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- Tightening legislation related to the possession and carrying of weapons in public.
- Legislating against and forcing the disbanding of private armies.

Exposure and disbanding of Third force and covert operations.

All organs of state should hold urgent meetings to work out a comprehensive strategy for exposure of the workings and existence of Third Force and covert operations. Political pressure should be put on the organs of state to make full disclosure of these operations before the Truth Commission and other commissions set up in this regard. Incentives, both positive and negative, should be introduced to encourage full disclosure of covert operations.

Departments should not be inhibited to make a full exposure of corruption, third forces, etc. It is necessary that a process of required cleansing take place in the organs of state and a strategy to effect this should be embarked upon. One possibility is to create a structure through which the ex-members of these units can talk - out without being scared of victimisation.

Unmasked/exposed covert structures should then be dismantled, dissolved or restructured into legitimate/legal services.

Stopping Privatisation of Safety and Security

The privatisation of safety and security functions, particularly at the ports and airports, was felt to be not only a bad precedent but also a real security risk to the country in the light of the expansion of the drugs trade and arms smuggling.

Police and customs/immigration officials should guard all points of entry into the country. The use of private security should cease.

Security of railways and stations should be in the hands of the SAPS.

Properly trained customs officers should be employed at all points of entry supported by the police who should also receive specialist training in this regard.

Any point of entry (airport) should be under the control of the state.

All private security companies should be monitored and strictly regulated by the state. Legislation should be introduced or reviewed to effect thorough vetting and control of security companies and to regulate their functioning.

Effecting justice

People who have been displaced by violence should be given full state support and backing to enable them to now go back to their houses. The state should be seen to be supporting the just return of people to their rightful houses.

Ministers of Justice and Safety and Security should meet to discuss the conduct of Magistrates in handling

criminals i.e. bails and sentences.

Criminals should be charged and judged speedily and access to bail of hard criminals, murderous should be reviewed in order that further crimes are not committed.

Stopping Political Violence

In order to end the era in which political problems and differences were resolved through violence in some areas the ANC and government should support a comprehensive strategy to stop politically motivated violence. The measures to stop this violence would need to be multi-pronged and should include:

- The stepping up of effective peace programmes
- Frequent searches and roadblocks should be set up to stop the movement of armed groups and to control arms distribution/sale.
- Police Officers who are identified to be unwilling to enforce law and order should be dismissed.
- The co-ordinated Intelligence services should be used to gather information on political violence and those advocating it. The linkages between political and criminal violence should be closely monitored. All intelligence gathered should be utilised by the SAPS for effective apprehension of those involved in political violence.
- Searches into neighbourhoods, hostels and houses should be conducted to collect weapons wherever the information indicate, special units should be used.
- Police should be urged to act swiftly on information received.
- Internal Stability Unit (ISU) should be dissolved and members retrained to crack on crime.

RESTRUCTURING THE STATE MACHINERY

Apart from the specific measures listed above to secure the country it was felt by the commission that the effective implementation of these measures should go hand in hand with restructuring the relevant state machinery. In this regard specific recommendations are proposed for the police, defence force and intelligence services.

Policing

The commission noted the centrality of the community in the policing function and the combating of crime. In this regard the role of police community forums was identified as central. The commission also noted the urgent necessity for effective civilian control of the police including the appointment of civilians to certain positions within the police, the demilitarisation and ranking should be linked to civilianisation. In this regard initiatives that are taken by different communities and the police to effect community policing were noted. However, it was clear that a common understanding of this approach was lacking. The commission therefore recommends that conference agrees to the urgent convening of a national workshop by the tripartite alliance so that a common strategy can be worked out to effect community policing throughout the country.

Commission on Transformation of the State Machinery

The Commission proceeded from the premise that the state machinery is an instrument of governance, a machinery to implement policies of the government of the day.

In the case of our country, the government has just undergone major changes which however do not translate into change of the state machinery. The Commission noted that democratic forces have attained elements of political power. However, before we transform the state machinery as a whole into loyal instrument of democracy, transfer of power to the people will not be complete.

The Commission agreed that transformation means more than replacement of personnel; but that it should entail a new culture, ethos and praxis as well as consistent application of the principles of non-racialism and non-sexism. This should also entail inculcating a culture of service to society as against the attitude of master, and sensitivity to all consumers, especially the elderly and the disabled. The new language policy should be introduced, to make these institutions accessible to all South Africans.

The Commission looked into the following areas:

- the civil service;
- the army, intelligence and police;
- the judiciary;
- the legislature;
- the media.

THE CIVIL SERVICE

It was noted that the GNU faces many challenges with respect to the restructuring of the civil service. The Ministry will have to act decisively and begin to implement the policies of the ANC as reflected in the RDP. It is crucial that the government does not reinforce the perception that it is hesitant on these crucial matters. In this regard, the Commission welcomed measures being adopted to ensure gender equality.

While recognising the constraints within the interim constitution, such as job security for previous employees, we should also creatively use the opportunities contained in this document, such as provisions on affirmative action and representativity.

However, we should all the time seek to expand the options that will help hasten the process of transformation. The NEC will need, as a matter of urgency to look into the necessity or otherwise of amending the interim constitution. However, emphasis should be on legislative mechanisms, all of which should be accommodated in the White Paper which should be tabled during the first session of parliament next year.

Noting that only jobs and not posts are guaranteed in the interim constitution, the Commission called on gov-

ernment to consider redeployment of old personnel, where necessary, to areas where they would not sabotage change. It also emphasised the fact that location of personnel should be linked to the needs of the public, and transfers should be effected as may be required for effective service delivery. Objective performance evaluation will be crucial in this regard.

The perception that our public service is bloated has to be examined against the fact that the deployment of civil servants in our country is skewed, in favour of urban and white areas. Rationalisation should therefore not deprive communities of crucial services. At the same time, retrenchment packages and early retirement should be utilised to open space for new personnel.

The ANC needs to co-ordinate its work and policy-formulation in this area. An ANC public service unit should be established for this purpose. This should be part of the section on governance, which should be set up in the Secretary-General's Office. A broader forum should be set up, involving all ANC structures inside and outside government. This will ensure both accountability and support for ANC caucuses in the legislatures. It would also act as a policy think-tank for the movement. Plans should be worked out on the input the ANC will make in the CA on this issue.

The Public Service Forum involving government, unions, civil society and other interest groups should be in place during the early part of next year. Such a forum will address not only the interests of government as employer and the employees, but also

the interests of consumers. The Commission felt strongly that the bargaining chamber between government and the civil service should not be used as a forum to negotiate policy matters. It also recommended the restructuring of the bargaining chamber to reflect actual membership of unions which have in the past been undermined by the practices of the apartheid administration. The ANC should encourage unity among unions representing the genuine interests of public servants, and ensure that such unions are run and controlled by workers themselves, and not management.

The Commission welcomed the GNU programme to effect comprehensive restructuring to address the problems of salary disparity, gender discrimination, unfair grading system and others. It urged that the ANC and the MDM should closely monitor the implementation of this programme.

A comprehensive review of the Public Service Commission's mandate and style of work should be made, as a matter of priority. This should address, among others, the following issues:

- The delay in making appointments in ministries and other structures.
- The composition of the personnel of the PSC, which

problems both in provinces which are under the ANC and Kwa Zulu-Natal and Western Cape.

GUIDELINES FOR STRATEGY IN THE CA

The constitution-drafting process must mean the drafting of a new constitution (including the revisiting of every aspect of the constitution) and not merely the amendment of the interim constitution, subject to the Constitutional Principles.

The ANC must advance its principled position and not dilute its position in order to submit acceptable compromise positions.

The ANC must win a truly democratic constitution which empower people, brings majority rule and protects human rights.

In this regard a preliminary list of principles to guide the ANC in the CA is recommended to conference.

PRELIMINARY LIST OF PRINCIPLES TO DIRECT THE PROCESS OF DRAFTING A NEW CONSTITUTION

The following is a preliminary list of principles to guide the ANC in the process of drafting a new constitution within the framework of the constitutional principles contained in schedule 4 of the constitution namely:

- There shall be a preamble which, shall be a guide to interpretation and which shall contain the following values:
 - (a) South Africa shall be founded upon principles of democracy, non-racialism, non sexism, equality and egalitarianism, and freedom for all men and women.
 - (b) The eradication of the effects and legacy of past discrimination and apartheid in all spheres of life and to bring about social and economic justice for all, in a society in which the dignity of all human beings shall be a supreme consideration.
 - (c) The constitution shall empower all those previously disempowered by the apartheid system to develop to their full potential and participate fully in all aspects of political, social, economic and cultural life on the basis of complete equality.
- South Africa shall be a single, united country with an undivided nation.
- The character of the state shall be a multi-party democratic state based upon democratic majority rule.
- The constitution shall commit the country to a democratic, non racial and non-sexist order based on the inherent dignity of all persons and the equal enjoyment of all human rights.
- There shall be a bill of human rights which shall:
 - (a) guarantee and contain all universally accepted human rights including socio-economic rights, civil and political rights, cultural rights and the rights to peace, security and development.
 - (b) Recognise the indivisibility and interdependence of all such universally accepted human rights, as pre-

scribed by the United Nations.

(c) Be both horizontally and vertically applicable, where appropriate.

- The constitution shall provide mechanisms to ensure that all persons are able to enforce their rights and shall inter alia create a Human Rights Commission and a Public Protector to perform this function.
- There shall be regular elections at all levels of government to be held at no longer than five year intervals, on a common voters roll based on universal adult suffrage.
- Parliament shall, subject to the constitution, be the supreme law maker, and the expression of the will of the people.
- Parliament shall not be restricted in its capacity to legislate so as to address our the legacy of apartheid including such issues as land restoration, redistribution, and affirmative action.
- State and government policy making shall essentially be the responsibility of parliament and the executive.
- The executive shall be accountable to parliament.
- The separation of powers between different levels of government, shall be provided for in a manner which ensures the accountability of the executive to parliament and which shall not undermine the principle of majority rule
- Government shall be formed by the majority party. Coalitions, if any, may be formed on a voluntary basis.
- Government shall be honest, accountable, transparent and cost effective.
- Providing for an appropriate electoral system at each governmental level which shall ensure adequate and accountable representation.
- There shall be democratically elected government at national and regional levels whose powers shall be subject to the needs for national uniformity, national reconstruction and development, as well as the values in the Bill of Rights.
- Local government structures, both at urban and rural level, shall be democratically elected and take decisions on the basis of democratic principles.
- National parliament shall be comprehensively responsible for overseeing and co-ordinating financial and fiscal affairs and allocating finances at all levels of Government.
- The civil service shall be representative, impartial and shall loyally serve the Government of South Africa.
- Mechanisms shall be adopted to ensure the accountability and the transparency of the public service.
- The constitutional principles contained in Schedule 4 of the constitution shall not be included in the new constitution nor shall they be binding on future constitutional amendments.
- The recognition of the existence of the institution of the traditional leaders and acknowledge its non partisan role as that of promoting the cultural and lan-

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A comprehensive review of the Public Service Commission's mandate and style of work should be made, as a matter of priority. This should address, among others, the following issues:

- The delay in making appointments in ministries and other structures.
- The composition of the personnel of the PSC, which

is itself not representative, is a matter that should be urgently addressed, given that it is this body that is meant to set standards for the public service.

- The mandate of the PSC should be changed, for this body to play an ombuds role. The task of political supervision and management of the administration should be handled by the Ministry, which should accordingly be empowered to undertake this function.
- The Commission agreed with the proposal to set up Provincial PSC's. However, this will necessitate greater efforts to ensure that there is one civil service with a common vision, ethos and an improved work culture.

