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**REPORT OF THE
DRAFTING COMMITTEE**

TO THE NATIONAL POLICY CONFERENCE

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INTRODUCTION

HIGHLIGHTING ISSUES RAISED IN PREPARATORY CONFERENCES

This report by the Drafting Committee of the National Policy Conference Committee has been produced in order to highlight those issues which were raised by regions and the leagues in their discussions on the earlier draft and which need to be drawn to the attention of Conference.

In processing the proposals and comments received the Drafting Committee was guided by these principles:

- since Conference will be discussing Policy Guidelines the drafting committee referred elsewhere any proposals concerned with detail or with campaigns and programmes of immediate action :

- * matters of detail were referred to policy sectors to consider as relevant to sectoral policy documents rather than the Policy Guidelines being discussed by Conference;

- * issues raised in proposals for immediate action, or relating to policies during the present phase of negotiations, were considered for inclusion in Conference Resolutions.

- where proposed amendments could be adopted in ways that led to an enhancement of the text without making a substantial addition to or departure from the policy, they were incorporated;

- proposals which would have added substantially to the policy guidelines or differed significantly from them, were not incorporated into the Policy Guidelines. They are listed in this report, which also highlights issues where conflicting proposals were received, or where gaps in policy and lack of clarity on important aspects were noted.

It should be noted that proposals adopted or issues presented for discussion may not appear in the words in which they were submitted, since submissions on related subjects may have come from more than one source.

THE PREPARATORY PROCESS

The earlier draft of the guidelines was sent to all regions and to the Youth League and the Women's League for discussion. Written responses were received from six regions and from the Women's League in time to consider.

Certain sections in the policy document were received by the

drafting committee too late to be sent to regions - they are the sections on PEACE AND SECURITY and YOUTH POLICY. The ENVIRONMENT section has been substantially revised since regions saw it, on the basis of an input from the Western Cape Region. The present policy on ARTS AND CULTURE, which replaces the one sent to Regional Policy Conferences, was submitted by the department after regional consultation - however comments from regional conferences were incorporated.

THE STRUCTURE OF THIS REPORT

The first section of this report - GENERAL ISSUES FOR DEBATE, DISCUSSION OR CLARIFICATION - contains some general comments on the Policy Guidelines document, in particular noting some gaps in policy and some general issues which need attention from Conference. The main body of the text lists the items for the attention of Conference, divided into sections corresponding to the sections of the report but numbered in sequence from beginning to end.

GENERAL ISSUES FOR DEBATE, DISCUSSION OR CLARIFICATION

GAPS IN THE POLICY DOCUMENT

A number of gaps in the policy document have been identified or suggested. These include policies on TRANSPORT; TOURISM; and RURAL DEVELOPMENT. On the general topic of checks and balances, incentives and disincentives, suggestions have been made that consideration should be given to a Court of Audit, Public Service Commission, and sanctions for non-implementation of affirmative action policies.

CIVIL SOCIETY

Clarification is needed from Conference concerning the meaning with which the ANC is using the term 'civil society' in its policies.

COMPENSATION

Differing views were submitted regarding compensation, as to:

(a) whether or not there should be compensation in relevant circumstances and;

(b) if so, whether our policy should be one of 'just compensation' or 'appropriate compensation'

Affected sections occur in:

B. CONSTITUTION (B.5.3 under Property rights, concerning the taking of property in the public interest);

C. ECONOMIC POLICY (C1.8 under STRATEGY, concerning nationalisation); and

D. THE LAND (D2.2.2 under Redistribution concerning expropriation in the public interest; and D2.5.2 under Compensation regarding the effects of redistribution).

ITEMS FOR DISCUSSION OR FOR THE ATTENTION OF CONFERENCE

B. A NEW CONSTITUTION FOR SOUTH AFRICA

1. B2. THE VOTE

Insert at the end of B2.3, the sentence:

Proportional representation should be supplemented by a constituency-based first-past-the-post system at local level.

