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## INIROIJIICTION

### DATE AND TIMES OF COMMISSIONS

Commissions will meet on Monday, 19 December, from 09h00 - 10h00.

Reportbacks will take place in plenary on Tuesday, 20 December.

Tea will be served outside the various commission rooms throughout the day. Lunch will be served from

13h30 - 14h00. Meal times must be strictly adhered to as many of the dining halls are being used as venues for

commissions.

The venues for the various commissions will be announced on the evening of Sunday, 18 December.

### ORGANISATION OF THE COMMISSIONS

As conference will have 3 000 delegates the commissions will have to be managed efficiently to avoid time

wastage and non-focused debate.

All delegates should have already been allocated to the various commissions. Please consult your regional

secretary if you are unsure of what commission you have been allocated to.

### Management Structure of Commissions

Each Commission will have a management structure, which will include:-

- Chairperson of the Commission
- Rapporteur
- o Presenters (ie. those who make inputs)
- Resource people
- Secretary/typist
- Runner - equipped with a walkie talkie

### GUIDELINES FOR COMMISSIONS

The main aim of discussing the above issues in commissions is to ensure that there is maximum participation by

all delegates in the deliberations at conference.

Each commission must give specific consideration to the position of women in relation to the subject and make

recommendations to secure their participation and emancipation.

Inputs will be presented to the commission on the specific topic allocated to the commission.

After the input, Clarifications can be dealt with very briefly.

There will be a second brief input on the gender question.

The commission should first discuss Strategy and Tactics and thereafter deal with the implementation of the

RDP as it relates to their topic.

### REPORT BACK TO PLENARY

Each commission is expected to present a programme of action and resolutions for discussion and adoption at

plenary.

### COMMISSIONS DOCUMENTS 3

Transformation 01 the South

Alfrican economy

#### INTRODUCTION

The Government of National Unity inherited an economy characterised by a number of structural problems.

The country saw reasonably high growth between 1961 and 1975. but this type of growth also caused a further

deterioration in the distribution of wealth and incomes. South Africa is recognised as one of the world's most

inequitable societies with white per capita income 95 times that of blacks. Since 1975 the economy has grown

slower than the population growth rate. resulting in a 19% decline in per capita GDP. increased poverty and

rising unemployment.

The South African economy is also marked by a very high concentration of ownership and control of economic

power in the hands of a few conglomerates. This is a situation which developed uninterruptedly since the

discovery of gold in 1886.

These powerful conglomerates straddle the entire economy with monopolies and cartel dominant in key economic

sectors. Prices rise at will - this is particularly marked in food processing and distribution and in building

materials. Poor consumers are forced to pay high prices for food, clothing, building materials and transport.

Conglomerate control, coupled with a series of obnoxious apartheid legislation also provided for the conscious

exclusion of blacks from the economic mainstream. The power of these conglomerates to extract concessions

through subsidies and tax incentives, resulted in capital being favoured over labour Capital-intensive development

was artificially more profitable, leading to far less jobs being created than would have been the case if the

Apartheid state was neutral between labour and capital.

Furthermore, the apartheid regime pursued an isolationist path which apart from the self-imposed sanctions,

sought to hide gross inefficiencies and refused to enlarge the available pool of human skills.

An overview of the economic legacy would be incomplete without comment on the impoverishment and further

distortions which resulted from the alienation of blacks from their land. This alienation has cut deep sears

which remain despite the repeal of the Land Acts. The effects of the Group Areas Act also continues to haunt

us particularly in urban areas, where black people reside far from their places of work. Apartheid has also left us

with complex, fragmented and inefficient systems for the delivery of social goods and services.

All of this must be transformed into a participatory, democratic, efficient and growing economy: We seek to

undertake this transformation in circumstances where we are constrained both by the process of the transfer of

power and by the dominant trends in a unipolar world which are not well disposed to the (let's call it) environmental objectives which we have set.

#### OBJECTIVES

The challenge which confronts us was succinctly set out in the foreword to the MliRU report, which states:

"The new democratic government will have to create an economic system that has as its core objective not only

the rectifying of past mistakes, but also the continued and sustained provision of employment, shelter education

and training, food and health services, as well as other factors essential to an acceptable quality of life The

failure of a future government to achieve these objectives will inevitably threaten the survival of the country itself "

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COMMISSIONS DOCUMENTS

This is a matter which the ANC Policy Conference in 1992 also examined. The Ready to Govern programme

states the objectives as to create a strong, dynamic and balanced economy that will be directed towards:

- Eliminating the poverty and the extreme inequalities generated by the apartheid system;
- Democratising the economy and empowering the historically oppressed;
- Creating productive employment opportunities at a living wage for all South Africans;
- Initiating growth and development to improve the quality of life for all South Africans, but especially for the poor;

0 Developing a prosperous and balanced regional economy in Southern Africa based on the principles of

equity and mutual benefit;

- Giving due regard to the environmental impact of the implementation of economic policy

These largely define the goals which are still being pursued within the context of the Government of National

Unity. These goals were further concretised in our RDP, which has come to be the overall programme guiding

economic policy for the GNU.

#### ECONOMIC STRATEGY

The economic strategy of the ANC may be broken into 2 components: addressing basic needs and building the

economy. Addressing basic needs covers the area of social investment, whether this be poverty-relief, health, education and training, pensions, public works programmes. Targeting the poor will be key to the success of

this strategy. The second objective of simultaneously building the economy through a sounder industrial and

trade policy, a more effective competition and anti-trust policy, infrastructural investments, black economic

empowerment, regional development is vital in building the jobcreation capacity of this economy and putting

the economy on a more sustainable and equitable growth path.

A central feature of the strategy for transformation is that it will involve an interactive approach between

government, labour, the private sector and other organs of civil society, each playing distinctive and collabora-

tive roles.

The government has roles which include its being the monetary and fiscal authority; as economic planner and

facilitator ; as legislator and as a formidable consumer. In essence, it should combine these responsibilities in a

manner which creates an environment for sustainable growth and development. Government cannot play a role

as employer of last resort, neither has it the resources to do so.

The key distinct role of the private sector is as the investor and innovator and thus as the main creator of

employment.

Labour has a role in respect of shaping the labour market, influencing the production process, democratising

the workplace and ensuring that workers are treated fairly and equitably

Civil society and mass democratic structures have a vital role to play in shaping development and identifying

the real needs and demands on the ground, allocating public resources and encouraging and unlocking the

contribution of wider society, implementation of policy as well as keeping a vigilant eye on government.

However, all these sectors have to move beyond their own narrow sectoral roles, and structure their participa-

tion within the framework of the broader objectives of society, as outlined in the RDP. Greater rights and

participation of every sector also carries with it greater responsibilities, whether this be to pay taxes and service

charges, instilling a culture of learning and working, choosing to invest in SA rather than abroad, striving to

find export markets for SA, reducing industrial conflict etc. The challenge facing all these actors is to embark

on the path of economic transformation even if it means some amount of pain in the short-term for its own

members. The golden opportunity facing these actors is that they can shape the future in a way where all stand

to benefit.  
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Finance and the Auditor-General's office are playing a sterling role. However, the lack of capacity of the police in dealing with corruption in the public sector means that there is little follow-up beyond exposure. A further challenge is to provide mechanisms to ensure that effective safeguards are also introduced and implemented at provincial and lower tiers of government, with ultimate responsibility residing in the office of the Auditor-General and Parliament.

Placing South Africa on a sustainable growth and development path

The central challenge is to shift the economy from one which is highly protected, sluggish and grossly inefficient

to one which takes account of global norms and which is able to sustain growth. In fact, a growth rate in excess

of 5% per annum must be afforded a high premium if job-creation is to be prioritized. Such a sustainable growth

path demands a shift from a country whose exports are largely commodities and primary processed products to

one which aspires to add higher value and creates jobs by the stimulation of manufacturing opportunities.

Furthermore, our industries must become more competitive in order to withstand the vagaries of global markets

which soon will be managed by the World Trade Organisation in terms of a single set of rules for market access.

Already a number of industries in South Africa are on the margins and a great many jobs will be lost unless this

programme is carefully managed. Business in this country has grown accustomed to protection on demand and

in many sectors these changes are being resisted.

A further aspect of sustainable growth is the accessing of new markets for South African goods. Negotiations

are underway with a number of trading blocks such as the European Union and large markets such as the USA

and Japan.

Creating productive employment opportunities

This programme is proving the hardest nut to crack. The central challenge is to create employment for almost

half of the country's workforce i.e. 6 million people. Over the past few years, only about 9 000 new jobs have

been created each year for the more than 300 000 school-leavers.

Increasing the labour-absorptive capacity of the economy will only be possible if we succeed in attracting more

investments, and embark on programmes to train and develop skills for potential workers.

Business, labour and

government will have to work together to create a climate for greater investment, stability of the workforce, and

life-long learning opportunities.

As a developing economy we are engaged in keen competition to attract both domestic and foreign capital.

Investment will flow towards those countries that are stable and where investors can make a reasonable return.

We may not like this, but it is an unpleasant reality. We face the challenge of creating an investor-friendly

climate, and if we fail, we will not be able to create new jobs and SA will not have peace.

Empowerment of the disadvantaged

There are two intertwined, yet separate strands to this programme. The first relates to stimulating small and

medium enterprises, and the second, to black economic empowerment. Internationally, it is small, medium and

micro enterprises (SMEs) that have proven to be the most important creators of jobs rather than large corporations.

Extensive discussions are underway and a support programme is being designed by the Ministry of

Trade and Industry.

Black economic empowerment, in general, is important to counteract the alienating perception that the economy

is owned and controlled only by whites. A range of possibilities will open up with the planned unbundling of

large corporations.

State tendering and procurement policies can and will play an important role in promoting

SMMEs and in  
empowering black people.  
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labour market nulliv

Apartheid created a rigid hierarchy of labour which was based on 21 low wage structure and the retention of a low skills base. The economic future of this country must see a higher level of skill amongst workers and greater flexibility of skills. In addition, many jobs are currently marginal because of industrial inefficiencies.

The retraining of workers will ease the transfer of such workers into alternative employment. The rigid hierarchy of labour must be replaced by a narrowing of the skills gap, reduction in job grades and the narrowing of the wage gap.

competition policy

The extent of conglomerate control leaves consumers completely at the mercy of monopolies and cartels. There

exists a great deal of anti-competitive behaviour which impacts negatively on the entire economy. Existing

competition law is toothless. Ready to Govern and our RDP commits us to introducing anti-trust policy to

improve market inefficiencies. Plans are underway to introduce such legislation in 1995.

Restructuring of state

The RDP will only be successful if it succeeds in democratising society. Institutional backup is vital to imple-

menting the RDP. The problem facing the RDP is that all institutions within government were created specifically

to make Apartheid work. It thus reflects a mind-set which is inadequate in facing the new challenges.

Key agencies that must be transformed include the DBSA, IDC, SBDC and the Land Bank. Whilst the ANC

accepts the need for an independent central bank, such independence must not be an excuse to resist transform-

ing the board of the SARB, which continues to be all white.

Hundreds of other parastatals exist at both national and regional levels, many of which may be redundant in this

new era, but which continue to exist and eat up resources. The GNU must move with urgency to address the

process of transforming and rationalising all parastatals in SA, and ensure effective control and elimination of

wastage during the period of transition.

Regional Development in southern Africa

The ANC is absolutely committed to development of the whole region, and not just of SA itself. For decades,

our neighbouring countries were forced to bear the burden of our struggle. In some cases SA bears direct

responsibility for instigating and fueling Civil war, particularly in Angola and Mozambique. Many of our neighbouring

countries like Botswana, Lesotho and Swaziland were deliberately not allowed to develop for the sake

of Apartheid development. Namibia was colonized and robbed of its political and economic independence by

SA. The new SA must move away from the predatory and domineering approach of the past, and review old

agreements like the SACU. As a first step in this process, SA has joined the SADCC.

Political commitment to the region is however not enough, and is under strain as economic forces begin to

dominate our relationship. The high expectations within our country have also spread across our borders, as the

wave of immigration from neighbouring countries demonstrates. Some sectors like textiles and motor vehicles

are directly threatened by developments in neighbouring countries, and seek to create economic barriers between

SA and its neighbours in order to protect their jobs or investments

SA does not have much choice but to situate its own development within broader economic regional development.

Like all Challenges, this should be seen in a positive light, as new opportunities will arise with the bigger

market potential in the region.

CONCLUSION

Our vision is based on a tradition which attaches a high score to significant improvement in the quality of life

of our people. Our goals are clear and above dispute within our ranks. What is often debated

ted however is the  
pace of change.

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The SA economy is relatively open, dependent on both exports and imports for its development. Given that the SA economy is relatively small we have limited bargaining power on our own. The reality of the global economy is that it is being shaped in a unipolar world with countries such as the USA and Japan and trading blocs like the European Union dominant. To effect the objective of transformation we must adhere to the course which we set, mindful of the power of international capital. If we ignore these realities, the people of SA will pay a Clear price and transformation will be elusive. We are thus called upon to act in a responsible manner - we must observe the constraints in our expenditures. Simultaneously we have to offer a leadership role amongst developing countries and sharpen South-South relations to ensure that we have the muscle to negotiate with the presently-powerful North.