Recruitment and selection procedures should also be informed by that fact that many competent South Africans gained their work experience outside the old apartheid system. Individuals from disadvantaged groups who were sent for training in preparation for democratic rule should be given due recognition when ministers make appointments. Further, the Commission urged all Ministers to make the appointments into the 11 000 posts by the end of February. As a caring government, we should act on this matter with urgency, given the uncertainties among the multitudes who applied. ANC Ministers must be seen to take the lead on this, and all other matters concerning representativity. This naturally requires that the ANC should have its own detailed strategy for deployment of personnel in all institutions, including parastatals.

The policy of affirmative action is a crucial element to bring about representativity. This should not be interpreted as a favour nor should it simply be seen as a flexible application of employment procedures. It addresses the crucial question of individuals with potential but who had been deliberately kept out by the apartheid regime. In addition, there are many qualified, competent and experienced people who have historically been excluded. In carrying out these policies there should be clear targets, time frames and visible progress.

The Commission supported efforts to introduce a single LRA and emphasised that the ANC has a central role to play in ensuring that problems being experienced in this regard are resolved.

The GNU must address the need for training and re-training of employees at all levels with clear guidelines on promotion and career paths. This should include employees of the old system, in order to help change attitudes, ensure efficiency and upgrade employees in the lower ranks. This must have targets and time frames.

The following matters need thorough investigation:

- Extensive use of consultants in the public service, at the exclusion of workers who are involved in dispensing the services being restructured.
- The role and method of the HSRC which have the effect of promoting Eurocentric and outdated tools which are not applicable to the changes that the new government seeks to introduce.
- A comprehensive strategy for the restructuring of parastatals, such as the DBSA, KFC, SBDC, IDC and others. This should include examining their programmes and representativity taking into account

questions of gender, race and the need to broaden the pool of blacks who are deployed in these institutions.

- Programmes being implemented in provinces not under an ANC government, and the intervention necessary to ensure uniformity of approach.

PARLIAMENT

The Commission noted measures being undertaken in the national legislatures to make them more accessible to ordinary people. It called for a wider debate on this issue, taking into account the need for provincial parliaments to do the same, as well as the cost implications.

Transformation of parliament should also entail democratisation of its operations in relation to labour matters.

National parliament needs to finalise discussion and clarify the issue of the relationship between the two houses.

ANC caucuses in the legislatures should plan more effectively to ensure strategic interventions on all issues pertaining to transformation.

JUDICIARY

The courts

The Commission recommends that the Minister of Justice should be requested to investigate the need for:

- community courts or similar mechanisms to resolve disputes at community level;
- the place and role of traditional courts, which should be restructured and located within the formal judicial system; and
- the introduction of measures to ensure lay participation in the administration of justice.

The Commission urged for a speedy process and decisiveness to realise the following principles, in the restructuring of the judiciary:

- representativity;
- competence;
- independence;
- accessibility; and
- democratic values.

The Commission noted the need for the Judicial Service Commission to operate at all times in a transparent and accessible manner.

Attorneys-General

The Commission emphasised the need for the establishment of a truly independent prosecuting authority in the country. In particular, it noted that there is not a single black or female attorney-general in the country. In this regard, it recommended the restructuring of these offices in line with the new democratic principles.

The Commission supported the initiative by the Minister to initiate discussion on the issue of a central office of the attorney-general to ensure accountability, and avoid fragmentation of the application of justice as well as conflicting interpretations of the law and the

Additionally:

- 1) Suggest the setting up of alliance structure to ensure the establishment of Community Policing Forum (CPF). The ANC National Organising department to arrange a National workshop on community policing forums. People from province should be people who will be include on continuous basis in the Community Policing Forums. The workshop should not be later than February.
- 2) The government should also provide the guideline on Community Policing Forum and ensure that resources are made available to the Community Policing forum. Community should be re-oriented to have confidence in the police.
- 3) People should be encouraged to be supportive of the police and to have the confidence to provide the police with the necessary information needed to apprehend criminals.

Intelligence

Intelligence should be seen as the first line of defence and stability and the intelligence services should therefore be required to provide timeous, strategic and accurate intelligence for the President and the country. In this regard, therefore, it is essential that the intelligence services are closely controlled in both their functioning and in their adherence to the constitution. It is also essential that the oversight and control mechanisms now established in legislation work effectively and, amongst other things, introduce mechanisms for strict quality control of the products of these services.

The commission also felt that it was necessary for the intelligence services to market themselves in order for the general public to understand their role and in order for citizens to play a supportive role in the vigilance required for a stable democracy. The ANC MP's in the oversight committee could also play a role in making intelligence an understandable and less aloof process. It was also felt that this would assist the monitoring mechanism for oversight structures on intelligence and security.

Defence force

As with the police it was felt that it was essential to bring the SANDF under effective civilian control and for its composition to be reflective of the people it is defending.

The commission welcomed the report by the Minister of Defence on progress with regard to the integration process where facts and figures were presented which clarified many misconceptions. However the point was noted that there is a need to further speed up and streamline the integration process.

Amongst other things the commission recommended that government should undertake the following:

1. Urgently prepare concept legislation aimed at democratising the defence act and military disciplinary code so that it is in line with our interim constitution and practices in democratic societies the world over.
2. Work on legislative proposals to give effect to the concept of a civilian ministry of defence. This is crucial for the attainment in real terms of the subordination of security forces to the dictates of civil authority.
3. Consider legislative measures for the establishment of the service corp/brigade - this important arm of the RDP in the military sphere.
4. Consider legislation to give effect to section 189 of the interim constitution dealing with pensions as one part of a process of honouring heroes and heroines of the struggle. Another important step in honouring those who made the sacrifices and contributed to the establishment of a democratic constitutional order, both inside and outside the country, should be the establishment of a national monument.
5. Consider legislation to bring about a veterans dispensation which does not discriminate against veterans of MK.
6. Establish effective communications both internally and with the public at large in relation to military matters and issues surrounding the process of military integration.

Additionally, the ANC should:

1. Develop a coordinating mechanism to co-ordinate ANC initiatives in government, parliament and in society at large. For example on defence matters it is necessary to coordinate ANC initiatives within the Ministry, Parliamentary standing committee on Defence and the Secretary General's office to coordinate inputs and statements from all these levels.
2. Consideration should be given to the problem of ill discipline amongst some of the former MK cadres involved in the integration process.

constitution.

Offices of State Attorneys

The Commission noted that these offices, which have been used by the old security establishment to defend its nefarious activities, continue to be dominated by white males and to use state funds to defend violations of human rights.

The Commission therefore recommended that the need for such offices be investigated. If at all they are to be retained, they should be comprehensively restructured.

Other matters

The Commission reiterated the need for a court system that is user-friendly, particularly with regard to victims of abuse such as children and women; as well as uniformity of practices in both urban and rural areas.

The Commission resolved that the human rights culture of the new system should be maintained and deepened. However, this should not be interpreted in such a way that it lets criminals of all hues off the hook.

DEFENCE, POLICE AND INTELLIGENCE

Defence

The Commission welcomed the report on the progress made by the Defense Ministry in the process of integration of statutory and non-statutory armed formations into the SANDF. Efforts to transform the Police and Intelligence Services were also noted with appreciation.

The Commission also noted the following:

- the problems created by elements who wanted to sabotage the integration process,
- the lack of discipline amongst some former MK members,
- appreciated the efforts that have been made to overcome the shortcomings in the integration and transformation process,
- commission noted however that a perception exist that absorption rather than integration is taking place and the information should be made available in order to explain the reality of the process,
- information sharing between the Ministry of Defense and the different structures of the ANC and civil society need to be shared so that assistance and cooperation can be mobilized for the purpose of addressing problems at their initial stages.

That the Ministry is doing all in its power to develop a defense force that would uphold democracy and defend the Constitution. In this regard it is important that former non-statutory force members are able to play a dynamic role and be deployed accordingly within the Defence Force.

The conditions of service must be closely addressed and the best possible conditions, that do not discriminate in race and gender terms need to be implemented.

SANDF training must aim at multi-skilling the trainees so as to broaden their employment opportunities upon

leaving the Defence Force.

Symbols of the defence force should reflect the changed situation which the country has undergone. The Government has to review the defence industry as part of the overall policy and its vision on defence and military matters.

The social welfare needs and development of all the security force members needs to be addressed to assist them in adjusting to the new security forces in the country.

The Commission:

- Calls upon all former MK cadres to adhere to the necessary standards of discipline within the SANDF in order for them to successfully discharge their historic mission i.e. the creation of a new national defence force;
- Calls upon the Ministry of Defence and the Parliamentary Joint Standing Committee to closely monitor and oversee all the stages of integration, as well as investigate the complaints of integrating members of the non-statutory members to ensure smooth transformation process.
- Recommends that Parliament speedily enacts legislation in line with Section 189 of the Interim Constitution to meet the needs of all veterans
- Supports the concept of demobilisation pay-out to those members of the non-statutory forces within the Defence Force who are on the Certified Personnel Register who no longer wish to be part of the SANDF;
- Calls upon the state to take the necessary steps to address the issue of those members of the liberation forces who died in exile.
- That a memorial be erected to pay tribute to those heroes and heroines who laid down their lives for the liberation of the country.

Police

The Ministry of Safety and Security needs to ensure the speedy integration of all the different police services into a unitary police service operating under the same rules and regulations and enjoying equal service conditions.

The Ministry also needs to investigate the threat of hit-squads in South Africa and particularly in Kwa-Zulu Natal and act upon these accordingly.

A proper investigation should be conducted whenever members of the Security Forces violates the rights of the people and act contrary to the rules and regulations. Also communities should be encouraged to respect and support the officers that uphold law and order.

The concept of Community Policing and the use of minimum force needs to be implemented.

Intelligence

Progress made in this regard has been commendable. However, we need to ensure effective control of these services by democratic forces; and that old networks do not take advantage of the new legitimacy to engage in counter-revolutionary activities.

The new Intelligence structures should scrupulously

Commission on constitution-making process

INTRODUCTION

The objectives of the commission were to:

- formulate guidelines and principles which will guide the ANC Constitutional Commission and the ANC in the CA, and
- recommend the structures and process for coordinating discussion within the ANC, ensuring optimal participation of ANC members in this process.

APPROACH OF COMMISSION

The Commission undertook the discussion to the constitution-making process under the following headings:

- Constitution making process in the context of the strategy and tactics of the ANC
- The Interim Constitution : Constraints and lessons
- Guidelines for strategy in the CA
- Structures and process within the ANC
- Recommendation to conference.

The commission was very aware that detailed discussion on many of the above aspects was not possible in the short time available. However, it was agreed that certain broad guidelines must be provided for the ANC's input to the CA, whilst agreeing that a consultative conference of the new constitution should be convened no later than March, 1995 to deliberate comprehensively on the constitution making process.

STRATEGY AND TACTICS IN CONSTITUTION-MAKING

The following factors were noted:

- the 27th April elections marked an important and qualitative political change, however,
- the interim constitution currently in effect is a compromise constitution which places a number of fetters in the transformation process.
- the drafting of the constitution takes place in a new context in which the ANC enjoys almost 64 percent of the votes in the CA.
- the drafting of the new constitution symbolises the political past of entrenching unmitigated majority rule and uncompromised democracy.
- the constitution must provide the legal framework for the fundamental transformation of South Africa - politically, economically and socio-economically.
- the major political tasks, therefore in the next 18 months is to consolidate democracy and irreversible process of transformation.

It is recommended that :

- a) Paragraph 5 of the Strategy and Tactics documents should be amended to unequivocally state that the strategic objective of the ANC remains the transfer of power to the people to bring about :

1. uncompromised democratic majority rule and,
 2. the fundamental transformation of our society in all spheres of life especially at this stage of our struggle in the institutional social and economic spheres whilst continuing with the partially attained transformation process in the political arena
- b) Paragraph 10 of the strategy and tactics document should be amended to include the following:
 - that a new constitution shall not restrict the legislature or the government in its capacity to address the effects and legacy of past discrimination and apartheid to bring about social and economic justice and a fundamental transformation of all aspects of our society.

