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# *The Economic Implications of the African National Congress' Constitutional Guidelines for a Democratic South Africa*

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*Hosted by*

*The Institute for a Democratic Alternative for South Africa  
in conjunction with*

*The Department of Economics, University of Natal (Dbn)*

*The Industrial Sociologists from the Department of Sociology, University of Natal (Dbn)*



**W**hen IDASA chose to arrange the Dakar visit by South Africans to the leadership of the African National Congress it did so because it knew that the ANC was a major, and misunderstood, actor in the South African scene.

Inside South Africa, with the absence of decisive and visionary leadership, there have been many recent attempts to provide a constitutional vision for the future. The KwaZulu Natal Indaba has been one of the largest and most significant. But the Indaba, despite its wish to involve the broadest cross section of interests, could not, under the conditions inside South Africa, engage in the debate which made Dakar necessary.

In 1988, however, the ANC publicly entered into the debate about the future by publishing its constitutional guidelines. These describe the vision which they will bring to the negotiating table.

A document like this provides a starting point for discussion. So IDASA has published it, together with an introduction by Dr Ian Philips and the complementary document – the Freedom Charter – to provide you with an opportunity to read and respond to it. Rather than waiting for some future moment after a low intensity war of attrition, South Africans of all persuasions can communicate with one another about the future – reducing tensions, clarifying misunderstandings, spelling out interests and values which will form the basis of options for the future.

Because this communication takes place on paper and across the barricades, it does not yet require change from any party. Rather it encourages honest description of one's position – as the ANC have themselves done here.

You may disagree with all or part of these guidelines, you may suspect the motives or strategic choices of the ANC. Indeed, our publication of this booklet does not mean we necessarily accept the contents of either guidelines or charter. But until you respond, the discussion cannot begin.

IDASA has committed itself to research into responses to the guidelines and will, through a series of public workshops around the country, be collating and communicating these responses so that the discussion over options for the future can continue.

Your response is crucial in helping establish a democratic alternative for South Africa.

**Dr F van Zyl Slabbert**  
Director of Policy and Planning  
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# Introduction

*There is a renewed interest in defining viable, democratically acceptable alternatives to apartheid because of the turbulent times we are passing through. The African National Congress' Constitutional Guidelines, reflecting a commitment to political, social and economic justice, equality, non-racialism and an end to exploitation, are part of that process.*

*These guidelines emerged from an interactive process over two years that involved the National Executive Committee's constitutional committee, the Legal Affairs Department, a series of ANC "in-house seminars", and countless discussions with membership and others. The committee analysed dozens of contemporary constitutions, concentrating largely on the relationship between formal constitutional structures and programmatic prescriptions.*

*Originally, the ANC planned to publish a fully-fledged draft constitution. That idea was shelved, it appears, because of its recognition that Congress itself is not representative of all anti-apartheid organisations. More pointedly, it argues that a new constitution should, ideally, be the product of the deliberations of a sovereign, popularly elected constituent assembly.*

*The historical roots of the guidelines are more diffuse than the formal discussions preceding its publication. Discussion and interpretation of the Freedom Charter and the special position it occupies within the movement has continued unabated since its adoption by the Congress of the People in 1955. The Charter has been the subject of numerous exchanges and the present guidelines continue the process of elaboration.*

*From the early 80's more solid proposals than the suggestive clauses of the Freedom Charter were considered necessary. The apparent ill-preparedness of ZANU(PF) at the 1979 Lancaster House negotiations on the future of Zimbabwe, alerted people to the strategic advantages of possessing a coherent set of proposals if genuine negotiations began here.*

*The ANC's popularity within the country increased dramatically in the wake of the state's response to the rebellion of 1983/4 and beyond. Since 1985 a transformation in the ANC's status occurred. It became a major contender for power, in the eyes particularly of whites locally, and also internationally, even if they all couldn't agree on the merits of that transformation. That domestic challenge to Pretoria's authority coincided with and reinforced the increasing success of international diplomatic and public campaigns to isolate Pretoria and its policies, most notably in Western Europe and the USA.*