2. B4. THE EXECUTIVE

Contrary views were received from regions on the question:

Should the President should be directly elected by the people or be elected by the National Assembly?

B5. A BILL OF RIGHTS

3. B5.1 Introduction

In B5.1.5 amend 'The rights of the child' to 'The rights and duties of the child'.

4. B5.2 Worker's rights

Insert at the end of B5.2.1 the sentence:

Important elements of the Charter should be incorporated in the Bill of Rights.

5. B5.3 Human rights for women

Insert at the end of B5.3.6 the sentence:

Important elements of the Charter should be incorporated in the Bill of Rights.

6. B5.5 Property rights

Amendments of two different kinds were proposed:

(a) that:

Property rights should not be entrenched in the Bill of Rights and that the content of B5.5, suitably adjusted, should be dealt with under ECONOMIC POLICY

(b) to insert after B5.5.1 the following paragraph:

The position of property rights in the Bill of Rights should be further investigated and thoroughly discussed to ensure that effective land reform can be achieved. The ANC is concerned that a clause protecting private property may well undermine necessary land reform which is aimed at redressing the injustices of apartheid land measures. If a clause protecting private property is included in the Bill of Rights, this must not undermine or inhibit a comprehensive land reform programme.

The following are ideas on property rights:

7. Delete the last sentence in (B5.5.4):

('In doing so, the country's food supply')

8. B6. AFFIRMATIVE ACTION

Delete at the end of the second-last sentence in B6.1 the words:

'and self-help'

9. B8. RULE OF LAW

Replace B8.7 and B8.8 by the following paragraphs, (noting that wo new paragraphs B8.1 and B8.5 have been inserted in the text):

- (a) The first priority in any strategy to combat crime is to tackle the crime-producing (criminogenic) conditions that prevail in our society. In place of ideologies and official practices that diminish the value of life or place one life above another the ANC will elevate the importance and dignity of all human beings, and commits itself to deal with the pressing needs of the majority of South Africans.
- (b) Secondly, the ANC declares that there will be no respect for the institutions that enforce law and order unless the people respect the law. This they will do if the laws are just and if they participate both in the making of them and in their enforcement. A just criminal justice system will enhance respect for the courts and obedience to the law.
- c) Thirdly, a police service will be effective in combatting crime only when it enjoys the confidence of

the communities it serves. It must determine its priorities in consultation with these communities. It must be a police force that is politically non-partisan yet committed to the ideals of democracy, non-racialism and non-sexism. By contrast the existing police force is partisan, enjoys no support, and consequently it is ineffective.

- d) Finally, the ANC believes that a correctional service for the country must play its part not simply in restraining convicts but in rehabilitating convicted persons. Apartheid's overcrowded and authoritarian jails are crime factories which dehumanise its inmates, feeding a culture of violence and despair. The ANC asserts that adequate resources must be made available for the humane accommodation, education, training and job placement of convicts. Failure to do so will only lead to the expenditure of an ever-increasing number of new jails. For this reason the ANC will concentrate on programmes that promote reparation to the victims and service to the community in place of incarceration. The ANC is against any inhumane and cruel punishment.

C. ECONOMIC POLICY

10. C1. STRATEGY

Differing proposals were submitted from some regions concerning C1.1(c), with calls for both a 'living wage' and a 'minimum wage' to be an objective of policy. (See also J2.3)

11A. NEW SECTION

Insert the following new section:

DOMESTIC UNPAID LABOUR

The ANC needs to establish a dual set of accounts which reflect the contribution that women's unpaid work makes to Gross Domestic Product

11B. OMISSION

The absence of a policy on Rural Development was raised. One submission proposed that the following elements should

be included in such a policy:

- a) A reallocation of resources to the rural areas is vital for the establishment of a more balanced economy. To redress the current imbalances, affirmative action in resources need to be routed to the rural areas
- b) Job creation in the rural areas is vital and a shift of emphasis to rural development is needed. Agro-industrial options need to be explored.
- c) Rural development goes beyond the redistribution of land and agriculture. Rural development should include the development of infrastructure such as water, electricity, housing, transport etc.