INTERIM CONSTITUTION CONSTRAINTS AND LESSONS

The interim constitution reflects the compromises that which must not be carried over into the new constitution.

However, the interim constitution will influence the new constitution in two respects:

- a) establishing and operationalising the structures will impact upon the precise formulations in this regard in the new constitution eg. the provincial structures, reserve bank, financial and fiscal commission.
- b) the constitutional principles in the interim constitution is a constraining framework within which the new constitution must be drafted.

It is essential that the constitutional principles contained in schedule 4 of the constitution are not included in the new constitution nor should they be binding on future constitutional amendments.

It is also vital that the positive and negative lessons of the implementation of the interim constitution are taken into account in drafting the new constitution.

The allocation of powers and the interpretation of concurrency in section 126 of the constitution was also a matter of concern.

- a) there is a lack of coherent interpretation in the ANC (national and provincial) on this question which has and will continue to create difficulties - urgent attention must be given to co-operatively arriving at a consensus position on this matter based on ANC principles.
- b) The relationship between national and local government and between provincial and local government has been inadequately and should receive urgent attention

Provincial constitutions.

The interim constitution permits provinces to draft and adopt provincial constitutions. This provides different

guage rights of the people of South Africa. The traditional leaders as custodians of the culture of diversified people of our country shall in a non partisan manner minister upon their communities subject to the principles of democracy and equality.

- The constitution should not distribute political economic and state power among provinces on the basis of race, ethnicity or antagonistic competing interests between levels of government whilst, however bringing government as close as possible to the people to ensure popular participation in governance.

There are various other issues which require further investigation before we adopt principles, if any, in respect thereof, inter-alia, the structures of government, mechanisms to realise participatory democracy, the role of civil society, the Reserve Bank and the allocation of powers at different levels of government

This preliminary list of principles and the outstanding issues listed shall be finalised at the proposed consultative conference to be held in early March 1995.

STRUCTURES

In order for the ANC to be able to involve the membership and take up mandates, structures will need to be set up as outlined in the commission discussion document. Speed will be crucial for the establishment of this structures.

Such structures must ensure speedy flow of information and provide a vehicle for debate by members.

RECOMMENDATIONS

- a. Structures must be set up before the end of January 1995
- b. The National Constitutional Commission should or-

ganise workshops with the political leadership in all provinces before the end of January 1995.

- c. The NCC must organise a constitutional policy conference in March 1995.
 - d. NCC should prepare document to reach branches by Mid February 1995 for the March 1995 Constitutional Conference.
 - e. NCC or government to simplify the present constitution and translate it into all languages for distribution to communities.
 - f. The commission was strongly of the view that the ANC should not adopt provincial constitutions in provinces in which it has a majority;
- The Interim constitution permits provinces to draft and adopt provincial constitutions.
- g. It is strongly recommended that provincial ANC structures should not draft provincial constitutions until the March consultative conference;
 - h. At the same time the ANC Constitutional Commission must interact with provincial ANC structures, including provincial governments, with a view to preparing a report of the March, 1995 Conference.
 - i. In Constitutional Committee must also formulate a coherent strategy for the Western Cape and KwaZulu / Natal in this regard.
 - j. Before the conference on constitution, members of ANC in CA and structures making submissions should be guided by the principles as adopted in this conference.
 - k. ANC should produce a simple bulletin to be distributed to members on regular basis.
 - l. The ANC should ensure that the interpretation of concurrency of powers and allocation of powers to various levels of government is consistent with our concept of strong central government.

land can be used to guarantee loans is an issue that needs to be addressed by the Rural Finance Commission;

- The State should not leave the entire programme of redistribution to the market
- An investigation into the feasibility of a land tax should be undertaken urgently.
- Redistribution must be a demand-driven process.
- Steps must be taken by the government to stop all unfair evictions including the passing of legislation

if necessary. Legislation to strengthen tenancy rights and to ensure that courts are more sensitive to the plight of the homeless needs to be put in place. Different forms of tenure must be recognised.

- The housing subsidy for farm workers must be linked to their rights to remain on the land.
- The government needs to investigate forcible land occupation so that criminalisation or deliberate destabilisation on false grounds of sympathising with the homeless is ended.

respect the rights of the citizens and not violate the privacy of individuals and legal organisations within the country.

General

The Commission emphasised the centrality of civilian control over the army and police services. It urged that this process should be expedited, and called for the establishment of time frames which should be monitored directly by the President.

The Commission noted the need for youth, especially from black communities and from the ranks of the democratic movement to join the police and other security services. The ANC should play a leading role in such mobilisation.

The ANC should play its role, especially at branch level, in the campaign against crime and in the establishment of community-police forums.

MEDIA

The NEC should take up the issue of working out detailed policy positions and practical recommendations regarding the transformation of the South African Communications Services into an effective, loyal, transparent and efficient communications arm of the democratic government. This applies both to personnel, content of work and style of operations. This should also include recommendations on communications strategy. On the other hand, the ANC itself should streamline its own communications machinery to ensure that the population is informed of both its own actions and those of government.

The Commission reiterated the ANC's policy on media freedom.

The Commission noted and supported initiatives towards the drafting of the Freedom of Information Act. It further urged the NEC to examine instances where the government or specific ministries create, by their actions, the perception that the government or the ANC are against transparency. Inconsistencies in this regard need to be eliminated.

The Commission recommends that the ANC should work out its own approach to the issues being dealt with by the Independent Broadcasting Authority. While the ANC fully supports the need to open the airwaves, we should also guard against the danger of so undermining the public broadcaster that, ultimately, control of electronic media, resides essentially in the hands of private interests.

The ANC should work out a uniform approach both at national and provincial levels regarding the power accorded to regions on public media. On the one hand, we should avoid a "federalist" approach to mass communications, and ensure that public media is not controlled by government. On the other, we should allow for provincial and local initiatives in running the media. In this regard, the proposals being presented to the IBA should be studied in a dispassionate manner.

The ANC and Government should elaborate a detailed approach on the issue of diversifying ownership and control of the print media. This should be urgently undertaken, to ensure, particularly, that voices of disadvantaged sections of society are heard.

south solidarity was particularly stressed. The commission also felt that a desk ought to be created in the Department of Foreign Affairs to deal with south-south relations

South Africa's new diplomatic opportunities and the question of opening diplomatic missions

Concern was expressed regarding where missions were opened and how many the country could afford. The opening of embassies and consulates are very costly and every rand spend on embassies are rands that could go to the RDP. Every embassy that is opened should re-

flect our overall foreign policy. All existing embassies the commission felt, should be reviewed to see whether their existence reflects foreign policy.

Composition of the Department of Foreign Affairs

The Commission felt that it was essential that the present composition of the Department of Foreign Affairs, especially at the higher levels needs to be urgently restructured to make it more representative of the society as a whole and less a continuing embodiment of the previous department

Commission on the Transformation of the Economy

The Commission adopted the approach that transformation of the South African economy is a fundamental component of the transformation of our country to achieve non-sexism, democracy, non-racialism, development and equity.

The commission noted and agreed that relevant economic policy sections from the following documents be formally adopted by Conference, namely:

- Ready to govern (May 1992)
- The Reconstruction and Development Programme as adopted in January 1994.
- The Health Plan (on a National Health Insurance Scheme)

It received a report on the economic legacy of apartheid which featured the levels of inequality, unemployment, the economic disempowerment of the majority, and the concentration of ownership by the large conglomerates.

The Commission identified the following areas as critical to achieve the objectives of transformation:

- Achieving sustainable growth to ensure we meet basic needs
- A close interaction between government, labour, business and civil society
- Creating a legislative framework to change the fundamental base of society
- That government acts as an instrument for change.

Sound Fiscal Management

The Government of National Unity, fully aware of the anomalies of the situation, has initiated a six-point programme as part of the process of establishing a new approach in government.

These are:

- belt-tightening
- reprioritization, both within and between departments and ministries
- restructuring of the civil service to achieve representivity and efficiency,

- reviewing and restructuring of state assets to ensure the most efficient use of public resources
- addressing the relations between national, provincial and local government,
- and monitoring implementation and capacity.

The commission recommended that forward planning was essential, specifically:

- a five-year forward planning approach
- what the state should be responsible for and why
- to reduce government consumption expenditure

Despite time constraints limiting discussion, the following recommendations were made by the Commission:

- a) The broad thrust of fiscal discipline and management was fully endorsed
- b) A strategic management plan, for national, provincial and local levels, must be formulated and implemented.
- c) Every effort must be made to expand the base of the economy, bringing on board both business and labour;
- d) A macro-economic strategic approach must be developed;
- e) Budget reprioritization in terms of RDP priorities is an imperative. This is not cutting social expenditure but a strategic reprioritization of government spending. New priorities must be identified, and others that are not in keeping with RDP objectives scrapped.
- f) Monitoring mechanisms of such reprioritization, at all levels of government, must be established and put in place without delay
- g) Revenue collection must be made efficient and effective, and the parameters of a once-off, limited tax amnesty for small businesses of those who were disadvantaged by apartheid be considered. A campaign to address the negative perceptions around payment of taxation be embarked upon, including

payment for services. Collection of corporate taxation must be made effective.

- h) The budget process must be zero- and programme based, transparent and should facilitate greater participation in its formulation and prioritization, enabling submissions and comments.
- i) Borrowing should only be within a clearly sustainable framework. Any proceeds from the sale of any state assets should be used only for the repayment of debt.
- j) Controls on all expenditure, with particular reference to curbing waste, mismanagement and corruption, must be enforced
- k) The policy on re-evaluation of state assets and restructuring the public sector should be examined within a framework that will ensure benefit accrues to ordinary people and helps create small and medium enterprises. The approach requires broad consultation with labour. The Ministry responsible should circulate widely a discussion document on its approach and programme. Clear guidelines and mechanisms must be elaborated that ensure insider trading is illegal, including rules that will bind ministers, civil servants, MECs and parliamentarians.

Restructuring Parastatal Institutions

The Commission noted that a number of development, research and economic agencies had been established by the apartheid regime. It noted that there is simultaneous fragmentation and overlap, and that few of these agencies serve the interests of transformation. The Commission resolved that a full catalogue of such agencies be prepared and that a detailed strategy for their restructuring and reorientation be urgently effected.

Financing of Social Services

.Given that 81% of the population has no access to health care except through direct payment at times of illness, and given the limited resources available to the health sector, provision of basic health care for the broad population is essential. To this end full investigation should be undertaken to establish a National Health Insurance Scheme. This will not replace existing medical aid schemes. The proposal to establish a National Health Insurance Scheme was endorsed by the Commission.

Creating Productive Employment

Job creation requires a special task team, within a national industrial strategic framework that operates at a national, provincial and local level. The concerns of both the employed and unemployed must inform this approach.

Small and medium enterprises are critical to job creation and black empowerment. This should look at the manufacturing sector, guaranteed access to skills, capital and markets. The role of the state as purchaser at

various levels, within agreed parameters, should be used to build such capacity. A comprehensive review of the tender system and legal framework under which it operates should assist in bringing on board small contractors.

A comprehensive policy on direct investment should be developed, including foreign investment. The investment framework elaborated by the NEF should be further developed. Such development should give consideration to investment incentives with the proviso that the rights of workers will not be eroded by such incentives.

A human resource development programme, particularly training, should be elaborated to facilitate job creation and an investment-friendly environment.

