

Second Council's term of office ends:

Many successes achieved

DURING the second term of the Teachers' Federal Council under the chairmanship of Prof Hennie Maree, delegations of the Council conducted formal interviews with the Ministers and the Departments of National Education and Education and Culture (Administration: House of Assembly) on more than 20 occasions. Major successes are the following:

- the housing allowance limit was raised from R50 000 to R70 000;
- paid accouchement leave for women teachers was approved;
- salary adjustments were granted on 1 January 1989, 1 March 1990, 1 April 1990 and 1 July 1991;
- the amount made available by the Government for service benefits improvements is now divided between education and the rest of the Government sector in terms of a formula, and the education sector itself

decides on the utilisation of the money made available;

- progress was made regarding the elimination of disparity between male and female teachers. From July this year only one notch difference between male and female educators at post level 1 (category D and lower) will remain, and this difference will be eliminated in 1992;
- the salary backlog of education *vis-à-vis* the rest of the Government Sector was handled and an undertaking was obtained that the relative position *vis-à-vis* the rest of the Government sector will be maintained;
- the introduction of an additional post level above post level 7;
- the applications of teachers, who applied before a certain date to purchase pensionable service years, were handled in terms of the tariffs applicable before revision;
- the provision for teaching staff when their

posts become redundant was changed in such manner that all educators are now treated in the most favourable manner;

- aspects of curriculum, in particular the availability of handbooks, was handled. An agreement was reached and representatives of the publishing industry are now involved in the planning process;
- the re-issuing of education diplomas that were earlier cancelled in the process of consolidation is being considered;
- a communication strategy for the education sector is being planned;
- the profession participated in the activities of the working parties which formed part of the Education Renewal Strategy;
- a comprehensive model for teacher training is being considered and special attention was also given to the place of colleges of education;
- various matters concerning pension affairs were considered and submissions were made *inter alia* concerning earlier retirement, a uniform age of retirement and the privatisation of the pension fund for educators.

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out
yet

THIS IS WHAT THEY SAID...

- Any steps or planning in education which is not viable and which can also make no real contribution to the improvement of the broad problems with which the education of all population groups are confronted, should be avoided.

(Prof Hennie Maree, media statement, 14 March 1991).

- The continent of Africa is strewn with the evidence, for instance of transitions from a colonial period to a new dispensation. Some of the evidence is positive, other evidence is tragic. We can, nevertheless, learn from all the examples.

(Prof Hennie Maree, DEC Staff Meeting, 26 March 1991).

- The TFC supports the principle of a say for parents, but the management of a community school should not be seen as synonymous with it.

(Prof Hennie Maree, media statement, 10 September 1990).

- I have the impression that education has now become the punching bag of everybody in the community. Allegations are made from left and right and from the centre that nothing which has been established in education, is good.

(Prof Hennie Maree, DEC Staff Meeting, 26 March 1991).

- Where we are at the beginning of the 1990's, the scenario has changed drastically. We now in fact have to take into account that which earlier appeared impossible and we must deal with practical realities which were earlier deemed highly improbable.

(Prof Hennie Maree, TED Symposium, April 1991).

- The formal education system as such will be radically revised. The State cannot provide free education to every child in the country from the cradle to the grave as it were.

(Prof Hennie Maree, TED Symposium, April 1991).

- If it were wrong in the past that education largely reflected the opinions of a minority, it would be just as problematic in future the education system directed itself exclusively to meeting the demands of the "oppressed" and the "disadvantaged" without acknowledging that education has already brought about much which is of value, even if the underpinning political and philosophical points of departure were deficient.

(Prof Koos Steyn, National Education Symposium, Bloemfontein, 19 April 1991).

- Amendments to education practices and education practices themselves should be based on scientifically accountable research and not on emotional or political or other convenient reasons.

(Prof Koos Steyn, National Education Symposium, Bloemfontein, 19 April 1991).

- I believe that the profession has a responsibility to ensure that valid expectations are met and that the profession is protected against interference in its professional affairs.

