

**PAN AFRICANIST CONGRESS (P.A.C.)**  
**OF AZANIA**

**SUMMARY OF SUBMISSION TO CONSTITUTIONAL ASSEMBLY**  
**THEME COMMITTEE 3**

The PAC has always maintained that the interpretation and understanding of the Constitutional Principles must precede any debate on the final Constitution.

The ideal situation would be to return to the 1909, 1961 and 1983 Constitutions which all provided for a full unitary state now that we have democratically elected representatives.

The proponents of a federal state had in the past used the unitary state as a very powerful and undiluted tool to oppress the majority of our country. It is ironic now that the same parties want to take the power away from the people by diluting it into a federal system on the basis of divide and rule. These parties are fully aware of the advantages that a unitary system will have for empowering the majority of our people.

What South Africa (Azania) needs is a strong Central Government to provide the necessary programmes to correct the imbalances of the past and to fully empower the people both politically and economically.

When considering the various Constitutional Principles the PAC has produced the following summarised proposals:

Constitutional Principle No I

Refers to a Sovereign State. With such a State there can be devolution of power to the various levels of government. We can have Provincial and Local Government

without having independent states. We can never balkanise our country again.

#### Constitutional Principle 4

States that Constitution is the Supreme law and will bind both National and Provincial Government.

#### Constitutional Principle 16

States that Government shall be structured at National, Provincial and Local levels. This principle rules out a pure federal state. It refers to Provincial and not federal.

#### Constitutional Principle 18

The powers and functions of National and Provincial Government shall be as defined in the Constitutional Principle 18 (2). The powers of the Provincial Legislature shall not be less than as stated in the Interim Constitution. Therefore, the existing concurrent powers cannot be removed but only more can be added. Currently the Interim Constitution gives no exclusive powers for Provinces and the PAC support this.

#### Constitutional Principle 19

The powers and functions of both National and Provincial Government shall include concurrent and exclusive powers. Constitutional Principle 19 should be read subject to Constitutional Principle 21. To maintain a strong central government, as little as possible exclusive powers must be granted to provinces.

#### Constitutional Principle 21

This principle can provide for either a unitary or a federal state and is halfway between the two (hybrid).

To achieve effectiveness Constitutional Principle 21(1) can be used in both instances for National and Provincial Government.

Constitutional Principle 21(2) Gives the National Government the power to intervene in protection of National interest regardless of exclusive powers that might be given to Provincial Government.

Although Constitutional Principle 19 gives concurrent and exclusive powers to

National and Provincial Government, (21 (ii) states that national Government can

overrule exclusive powers of provinces.

- 21 (iii) Foreign Affairs remains exclusively for National Government
  - 21 (iv) As far as uniformity is required National Government power is exclusive
  - 21 (v) National Economic Policy, Inter ... Provincial Common markets is exclusive to National Government.
  - 21 (vi) Provincial Planning .... can be either exclusive or concurrent
  - 21 (vii) Mutual cooperation must be concurrent only
  - 21 (viii) Where there is disagreement on exclusive or concurrent, National Government will prevail.
22. National Government shall not encroach upon the geographical and functional integrity of Provinces. In practice it means nothing because it is the same as Constitutional Principle 16.
23. Refers to any disputes on concurrent powers between National and provincial Government and the national get precedence