Economic Empowerment

A special programme to address women's empowerment in the economy must be developed, including ensuring access of women to finance, training and support services.

Black economic empowerment is central to reconstruction and development, and should be aimed at empowering communities rather than being directed at a limited number of individuals. The ANC must develop a coherent policy paper and submit it to the NEC as a matter of priority. Implementation mechanisms need to be identified and put in place. Joint ventures, co-operatives and worker participation are means that should be considered. The objective is across-the-board upliftment.

The Commission emphasised the need to provide finance and support mechanisms for economic development in rural areas.

Co-ordination

The Commission endorsed the establishment of an ANC Economic Commission comprising ministers and deputy ministers, MECs for Economic Affairs, constitutional structures of the ANC at provincial level, and appropriate standing committees. Such a Commission should be convened at least four times a year for purposes of monitoring developments in the South African economy, policy implementation and the discussion of policy adjustments. This Commission should establish formal mechanisms of interface with Cosatu, the SACP and other components of the broad Alliance.

The Commission recognised the role of the branches in steering the process of economic development at the local level, and the communication of economic issues to the relevant ministries and provinces. Branches should play a key role in identifying local state, provincial and municipal assets and in monitoring the implementation of policy by state agencies. Branches were implored to participate in the budget reprioritization and the submission of identified needs to the fiscal authorities.

Commission on Agriculture and land

SUMMARY OF PROCEEDINGS

The Commission first met as a single group and received inputs from the Comrades Derek and Thoko who are the Minister of Land Affairs and Deputy Minister of Agriculture respectively. In both cases the presentations were an elaboration of the information in the Ministerial Reports (pages 5 - 9 and 81 - 84) and from the Commissions Documents (pages 12 - 19). Opportunity was given for questions of clarification from the Commission. Furthermore, the members of the commission actively contributed to the discussion by identifying issues of concern, observations on the inputs and proposals on what could be done in the sectors.

In order to sharpen focus on specific land and agricultural aspects, the Commission then separated into two sub-commissions. Broad themes were identified for discussion in each group. The recommendations of both were then consolidated into one report.

ISSUES OF CONCERN

The following key issues were raised:

The strategic location of Agriculture

The allocation of ministerial portfolios was raised as a matter of concern because it has left almost exclusive control of the agricultural sector to the National Party. The debate on policy matters in agriculture can be unduly influenced by the NP. Yet, the majority of the people who voted for the ANC reside in rural areas and regard agriculture as critical for their livelihood and development.

It was recommended that:-

- The strategic importance of agriculture with regard to household food security and its vital contribution to the economy needs to be affirmed by the ANC. This should be translated into a clear strategy and programme of implementation and development.

It was further recommended that there be a political discussion and strategic planning session of the ANC premiers including representation from KwaZulu/Natal and Western Cape to ensure that there is a balance of political power at all points of decision making in the areas of land and agriculture, at national and provincial levels. In addition, this Forum should consider rationalisation of the various related functions at provincial level to ensure efficient, effective governance.

A third recommendation in this regard was that the ANC Agricultural policy document should be used as a point of departure and that at all levels of the organisation there should be ongoing policy work. To this end, the ANC at branch/provincial levels should establish agricultural committees to ensure participation of our membership in policy formulation. A consultative sum-

mit on Land and Agricultural policy be convened to broaden involvement.

There is a need to remove the myths that exist of "efficient white farming" versus "inefficient traditional subsistence agriculture" and to assert and acknowledge the existing skills and potential of Black farmers.

Gender issues have to be integral to the implementation of the agricultural support services. All institutions, including traditional institutions, need to be reorientated in this regard. Specific attention should be given to ensure women have equal access to land and agricultural resources.

Communications Strategy

The Commission noted that there was :-

- insufficient communication between Ministries and organizational structures and an inadequate flow of information and documents;
- a need for active participation and input on government processes and policy from the branches; and
- a lack of high political profile of land and agricultural issues in public debate;

It was recommended that:-

- ANC branches should be involved in the dissemination of information on what is happening within government on land and agricultural issues.
- Public participation forums be encouraged as a channel for communications between government and the people.

There be a constant flow of documentation and information to and from ANC branches on matters related to government activities in land and agriculture. Branches should actively disseminate information and thereby build support for the ANC among all those involved in agricultural activities.

Specifically the ANC Agricultural Policy document, the Restitution of Land Rights Act and information regarding the Broadening Access to Agriculture Thrust (BATAT) be circulated as a priority.

The political profile and strategic importance of land and agricultural issues needs to be raised continuously by ANC leadership.

A plan for influencing printed and electronic media to reflect the priorities of the RDP in agriculture needs to be put in place.

Rural Development

In line with the RDP, government policy should go beyond land and agrarian reform and place these programmes within the broader context of a comprehensive rural development strategy.

Issues that can be dealt with include supporting in-

dustry in the rural areas to accommodate non-farming activities; social service delivery and social welfare; community-based land conservation; the creation of small and medium enterprises in rural areas; and measures to address housing needs of rural dwellers and farm workers.

It was recommended that:-

- The ANC adopts an interdisciplinary approach to rural development and based on the views and needs of rural dwellers.
- at government level there must be an inter-departmental structure which can ensure such rural development and its work must be effectively communicated inside and outside of government
- The ANC in its programme for land and agrarian reform must make sure that there is a programme for women development and empowerment especially because they are the ones who remain at home in rural areas which means that there are ones who have the potential to improve our agriculture and maintain the land.

Mobilization of State Resources

The ANC's policy is that it is the duty of the State to ensure that limited resources are directed towards addressing the needs of the poor. This includes reallocations of budget and scarce, strategic resources such as land.

It was recommended that:-

- The state needs to play a central role in identifying available land which is strategically located for various uses like housing and agriculture to meet the pressing needs of the landless and the homeless.

State resources for agriculture through the reorientation of its budget, for example the allocation for agricultural research, must be reoriented to meet the needs of the majority.

- Priority in allocation of state bursaries should be to train and educate those from previously disadvantaged communities. School should include agriculture and its professional importance in their curricula.

Departmental publications and media need to be fundamentally changed to reflect the priorities of the new government and to be accessible to the majority of the population including through addressing the question of language.

- Reorientation of current civil service - particularly extension workers - is necessary to enable them to deliver appropriate support services.
- An investigation be made into the validity of land transactions/deals which were rushed through prior to the elections.

Agricultural parastatals must be restructured and reorientated so as to further the interests of the majority of farm workers.

Link between Agriculture and Land

The link between the two issues is complex and necessitates complimentary strategies. The commission noted the question raised about a possible merger of the two

departments in the input.

It was recommended that:

- The departments remain autonomous and ensure that an interdepartmental approach on issues of common interest must be adopted.

Role of Traditional Leaders

The commission noted with concern the positions on the role of Traditional Leaders raised in the input document (page 26) with specific reference to the allocation of communal land and the powers to collect taxes; the interpretation of the constitutional provisions vis a vis the role of traditional leaders in the allocation of land; and the historical role of traditional leaders as custodians of land to the benefit of the community.

It was recommended that :

- A national framework should provide guidelines on the allocation of communal land which are transparent and reflect the new democratic context.
- The allocation of land by all tiers of government should be informed by and comply with national norms and standards;
- The allocation of land should be a process which allows for effective community and individual participation;
- Further potential or actual contradictions in the role of traditional leaders should be debated frankly and openly.

Restitution and Redistribution

It was noted that:-

- claims prior to 1913 are excluded by the Restitution Act; the spread and location of commissioners for the Commission on Land Rights should be closer to affected communities
- there was a need to establish this Land Commission with urgency and speed.
- forcible land occupation is generally the result of desperation and needs to be addressed primarily through the implementation of a programme of land redistribution.
- that farm workers are extremely vulnerable through their dependence on their employers for housing as well as employment.

It was recommended that:-

- the passing of the Restitution Act by the ANC led government should be commended as a demonstrable and historic achievement in redressing the legacy of apartheid. this should be seen as an affirmation of the commitment of government in addressing the needs of our people.
- ANC membership should become actively involved in the implementation of the Act through assisting affected communities. The Commission on Land Rights should be accessible to all affected people.
- Restitution must be accompanied by an effective programme of redistribution;
- The question of ensuring that communally-owned

Commission on stabilisation of South Africa

NEW SECURITY DOCTRINE

It is the commissions view that the major cause of instability in the country remains inequity, poverty and deprivation. In particular the high rate of unemployment provides a fertile field in which crime and social unrest can grow.

Thus the foundation for stabilising South Africa must be based on a security doctrine which moves away from a narrow militaristic approach and which addresses the political, economic, social, cultural and stability needs of our people. The basis of a new stability doctrine is the concept that stability is based on democracy, peace, development and societal security. Until all the people of South Africa experience a decent standard of living, a truly democratic society, human dignity and security in their everyday lives real social stability will be short-lived.

Therefore the basis of our stability doctrine is the RDP and other socio-economic programmes which will uplift the quality of life of all South Africans.

This new security doctrine needs also to be conceived within a broader regional stability perspective which notes the inter-dependence of the countries of the region and which focuses on the need to see the development of democracy, peace and economic development throughout the region, for real stability in South Africa can not last long if the region is unstable.

STABILITY AND TRANSFORMATION

Stability and security require therefore a process of rapid delivery of services and transformation of the society, in particular transformation of the state machinery.

This transformation requires a cohesive and co-ordinated strategy with built in mechanisms of assessment and evaluation.

In particular the public service and organs of state must be transformed into representative and service oriented structures.

MAJOR THREATS

Having outlined this basic perspective it is nevertheless self evident that the very process of delivering services and transforming society requires some degree of stability to be effected. Thus, socio-economic upliftment measures and security measures can not be seen as alternatives to each other. The primary strategy for stability must be two pronged: firstly, the demonstrable delivery or attempt to deliver on the RDP and, secondly, giving attention to current threats to stability.

In this regard, therefore, the commission identified Mass poverty and Deprivation as the primary threats to stability, but stressed the need to deal urgently with a range of current threats. These threats were identified as

follows:

- Third Force and illegal covert structures.
- Right wing extremism
- Taxi violence
- Arms - illegal arms smuggling
- Arsenals of state
- Drugs
- Socio - economic instability i.e. disruption of schools, service boycotts etc.
- Failure of state machinery to deliver (restructure state formation to deliver.
- White collar crime
- Illegal immigration
- Special armed groups under control of traditional leaders.
- Lack of communication of state and people.
- Potential secessionist moves.
- Weaknesses in border security.
- Privatisation of airports and the privatisation of airport and port security.
- Private armies.

SOLUTIONS

A number of general solutions or strategies were identified with regard to some of these threats. They are as follows:

Control of arms.

The commission felt that the ANC and government should support and effect the creation of gun free South Africa. A comprehensive strategy involving all the organs of the state is required to turn South Africa into a gun free society. This comprehensive and holistic approach to arms control should include amongst other things the following:

- Regular audit of arms and legal arsenals (arsenals of the state and parastatals, etc.) by an independent and empowered authority
- Armscor should be restructured, made transparent in its operations, made fully accountable and brought under stricter control.
- Disarming campaign should be embarked upon geared to the development of a gun free society.
- The calling of a Southern African regional Summit on arms control and security in the region.
- The tasking of all the intelligence services (military, police and civilian services) with uncovering illegal arsenals, tracking arms smuggling, uncovering illegal weapons syndicates and uncovering political corruption linked to arms proliferation.
- Reviewing licensing procedures and revoking, as far as possible, licences for automatic weapons for individuals.

Commission on South Africa and the New World Order

The discussion of this commission covered a wide range of areas of foreign policy. Given the shortness of time, it was not possible to come to final conclusions on many of these issues.

