

AFRICAN NATIONAL CONGRESS(SA)
DLCA REPORT ON THE VISIT TO THE GERMAN DEMOCRATIC REPUBLIC AND
THE CZECHOSLOVAK SOCIALIST REPUBLIC

A delegation of the ANC DLCA and Constitution Committee, comprising Comrades Z.N. Jobodwana, L.S. Pekane and P.M. Maduna, visited the German Democratic Republic and the Czechoslovak Socialist Republic from the 26th. January to the 9th. of February 1987. The purpose of the mission was to study and discuss with experts in the field of constitutional law in these two socialist countries^{and} the historical development of their constitutional law since the smashing of fascism. Questions akin to this were also to be raised and discussed.

THE GERMAN DEMOCRATIC REPUBLIC.

The delegation arrived in the GDR on the 27th. January and was met at the airport by three members of the Central Committee of the Socialist Unity Party of Germany (SED). In welcoming the delegation the leader of the Central Committee members who met it thanked the ANC for deciding to send the delegation to the GDR for this purpose. He said though there was indeed a lot for the delegation to learn from the GDR in this regard, they would be unhappy if the delegation and the ANC sought to transplant the GDR experiences as they were to South Africa. They would be happy if their experiences were applied in South Africa after a careful and thorough study of the objective and subjective conditions in which the South African struggle is taking place. After the short discussion of the programme and itinerary prepared for the ANC delegation, the meeting ended.

28th. JANUARY:

The delegation had a discussion the whole day from 09H00 to 16H00 with Professor Petzolt, the head of the Department of State Law and Govt. in the Central Committee of the SED. The discussion was about constitution making.

Prof. Petzolt had been in Southern Africa, in Angola, from 1977 to 1980 as a consultant on State Power and the Party, and still goes to Angola for four to six weeks every year as such. Because of his experiences both in the GDR and in Angola, he was the best choice in terms of meeting the ANC delegation.

Prof. Petzolt was brief^{ed} about the history and the work of the DLCA and the Constitution Committee of the ANC. He was also told about the plots, plans and schemes of the enemy and their think-tanks in this regard. He was told that though the ANC does not have a draft constitution or a constitutional blueprint, it was working on constitutional guidelines, as

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the ANC does not believe it would be correct to have a blueprint at this stage.

He differed with the ANC delegation on this and said he thought it would be proper for the ANC to have its own draft. This, he said, was because when the talks between the ANC and the apartheid regime begin, at the talks only the party that has a blueprint will dominate the discussions. If the apartheid regime has a draft and presents it, the meetings will be based on their draft, and that will be a great disadvantage. He said other revolutions too had to go through this process and long before the fall of fascism, the Communist Party of Germany (the KPG) had its own blueprint. SWAPO too is grappling with the same issue and had been in the GDR before the arrival of the ANC delegation to discuss this. He advised the ANC delegation to work closely with SWAPO in this regard. He gave the ANC delegation the name of the SWAPO Chief Representative to Zambia as one of the members of the SWAPO Con-Com.

He advised the ANC delegation that the constitutional debate will always be about power and political questions. He said therefore that when the draft is worked out, the objective and subjective conditions in which the South African revolution is taking place should be studied, understood and always borne in mind.

The meeting then went on to discuss various subjects in this regard as suggested by Prof. Fezolt. The areas covered were as follows:

1) THE CHARACTER AND POLITICAL FOUNDATIONS OF POWER:

He said in the draft the ANC will have to define the future state and declare that it is going to be an independent, sovereign, united, democratic and non-racial republic. While he is aware that eventually a socialist republic is envisaged in South Africa, he does not think it would be proper for the ANC and its allies to make that part of the declaration in the very first constitution. He was reassured that the ANC and its allies do not project socialism as the immediate consequence of the smashing of the apartheid colonial regime.

After a discussion of the strategic objective of the Movement and the need to create conditions wherein the Freedom Charter can be implemented, he advised that the best choice would be an anti-fascist, an anti-racist constitution. He said the most important thing for the ANC and its allies in the current phase is to rally and unite all the enemies of the fascist and racist oligarchy in a broad anti-fascist

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popular front, as they themselves did. For this purpose the anti-fascist constitutional model would be the most appropriate. He said while the constitution should cover a wide range of things, it should not^{go} too far into the future immediately after the fall of the apartheid regime.

He further said that the ANC as the vanguard of the people's struggle should have that declared in the constitution. Two opportunities for this exist, he said. Political and social realities in South Africa are such that the ANC is accepted as the vanguard and collaborates with the other politically organised forces and mass organisations. He said he was happy that the ANC and its allies espouse the multi-party system instead of a one-party system. The constitution, particularly at independence, will have to cater for the interests of all the forces rallying around and uniting behind the ANC and its allies. It should be different from the programme of one of the parties in order to be respected and supported by all. In other words, the ideas of all should be taken into account when the draft is being formulated.