#### QUESTIONS AND ISSUES

Some questions the Commission should consider include:

1. Review and reorganising of all state assets: what are these assets; what do we mean by re-organising; what criteria should be used to determine state ownership or otherwise; if not state-owned, then what are the options?
2. The funding of social services: the relations between the private and public sector; the principle of equity and access; how do we make social services sustainable? Do we need and can we fund a National Health Insurance Scheme?
3. Job Creation: public works in relation to job creation - what are the strategies? How does a public works programme relate to the creation of permanent jobs? What impact does such a programme have on women? How do we attract direct investment, and why do we need it? Competitiveness: how do we make our industries more competitive? what is the impact of potential job losses on our job creation programme?
4. Black Economic Empowerment and Competition Policy: Building conglomerates and ensuring competition: is there a contradiction? How do we develop and create SMME?
5. Combined policy formulation and decision-making, and Nedlacs role in this regard: who is represented in such a process? What constituencies are not represented?
6. Southern Africa: how do we determine the balance of domestic and regional industrial policy? What interests are affected?
7. The Budget process: What process should be adopted? How do we ensure national, provincial and local reprioritisation and accountability?
8. Inequalities in the economy as they affect women: how should this be addressed? How do we address equal opportunities, job valuation and unpaid labour?

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## STATE MACHINERY

13. As far as the amendment of the Public Service Commission Act, 1994, is concerned, this was the initial phase merely to align its provisions with the relevant sections of the Constitution. In the second phase, it is envisaged that the Commission's relationship to the Public Protector and the Minister of Public Service and Administration, as well as its general position within the system of public administration will have to be assessed anew. The object is to enhance the independence of the Commission and provide for an implementing agency for the Minister.

## QUESTIONS AND ISSUES

ISSUES and (IIIESII OIIS that arise include:

1. Rationalisation, including financial implications: how, with what objective, in what time frame?
2. Rationalisation of pre-election national and provincial civil service
3. Integration of TBVC personnel: problems, present situation, process
4. Constitutional and legal liabilities: an evaluation; developing a strategic approach; identifying in-built obligations (hidden?)
5. Affirmative action: a problem or an opportunity?
6. Building a culture of accountability and service
7. Training and skill development: what are the plans?
8. Addressing salary scales and disparities
9. The Public Service Commission: a stringent evaluation

Some points to consider regarding transformation of the state machinery include:

1. Do we have a common understanding of what is required in this process of transformation?
2. Why is it necessary to transform?
3. To what extent do we have power, to shoulder the responsibilities of leading and guiding the process of transformation?
4. How do we transform and reprioritise ministries and departments, both where there are ANC heads and those where the officials are members of other parties?
5. What happens to parastatals, boards and other infrastructure created as part of the state machinery? What is their role in transformation? Can they be transformed? What are the objectives?
6. How do we transform the judicial system and the judiciary?
7. Are there unresolved ambiguities within our own ranks regarding decentralisation and federalism?

## LAND & AGRICULTURE

### The National Land Commission

#### Programme and Policy

The RDP places a national land reform programme at the centre of a broader rural development strategy designed to transform the quality of life of rural South Africans. The central elements of this land reform

programme include: the restitution of land to victims of forced removals through the Land Claims Court and

Commission; the redistribution of land through both state assisted land acquisition schemes, as well as through

the market; the provision of secure tenure to all South Africans; specific programmes to ensure that the disadvantages

faced by women in acquiring and holding land are eliminated; and programmes to ensure that services, including housing, water, sanitation and agricultural support services, are made available to beneficiaries

of land reform.

In the months since the establishment of the Government of National Unity, considerable work has been done

to ensure that the RDP's land reform aims and principles are translated into a government programme. The

passage of the Restitution Act through Parliament, the establishment of a Rural Financial Services Enquiry

designed to broaden access to markets in land and credit to those disadvantaged by apartheid, the establishment

of a land reform pilot programme in every province, as well as the initiation of negotiations with numerous

communities with land problems are all indicators of progress so far

Despite these activities and achievements there are still many difficult issues facing the further development

and implementation of a national land reform programme. The rest of this input paper will focus on these

problem areas as a basis for the deliberations in this Commission.

#### A DEMAND-LED APPROACH

The RDP stresses the importance of a demand-led land reform programme. This approach means that Government

programmes have to be designed to respond speedily and effectively to expressed needs, within budgetary

and capacity constraints. It also implies a substantial level of responsibility is placed on the self organisation of

potential beneficiaries of land reform. Within this there is considerable space for solutions to land problems to

be negotiated at local levels and with the assistance of local level structures such as councils, ANC branches and

regions, local farmers associations etc. Experience shows that these locally negotiated solutions to land problems

are often the most practical and successful. An important issue for this Conference to consider is how

political and other local level structures can play a proactive role in the land reform programme.

#### REDISTRIBUTION OPTIONS AND AFFORDABILITY

The RDP is committed to the provision of state assistance for land acquisition to those who need land, but do

not have the resources to acquire it on the open market. In developing options for redistribution there are a

number of important considerations that require debate.

The first relates to the significance of land reform within the RDP and the extent of state resources which

should be committed to it. Under the past Government, land reform was a minor issue and no substantial

programme of redistribution was in place. This has meant that the new Department has inherited a wholly

inadequate budget and a constantly escalating level of demand to have land needs addressed. Indeed, without

assistance from the RDP fund, the land reform programme would have not been able to move very far this year

Our view is that a land reform programme is important, in both redressing political and historical grievances as

well as contributing to an improvement in the quality of lives and incomes of black South Africans, excluded



until now from accessing land as a resource for development. Agreement with this view must mean support for

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an increased budgetary allocation to the land reform programme.

The constitutional parameters within the land reform process takes place. has directed the programme to a willing-seller willing-buyer model of land transfer. Within this framework communities and individuals are encouraged to identify and negotiate for land with the state providing institutional and financial support, rather than taking charge of the process. This approach allows a greater degree of beneficiary involvement in the process, and also eliminates much of the bureaucracy and cost involved in Government holding on to large tracts of empty land. Within this broad approach there are however many unresolved questions, including those relating to the level at which subsidies should be set and the guidelines for identification of beneficiaries of state assistance. Conference input on these issues would be an important contribution to the refinement of the redistribution programme.

## IMPLEMENTING THE RESTITUTION PROCESS

The Restitution Act was passed towards the end of the Parliamentary session. Preparations are underway to have the Restitution Commission and the Land Claims Court operational early in the New Year. Already, there are many communities coming forward to make their claim to land. It is important to realise that the Restitution Act operates within fairly narrow parameters and that only Claims after 1913 can be considered by the Court. At the same time, it is important that communities in both rural and urban areas have a clear understanding of how the institution will operate and can access it with speed. There is a clear need for a public information campaign that will create a broad understanding of both the limits and possibilities of the Land Claims process. The role of political structures in both spreading information about this process, as well as supporting communities in approaching the Restitution Commission and Court deserves consideration.

## RELATIONSHIPS BETWEEN DIFFERENT LEVELS AND DEPARTMENTS OF GOVERNMENT

### IN IMPLEMENTING A LAND REFORM PROGRAMME

In the Constitution, land reform is defined as an exclusive national function vesting in the central Government. Many of the functions that are integral to the successful implementation of a national land reform programme are Schedule 6 functions. These include responsibility for housing, for rural development, for health, education etc. The Department of Land Affairs sees itself as setting the national policy, being responsible for legislating this, for providing co-ordination, support, finance for land acquisition and any further agreed funding for implementation to beneficiaries. This has been termed settlement support, and in taking it on as a responsibility, reflects the belief that allocation of land without ensuring that is effectively serviced will not improve incomes or the quality of lives. Within this process relationships with the Provinces and especially with provincial implementation departments and national line functions responsible for service delivery are critical. The small provincial offices of the Department of Land Affairs that are at present being established will therefore fulfil a liaison, coordination and negotiation function. The delivery process itself rests with the relevant provincial and national line departments. The success of this delivery process, is in turn dependent on the willingness of these Departments to support the land reform process, as well as the quality of the services they provide. During the course of this year, substantial progress in negotiating out how these relationships should operate has taken place through the national task team of the Pilot Land Reform Project, as well as through regular meetings with the Provincial MECs who have been allocated a land reform responsibility. Input from Confer

ence on whether the nationalwrovincial relationship outlined above is adequate to meet the Challenges of implementing the land reform programme would be extremely useful. The question of relationships between the Department of LandAffairs and the Department of Agriculture also requires specific attention. Land reform is a national function with anANC Minister running the Department. Agriculture is a schedule 6 function, that is dominated by the National Party at both national and provincial levels. The question arises as to whether or not land and agriculture should be integrated in order to deal with the problems that the situation described above causes.

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### BUILDING A DEMOCRATIC AND DECENTRALISED SYSTEM OF LAND ADMINISTRATION

Land has been redistributed, or restored to victims of forced removal, a long-term and on-going system of record keeping and administration has to be put in place. Considerable difficulties have been inherited from the way this system has worked in the past. The legacy of both apartheid and colonialism meant the establishment of a bureaucratic, top-heavy and authoritarian system designed to control where people lived and how they used land. In the former homelands, ownership of the vast bulk of the land vested in the state, rather than with the long-term occupiers of this land. In addition, in each homeland, the laws governing land and administration were different and so were the authorities and officials responsible for maintaining the system.

Under the new constitution all of these homeland laws have been taken up to a central level and the process of ensuring that administration can proceed, pending a review of the entire system has been a complex and difficult task.

In the long-term, there is agreement that a much more streamlined, simple and less bureaucratic system of land administration should be put in place. There is also a fairly wide consensus that as far as possible, the responsibility for administering this system should vest at as decentralised a level of government as possible - preferably local or district government level. Simplifying the system is likely to take place in close co-ordination with the tenure reform process and to be part of the process of ensuring that long-term occupiers of land are able to have full recognition for the land rights they exercise.

In the interim and until local government structures are able to fully take on land administration tasks, it is proposed that land administration functions be delegated to provincial governments. Conference views on this approach will be helpful.

### A PROCESS TOWARDS TENURE REFORM

ANC policy is committed to ensuring security of tenure for all South Africans within a framework that accepts diverse forms of tenure. This is a major departure from previous policies which attempted to impose individual ownership as the only acceptable form of tenure.

Translating this broad policy position into law has begun with the development of a draft law that creates a framework for community ownership of land, as well as a review of existing legislation with a view to amending it to eliminate discriminatory and prejudicial measures, and especially those that discriminate against women's access to secure tenure and to land.

It has become clear however, that a consultative process on tenure problems and preferred solutions is necessary as a basis for a major legislative reform. Such a process would involve meetings with different communities and individuals all around the country. Conference input on the terms of reference of such a national consultation would be welcome.

In addition, recent developments that have threatened the tenure security of people whose land rights are not registered has raised the need for interim measures to protect vulnerable groupings. This is particularly important in the former homeland areas where many people do not have any written proof of residence despite their having lived in an area and exercised land rights there, for generations. In some of these areas, developers are entering into agreements that would potentially dispossess these vulnerable occupants of their land rights and their homes. This is of particular relevance to the position of women in these areas. Conference input on how these problems are manifested and the nature of interim protective measures that might be considered would be

important.

#### SPEEDING UP THE PROCESS OF LAND RELEASE FOR DEVELOPMENT

In both urban and rural areas. one of the most serious impediments to reconstruction and development is the time taken to release land for development purposes. This is because of both cumbersome bureaucratic processes. as well as the fact that any objection can hold up projects for long periods.

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In order to overcome this, an attempt has been made to develop a fast-track procedure for land release that would allow for rapid delivery of land for both housing and productive purposes. These procedures are embodied in the Development Facilitation Bill (DFB) Which is presently before Parliament. This Bill places great responsibility on provinces to establish tribunal structures that could rule on the validity or otherwise of objections to proposed developments. Attempts have been made to brief agencies and constituencies involved in development on the workings of this complex piece of legislation. Input on the success or otherwise of this, as well as Views on the DFB will help to identify any further public education processes that need to take place.

#### RESTRUCTURING. TRAINING AND CAPACITY BUILDING

Like the rest of the Civil service, the Department of Land Affairs has a staff that at senior levels, is largely white and male and that has little experience of land reform issues and especially of the delicate negotiations and facilitation work with communities, that is central to successful land transfers. Given constitutional agreements, finding a way to ensure that existing personnel can contribute positively to the land reform programme has been a major concern.

One of the very first tasks upon entering government was to develop a new structure for the department that would reflect the land reform priorities discussed above. This has now been accepted by the Public Service

Commission and a number of posts are currently being advertised.

This achievement is the first step in what is likely to be a long-term process of training and capacity building of

both new and existing staff. An initial modest training programme has been developed and will be expanded.

The critical need for people with experience of community development and facilitation work in rural areas to

come forward to work in Government cannot be under-emphasised. The transformation of the civil service is a

long-term process. But bringing in new staff with a diversity of experience and backgrounds is the surest way to

begin to make progress at this level. The Department is also likely to continue to work closely with NGOs.

universities and other institutions outside of Government that are willing to contribute to the achievement of

national land reform goals.

