

Draft

JOINT NEC/CON - COMM. MEETING HELD ON THE 2ND OCTOBER,
1986. LUSAKA.

I was not present at
 this discussion,
 where different contents
 can be discerned, with
 OR summing up in his
 careful way.

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Con -Comm: Jack, Zola, Teddy, Maduna

CHAIRMAN: Cde T.G welcomes members of the (

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-- Discusses workshop on Future Constitution for a liberated SA.

--- Requests that two members of Con - Comm be allowed to visit
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---- Seeks permission for the publication of some of the Constitution
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-- People at home are looking at us for guidance.

-- This would enable ANC counter the propaganda against us.

-- Addresses meeting on think tanks working for the boers.

CDE TEDDY: Explains the meaning of the terms used in Para. 2 (a) of the
Foundation document.

-- Terms referred to for explanation "independence" "unitary".

CDE ZOLA: Discusses point 2 (c) of the Foundation document.

-- RE: MIXED ECONOMY.

CDE MADUNA: Discusses point 2 (g) of the Foundation document i.e. Place
 and Role of Chiefs - the abolition of hereditary forms of
 political power.

CDE JOBS* Discusses points raised in the appendix Points considered for
 further research.

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CHAIRMAN: Cde T.G welcomes members of the Con - Comm, congratulates them for their work and asks that they speak on the document drafted. Cde Jack outlines the procedure and as agreed in Con - Comm previous meeting. Con -Comm addresses the NEC as follows:

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CDE JOE NHLANHLA: It has been the long wish of the Soviets that ANC comrades should participate in meetings of Socialist

scientists.. The invitation has long been open without any response from our side. THE Conferences presuppose a lot of preparation because we are expected to give guidance to participants in such conference about the situation in Southern Africa, more especially in our country. We should take such offers seriously.

CDE T.G: Even when I was in Ethiopia, Addis Ababa the Soviets asked us as to when we shall be meeting them, so the idea that Comrades should visit Socialist countries should be followed up.

CDE STEVE: This is very important discussion. I wish to commend the comrades of the Constitution Committee for the excellent work they have done. South Africa is a colony of special type. The form of our struggle is national but the content, class. we have to get rid of the bourgeoisie.

CDE JS: Raises a point of procedure in dealing with the document.

CDE TG: Cdes can deal with points the way they see fit.

CDE JS: Asks whether we should not include in the document a provision on inter - state relations, how we shall relate ourselves with the other states, whether we shall be non - aligned or not. in short our international relations.

Comments on the central character of our legislature.

Asks whether there should be no section dealing with regional bodies.

Further states that there is a need for regional administrative bodies. These regional bodies will take care of the cultural and linguistic uniformities inside the country.

He objects to the use of the word "abolish" in the section dealing with "hereditary forms of political power", prefers the term "phasing out"

Advises that the paragraph will "shock" the Chiefs too much.

He expresses reservations in the inclusion of "open press" in the paragraph (K). Fears express is that an open press can be used to sow counter revolutionary ideas. it is controlled by those who can afford. However he does not have an alternative formula at the present moment. But Television and Radio must be owned and controlled

by the Government.

On the question of "Mixed Economy" he feels strongly that something has to be said about "Monopolies". There is a need to break the strong hold of monopolies over the economy. Refers to distinction between "Nationalisation" and "Socialisation" which is referred to by certain expert. In any event we do not have to be nervous about the inclusion of a paragraph on that. 50% investment is now controlled by government in racist South Africa.

He expresses some doubt in the use of the phrase "democratic control" when it comes to the control of the public sector in paragraph (o). He argues that you can not control industry by voting,

On paragraph (g) he argues that the word "Workers" should be removed from the paragraph otherwise we shall open ourselves to attack as other classes, e.g "peasants" would demand also special protection in the constitution.

On organs of Government, ie state apparatus, we need to state that Army, Police etc. shall be put under the control of the people.

C CDE NKOKHELI: On Chiefs, I think we should leave out the section on Chiefs otherwise it shall be misunderstood.

CDE NHLANHLA: Chieftainship is not an abolishable institution.

--- We only need to think as to how we can harness it in the interest of our struggle.

--- We want to throw out this document as a mobilising factor, so if we now talk of abolishing the institution, we shall be mobilising against us a section of one population.

--- It is necessary to learn from the experience of Zambia as to how the matter was treated.

CDE JORDAN: Concurs with Cde Nhlanhla in some of the points.

--- There is a current discourse inside the country on the issue of a future constitution.

--- People are looking to us to give guidance in all these questions.

--- It will therefore be dangerous to shelve or to keep quite in some of the issues.

Role of Chiefs: these people have been harnessed by the regime are now being used^{for} extremely counter revolutionary purposes.

--- Ofcourse, we have the Sabatas and the Ndamasess, but these

are exceptions not the rule.

- Let us not romanticise Chieftainship.
- There are some dangers in retaining chieftainship.
- The experience of Zambia cannot be compared with the situation in South Africa.

Monopolies and Nationalisation:

- We should guard against including in this document or constitution a clause or undertaking that will tie us, we can general on this issue.

Media & Press:

- We can keep quiet on this issue, some of these are already in the hands of the state. They can be inherited by the democratic state.

CDE SEPTEMBER: (a) The phrases whether to "abolish" or "phrase out" the "hereditary forms of political power" the effect is the same as long as the section appears in print it will cause us problems.

What we say is that chiefs would be used in a consultative capacity.