2) PROPERTY RELATIONS AND ECONOMIC STRUCTURE:

Prof. Pezolt said this is a very sensitive area and has to be handled cautiously. After a short enunciation of the position of the ANC and its allies in this regard, he said that he thought the new South Africa should have a mixed economy with the main sectors being the following:

- (a) the public sector that will result from the take over of the commanding heights of the economy such as the banks, the mines and major industries;
- (b) the private (capitalist and exploitative) sector that will continue to exist for some time, together with the existence of international capital and investments, whose continued existence will have to be guaranteed to enhance the development of the productive forces (elaborating this idea, he said it would be the height of folly to declare that at independence, there will be no exploitation whatsoever; the constitution will have to guarantee social justice and strictly prohibit all forms of discrimination and oppression to protect all working people, including those working for capitalists). While this will enhance the development of the economy and the productive forces, to uphold people's power and sovereignty, he advised that this sector must be prevented from venturing into strategic areas of the economy. Laws must be passed to ensure that the continued existence

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of this sector is controlled to assist the well-being of the people. Whatever agreements that will be entered into in this regard must be based on the supreme interests of the people.

- (c) co-operative property in agriculture will have to be encouraged, protected and enshrined in the constitution. He said this sector develops voluntarily as a reflection of the level of consciousness among the farmers, and the social conditions already achieved (he then cited the case of Angola where he said he thought the farmers were not yet ready to form co-operatives, and whatever attempts that are made to force them to do so are unsuccessful and are resisted.). He told the AWC delegation that he does not think it is proper to nationalise the land, and that the GDR has hitherto not done that; the land there is still the property of the co-operatives. To the GDR "Land to the tillers" in reality meant that the farmers must be given the land and allowed to own it (and were even given title deeds) as they had fought for it. He further gave the example of Nicaragua where the land was initially nationalised, but subsequently denationalised and, as a result, the farmers are fighting and defending people's power. The first GDR constitution passed in 1949 indeed guaranteed private ownership of the land as, he said, they were guided by the necessity to proceed from a realistic analysis of the situation in the anti-fascist democratic transformation in the countryside.
- (d) small-scale enterprises; these exist in the GDR hitherto and are protected and encouraged as a matter of policy, as they are needed for their expertise, experience and the services they render. He told the delegation that the Soviet Union is re-introducing these for national economic development. Besides, he said, nationalising this sector, as was the case in Angola and Mozambique, drives the small proprietor into the ranks of reaction and increases the forces ranged against the people's revolution. He said this sector too should be controlled to assist the well-being of the people, and admitted that the small proprietor will live better than an ordinary worker.

3) STATE POWER- ORGANISATION AND ACTIVITIES OF STATE ORGANS:

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The ANC delegation told the professor that the envisaged South Africa would be a unitary state and not a federal one. He raised the question of the bantustan creations of the apartheid regime and this too was discussed thoroughly. He said he had always thought that the bane that the bantustans were could be turned into a boon if approached properly, and the administrative structures could be converted into useful local and regional administrative ones.

President or Prime Minister?

Prof. Pezolt told the ANC delegation that new/young states tend to concentrate and centralise power in one person who is the symbol of the unity of the people and the representative of their interests. He said he thought the new South Africa would do the same. He said in Angola and Mozambique power is concentrated in the president, whereas in Zimbabwe it is in the premier. He advised that this has to be discussed thoroughly and decided in the ANC in the process of the struggle for national liberation and social emancipation. He believed that the position of the head of state/govt. should be defined in the draft clearly and carefully. The same applies to how the head of state/govt. relates to and influences the state and the government.

He said he prefers and recommends a situation where power is concentrated in the president next to whom there should be a premier who should follow the president and be responsible for organising the govt. and running govt. affairs. He distinguished this situation from the Zimbabwean situation where the president is a mere figurehead, and recommended that the ANC should study the Zambian situation which he thought represents his preference. Like the Zambian constitution, the draft should clearly define the position, powers and prerogatives of the president, without concentrating too much power in him as he will not cope and perform effectively and efficiently.

The president may either be elected directly by the people or by the people's assembly (parliament) or through the electoral college formed by the people's assembly for the purpose. This too should be discussed and spelt out in the draft so as to avoid any ambiguity.

He told the ANC delegation that the GDR no longer has a president, but the People's Chamber, the supreme organ of state power in the GDR according to Article 48 of the GDR Constitution, elects the Chairman and members of the Council of State (Article 50), who constitute what can be

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referred to as the presidency. It (ie. the People's Chamber) also elects the Chairman and the Council of Ministers (Article 50), which, according to Article 76 of the GDR Constitution, is the government of the GDR. The positions and powers of these two councils are clearly defined in the Constitution of the GDR.

