

MCH 91-90-2-4

**PROPOSAL**

**ON**

**SELECTION COMMITTEE**

**FOR**

**GOVERNMENT STRUCTURES**

1. It has been decided that a committee under the chairpersonship of the President should meet to assess which people or categories of people should stand for parliament and other positions.

This committee should also, as a matter of urgency, develop criteria on the basis of which they will work in order that the NEC/NWC is in a position to assess these and any recommendations that will be made

2. In order for such a committee to make recommendations in regard to individual members, being or not being available for positions it is essential that there be broadly agreed criteria. If these are not developed there may be ill-feelings, in particular, as a result of decisions that X or Y should not stand for one or other position. It must be clear that such decisions have not been made for any reason that can be interpreted as factional.

3. It is therefore essential that the committee making the original recommendations be of impeccable credentials, since the recommendations that they make are likely to carry great weight. This should be seen as weight carried because of the implementation of a mandate and not for partisan reasons. That is why the President's chairpersonship is essential.

4. The motivation for the establishment of this committee and process is because it is considered essential that the ANC is not depleted through almost all of its key leaders and cadres being elected to various levels of government. [As is argued below, the question may not be correctly approached if we assume that depletion means that people going into parliament no longer have concrete organisational tasks under the direction of the constitutional structures of the ANC]

5. Before we can make adequate recommendations, it is essential that we do more thinking about whether people elected to parliament and so on are lost to the organisation and if not so, what the character of their organisational responsibilities may be.

Such an assessment needs to go beyond phrases 'like MPs shall assist in the development of the organisation outside of parliament' and **relate to concrete duties that they will be expected to perform.**

In assessing whether or not any individual or categories of individuals should stand, it needs to be seen in relation to a more elaborated plan for developing the organisation in the forthcoming period. If MPs are not seen as free floating individuals in regard to their extra-parliamentary duties, the consequences of their being freed for parliamentary duties may be less serious than we have assumed.

6. This is not to say that there are not categories of people who must be absolutely barred from standing for parliament because of the positions that they occupy. We have been very slow in moving to discuss this question. If, for example, one

decides that the Head of Organising must remain outside of parliament, but the head of organising in our case, Steve Tshwete, may be a big vote catcher and may be a future minister and may be essential in parliament, then we cannot stick by the rule that he should not stand.

We ought by now to have identified, **key positions** and if the present incumbent is considered essential for parliament or government, we need to have started building understudies. We need also to consider to what extent MPs can continue to head Departments or how their positions and work in parliament can be arranged so as to make this possible, if we so desire.

6. At the same time it is perhaps most useful to start by trying to define the categories of people whom we need for parliament. This is a very generalised attempt and it is hoped that comrades will help flesh it out.

a. People with great public popularity, who by their presence in parliament will give legitimacy to the process and win public confidence for the ANC representatives in parliament e.g. Madiba

b. People with specific skills related to constitution-making - bearing in mind that the constitution entails both important technical aspects where the specialised skills of lawyers will be required and substantive areas where specialists in a variety of affected topics will be required e.g. workers rights, women's rights, property rights and the economy

c. People with debating skills, coupled with clear political understanding who will have the capacity to put the ANC point of view in a manner that is convincing and not sectarian. In parliament we will be speaking not only to our followers but to the broad masses of the public

d. People with drafting skills in a variety of areas

e. Specialists in a number of areas affecting parliamentary government e.g. mining, health, housing, education, water and other resources

#### **Who should be excluded?**

a. People performing roles crucial to the existence of the organisation in the new period. This means roles that are crucial at the moment, but also roles that are emerging with the ANC entering a new period of existence. As mentioned earlier it may be that the present occupants of such positions will have to go to parliament as a result of one or other political consideration that we take into account. If this is the case another person should be preparing to take over that post and would consequently be ineligible.

b. What is said here must obviously be read in relation to what was said about defining the roles of parliamentarians in a manner that includes definite organisational duties outside of

parliament.

c. The starting point needs to be that a strong ANC is required that will be both supportive of the programmes of the government, assuming it remains on a democratic course, and also an organisation that is not synonymous with government. The ANC as an organisation will then have a relative autonomy. The members of the organisation will have tasks other than supporting the government

The ANC in parliament will have its counterpart that has always existed, the ANC outside of parliament. The tasks of the ANC as an organisation will broadly be:

- a. To consolidate the existing membership
- b. To empower that membership by ensuring that it is properly organised to play a role in supporting government transformation programmes, especially where these are opposed by sectional interests
- c. To feed into an ANC government the concerns of the masses in general and specific areas
- d. To facilitate the building of organisation, that is the ANC itself as well as other organisations that may assist in realizing the broad democratic and reconstruction goals of the alliance
- e. To build a strong tripartite alliance and close relations with MDM formations, as the head of a broad national liberation movement.