- (b) On the question of "recall" he argues that it is not a paper right, it happens in practice in the Soviet. so the section should be retained.
- (c) On "right to vote" he objects to extending this right to people found guilty of the crime of apartheid, He suggests that we should now prepare a dossier of the names and particulars of all those people found guilty of the crimes of apartheid.
- (d) Supports the idea of regional administrative bodies as these will help in the development of languages and cultures. States that in the USSR they do not have a single nation but a variety of national groupings.

CDE MELI: (a) We are against tribalism but not ethnicity.

- Ethnic interests do exist -- they can be promoted.
- However we are against institutionalisation of the whole tribal structures.

(b) On Petty Bourgeoisie

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- Constitutions are there to protect the ruling class.
- Ours perhaps might be a coalition of classes, where we shall have the Matsuenyanes, who are pretending to be with now.
- But after independence they will aspire to big bourgeoisie positions.
- Added to this we should include the anti - imperialist character in this constitution.

CDE CHRIS:

- Questions we have to ask are (i) Who is fighting in South Africa today. (ii) Who's sacrificing and making major contributions in our struggle.
- Our calls to destroy state apparatus are directed to the ordinary people, workers, peasants etc.
- It is therefore important that the aspirations of the major contributors in our struggle are given special attention.
- Therefore the Constitution document, as a mobilising instrument should say something about Monopolies, Trust etc.
- There are people who are now jumping into the bandwagon because they see the situation is favouring us.

CDE ZUMA:

- We should not abolish Chieftainship, the problem should be solved politically.
- The Chief had been with us in the forefront, history can bear me out.
- Ours is to trace stages and ask how through racist machinations Chiefs became enemies of the people.
- We would like to see the system of chieftainship being in unison with the democratic system.

CDE STUART:

- We can neither speak of abolishing nor phasing out of chiefs, but we can put the paragraph in such a way as to mobilise the chiefs so that they do not think we shall throw them away.
- We should adopt the principle of temporary alliance, same applies to petty bourgeoisie.

CDE AZIZ:

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- Suggests that we leave out the paragraphs on Chiefs.
- The term "regionalism" in Paragraph (j) is superfluous and must be removed.
- He asks why must there be special guarantees of Churches and Trade Unions, this open demands from other organisations which will seek special treatment in the constitution.

CDE J.M.

- We stated that this document is a mobilising instrument. Therefore the intention is to unite all the people irrespective of class etc.
- Therefore I move that the paragraph on Chiefs should disappear from the document.
- We should not put obstacles in front of us, the image of the African National Congress should be very clear.

CDE SHOPE:

- Why should we announce a multi - party system.
- Why should we talk about it at the present moment, it is premature.
- PAC and other reactionary elements will exploit the loophole.

CDE S.G:

- Objects to Paragraph (1) that religious freedom shall receive special constitution guarantee.
- Some of the churches that shall have received this guarantee are perpetuating racism and are agents of apartheid eg. Dutch Reformed Churches.
- In principle am not against freedom of worship but we should exclude those that preach racism.

CDE RUTH:

- What type of regional bodies are we talking about.
- This matter has to be tackled fully.

CDE NHLANHLA:

- Mobilisation is central.
- Land question is central.
- It is a fact that people participate in the revolution for their own interest.
- We accept these forces on that understanding for the time being.

- The document has to reckon with imperialist especially the USA.
- We are pondering to their interests but we are doing everything in consideration of using tactical reasons to enable us take power.

CDE PRESIDENT:

I wish to commend the Constitution committee for its work.
We can now talk concretely about the future

(a) I wish to make the following proposal:-

- A sub committee to consider finally this document taking into account views expressed in these deliberations will be appointed.

(b) The need for us to consult widely a great one, internally and internationally

- Therefore the USSR/GDR invitations should be taken seriously.

- GDR can give us more practical experience on the transit stage.

(c) I accept the idea of proposed seminar on Constitution, NEC should be in a position to lead the discussion.

(d) It is essential that we publish our ideas on constitution, but we have to say how long this debate should go on. It is necessary before then to have consulted the Movement at large. It is necessary to bring in the democratic movement at home to participate, because they will have to defend our ideas inside the country.

(e) On Chiefs: we have to say something about chiefs. a kind of formulation has to be found. I had thought roughly of the following:-

"The institution of Chiefs will be converted to the services of the people"

(f) Sympathises with what Cde Chris is saying, but we are at a stage when we have to lead.

The way we lead must have a mobilising effect not a demobilising one.
In my view, if there is a constitution being debated, we have to shift imperialism without abandoning our objective.

What is important is to come up with something acceptable to the majority of our people, our working people without necessarily frightening the others. That does not mean prematurely throwing tactical advantages to the enemy.

The general proposition in this document is to scrutinise it so that it is not negative to the aspirations of our people.

(g) Multi Party:

- Our enemy is harping on this
- It will therefore be difficult to keep quiet on this point.

--- The enemy is ever saying ANC is for one party state.

(h) On Cde SG's objection re: Paragraph (l)

- I wonder if paras (l) and (k) should not be combined and made "subject to the above"
- The sub - committee to follow up and put these together.

(i) Demographic/Political Survey.

- Money should not be a problem
- The Swedes have an open offer on projects.
- We do not have to be conservative

13H00 Cde closes meeting and invites members of Constitution Committee to lunch. It is proposed that the paper be redrafted jointly by NEC Sub - Committee and the Consitution Committee.

DATED IN LUSAKA THIS 2ND DAY OF OCTOBER 1986.

AMANDLA.

Z.N. JOBODWANA - SECRETARY

CONSTITUTION COMMITTEE