#### CONCLUSION

This input has both reviewed progress in relation to the land reform programme to date, as well as requested

input from conference that would help to define the way forward in this sector. The successful achievement of

the RDPIs land reform targets cannot simply be left to Government. On-going review, assessment and input on

both policy and approach is required from gatherings such as this. The need for a proactive approach by

political and other structures to land problems within the provinces and at local levels has been stressed throughout.

Your contributions to and involvement in this programme are critical to its success.

#### QUESTIONS AND ISSUES

1. Given the demand-driven nature of the land reform programme, what proactive role can local level political

and other structures play in initiating solutions to land problems?

2. What budgetary priority should land reform have?

3. What guidelines and principles should be used in determining appropriate subsidy levels for state financing

of land reform, and what criteria should be used in identifying the beneficiaries of this assistance?

4. What role can political structures play in providing public information about the restitution process and

how can they support communities in accessing the restitution process?

5. Given the fact that land reform is a national function, but that many land related delivery responsibilities

are provincial, should the national department play a primarily policy, legislative. co-ordination and sup-  
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portive role. With provinces and line departments taking on responsibility for service delivery.

6. Is local government the most appropriate level at which day to day land administration should take place.

7. How should a national consultative process around tenure reform be structured? What should its terms of

reference be? Should interim measures be put in place to protect the tenure rights of long-term occupiers

whose land rights are not yet recognised in law?

8. Is the Development Facilitation Bill widely enough understood. How what steps need to be taken to build

a public understanding of its aims and objectives?

9. Should the Departments of Land Affairs and the Department of Agriculture be integrated into one ministry-

try? What are the arguments for and against this course of action?

Agricultural development

## INTRODUCTION

The Reconstruction and Development programme is essentially about two basic thrusts. The first is aimed at

addressing the impact of governance under apartheid law and the second is about eradicating poverty within

the context of a growing economy.

The role of agriculture within this strategic framework has been understated. In addition on the broader socio-

economic and political considerations that could be taken into account in locating the agricultural sector in the

national plan may not have been adequately understood by incoming government members. The purpose of this

input therefore is to attempt to raise the issues of strategic importance of agricultural transformation.

## THE NATURE OF THE PROBLEM

Agriculture is one sector which requires much focus and redress. Apartheid in the sector resulted in the existence

of a dual system of agriculture which was characterised in terms of scale, race and degree of government

support. The combination of these three strategies which were supported by and in also support of the

industrialisation process and the segregation of land enactments, led to the generation of myths around the

existence of the agricultural sector, which were believed by black and white citizens of the country equally.

The first myth - which started to be destroyed in the late 1980's was about the efficiency of the white large scale commercial tanning sector. What existed was a realisation that the cost of government

support through non-economic subsidies actually kept many inefficient farmers on the land and (political reasons

often justified this); this support created the illusion that large scale tanning was the only and best option for

commercial agriculture and yet, a lot of damage had been done to the quality of the natural resource base as a

result of these policies..

The second myth we seek to leave behind is a general scepticism about the capacity of black people to farm.

Increasingly, however, evidence is brought forward about the extent to which black farmers before 1913 were

not only commercial but successful and viable as an entity. It is even a mistake that today's agricultural support services such as finance, information, research, education and training and

access to land and inputs, that we still have cases of black farmers who are making a living off the land.

SOME CHALLENGES

In looking back at the history of struggle access to land and closely linked to that the opportunity to farm has

always been an issue of concern in the experience of our people. Over the years the movement to the industrial

centres and the hardship faced in the rural areas, as well as the black spot removals, outlawing of labour tenants.

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resulted in the increasing isolation of black people and farmers in particular from the agricultural sector. The advent of political Change which encompasses land reform and deracialisation has rekindled what was though thought to be dead fire - the wish to farm.

The ANC Agricultural Policy of 1994, posed two basic challenges to the sector - one was to make it more

efficient within the framework of the national economy and secondly to broaden access to agricultural resources

and services through deracialisation and reorientation. The policy goes to some length to propose new ways of

doing things in agriculture which are consistent with the international trends of moving towards sustainable

agriculture. However, several basic questions remain which still necessitate debate.

The first is to what extent can the establishment of black farmers be linked to access to land. Posed differently,

is access to land (in the rural areas) a gateway to agriculture or is there clarity on the range of land use options

that exist. This touches on the interpretation and emphasis given to a rural development policy as against a

policy which encourages urbanisation. The question really is what does the ANC want to see - the development

of urban metropolitan areas and empty rural areas or a fair balance which takes into account the rural-urban

linkages which exist. In our view it is important to support the balancing strategy.

Secondly - what type of farming enterprise is the most viable and fitting within the real conditions - in terms of

size; extent and nature of government support and supportive services such as marketing research; degree of

mechanisation or use of labour etc. This is a critical point of difference as many of the decision makers in the

sector equate small of even medium scale of holding with a non-commercial, welfare oriented type of farming.

Whereas the reality is, we have had an artificial representation of the demand for agricultural land and indication

of the number of possible farmers. Recent figures show that there could be only 30 000 - 45 000 white farmers

(this is a generous estimate). and as many as 240000 black farmers (which would be a conservative estimate).

These figures need to be verified but the implications are that the optimum size and nature of farming activity

which is appropriate, and sustainable in South Africa is an area which still needs research and debate.

## RELATING TO THE BDP

The key programmes of the RDP, namely meeting basic needs, developing our human resources, building the

economy, democratising the state and society and implementing the RDP, find direct application within

agriculture. The real issue for the government is locating agriculture strategically within the national economic

and development picture.

Economic transformation necessitates that growth and equity issues be addressed. Access to land, and water

among others, remain contentious issues of equity within the agricultural sector. If these are not adequately

addressed within this five year period, then they can be used politically in the next and even in subsequent

elections. An example of this is Namibia where early in the recent campaigns, the opposition raised the fact that

the promise of access to land and in particular white-owned farms was not addressed by the SWAPO government

as promised. Subsequently, the government has spent 15 million rands on infrastructure for an irrigation project

(Presidential Project) which will benefit at most 150 families in an attempt to demonstrate it is doing something.

Such actions are often expensive, not thought through or costed properly and could even be non-sustainable.

South Africa cannot afford that.

On the other hand, the agricultural sector has a positive multiplier effect and potential capacity to contribute to

the economy. This needs to be calculated into the national planning. For example, agriculture produces raw material and goods for the market - local and export; through adding value one can create jobs and higher value goods for the market - again locally or in the international market; agriculture can favour the use of labour more readily than the manufacturing sector; it allows for capacity to address food security and self-employment opportunities. Finally, through the provision of appropriate services one can generate the opportunity to address hunger, nutrition and opportunities to supplement incomes. Thus it is highly strategic in economic transformation.

Poverty, the second major thrust of the RDP, manifests itself in urban as well as rural areas. In the urban areas the options for addressing the problem are linked to welfare or the provision of wage employment. In the rural areas agriculture plays a pivotal role in the redress of poverty in terms of farming activities, related service

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## LANIJI & AGRICULTURE

the capacity of the department of agriculture to manage the agricultural sector as a whole in an efficient and effective manner through the creation of a favourable environment for implementation of policy.

In order to achieve this discussion have been held with the MECs for agriculture; their top technical and management staff and local and international experts. Design teams have been established at national level and two workshops are planned for provinces this year where the provincial teams will start working. RDP funding as well as other international resources have been found to support this initial phase which will include study tours for decision makers and exposure trips for farmers to experience diverse farming and agricultural activity.

Resources from within the department have also been directed towards supporting this programme. Thus while the RDP fund contribution is four million rands, the total amount potentially is 12 million rands.

Key performance indicators which will determine progress and success of the programme have been identified and these will be monitored by the department. There is also a very close working relationship with the RDP office and through them the other government departments.

Some of the problems encountered relate to the interpretation of the constitutional provisions for provincialisation of agricultural functions, which then result in resistance to the adoption of a common strategy to address what is really a national problem. Resistance thus steps in and little progress is made. In an attempt to deal with this

we attempt to engage the different decision makers within the department at a national and provincial level. We

will also use some funds to support the secondment of black technical experts to the department for a three month period in an effort to broaden their understanding of the nature of the problem.

On the other hand we cannot assume that there is capacity among the disadvantaged to activate a real demand-

led programme. Thus within BATAT we will address the capacity of black farmers to articulate their needs and

lobby for support. Linked to this we have had one strategic planning session within the department which has

demonstrated that they cannot be structured in the old way or even continue to operate in the old way. The

process is continuing.

The image of agriculture in the country is negative and low and thus we find that not enough information of the

status of the sector and the opportunities, challenges and threats to the sector are being covered by the media.

This we intend to address through a deliberate information/communications strategy.

A really critical problem is the political status of the department to agriculture. There is not enough pressure on

them to feel the need for change at national level as well as in most of the provinces. This is actually a more

complex problem which needs a deliberate decision on strategy.

## QUESTIONS AND ISSUES

1. How do we ensure sustainable agriculture? How do we obtain food security?
2. Viability of farming enterprises: government and support services - what must be done?
3. Access to land and water: how will this impact on agricultural policy? What must be done to ensure access and equity?
4. The impact of urban/rural linkage On the RDP: what is the significance of agriculture in this regard? What are the options to address the issue?
5. Addressing the needs of black farmers: How?

## LOCAL GOVERNMENT

### Local government policy

#### INTRODUCTION

Government shall be structured at national, provincial and local level. The powers, functions, duties, and Structures of the first and second tier shall be defined by the Constitution. The Interim Constitution defines

local government as a concurrent responsibility of central and provincial governments. The comprehensive

powers, functions and duties of local government shall be provided for in both national and provincial statutes.

The primary function of local government is to serve the local community and to respond to its needs and demands.

The task of local government to ensure that all residents have equal access, free of any form of discrimination.

to housing, water, sanitation, electrification, transportation facilities, primary health care, educational facilities

and Child care facilities within a sustainable environment. In addition, a range of social services including

community policing, shall be provided. Local government shall contribute actively towards the redistribution

of resources on the basis of race, Class and gender.

The primary political responsibility for providing and ensuring the availability of affordable services to communities within its area of jurisdiction shall be vested in local government. The financing

, planning and implementation of policies may be a joint responsibility of national, regional, community and/or private sector.

Tariff structures for all essential services shall be based on ability to pay, in order to ensure that the poor have

access to these services.

Local government shall strive to redress the historical apartheid imbalances within its area of jurisdiction.

promote a balanced and equitable urban and rural development which is directed towards creating a decent,

healthy, dignified and peaceful living environment for all.

- rehabilitating collapsed infrastructure, systems and facilities to ensure the provision of basic municipal

services;

- extending the infrastructure, systems and facilities for providing basic municipal services; and

- creating institutional financial capacity to operate and maintain new and restored services.

Local Government shall be structured according to the democratic principles of accountability, inclusivity, non-

racialism, non-sexism, maximum participation, and full representivity.

In order to achieve these goals and plan properly, local government should have guaranteed, transparent, and

predictable and equitable sources of revenue.

The delegated functions and duties provided to any local authority should be developmental as well as

allowing for service provision.

ELECTORAL SYSTEMS

There shall be regular local government elections in both rural and urban areas, based on a combination of

proportional representation (PR) and constituency-based representation. This representation between PR and

constituency-based electoral systems shall be on a 60/40 basis. At least every third person on local party lists

shall be a woman. Political parties shall ensure actively that the nomination process for constituency representatives

be open to women.

The tenure of office of local government councillors shall be not less than three years and not more than five

years.

Traditional leaders, where applicable, shall elect an ex-officio member to the council. The ex-officio representation should not overwhelm local governments and where there are many tribal authorities such representation should be of Regional Authorities.

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## LOCAL GOVERNMENT

Once elected, all representatives shall receive training. This shall be the state's responsibility. (In the transition period, the public and private sectors should jointly make it their responsibility to ensure skills development and capacity building of people previously prevented from standing for office in local government, whether on the basis of race, class or gender.)

It shall be the responsibility of all political parties, as well as the state's responsibility, to remove constraints which prevent women from standing for office in local government elections. This may include material forms of support, such as provision of child care or reimbursement of Child care costs.

## PARTICIPATORY DEMOCRACY

Local government in both urban and rural areas shall promote the establishment of structures of civil society. In addition, civil society should actively participate in the affairs of local government. Local government shall, wherever possible, involve organisations of civil society in decision-making.

One way of making government accessible to the community it serves is through community forums. In urban

and rural areas, organs of civil society, including NGOs, formal and informal women's organisations, and

religious or traditional structures, shall be entitled to establish local forums for the purposes of:

- identifying policy issues relevant to the areas within which such organs operate;
- making recommendations to local authorities in respect of the level and quality of services to be provided;
- interaction with elected local government councilors and officials in order to advise on policy proposals proposed by council and other service delivery authorities.

Community forums must be inclusive, representative, and ensure that the voices and concerns of marginalised

sectors of our society (women, youth, landless, farm workers) are heard and respected.

These forums shall be linked to the delivery of the local RDP programme and local economic development to

ensure that the RDP is participatory, people-orientated, people-driven and democratic.

The ANC believes that communities are the custodians of culture, customs and traditions on the ground and that

such community values should be expressed and respected subject to the Constitution and the Bill of Rights - in

particular, the equality Clause.

