

**Constitutional
Guidelines Seminar
17 May 1989**



Report

CONSTITUTIONAL GUIDELINES WORKSHOP
17TH MAY 1989; DIOCESAN CENTRE, SOWETO.

WORKSHOP OUTLINE

OVERALL OBJECTIVES:

- To prepare participants on how to generate and guide debates and discussions at grass root level
- To ensure that discussion and debates are located within the overall strategy of the MDM
- To establish the necessary mechanisms for feedback around these debates and discussions

SESSION ONE: INTRODUCTION

- Welcome and brief introduction to the workshop

SESSION TWO: INPUT PAPER ON THE GUIDELINES

- Why and how did the guidelines come to be
- What is our understanding of the guidelines and how do they fit into our overall strategy for a non-racial, democratic SA
- Economic and political transformation

SESSION THREE: POLITICAL DIRECTION

Group discussion

- What is the relationship between the guidelines and the Freedom Charter
- What is the distinction between the guidelines and the constitutional proposal
- How do the guidelines relate to our ongoing programmes
- How do we perceive transformation of power and how do the guidelines relate to this

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SESSION FOUR: SECTORS/THEMES

- a) Women
- b) Housing, Primary health care, Social welfare services
- c) Economy
- d) Education

Group discussion

- What changes would you want to achieve in the post-apartheid society
- What problems and limitations we will encounter in achieving these objectives
- How will we overcome these problems
- What must we do to strengthen our position or change the balance of forces in our favour
- What do the guidelines say or do not say about transformation
- Why and how to use the guidelines in your sector

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SESSION FIVE: PROCESSES AND FEEDBACK

Plenary

- How can we use the guidelines to guide the ongoing debate both inside and outside the mass democratic movement, on a future SA
- What means/processes are most suitable for popular understanding of, and feedback on the guidelines

SESSION SIX: FOLLOW UP ACTIVITIES

- What will be our follow up activities at regional and local level

CLOSURE

REPORT ON CONSTITUTIONAL GUIDELINES WORKSHOP 17 MAY 1989.

Agenda : see attached programme.

Group Reports

Group One

What is the relationship between the Constitutional Guidelines and the Freedom Charter

1. The Constitutional Guidelines is not a substitute for the Freedom Charter.
2. It lays a basis for a deeper understanding of the Freedom Charter.
3. It deals with the implementation of demands in Freedom Charter.
4. Some aspects of the Constitutional Guidelines are vague/open ended to allow for input from democratic forces
5. The Freedom Charter is more definite. It is a product of struggle.
6. The Freedom Charter is a common programme of all Anti Apartheid and patriotic forces.
7. The Freedom Charter is programmatic but not specific on the implementation of the demands.
8. The expectation of the drafters of the Constitutional Guidelines is that it must be read in conjunction with the Freedom Charter.
9. The Freedom Charter provides a common perspective on our vision of the future.
10. Factors influencing Constitutional Guidelines include internal and international factors.
11. There is a continuity between the Freedom Charter and the Constitutional Guidelines.
12. The Constitutional Guidelines are intended to galvanise and mobilise the masses.
13. The Constitutional Guidelines is an area of struggle of different forces, each giving different interpretation and content. Therefore the mass democratic movement needs to assume leadership.
14. The Constitutional Guidelines are initiating a process of developing consensus among a broad range of forces. This relates to the question of alliances.

Group Two

What is the distinction between the Constitutional Guidelines and a constitution

1. S.A. is in a state of war, therefore the Constitutional Guidelines is not a constitution. A constitution can only be drawn up in an appropriate forum after a transfer of power.
2. The Constitutional guidelines are a build up to a future constitution and a foundation for a future constitution.
4. It is a mobilising factor and propoganda tool for the demands of the people.
5. The Constitutional guidelines offers a forum to discuss the Freedom Charter and an opportunity for all forces to contribute to debate.
7. A post apartheid constitution will depend on the balance of forces when we take power. The Constitutional guidelines does not only give us opportunity to discuss content but also how to build organisation now.

Group Three

The relationship of the Constitutional Guidelines to our ongoing programme

1. Our overall aim is to eliminate apartheid and establish a society based on the Freedom Charter. In order to achieve this, we must:
 - * rebuild structures/organisation
 - * build the anti apartheid coalition
 - * prepare for change especially negotiations
 - * prepare for post apartheid South Africa.
2. The Constitutional guidelines can be used to further the above aims.
 - * rebuild organisation through developing an understanding of the guidelines and getting responses from our members.
 - * AAC : Constitutional guidelines allow us to reach out to other organisations which are not part of the democratic movement. It allows us to build unity and to help the mass democratic movement to retain leadership in the anti apartheid coalition.