He further said that, depending on how power is taken and transferred from the minority, the draft can declare that the President of the ANC shall automatically be the State President. This possibility needs to be carefully studied in conjunction with the objective and subjective conditions of our struggle. He personally advised that for smooth functioning, the president should be elected by the people's assembly.

The National/peoplc's Assembly:

He said that the ANC and its allies have to decide whether this should have one or two chambers, ie. the people's chamber only or the people's and a chamber of nationalities. He raised the issue of the second one because he thought of the South African situation where there are many nationality groupings. He advised the ANC delegation that the ANC and its allies should study the situation carefully and identify the pros and cons of this idea before committing themselves either way. They still have to solve the problems of racism and tribalism, he said, and having a two-chamber parliament might be helpful, he thought.

He told the ANC delegation that up to 1952 the GDR itself had a two-chamber parliament. This, he said, was due to the division of the GDR then into five states, that were later to be converted into 14 provinces that comprise the GDR today.

The term/tenure of office should be defined in the constitution, he said. It should not be too short or too long, and it could be 4 to 5 years, he said. While all people's deputies (members of parliament) should be elected, it is not necessary that the electoral system to be followed should be defined in the constitution itself as there will have to be a separate law covering this issue.

Regional and local structures of people's power:

For proper administration and to ensure maximum participation of the people in the exercise of power and sovereignty, Prof. Pezolt advised that the country be subdivided into regional and local areas. He gave the example of the GDR itself which has one central organ of people's power and the provincial, district and town/community tiers.

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In this regard, the current set up in South Africa was discussed. The professor advised the ANC delegation to consider things as they stand now and then prepare for their transformation. He was told about the development of street and area committees too. He said it must be borne in mind that neither will the bantustans fall on their own, nor will the chiefs who exercise power and dispense patronage and largesse abdicate. In the process of transformation they will have to be taken into account, and most probably even mobilised as new regional and local structures are created.

While regional and local structures should be given some measure of control and responsibility over their own areas, and even allowed to make bye-laws taking into account the peculiarities of their conditions and also for proper exercise of people's power and sovereignty, he said the authority to legislate must be centralised in the people's assembly and never delegated to the lower organs of people's power. He gave the example of the GDR where democratic centralism applies and where the lower structures have the right and power to deal with social and economic affairs in their own areas.

4) RELIGION AND THE FREEDOM OF CONSCIENCE:

Prof. Pezolt said he thought this was a very crucial area, especially in South Africa. He enunciated the policy position of the GDR in this regard as follows:

- (a) the state and the church are separate institutions and the state is secular and not religious;
- (b) freedom of religion is allowed and protected by the constitution (Article 39); and
- (c) while the religious people and groups enjoy free religious activity and protection, they have an obligation to respect the state, its constitution and laws.

He noted that the 1949 GDR Constitution had 9 articles out of 144 in this regard, to demonstrate the importance the state attached to this area. As a result the church and state collaborate each with the other to build socialism on earth. The church in the GDR has property and the state respects, protects and guarantees this property and even assists the church to build churches. The church owns and operates a lot of hospitals which form part of the state's health care scheme and these provide more useful and better social services. The state, in its efforts to build and strengthen socialism and preserve peace, appreciates and

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promotes this.

Asked what the role of the church is in the education of children, he said the education of the children is completely in the hands of the state. Initially and for some time, religious instructions were allowed in the schools, but this has since been abolished. All GDR children are now brought up in the spirit of communism and there are no longer any church schools as such. The church still operates youth programmes and the universities in the GDR still have Theology Faculties. Seminaries and monasteries still exist and the state has no objection to this.

He said in the context of South Africa, where the church as an institution is quite strong and plays an important role among the democratic, anti-racist and anti-fascist forces ranged against the apartheid colonial regime, he thought the ANC and its allies should declare their position in this regard as part of their fight against rampant anti-communism behind the smokescreen of which the perpetrators of the crime of apartheid hide. This will also help rally behind the revolutionary alliance that the ANC leads the various religious currents that exist in the country, and some of which run schools and hospitals and even own land.

5) BASIC RIGHTS AND DUTIES:

Prof. Pezolt said he accepts all the basic positions of the Movement spelt out in the Freedom Charter and said these should be incorporated into the constitutional draft. In addition, the position and role of trade unions in the new constitutional set up, including the right to strike (particularly in the context of a mixed economy) should be spelt out in the draft constitution.

6) THE JUDICIARY AND THE ADMINISTRATION OF JUSTICE:

The current set up in this regard was discussed and the professor agreed with the ANC delegation that the judiciary in the current set up in South Africa is a tool of the apartheid colonial regime and that therefore it is necessary to put an end to the current South African judiciary. It is a permanent advocate and protector of the interests of the ruling and exploiting class and helps to keep in gaol and even to kill thousands of anti-fascist and anti-racist patriots of our people.