In the urban and rural areas, organs of civil society shall be entitled to establish local assemblies/people's forums

twice a year to give the community and individuals within the community an opportunity and right to address

local government directly. Local government shall respond to any questions and concerns put forward.

Other forms of participation in formal and informal local government structures should be developed relative to

specific local government institutions, for example, schools, transport, access to justice, etc.

## LOCAL GOVERNMENT EXECUTIVE

The local government council shall elect from within its members an Executive/Management committee which

will manage the day to day business of council. Ideally, men and women should be adequately represented on

this structure. No one should be excluded from election to the Executive Committee on the basis of lack of

formal qualifications.

Council shall appoint a number of standing committees, for example, finance, services, transport, gender etc.

## DEMARKATION OF BOUNDARIES

Principles for demarcation of boundaries:

- In demarcating boundaries an ANC government shall strive to unite areas previously divided by apartheid

laws. Communities located within economically coherent areas of a city or town, but historically divided

or excluded by apartheid local authority boundaries shall be included in new boundaries of local government.

## LOCAL GOVERNMENT

- In tldemarcating local government boundaries in the rural areas, cognisance shall be taken of the needs of traditional communal areas, rural settlements outside communal land areas and commercial farms.

(General criteria for demarcation of localities:

' The promotion of non-racialism and non-trialism as well as equality of access of residents to a local

government tax base;

- 'The unification of areas previously divided by apartheid laws;

' Intergovernmental and community of interest between all residents in respect to work, community, infrastructure, services, recreation and settlement.

## METROPOLITAN GOVERNMENT

In metropolitan areas, there shall be elected metropolitan governments, which shall be part of the third tier of

government, with powers and functions necessary to deliver services in such a manner as to redress historical

imbalances and to ensure maximisation of benefits from economies of scale and contribute to coherent socio-

economic development.

Below the metropolitan government there shall be primary local authorities for purposes of bringing administration

and the provision of services closer to the people and increasing the responsiveness of local government

to residents' needs. 'The primary local authorities shall be referred to as metropolitan sub-structures (MSS).

Stand alone mega cities may be divided into smaller administrative units for the purpose of collecting rates,

rents, service charges and other levies. These offices shall also be used by residents to report complaints on

matters falling under the jurisdiction of the relevant local government.

## NON-METROPOLITAN LOCAL GOVERNMENT

Local government structures shall be established wall to wall throughout the country. In non-metropolitan

areas, local government shall be structured on a two tier basis consisting of integrated elected district and local

councils. In the transitional phase, district and local councils shall operate much like their metropolitan counterparts

and its sub-structures. While there are two tiers of local government, each level should operate as part of

an integrated whole, with the assignment of powers and functions being democratically determined.

Both district and local councils shall be based on the principles of non-racialism, non-sexism and one municipality

one tax base.

District and local councils shall be demarcated in such a way to incorporate townships, informal settlements

commercial farming areas, villages, trust lands, tribal and communal areas so as to ensure benefits from economies

of scale. District councils shall play an important role in coordinating development and planning and

ensuring adequate and efficient provision of services in rural areas.

## FINANCE

Local government shall have its own sources of revenue commensurate with local government powers and

functions. Its sources of revenue shall include its own local taxes, user charges and inter-governmental grants

and loans. Local government tax structures shall be progressive, based on ability to pay, and shall not unduly

burden poor households. Need shall be an important factor in determining intergovernmental transfers. Inter-

governmental transfers shall be provided in terms of an overall development plan, and occur both vertically

and horizontally i.e. local government will receive funds from central and/or provincial government (vertical)

and there will be transfers from wealthier to poorer local authorities as well (horizontal).

Metropolitan councils and district councils shall, through the above sources of revenue, have the responsibility

tor linancing its own services and ensuring that a basic minimum of primary local authority services are maintained in all areas under its jurisdiction. Metropolitan councils and district councils shall therefore have pre-

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## GLOBAL GOVERNMENT

edence over primary local authorities in sharing the local tax base.

Local government financing shall be transparent, accountable, sustainable and efficient. Local government shall not borrow to finance operational costs, except as a bridging finance within the framework and subject to the norms, conditions and requirements laid down in national and provincial statutes.

## PLANNING

Local government shall be responsible for land-use planning, transportation planning, etc. in its area of jurisdiction subject to national frameworks and/or guidelines. Planning shall be one of the tools used to integrate urban areas, rural areas, and the two with each other.

Zoning legislation shall be designed to encourage and guide the redistribution of resources, as well as the reconstruction, integration and development of cities, towns and rural communities.

Local level planning shall be part of an integrated system of planning, involving both provincial and national

levels. In many cases local government will be the implementing agent of aspects of this integrated system of plans.

Planning processes shall be transparent and shall encourage maximum participation of residents. It shall be the responsibility of local government to ensure that there are avenues and mechanisms for the effective consultation with and involvement of the public in planning processes and decisions.

Planning shall respond to the needs of residents and shall be used actively to facilitate sustainable local development.

Planning shall strive to make the environment safe and accessible for women.

## LOCAL RECONSTRUCTION AND DEVELOPMENT PROGRAMMES

Local government shall ensure the participation of organs of civil society in the delivery of the local Reconstruction and Development Programmes through community forums. Local government in conjunction with

the community forums shall ensure a participative and people driven process.

Local government shall play an active role in capacity building at the local level and shall ensure education and

dissemination of information at the local level on the Reconstruction and Development Programme. Local

government shall consult on the implementation of the RDP and management of specific projects.

## ADMINISTRATION AND STAFFING

Local government shall promote accountable, transparent and democratic administration, within an overall

framework which provides efficient and effective delivery of services and functions. There shall be an enforce-

able code of ethics for councilors and a code of conduct for staff of local authorities.

Local government shall implement and manage the process of transition such that the stability and continuity of

local government services and functions is maintained, while at the same time, major institutional, financial

and political restructuring takes place, with the aim of establishing an efficient, equitable and representative

administration and staffing structure.

Various affirmative action measures and employment equity measures shall be instituted to ensure equal em-

ployment opportunities and representative staffing patterns. Affirmative measures shall, within national and

provincial frameworks, address representation of constituencies previously under-represented in local government administrations.

Affirmative action shall be implemented not only with respect to staff, but also with respect to appointments of

boards and advisory committees, and the granting of contracts.

## 100M GOVERNMENT

### TRAINING

Local government shall in cooperation with municipal society and 011101' lrzunmg  
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:md develop training program in order to upgrade the quality of its employees and to improve the performance of the council.

The aims of the local government training programme are:

to improve the training of municipal building staff; the historically disadvantaged communities and the

newly registered:

:uklrcxs the training needs of the municipal council members and the

middle and 10p

mmgcmml.

'h'uing shall recognize the 10 change in culture within the government as well as

build human capacity within the community.

'I'mining shall be in the future:

retraining (Mining; etc)

(running for advancement

(mining M newly created/upgraded representation and official

public education

In all training, those who have been in the past whether such a

spatial (eg. in rural areas). racial. based on gender. 01' any other form.

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Guidelines in process for

selecting councillors

PRINCIPLES UNDERPINNING THE SELECTION OF COUNCILLORS TO STAND FOR

ELECTIONS TO LOCAL GOVERNMENT

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ANC ALLIANCE: 'The first national municipal election is continuation of the liberation struggle led

by the ANC (Alliance

TRANSPARENCY: 'The election process must be open to all and should be

transparent and

ELIGIBILITY: The minimum age of the candidate and the councilor as long as they

quality in the 1996 election of the councilor's regulation that the have not brought the ANC into

(IN L'pLILU

BRUAD-BASE: 'The 111C membership must be good and the racial.

under. 200-

system: the 011m mm. The proportional representation lists should have the same number of

11m. In addition the 21x membership is possible.

EXPERIENCE: 'The membership must be selected when will be the

CNPCI'ICIIC 0m local government, membership and negotiations) and overall good quality and credible

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COMMISSIONS DOCUMENTS

## LOCAL GOVERNMENT

leadership. In addition, the proportional representation list should include candidates with the necessary skills to deal with financial and legal issues.

6. HST COMMITTEES: List Committees must be established as follows: (i) a National List Committee; (ii)

Provincial List Committees in all Provinces; (iii) Metropolitan/District List Committees for all metropolitan

areas or districts; and (iv) local council/metropolitan sub-structure List Committees for all local councils or

metropolitan substructures. These list Committees will be variously tasked to ensure the selection process

is properly implemented.

7. ACCOUNTABILITY: All potential councillors will need to sign a sworn statement that they subscribe to be

policies of the ANC and that if they do not remain accountable will have to resign their seats and be

replaced by another selected comrade.

8. CODE OF CONDUCT: A Code of Conduct will be developed to ensure that all councillors from the alliance

display integrity and are good representatives of their communities.

### LIST COMMITTEES

1. The Provincial Executive Committees, in consultation with the SACPCOSATU and SANCO must establish

List Committees for their Province.

2. OPERATIONS: In addition, for each Council there must be a List Committee established.

POWERS: The List Committees will have the power to review all nominations arising out of local nominations

conferences to ensure they meet the broad principles outlined above. The actual powers of each List

Committee will be determined by the national Elections Commission.

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4. COMPOSITION: The List Committees will consist of the following: representatives from the ANC, Women's

League, Youth League, COSATU, SACP, SANCO. Anyone who is a candidate for any local government

council or is a relative of any candidate is disqualified from being on any List Committee.

5. NOMINATIONS: The List Committees will receive nominations in a number of ways. The nominations

process must be completed before the end of June 1995.

### Policy on Rural Local

#### Government

The Interim Constitution provides every South African the right to vote for national, provincial and local

government of their choice. The whole of South Africa shall be divided into local government jurisdiction in order

to secure this right for all South Africans irrespective of where they live.

Section 21. (2) states that every citizen shall have the right to vote, to do so in secret and to stand for election

to public office?

Throughout South Africa there shall be two tiers of local government. The demarcation boards should divide

all provinces into metropolitan areas and non-metropolitan districts. There will be two tiers of local government

in each of these areas.

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## LOCAL GOVERNMENT

### DEMARCATION OF NON-METROPOLITAN GOVERNMENT

#### District Boundary demarcation

Non-metropolitan/district councils should encompass the following: that they incorporate a number of settlement types (particularly market towns and centres); that they incorporate complete rural settlements (such as distinct tribal authorities); that they encompass areas which are functionally linked: that they overcome economies of scale in respect of service delivery: that they must not be too large to be manageable.

Criteria for such demarcation of Districts should be: aggregating municipal districts with minor modifications; functionality and commuting links; administrative considerations; rationalise metropolitan governments; minimising dislocation of services; demographic considerations: economic cohesion and functionality.

#### Local council demarcation

Once the boundaries of District Councils are demarcated, then they should be internally delimited into Local

Councils (these could be stand alone towns or rural areas/sections) and further ward delimitation should occur.

Structures of non-metropolitan government: District Councils are to be divided into Local Councils which

might include different settlement types. and further divided into wards.

Powers and Functions: The District Council as a whole shall democratically decide how powers and functions

are to be allocated to the two tiers of local government (district level or local council level). Initially, particularly developmental powers and functions shall be assigned to the District level.

Representation: The district and Local Councils shall consist of 40% of their councilors elected through proportional representation and 60% elected at a ward level.

#### Traditional leaders

The Interim Constitution provides that there shall be traditional Authorities and a system of traditional leadership in those parts of the country where traditional Authorities existed immediately prior to the adoption of the

constitution. The traditional leaders of the community observing a system of indigenous law and residing on land

within the area of jurisdiction of an elected local government shall ex officio be entitled to be a member of

that local government and shall be eligible to be elected to any office of such local government.

The basic functions and powers of traditional authorities should be:

- the responsibility to promote the well-being of residents and the development and improvement of land in

tribal areas:

- the right to hear both Civil and criminal matters;
- the right to impose tribal levies. certain taxes and fees:
- to allocate communal land
- to collect levies

The powers of regional (or territorial) traditional authorities shall be:

- to supervise and assist. in the advisory capacity in the administration of the affairs of the constituent bodies:

- to promote the advancement and general interests of the inhabitants of the region:
- to advise the government on a variety of matters.

The policy approach of the African National Congress therefore suggests that distinction must be drawn between

governmental structures and traditional authorities. Traditional authorities are not local governments. ANC

policy suggests a symbiotic relationship between governmental structures and traditional authorities.

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Local government BIBGIiDIIS:

campaign strategy

NOTE: This document looks specifically at a local election strategy and focuses on tasks for local election

teams. This document has been reworked after a number of provincial consultative workshops and branch

workshops.

#### INTRODUCTION

The transformation of local government from apartheid to democratic structures is key to our reconstruction

and development programme. Local government is very important because it is closest to the people. It is at

this level that we can contribute to building a better life by providing basic services like water, lights, sanitation,

transport, housing etc. The challenge is to elect and build strong local governments with the capacity to deliver

and effectively represent local communities.

The local government elections present the following challenges:

0 We have to fight about 600 elections in the whole country, the campaigns will be fought locally;

- We cannot rely only on the popularity of our president because we need to popularise local candidates;

- Our election message has to focus on local issues as well as national issues;

- People will judge us on our record in government.

#### AIMS OF THE CAMPAIGN

The specific aims of the election campaign include:

1. To make sure that we win convincingly in both ward and PR elections.

2. Ensure that at 161151959% of the voters are registered on the right voters roll and are able to participate in the

process.

