

DIALECTIX/INFOSERVICE dx/di

News digest and policy review//Politics/CODESA submission No 2.
February 1992.

CODESA SUBMISSION No 2: COMMON-SENSE PRINCIPLES OF CONSTITUTIONAL LAW

1. Human law is as old as human language.
2. The oldest form of human law is the unwritten common law.
3. Written or statute law emerges out of the recording and regulation of transactions.
4. A Bill of Rights is an instrument of written law, and as such can usefully only set the limits of written law. Thus it cannot usefully either limit or establish rights or duties in common law. In this context, "Bill of Rights" is a thoroughly misleading term.
5. The common law rest not on principles of Right or Justice, but on the patters of human reciprocity.
6. Parliaments have a record of abuse of human dignity, freedom and intelligence which is in general neither better nor worse than that of Kings and Religious authorities.
7. South Africa has by now de facto three semi-autonomous maximal centres of power:
 - The Reserve Bank
 - Parliament
 - The currently dominant intellectual Cabal.
8. A written constitution, including any geographically defined devolution of powers, cannot keep pace with a society with modern dynamic demographic patterns, or a vibrant and dynamic common law.
9. Hence:
 - (A) The work of the Constituent Assembly can never be completed.
 - (B) The role of the Constituent Assembly is to protect the common law, and periodically review the institutional relationships between the free associations of community and economic life, and the statutory authorities established under Parliament.
 - (C) The wildcard then becomes the Judiciary, facing dual accountability and metaphysical crisis.
10. A note for confused "Africanists" who actually have the bad Western culture-shock: -

The correct analogies for African political leaders in English common law are:

Chief == Justice of the Peace

King == Queen.

The gender switch is not trivial.

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CODESA SUBMISSION No 3: URGENT STEPS IN FACE OF THE CRISIS IN AGRICULTURE

1. PROPOSAL

Institute asap a universal "Rand a Day" fresh produce benefit, payable to every citizen from birth until death.

Distribute the benefit to employed families through the work-place. This would add some R1 bn to the national payroll, or about 5% across the board.

Distribute the benefit to unemployed families through the Post-Office. Allow bona fide community organisations, residents' and civic associations to collect in bulk and distribute to their members. This would cost the State some 7.2 bn, or under 10% of the annual budget.

Form of the benefit: plastic tokens, date stamped & recycled. Tokens exchangeable only for X FREE fresh fruit, vegetable, dairy products, pulses and grains.

2. EFFECTS

Builds in a non-inflationary across-the-board increase in wages, pensions and welfare grants. Creates minimal unemployment, child and youth benefits.

Stimulates the activities of producers, vendors and hawkers of fresh produce, while reducing costs for buying groups and cooperatives, home-based pre-schools, schools-feeding schemes, and the catering sections of hospitals, universities, prisons, orphanages, etc.

Most importantly, the benefit would build a R12,6 bn demand floor under the agricultural market.

That is more than enough to compensate for the withdrawal of all agricultural subsidies, including all hidden subsidies of (institutions charging) interest on agricultural debt.

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News digest and policy review//Politics/CODESA Submissions No 4&5 February 1992.

CODESA SUBMISSION No 4: INTERSECTORAL DEVELOPMENT STRATEGIES

1. Background

The issue of intersectoral development strategies came sharply into focus in the late 1970s and early 80s, as the young movement of democratic community organisations spread like wildfire across the land, offering ordinary people a precious sanctuary of faith against the grim reality of apartheid perpetuated yet another long, bloody decade beyond reason. We have suffered our years of resistance to debt and dictators. The season of transformation is at hand.

A sophisticated transformation model of a multi-sectoral development process was prepared for the Health Focus Committee, which engaged the Independent Development Trust in early 1991. We lead to believe, on engagement, that the IDT was committed to the search for a strategy to reform health services. The proposals have been ignored to date by the IDT, despite their being issued with the support of the ANC Health Secretariat.

Meanwhile, the process set in motion by the ANC at the April 1990 Maputo Conference on Health Care gathered momentum within the country. Any taxpayers or donors who have or are considering investing any money in any research and/or process of policy formation in or around social services in Southern Africa should take careful note of the following.

The first national "People's Health and Social Services" conference was held at UWC in Cape Town on 19-21 July 1991. The proceedings have been published in Critical Health of December 1991. conference, thankfully ignored by the intellectuals and trendies, was richly attended by health sector workers, junior professionals, community workers, unbelievably strong tannies from the back end of nowhere, and such weird folk who have and will continue to build South Africa. Please, we don't need a model which MIT promise to build in two years time, and at whose expense?

Delegates to the conference were asked to identify funding priorities, in relation to the IDT negotiations. The priority which emerged, sharp and clear from the floor, was democratisation. And that means bookkeeping skills for the Ueloorensfontein Development Association, and negotiation skills for the Umlazi Civic Association (if any of them are still with us...), and not a blizzard of money for any flathead ill-intention professors from poison ivy universities. Excuse the language, but poverty and starvation hurt, they hurt and hurt and hurt and hurt!

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News digest and policy review//Politics/CODESA submission No 6. February 1992.

CODESA SUBMISSION No 6: A DO-IT-YOURSELF GUIDE TO PROCESS

1. By calling a referendum behind CODESA's back, F.W. has:

- (a) created a revolutionary climate
- (b) re-created a revolutionary climate
- (c) shattered certain illusions

2. Some ten days ago the Weekly mail reported that CODESA was calling for submissions, and
ld
remain open to them until March 2nd 1992. The fax number was also given. In the light of
's

recent actions, how seriously do you think he takes popular participation in CODESA?

In the process of drafting a constitution?

In the new Parliament?

3. Paranoid special: how many of the parties in CODESA have kept their positions open to
w

popular submissions to shape the final product?

4. Do you trust politicians?

5. Do you think politicians should be licensed and made accountable to a Professional Board
r some
such publicly constituted body?

6. Do you think that freely associated organisations like trades unions and management associations
tions
should be free to negotiate, at a national level, the ground-rules for employment contracts

7. Would you like to be able to do all your business with the State (id, licenses, rates, s, lights,
water, electricity) at one office in your neighbourhood?

8. What did you hate most about the old South Africa?

9. What do you like most about life?