The revolutionary transformation of the judiciary is an absolute necessity in South Africa. A new judiciary that is amenable to the

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interests of the majority, has to be created. The professor advised that the administration of justice should be placed in the hands of the people, who should, through their mass organisations and trade unions, participate therein.

The appointment of the judges (both professional and lay) and the Attorney-General, should be spelt out in the draft constitution. He said while he thinks ^{they} should be appointed by the President initially, they should not be appointed for life. In the GDR all judges are elected now.

Lawyers and judges are all independent in their administration of justice. They are only bound by the constitution, laws and statutory regulations of the GDR (Article 96 of the GDR Constitution). The right to defence and the guarantee of the activity of advocates should be spelt out in the draft.

29th. JANUARY:

The following day the AHC delegation was taken to the Central Committee Institute dealing with Socialist Management in Agriculture, which is in Liebenwalde. The institution, which was established in 1953, trains and retrains socialist management officers for the agricultural sector. Team leaders, party and ordinary workers get their upgrading at the institution and return to their own areas to impart their knowledge and skills to their fellow-workers.

At the institution the AHC delegation had the opportunity to discuss the land and agrarian reforms that ^{they} embarked upon immediately after the smashing of the regime of fascism. The AHC delegation was told that the people who owned and controlled land wielded power and were collaborating with the fascists. The big landowners, comprising only one hundredth of all agricultural enterprises, owned far more land than hundreds of thousands of small farmers and peasants who represented the overwhelming majority of all agricultural enterprises. It was absolutely essential to put an ^{end} to that state of affairs in order to free the masses of the peasants from political and economic dependence on the big landowners. The land had to be given to the tillers. This was an indispensable demand of social justice, and also an economic necessity to gradually increase agricultural production. The junkers were divested of their land and power, without compensation, and the expropriated land was given to the small ^{farmers &} peasants free of charge.

The delegation was told that expropriated land, including big farming

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estates, was subdivided and redistributed democratically, with the small ^{farmers} peasants themselves participating in the whole exercise. Though some people argued that the big estates should be taken over by the state, the party proved that the correct policy would be to subdivide these too and redistribute them.

The expropriated land was not nationalised either. It was given to the small farmers and landless peasantry as well as workers who wanted land. They all became owners of the allotments they had been given, on condition that they could not sell the land so obtained, though they could inherit it (and the title deed said as much). Even today the land continues to be owned by the farmers though it is used by the co-operatives. There are state farms and also land belonging to the church, of course.

The farmers were not compelled to form co-operatives. These were to be formed voluntarily as the farmers realised the benefits accruing from co-operation in agriculture. They (the central committee members at the institution) advised the AIC delegation to study their own conditions closely and apply the GDR experiences to them. They said the first co-operatives emerged in 1952. The party and the govt. always assisted the farmers in agricultural production and food production increased tremendously as a result.

Land reform committees were set up and those who wanted land had to apply for it, and proposals regarding redistribution of land were submitted to the committees. In order to qualify for allocation of land, the applicant should meet certain conditions: (preparedness to work the land, not having been a fascist, being a good worker, possession of some agricultural knowledge, not related to former junkers and big landowners in other words the political objectives of people's power had to be realised in agriculture as well). They used the system of lots to give land out to the applicants.

Obviously there was a lot of resistance to the land and agricultural reforms. War criminals, fascists and junkers who had been expropriated, indulged in the falsification of documents, fraud, bribery, attempted murder and even poisoning of wells, but these attempts failed.

Land alone was not enough. Agricultural implements that were available were centrally controlled to assist the farmers, and industry was mobilised to produce machinery for the farmers. At the same time the

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farmers themselves set up their own social organisations called the Mutual Aid Associations, and ran pools of farming implements. The aid given was to the committees and not to individual farmers. The farmers had to pay certain fees for the implements they hired from the pools, on the basis of the size of their allotments, but when the co-operatives had developed, the pools became the property of the co-operatives. Special programmes and schemes were established to build houses for the farmers and their families, and also schools and cultural and recreation facilities.

The farmers had to meet certain govt. quotas in terms of their production, taking into account the local conditions. The farmers were initially allowed to sell their produce to the free market, though the prices were controlled. The govt. gradually set up produce purchase organs to which the farmers had to sell their produce.

The whole exercise of land and agricultural reforms was accompanied by political work in the country-side. The task to establish a firm alliance between the working class and the working peasantry was not dictated by economic reasons only, but was a fundamental political requirement of the struggle for peace, democracy and socialism. The working peasants could only achieve their emancipation when the working class identified with them and guided them in their struggle. At the same time the struggle for democracy could be victorious only when the peasant masses joined and identified with the revolutionary struggle for democracy. The peasant masses also participated in the exercise of people's power and sovereignty directly and through their elected deputies at all levels.