(Mr Allan Powell, Ed Futurum Conference, Bloemfontein, 26-27 November 1990).

- Education is definitely not the panacea for all society's ills. There will increasingly be attempts and strategies both to deny and to defend the truth of this statement and the profession will mostly be in the role of a batsman desperately defending his wickets as the world just keeps on hurling more and more bouncers down at him.

(Mr Allan Powell, Ed Futurum Conference, Bloemfontein, 26-27 November 1990).

The members of the Council serve for a period of two years and they are elected by the member associations of the Council. The Council itself elects the office bearers (Chairman and Vice-chairman) and elects several committees to perform its functions, for example the Standing Committee, the Executive Committee, the Finance Committee and a number of other committees which focus on specialised fields.

The official report of the second term of the Council is expected to be published towards the end of 1991.

Easier access to research

THE TFC has decided to link up with the SABINET and ERIC systems in order to facilitate access to research. It is envisaged that members of teachers' associations which are members of the TFC will be able to utilise this facility through their associations.

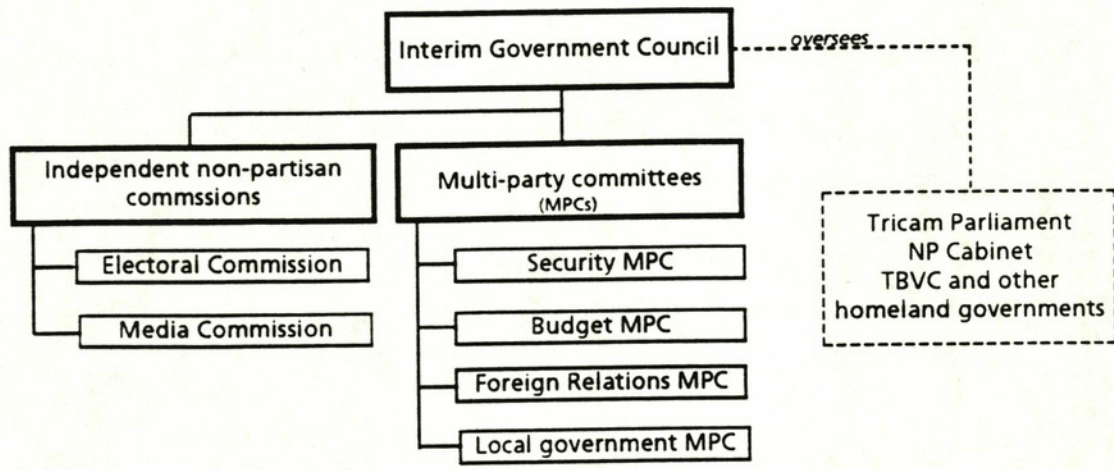
The SABINET and ERIC systems are information systems which use computers to determine what literature is available in South Africa and overseas on a particular theme. Information can then, for example, be obtained from South African libraries. Information can even be obtained from overseas libraries.

Teachers' associations will advise their members in due course on how the service will eventually be made available to individual educators.

Phase I: An impartial referee

Codesa agrees

Tricam legislates



Elections for Constituent Assembly

Interim structures in this phase will be charged with the task of levelling the playing field. They should ensure equal treatment for all organisations, especially in the election campaign.

Three categories of structures will be needed:

1. Independent commissions appointed by Codesa and non-partisan in their composition:
 - Electoral Commission – made up of South Africans of integrity to organise and supervise elections. It will have sole and exclusive control of the electoral process, with powers to validate or invalidate election results.
 - Media Commission – made up South Africans of high standing to ensure fair and balanced reporting. Emphasis will be on an Independent Communications Authority which will take charge of all state broadcasters and appoint new boards. This will also cover the TBVC territories. (See page 45)
2. Multi-party Committees to take charge of the most important areas: security, the bud-

get, foreign relations and others such as local government. They will have complete control over these areas.

