

STATEMENT OF INTENT BY THE
AFRICAN NATIONAL CONGRESS (SA)

A Proposed Constitution for a Liberated South Africa

1. THE TIME HAS COME

With the advance of the people's struggle, ^{the} mounting crisis of the regime and its growing **isolation** internally and internationally, the time has come to initiate discussion in the **f**oundation of **g**overnment in a liberated and democratic South Africa.

While the final determination of the provisions of the **C**onstitution belongs to a democratically elected constituent assembly, representative of the people as a whole, the embryo of the new constitution is already being shaped in the struggle against the old.

It is only in conditions of freedom that a constitution dedicated to freedom can be adopted.

That involves ^{the} transfer of power from the minority racist regime to the democratic forces of the people.

This is and remains the strategic objective of ^{the African National Congress} ~~Congress~~ and its allies.

2. A RIGHT AND DUTY

The ANC has a right and duty arising from 75 years of **struggle** to launch a nationwide consultation on the basic objectives and principles of a new constitution.

Constitution making is not a process to be dictated from above, especially not by racists and their accomplices who are responsible for the criminal policies of apartheid, ^{and} people who are beneficiaries of the system. **N**or is it primary^{ly} for experts, whether South African^s or foreign nationals.

Constitutions deal with rules that determine the ^{form of the} exercise of power in a society.

It is the people through their struggles and demands who shape the nature of these rules and lay the foundations of a kind of society they wish to live in.

In the process of the struggle they acquire the consciousness of new citizenship even before the promulgation of formal legal provisions.

The basic orientation and content of the constitution will come from the people at large.

They ought to be involved from the outset in the process of constitution-making.

3. THE FREEDOM CHARTER

We in the ANC have much experience of the value of popular participation in the process of drawing up a fundamental document. The Freedom Charter adopted by the Congress of the People in 1955 was the product of contributions representing the aspirations of millions of South Africans.

It has gained in prestige over the years and has become a basic programme uniting patriotic and democratic forces. It is a starting point for discussion even by persons who do not share all its concepts and assumptions.

This universality stems from the democratic mode in which it was adopted. Rooted in the reality of our country and expressing the deep longings and noble aspirations of our people, the Charter continues to be the beacon of our struggle and basis of our demands.

The stage has been reached when it is necessary to enrich and complement the Freedom Charter with a statement of basic principles of government, the electoral system and the specific rights and duties of citizens.

4. ABOLISH APARTHEID

To realise and defend their national and political rights, the people of South Africa must struggle for the total abolition of apartheid. Apartheid cannot be reformed or democratised. Its complete removal is a pre-condition for the advance towards a truly democratic South Africa.

The abolition of apartheid requires a complete and unconditional repeal and annulment of all discriminatory laws. Much more is required.

The institutions built up to maintain apartheid - the army, police, civil service and the judiciary - must be replaced by non-racial and fully representative institutions.

The structures of apartheid must similarly be done away with. These include gross inequalities in land distribution, health, education services, the acquisition of economic skills and opportunities and the provision of housing and living conditions. These inequalities are the products of centuries of racist domination and exploitation. They must be eliminated rapidly. Guarantees of genuine and active involvement of the people have to be introduced at all levels of government.

There must also be safeguards against the restoration of apartheid and attempts to bring about social disintegration by manipulating racist, tribalist or regional interests and prejudices.

5. NO DISCRIMINATION

Our movement has always worked for a society of equals in which there are no first, second or third class citizens - but only South Africans. This is the normal democratic principle that has been so hard to achieve.

Our proposed constitution will guarantee equal rights for all citizens irrespective of race, colour, sex or ethnic origin.

To achieve equality the constitution must outlaw discrimination against persons or groups on the above grounds. There will be no special constitutional privileges for any section of the population.

To permit such privileges would keep racism and ethnicity alive, impede the development of a common nation^{al}/consciousness and perpetuate under the cloak of constitutionality~~close~~ the gross inequalities of apartheid.