It is within the framework of considerations such as the above, i.e. the need to have the personnel on a full-time basis needed to perform these roles and secondly, the ability to use parliamentarians within an overall organisational plan to assist, that decisions as to who should or should not stand ought to be made.

### **Conclusion**

What has been said here is very generalised and it has been impossible to do otherwise because we have not really sat down and considered all the consequences of the decision to enter elections and government.

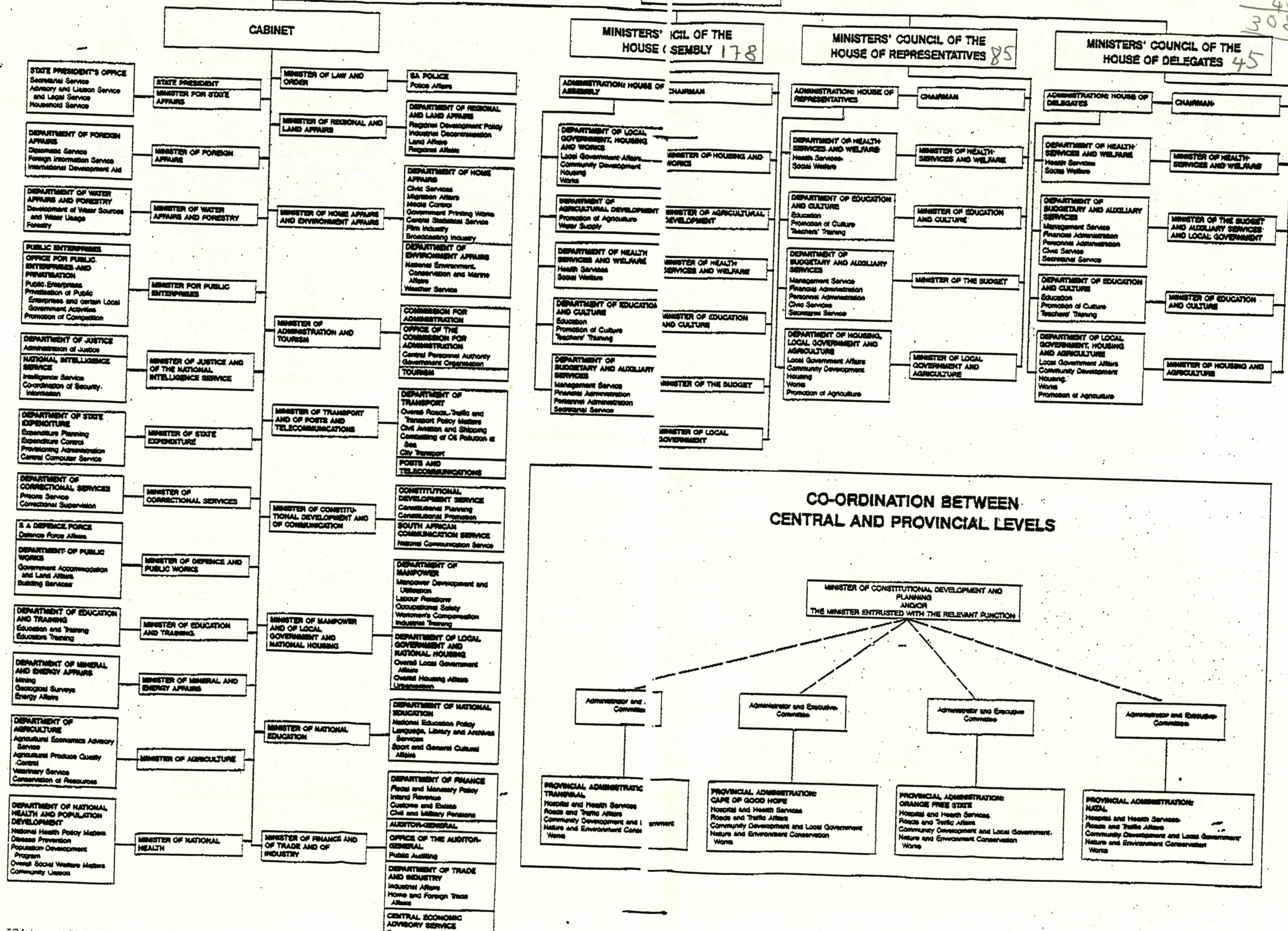
We need to have a lot more discussion, as a matter of urgency. The paper on the ANC inside and outside of parliament ought to facilitate this. But the process of identifying individuals for one or other task is a very delicate one and we need to at least be strengthened in this task by a clear and more precise definition of our criteria.