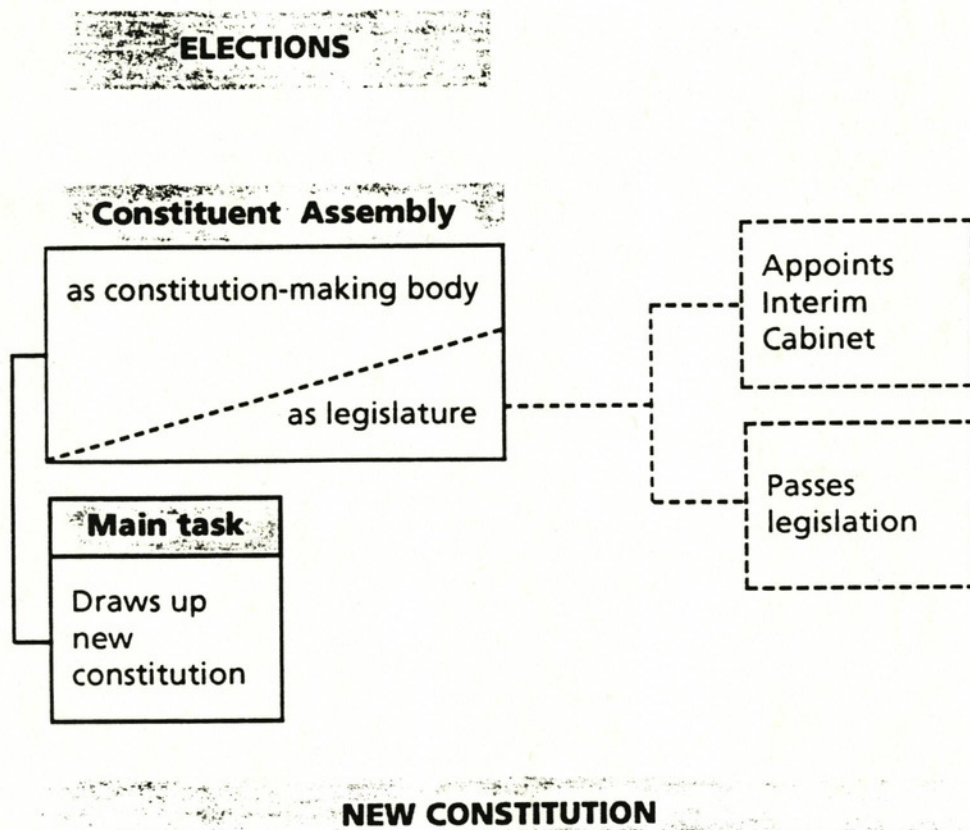
3. Interim Government Council: A body made up of parties in Codesa which oversees the tri-cameral parliament, the NP cabinet and structures in the TBVC and self-governing territories. It can veto as well as initiate legislation. Tri-cameral parliament to dissolve either when elections are declared or when the Constituent Assembly is elected.

The international community should be intimately involved at various levels. In particular, organisations which were represented at Codesa 1 should help supervise elections. Preferably, they should be integrated into at least the Electoral Commission.

Attention needs to be paid to the place and role of socio-economic forums. (See page 29)

The period between the legislation of Codesa decisions and elections should not exceed six months.

Phase II: Sovereign structures



1. The Constituent Assembly (CA) will be elected on the basis of proportional representation. All South Africans 18 years-old and above will be eligible to vote. Some form of identification will need to be agreed upon. Parties which receive 5 per cent and more of the vote will have seats on a proportional basis in the CA.
2. The CA will operate both as a constitution-making body and as a legislative assembly.
 - When it operates as a constitution-making body (the main task) it will take decisions by a two-thirds majority.
 - As a legislative body it will pass legislation relevant to the transition and operate on the basis of consensus. It will also appoint an interim cabinet, preferably from all the parties in the CA. The interim cabinet will also strive to operate by consensus.
3. The constitution-making process should not exceed nine months. Incentives/penalties should be worked out to ensure that this is adhered to. This should apply to all parties.
6. The constitution could include "sunset" clauses to help ease the country into full-blooded democracy.

disadvantages disproportionately experienced by minorities and women, if only to reinforce their claims that race-conscious and sex-conscious programs are merely "interim," as opposed to permanent, remedial measures.