D. THE LAND

D2 LAND REFORM AND REDISTRIBUTION

12. D2.9 The position of women

Insertion: the following sentence has been added to the end of the paragraph:

The land claims court should be empowered to consider the claims of women who are or who have been excluded from land ownership and entitlement by law, custom or practice.

E. A NEW SYSTEM OF LOCAL GOVERNMENT

13. E2. RESTRUCTURING LOCAL GOVERNMENT

The following paragraphs were deleted, as they deal with issues relating to the current period of negotiations. The issues they raise will be dealt with under Conference Resolutions.

E2.2 This rejection has led to the collapse of over half the Black Local Authorities in South Africa, which has led to the local negotiations currently being conducted between civic associations and local and provincial authorities.

E2.3 The government has responded to this crisis by passing

the Interim Measures for Local Government Act, which aims to put the government in control of locally-negotiated reform of local government structures. The ANC rejects this attempt at unilateral control over the restructuring process.

E2.5 The ANC believes that a uniform national framework for local government reform should be negotiated to guide the reform process. It must conform to the constitutional principles at present being negotiated at national level. The ANC supports the principle of local government reform through local negotiations within such a framework, so long as local agreements are subject to review and approval at national level.

14. *NEW SECTION*

Insert at end of E.:

E5. REGIONAL GOVERNMENT

E5.1 The ANC believes that the constitution should provide for the creation of central, regional and local government (a three-tier system of government). Each tier of government should have powers functions and duties which are either listed in the constitution or in legislation. Towards this end, the ANC proposes ten regions with powers and functions instead of the four provinces.

E5.2 Powers of sub-national government should be harmonised with the powers of central government, bearing in mind that in case of conflict the constitution and national legislation should prevail. In essence regional government would have to function broadly within the framework of national policy. Regional government should not be able to contradict national policy as expressed in the laws of the country, but should influence the shaping of these policies and play a significant role in developing mechanism for implementation.

E5.3 The ANC believes that regional government should have powers to co-ordinate and plan development. But the powers and functions of regional government will need to be balanced with those of the urban and rural local authorities in order to avoid conflict.

F. HOUSING

15. *Housing form and delivery*

Different views were expressed regarding the view expressed in F4.4.5 that:

Every effort should be made to contain the further outward expansion of our cities.

G. HEALTH

G2. *WHAT IS THE CURRENT STATE OF HEALTH SERVICES IN SA?*

16. Clarification is needed in regard to G2.3 of the contrast between the records of the public and private health sectors

G3. *PRINCIPLES OF ANC HEALTH POLICY*

17. *G3.4 Inter-sectoral co-operation*

Insert new sub-section:

G3.4.2 Recognizing the World Health Organization definition of health as including physical, mental and social wellbeing the ANC believes that the health and social welfare sectors need to be integrated together.

18. *G3.8 Personnel*

Insert new sub-section:

G3.8.3 Recognizing the substantial subsidies from the state to all tertiary education doctors should, on completion of their training, be required to work where needed in the public sector for a specific period before entering private practice.

19. *G3.9 Women's Health*

Insert new sections:

G3.9.3 Abortion should be legalized and should be

available through the NHS with pre- and post-abortion counselling and support systems.

G3.9.4 Commercial sex should be legalized. Commercial sex workers should be registered and integrated into health and gender initiatives and should have access to regular health checks.

G3.9.5 Special education programs on cervical cancer should be adopted and PAP smears for women should be freely and routinely available.

20. *NEW SECTION*

Insert new section

G3.11 TRADITIONAL HEALERS

G3.11.1 Traditional healers should be registered or licensed and should be integrated into the NHS.

