

**C75**

Bill C75

CONGRESS PROSPECTIVE ON THE CONSTITUTIONAL PROPOSALS  
PRESENTED AT THE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS.

1. INTRODUCTION:

The heroic and courageous struggles of the oppressed peoples of South Africa against the anti-democratic and violent system of apartheid have precipitated a profound crisis upon the oppressor. The oppressed peoples refuse to submit to apartheid. The minority rulers of our motherland refuse to share their power and wealth.

The constitutional bill and the "Koornhoff" bills are the responses of the minority government to the majority's demand for democracy. Today, all sections of our communities - from workers to businessmen - are formulating their response to these bills. For some, particularly those who have a vested interest in the iniquitous system, the government proposals raise the problem of whether they constitute "genuine" reform or not.

Our contention is that these proposals are a calculated and cynical manoeuvre to entrench apartheid, co-opt opportunistic sections of black communities and create confusion and division among our people. This new degenerate black oppressor unashamedly competes for infamy with his white counterpart. Democracy does not feature at all in these proposals.

Throughout its long history of resistance to discriminatory government policies, the Natal Indian Congress (N.I.C.) has been struggling for a non-racial united, democratic South Africa. The N.I.C., and the democratic movement generally, remains committed to this goal, which offers the only guarantee for a peaceful and prosperous future for all South Africans.

The constitutional bills and "Koornhoff" bills are a recipe for disaster, and for the intensification of the civil war in our country.

## 2. THE SOUTH AFRICAN REALITY.

Our rejection of the government proposals is certainly not based on mere conjecture or malafides. Our policies are guided by our perceptions of the real South Africa. The need for this brief diversion, arises from our belief that there exists in South Africa a bond between government, its international allies, business, media, and certain lackeys to mask the suffering inflicted on millions of oppressed people by this violent and vicious apartheid system.

The majority of whites don't know how blacks live. Even one black community is not fully aware of the other's position. Let us scrap off the cosmetics and look at the shameful reality in South Africa.

2.1. The government maintains apartheid through violence. It forces one "plan" after another onto the unenfranchised communities against their wishes and aspirations. Jailing, detentions, bannings and "disappearances" and murders under unexplained circumstances (eg, Mxenge, Dube ) of opponents of apartheid ensures the suppression of resistance.

2.2. The economic exploitation of blacks continue unchecked. Living standards are falling and unemployment increasing. Prices of essentials continue to increase. We are mindful of the shameless support of this repressive regime by Reagan, Thatcher and their cohorts. They will not hesitate to subvert our struggle to safe guard their financial interests.

2.3. There is unemployment in the homelands. Starvation and nutritional diseases are rife. Land is scarce. Total collapse in human relationships goes unchallenged and unnoticed.

2.4. In the urban townships rent and transport costs are escalating. Resistance to these increases is intense. A false "autonomy" is now going to be forced onto communities that have few, if any, amenities and facilities.

2.5. Settled urban and rural communities are being forcibly removed. Between 1960 and 1982 3.5 million removals (10% of the population) have taken place. The violence against the KTC residents continues. Despite Saul Mkhize's death, Driefontein will be moved. Now the African townships of Cape Town and Duncan Village in East London are to have their residents moved.

2.6. The racist, undemocratic and divided educational systems continues against increasing resistance from the students.

2.7. The migrant labour system is operating even more viciously than ever before. More and more workers are deprived of their right to work and live with their families in the cities.

2.8. Civil unrest is intensifying. The oppressed communities and democratic whites are resisting apartheid more militantly and with greater determination. In the factories, communities, schools and campuses all sections of our people are engaged in daily battles against apartheid.

The government is introducing its proposals against this scenario which will remain unchanged. A dynamic process of change and struggle is presently unfolding. Among the multiplicity of forces involved in this process, there has emerged a dominant political philosophy which has the widest acceptance among oppressed South Africans: I refer to the principles of the Freedom Charter, to which the N.I.C., subscribes.