*Pretoria's dwindling moral authority was linked to its typically violent response to black political demands, especially since 1976, and the failure of "reform". Conservative governments abroad thought it best to hedge their bets with the possibility of an ANC controlled government; equally nervous local critics looked for greater cohesion and sense of pragmatism that they could not find in the Freedom Charter or general ANC statements. The ANC's increasing pre-eminence focussed critical attention on the organisation and its policies. Hence the constitutional reappraisal was given further impetus.*

*In the final analysis the process by which a new constitution is arrived at, will depend on the nature of the transition (whether through negotiation or through insurrection and armed overthrow of the state, or, what seems more likely a combination of both). The guidelines have a specific status: officials have stressed that the proposals are "no more than" guidelines. As such, they are meant to initiate and encourage serious debate within the country, a process that is already widespread. The ultimate aim is to assist in the creation of a broad national consensus upon which a new South Africa can be based.*

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# The Freedom Charter

## **Preamble**

We, the people of South Africa, declare for all our country and the world to know:—  
That South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of the people;  
That our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;  
That our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;  
That only a democratic state, based on the will of the people, can secure to all their birthright without distinction of colour, race, sex or belief;  
And therefore, we, the people of South Africa, black and white, together — equals, countrymen and brothers — adopt this Freedom Charter. And we pledge ourselves to strive together, sparing nothing of our strength and courage, until the democratic changes here set out have been won.

## **The people shall govern**

Every man and woman shall have the right to vote for and stand as a candidate for all bodies which make laws.  
All the people shall be entitled to take part in the administration of the country.  
The rights of the people shall be the same regardless of race, colour or sex.  
All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

## **All national groups shall have equal rights**

There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;  
All national groups shall be protected by law against insults to their race and national pride;  
All people shall have equal rights to use their own language and to develop their own folk culture and customs;  
All apartheid laws and practices shall be set aside.

## **The people shall share in the country's wealth**

The national wealth of our country, the heritage of all South Africans, shall be restored to the people;  
The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole;  
All other industries and trade shall be controlled to assist the well-being of the people;  
All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.



**The land shall be shared amongst those who work it**

Restriction of land ownership on a racial basis shall be ended, and all the land redivided amongst those who work it, to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose;

People shall not be robbed of their cattle; forced labour and farm prisons shall be abolished.

**All people shall be equal before the law**

No one shall be imprisoned, deported or restricted without a fair trial;

No one shall be condemned by the order of any Government official;

The courts shall be representative of all the people;

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on grounds of race, colour or belief shall be repealed.

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

**All shall enjoy equal human rights**

The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;

The privacy of the house from police raids shall be protected by law;

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;

Pass laws, permits and all other laws restricting these freedoms shall be abolished.

**There shall be work and security**

All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

Child labour, compound labour, the tot system and contract labour shall be abolished.

**The doors of learning and of culture shall be opened**

The government shall discover, develop and encourage national talent for the enhancement of



*our cultural life;*

*All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contacts with other lands;*

*The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;*

*Education shall be free, compulsory, universal and equal for all children;*

*Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;*

*Adult illiteracy shall be ended by a mass state education plan;*

*Teachers shall have all the rights of other citizens;*

*The colour bar in cultural life, in sport and in education shall be abolished.*

***There shall be houses, security and comfort***

*All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security;*

*Unused housing space shall be made available to the people;*

*Rent and prices shall be lowered, food plentiful and no one shall go hungry;*

*A preventive health scheme shall be run by the state;*

*Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children;*

*Slums shall be demolished and new suburbs built where all have transport, roads, lighting, playing fields, creches and social centres;*

*The aged, the orphans, the disabled and the sick shall be cared for by the state;*

*Rest, leisure and recreation shall be the right of all;*

*Fenced locations and ghettos shall be abolished, and laws which break up families shall be repealed.*

***There shall be peace and friendship***

*South Africa shall be a fully independent state, which respects the rights and sovereignty of all nations;*

*South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation – not war;*

*Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;*

*The people of the protectorates – Basutoland, Bechuanaland and Swaziland – shall be free to decide for themselves their own future;*

*The right of all the peoples of Africa to independence and self-government shall be recognised, and shall be the basis of close co-operation.*

*Let all who love their people and their country now say, as we say here:*

*"These freedoms we will fight for, side by side, throughout our lives, until we have won our liberty."*