

THE AFRICAN NATIONAL CONGRESS: STATEMENT OF AIMS AND PRINCIPLES FOR A
NEGOTIATED RESOLUTION OF THE SOUTH AFRICAN QUESTION

VOTES FOR ALL

The big issue separating the mass democratic movement from the Pretoria government is the franchise.

When Congress was launched on 8 January 1912 its founders had in mind two main objectives. One was to unite the oppressed people of their country into a single nation, embracing all tribes and clans. The other was to obtain access to decision-making at all levels by extending the franchise to the entire adult population.

A great stimulus to the new phase in centuries old struggle against colonial rule and white domination came from resistance to the all-white parliament imposed on our people by white politicians acting hand in hand with the British government and parliament. They drafted and enacted the South Africa Act of 1909 which appeared as the Act of Union of 1910.

It was a racist constitution that barred black South Africans from parliament, denying them the franchise. An exception was made for black voters in the Cape, but they too could not stand for election or be elected to parliament. The ANC and other representatives of the oppressed acted, protesting to the drafters of the constitution and the imperial authorities but without success. Africans, who form 73 % of the total population, have been denied the vote ever since.

Other African states liberated themselves from colonial rule and adopted constitutions that enfranchised the entire adult population. Namibia, the last colony, is well on the way to holding elections in which all Namibians will be able to vote and stand for election in a non-racial parliament. Only South African whites deny the vote to more than 70 %

of their fellow citizens for no reason other than prejudice, habit and fear

In all countries of the world the principle of votes for all is recognised, approved and entrenched. Only white South Africa, which claims to be the most advanced industrial society on the continent, refuses to adhere to what is now a basic human right.

HOW TO ABOLISH APARTHEID

The liquidation of the apartheid system remains a major concern for the for South Africans, the Frontline States, the rest of Africa and the international community.

An overwhelming majority of peoples recognise that apartheid is a heresy and a crime against humanity. They have accordingly joined the struggle for the abolition of this evil system.

In the long run, however, only a joint effort by South Africans themselves will do away with the evil and its consequences.

A united effort of such immense proportions requires the participation of all South Africans in decision-making at every level of government and administration. When this aim has been achieved by means of the universal franchise the agonies and suffering caused by apartheid will be resolved peacefully, by debate, negotiations and political pressure, which is the substance of politics.

That is why the demand of most South Africans is for parliamentary reform, a universal franchise and a united, non-racial and democratic South Africa. These are the aims of the ANC, as set out in numerous declarations since its formation 77 years ago.

THE ANC'S CONSTITUTIONAL AIMS

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Our basic documents are the Freedom Charter, adopted by the Congress of the People in 1955, and the Constitutional Guidelines of 1988. Both were adopted by popular acclaim, widely distributed and acknowledged by members of the democratic movement as a correct though never complete statement of their aspirations for a liberated South Africa.

The Charter restated long-standing aims and was consistent with ANC's Bill of Rights of 1943 which called for 'a fair redistribution of the land' and declared in a preamble that 'South Africa belongs to all who live in it'. The Charter envisaged a democracy based on natural rights, liberalism, and equality of opportunity for individuals

Among other things, the Bill of Rights demanded the 'extension to all adults, regardless of race, of the right to vote and be elected to parliament, provincial councils and other representative institutions'. This remains our chief objective. Other important aims are briefly described in the following summary.

1. Electoral Systems

There are many systems, including proportionable representation or transferable vote and the simple method of selecting the candidate with a majority of votes in her or his constituency. Our choice will be determined by merit and the possibilities of mobilising the electorate for active participation in the exercise of political power and people's sovereignty.

2. Government and Administration

Elections at intervals of five years are not enough to stimulate large-scale participation in the political process. Political education is needed to promote an awareness of the need to engage actively in public affairs in local, regional and central government.

3. Multi-party Systems

The constitution shall guarantee the right of all citizens to form and join parties of their choice, provided they respect the basic rule of equal treatment without discrimination. That is to say, no political party shall be allowed to abuse the right of free association in the interests of a particular race, colour, sex, language or creed. All parties shall open their doors to all citizens.

4. Bill of Rights.

The constitution shall have an entrenched and justiciable bill of rights guaranteeing freedom of association, speech, the press, assembly, movement, residence, occupation, language and culture and other rights and freedoms acknowledged and protected by international law. Justiciable means the right of citizens to challenge in courts of law the validity and constitutional legitimacy of laws and administrative acts.