G3.11.2 Consultations with traditional healers will be recognized as sick leave entitlements.

H. SOCIAL WELFARE

21. *H1. INTRODUCTION*

Insert before first paragraph the following as a preamble:

The ANC, in keeping with its general commitment to an egalitarian society, rejects the dictum that the poor will always be with us. It believes that poverty is created by society, and that it can equally be eliminated by society.

The ANC's long term goal is to eliminate poverty and to liberate South Africans from material dependence on the government or any other welfare agencies, so that they may live self-possessed dignified lives.

Its immediate goal is to assist the poor to overcome their poverty to help the resourceless acquire resources through:

- * financial assistance;

* provision of capital and skills that will alleviate their dependency;

* affirmative action to reduce social inequality and redress past imbalances.

The ANC's Welfare policy will accordingly pursue welfare in the context of social reconstruction, development and affirmative action.

In its welfare dispensation the ANC will give priority consideration to those sectors of the South African population who have been the most deprived and most violated by the politics of racism and underdevelopment.

Welfare grants that have developed in the country over the years and to which the people have been familiarised will be retained, except that all race and gender discriminations will be eradicated from these. Additional grants will be added following the fullest possible discussions with welfare and welfare-related citizen's groups, locally, regionally and nationally.

The existing rural and urban differences in the provision of welfare services will be eliminated. Welfare in the rural areas will be pursued in conjunction with rural development, and pursued with the objective of reconstituting the black, and more specifically the African peasant.

The development of welfare will constitute effective structures, through the family and the neighbourhood, and with the co-operation of civic, educational and religious bodies, to develop youth programmes directed to integrate the youth into the body of the new non-racial non-sexist democracy.

The welfare policy will ensure the security and freedom of the child to grow in an environment of inter-dependent support from the family and from day-care centres, creches and schools. The state shall establish such extra-family support systems and subsidise community efforts in this direction.

22. H2. THE PROVISION OF SOCIAL SERVICES

Insert the following at the end of the section:

H2.6.5 Counselling and support systems for the terminally ill and their families will be provided if required, if required.

H2.6.6 Family-life, violated by the apartheid laws,

political repression and violence, should be integrated, with special regard to women-headed households.

H2.6.7 Urban and rural co-operatives should be organised as an integral part of welfare policy.

H2.6.8 Special programmes will be developed for youth destabilized as a result of political repression and breakdown of the educational system.

23. NEW SECTION

Insert before present section H3.:

EDUCATION AND TRAINING OF SOCIAL SERVICE PERSONNEL

The education and training of social service personnel shall be geared to developing a pool of skilled personnel who can be deployed within communities within a short period of time. Curricula at all levels should be developed within the context of the experiences and social, economic and political realities of Southern Africa, while retaining essential theoretical frameworks and techniques. The social work curriculum will accordingly be revised in consultation with the universities and appropriate professional welfare bodies, and the course shall include adequate training in understanding power processes, economic and political and accessing resources so that such knowledge may be transmitted to communities.

The ANC recognises the importance of social workers in reconstruction and nation building. It also realises that the present ratio of social workers to people is in the region of 1:40 000 among Africans, (the white ratio being 1:1 160) is wholly inadequate. It will take immediate steps to increase the number of social workers available to society and augment the shortage through the introduction of auxiliary community workers as a short-time measure.

24. SOCIAL SECURITY SYSTEM

An issue for debate, in the light of various submissions, is the question of a National Social Security System (NSSS). Key questions here are the following:

- a) Should the ANC commit itself to a NSSS or not?
- b) In the event that we decide positively to the above question, will this policy be part of Social Welfare or Human resource development

- c) How to make certain that the NSSS does not become a hindrance to development?