### 3. BASIC PRINCIPLES.

3.1. The task of restructuring South African society in order to create a just and democratic order is not one which can be accomplished by groups of "experts" or mock consultations with undemocratic and unrepresentative "leaders". Maximum participation by all the people in South Africa is fundamental to any democratic process.

3.2. There is only one instance throughout our history where a genuine endeavour was made to consult people from all communities and all walks of life on the kind of South Africa they would like to live in. This happened in the months leading up to the historic Congress of the People held in Kliptown on 25th June, 1955.

3.3. The majority of South Africans clearly declared their vision for a future South Africa when they adopted the Freedom Charter. The principles in the Freedom Charter remain as relevant today as they were in 1955. Support for the Charter resonates more and more loudly each day through the townships, cities and countryside in every part of South Africa. These principles are those which the people of South Africa would want in any new constitution: It is on the basis of these principles that we would propose a constitution for South Africa.

#### 3.4. THE PEOPLE SHALL GOVERN.

The institutions of government must ensure the full and unhindered participation of all South Africans in the decision-making and governing process. All dummy apartheid institutions must be scrapped. The S.A.I.C., Bantustans, "tri-cameral parliaments" and unviable black local authorities have no place in the democracy we are striving to build.

#### 3.5. ALL NATIONAL GROUPS SHALL EQUAL RIGHTS.

Africans, Coloured, Indian and Whites will be equal in every respect. Each community shall have the right to use its own language and develop its own folk culture and customs. All forms of discrimination and racist practices will be outlawed.

This clause reflects our desire to accommodate all communities in the future democracy. Every one will be welcome to contribute to the building of a democratic South Africa.

#### 3.6. THE PEOPLE SHALL SHARE IN THE COUNTRY'S WEALTH.

The wealth of our country shall be shared by all - not just the rich few. Industry and trade will operate for the benefit of all. All people will have equal rights to trade where they choose, to manufacture and to enter all trades and professions.

3.7. THE LAND SHALL BE SHARED.

The Land Acts will be scrapped. 80% of our people cannot survive on 13% of the country. Land shall be in the hands of those who work it. They will be assisted to eliminate famine. There will be no forced labour on farms.

3.8. PEOPLE SHALL BE EQUAL BEFORE THE LAW.

All laws which discriminate on the basis of race, colour or sex shall be repealed. There shall be a fair trial before anyone is imprisoned, deported or restricted.

3.9. HUMAN RIGHTS WILL BE OBSERVED.

The right to speak, to organise, to meet together, to worship, to publish, to educate children shall be guaranteed by law. There shall be freedom of movement.

3.10. WORK AND SECURITY WILL BE GUARANTEED.

Workers shall have the right to form trade unions, elect their officials, make agreements with employers and to draw full unemployment benefits. A forty-hour week, national minimum wage, paid annual leave, sick leave, equal pay for all and maternity leave with full pay shall be ensured. Child labour, compound labour, and the migratory labour systems shall be abolished. Labour laws will ensure that the family stays intact.

3.11. LEARNING AND CULTURE SHALL BE AVAILABLE TO ALL.

Discrimination in cultural life, sport and education shall be abolished. All shall enjoy free, equal, compulsory and universal education based on democratic ideals.

3.12. HOUSES AND SECURITY FOR ALL.

There shall be decent housing for all at low rental. Families shall live in comfort and security. Food will be cheap and plentiful and no one will

go hungry. Preventive health campaigns, free medical care and hospitalisation shall be provided for all. Slums will be demolished. New suburbs will be built. Transport, roads, lighting, playing fields, creches and community centres shall be provided. The State will care for the aged, orphans, the disabled and the sick.

### 3.13. THERE SHALL BE PEACE AND FRIENDSHIP.

South Africa will respect the sovereignty of all nations and work to maintain world peace and settle all disputes by negotiation - not war.

### 4. WHY WE REJECT THE CONSTITUTIONAL PROPOSALS.

The response of the oppressed people to the government's proposals is determined on the basis of the principles enunciated above.