6. AFFIRMATIVE ACTION

To overcome the legacy of apartheid and achieve genuine equality we propose to include in the new constitution a basic requirement for Affirmative Action binding on both the public and private sectors.

Affirmative Action will be taken to restore land rights to people who have been victims of land removals. Affirmative Action will be taken to reduce and eventually to abolish inequalities in education, housing, health services, welfare, recreation and employment.

Genuine, orderly, progressive and irreversible change towards equality will be guaranteed by the active participation of all citizens in the process of achieving these goals. The constitution will include legal requirements to ensure that appropriate steps will be taken to secure these objectives.

7. VOTES FOR ALL

We have long fought for freedom from tyranny and dictatorship. Political freedom - the right to vote - is the key to ensuring economic, social and cultural rights for the people. Our struggle includes the realisation of adult suffrage in the united, democratic, non-racial state, a multi-party democracy with regular elections and ~~adequate~~ provision of information and opportunity for discussion.

The only qualification is that racial, ethnic and exclusive political organisations must be outlawed. Persons and groups who pursue racist, tribalist or ethnic goals will be restrained. The preaching of racist sentiments will be regarded as falling outside the scope of legitimate free speech.

These steps must be taken if apartheid is truly to be abolished.

8. FUNDAMENTAL RIGHTS

All citizens in a new South Africa should feel that the country belongs to them. They must be free to live, move and work as they choose. They have a right to feel secure in their houses, choose their friends and marriage partners, establish families, enjoy leisure, sport and cultural activities without interference.

These are fundamental individual rights. In addition there are rights that would be exercised in a collective manner such as ~~as the~~ development of languages and cultural traditions which belong to the patrimony of the whole people. These collective rights will be recognised and protected. Special constitutional provisions will be made to guarantee the rights of working people, women and children enabling them to participate fully and equally without disabilities and discrimination as full members of ^{the} United South African nation.

Freedom of conscience supposes rights of people to ^{worship} ~~worship~~ and follow their faith. The increasing involvement of religious bodies to fight apartheid, creates favourable condition for their positive role in the process of removing inequalities and other obstacles to the growth of ^{the} common patriotism.

The principle of ^{the} separation of churches and state will be maintained.

9. THE ECONOMIC ORDER

The African National Congress proposes to maintain a mixed economy for the purpose of doing away ^{with} race discrimination and to bring about ^{the} rapid elimination of the gap between rich and poor, white and black. To achieve these goals the state will have an important directive and regulatory function.

The Constitution as envisaged will recognise four ~~to~~ types of productive property - a public sector, ^{the} private sector, cooperative property and a family sector consisting largely of small-scale household farming.

Property for personal use and consumption will be recognised and guaranteed.

Racial barriers to economic activity will be removed. The State will have a duty of promoting the acquisition of managerial, entrepreneurial, technological and other productive skills amongst all sections of the population.

A major thrust of the constitution will be the active involvement of wide sections of the people in the making and implementation of decision in the entire range of human activity - political, economic, social, cultural or sporting.

10. INTERNATIONAL RELATIONS

A free, independent and democratic South Africa will strive to fulfil ^{the} the aims and objectives of the Charter of the UNO, OAU and the Non-Aligned Movement. A liberated South Africa will respect the territorial integrity and ^{the} political independence of all states.

It will promote ^{the} harmonious development of Southern Africa and the entire African continent on the basis of equality and mutual benefit.

11. FOUNDATIONS OF GOVERNMENT IN A DEMOCRATIC SOUTH AFRICA

The National Executive Committee of ANC has produced a draft document to stimulate discussion and provide opportunities for consultation. This document, entitled Foundations of Government in a Democratic South Africa expresses in point form the fundamental principles and objectives of the constitution envisaged by ANC.

This is not a final statement. It will be enriched by suggestions, criticisms and comments of ^{our} ~~our~~ members and anti-apartheid forces within and beyond South Africa.

We call upon friends and supporters wherever they may be to give us their comments and proposals for ^{the} construction of an independent and non-racial South Africa.