In the first place, with the aid of an input from Cde Aziz Pahad, the Commission characterised the new world order, among others things, as

- entailing a radical restructuring of international relations, manifested in
- the collapse of the bloc of Socialist states
- the emergence of a unipolar world in the sense of their being only one social system
- but that within this system there are however competing centres of economic power
- increasing use of force in international relations, as well as increasing disintegration of existing states, are also characteristics of the period.

The Commission felt that South Africa's foreign policy in this situation should be directed at advancing the RDP as well as inter-state and human relations that increase international security and peace, self-determination of peoples, respect for human rights.

It was considered fundamental that South Africa intervene in international economic relations in a manner best able to advance the RDP

There was some discussion in the Commission of the question of the arms industry. It was considered essential that there be an urgent discussion to assess the extent to which an arms industry is needed beyond the production of arms necessary for South Africa's own defence.

Foreign policy and the public

The commission repeatedly stressed the need for our foreign policy to be primarily directed towards the needs of the region, and in this regard to continue to engage in diplomacy aimed at the prevention and resolution of conflict

The Commission felt that the question of foreign policy is the concern of every member of society. It is therefore necessary for all members of society through various organs of civil society to be empowered to participate in foreign policy issues and to make an input into foreign policy formulation.

In the case of the ANC, it was considered essential that the DIA continue to function and that it assume particular responsibility for the establishment of structures at every level of the organisation to discuss foreign affairs issues.

The commission also felt that it was essential to have an ANC department of international affairs in order to conduct party-to-party relations, on a continuous basis.

Multilateral relations

The re-entry of South Africa into the international community placed particular responsibilities on the state to play its role in major international events, including the celebration of the 50th anniversary of the United Nations, the Beijing conference on the status of women, the UNDP Social Development conference to be held in 1995.

The commitment of the new foreign policy to international efforts at environmental protection ought to be given a boost by the hosting in SA of an international environmental conference next year

International drug and crime syndicates

The commission spend some time discussing the question of crime and drug syndicates of an international country that found ways of entering the country. The commission felt that the matter should be taken up on a bilateral basis with the countries concerned and in coordination with other relevant state departments.

Migration into South Africa

The question of clandestine migration of a more general kind was considered and it was suggested that the policy towards such migration should be guided by general principles.

In the first place it was accepted that 'economic migration' is a phenomenon which is undesirable for us in South Africa, for neighbouring countries and for the migrants themselves. But the commission felt that the question would not be resolved by controls alone. Any policy should:

- a. Take account of causal factors and South Africa's role in the creation of conditions leading to migration. Any policy must include as a component concrete proposals for how we deal with this issue
- b. We need to distinguish between new arrivals and de factor permanent residents. Consideration needs to be given to persons who have been here for some time with family or depends being permitted to regularise their situation.
- c. We need to take account of the consequences of any action we may take on neighbouring counties. Any large scale deportations could have major destabilising effects on countries like Mozambique

South-South relations and the Department of Foreign affairs

Because of the character of the current world order, being weighted very much in favour of the United States and other blocs of major powers, the need for south-

dustry in the rural areas to accommodate non-farming activities; social service delivery and social welfare; community-based land conservation; the creation of small and medium enterprises in rural areas; and measures to address housing needs of rural dwellers and farm workers.

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- a lack of high political profile of land and agricultural issues in public debate;

It was recommended that:-

- ANC branches should be involved in the dissemination of information on what is happening within government on land and agricultural issues.
- Public participation forums be encouraged as a channel for communications between government and the people.

There be a constant flow of documentation and information to and from ANC branches on matters related to government activities in land and agriculture. Branches should actively disseminate information and thereby build support for the ANC among all those involved in agricultural activities.

Specifically the ANC Agricultural Policy document, the Restitution of Land Rights Act and information regarding the Broadening Access to Agriculture Thrust (BATAT) be circulated as a priority.

The political profile and strategic importance of land and agricultural issues needs to be raised continuously by ANC leadership.

A plan for influencing printed and electronic media to reflect the priorities of the RDP in agriculture needs to be put in place.

Rural Development

In line with the RDP, government policy should go beyond land and agrarian reform and place these programmes within the broader context of a comprehensive rural development strategy.

Issues that can be dealt with include supporting in-

Commission on South Africa and the New World Order

The discussion of this commission covered a wide range of areas of foreign policy. Given the shortness of time, it was not possible to come to final conclusions on many of these issues.

In the first place, with the aid of an input from Cde Aziz Pahad, the Commission characterised the new world order, among others things, as

- entailing a radical restructuring of international relations, manifested in
- the collapse of the bloc of Socialist states
- the emergence of a unipolar world in the sense of their being only one social system
- but that within this system there are however competing centres of economic power
- increasing use of force in international relations, as well as increasing disintegration of existing states, are also characteristics of the period.

The Commission felt that South Africa's foreign policy in this situation should be directed at advancing the RDP as well as inter-state and human relations that increase international security and peace, self-determination of peoples, respect for human rights.

It was considered fundamental that South Africa intervene in international economic relations in a manner best able to advance the RDP

There was some discussion in the Commission of the question of the arms industry. It was considered essential that there be an urgent discussion to assess the extent to which an arms industry is needed beyond the production of arms necessary for South Africa's own defence.

Foreign policy and the public

The commission repeatedly stressed the need for our foreign policy to be primarily directed towards the needs of the region, and in this regard to continue to engage in diplomacy aimed at the prevention and resolution of conflict

The Commission felt that the question of foreign policy is the concern of every member of society. It is therefore necessary for all members of society through various organs of civil society to be empowered to participate in foreign policy issues and to make an input into foreign policy formulation.

In the case of the ANC, it was considered essential that the DIA continue to function and that it assume particular responsibility for the establishment of structures at every level of the organisation to discuss foreign affairs issues.

The commission also felt that it was essential to have an ANC department of international affairs in order to conduct party -to party relations, on a continuous basis.

Multilateral relations

The re-entry of South Africa into the international community placed particular responsibilities on the state to play its role in major international events, including the celebration of the 50th anniversary of the United Nations, the Beijing conference on the status of women, the UNDP Social Development conference to be held in 1995.

The commitment of the new foreign policy to international efforts at environmental protection ought to be given a boost by the hosting in SA of an international environmental conference next year

International drug and crime syndicates

The commission spend some time discussing the question of crime and drug syndicates of an international country that found ways of entering the country. The commission felt that the matter should be taken up on a bilateral basis with the countries concerned and in coordination with other relevant state departments.

Migration into South Africa

The question of clandestine migration of a more general kind was considered and it was suggested that the policy towards such migration should be guided by general principles.

In the first place it was accepted that 'economic migration' is a phenomenon which is undesirable for us in South Africa, for neighbouring countries and for the migrants themselves. But the commission felt that the question would not be resolved by controls alone. Any policy should:

- a. Take account of causal factors and South Africa's role in the creation of conditions leading to migration. Any policy must include as a component concrete proposals for how we deal with this issue
- b. We need to distinguish between new arrivals and de factor permanent residents. Consideration needs to be given to persons who have been here for some time with family or depends being permitted to regularise their situation.
- c. We need to take account of the consequences of any action we may take on neighbouring counties. Any large scale deportations could have major destabilising effects on countries like Mozambique

South-South relations and the Department of Foreign affairs

Because of the character of the current world order, being weighted very much in favour of the United States and other blocs of major powers, the need for south-

Commission on stabilisation of South Africa

NEW SECURITY DOCTRINE

It is the commissions view that the major cause of instability in the country remains inequity, poverty and deprivation. In particular the high rate of unemployment provides a fertile field in which crime and social unrest can grow.

Thus the foundation for stabilising South Africa must be based on a security doctrine which moves away from a narrow militaristic approach and which addresses the political, economic, social, cultural and stability needs of our people. The basis of a new stability doctrine is the concept that stability is based on democracy, peace, development and societal security. Until all the people of South Africa experience a decent standard of living, a truly democratic society, human dignity and security in their everyday lives real social stability will be short-lived.

Therefore the basis of our stability doctrine is the RDP and other socio-economic programmes which will uplift the quality of life of all South Africans.

This new security doctrine needs also to be conceived within a broader regional stability perspective which notes the inter-dependence of the countries of the region and which focuses on the need to see the development of democracy, peace and economic development throughout the region, for real stability in South Africa can not last long if the region is unstable.

STABILITY AND TRANSFORMATION

Stability and security require therefore a process of rapid delivery of services and transformation of the society, in particular transformation of the state machinery.

This transformation requires a cohesive and co-ordinated strategy with built in mechanisms of assessment and evaluation.

In particular the public service and organs of state must be transformed into representative and service oriented structures.

MAJOR THREATS

Having outlined this basic perspective it is nevertheless self evident that the very process of delivering services and transforming society requires some degree of stability to be effected. Thus, socio-economic upliftment measures and security measures can not be seen as alternatives to each other. The primary strategy for stability must be two pronged: firstly, the demonstrable delivery or attempt to deliver on the RDP and, secondly, giving attention to current threats to stability.

In this regard, therefore, the commission identified Mass poverty and Deprivation as the primary threats to stability, but stressed the need to deal urgently with a range of current threats. These threats were identified as

follows:

- Third Force and illegal covert structures.
- Right wing extremism
- Taxi violence
- Arms - illegal arms smuggling
- Arsenals of state
- Drugs
- Socio - economic instability i.e. disruption of schools, service boycotts etc.
- Failure of state machinery to deliver (restructure state formation to deliver.
- White collar crime
- Illegal immigration
- Special armed groups under control of traditional leaders.
- Lack of communication of state and people.
- Potential secessionist moves.
- Weaknesses in border security.
- Privatisation of airports and the privatisation of airport and port security.
- Private armies.

SOLUTIONS

A number of general solutions or strategies were identified with regard to some of these threats. They are as follows:

Control of arms.

The commission felt that the ANC and government should support and effect the creation of gun free South Africa. A comprehensive strategy involving all the organs of the state is required to turn South Africa into a gun free society. This comprehensive and holistic approach to arms control should include amongst other things the following:

- Regular audit of arms and legal arsenals (arsenals of the state and parastatals, etc.) by an independent and empowered authority
- Armscor should be restructured, made transparent in its operations, made fully accountable and brought under stricter control.
- Disarming campaign should be embarked upon geared to the development of a gun free society.
- The calling of a Southern African regional Summit on arms control and security in the region.
- The tasking of all the intelligence services (military, police and civilian services) with uncovering illegal arsenals, tracking arms smuggling, uncovering illegal weapons syndicates and uncovering political corruption linked to arms proliferation.
- Reviewing licensing procedures and revoking, as far as possible, licences for automatic weapons for individuals.

respect the rights of the citizens and not violate the privacy of individuals and legal organisations within the country.

General

The Commission emphasised the centrality of civilian control over the army and police services. It urged that this process should be expedited, and called for the establishment of time frames which should be monitored directly by the President.

The Commission noted the need for youth, especially from black communities and from the ranks of the democratic movement to join the police and other security services. The ANC should play a leading role in such mobilisation.

The ANC should play its role, especially at branch level, in the campaign against crime and in the establishment of community-police forums.

MEDIA

The NEC should take up the issue of working out detailed policy positions and practical recommendations regarding the transformation of the South African Communications Services into an effective, loyal, transparent and efficient communications arm of the democratic government. This applies both to personnel, content of work and style of operations. This should also include recommendations on communications strategy. On the other hand, the ANC itself should streamline its own communications machinery to ensure that the population is informed of both its own actions and those of government.

The Commission reiterated the ANC's policy on media freedom.

The Commission noted and supported initiatives towards the drafting of the Freedom of Information Act. It further urged the NEC to examine instances where the government or specific ministries create, by their actions, the perception that the government or the ANC are against transparency. Inconsistencies in this regard need to be eliminated.