- * possible negotiations :
Constitutional Guidelines can educate and strengthen leadership and organisation so that we have a strong hand in negotiations.
- * prepare for post apartheid South Africa :
build a new society now and use the constitutional guidelines as a basis to introduce practices contained in the guidelines.

Group Four

Constitutional guidelines and the transfer of power

1. There are two possibilities: seizure of power or negotiated settlement.
2. These options are not mutually exclusive. We should prepare for both options.
3. If we have a negotiated settlement there should be no compromise on key issues e.g. economic emancipation; i.e. nationalisation is central. We therefore need to encourage debates on this issue in our organisations now.
4. We should start debates on key issues especially economic emancipation to influence the balance of forces even if we a negotiated settlement is reached.
5. We need to strengthen the mass democratic movement and subjective elements in the situation which objectively is favourable.
6. Constitutional guidelines are not aimed to prepare people for negotiations, but for type of society wanted in future S.A. irrespective of the method by which we arrive there.
7. Constitutional guidelines should be used to arm the masses by exposing the weaknesses of the state e.g. tricameral system.

SESSION FOUR: SECTORS/THEMES

Group One: Women

1. What changes should be made in post apartheid S.A.
 - * Women must be recognised as playing a productive role in the economy and as breadwinners in their own right.
 - * Wage discrimination should be abolished.

- * The migrant labour system should be abolished. It has devastating effects especially on women who are trapped in subsistence farming in the rural areas.
- * Parenting and childcare should not be regarded as women's sole responsibility.
- * Women should have equal status in law. The present status of women as legal minors creates a power imbalance in relationships between men and women.
- * The perception of women as subordinate and powerless needs to be changed. A great deal of the violence against women stems from this perception.

2. What problems and limitations we will encounter in achieving these objectives?

- * Vested economic interests in keeping women in a subordinate position.
- * Cultural values - traditional and western.
- * Perceptions of gender roles.
- * Resistance from men and from women.

3. How will we overcome these problems?

In Post apartheid South Africa where the state controls national resources, we will be able to implement:

- * Legislation
- * Affirmative action
- * Education: - literacy programmes, education and training programmes for women.
- education for everyone, both men and women on gender roles.
- * Development of an infrastructure of services that will release women to participate fully in society eg. creches, health care.
- * deepening democracy
- especially at the level of local government/organs of people's power at local level.

4. How can we strengthen our position or change the balance of forces in our favour?

- * By undertaking projects around childcare and health.
- * By promoting the participation of women in every aspect of struggle including levels of action as well as policy making, decisionmaking and strategising processes.

- * our organisations should not indulge in tokenism: we should build up women now to play their role competently and effectively.

5. What do the constitutional guidelines say or not say about transformation

- * The clause on women in the constitutional guidelines must be read in conjunction with the women's charter.
- * A positive point in the constitutional guidelines is on affirmative action.
- * Clauses in the constitutional guidelines should be expanded with special reference to women eg.
 - land and economy: co-ops and subsistence farming affects women directly.
 - education : development of technical, scientific and managerial skills, especially for black people and women.

6. Why and how to use the guidelines

- * we need to run an education campaign around gender issues both for women and for men.
- * we need to open discussion and debate in our organisations so as to promote an understanding of the changes we propose to make in a post apartheid South Africa.

Group Two: Housing, Primary Health Care, Social Welfare Services

1. What changes would you want to achieve in the post apartheid society?

The group endorsed the clause on housing in the Freedom Charter.

2. What problems and limitations will we encounter in achieving these objectives.

- * We need to be clear that provision of services is the responsibility of the state because the private sector operates on profit motive.

- * Resources may be a problem. If resources are nationalised it will be possible to redistribute resources where needed. This raises some questions about:
 - * what to nationalise
 - * distinguishing between nationalisation and socialisation.
- * Capitalists will sabotage industries
- * We will need skills to run industries
- * The economy needs foreign technology
- * We must raise the level of understanding of people through education and through developing realistic expectations.
- * There is a danger of creating a counter revolutionary power through the way resources are allocated eg. to tribal groups, regions etc.
- * On health care, we need to look at:
 - * medical skills
 - * level of salaries
 - * existing staff
 - * medical aid
 - * extent of privatisation
 - * training of health care personnel; eg. in Cuba training was linked to organisations of the masses; therefore organisations must be built up now.
- * All the above raised the question of alliances.