4.1. There is no intention on the part of the government to create a non-racial, united South Africa.

4.2. There is no commitment to genuine democracy. 80% of South Africans, the African people, have no role in the "new" South Africa whilst the Indian and Coloured communities do not share power in any meaningful way. They are being invited to join as junior partners in this genocidal system. White domination is entrenched at every level of government:

- i. Three parliaments, the Chamber having the largest number of parliamentarians.
- ii. Joint standing committees of the three parliaments with the 4;2;1 majority in favour of whites.
- iii. An electoral college to elect the President with a 4;2;1 white majority.
- iv. A presidents Council to advise the president with a 9;2;1 majority in favour of whites.

v. A president who will almost certainly be white and who will have the powers of a dictator. More importantly he is effectively elected by the white majority party and therefore accountable only to it. The President combines the existing roles of State President and Prime Minister. He will have virtual total control of the three Chambers of parliament and will single handedly control all bills that flow through parliament.

4.3. The foundations of apartheid remain intact and non-negotiable:

i. The Land Act which gives 13% of the land to African majority.

ii. The group areas act which ensures racial segregation.

iii. The Bantustans will be consolidated further, depriving millions of their birthright.

i.v. The population registration act remains to entrench ethnicity.

v. The internal security act and other "security" legislation will ensure vicious repression ( deaths in detention ) of opponents of apartheid.

vi. The migratory labour system divides families and legitimates the super exploitation of millions of people.

4.4. The iniquitous and exploitative economic system continues to widen the gap between the haves and have nots.

4.5. Basic democratic rights of speech, association, publishing, organisation and movements are excluded

4.6. The people of South Africa have not participated in formulating their future. The proposals have been imposed by an unrepresentative clique that decided what is best for us. There has been no consultation with the people at all.

4.7. Race and ethnicity are entrenched in the constitution, now in the euphemistic form of "own" and "general" affairs. Some apologists contend that in the area of "own affairs" progress can be made for a particular group in certain fields like education and social welfare. We say that this is spurious because:-

i.a. The overriding determination of the relevant general policies and laws on housing, health or education are deemed as common affairs and are thus removed from exclusive group control.

b. Houses of parliament will hardly be sovereign even in dealing with "own affairs" since the President will decide on what matters maybe deemed as own affairs and further he will be also be able to veto and amendments introduced in these houses.

c. The ethnic parliament will have no independent powers to levy taxes or raise loans for these purposes. Budgetary allocation will be a general matter.

d. The President is empowered to decide whether any matters are "own" or "General affairs". His decision is final and the courts are specifically excluded from enquiring into his decision.

ii. We are not striving for a society in which one group attempts to materially advance and progress at the expense of other groups.

4.8. The proposals are structured to prevent undesirable political leverage by a Chamber threatening to withdraw participation. In this respect those who proclaim that their intention is to use their respective Chamber as a more effective platform to fight apartheid will be frustrated. The government has prepared for this eventuality.

i. Should a Chamber stage a walkout the President is empowered to lower the quorum of the houses and parliament will be deemed to consist of the remaining houses and continue to function.

ii. The fact that the council of Ministers of each house will be appointed by the President makes a repeat of tactics employed by the old C. P. R. C. unlikely.

iii. If a house passes a motion of no confidence in its own council of Ministers the President may then simply dissolve that house and continue to government on the basis of the remaining houses constituting parliament.

iv. Not only can the President over-ride the contrary decisions of a particular house in common affairs but the measures will then be deemed to have been approved by that recalcitrant house.

The object of the constitution therefore is to preserve economic and political power in the white minority and preserve this for all times by dividing Africans, Indians and Coloureds from each other and African from African. Apartheid becomes firmly entrenched in the constitution, there is no power sharing, healthy or otherwise. Indian and Coloureds are given the responsibility, without any power, to join whites in the oppression of the majority of South Africans.

#### 5. METHODS TO BE USED IN SEARCH OF A NEW CONSTITUTION.

5.1. For any method to succeed there must be a commitment from all parties concerned to participate in a process which would:-

- i. Create a genuine democracy and,
- ii. Ensure that all the people of South African can participate in the process.