EXECUTIVE AUTHORITY AND EXECUTIVE INSTITUTIONS FOR OWN AND GENERAL AFFAIRS

TOTAL P. 01

178  
85  
45  
20/00

PRESIDENT



A	LEGISLATIVE	EXECUTIVE	FISCAL
CENTRAL	NATIONAL (Defined)	All "National"	Own Responsibility 1. Own Central Taxes
REGIONAL	REGIONAL (Residual)	All "Regional"	Own Responsibility 1. Own Regional Taxes
LOCAL	REGULATORY	All "Regulatory"	Own Responsibility 1. Own Local Taxes

**A** Classical federation combining territorial autonomy and separation of executive and legislative powers

Problems

1. Due to Fiscal autonomy:
  - (1) poor regions and local areas will become poorer and rich regions will become richer; and
  - (2) as regions and local areas will not be financially viable they will become increasingly dependent upon the central government for financial support, and with this lose *de facto* legislative and executive autonomy.
2. No constitutional mechanism for mutual support in the overall national interest.

B	LEGISLATIVE	EXECUTIVE	FISCAL
CENTRAL	NATIONAL (Defined)	All "National"	Own Responsibility 1. Own Central Taxes <div data-bbox="1151 277 1541 392" style="border: 1px solid black; padding: 2px; margin: 5px 0;"> <i>Collects "National Taxes" for redistribution to Central, Region &amp; Local levels</i> </div> 2. <i>Share of National Funds</i>
REGIONAL	REGIONAL (Residual)	All "Regional"	Own Responsibility 1. Own Regional Taxes 2. <i>Share of National Funds</i> 3. <i>Share of Equalisation Funds</i>
LOCAL	REGULATORY	All "Regulatory"	Own Responsibility 1. Own Local Taxes 2. <i>Share of National Funds via the Regions</i>

**B** Constitutionally determined share of "national" and "equalisation" funds secures "fiscal autonomy" of components and prevents the gap between rich and poor regions and local areas from increasing.

Of fundamental importance is that once financial resources are known, fiscal responsibility and discipline must be exercised at the level at which services are supplied and used.

Constitutional provision is made for mutual support in the fiscal/financial field.

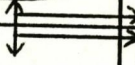
C	LEGISLATIVE	EXECUTIVE	FISCAL
<b>CENTRAL</b>	<b>NATIONAL (Defined)</b> <i>Matters of overall National concern, eg. Foreign Affairs, Defence, Citizenship etc.</i>	All "National"	Own Responsibility 1. Own Central Taxes <div style="border: 1px solid black; padding: 2px; width: fit-content;">             Collects "National Taxes" for redistribution to Central, Region &amp; Local levels           </div> 2. Share of National Funds
<b>REGIONAL</b>	<b>REGIONAL (Residual)</b> <b>LESS</b> <b>CONCURRENT (Defined)</b> <i>Matters which could be legislated for regionally but in respect of which it is in the overall national interest to legislate centrally. (Subject to "House of Regions" approval)</i>	All "Regional"  <i>All "Concurrent" (Subject to Central Government supervision)</i>	Own Responsibility 1. Own Regional Taxes 2. Share of National Funds 3. Share of Equalisation Funds
<b>LOCAL</b>	<b>REGULATORY</b> <i>Regulate within the framework of Central &amp; Regional legislation</i>	All "Regulatory"	Own Responsibility 1. Own Local Taxes 2. Share of National Funds via the Regions

- C**
1. Defines matters over which Central, Regional and Local Authorities will exercise power and responsibility.
  2. Introduces the concept of "concurrent" matters – where Central Parliament will legislate subject to collective regional approval and Regions will execute subject to Central Government supervision. Adds the element of "Functional Federalism" to that of "Territorial Federalism".
  3. Expands areas of mutual support in the legislative and executive fields.