The ANC delegation told the comrades about the agro-industries that exist in South Africa (eg. in the wine industry, the sugar industry, etc.) and also that the monopolies have begun to make inroads into agriculture in quite a big way. The delegation also asked whether in the circumstances it would be advisable to subdivide such agro-industries and huge landed estates and hand them over to small farmers, risking the proliferation of small capitalists and also the decline in agricultural production. The delegation also raised the issue of existing co-operatives in the context of apartheid and which are dominated by white farmers who in the majority are closer to the regime. The delegation was advised that it will be the duty of the ANC and its allies to study these carefully and formulate appropriate policies. They were told it might prove advantageous to convert such big farms and

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agro-industries into state farms and training centres to produce the requisite cadreship. This was done in the GDR too. The white farmers who today are close to the apartheid regime have the expertise, experience and knowledge that the new constitutional arrangement will need badly, and therefore policies have to ^{be} formulated in this regard by the AIC and its allies.

30th. JANUARY:

The AIC delegation visited the district of Luckenwalde in the Potsdam Province, south of Berlin. They were met and welcomed by the Chairman of the Luckenwalde District Council and members of his council, who took them around the district and enabled them to hold discussions with farmers, workers and people's deputies to the lowest rungs of the organs of people's power. They also met two mayors of the villages/communities in Luckenwalde.

During the discussions with regard to people's power at the district level, the members of the district council elaborately described how the district council works. Firstly, the council is elected democratically by the people for 5 years on the same day as the other levels of organs of people's power. The council is an arm of the District Assembly which has 110 deputies and 33 follow-up candidates. The council is elected by the District Assembly and is responsible for action between the sessions of the District Assembly and also for the execution of the decisions of the District Assembly. In addition, they receive instructions from the National Assembly and the Provincial Assembly, and execute them.

The council has 19 members who have a wide range of responsibilities in the district. They are responsible for education, youth affairs, culture, transport and communications, energy, environmental, water and recreation affairs, local supply industries, construction, labour, housing, health, finance and other matters within the district. They also are in charge of the development of the district as a whole and the towns and villages within the district. (The towns/villages within the district have similar responsibilities at their own level and are accountable to their communities and the district.) They are also responsible for food production and supply in the district. Their finances come from rents, taxes etc. on the one hand and from the central budget on the other.

2nd. FEBRUARY:

On the 2nd. February, the AIC delegation visited the People's Chamber

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in Berlin. There the delegation had discussions with central committee members and people's deputies with regard to the People's Chamber.

The People's Chamber is the highest organ of people's power in the GDR. It is the sole constituent and legislative organ and enjoys unlimited authority and rights. Matters of state policy are decided at its plenary sessions.

It is composed of 500 deputies elected by the people every five years in free, general, equal and secret ballot. Every GDR citizen who is 18^{9 above} years of age on election day has the right to vote and also to stand for election to the People's Chamber itself should they so wish and also get nominated by political parties or mass organisations or trade unions. The whole process of elections is managed by democratically formed electoral commissions, and the nomination and examination of candidates by the voters, are inalienable rights and socialist electoral principles.

The electoral system followed in the GDR is the list system. All parties, popular mass organs and trade unions are allowed to submit names of their candidates to the National Front electoral commissions in the various constituencies. After carefully examining the candidates, the electorate select candidates of their choice from the list and those with the largest number of votes represent their constituencies in the People's Chamber.

At the first session of the People's Chamber, the People's Chamber elects its Presidium which comprises the President of the People's Chamber, a vice-president and additional members. The Presidium conducts the business of the People's Chamber in accordance with standing orders.

As stated above, the People's Chamber also elects the Council of State, the Council of Ministers, the National Defence Council, the judges of the Supreme Court of the GDR and the Procurator-General (the Attorney-Gen.), for the duration of its term of office (i.e. every five years). The People's Chamber forms committees from among its members which closely cooperate with the voters in the discussion of bills and exercising a continuous check on the enforcement of laws passed by the People's Chamber.

The deputies may not be exposed to any professional or other personal disadvantages as a result of their activities as representatives of the

fourteen.

people. They are released from their ordinary duties and occupations in^a far as their duties as People's Deputies demand, and they continue to receive their salaries and wages at their ordinary places of work.

Laws in the GDR are initiated by the deputies of the political parties or mass organisations represented in the People's Chamber, the committees of the People's Chamber, the Council of State, the Council of Ministers and the Confederation of Free German Trade Unions. The drafts of the bills are discussed by the committees of the People's Chamber and then submitted to the plenary sessions of the People's Chamber, together with the comments of the committees, for further discussion and adoption. Drafts of basic laws are first submitted to the people for discussion. Within one month of their adoption by the People's Chamber, the laws are promulgated by the Council of State in the Law Gazette, and, unless otherwise specified, come into force within fourteen days after such promulgation.

The ANC delegation raised the question of recall. They were told that all deputies are obliged to hold regular consultations with their electors to whom they report on their activities as deputies. A deputy who grossly infringes his duties can be recalled by his electors in accordance with legally-established procedures. This is of course rare, they were told, though the right of recall is not a paper tiger.