IA. HUMAN RESOURCES AND SCIENTIFIC DEVELOPMENT

25. *IA1.1 Our objectives*

Insert new paragraph following IA1.1.2

We believe that education and training is a basic human right and that all individuals should have access to lifelong education and training irrespective of race, class, gender, creed or age. Furthermore, we believe that the right to education and training should be enshrined in a Bill of Rights which should establish principles and mechanisms to ensure that there is an enforceable and expanding minimum floor of entitlements for all.

26. *IA1.2 Integrated policies and democratic participation*

Insert in IA1.2.3 after 'In fact, we believe that employers have the prime responsibility for the provision of adult basic education for those in their employ.' a new sentence:

The state will have the responsibility for ensuring the delivery of adult basic education to the unemployed and that generation of youth who have fallen out of the education system.

I. EDUCATION

27. *I1. PROVISION*

Replace current I1.1 with the following paragraphs:

I1.1 PRE-SCHOOL EDUCATION

We believe that the state has a responsibility for the development of a framework for the provision, but not the funding, of pre-school education.

I1.2 PRIMARY AND JUNIOR SECONDARY EDUCATION

- I1.2.1 We are committed to the provision of free and compulsory education to all up to the junior secondary level, that is, a minimum of ten years of education - seven years of primary and three years of junior secondary education.
- I1.2.2 The provision of free and compulsory education will be based on equalizing the per capita expenditure between black and white students. This will be done within a framework which ensures that resources are redistributed to the most disadvantaged sectors of our society, in particular, women, rural and adult students.

I1.3 SENIOR SECONDARY AND POST-SECONDARY EDUCATION

- I1.3.1 The provision of senior secondary (i.e. post-ten years) and post-secondary education will not be free and compulsory. We are, however, committed to redressing the inequalities relating to the access at the senior secondary and post-secondary levels. We will create institutional mechanisms involving maximum flexibility and mobility between different levels of the education and training system - both formal and non-formal, as well as financial mechanisms such as bursaries, student loans, graduate tax, etc. to ensure that all will have access to post-compulsory education.
- I1.3.2 We are committed to progressively expanding the provision of education to the senior secondary and post-secondary levels pending the availability of funds.

A contrary view to the policy outlined in the above paragraphs is the following:

The provision of free and compulsory education by the state from pre-school to matric.

I1.4 ADULT EDUCATION

- I1.4.1 We are committed to the development and provision of adult basic education (including literacy and numeracy) to a level equivalent to ten years of formal schooling.
- I1.4.2 There will be a national system of standards and certificates for Adult Basic Education to enable people to move into the formal education and training system.
- I1.4.3 Formal education institutions and employers will

have the responsibility for providing premises and equipment for adult basic education.

A contrary proposal has been submitted under Human Resources Development concerning I1.4.1, namely that:

Employers will have the prime responsibility for providing Adult Basic Education for those in their employ.

I1.4.4 In order to address the needs of the large numbers of people who have dropped out of the school system as a direct consequence of apartheid practices, we are committed to creating institutional mechanisms to provide education to a level equivalent to ten years.

I1.5 QUANTITY VERSUS QUALITY

I1.5.1 We are committed not only to increasing the quantity (i.e. number of years) of education that individuals have access to, but also improving the quality of the education that they receive. This will necessitate increasing basic resources for the education system, such as equipment and textbooks, improving teacher training and teacher-pupil ratios.

J. HUMAN RESOURCE DEVELOPMENT

28. J1. INTRODUCTION

Insert after the first paragraph

Where full employment means (i) the development of an integrated education and training system which allows people to develop to their full potential and possess employment mobility across companies and industries; and (ii) the development of a comprehensive social security system with adequate provision for unemployment and workers' compensation.

28A. Language policy for schools

A proposal on language policy for schools is contained in Item 37. of this report under ARTS AND CULTURE policy.

29. NEW SECTION

Insert before present section J2.

HUMAN RESOURCES DEVELOPMENT STRATEGY

Provision of education and training will be linked to the development of human resources within a national development strategy aimed at the restructuring of the economy, redistribution and the democratization of society.

