year the ANC released a draft document, intended to form the basis for discussions about the type of constitution the forces of democracy would like to see in a liberated South Africa. In the interests of debate and progress, PHAMBILI introduces the Guidelines and then reprints them.

INTRODUCTION

THE document called "Constitutional Guidelines for a Democratic South Africa" is the product of two years of research and discussion inside the ANC, spearheaded by the movement's legal and constitutional department. Department head Zola Skweyiya, and others in the ANC, have stressed that these are intended to be guidelines for discussion and not to produce a final constitution.

Even after suggestions from the mass democratic movement have been incorporated, the revised document would retain the status of guidelines, according to Skweyiya. This is for two reasons: Firstly a "complete constitution could only correctly be drawn up by elected representatives of all the people of our country - ideally sitting as a constituent assembly". Secondly "the nature of the transfer of power from the apartheid regime to the majority will obviously play a major part in defining the terms: An armed seizure of power will bring with it different requirements and demands from a negotiated hand-over."

Nevertheless, the ANC regards it as important that discussions

around our future constitution begin now. Contrary to suggestions in the commercial press, the Guidelines are not meant to replace the Freedom Charter. They are based on, and must be read with the Charter. In the Preamble to the Guidelines, the ANC emphasises the need to build on the vision contained in the Freedom Charter: "The Freedom Charter was the first, systematic statement in the history of our country of the political and economic vision of a free democratic, non-racial South Africa. (It) remains unique as the only South African document of its kind that adheres firmly to democratic principles ... The stage is now approaching where the Freedom Charter must be converted from a vision of the future to a constitutional reality".

The Guidelines are intended as the first step in this process of converting our "vision of the future into a constitutional reality.". Revisions to the Guidelines will be made on the basis of ongoing discussions in the broad democratic movement. The ANC hopes that a seminar will be held before next year to discuss the Guidelines.

As Skweyiya points out, all sorts of international forces are making constitutional proposals for our future, but it is the people of South Africa who must provide the answers. "We cannot allow ourselves to be dictated to by outsiders on this issue - we have the experience of Zimbabwe and the Lancaster House constitution, and of Zambia which was handed a constitution by Britain. We will not get our freedom tomorrow, but our people need to start knowing what is involved. These are political issues, and should not be allowed to be the exclusive preserve of the intellectuals, of governments and of party politicians. This is something which should involve every member of the mass democratic movement, of the ANC and of Umkhonto we Sizwe."

PHAMBILI calls on readers to discuss the Guidelines and to submit their views for publication.