D	LEGISLATIVE	EXECUTIVE	FISCAL
<b>CENTRAL</b>	<p>NATIONAL (Defined) Matters of overall National concern, eg. Foreign Affairs, Defence, Citizenship etc.</p> <p><i>Outlining Legislation</i></p>	<p>All "National"</p>	<p>Own Responsibility</p> <ol style="list-style-type: none"> <li>1. Own Central Taxes</li> </ol> <div style="border: 1px solid black; padding: 2px; width: fit-content;"> <p>Collects "National Taxes" for redistribution to Central, Region &amp; Local levels</p> </div> <ol style="list-style-type: none"> <li>2. Share of National Funds</li> </ol>
<b>REGIONAL</b>	<p>REGIONAL (Residual) LESS CONCURRENT (Defined) Matters which could be legislated for regionally but in respect of which it is in the overall national interest to legislate centrally. (Subject to "House of Regions" approval)</p>	<p>All "Regional"</p> <p>All "Concurrent" (Subject to Central Government supervision)</p>	<p>Own Responsibility</p> <ol style="list-style-type: none"> <li>1. Own Regional Taxes</li> <li>2. Share of National Funds</li> <li>3. Share of Equalisation Funds</li> </ol>
<b>LOCAL</b>	<p>REGULATORY Regulate within the framework of Central &amp; Regional legislation</p>	<p>All "Regulatory"</p>	<p>Own Responsibility</p> <ol style="list-style-type: none"> <li>1. Own Local Taxes</li> <li>2. Share of National Funds via the Regions</li> </ol>

*Joint Tasks*



- D** 1. "Outlining legislation" ensures a national approach to matters such as the media, the use of water resources, environment which do not require national administration. Regional legislation and Local regulation and Regional and Local Administration will take place within these "outlines"
2. Joint Tasks not only require Concurrent legislation, but as they are in the national interest they require joint administration and fiscal responsibility; eg. building of institutions for tertiary education and economic development programmes.

E	LEGISLATIVE	EXECUTIVE	FISCAL
CENTRAL	NATIONAL (Defined) Matters of overall National concern, eg. Foreign Affairs, Defence, Citizenship etc.  <i>Outlining Legislation</i>	All "National"    <i>Joint Tasks</i>	Own Responsibility 1. Own Central Taxes <div style="border: 1px solid black; padding: 2px; margin: 5px 0;">Collects "National Taxes" for redistribution to Central, Region &amp; Local levels</div> 2. Share of National Funds
REGIONAL	REGIONAL (Residual) LESS CONCURRENT (Defined) Matters which could be legislated for regionally but in respect of which it is in the overall national interest to legislate centrally. (Subject to "House of Regions" approval)  <i>Metropolitan Areas (treated as Regions)</i>	All "Regional"  All "Concurrent" (Subject to Central Government supervision)  <i>Regional and Concurrent where resources are adequate</i>	Own Responsibility 1. Own Regional Taxes 2. Share of National Funds 3. Share of Equalisation Funds
LOCAL	REGULATORY Regulate within the framework of Central & Regional legislation	All "Regulatory"	Own Responsibility 1. Own Local Taxes 2. Share of National Funds via the Regions

- E**
1. Provision is made for the possibility of certain metropolitan areas to be treated as Regions – with legislative, executive and fiscal responsibility.
  2. Local areas should at all time have maximum administrative powers subject to resources and administrative viability. In appropriate circumstances local areas could administer "Regional" and "Concurrent" matters, subject to fiscal responsibility.
  3. Regional matters could also become "Defined" subject to a Constitutional Court determining whether any matters not "defined" should be Central, Regional, Concurrent or Local matters.