Make sure people know how to vote.

4. Build our organisational capacity and set up an effective and uncomplicated structure to deliver the votes to

the ANC.

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In order to achieve the above aims, there are a number of tasks that face us. These tasks have been divided into

five phases. These tasks may be added to as the campaign progresses and depending on local conditions.

#### DEVELOPING A STRATEGY AND MESSAGE FOR THE CAMPAIGN

Strategy involves deciding which categories of voters in which particular areas we will be targeting. For example,

in the last election, we targeted as our base all African voters but put some emphasis on women and rural areas

and we put extra effort into Natal, N.Tvl and Transkei. Further, we targeted Indian and Coloured voters as our

main expansion target which meant extra attention and resources went into the W. Cape and to a lesser extent.

Natal. A more limited effort to reassure White voters was made (in some regions, far too much energy went into this effort).

This time around, we need to firstly make a detailed analysis of the last election results (the ANC got 63% of the

total votes, almost 97% of these votes were from African voters). We need to extend this analysis to each

province, and each local council area within the province. To develop the strategy we must have a firm knowledge

of the community and political profile of each of the 600 local council areas and decide which are clearly ANC

strongholds, which are marginal or strongly contested areas and which are very weak support areas. Following

this, tough decisions must be made about what type of effort will go into the strongholds. which of the marginal

areas are strategic to win and which are hopeless areas we concede. Strategy at a local level will have to

determine which communities or sectors within the local area we are targeting or which geographic section of



## LOCAL GOVERNMENT

the local govt. area we are targeting. When we develop a strategy we must understand that we do not have the resources and people to address the whole country with equal effort.

Message involves two aspects:

:1) this are we going to say to the voters to persuade them to vote ANC and;

h) this are the most effective ways it got the message across.

In the last election. we built around the core message "working together for a better life for all". We focused on

2.5 million jobs through :1 public works programme, 10 years free education. 10 houses and peace. In the later

stages of the campaign, we also focused on the NPs record in relation to those four issues specifically. We

reassured people of our commitment to reconciliation and promoted Madiba as the best president for the country.

In this election the situation will be more complex because people will be assessing what we say by what we

have done in government in the past 18 months and local elections will focus more on what the ANC is saying

in that local area. This does not mean that we cannot have a national message with a provincial or local flavour.

The challenge will be to work out an appropriate national and provincial message with guidelines for what is

added on locally.

To get our message across, we will need to decide on the right balance between our own printed media (millions

of pamphlets printed in the last election are still lying in Shell House) and advertising through radio and

newspapers (which is very expensive). We also need to strike a balance in our voter contact work between mass

meetings and events at which we have leaders speaking and other public events. and door to door canvassing

work. blitzes into unorganised areas etc.

## CAMPAIGN PHASES

Phase 1 - Jan 10 and Feb: Planning and registration phase

. Run voter registration campaign - main task.

- Monitor the setting up of transitional local council structures and arrangements for elections in rural areas.

- Appoint branch election coordinators.

- Set up local election teams with branches and alliance structures from same local council election area. See

section on election structures.

- Build local alliances with organisations willing to support an ANC campaign.

- Develop local campaign strategy and issues for local message based on national message.

- Identify target areas - strong support. weak support.

- Work hard in weak and unorganised areas but don't waste time in "hopeless" areas.

- Take up local issue campaigns linked to RDP work.

0 Send the right people to training workshops.

- Monitor TLCFLVMC preparations for elections.

- Ensure that they put skilled people on the Council election committees and as voter registration officers.

Phase 2 - March to JHIV: Registration. "SB and local ISSUES

- Intensify and complete voter registration process.

- Set up local list committees made up of political leadership from organisations in a local electoral alliance.

(List process guidelines will be sent in Feb).

- Begin to choose candidates according to list guidelines.

. Complete list process for the selection of PR candidates and ward candidate selection.

- Intensify local issue campaigns/RDP work.

- Hold public forums to get feedback and develop local message based on national message.

- Popularise candidates especially ward candidates.

- Make sure right people attend training workshops.

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Phase 3 - Aug 10 15 Sept: Voter education and canvassing

- Phase '4 - 15 Sept in elections : Intensive campaigning

- ## ANO STRUCTURES AND ELECTION STRUCTURES

i coordinator 1 leaders of Alliaice, WL, YL -1- siluco nlus

i Organising i DIP Local Govt Party Liaison i Admin and Fundraising

Metro Election Team

i7 ,

Coordinators j Coordinator 1 Councillor from election

i Media Liaison

Note: District Election Team

after there is clarity on how these elections will work. The main role of a district team will be to coordinate

011 District Teams as

Local Election Team

Coordinator 1 Alliance and SANco rens 1 all branch election coordinators tilus

Coordinator Councillor from

i Campaign team 1 Media

f Alliance organisers Media production

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## LOCAL GOVERNMENT

### Branch Election Team

1 Coordinator '1- Branch Executive 1' task team heads

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1 Volcr Vulcr Media Public cvcnls Local isxuc Fumlrusing

1 rcgislrulium & 1 liduculion distribution umipuignx

i i

1 cunvusmng

()ur expcricnce in lhc April clcclions taught us lhc l'ollnwing:

WC nccd simple and cl'licicnl structures to deliver the vote.

WC nccd u single cmn'dinuling structure with no scpurulion bclwccn lhc political and impl cmcnling slrclurcs.

Pcuple in spccil'ic portfolios must bc trained uml shuulil nol chop uml chungc in portfol ios ulilcr training.

FINN?

'llhc clcclion urorilinulor :il ull levclx must bc xkillcnl. mmmilled llikl cl'licicnl and must not have other

luslxs in lhc AN(1.

5. 'llhc co-ordinulnr must bc co-nplcd unto lhc political slrclurcs and report directly to them.

6. Al catch levcl wc ncul nnc coordinator who is uccounlubl limb lhc uvcralll campaign. resources and finances

and whn i'cporls to lhc mm'dinumr ubovc lhc.

7. We must involvc lhc Alliance. Sunco 2lnd ()lhcrgunisation which cnclorse the ANC campaign in our clcclion structures.

### PROVINCIAL

The Provincial Excculivc (lommiltcc (PRC). together with lhc prminciul leadership of our allies will give

political direction to the campaign llikl will appoint the coonlinulor.

### Co-ordination

A liull-limc election coordimuor will head the Provincial lilcclion Team that runs the campaign. The coordinator

could bc lhc haul of organising or lhc pmvinciul secretary. but if they luck the experien ce or the time to devote

to coordinating the campaign. am clcclion coonlinzuor must bc appointed by the PEC lhc coordinator must sit

On the working committee or management lcum in the province and should zlltcnd PEC meetin gs. The coordinator

must bc appointed by lhc end olilzmuzu'y.

We cannot zillm'd to sci up scpurulc slrclurcs lor the clcclions. but must use the depar tments that exist in the

ANC to slulllhc qulx' Imuns. In catch nlilhc rclcvunl lllcpm'lmcnls. either the head Or :1 compclcnl and experienced

pcrson must (lcVUIC lhcmsclvcs to the clcclinn campaign and must .in On the election lcum . The departments

ull'ccldc urc: ()rgunising DIP. liinuncc. Adminislrluim. liumh'using. Volunlccrx cam b c rccruilcd IO usisl lhc

lzisk lcilllll hcuisl.

'lhc lilccliu lmm mus! l'iml incuningl'ul uuyx ml im'nlxiing lhc Alliuncc uml olhcr MDM organisations in lhc

work ()I' lhc campaign. remember that must ol' lhc work xx ill haw lo bc ulonc by lhc Loc al lilcclinn Team. The

main tasks ill lhc provincial levcl will bc m xuppm'l lhc local cumpuignx through :ulwrti sing. fundraising.

media. u(lvicc. lczulcrship (lcplcymcnl uiul rcxczu'ch.

### Campaign tasks

()rganismg The bulk of lhc campaign public mcclingx. xulcr i'cgislmlion. cunan ssing. med ia distribution.

training. etc. will bc coonlinulul by the organising department. The hczul of organising and some Ol' the

organisers must bc purl ml the clcclion lcum.

l)" , mulm llille. lLMdILll and Inlmmmlmn. mcdiu pimhlclion. spczllxcr dcplm'mcnl and pub lic relations

Finance and administration budgets and linunciul mmmli cumupiuu :ulminisli'ulion.

Fundraising -\_ provincial lundmising campaigns

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Local government coordinator - monitor TLC preparation, deal with problems.  
Party Liaison Officer - serves on the provincial party liaison committee.

Regional organisers and sub-regional offices will be used to communicate between the provincial and the local structures - there is no sub-regional election team.

At a Metro Level, where millions of voters live, PECs will have to set up a very strong structure that is a mix between the provincial and the local structure.

DISTRICT LEVEL

LOCAL LEVEL

## Co-ordination

election Team. (The election coordinator from each branch plus one senior person from the SACP, Cosatu and

The coordinator must work fulltime for the last four months of the campaign.

The Local Election Team should have four task teams:

Media Team - one person for media production. one for press and speakers.

Fundraising team - one head working with branch fundraisers to raise campaign funds.

TLC Liaison on election preparation - one of the ANC councillors that sits on the council s election sub-committee.

## Co-ordination

(BEC), or a member who then sits on the BBC. The whole BBC has to work on elections as the most important

## LOCAL GOVERNMENT

local task. The coordinator will attend the Local Election Team meetings and report to the BEC. At branch level

the coordinator plus the BBC will plan and run the campaign.

### Campaign tasks

Task teams can be set up to perform the key tasks at branch level:

- Registration and canvassing,
- Media distribution.
- . Public events:
  - Local campaigns
  - Voter education
  - Fundraising.

## QUESTIONS AND ISSUES

The Commission on Local Government is looking at both the campaign strategy for local government elections

and local government policy. Some issues and questions to be considered include:

1. How are the TLCs and TMCS operating? What are the main difficulties?
2. What are the problems and what are the prospects for the ANC as we move into the local government election period?
3. What are the key problems and prospects in areas where there are no transitional structures in local government?
4. Traditional authorities and local government: what are the relations and how will this function?
5. What are the key issues in local government in terms of development and the RDP?
6. What is the relationship between provincial governments and local governments?
7. What are the challenges facing the ANC for the local government elections?
8. What are our aims in the election campaign?
9. Discuss the proposed election structures to run a winning campaign for the ANC.
10. Discuss the proposed programme of action for the election campaign.
11. What principles should guide our list process and selection of ward candidates for the elections?

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## CONSTITUTION MAKING

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Prior to and throughout the multi-party negotiations the ANC maintained that the constitution for a democratic

South Africa had to be drafted and agreed by a body of elected representatives i.e. a Constitutional Assembly.

In the negotiations an Interim Constitution was agreed which allowed democratic elections and which now

provides the constitutional framework for the present government. This constitution provides for the Constitutional

Assembly (CA) in which the work of preparing the new Constitution has begun.

The National Conference needs to discuss and adopt positions on the following:

1. The broad principles and values we want to include in the new constitution, and which will serve as

immediate guidelines for all those involved in the constitution making process.

2. The process that the ANC should follow to obtain a mandate for the content of such a new constitution.

3. How do we ensure that ANC Structures adhere to this mandate during the constitution making process.

4. Are the structures adequate to provide for political decision making; sufficient co-ordination at national

provincial and local level; and maximum participation of ANC members in the constitution making process.

To assist the discussion we set out below:

Section A The Structures Processes and Procedures of the CA.

Section B Existing Policy positions of the ANC

Section C A preliminary set of Constitutional Principles which can guide our representatives: for consideration

and adoption by Conference

Section D Structures of the ANC in the Constitution Making Process

Section E Participation of ANC members in the C.A. Process

Section F Recommendation for a National Consultative Conference

SECTION A. THE STRUCTURES PROCESSES AND PROCEDURES OF THE (LA.

Structures

The Constitutional Assembly itself consists of 490 members, that is, all members of the National Assembly and

the Senate. This is the highest decision-making body which will debate and finally adopt the new constitutional

text. The CA is presided over by a Chairperson, Cde Cyril Ramaphosa, and a Deputy Chairperson, Leon Wessels.

In order to carry out the task entrusted to it, the CA has had to set up a number of sub-structures and committees.

These are outlined below.

The Constitutional Committee consists of 46 members. Its main function is to coordinate the process as a

Whole, on behalf of the CA. All parties represented in the CA, are, as with all structures in the CA, represented

in the CC on a proportional basis determined by their representation in the CA itself. The CC is the only body

mandated by the CA to undertake some level of negotiation and decision-making. The CC reports directly to

the CA and is responsible for preparing reports and agendas for the CA to consider.

The Management Committee, of 12 persons, deals with matters of process and not substantive issues. It also

prepares agendas for the CC, prepares reports for the CC, and deals with day-to-day management and overseeing

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## CONSTITUTION MAKING

of developments in the structures.

Theme Committees are made up of 30 persons each. Each Theme Committee deals with a specific aspect of the new constitution and is presided over by three chairpersons and a core group of seven to eight persons. These committees are the real work horses of the entire process. They are responsible for processing matters and preparing reports for the CC to consider and pass on to the CA itself. These committees are also the main interface with the public, receiving submissions from a host of organisations, institutions and individuals. They receive and collate views from the broader public on the constitution. They also receive submissions from political parties, and develop and process these concepts and views. They are not entrusted with decision-making powers and only identify contentious and non-contentious matters and make recommendations to the CC.

