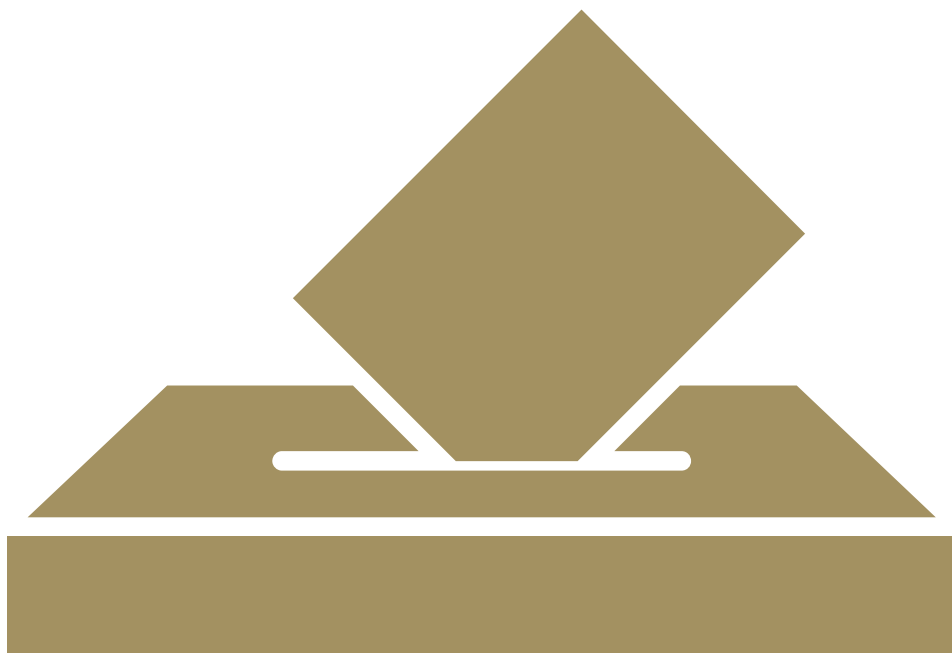




# **Assessment of Compliance of Election Manifestos for the 2024 South African National Elections with the Bill of Rights**

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the FW de Klerk Foundation



## Table of Contents:

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Introduction	3
Brief Overview	3
Visual Graphics	4
African National Congress ("ANC")	5
Democratic Alliance ("DA")	8
Economic Freedom Fighters ("EFF")	10
Inkatha Freedom Party ("IFP")	14
Freedom Front Plus ("FF Plus")	15
uMkhonto we Sizwe Party ("MK Party")	18
African Christian Democratic Party ("ACDP")	21
African Transformation Movement ("ATM")	23
GOOD Party	25
Al-Jama-ah	26
Azanian Peoples' Organisation ("AZAPO")	27
Patriotic Alliance ("PA")	29
Rise Mzansi	33
ActionSA	35
People's Movement for Change	37
Build One South Africa ("BOSA")	38
National Coloured Congress ("NCC")	39
Conclusion	40

## Introduction:

The upcoming South African elections stand as a pivotal juncture, determining the nation's trajectory for years to come – a trajectory either towards progress or regression. In this critical juncture, the FW de Klerk Foundation deems it imperative to shed light on the stark realities awaiting South Africa under the leadership of different political parties. Central to this scrutiny is the fundamental question of which parties will uphold the Constitution and which will flout its principles.

## Brief Overview:

In our assessment, we'll be examining 17 party manifestos against the backdrop of fundamental constitutional principles. These principles encompass the core tenets of South Africa's democratic framework.