We agree broadly with the conclusions arrived at by the South African Law (Olivier) Commission's report on a proposed bill of rights (p. 482, par. 16). The commission points out that to operate successfully such a bill must be accepted and trusted by a big majority of the people; and that it will fail to be accepted if blacks are denied the vote. The present constitutional deadlock on the black vote, says the Olivier Commission, will have to be resolved to the satisfaction of all, if the proposed bill is to have credibility, 'for the simple reason that the right to vote is one of the fundamental rights that must be enshrined in any constitution.

5. Law and the Courts

Our country needs a new legal system that will meet the needs of a race-free, open, and industrialised society, that provides guarantees of equal treatment, social justice and respect for the dignity of prisoners,

accused and convicted persons without discrimination. The law and courts should be so designed as to promote actively and aggressively the rights guaranteed by the constitution, some thing that cannot be expected of the the existing all-white judiciary.

It is unique. No other country draws its judges and magistrate solely from members of one racial or cultural category, while deliberately excluding men and women of colour. It will be the task of the new social order to correct this bias without delay.

To create a truly independent judiciary, its members must receive the guarantees now provided of tenure until they reach retiring age, protection against intervention by the executive, and certainty of income. This protection is the more important because judges in the new dispensation will have the power and duty to question and pronounce on the validity of laws, proclamations and administrative acts in accordance with the bill of rights and principles laid down by the constitution.

A testing right of this kind does not now exist. The Olivier commission has recognised this gap in the judicial system in a comment on the competence of a court to test the validity of legislation. 'There is no substantive testing right' (Report, p.168) In the new social order the courts will be expected to question the validity of statutes that transgress the bill of rights and the guarantees in the constitution of protection against abuse by policemen, and other members of the security forces.

The Olivier commission concludes that the idea of unbridled parliamentary sovereignty is foreign to the common law (Report, p.181, par.8.47) , and severely hampers the courts in matters affecting the curtailment of rights by legislation Furthermore, there is no international charter, documents, convention or manifesto relating to human rights which has received

statutory recognition and can therefore be enforced by the courts.
(Olivier Commission, above, p.181)

6. A MIXED ECONOMY

South Africa's economy has always been 'mixed', comprising a large public sector and big monopolies that dominate private firms and small-scale individual enterprises. Both public and private sectors are controlled by the white minority and serve its interests, leaving the black population in a state of poverty and dependence.

A glaring example is the unequal distribution of land which has been at the heart of inter-racial conflict during centuries of colonial conquest, expropriation, and forced labour. The outcome of this ongoing process of territorial segregation has been the restriction of African land rights to a bare 13% of the surface area; and even this small portion, expected to accommodate more than 72% of the total population, is being reduced by the penetration of white capital into the reserves areas, known commonly as bantustans, and the compulsory removal of a so-called 'surplus' African population from towns, farms and areas owned and settled by them outside the boundaries of the segregated reserves.

The new social order will correct this injustice by measures taken to promote the common interests of all citizens through economic growth, the harnessing of productive forces to increase output while at the same time raising the living standards of the deprived and poverty-stricken section of the population. A policy of affirmative action will be operated to close the gap in living standards between poor and rich of all races. Land and agrarian reform will be carried out in such a way as to satisfy productive needs and reconcile this with the widespread and urgent demand of landless people for an equitable redistribution of the land

7. Capitel and Labour

South Africa is a capitalist society, in which labour and capital are the basic components of every sphere of social endeavour. Our perspective on this relationship is directed towards promoting the interests of the working people, who have been the mainstay of our struggle for basic rights, removal of apartheid and the achievement of voting rights for all citizens. We stand for active participation of the workforce in decision-making on the factory floor, in the mine shaft, on the farm and in all enterprises of the mixed economy. Management of the main sectors of commerce and industry are now monopolised by the white directors and managers up to the extent of more than 90 % of executive boards. In the new society blacks will be provided with training and opportunities to take their place in the running of the firm, factory, mine, and the public services.

A Negotiated Settlement

Consistent with our basic aims and record of attempts to reach a settlement with the minority government the ANC puts forward proposals for negotiation. We have spared no effort to bring South Africans together to transform our country into a united, democratic and non-racial state in keeping with the rights and freedoms set out in our basic programmes and bill of rights.

It is necessary for an appropriate climate to be created, the responsibility for which rests entirely with the forces of power. The government should accordingly :

1. release all political prisoners and detainees and refrain from imposing restrictions on them;
2. lift bans and restrictions on proscribed and restricted organisations and persons;
3. remove all troops from the townships;
4. end the state of emergency and repeal the Internal Security Act together