The Commission recommends that the ANC should work out its own approach to the issues being dealt with by the Independent Broadcasting Authority. While the ANC fully supports the need to open the airwaves, we should also guard against the danger of so undermining the public broadcaster that, ultimately, control of electronic media, resides essentially in the hands of private interests.

The ANC should work out a uniform approach both at national and provincial levels regarding the power accorded to regions on public media. On the one hand, we should avoid a "federalist" approach to mass communications, and ensure that public media is not controlled by government. On the other, we should allow for provincial and local initiatives in running the media. In this regard, the proposals being presented to the IBA should be studied in a dispassionate manner.

The ANC and Government should elaborate a detailed approach on the issue of diversifying ownership and control of the print media. This should be urgently undertaken, to ensure, particularly, that voices of disadvantaged sections of society are heard.

land can be used to guarantee loans is an issue that needs to be addressed by the Rural Finance Commission;

- The State should not leave the entire programme of redistribution to the market
- An investigation into the feasibility of a land tax should be undertaken urgently.
- Redistribution must be a demand-driven process.
- Steps must be taken by the government to stop all unfair evictions including the passing of legislation

if necessary. Legislation to strengthen tenancy rights and to ensure that courts are more sensitive to the plight of the homeless needs to be put in place. Different forms of tenure must be recognised.

- The housing subsidy for farm workers must be linked to their rights to remain on the land.
- The government needs to investigate forcible land occupation so that criminalisation or deliberate destabilisation on false grounds of sympathising with the homeless is ended.

payment for services. Collection of corporate taxation must be made effective.

- h) The budget process must be zero- and programme based, transparent and should facilitate greater participation in its formulation and prioritization, enabling submissions and comments.
- i) Borrowing should only be within a clearly sustainable framework. Any proceeds from the sale of any state assets should be used only for the repayment of debt.
- j) Controls on all expenditure, with particular reference to curbing waste, mismanagement and corruption, must be enforced
- k) The policy on re-evaluation of state assets and restructuring the public sector should be examined within a framework that will ensure benefit accrues to ordinary people and helps create small and medium enterprises. The approach requires broad consultation with labour. The Ministry responsible should circulate widely a discussion document on its approach and programme. Clear guidelines and mechanisms must be elaborated that ensure insider trading is illegal, including rules that will bind ministers, civil servants, MECs and parliamentarians.

Restructuring Parastatal Institutions

The Commission noted that a number of development, research and economic agencies had been established by the apartheid regime. It noted that there is simultaneous fragmentation and overlap, and that few of these agencies serve the interests of transformation. The Commission resolved that a full catalogue of such agencies be prepared and that a detailed strategy for their restructuring and reorientation be urgently effected.

Financing of Social Services

.Given that 81% of the population has no access to health care except through direct payment at times of illness, and given the limited resources available to the health sector, provision of basic health care for the broad population is essential. To this end full investigation should be undertaken to establish a National Health Insurance Scheme. This will not replace existing medical aid schemes. The proposal to establish a National Health Insurance Scheme was endorsed by the Commission.

Creating Productive Employment

Job creation requires a special task team, within a national industrial strategic framework that operates at a national, provincial and local level. The concerns of both the employed and unemployed must inform this approach.

Small and medium enterprises are critical to job creation and black empowerment. This should look at the manufacturing sector, guaranteed access to skills, capital and markets. The role of the state as purchaser at

various levels, within agreed parameters, should be used to build such capacity. A comprehensive review of the tender system and legal framework under which it operates should assist in bringing on board small contractors.

A comprehensive policy on direct investment should be developed, including foreign investment. The investment framework elaborated by the NEF should be further developed. Such development should give consideration to investment incentives with the proviso that the rights of workers will not be eroded by such incentives.

A human resource development programme, particularly training, should be elaborated to facilitate job creation and an investment-friendly environment.

Economic Empowerment

A special programme to address women's empowerment in the economy must be developed, including ensuring access of women to finance, training and support services.

Black economic empowerment is central to reconstruction and development, and should be aimed at empowering communities rather than being directed at a limited number of individuals. The ANC must develop a coherent policy paper and submit it to the NEC as a matter of priority. Implementation mechanisms need to be identified and put in place. Joint ventures, co-operatives and worker participation are means that should be considered. The objective is across-the-board upliftment.

The Commission emphasised the need to provide finance and support mechanisms for economic development in rural areas.

Co-ordination

The Commission endorsed the establishment of an ANC Economic Commission comprising ministers and deputy ministers, MECs for Economic Affairs, constitutional structures of the ANC at provincial level, and appropriate standing committees. Such a Commission should be convened at least four times a year for purposes of monitoring developments in the South African economy, policy implementation and the discussion of policy adjustments. This Commission should establish formal mechanisms of interface with Cosatu, the SACP and other components of the broad Alliance.

The Commission recognised the role of the branches in steering the process of economic development at the local level, and the communication of economic issues to the relevant ministries and provinces. Branches should play a key role in identifying local state, provincial and municipal assets and in monitoring the implementation of policy by state agencies. Branches were implored to participate in the budget reprioritization and the submission of identified needs to the fiscal authorities.

south solidarity was particularly stressed. The commission also felt that a desk ought to be created in the Department of Foreign Affairs to deal with south-south relations

South Africa's new diplomatic opportunities and the question of opening diplomatic missions

Concern was expressed regarding where missions were opened and how many the country could afford. The opening of embassies and consulates are very costly and every rand spend on embassies are rands that could go to the RDP. Every embassy that is opened should re-

flect our overall foreign policy. All existing embassies the commission felt, should be reviewed to see whether their existence reflects foreign policy.

Composition of the Department of Foreign Affairs

The Commission felt that it was essential that the present composition of the Department of Foreign Affairs, especially at the higher levels needs to be urgently restructured to make it more representative of the society as a whole and less a continuing embodiment of the previous department

Commission on the Transformation of the Economy

The Commission adopted the approach that transformation of the South African economy is a fundamental component of the transformation of our country to achieve non-sexism, democracy, non-racialism, development and equity.

The commission noted and agreed that relevant economic policy sections from the following documents be formally adopted by Conference, namely:

- Ready to govern (May 1992)
- The Reconstruction and Development Programme as adopted in January 1994.
- The Health Plan (on a National Health Insurance Scheme)

It received a report on the economic legacy of apartheid which featured the levels of inequality, unemployment, the economic disempowerment of the majority, and the concentration of ownership by the large conglomerates.

The Commission identified the following areas as critical to achieve the objectives of transformation:

- Achieving sustainable growth to ensure we meet basic needs
- A close interaction between government, labour, business and civil society
- Creating a legislative framework to change the fundamental base of society
- That government acts as an instrument for change.

Sound Fiscal Management

The Government of National Unity, fully aware of the anomalies of the situation, has initiated a six-point programme as part of the process of establishing a new approach in government.

These are:

- belt-tightening
- reprioritization, both within and between departments and ministries
- restructuring of the civil service to achieve representivity and efficiency,

- reviewing and restructuring of state assets to ensure the most efficient use of public resources
- addressing the relations between national, provincial and local government,
- and monitoring implementation and capacity.

The commission recommended that forward planning was essential, specifically:

- a five-year forward planning approach
- what the state should be responsible for and why
- to reduce government consumption expenditure

Despite time constraints limiting discussion, the following recommendations were made by the Commission:

- a) The broad thrust of fiscal discipline and management was fully endorsed
- b) A strategic management plan, for national, provincial and local levels, must be formulated and implemented.
- c) Every effort must be made to expand the base of the economy, bringing on board both business and labour;
- d) A macro-economic strategic approach must be developed;
- e) Budget reprioritization in terms of RDP priorities is an imperative. This is not cutting social expenditure but a strategic reprioritization of government spending. New priorities must be identified, and others that are not in keeping with RDP objectives scrapped.
- f) Monitoring mechanisms of such reprioritization, at all levels of government, must be established and put in place without delay
- g) Revenue collection must be made efficient and effective, and the parameters of a once-off, limited tax amnesty for small businesses of those who were disadvantaged by apartheid be considered. A campaign to address the negative perceptions around payment of taxation be embarked upon, including

is itself not representative, is a matter that should be urgently addressed, given that it is this body that is meant to set standards for the public service.

- The mandate of the PSC should be changed, for this body to play an ombuds role. The task of political supervision and management of the administration should be handled by the Ministry, which should accordingly be empowered to undertake this function.
- The Commission agreed with the proposal to set up Provincial PSC's. However, this will necessitate greater efforts to ensure that there is one civil service with a common vision, ethos and an improved work culture.

Recruitment and selection procedures should also be informed by that fact that many competent South Africans gained their work experience outside the old apartheid system. Individuals from disadvantaged groups who were sent for training in preparation for democratic rule should be given due recognition when ministers make appointments. Further, the Commission urged all Ministers to make the appointments into the 11 000 posts by the end of February. As a caring government, we should act on this matter with urgency, given the uncertainties among the multitudes who applied. ANC Ministers must be seen to take the lead on this, and all other matters concerning representativity. This naturally requires that the ANC should have its own detailed strategy for deployment of personnel in all institutions, including parastatals.

The policy of affirmative action is a crucial element to bring about representativity. This should not be interpreted as a favour nor should it simply be seen as a flexible application of employment procedures. It addresses the crucial question of individuals with potential but who had been deliberately kept out by the apartheid regime. In addition, there are many qualified, competent and experienced people who have historically been excluded. In carrying out these policies there should be clear targets, time frames and visible progress.

The Commission supported efforts to introduce a single LRA and emphasised that the ANC has a central role to play in ensuring that problems being experienced in this regard are resolved.

The GNU must address the need for training and re-training of employees at all levels with clear guidelines on promotion and career paths. This should include employees of the old system, in order to help change attitudes, ensure efficiency and upgrade employees in the lower ranks. This must have targets and time frames.

The following matters need thorough investigation:

- Extensive use of consultants in the public service, at the exclusion of workers who are involved in dispensing the services being restructured.
- The role and method of the HSRC which have the effect of promoting Eurocentric and outdated tools which are not applicable to the changes that the new government seeks to introduce.
- A comprehensive strategy for the restructuring of parastatals, such as the DBSA, KFC, SBDC, IDC and others. This should include examining their programmes and representativity taking into account

questions of gender, race and the need to broaden the pool of blacks who are deployed in these institutions.

- Programmes being implemented in provinces not under an ANC government, and the intervention necessary to ensure uniformity of approach.

PARLIAMENT

The Commission noted measures being undertaken in the national legislatures to make them more accessible to ordinary people. It called for a wider debate on this issue, taking into account the need for provincial parliaments to do the same, as well as the cost implications.

Transformation of parliament should also entail democratisation of its operations in relation to labour matters.

National parliament needs to finalise discussion and clarify the issue of the relationship between the two houses.

ANC caucuses in the legislatures should plan more effectively to ensure strategic interventions on all issues pertaining to transformation.

JUDICIARY

The courts

The Commission recommends that the Minister of Justice should be requested to investigate the need for:

- community courts or similar mechanisms to resolve disputes at community level;
- the place and role of traditional courts, which should be restructured and located within the formal judicial system; and
- the introduction of measures to ensure lay participation in the administration of justice.

The Commission urged for a speedy process and decisiveness to realise the following principles, in the restructuring of the judiciary:

- representativity;
- competence;
- independence;
- accessibility; and
- democratic values.

The Commission noted the need for the Judicial Service Commission to operate at all times in a transparent and accessible manner.

Attorneys-General

The Commission emphasised the need for the establishment of a truly independent prosecuting authority in the country. In particular, it noted that there is not a single black or female attorney-general in the country. In this regard, it recommended the restructuring of these offices in line with the new democratic principles.