First and foremost is the principle of **non-racialism**, emphasising equality and inclusion irrespective of race or ethnicity. Linked closely to this is **non-sexism**, ensuring equal opportunities and treatment regardless of gender. Additionally, parties will be evaluated on their commitment to preventing **unfair discrimination** and upholding the **dignity** of all individuals. Further scrutiny will focus on parties' pledges concerning the **right to life**, the **freedom** and **security** of the person and the protection of bodily and psychological **integrity**. Moreover, we'll assess their stance on issues such as **slavery**, **forced labour** and **privacy**, as well as their support for the **freedom of conscience**, **expression** and **assembly**. **Property rights**, including the prevention of arbitrary deprivation, will also be scrutinised.

Furthermore, we'll evaluate parties' commitments to ensuring access to basic needs such as **housing**, **healthcare**, **education** and **social security**. These evaluations extend to cultural and linguistic rights, affirming individuals' freedom to practise their culture, religion and language of choice. Finally, we'll assess parties' promises regarding access to **justice** and the fair resolution of disputes through legal means. Through this comprehensive examination, we aim to provide clarity on the alignment of party manifestos with the foundational values of the Constitution.



## Visual Graphics:

In addition to our comprehensive analysis of party manifestos, we have innovatively represented our findings through a visual compliance table. This graphic provides a clear snapshot of each party's alignment with the Bill of Rights, facilitating a nuanced understanding of their respective policy positions. Moreover, we have ranked the parties from highest to lowest compliance, offering a comparative assessment that highlights the extent to which each party upholds the foundational values of our Constitution. This dual approach not only enhances transparency and accessibility, but also empowers voters with valuable insights as they navigate the electoral landscape.

Click here to view our [Compliance Table](#).

Click here to view our [Ranking Table](#).



## 1. African National Congress (“ANC”)

The [ANC’s manifesto](#)<sup>[1]</sup> espouses democratic values such as non-racialism and the protection of human dignity, apparently aligning with constitutional principles. It states that “*we have implemented policies that promote non-racialism and non-sexism and oppose any form of discrimination*”. However, this has not entirely been the case, as outlined below.

Critical omissions in the manifesto raise concerns about the ANC's commitment to fundamental rights.

Firstly, the absence of references to key rights such as privacy (section 14) leaves citizens vulnerable to potential infringements, as seen in legislative initiatives such as the [General Intelligence Laws Amendment Bill](#) (“GILAB”). This Bill poses risks to privacy and civil liberties, underscoring the need for explicit protections in the ANC's agenda.

Similarly, the failure to address freedom of religion, belief and expression (section 15) raises questions about the ANC's stance on protecting diverse viewpoints. This omission could lead to limitations on free speech, as highlighted by ongoing debates surrounding hate speech legislation (like the recent [Hate Speech Bill](#)) and [media regulation](#).

Moreover, the omission of rights such as peaceful assembly (section 17) and freedom of movement (section 21) suggests potential restrictions on democratic participation and mobility, exacerbating existing inequalities.

These omissions reflect a gap between the ANC's rhetoric and its commitment to upholding constitutional rights. Despite a promising manifesto, concerns arise regarding execution due to the party's poor track record, particularly regarding corruption.

[1] Read the full ANC manifesto here: <https://www.anc1912.org.za/wp-content/uploads/2024/02/ANC-2024-Elections-Manifesto.pdf>


While the ANC's manifesto outlines ambitious promises aimed at addressing key societal challenges, including unemployment, inequality and the protection of constitutional rights, the party's track record in implementing these promises often contradicts its stated objectives, leading to a widening gap between rhetoric and reality.

For instance, while the ANC's manifesto emphasises job creation and economic prosperity, the persistently [high unemployment rate of 35.3%](#) poses a severe threat to the dignity of South Africans, as highlighted by the FW de Klerk Foundation's [2023 Human Rights Report Card](#). Despite the promise of creating opportunities for all, the failure to address unemployment also undermines the right to work and contributes to social instability.

Similarly, the ANC's manifesto pledges to eliminate unfair discrimination and uphold the constitutional right to equality. However, laws like the [Employment Equity Amendment Act](#) risk perpetuating racial inequalities in employment and violating constitutional principles of non-racialism and equality. This legislation, while purportedly aimed at addressing historical injustices, may inadvertently promote discrimination and hinder social cohesion.