Such a strategy will ensure that all development programmes are pursued in a systematic, coordinated and comprehensive manner to ensure that

- (a) development programmes are sensitive to specific needs of each community, particularly with regard to the needs of women, youth and rural people;
 - (b) that allocation of resources in development programmes must redress deprivations and imbalances between and within different communities.
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30. J2. ECONOMIC GROWTH AND PRODUCTIVITY

Differing proposals were submitted from some regions concerning J2.3, with calls for both a 'living wage' and a 'minimum wage' to be an objective of policy. (See also C1.1(c))

31. J3. LABOUR AND EMPLOYMENT

Amendment: This section was previously titled NATIONAL LABOUR COMMISSION

Insert at the end of J3. the following paragraphs:

J3.4 Employment policy

- J3.4.1 In implementing the development of productive employment opportunities with a living wage for all South Africans, the ANC is committed to fair and equitable recruitment and selection policies, without forced labour, press ganging, or migratory labour and including the abolition of prison and child labour.
- J3.4.2 In ensuring the realisation of fair and equitable employment opportunities, legislation will be adopted which will outlaw all forms of discrimination in the workplace.

J3.5 Health and Safety

J3.5.1 The ANC is committed to the establishment of health and safety standards that shall be enforceable, to preserve both the working and the natural environment, and will guarantee the protection, health and safety of workers in all sectors of the economy.

J3.6 Industrial Relations Policy

J3.6.1 The ANC's Industrial Relations Policy is aimed at fostering industrial peace and the settlement of disputes through:

- (a) recognising the rights of free association of workers and their rights to representation in all structures where their interests are affected, especially the extension of these rights to farm and domestic workers;
- (b) recognition of the right to strike for workers in all sectors;
- (c) recognition of the rights of employers;
- (d) maintain the system of collective bargaining and underpin collective agreements as legally binding on the different parties;
- (e) universalise disciplinary procedures and grievance mechanisms for all occupations and sectors;
- (f) the formulation and implementation of an Industrial Relations Act which will protect the interests of all workers, including farm and domestic workers;
- (g) the transformation of the Industrial Court system to enforce the provisions of the Industrial Relations Act.

32. *Social security system*

The issue of a need for a policy on the question of a National Social Security System was raised - see note under E. ECONOMY in this report.

L. ENVIRONMENT

33. NOTE

- (a) The whole of Section L. on the Environment in the Policy Document has been substantially revised on the basis of a submission from the Western Cape Region
 - (b) It was proposed that the policy on the environment should be moved and incorporated with the policy on land in a section on LAND AND THE ENVIRONMENT
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M. ARTS AND CULTURE

INSERTIONS

The following were proposed for insertion:

34. Insert:

Cultural facilities and training will be provided to meet the needs of the disabled and the disadvantaged.

35. Insert:

The constitutional principles of non-racism and non-sexism should take precedence over the right to freedom of cultural and artistic expression

36. Insert:

The names of towns, streets and places in South Africa should be reviewed

37. M2. LANGUAGE

Proposed that: the following be adopted as a language policy for schools

- (1) We recognize the multilingual nature of South

Africa and believe that all individuals must have access through their mother tongue and English as the language of wider communication to all avenues of social, political, economic and educational life.

- (2) We are committed to providing access to a minimum of two languages a regional lingua franca and English as the national lingua franca. In cases where the home language of the student differs from the regional; lingua franca, access to instruction in the mother tongue will be provided except where not possible because of practical constraints

N. MEDIA

38. *Structures and Legislation*

Two sections, on Structures and Legislation, have been deleted.

39. *N2. BASIC RIGHTS AND FREEDOMS*

Insert a new paragraph in N2.:

Media rights should not override civil rights as defined in the Bill of Rights and the Constitution

40. *OMISSION*

The absence of a policy on advertising media was noted, and the inclusion of such a policy should be considered