The Commission supported the initiative by the Minister to initiate discussion on the issue of a central office of the attorney-general to ensure accountability, and avoid fragmentation of the application of justice as well as conflicting interpretations of the law and the

Additionally:

- 1) Suggest the setting up of alliance structure to ensure the establishment of Community Policing Forum (CPF). The ANC National Organising department to arrange a National workshop on community policing forums. People from province should be people who will be included on a continuous basis in the Community Policing Forums. The workshop should not be later than February.
- 2) The government should also provide the guideline on Community Policing Forum and ensure that resources are made available to the Community Policing forum. Community should be re-oriented to have confidence in the police.
- 3) People should be encouraged to be supportive of the police and to have the confidence to provide the police with the necessary information needed to apprehend criminals.

Intelligence

Intelligence should be seen as the first line of defence and stability and the intelligence services should therefore be required to provide timely, strategic and accurate intelligence for the President and the country. In this regard, therefore, it is essential that the intelligence services are closely controlled in both their functioning and in their adherence to the constitution. It is also essential that the oversight and control mechanisms now established in legislation work effectively and, amongst other things, introduce mechanisms for strict quality control of the products of these services.

The commission also felt that it was necessary for the intelligence services to market themselves in order for the general public to understand their role and in order for citizens to play a supportive role in the vigilance required for a stable democracy. The ANC MP's in the oversight committee could also play a role in making intelligence an understandable and less aloof process. It was also felt that this would assist the monitoring mechanism for oversight structures on intelligence and security.

Defence force

As with the police it was felt that it was essential to bring the SANDF under effective civilian control and for its composition to be reflective of the people it is defending.

The commission welcomed the report by the Minister of Defence on progress with regard to the integration process where facts and figures were presented which clarified many misconceptions. However the point was noted that there is a need to further speed up and streamline the integration process.

Amongst other things the commission recommended that government should undertake the following:

1. Urgently prepare concept legislation aimed at democratising the defence act and military disciplinary code so that it is in line with our interim constitution and practices in democratic societies the world over.
2. Work on legislative proposals to give effect to the concept of a civilian ministry of defence. This is crucial for the attainment in real terms of the subordination of security forces to the dictates of civil authority.
3. Consider legislative measures for the establishment of the service corp/brigade - this important arm of the RDP in the military sphere.
4. Consider legislation to give effect to section 189 of the interim constitution dealing with pensions as one part of a process of honouring heroes and heroines of the struggle. Another important step in honouring those who made the sacrifices and contributed to the establishment of a democratic constitutional order, both inside and outside the country, should be the establishment of a national monument.
5. Consider legislation to bring about a veterans dispensation which does not discriminate against veterans of MK.
6. Establish effective communications both internally and with the public at large in relation to military matters and issues surrounding the process of military integration.

Additionally, the ANC should:

1. Develop a coordinating mechanism to co-ordinate ANC initiatives in government, parliament and in society at large. For example on defence matters it is necessary to coordinate ANC initiatives within the Ministry, Parliamentary standing committee on Defence and the Secretary General's office to coordinate inputs and statements from all these levels.
2. Consideration should be given to the problem of ill discipline amongst some of the former MK cadres involved in the integration process.

Commission on constitution-making process

INTRODUCTION

The objectives of the commission were to:

- formulate guidelines and principles which will guide the ANC Constitutional Commission and the ANC in the CA, and
- recommend the structures and process for coordinating discussion within the ANC, ensuring optimal participation of ANC members in this process.

APPROACH OF COMMISSION

The Commission undertook the discussion to the constitution-making process under the following headings:

- Constitution making process in the context of the strategy and tactics of the ANC
- The Interim Constitution : Constraints and lessons
- Guidelines for strategy in the CA
- Structures and process within the ANC
- Recommendation to conference.

The commission was very aware that detailed discussion on many of the above aspects was not possible in the short time available. However, it was agreed that certain broad guidelines must be provided for the ANC's input to the CA, whilst agreeing that a consultative conference of the new constitution should be convened no later than March, 1995 to deliberate comprehensively on the constitution making process.

STRATEGY AND TACTICS IN CONSTITUTION-MAKING

The following factors were noted:

- the 27th April elections marked an important and qualitative political change, however,
- the interim constitution currently in effect is a compromise constitution which places a number of fetters in the transformation process.
- the drafting of the constitution takes place in a new context in which the ANC enjoys almost 64 percent of the votes in the CA.
- the drafting of the new constitution symbolises the political past of entrenching unmitigated majority rule and uncompromised democracy.
- the constitution must provide the legal framework for the fundamental transformation of South Africa - politically, economically and socio-economically.
- the major political tasks, therefore in the next 18 months is to consolidate democracy and irreversible process of transformation.

It is recommended that :

- a) Paragraph 5 of the Strategy and Tactics documents should be amended to unequivocally state that the strategic objective of the ANC remains the transfer of power to the people to bring about :

1. uncompromised democratic majority rule and,
 2. the fundamental transformation of our society in all spheres of life especially at this stage of our struggle in the institutional social and economic spheres whilst continuing with the partially attained transformation process in the political arena
- b) Paragraph 10 of the strategy and tactics document should be amended to include the following:
 - that a new constitution shall not restrict the legislature or the government in its capacity to address the effects and legacy of past discrimination and apartheid to bring about social and economic justice and a fundamental transformation of all aspects of our society.

INTERIM CONSTITUTION CONSTRAINTS AND LESSONS

The interim constitution reflects the compromises that which must not be carried over into the new constitution.

However, the interim constitution will influence the new constitution in two respects:

- a) establishing and operationalising the structures will impact upon the precise formulations in this regard in the new constitution eg. the provincial structures, reserve bank, financial and fiscal commission.
- b) the constitutional principles in the interim constitution is a constraining framework within which the new constitution must be drafted.

It is essential that the constitutional principles contained in schedule 4 of the constitution are not included in the new constitution nor should they be binding on future constitutional amendments.

It is also vital that the positive and negative lessons of the implementation of the interim constitution are taken into account in drafting the new constitution.

The allocation of powers and the interpretation of concurrency in section 126 of the constitution was also a matter of concern.

- a) there is a lack of coherent interpretation in the ANC (national and provincial) on this question which has and will continue to create difficulties - urgent attention must be given to co-operatively arriving at a consensus position on this matter based on ANC principles.
- b) The relationship between national and local government and between provincial and local government has been inadequately and should receive urgent attention

Provincial constitutions.

The interim constitution permits provinces to draft and adopt provincial constitutions. This provides different

constitution.

Offices of State Attorneys

The Commission noted that these offices, which have been used by the old security establishment to defend its nefarious activities, continue to be dominated by white males and to use state funds to defend violations of human rights.

The Commission therefore recommended that the need for such offices be investigated. If at all they are to be retained, they should be comprehensively restructured.

Other matters

The Commission reiterated the need for a court system that is user-friendly, particularly with regard to victims of abuse such as children and women; as well as uniformity of practices in both urban and rural areas.

The Commission resolved that the human rights culture of the new system should be maintained and deepened. However, this should not be interpreted in such a way that it lets criminals of all hues off the hook.

DEFENCE, POLICE AND INTELLIGENCE

Defence

The Commission welcomed the report on the progress made by the Defense Ministry in the process of integration of statutory and non-statutory armed formations into the SANDF. Efforts to transform the Police and Intelligence Services were also noted with appreciation.

The Commission also noted the following:

- the problems created by elements who wanted to sabotage the integration process,
- the lack of discipline amongst some former MK members,
- appreciated the efforts that have been made to overcome the shortcomings in the integration and transformation process,
- commission noted however that a perception exist that absorption rather than integration is taking place and the information should be made available in order to explain the reality of the process,
- information sharing between the Ministry of Defense and the different structures of the ANC and civil society need to be shared so that assistance and cooperation can be mobilized for the purpose of addressing problems at their initial stages.

That the Ministry is doing all in its power to develop a defense force that would uphold democracy and defend the Constitution. In this regard it is important that former non-statutory force members are able to play a dynamic role and be deployed accordingly within the Defence Force.

The conditions of service must be closely addressed and the best possible conditions, that do not discriminate in race and gender terms need to be implemented.

SANDF training must aim at multi-skilling the trainees so as to broaden their employment opportunities upon

leaving the Defence Force.

Symbols of the defence force should reflect the changed situation which the country has undergone. The Government has to review the defence industry as part of the overall policy and its vision on defence and military matters.

The social welfare needs and development of all the security force members needs to be addressed to assist them in adjusting to the new security forces in the country.

The Commission:

- Calls upon all former MK cadres to adhere to the necessary standards of discipline within the SANDF in order for them to successfully discharge their historic mission i.e. the creation of a new national defence force;
- Calls upon the Ministry of Defence and the Parliamentary Joint Standing Committee to closely monitor and oversee all the stages of integration, as well as investigate the complaints of integrating members of the non-statutory members to ensure smooth transformation process.
- Recommends that Parliament speedily enacts legislation in line with Section 189 of the Interim Constitution to meet the needs of all veterans
- Supports the concept of demobilisation pay-out to those members of the non-statutory forces within the Defence Force who are on the Certified Personnel Register who no longer wish to be part of the SANDF;
- Calls upon the state to take the necessary steps to address the issue of those members of the liberation forces who died in exile.
- That a memorial be erected to pay tribute to those heroes and heroines who laid down their lives for the liberation of the country.

Police

The Ministry of Safety and Security needs to ensure the speedy integration of all the different police services into a unitary police service operating under the same rules and regulations and enjoying equal service conditions.

The Ministry also needs to investigate the threat of hit-squads in South Africa and particularly in Kwa-Zulu Natal and act upon these accordingly.

A proper investigation should be conducted whenever members of the Security Forces violates the rights of the people and act contrary to the rules and regulations. Also communities should be encouraged to respect and support the officers that uphold law and order.

The concept of Community Policing and the use of minimum force needs to be implemented.

Intelligence

Progress made in this regard has been commendable. However, we need to ensure effective control of these services by democratic forces; and that old networks do not take advantage of the new legitimacy to engage in counter-revolutionary activities.

The new Intelligence structures should scrupulously

guage rights of the people of South Africa. The traditional leaders as custodians of the culture of diversified people of our country shall in a non partisan manner minister upon their communities subject to the principles of democracy and equality.

- The constitution should not distribute political economic and state power among provinces on the basis of race, ethnicity or antagonistic competing interests between levels of government whilst, however bringing government as close as possible to the people to ensure popular participation in governance.

There are various other issues which require further investigation before we adopt principles, if any, in respect thereof, inter-alia, the structures of government, mechanisms to realise participatory democracy, the role of civil society, the Reserve Bank and the allocation of powers at different levels of government

This preliminary list of principles and the outstanding issues listed shall be finalised at the proposed consultative conference to be held in early March 1995.

STRUCTURES

In order for the ANC to be able to involve the membership and take up mandates, structures will need to be set up as outlined in the commission discussion document. Speed will be crucial for the establishment of this structures.

Such structures must ensure speedy flow of information and provide a vehicle for debate by members.

RECOMMENDATIONS

- a. Structures must be set up before the end of January 1995
- b. The National Constitutional Commission should or-

ganise workshops with the political leadership in all provinces before the end of January 1995.