The six theme committees are as outlined:

- Theme Committee One A Character of the Democratic State
- Theme Committee Two - Structures of Government
- Theme Committee Three - Relationships between Levels of Government
- Theme Committee Four - Fundamental Rights
- Theme Committee Five - Judiciary and the Legal System
- Theme Committee Six - Specialised structures of government

Theme Committee Six has broken up into four sub-committees because it deals with a broad range of issues.

The four sub-committees are: public service and administration; transformation and monitoring; security apparatus and; financial institutions.

Public participation

The CA has committed itself to ensuring that the broader public are afforded the opportunity to participate directly in the process of constitution-making. The ultimate objective is to draft and adopt a credible and enduring constitution which will enjoy the support and allegiance of all South Africans. It is felt that the new constitution should not only represent the aspirations of all our people, but must itself be a people-driven process.

The objective of the community liaison strategy adopted by the CA is to facilitate an interface or dialogue between the South African people and their elected representatives by consulting the population at various levels and at various stages of the process of constitution-making.

To this end, the administration of the CA has been mandated to develop a countrywide programme of conferences and forums to allow the public to participate. The main form of participation will otherwise be written submissions.

However a programme of conferences, organised mainly at universities, will allow all sectoral organisations in civil society to interact and contribute to the new constitution. Meetings will also be organised at local community level at which members of the Theme Committees will engage the broader public in debate and listen to views.

This will be accompanied throughout by a comprehensive media campaign whose objectives are to inform,

educate, stimulate public interest and create a climate for public participation.

It has been agreed that a special effort would be made to reach disadvantaged sections of the population in rural areas.

## PROCESS

The CA has broken up the process of drafting into six sequential phases:

1. This phase consists of analysis and evaluation of the full extent of the mandate of each Theme Committee, receiving and processing submission and producing reports for the consideration of the CC.
2. This phase consists in the main of drafting in which political positions will be translated into legal text. Much of the drafting however will also take place on an ongoing basis.

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In this phase the draft will be referred to the Constitutional Court to ensure compliance with the constitutional

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## CONSTITUTION MAKING

principles. Against however there will be ongoing referral and this will not be restricted to a particular

period of time.

4, In this phase the text will be placed before the public for further discussion and debate.

In this phase, the text will now be ready for debate and adoption in the CA.

6. In the final phase, certification will be sought from the Constitutional Court.

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It is important to note that these are conceptual phases, and that there is a great deal of interaction and overlap between many of the activities outlined in each phase.

### Time frames

The final deadline for adoption of a new constitution, as stipulated in the Constitution, is May 1996.

The first part of the first phase of analysis and evaluation by Theme Committees is already complete. A detailed

work programme has been developed and adopted by the CC.

The second part of the completion of reports by Theme Committees has a deadline of 30 June 1995. By this date

Theme Committees should have completed the major part of their work. Reports will be considered and evaluated

by the CC and CA on an ongoing basis.

The first complete text should be drafted by 14 July 1995.

There will be ongoing referral to the Constitutional Court throughout the process.

It is expected that the first draft should be ready for public scrutiny by 31 October 1995.

From the beginning of 1996 debate will ensue in the CA itself on the final draft.

After adoption in May 1996 certification will be sought from the Constitutional Court.

It has been agreed that there will be a need for ongoing evaluation and adjustment of these time frames throughout

the process. The need for flexibility should not however detract from the need for a disciplined work programme

to ensure that the final deadline of May 1996 is met.

## SECTION B: EXISTING POLICY POSITIONS OF THE ANC

This section draws on the policy guidelines accepted by National Conference on 31 May 1992 entitled "Policy

Guidelines for a Democratic South Africa" (RG) as well as a draft constitutional blueprint prepared by the

ANC's Constitutional Committee. Many, but not all of these found their way into the text of the Interim Constitution.

### Franchise

There shall be regular elections for Parliament, at least every five years on the basis of a common voters roll,

and universal adult suffrage and, in general, proportional representation. The elections shall be administered and

supervised by an independent body, the Election Commission. (RG)

### Citizenship

All South Africans shall be entitled to equal and full citizenship. Citizenship may be acquired by birth, descent,

marriage or naturalisation. No citizen shall be arbitrarily deprived of his citizenship through legislation shall set

out the circumstances in which citizenship may be lost.

### Bill of Human Rights

This section of policy is drawn from 'Ready to Govern'. However, the whole chapter on human rights in

'Ready to Govern' is relevant.

## CONSTITUTION MAKING

"The Bill of Rights will guarantee that South Africa is a multi-party democracy in which people enjoy freedom of association, speech and assembly and the right to change their government. Furthermore, the public shall have a right to know what is being done in their name - there shall be a right to information and a firm guarantee regarding the free circulation of ideas and Opinions. (RG. p7)

The Bill of Rights shall be binding upon the State and organs of government at all levels and where appropriate, on social institutions and persons.

The Bill of Rights shall secure the rights of all persons in all spheres of life including housing, education, employment and access to facilities and such protection shall be ensured without discrimination on the ground of race or gender.

The Bill of Rights must guarantee language and cultural rights and religion, and respect for the diversity thereof.

It must acknowledge the importance of religion in our country. It must respect the diversity of faiths and give guarantees of freedom of religion.

Workers rights to set up independent trade unions, to engage in collective bargaining and their right to strike must be protected in the Bill of Rights which should be supplemented by a Workers Charter. This charter should set out all those rights that workers throughout the world have gained for themselves. The State will be a signatory to the International Labour Organisation (ILO) conventions. The Bill of Rights will also prohibit slave labour, the exploitation of children and discrimination in the workplace.

There shall be equal rights for women and men in all spheres, and the creation of special agencies to ensure that equal opportunity operates in practice.

The Bill of Rights should support the provision of homes, employment and utilities such as light and water, so as to repair the damage done by apartheid and the migrant labour system, and in order to give real meaning to the right to home and family life.

The property rights of the majority have been systematically ignored and violated by apartheid. A new system of just and secure property rights must be created, one which is regarded as legitimate by the whole population.

The taking of property shall only be permissible according to law and in the public interest, which shall include the achievement of the objectives of the Constitution.

Any such taking shall be subject to just compensation which shall be determined by establishing an equitable balance between the public interest and the interest of those affected and will not be based solely on the market value of such property.

The Constitution will make it clear that seeking to achieve substantive equal rights and opportunities for those discriminated against in the past should not be regarded as a violation of the principles of equality, non-racism and non-sexism but rather as their fulfillment. Unless special interventions are made, the patterns of structural advantage and disadvantage created by apartheid and patriarchy replicate themselves from generation to generation.

The Bill of Rights shall establish the principles and procedures whereby land rights will be restored to those deprived of them by apartheid statutes. A Land Claims Court Tribunal, functioning in an equitable manner according to principles of justice laid out in legislation, will, wherever it is feasible to do so, restore such rights.



## CONSTITUTION MAKING

The Bill of Rights will affirm the right of all persons to have access to basic education, health and welfare services. It will establish principles and mechanisms to ensure that there is an enforceable and expanding minimum floor of entitlements for all, in the areas of education, health and welfare. It will commit the courts to take into account the need to reduce malnutrition, unemployment and homelessness when making any decisions.

The State shall become a party to the large number of human rights conventions and in particular those dealing with racism, gender and discrimination and the rights of children, which apartheid has until now rejected. In this way we will assert our rightful place in the international community?

The Legislature

South Africa shall be a unitary state in which there shall be a government at local, regional and national

levels. The Bill of Rights and the principles of non-racialism, non-sexism and democratic accountability

shall apply at all three levels of government.

The ANC favours a Parliament consisting of the national assembly and senate. The national assembly will

be elected by universal suffrage on a common voters roll according to proportional representation. It will

control the national budget and have primary responsibility for the preparation and adoption of the country's

main laws. The senate will be representative of regions and be directly elected and have the power to

review, refer and delay legislation. It will also have special responsibility for promoting regional development

and for ensuring respect for the principles of the Bill of Rights. It will not have these powers, however, in

regard to legislation dealing with the budget? (RG)

The ANC proposes that the number of persons elected to parliament shall be 300 in total. Two hundred of these

shall be elected in accordance with the system of single member constituencies, and a further 100 allocated to

ensure parties are represented proportionally.

The Senate should number 100 (10 per province and a further 10 persons nominated by the President by virtue

of their special expertise). (WP)

The ANC proposes the use of the Parliamentary Committee system, structured to ensure: executive accountability

to an informed Parliament; a role for minority parties through such committees; and informed public debate on legislation.

Parliament shall decide on the remuneration and benefits of the President and its members including Ministers,

Deputy Presidents and Deputy Ministers.

Amendments to the Constitution shall be effected only by a two-thirds majority of both houses sitting together.

The executive shall be accountable to Parliament.

## EXECUTIVE

The ANC proposes that the Head of State be a President with both ceremonial and executive powers. The

President should be elected by the National assembly. He or she will have a fixed term of office and be

available for re-election only once. The President will appoint and supervise the functioning of the Cabinet,

acting through and in liaison with a Prime Minister who will be directly accountable to the President and

responsible to the National Assembly? (RG)

Coalitions between parties will be based on voluntary political pacts and will not be compulsory nor required

by the Constitution. The President shall consult with her or his Cabinet when taking important decisions. The

Cabinet shall appoint an acting president in the absence of the President. (Parliament shall appoint a Deputy

President). The President shall vacate his/her seat upon assumption of Office.

# CONSTITUTION MAKING

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## CONSTITUTION MAKING

parliament save that provincial legislation may not be inconsistent with national legislation regulating a matter

of national interest or having national application.

### Local Government

Comprehensive provision for Local Government, including its powers, functions and structures shall be provided

for in national legislation, which may provide that the implementation and supervision of the legislation and the

financing of local governance be delegated or assigned to provinces.

### Additional Authorities and Volkstaat Council

The institution of chieftanship shall continue to have an important role to play in unifying our people and

performing ceremonial and other functions allocated to them by law. The powers of Chiefs shall always be

exercised subject to the provisions of the constitution and other laws. Provision will be made for an appropriate

structure consisting of traditional leaders to be created by law. in order to advise parliament - on matters

relating to customary law and other matters relating to the powers and functions of chiefs. Changes in the

existing powers and functions of chiefs will only be made by parliament after such consultation has taken place.

### General financial affairs

Provision will be made for:

1. an effective and independent Auditor-General
2. a Reserve Bank
3. powers to advise the government on matters of taxation, the equitable allocation of revenue to the provinces.

### Public Service

The whole of the civil service will have to be opened up so as to make it a truly South African civil

service, and not the administrative arm of a racial minority. The civil service should be impartial in its

functioning, and accountable both to parliament and to the broad community it serves.

We do not support giving positions to unqualified people simply on the grounds of race or gender. What we

will insist on, however, is that the hundred of thousands of highly merit-worthy persons who have been

unjustifiably kept out of jobs, denied advancement in their careers and excluded from training, be given

their due. those who have been kept back by apartheid education and by sexist assumptions should be

given special backing to catch up. The rich life experiences, knowledge of languages, and cultural diversity

of those previously discriminated against should be seen as enriching the contribution of individual South

Africans?

### Police and Belmont

The ANC is committed to the creation of a single police service. The primary function of policing will be the

prevention of crime and to guarantee the personal security of citizens and the free and peaceful exercise of their

rights as defined in the constitution. The principles governing the new police service, which shall also be

inculcated in their training shall be:

- Policing shall be based on community support and participation.
- Police shall be accountable to society and the community it serves through its democratically elected institutions.

A National Commissioner subject to the directions of the national minister, shall be responsible for recruitment,

training and discipline and promotion of all members of the South African Police Service.

The operation of the

police service shall be governed by national legislation.

The Chief of the armed forces shall be appointed by the President. There shall be one Defence Force, the South

African Defence Force, to which all South Africans shall be entitled to join. The Defence Force shall be politically

non-partisan, respect and uphold the Bill of Rights, respect the ideals of democracy, non-racialism, non-sexism

and national unity and national reconciliation, be bound by international law governing the use of force and the



## CONSTITUTION MAKING

conduct of war, be defensive in its character, orientation and in strategy. and be accountable to the public through parliament.

### SECTION 0. PRELIMINARY LIST OF GUIDING PRINCIPLES

The following principles be adopted by conference for inclusion in the Constitution and to guide the ANC in constitution making:

- i. South Africa shall be a united and undivided nation.
- ii. The character of the state shall be a multi-party democratic state in which the pre-eminent of the majority principle is fundamental.
- iii. The constitution shall commit the country to a non-racial and non-sexist order based on the inherent dignity of all persons.
- iv. There shall be a bill of rights guaranteeing all accepted human rights including socio-economic rights and which shall be, where appropriate, applicable against all sources of power.
- v. The Constitution shall use law as possible empower the poor and the vulnerable to enforce their rights and shall inter alia create a Human Rights Commission and a Public Protector to perform this function.
- vi. There shall be regular elections on a common voters roll based on universal adult suffrage at all levels of government.
- vii. Parliament shall, subject to the Constitution, be the Supreme law-maker. and the expression of the will of the people. The executive will be accountable to it.
- viii. Parliament must not be limited in its capacity to legislate so as to address the legacy of the past including such issues as land restoration, redistribution, and affirmative action.
- ix. Government shall inter alia be formed by the majority party which shall have the right, only if it is so chooses, to form coalitions.
- x. Government shall be honest, accountable, transparent and cost effective.
- xi. There shall be elected government at Regional and Local levels whose powers shall be set out in the Constitution. but whose powers shall be subject to the need for national uniformity, national reconstruction and development. as well as the values in the Bill of Rights.
- xii. The civic service shall be representative, impartial and shall loyally serve the Government of South Africa.