After this session the members of the ANC delegation were shown the actual chamber where the People's Chamber (Assembly) meets and then had lunch with the central committee members and people's deputies.

AFTER A SHORT FAREWELL MEETING WITH THE CENTRAL COMMITTEE MEMBERS WHO HAD MET THE ANC DELEGATION ON ITS ARRIVAL IN BERLIN, THE ANC DELEGATION LEFT FOR PRAGUE, CZECHOSLOVAKIA.

The ANC delegation reached Prague in the evening on the 2nd. February, and was met at the airport by Cde. A. Lesenko of the Solidarity Committee. After a short discussion of the programme and itinerary prepared for the delegation, the delegation was taken to the hotel of the Communist Party of Czechoslovakia.

3rd. FEBRUARY:

The ANC delegation was taken to the Party school in Prague where the Communist Party of Czechoslovakia trains and produces cadres for socialist management and also in state law and govt. They are also grounded in the politics of the party before deployment in their areas.

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At the school the AEC delegation had a meeting that took the whole day, with Professor Oliver, of the school's department of state, govt. and law.

The professor described the development of the Czechoslovak constitutional law from 1945, the year when they were liberated from the yoke of fascist occupation by the heroic Soviet Army. He told the AEC delegation that they had decided, on the basis of their experience with a bourgeois republic, to build a up their country as a people's democracy whose objective would be to ensure peaceful development towards socialism.

He told the delegation that Czechoslovakia has two nations, the Czechs and the Slovaks, and many other nationality groupings such as the Hungarian minority, the Polish minority, the German minority and the Russians. All in all there are 15 million citizens in the Republic. Most of the citizens are workers. The population in the majority lives in the cities and small towns.

There is no private ownership of the means of production in the republic. All these are socially owned. The state allows the existence of personal property for personal use and consumption, and such property is respected and protected by the law, as long as it is not used as capital for the exploitation of others. All are really equal before the law and class antagonisms have been eliminated.

As Czechoslovakia is a federal republic, each of the two nations has its own national state organisation and the two are joined by the federal structure run by both without discrimination against each other or domination of each other.

The professor told the delegation that the two nations live in fraternal harmony. By building socialism together they have made it possible for the Slovak side to rapidly overcome its former backwardness and achieve an advanced industrial and agricultural level of development.

POLITICAL STRUCTURES:

A) THE FEDERAL ASSEMBLY: this is the highest organ of people's power and the sole legislative authority in the republic. It has two chambers, viz. the Chamber of the People and the Chamber of Nationalities, which are equal. Each of these chambers is elected for five years. The Chamber of the People consists of 200 members elected

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by direct vote in the whole of the republic. The members of the Chamber of the people are not allowed by the constitution to be members of the Chamber of Nations ^{at} the same time.

The Chamber of Nations consists of 150 members, 75 of whom come from either nation, and are elected by direct vote in their own nations.

The Federal Assembly's authority ^{is} defined by the constitution. In particular it elects the President of the republic who is accountable to it for the discharge of his duties. As each nation has its own authority and sovereignty, the Federal Assembly's authority is not unlimited.

LEGISLATION AT THE FEDERAL LEVEL:

Bills of the Federal Assembly are introduced by members of the Federal Assembly, the committees of both Chambers, the President of the republic, the Govt. of the Czechoslovak Socialist Republic, the Czech National Council and the Slovak National Council. The two chambers must reach a concurrent decision on the Bills. If they do not, the Bill is referred to a committee comprising ten representatives of each Chamber. If unanimity still cannot be reached, the Bill may not be introduced again earlier than one year after its rejection.

Once Bills are adopted by the Federal Assembly, they are signed by the President of Czechoslovakia, the Chairman of the Federal Assembly and the Prime Minister of the Czechoslovak Socialist Republic in order for them to become law. They are then promulgated by the Presidium of the Federal Assembly within 14 days of their adoption.

B) THE PRESIDENT OF THE CZECHOSLOVAK SOCIALIST REPUBLIC:

Unlike the GDR, the republic has a president who is elected by the Federal Assembly. Any person eligible for election to the Federal Assembly may be elected president, for a period of five years. During his presidency, the incumbent may not at the same time be a member of any of the representative organs of people's power or a judge or a member of the Constitutional Court or a government. The position, powers and prerogatives of the president of the republic is defined by the constitution.

C) CAPITAL:

The two nations accept the city of Prague as the capital city of the Czechoslovak Socialist Republic.

seventeen.

THE FEDERATION:

The federation is a voluntary one. Unlike the USA, this federation is national (ie. national sovereignty is preserved and developed) and not territorial. It was not imposed on the two nations but is based on the agreement of all. The federal republic has one economy from which both nations benefit equally.