3. How to overcome these problems and strengthen our position.

- * Build organisation now, deepen the crisis of the state build people's power.
- * Build consciousness now on the need to nationalise; link the question of political power to economic power.
- * Oppose privatisation of health including medical aid.
- * Strengthen class alliances eg. links with professional sectors with the aim of utilising their skills after liberation.

4. What do the constitutional guidelines say or not say about transformation.

- * resources and skills are dealt with under the economy.
- * the constitutional guidelines say something about transformation as regards health, housing and welfare services; but it should be linked to the Freedom Charter.

5. Why and how to use the constitutional guidelines.

- * as an organising/mobilising tool
- * in workshops
- * in discussion
- * to develop consciousness.

Group Three: ECONOMY

1 What changes would you want to achieve in the post apartheid society

1. Re-distribution of wealth
2. The state should plan and control the economy to serve the needs of the people and to harness the full production potential of the people, in terms of technology.
3. Land should be distributed amongst the people.
4. The migrant labour system should be abolished.
6. Abolition of child labour.

2. What problems and limitation we will encounter in achieving the objectives.

1. Resistance by the present owners.
2. Limitation on productivity and skilled labour.
3. Meeting the expectations of the masses.
4. Weakness of the manufacturing sector, and the dependence of the economy on gold.
5. Counter revolutionary industrial sabotage.

3. How will we overcome these problems

1. It depends on the nature of our take-over.
2. Build broad support to win over people nationally and internationally.
3. Strengthen and build progressive trade unions.
4. Organise the white community in order to prevent the flood of skilled labour.
5. Develop democracy in planning the economy of the country.
6. Ensure effective education of the people.

4. What must we do to strengthen our position or change of forces in our favour?

1. We must win more people to our side eg. anti apartheid coalition.
2. Within that we should explain our economic position.
3. We should expose privatisation.
4. We should organise the unemployed.
5. We should organise the rural masses and politicise them.
6. We should begin to put political economy on our agenda.
7. There is a need to influence academics.
8. We should strengthen working class leadership.

5. What do the constitutional guidelines say or do not say about transformation

The distribution of land is not fully explained in the constitutional guidelines.

Group Four: Education

1. What changes do we want to achieve in the post apartheid society

- * The future education system should address key problems students face because of the apartheid education system.
- * Education should be non racial, unitary, free and compulsory.

What problems we have now

1. Education should be able to change the minds of the people, to be able to eliminate problems created by apartheid.
2. Education should be based on the principle of non-racialism.
3. The content of education should reflect the struggle.
4. Education should equip people with skills to take power.
5. We should build on the role played by National Education Co-ordinating Committee and other organisations on the issue of People's Education.
6. Education should serve the needs of society.
7. Education should address the issue of breaking divisions between mental and manual labour.

8. Education should develop the full creative potential of the whole society, community etc.
9. What changes can we make to equip adult illiterate people?
 - eg. Trade Union education discusses issues which are practical like topical issues but do not address the question of literacy.
 - The question of literacy should be addressed to empower people to relate/write history.
 - The education issue goes together with the question of changing the whole society - and should be looked at more broadly. We should learn from the experience of other countries.
 - The state must re-address the imbalances created by apartheid. It should address formal and informal education. It should also address the problems of education in the rural areas.

2. Problems and limitations

1. Resources is going to be a problem. We are not only going to rely on the state but also on the structures we create now.
2. Shortage of schools, teachers and accumulation of illiteracy. There is going to be an imbalance in education. We should be aware of lowering standards, and there could be a problem of racial complexities caused by apartheid reaction to the non-racial policy.

3. Education to be prioritised.

1. Resources should be decentralised to cover homelands areas.
2. Rebuild the parent/teacher structure to involve all sectors in addressing the problems experienced.
3. The state must develop re-education campaigns, that is not to uplift black students to white education but to make a new non racial education system.

How to strengthen our position and change the balance of forces in our favour.

1. The change of balance of power should start now:
 - * empower people to take control.
 - * people should start mobilising.
 - * rebuild student organisations.
 - * technical education initiated by companies should involve unions and community organisations and private schools should be under the democratic control of the mass democratic movement.