### SECTION D: STRUCTURES OF THE ANC IN THE CONSTITUTION MAKING PROCESS

#### 1. National Constitutional Structures

National Constitutional Commission (NCC)

The NCC has been established by the NEC as one of its subcommittees and it replaces the National Negotiations

Commission and the Constitutional Committee. The NCC comprises members of the NEC and members of the

ANC from the provinces, other ANC structures and our alliance partners. The NCC meets every two (2) months

or more often when required.

The NCC will on an ongoing basis discuss, analyse and make recommendations to the NEC and other

constitutional structures in respect of developments in the constitution-making process and the ANC's positions

on constitutional issues. The NCC will liaise with the ANC structures in the provinces and the ANC structures

in the CA in respect of the constitution-making process.

Secretariat in the National Constitutional Commission (SNCCI)

The SNCCI is a smaller group of about 6 key persons in the NCC. It coordinates the activities of the NCC and

performs the day to day tasks of the NCC.

2 ANC Provincial Constitutional Structures

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## CONSTITUTION MAKING

### Provincial Constitutional Commissions (PCC)

It is proposed that each Provincial Executive Committee (PEC) should:

- i. establish a PCC. on similar lines to the Regional Negotiations Commissions in the past ;
- ii. create within each PCC six subcommittees on the same lines as the six Theme Committees of the CA; and
- iii. appoint one member of the PEC to take responsibility for issues relating to constitution-making processes.

The tasks of the PCCs may include the following:

- i. to ensure that the ANC and allied structures in the province discuss issues pertaining to the constitution-making process and that our provinces develop mandates in this regard;
- ii. to ensure that the ANC and allied structures in the province are empowered through the provision of information and technical assistance to participate in the constitution-making process and that such structures are able to develop mandates in this regard;
- iii. to assist the TCs when they go out in the next 6 months to gather the views of ordinary people on the new constitution; and
- iii. to assist the ANC in provincial governments to participate in the national constitution-making processes.

However, it is not clear whether this should happen in the ANC or officially through the CA.

### Regional Constitutional Commissions (ROB)

In some of the larger provinces, it will be important that similar structures are set up at a regional, sub-regional or zonal level.

### Branch SII'IICIIIES

Each branch should be encouraged to have one member of the BEC responsible for issues relating to the constitution-making processes.

### 3. ANC Structures in the OA

#### Management Committee

The Chairperson of the CA and three members of the CCC represent the ANC on the Management Committee

and they are accountable to the CCC.

### National Parliamentary Caucus (MPG)

At present, it is not clear what role the NPC will play in the constitution-making process, and this needs to be

Clarified. It is proposed that at least the major strategic and tactical issues arising in the CA should be referred to the NPC.

### ANC Constitutional Committee Caucus (006)

The CCC determines the overall political direction and the day to day activities of the ANC within the CA. All

ANC structures and members in the CA should be accountable to the CCC. However, should the CCC report to

the NCC or NPC or NBC and on what issues?

### ANC OA Secretariat (8000)

The CCC at present has a secretariat of three persons that deals with administrative issues of the ANC relating to the CA.

### ANC Theme Committee Caucuses (1ch)

It is proposed:

- i. that each member of the ANC in the CA should be obliged to belong to one of the six ANC TCs; and
- ii. that the constitutional expertise and skills amongst our members should be evenly and strategically distributed amongst the six ANC 'I'CCs.

## CONSTITUTION MAKING

TCCR should meet at least weekly and prepare for meetings of the TCs. If necessary, TCC should prepare statements of principle for approval by the CCC before discussions take place in the TC on a particular issue.

ANC CA Coordinating Secretariat (008)

The CCS, consisting of one ANC member from each TC, plus one or two others is being established. The CCS

will be responsible for driving the process in the ANC (in order to day has been the ANC, under the political control of the TC).

### 4. Administration

It is clear that we must build up a proper administrative system in the ANC structures in the CA if we want to succeed

in our task. This should include at least two competent administrators. as follows:

i. to serve the ANC national and provincial structures based at head office:

ii. to set up the CA structures based in Parliament.

We also need to set aside some resources for the house running (1). an office, with support staff.

## SECTION E: PARTICIPATION OF AND MEMBERS IN THE C.A. PROCESS

### Disseminating Information

The ANC should ensure that all ANC members understand the Constitution making process as well know the

key constitutional issues under discussion at any given time during the CA process. Efforts should be made to

explain to the membership the structure of the CA as well the function of each of the structures and how they

are interrelated. The administration of the CA will be releasing periodic information bulletins, and the

Constitutional Commission of the ANC should ensure that such material reaches ANC branches. It should also

release periodic briefing bulletins on substantive constitutional issues.

### Participation in "18 COHSIILLIIS 0' the Theme Committees

A comprehensive programme should be designed to enable ANC members to participate in the debates. Most

ANC members belong to organisations of civil society such as youth and women Others are members of special

interest groups such as child-centred organisations disabled people's organisations and can therefore attend

such fora as representatives of civil society. In this regard, ANC policy positions and constitutional principles

should guide those participating in the debates.

### 18 COHSIILLIIS 0' the theme committees

ANC members should be encouraged to make submissions to the theme committees in support of ANC positions.

Submissions made by collectives such as churches should be encouraged as these would be more representative

and carry much more weight than submissions made by individual ANC members. Comrades living in Cape

Town should be encouraged to attend sittings of the Constitutional Assembly especially during the debate of

controversial issues.

### Parliamentarians and the CA process

All parliamentarians are members of the CA. Accordingly they should play an active role in informing the

membership about CA process. They should form a link with all people outside the CA process and lead the

debate on constitutional issues. An activist MP in this regard, will be enriched and thus enabled to make qualitative

inputs in the CA.

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## CONSTITUTION MAKING

### SECTION F: RECOMMENDATION FOR A NATIONAL CONSULTATIVE CONFERENCE

It is proposed that a special consultative conference should be called possibly in early March to discuss detailed

ANC positions on the new Constitution. We could for example prepare a draft constitution similar to the ANC'S

Transition to Democracy Act, and table it for discussion and debate at this Consultative Conference. Such a

draft would be based on the principles agreed to at National Conference.

The timing of the conference is of vital importance and will have to take into account:

i. It needs to be fairly early in the year as the Theme Committees will be submitting reports to the CC as from

early February. The CC is supposed to start debating the reports and taking decisions in respect of such

reports from that time onwards.

ii. By the time of the Conference it should be Clear what some of the key issues are in the C A. Perhaps it

would also be late enough to allow us to have some idea of the possible ways of addressing these issues:

iii ANC Structures must be given enough time to prepare for the conference.

## STABILITY & SECURITY

Stability and security through  
the transformation of the state  
apparatus

### INTRODUCTION

The purpose of this (DOCUMENT) is to present in broad terms, the security issues affecting both the GNU and the ANC and the transformation of the state apparatus required to address these security issues.

The structural abnormalities of the society and impatience for the realisation of socio-economic demands remains the major threat to stability. The rapid attention to those socio-economic problems is not perceived to be taking place. The activists till the extremes will have fertile ground within which to organise. The support base of the ANC will diminish and the fragile social consensus achieved since the elections may be shattered.

The major cause of instability in the country remains inequity, poverty and perceived lack of access to power. In particular the high rate of unemployment provides the fertile field in which crime and social unrest can grow. The rapid implementation till the RDP is, in fact, the only collective means of removing instability.

The dichotomy posed is that in order to collectively implement the RDP there needs to be a stable situation. In this context it is necessary to look both at aspects of the implementation of the RDP and at interim measures to enhance the level of stability. The primary strategy for stability would appear to be two pronged: Firstly, the demonstrable delivery or attempt to deliver on the RDP and, secondly, giving attention to current threats to stability, most particularly the remnants of Third Force or covert operations. Essential for both prongs of this strategy is ensuring that the bureaucracy, at all levels, is oriented to the new priorities and committed to the delivery of the required services.

However, despite the ANC being in power for more than six months there is a perception that at very little progress has been made in gaining control of and transforming the machinery of the state. It is recognised that such a transformation is constrained by constitutional protections. However within these constraints there appears to be no co-ordinated strategy or plan for transforming, strengthening, without reorienting and transforming the machinery of the state to the task of overcoming the socio-economic basis of instability, as well as providing short term protection for the task of reconstruction, no long term social change and resultant stability is likely.

### BACKGROUND

The period preceding the 1994 elections was characterised by a massive increase in political violence, intense paramilitary activity by right wing forces and deep suspicion by the civil service bureaucracy in respect of the democratic process. These factors taken on their own and converging as a whole presented a very real civil war environment in the country. The collapse of Bophuthatswana, within the context of an opportunistic agenda of right wing forces to escalate the conflict, led to worse case planning by sectors of the previous regime's security forces.

(Following this situation was the ambivalence of the security forces towards the democratisation process. Further their levels of anxiety and insecurity reached an all time high particularly around issues of amnesty and job security. Their forces and in many cases their resistance to democracy were exploited by the right wing in a concerted bid to increase right wing support within the security forces and tilt the balance in their favour.

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## STABILITY & SECURITY

The strategic interventions of both the TEC and the ANC leadership aimed at restoring stability and broadening the constitutional process led to a dramatic decline in the levels of political instability and produced a climate sufficiently conducive for the holding of the elections. As a result the GNU was installed in a climate relatively free of violence and one characterised by a surge of reconciliation and goodwill.

## PRESENT SITUATION

The period since the election has seen a general improvement in the internal security situation. In particular, the period since the election has seen a dramatic drop in the levels of violence in the townships of East Rand and KwaZulu Natal. The Right-wing has been thrown into disarray by splits. by strategic failures (the failure of the Bophuthatswana campaign and the capture of those involved in the pre-election bombings) and by the successful inclusion of the Freedom Front into the constitutional process. The Inkatha threat has also been dissipated by their inclusion in constitutional processes and by their election victory in KwaZulu Natal. Other extremist groups remain splintered and without credibility following the poor showing of some of their groupings in the elections (e.g. the Workers List Party).

The reason for this improvement in general stability is undoubtedly the lessening of political frustrations and the largely inclusivist constitutional dispensation. No major political groupings have been left out of the new dispensation and the extremes of the political spectrum have been shattered by the inclusion of their larger groupings in the constitutional process.

Against this background remains both real indications and the perception (often media generated) of ongoing instability in the form of sporadic strike actions, disruptions in schools, hostage taking and civil disturbances such as those seen recently in the western coloured townships of Johannesburg. Crime, particularly car theft and drug trafficking, is high and growing. The media created perceptions of instability are often particularly illusory in that the implied comparison is not with what has occurred in the past but with what some observers believe should be occurring in the present - the perception that management could continue as if nothing had changed while unions were expected to behave in completely different manner once an ANC government came to power is an example of this trend.

Nevertheless, a certain level of real instability does exist and the questions which arise from this ongoing instability is whether there is a concerted destabilisation agenda? Are the security or covert forces of the old regime engineering instability? Is there a planned bureaucratic resistance to the implementation of government policy in order to foment instability? Did the ungovernability developed during struggle provide a fertile ground for criminal elements, sponsored in some cases by covert operations of the state, and has organised

crime taken measures to maintain that ungovernability?

These questions need to be juxtaposed with questions of a different kind. Is the instability merely an expression of popular empowerment through the creation of a democratic system? How far did the process of struggle and political campaigning leading up to the formation of the GNU create expectations which the GNU is now

unable to deliver? Is the instability merely the continuation of frustrations resulting from deprivation, inequity, poverty, unemployment and lack of access to decision making?

The evidence suggests the following:

That the major threat to stability in South Africa remains mass poverty and social deprivation. This is the single most important factor underlying community violence, rising crime, industrial unrest, educational disruption.

land invasions and drug abuse. Prior to the elections these socio- economic factors were overlaid with the addition of political deprivation, by the lack of democracy. The introduction of a democratic system virtually overnight reduced the levels of tension resulting in a noticeable drop in community violence and for a short while even a drop in crime. However, it is apparent that until the socio- economic basis of the instability is removed some level of instability is inherent. It needs to be kept in mind, nevertheless. that the operations of the Third Force and remnants of covert groupings of the Old regime have never been rooted out and that this poses the constant danger of a hidden co-ordinating

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## STABILITY & SECURITY

hand behind political activity advocating violent means. Indications are that these forces are still active and while they exist any stability is only transitory. A primary task of the security forces must be the dismantling of covert structures if lasting stability is to be ensured.