Other than the Communist Party of Czechoslovakia, there are four other parties which are existent in both sections of the federation. Even the mass organisations and non-governmental organisations are arranged in the same federal way. All these compose the National Front led by the Communist Party.

D) THE GOVERNMENT OF THE REPUBLIC:

This is the supreme executive organ of the Czechoslovak Socialist Republic. It consists of the Prime Minister and Deputy Prime Ministers and ministers, none of whom may at the same time be a member of the Presidium of the Federal Assembly or the Constitutional Court. The Prime Minister of the Czechoslovak Socialist Republic and other govt. ministers are appointed by the President (unlike in the GDR where the Council of Ministers is elected by the People's Assembly).

E) THE NATIONAL LEVEL:

(1) THE CZECH/SLOVAK NATIONAL COUNCIL:

The Czech and Slovak National Councils are the supreme representative bodies in the two republics, their sole legislative organs and the representative of the national sovereignty, independence and state power in each.

The National Council of Czech consists of 200 members while that of Slovak consists of 150 deputies, all elected for a term of five years. The jurisdiction of the National Councils is defined in the constitution.

(2) LEGISLATION AT THE NATIONAL LEVEL:

Bills may be introduced by deputies of the National Councils, committees of the National Councils and the govt. of each republic, ie. of the Czech Republic or the Slovak Republic. In order for them to become law in each republic, they must be signed by the Chairman of the National Council and the Prime Minister of the republic concerned. They are then to be promulgated within 14 days after adoption.

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(3) THE GOVERNMENT OF THE CZECH OR SLOVAK SOCIALIST REPUBLIC:

The Presidium of the National Council of each republic appoints the Prime Minister and other members of the govt. of each republic, which is the supreme executive organ of state power in each republic. A member of the govt. may not at the same time be a member of the Presidium of the National Council or the Constitutional Court. The govt. of each republic is accountable to the National Council of the republic concerned. The powers and authority of the national govt. are defined in the constitution of the Czechoslovak Socialist Republic.

(4) THE NATIONAL CAPITALS:

The national capital of the Czech Socialist Republic is Prague (which is also the capital of the Czechoslovak Socialist Republic), while that of the Slovak Socialist Republic is Bratislava.

Regional and local structures:

These exist and derive their authority from the Acts of the Federal Assembly and the National Councils of the two republics. They are allowed to make by-laws and not legislation.

Eligibility for participation in the exercise of people's power:

All citizens of Czechoslovakia (except those in gaol or people of unsound mind) upon turning 18 are entitled to vote and upon turning 21 to stand for election to all representative bodies.

It is the duty of all deputies to maintain close contact with their electors, to whom they are accountable for their activities, and the constituents of a deputy are entitled to recall a deputy anytime for **gross** misconduct or irregularities.

About the constitution itself:

This is the third constitution of the Czechoslovak Socialist Republic. It was adopted in 1968 as a reflection of new social conditions. The first one was adopted in 1948 after the working class had taken power. The first one was then followed by the one adopted in 1960 as a reflection of the basic achievements of socialism.

4th. FEBRUARY:

The ARC delegation was taken to the same school again for a meeting with Prof. Zubina on land reforms and agrarian policy. The approach of Czechoslovakia was not very different from that of the GDR in this

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regard. The basic difference between the two approaches was that in Czechoslovakia even the church was expropriated, whereas in the GDR it still owns its land hitherto. The professor told the delegation that the church in Czechoslovakia had problems and contradictions within itself, had a bad history and image, and therefore could not mobilise enough forces to resist the land reforms. The land in the Czechoslovak Socialist Republic has not been nationalised and belongs to the co-operatives.

Like in the GDR, a struggle had to be waged against forces of reaction and a lot of political work had to be done in the countryside to achieve the current positions.

4th. FEBRUARY:

The APC delegation had a discussion with Prof. Janda at the school of the party on nationalisation and socialist management. The professor described developments in Czechoslovakia prior to the Great Patriotic War (2nd. World War) and the situation thereafter when power had been taken from the fascists and their hangers-on. He told the APC delegation that though socialism was not the immediate goal of the transfer of power, there had developed some degree and forms of social management of the means of production that were partly owned by the state.

The first nationalisation decrees were passed in 1945, a few months after the war, as the masses were convinced that was a correct step to take. Sufficient political work had been done and the masses were fully behind the Communist Party and the govt. The Communist Party and the working class had been joined by the other parties to form the National Front, which organised nationalisation and implemented govt. plans in this regard.

All industries and farms belonging to fascists and war criminals, all big industrial enterprises, all metallurgical enterprises, all mines and all strategic and key industries, were taken and nationalised. Also, all industries employing more than 500 people (and in respect of the textile industry, all industries employing more than 200 people) were taken and nationalised.

Banks and finance institutions were easy to take, relatively. The Nazis had fused them with the big German banks which controlled all the capital. The whole process of nationalisation took two full years, up to 1947.