7.95 The ANC's affirmative action clause, as contained in article 13, reads as follows:

1. Nothing in the Constitution shall prevent the enactment of legislation, or the adoption by any public or private body of special measures of a positive kind designed to procure the advancement and the opening up of opportunities, including access to education, skills, employment and land, and the general advancement in social, economic and cultural spheres, of men and women who in the past have been disadvantaged by discrimination.

2. No provision of the Bill of Rights shall be construed as derogating from or limiting in any way the general provisions of this Article.

7.96 The provision proposed by the ANC is very wide and vague. In terms of that provision reverse discrimination would indeed be sanctioned. It appears that the provision is aimed at making the redistribution of wealth possible as advocated by the black liberation movement. In so far as it could mean that it would be possible to take things away from one person and give them to another or that some people could be favoured at the expense of others, the Commission finds the provision unacceptable. The Commission considers that the lesson to be learnt from the application of affirmative action under other constitutional systems is that it can be justified only in so far as it is aimed at the realisation of the principle of equal opportunities for all.³⁸ In particular, a serious warning must be sounded against the misuse of the concept of affirmative action in an attempt to justify the nationalisation of land, or any redistribution of minerals, land and other assets. This, as is evident from the foregoing comparison, is not the content of affirmative action in any developed country. Therefore, any attempt to lend juridical respectability to nationalisation and redistribution under the

38 See also paragraph 3.45 et seq above.

banner of affirmative action will simply not succeed. In any case, in this country it will in all probability be opposed with force. Furthermore, such an attempt has the effect of making the whole institution of affirmative action suspect and eliciting resistance to it, with the danger that the wholesome elements of genuine and sound affirmative action will be thrown out with the bathwater.

7.97 What the object ought to be, therefore, is legislation authorising special programmes to guarantee that all members of society are afforded equal opportunities of realising their potential. This involves the application of funds to give all citizens an equal position at the starting line as far as possible. In effect this may mean that more funds have to be expended per capita on black education and training, black housing, etc.

The Commission's view of affirmative action is therefore not one of reverse discrimination or retribution, but a vigorous programme of upliftment and guarantees of equal opportunities.

7.98 The Commission therefore proposes that the clause in question read as follows:

- (a) Everyone has the right to equality before the law, which means, inter alia, that save as permitted in this article, no legislation or executive or administrative act shall directly or indirectly favour or prejudice any person on the grounds of his or her race, colour, sex, religion, ethnic origin, social class, birth, political and other views or disabilities or other natural characteristics.
- (b) To this end the highest legislative body may by legislation of general force and effect introduce such programmes of affirmative action and vote such funds therefor as may reasonably be necessary to ensure that through education and training, financing programmes and employment all citizens have equal opportunities of developing and realising their natural talents and potential to the full.
- (c) The provisions of Sub-Article (a) hereof shall not be construed as making it compulsory for any female person

to perform military service, nor shall pregnancy benefits be construed as favour or prejudice towards female persons (CDP insertion)
 [New Article 3]

The right to human dignity merits separate mention and more properly belongs with the right to a good name and reputation, which is dealt with next.

(d)

ARTICLE 3

7.99 Existing wording of Article 3

The right to a good name and reputation.

7.100 Hardly any comment was received with regard to this article. The Cape Town Chamber of Commerce suggests that since persons should earn the right to a good name and reputation, this right should be expressed negatively rather than positively. In practical terms nothing would be achieved by this, and it is simply not in keeping with the system of the draft bill of rights.

7.101 The Southern African Bishops' Conference recommends that a provision be added putting an end to parliamentary privilege. It is also suggested that individuals should have direct access to the media in order to correct false allegations about them. Clearly these aspects do not belong in a bill of rights.

7.102 The ANC recognises no corresponding right in its draft bill. Article 8 of the Namibian Bill protects human dignity; likewise Article 1(1) of the KwaZulu Natal Bill.

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Gill Noero
Democratic Party

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Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. ✓

A/RES/34/180
Annex
Page 4

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.