That there would appear to be a contradiction within the GNU on the RDP, its interpretation and the consequences of its success. As a policy framework clearly identified with the ANC, although now officially subscribed to by all parties to the GNU, the success or failure of the RDP is likely to be the single most significant determinant of the ANC's future strength in government, particularly in 1999. While recognising that the success of the RDP is essential for stability some of the minority parties in parliament and in the GNU are less than keen to see the RDP succeed because such success will threaten the decline in their political influence. The ambiguity of these policies to the RDP is undoubtedly also alienating their supporters in the bureaucracy, business community and parastatals.

That the shift of many political, community and trade union leaders into Parliament, government and the public service has left some degree of leadership vacuum in the structures of the ANC and its allies. This has removed a strong stabilising element able to give direct leadership and political direction, particularly with regard to the lead up to local government elections and in organised interventions or relations with the administrative organs of the state.

That some white public servants and elements in the security forces are less than keen to serve the new government or its policies. That this may be, or may lead to, an orchestrated attempt to frustrate policy implementation can not be ruled out.

## TRANSFORMING THE STATE

A key element in the ability to realise these socio-economic demands is the need to transform and reorient the state apparatus to this end. This is required both positively to effect the delivery of services and, negatively, to stop the blockages and disruptions emanating from remnants of third force and 'total onslaught' structures.

### The public SERVICE

It is increasingly clear that some white public servants are less than keen to serve the new government or its policies. That this may be an orchestrated attempt to frustrate policy implementation can not be ruled out.

Elements of the Old regime and the white establishment are certainly motivated to frustrate or undermine those elements of the RDP which undermine traditional white privilege (eg scrapping of model C schools) or seek to redistribute wealth, and a slow down in implementation of those aspects of government policy may be occurring

by virtue of common interest rather than of organised conspiracy. Furthermore while delays in policy

implementation may be the cause of much of the frustration there is no evidence of links between the bureaucrats

who are failing to implement the policy and those, within extremist groups, stirring the pot of frustration.

However, the pedantic approach to procedures by particularly senior public servants, while at the same time

paying lip service to the RDP, serves to slow down the application of policy as does the need to maintain the

cohesion of the GNU. Similarly, efforts to keep control of key public service posts (rather than merely the jobs

of public servants) and to prevent ministers appointing the staff required for effective implementation of the

RDP and obstructive action appears to be a pre-planned strategy (in the OM regime).

It is evident that the old regime, is still exercising considerable influence over the civil service bureaucracy.

Extending throughout the civil service are elements who either by omission or commission



. by intent or by  
common outlook are. pursuing agendas aimed at slowing the implementation of policy or aimed at a general  
(re)stabilisation of the GM 11 These elements occupy key positions within the civil service and parastatal bodies.  
The slow pace of new appointments to the. public service as well as the approach of simply filling vacancies has  
limited a strategic analysis of key posts and the ability to apply strategic influence. If this trend is not addressed  
it could present a serious obstacle to good governance. For this reason the leadership of the ANC and the GNU  
need to give serious and urgent attention to the Civil service bureaucracy  
However in so doing attention needs to be given to the effectiveness and efficiency of governance structures

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## STABILITY & SECURITY

and to improving the capacity of senior levels of management in the civil service. Local administration, a key basis for service delivery, also remains a bastion of conservatism and Change in both local government and local administration has barely started. The local government elections are likely to provide a stimulant to destabilising activities in the short term. Political parties and factions within political parties, civics and other local level bodies will seek to maximise their political standing. Those defeated in the April national elections will also seek to turn around their losses by capitalising on weaknesses in the ANC and in failures or deficiencies in the GNU (which is seen in most people's mind as the ANC government). The fact that the ANC's organisational strength has been weakened by the move of personnel into government whether at national or regional level has also left a disciplinary and guidance hiatus for the activists involved in local government politics, and has limited any effective intervention in transforming local administration. In order to overcome the destabilising dangers inherent in the local government election process it is important to time the elections strategically and to ensure that they take place as soon and as quickly as possible. For the ANC it is also necessary that effective political leadership and discipline is given to local level activists. This could be achieved by a rapid implementation of the ANC's own constituency system both of national and provincial representatives. This is also an essential strategy in overcoming some of the regionalist and secessionist tendencies that are developing at provincial level. The tendency of some provincial level ANC activists to take a strongly federalist position (i.e. even further than required by the constitution or by the needs of effective delivery of the RDP) is a matter which needs to be thoroughly debated within the organisation. It would appear that a clear national perspective needs to be reflected in the strategy and tactics adopted by the ANC and that the relationship between the central government and the provinces be clearly defined. If left unattended an increasing division between centralists and federalists could arise. In order to ensure the cohesion of the ANC and its allies there would appear to be an urgent need for a comprehensive detailing of strategy and tactics to guide the whole democratic movement in its approach to the state bureaucracy at all levels. At the same time it is necessary that the explosive social issues of land, housing, rent arrears and public services (i.e. water, electricity and sewerage disposal) be given high priority.

### Safety and Security

The inherited situation is one of social instability, high crime, violence of both a political and criminal nature. The forces available to deal with this situation are associated with repression, lack of credibility and have a history of being party to social instability. Despite the reported successes of the SAPS in their efforts to halt the flow of arms into the country weapon smugglers still continue to make such weaponry available within the country. The arms smuggling industry is firmly entrenched and is aided by the instability occurring within neighbouring states such as Angola and Mozambique, by poor border control, by corrupt elements within the security forces and by the lucrative nature of the industry for criminal syndicates. The cracking down on arms smuggling routes should be the highest priority in attempts at reducing violence and crime. This would need regional co-ordination and perhaps a regional force specialising in combating arms smuggling. A longer period of amnesty for those surrendering illegal (i.e. unlicensed weapons) weapons and perhaps even

a buy-back policy to encourage the surrender of weapons (if this could be done in a manner which prevented further theft of weapons) may be required. A revision of licensing procedures. The overstocking of licensed weapons provides a ready source for weapons theft and subsequent resale. Particular attention should be applied to licensing procedures for automatic and non-sporting weapons.

## SIABI ITY & SECURITY

The intelligence community should immediately be tasked with finding the location of any undisclosed arsenals and the police service should take immediate action once this information is available. The militarisation of the police under the previous regime makes it essential that the police are brought under the control of a civilian ministry which can guide and direct the police service to become more civilian oriented. more representative in their command structures, establish linkages with the organs of civil society, define priorities from a social viewpoint and establish credibility within communities like civilian ministry responsible for the police should be strengthened in order for it to exercise effective control over the police establishment.

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Both the (letenee forces and the defence industry need to be brought more directly under the control of a civilian ministry. The defence force and the armaments industry must be professionalised through the removal of clandestine structures and through the establishment of clear accountability to a civilian ministry of defence. There is little doubt that the disruptions in the military integration process were largely a product of deliberate delaying tactics creating frustrations among those awaiting integration as well as provocation by agents within the ranks of MK cadres. The effect has been to create a body of dissidents or demobilised elements directly antagonistic to the ANC and embarrassing to the ANC in government. The phenomenon of dissident action is growing within the country. Individuals previously associated with liberation movements for a variety of reasons are pursuing their own agendas. The reasons are varied and include unmet individual expectations, discipline, exclusion from the integration process and dissatisfaction with the integration process. Dissident, frustrated or disillusioned elements from any of the military formations pose a serious threat to stability in the short term. In particular this relates to issues of integration or demobilisation. Reports indicate that disillusioned or frustrated elements from APLA and from MK are seeking to join together and whether organised together or not many of these cadres have only military skill at their disposal : a skill that could be utilised for either political destabilisation or criminal activity. This problem can be dealt with at a number of levels:

At the political level there needs to be full accountability for the personnel and strength of all armed formations and every effort should be made to avoid individualised demobilisation from any of the armed formations (including the SANDF) but to demobilise in a planned and structured manner that will provide for the welfare (physical and psychological) of demobilised personnel. That providing employment for demobilised personnel (including those from the SANDF) should be a priority in job creation and public works programmes so that such personnel do not seek to generate income through criminal, illegal and/or unconstitutional means. Establish a well trained unit, whether located in the military police or SAPS, drawn from all military formations that is capable of tracking and disarming personnel from the armed formations who fail to respond to the above strategies and who engage in illegal/unconstitutional activities. For many youth in the SDUS and SPUS their only work experience has been in military or semi-military action. It allowed to dissipate in a disorganised manner the members of these formations are likely to seek a livelihood as hit squads or taxi operatives, criminals or political dissidents. Already, the distinction between political and criminal violence has largely become theoretical. As with members of military formations it would seem necessary to ensure that the disbanding

ding of the units is  
handled in an organised manner and that the members are formally demobilised with due consideration for their welfare or are integrated into SAPS or a SAPS organised eonstahulary. The speedy implementation of community policing in areas where SDUs and SPUS operate could provide the necessary backdrop for their integration into

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## STABILITY & SECURITY

policing structures.

Similarly, ARMSCOR has shown a virtually complete disregard for accountability both in its marketing

arrangements and in its reportage to a state appointed commission of enquiry. The effective control of ARMSCOR

is increasingly an issue both for domestic as well as regional or continental stability.

Despite claims of co-operation and allegiance to the GNU, information still indicates the continuation of covert

activity directed against the ANC by elements of the security forces. In this regard, the

ANC component of the

GNU have not been fully briefed in respect of all covert activities conducted by state agencies on behalf of the

previous government.

While remnants of the Third Force and of covert operations of the previous regime continue to be able to

operate, the potential for instability will be ever present. Immediate priority needs to be given to politically

forcing full disclosure of these operations and at the same time charging the integrated intelligence community

with tracing, pinpointing and exposing such illegitimate covert operations. Strong pressure should also be

brought to bear on the police, SANDF (particularly DM1) and the intelligence service to dismantle all structures

involved in covert action that fall outside of the parameters of current legislation.

The public exposure of such operations, through the publication of past and future reports on their operations

(e.g. the Steyn report and the proceedings of the Cameron Commission), may also be an important means of

gaining widespread credibility and acceptance of operations taken against such forces.

In this regard a civilian audit process may need to be established in order for regular audits of all arsenals,

weapon sales and weapons production to be carried out. Similarly, strict controls over arms sales within the

country and the arms trade in general is essential, particularly as recent evidence suggests that ARMSCOR and

other parastatals (e.g. ESKOM) have large marketable stockpiles of weapons.

Ultimately, this problem and the problem of illegal arms possession needs to be linked to the very issue of the

existence of private armies. While numerous armed formations continue to be able to exist, the potential for

instability is constant. Once the immediate process of transition and integration of forces is complete it may be

necessary to bring about tough legislation controlling the development of non-statutory armed formations and

ensuring the total disbanding of all armed formations (whether remnants of MK or APLA or of the AWB).

In this regard controls may also need to be established to prevent demobilised or retired members of the security

forces from establishing para-military businesses (e.g. Executive Outcomes) capable of playing a mercenary

role in the region.

Intelligence services

Through the establishment of clear political oversight of the intelligence community through both parliament

and the executive, the role of intelligence will be limited to the defence of the constitution and the furtherance of

constitutionally defined national goals.

The structural abnormalities of the society and impatience for the realisation of socio-economic demands remains

the major threat to stability. If rapid attention to these socio-economic problems is not perceived to be taking

place, the activists of the extremes will have fertile ground within which to organise, the support base of the

ANC will diminish and the fragile social consensus achieved since the elections may be shattered.

In this regard the intelligence services need to be structured into a positive support to the policy makers, rather

than a defensive instrument addressing problems resulting from legitimate social aspirations.

## STABILITY & SECURITY

### QUESTIONS AND ISSUES

There are three distinct parts to this Commission: (1) CIVILIAN, police and intelligence. All three require specific attention, including discussion on how we balance the need for transparency with the need to ensure security;

and on how the three intelligence arms cooperate.

Some questions and issues for consideration are:

Defence:

1. What type of defence force do we want?

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What do we understand of the SANDF's approach to 21 Core Force, War Force and its Primary and Secondary

roles? What is our approach to Brigades for reconstruction? What is the present situation regarding such

brigades?

3. A civilian ministry: how will this work? from when? what will the relationship be between the ministry

and the generals?

4. Arms production and weapons supply policy: a matter for Trade and Industry, not defence? What is the

present policy? How does this relate to the kind of society we are building?

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Integration/absorption: how to resolve the present problems

6. A threat analysis: is there destabilisation from within? What are the implications?

7. The Budget and arms procurement policy; public accountability: the special defence account.

8. Illegal weapons and private armies

Intelligence

1. Public scrutiny and accountability, including in budget allocation and evaluation of performance

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Civil rights protections in word and deed

3. Co-ordination (with the intelligence services

4. Integration: where do we stand today?

Police

1. How do we transform the force from a lawless force to a responsible police force required in a democracy?

What is required of such a force?

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Evaluation of the present situation

3. Is instability only a media-created perception?

4. Law and order/anti-crime enforcement: how effective? what policy?

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5. Resources, training and recruitment policies
6. Third force, destabilisation, resignations: what is the impact? how pervasive is this still? What is our strategy?
7. Demilitarisation Of the police force
8. Dealing with white collar crime, drugs, gun-running etc i.e a police force with an effective capacity for investigation: how will this be achieved?
9. Relations and inter-action between Justice, Correctional Services and the South African Police Services

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