At the end of the process of nationalisation, there existed three sectors of the economy, namely:

(a) the nationalised sector, which was not yet socialist- this was the biggest sector as the working class was highly organised and conscious.

(b) the capitalist sector- the owners and proprietors used and exploited the labour of others.

(c) the sector of small producers- these were family businesses basically, with one or two workers.

New management measures were adopted in terms of the new legal set up, where the state had become a big proprietor. This was of course the new state, different from the capitalist state, and therefore nationalisation

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thereunder was also different. A state managing apparatus in the form of a ministry was created, and planned production was initiated. The first plan was a two-year plan for the period 1947 and 1948. It was different from modern planning that goes on now, of course.

While in the nationalised sector the plan was over-fulfilled, in the capitalist sector it was not fulfilled at all. As commerce was not yet nationalised, there were many problems of distribution as the owners of the shops tended to hoard goods to discredit the process of nationalisation. These problems were discussed politically and also raised in the mass media, and, especially during the 1948 drought, those who indulged in hoarding goods became the targets of the wrath of the people. As the people could not pay for the imported food, there developed the slogan: "Let the rich pay." The people demanded the expropriation of the capitalist sector, and by the beginning of 1948 the bourgeoisie had been defeated and forced out of the govt. and the country eventually. A new process of nationalisation had begun and big commerce was taken over by the state. By 1956 there were only two sectors, namely the nationalised sector with the beginnings of socialism and the small producer sector. This was a transition to the socialist Czechoslovak Republic.

The first years saw management from the centre by the best cadres, but this is no longer possible as the economy is highly developed. Whereas production was then quantity-oriented, now more emphasis is placed on quality. In the initial stages the basic needs of the people had to be met, and this has been achieved, the professor declared. The problems of management have not as yet been resolved, though, and they even sell to private investors licences to produce certain things which they are not yet in a position to produce. He complained that they seem to be too lenient to one another and the workers are rather over-protected, so much so that certain enterprises do not bother to invent anything.

STATE SUCCESSION:

The ALC delegation raised this issue with particular reference to the huge debt that the apartheid colonial regime has incurred over the years, which the new state might be expected to settle. The professor told the delegation that in their case they did not take over the debts of the Nazi regime and were therefore not compelled to pay them. The debts they did take over were those of the former bourgeois republic. The USA withheld the gold belonging to Czechoslovakia till the early 1990s on the pretext that they had their capital in some of the nationalised ventures. Czechoslovakia was thus compelled to pay

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some of the debts. They also needed to maintain good relations with western countries as they are affiliated to some of the western market ventures through which they sell some of their products.

In appropriate case the state was prepared to pay minimal compensation and even allow some of the capitalists to participate in joint ventures with the state. He however warned that that is very risky, and advised that the ANC and its allies should formulate their own policies in this regard in keeping with the **best** interests of the people, regard being had to the objective and subjective conditions of our situation.

5th. FEBRUARY:

The ANC delegation visited the Federal Assembly and were met by Cde. Margo, a Slovak who is the Deputy-Chairman of the Federal Assembly, and three other members of the Czechoslovak National Front and the Federal Assembly.

At the Federal Assembly a discussion about the development ^{of} the Czechoslovak constitution hitherto was held. (for this, see notes on the discussion with Professor on the 3rd. February)

What has to be emphasised is that the Czechoslovak federation is based on internationalism, equality, mutual respect and the non-existence of capitalism and exploitation. All benefit from the common economy of the federation equally, and the citizens move freely and without let or hinderance from one part of the federation to the other.

6th. FEBRUARY:

The ANC delegation was taken to Velke Prilepy where they were met by Cde. Veres, the District leader of the Communist Party, Cde. Miksovsky, the Chairman of the Communist Party Committee in the local co-operative called the Red Glow, Cde. Luza, the secretary of the District Committee of the National Front and Cde. Novodny, the Production Manager of the Red Glow co-operative. The delegation was shown around and then invited to a discussion and lunch.

OTHER PEOPLE MET:

The delegation met the following people too:

- (a) the Secretary-General of the IFTU- the delegation paid a courtesy call to him and had a short discussion with him in the presence of Cde. Joe Molokong of SACTU; the S-G was told about the need for the ANC to increase its represent-

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tion at the ILO, and he undertook to have the issue looked into once presented formally in conjunction with SACTU; he further undertook to assist the DLCA in whatever way possible and also to send it the WFTU reading material and other relevant publications.

(b) leaders of the trade union federation of the Czechoslovak Socialist Republic also came to see the AIC delegation and expressed solidarity with struggling people of South Africa led by the AIC and its allies.

COMMUNICATION:

All communication to the GDR comrades, especially Cde. Prof. Fezolt, who undertook to do some assignments for the DLCA and the CON-COM., is to be sent to and through the Central Committee of the SED.

The AIC delegation returned to Lusaka on the 9th. February.

This report prepared by:

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