5.2. The government must then create the conditions for democratic consultation and organisation to occur. For this to be made possible:

- i. Repressive legislations must be scrapped.
- ii. Jailed and exile leaders must return.
- iii. All bannings and detentions must be end.

5.3. Having created the conditions for the democratic process to begin, the people of South Africa, wherever they may be, whoever they are, must be consulted on what kind of South Africa they would like and mandate their organisation and leadership accordingly.

5.4. All democratic and authentic leaders should then convene a National Convention which will formulate a programme for the creation of a democratic non-racial, united South Africa based on the will of the people.

We are acutely aware that this approach can be only be successful if ideal conditions exist. Regretably the reality is quite distant from this ideal.

## 6. STRATEGIES.

Strategies for change cannot be shaped on the basis of the abstract. They are determined by the actual social, economic and political conditions that obtain at a given time : the reality we described earlier.

6.1. We want a South Africa based on the Freedom Charter. The method we would choose is a national convention. We desire peace and prosperity for all people. But the rulers respond with vicious repression. They insist on constructing dummy institutions and imposing their lackeys as leaders upon our people. They refuse to negotiate with democratic organisations on our communities day-to-day problems.

6.2. The rulers are intent on securing their power through the use of brutal internal repression, the building of a large, belligerent army which destabilised our neighbours.

6.3. The reality for the oppressed people is an endemic and intensifying struggle - in the factories, communities, rural settlements, schools and campuses. We will advance the tradition we have inherited: The passive resistance campaign of 1913/1946, the defiance campaign of 1952, campaigns against pass laws and groups area Act. We will continue the heroic against efforts of the students of Soweto, the workers throughout South Africa, students, and communities that struggle for better and affordable housing.

6.4. We know that without

Mobilising our people against every facet of apartheid.

Organising our people into democratic mass and political organisations.

Raising the consciousness of our people, so that they can struggle more effectively for democracy.

There can be no peace and freedom for all South Africans.

Our task is to create the maximum unity of all patriotic forces through efforts like the launching of the United Democratic Front. With increasing unity we will have to engage in struggle and be willing to make sacrifices. As Nelson Mandela said, there is no easy walk to freedom.

Our unity, organisation, mature consciousness and willingness to struggle will one day result in meaningful negotiation for the creation of a democracy based on the will of the people in which all shall live in peace and security.

CONCLUSION:

We are witnessing increasing polarisation between the oppressor and the oppressed. The constitutional proposals will only exacerbate this trend. The government is doing nothing to create the conditions for democratic change. However there are certain elements who might profess that there exists some middle ground between the oppressor and the oppressed. Here we refer to "give reform a chance" group. We need to emphasise that if the constitutional proposals are successfully implemented, white supremacy and racial discrimination would be strengthened and this could in no way be regarded as a "step in the right direction". These elements therefore are playing a dangerous game and are unwittingly trying to divert the struggle. We believe that one can either be in the camp of the oppressor or in the camp of the oppressed. The democratic movement of the oppressed has a place for all those who are willing to strive for a genuine democracy.

Finally we need to point out that the major part of our history to resistance has been one of persuading the white minority to be reasonable and humane in the treatment of blacks over a whole range of issues. The government has responded with deceit and violence.

We refuse to co-operate with schemes to perpetuate our subjugation; we cannot co-operate with the Bantustan schemes, migratory labour system, group areas, detentions without trials etc.

We can enter into negotiations honorably as equals only if the objective of such negotiations is the creation of a non racial united democratic South Africa. There can be no separate freedoms in South Africa - the destiny of all South Africans is inextricably linked.

**Collection Number: AK2117**

**DELMAS TREASON TRIAL 1985 - 1989**

***PUBLISHER:***

*Publisher:* **Historical Papers, University of the Witwatersrand**

*Location:* **Johannesburg**

**©2012**

***LEGAL NOTICES:***

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.