- c. The NCC must organise a constitutional policy conference in March 1995.
 - d. NCC should prepare document to reach branches by Mid February 1995 for the March 1995 Constitutional Conference.
 - e. NCC or government to simplify the present constitution and translate it into all languages for distribution to communities.
 - f. The commission was strongly of the view that the ANC should not adopt provincial constitutions in provinces in which it has a majority;
- The Interim constitution permits provinces to draft and adopt provincial constitutions.
- g. It is strongly recommended that provincial ANC structures should not draft provincial constitutions until the March consultative conference;
 - h. At the same time the ANC Constitutional Commission must interact with provincial ANC structures, including provincial governments, with a view to preparing a report of the March, 1995 Conference.
 - i. In Constitutional Committee must also formulate a coherent strategy for the Western Cape and KwaZulu / Natal in this regard.
 - j. Before the conference on constitution, members of ANC in CA and structures making submissions should be guided by the principles as adopted in this conference.
 - k. ANC should produce a simple bulletin to be distributed to members on regular basis.
 - l. The ANC should ensure that the interpretation of concurrency of powers and allocation of powers to various levels of government is consistent with our concept of strong central government.

- Tightening legislation related to the possession and carrying of weapons in public.
- Legislating against and forcing the disbanding of private armies.

Exposure and disbanding of Third force and covert operations.

All organs of state should hold urgent meetings to work out a comprehensive strategy for exposure of the workings and existence of Third Force and covert operations. Political pressure should be put on the organs of state to make full disclosure of these operations before the Truth Commission and other commissions set up in this regard. Incentives, both positive and negative, should be introduced to encourage full disclosure of covert operations.

Departments should not be inhibited to make a full exposure of corruption, third forces, etc. It is necessary that a process of required cleansing take place in the organs of state and a strategy to effect this should be embarked upon. One possibility is to create a structure through which the ex-members of these units can talk out without being scared of victimisation.

Unmasked/exposed covert structures should then be dismantled, dissolved or restructured into legitimate/legal services.

Stopping Privatisation of Safety and Security

The privatisation of safety and security functions, particularly at the ports and airports, was felt to be not only a bad precedent but also a real security risk to the country in the light of the expansion of the drugs trade and arms smuggling.

Police and customs/immigration officials should guard all points of entry into the country. The use of private security should cease.

Security of railways and stations should be in the hands of the SAPS.

Properly trained customs officers should be employed at all points of entry supported by the police who should also receive specialist training in this regard.

Any point of entry (airport) should be under the control of the state.

All private security companies should be monitored and strictly regulated by the state. Legislation should be introduced or reviewed to effect thorough vetting and control of security companies and to regulate their functioning.

Effecting justice

People who have been displaced by violence should be given full state support and backing to enable them to now go back to their houses. The state should be seen to be supporting the just return of people to their rightful houses.

Ministers of Justice and Safety and Security should meet to discuss the conduct of Magistrates in handling

criminals i.e. bails and sentences.

Criminals should be charged and judged speedily and access to bail of hard criminals, murderous should be reviewed in order that further crimes are not committed.

Stopping Political Violence

In order to end the era in which political problems and differences were resolved through violence in some areas the ANC and government should support a comprehensive strategy to stop politically motivated violence. The measures to stop this violence would need to be multi-pronged and should include:

- The stepping up of effective peace programmes
- Frequent searches and roadblocks should be set up to stop the movement of armed groups and to control arms distribution/sale.
- Police Officers who are identified to be unwilling to enforce law and order should be dismissed.
- The co-ordinated Intelligence services should be used to gather information on political violence and those advocating it. The linkages between political and criminal violence should be closely monitored. All intelligence gathered should be utilised by the SAPS for effective apprehension of those involved in political violence.
- Searches into neighbourhoods, hostels and houses should be conducted to collect weapons wherever the information indicate, special units should be used.
- Police should be urged to act swiftly on information received.
- Internal Stability Unit (ISU) should be dissolved and members retrained to crack on crime.

RESTRUCTURING THE STATE MACHINERY

Apart from the specific measures listed above to secure the country it was felt by the commission that the effective implementation of these measures should go hand in hand with restructuring the relevant state machinery. In this regard specific recommendations are proposed for the police, defence force and intelligence services.

Policing

The commission noted the centrality of the community in the policing function and the combating of crime. In this regard the role of police community forums was identified as central. The commission also noted the urgent necessity for effective civilian control of the police including the appointment of civilians to certain positions within the police, the demilitarisation and ranking should be linked to civilianisation. In this regard initiatives that are taken by different communities and the police to effect community policing were noted. However, it was clear that a common understanding of this approach was lacking. The commission therefore recommends that conference agrees to the urgent convening of a national workshop by the tripartite alliance so that a common strategy can be worked out to effect community policing throughout the country.

ANP/009/0067/1

AFRICAN NATIONAL CONGRESS

Commissions Reports

49th National Conference

17-21 December 1994

Bloemfontein

Commission on Transformation of the State Machinery

The Commission proceeded from the premise that the state machinery is an instrument of governance, a machinery to implement policies of the government of the day.

In the case of our country, the government has just undergone major changes which however do not translate into change of the state machinery. The Commission noted that democratic forces have attained elements of political power. However, before we transform the state machinery as a whole into loyal instrument of democracy, transfer of power to the people will not be complete.

The Commission agreed that transformation means more than replacement of personnel; but that it should entail a new culture, ethos and praxis as well as consistent application of the principles of non-racialism and non-sexism. This should also entail inculcating a culture of service to society as against the attitude of master, and sensitivity to all consumers, especially the elderly and the disabled. The new language policy should be introduced, to make these institutions accessible to all South Africans.

The Commission looked into the following areas:

- the civil service;
- the army, intelligence and police;
- the judiciary;
- the legislature;
- the media.

THE CIVIL SERVICE

It was noted that the GNU faces many challenges with respect to the restructuring of the civil service. The Ministry will have to act decisively and begin to implement the policies of the ANC as reflected in the RDP. It is crucial that the government does not reinforce the perception that it is hesitant on these crucial matters. In this regard, the Commission welcomed measures being adopted to ensure gender equality.

While recognising the constraints within the interim constitution, such as job security for previous employees, we should also creatively use the opportunities contained in this document, such as provisions on affirmative action and representativity.

However, we should all the time seek to expand the options that will help hasten the process of transformation. The NEC will need, as a matter of urgency to look into the necessity or otherwise of amending the interim constitution. However, emphasis should be on legislative mechanisms, all of which should be accommodated in the White Paper which should be tabled during the first session of parliament next year.

Noting that only jobs and not posts are guaranteed in the interim constitution, the Commission called on gov-

ernment to consider redeployment of old personnel, where necessary, to areas where they would not sabotage change. It also emphasised the fact that location of personnel should be linked to the needs of the public, and transfers should be effected as may be required for effective service delivery. Objective performance evaluation will be crucial in this regard.

The perception that our public service is bloated has to be examined against the fact that the deployment of civil servants in our country is skewed, in favour of urban and white areas. Rationalisation should therefore not deprive communities of crucial services. At the same time, retrenchment packages and early retirement should be utilised to open space for new personnel.

The ANC needs to co-ordinate its work and policy-formulation in this area. An ANC public service unit should be established for this purpose. This should be part of the section on governance, which should be set up in the Secretary-General's Office. A broader forum should be set up, involving all ANC structures inside and outside government. This will ensure both accountability and support for ANC caucuses in the legislatures. It would also act as a policy think-tank for the movement. Plans should be worked out on the input the ANC will make in the CA on this issue.

The Public Service Forum involving government, unions, civil society and other interest groups should be in place during the early part of next year. Such a forum will address not only the interests of government as employer and the employees, but also

the interests of consumers. The Commission felt strongly that the bargaining chamber between government and the civil service should not be used as a forum to negotiate policy matters. It also recommended the restructuring of the bargaining chamber to reflect actual membership of unions which have in the past been undermined by the practices of the apartheid administration. The ANC should encourage unity among unions representing the genuine interests of public servants, and ensure that such unions are run and controlled by workers themselves, and not management.

The Commission welcomed the GNU programme to effect comprehensive restructuring to address the problems of salary disparity, gender discrimination, unfair grading system and others. It urged that the ANC and the MDM should closely monitor the implementation of this programme.

A comprehensive review of the Public Service Commission's mandate and style of work should be made, as a matter of priority. This should address, among others, the following issues:

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- The composition of the personnel of the PSC, which

problems both in provinces which are under the ANC and Kwa Zulu-Natal and Western Cape.

GUIDELINES FOR STRATEGY IN THE CA

The constitution-drafting process must mean the drafting of a new constitution (including the revisiting of every aspect of the constitution) and not merely the amendment of the interim constitution, subject to the Constitutional Principles.

The ANC must advance its principled position and not dilute its position in order to submit acceptable compromise positions.

The ANC must win a truly democratic constitution which empower people, brings majority rule and protects human rights.

In this regard a preliminary list of principles to guide the ANC in the CA is recommended to conference.

PRELIMINARY LIST OF PRINCIPLES TO DIRECT THE PROCESS OF DRAFTING A NEW CONSTITUTION

The following is a preliminary list of principles to guide the ANC in the process of drafting a new constitution within the framework of the constitutional principles contained in schedule 4 of the constitution namely:

- There shall be a preamble which, shall be a guide to interpretation and which shall contain the following values:
 - (a) South Africa shall be founded upon principles of democracy, non-racialism, non sexism, equality and egalitarianism, and freedom for all men and women.
 - (b) The eradication of the effects and legacy of past discrimination and apartheid in all spheres of life and to bring about social and economic justice for all, in a society in which the dignity of all human beings shall be a supreme consideration.
 - (c) The constitution shall empower all those previously disempowered by the apartheid system to develop to their full potential and participate fully in all aspects of political, social, economic and cultural life on the basis of complete equality.
- South Africa shall be a single, united country with an undivided nation.
- The character of the state shall be a multi-party democratic state based upon democratic majority rule.
- The constitution shall commit the country to a democratic, non racial and non-sexist order based on the inherent dignity of all persons and the equal enjoyment of all human rights.
- There shall be a bill of human rights which shall:
 - (a) guarantee and contain all universally accepted human rights including socio-economic rights, civil and political rights, cultural rights and the rights to peace, security and development.
 - (b) Recognise the indivisibility and interdependence of all such universally accepted human rights, as pre-

scribed by the United Nations.

(c) Be both horizontally and vertically applicable, where appropriate.

- The constitution shall provide mechanisms to ensure that all persons are able to enforce their rights and shall inter alia create a Human Rights Commission and a Public Protector to perform this function.
- There shall be regular elections at all levels of government to be held at no longer than five year intervals, on a common voters roll based on universal adult suffrage.
- Parliament shall, subject to the constitution, be the supreme law maker, and the expression of the will of the people.
- Parliament shall not be restricted in its capacity to legislate so as to address our the legacy of apartheid including such issues as land restoration, redistribution, and affirmative action.
- State and government policy making shall essentially be the responsibility of parliament and the executive.
- The executive shall be accountable to parliament.
- The separation of powers between different levels of government, shall be provided for in a manner which ensures the accountability of the executive to parliament and which shall not undermine the principle of majority rule
- Government shall be formed by the majority party. Coalitions, if any, may be formed on a voluntary basis.
- Government shall be honest, accountable, transparent and cost effective.
- Providing for an appropriate electoral system at each governmental level which shall ensure adequate and accountable representation.
- There shall be democratically elected government at national and regional levels whose powers shall be subject to the needs for national uniformity, national reconstruction and development, as well as the values in the Bill of Rights.
- Local government structures, both at urban and rural level, shall be democratically elected and take decisions on the basis of democratic principles.
- National parliament shall be comprehensively responsible for overseeing and co-ordinating financial and fiscal affairs and allocating finances at all levels of Government.
- The civil service shall be representative, impartial and shall loyally serve the Government of South Africa.
- Mechanisms shall be adopted to ensure the accountability and the transparency of the public service.
- The constitutional principles contained in Schedule 4 of the constitution shall not be included in the new constitution nor shall they be binding on future constitutional amendments.
- The recognition of the existence of the institution of the traditional leaders and acknowledge its non partisan role as that of promoting the cultural and lan-