In the ANC's manifesto, they promise "*universal access to basic education*" stating that the "*youth literacy rate is above 95%*". However, a [recent PIRLS report](#) has shown that over 80% of Grade 4 learners still cannot read for meaning. Moreover, the higher education sector is fraught with [maladministration through NSFAS](#), with the ANC's manifesto acknowledging that "*South Africa's overall participation of young people in tertiary education is lower than the norm for middle income countries and is racially skewed*".

Furthermore, despite the ANC's commitment to ensuring freedom and security of the person, [escalating crime rates](#) undermine these rights and erode public trust in law enforcement. In addition, the persistence of [gender-based violence](#), [police inefficiency](#) and [allegations of human rights abuses within the security forces](#) highlight systemic failures that compromise citizens' safety and well-being.



While the ANC's manifesto states that it will: "*More effectively use provisions in the Constitution and expropriation legislation to accelerate land reform and redistribution to reduce asset inequality...*", the ANC has failed to adhere to this by passing the Expropriation Bill in both houses of Parliament, which would allow for expropriation without compensation - without a necessary constitutional amendment allowing for such - thus gravely threatening property rights (section 25).



## 2. Democratic Alliance (“DA”)

The DA’s manifesto<sup>[2]</sup> appears to align closely with the constitutional principles enshrined in South Africa's foundational document. Their commitment to non-racialism, non-sexism and the eradication of unfair discrimination reflects a dedication to upholding the constitutional values of equality and human dignity. As stated in the DA’s manifesto, they will “*remove racial targets or quotas in the Employment Equity and Preferential Procurement Acts” and “*promote the principle of non-racialism, fostering an environment where meritocracy and diversity thrives.*”*


In terms of freedom and security of the person, the DA’s manifesto states: “*A DA government will decentralise policing to capable provinces to effectively fight crime and protect citizens*” and that it will do this by “*establishing coordinated partnerships with private security, neighbourhood watches and other private role-players in safety and security through a whole-of-society approach.*”

The DA’s plan to restore economic prosperity and human dignity to the citizens of South Africa is stated as, “*To rescue South Africans from unemployment and get more people into jobs, we need to loosen up the labour market, upskill our workforce and make it easier for businesses to invest in the economy.*”

In terms of protecting property rights (section 25), the DA states that, “*Instead of expanding land ownership and extending property rights to the majority, the national government has actively sought to erode them. They have done so by trying to amend section 25 of the Constitution and, more recently, through the Expropriation Bill.*” In contrast, the DA pledges to protect property rights as enshrined in the Constitution and expand land ownership by prioritising land reform in the budget.

While the DA’s manifesto allows for the freedom to form and join a trade union, it also states that its plan is to “*end trade union control of teacher appointments by introducing strict meritocracy in the interest of learners.*”





The party's focus on providing access to education, healthcare, housing and social security aligns with the constitutional imperative to ensure the socio-economic rights of all citizens.

However, the effectiveness of the Democratic Alliance's manifesto in achieving these constitutional goals may be subject to scrutiny. While their policy proposals aim to address various socio-economic challenges, the feasibility of implementation and the potential impact on marginalised communities require careful consideration. Additionally, the party's track record in governing municipalities and provinces may influence perceptions of their ability to deliver on their manifesto's promises.




### 3. Economic Freedom Fighters (“EFF”)

The [EFF manifesto](#)<sup>[3]</sup> articulates a vision that diverges from several constitutional principles enshrined in the Bill of Rights, showcasing a departure from fundamental tenets of South Africa's constitutional democracy.

Firstly, the EFF's stance on land expropriation without compensation, while aiming to address historical injustices, raises concerns regarding property rights. The Constitution upholds the right to property, mandating that any deprivation of property must be subject to just and equitable compensation. However, the EFF's proposal to seize land without compensation directly contravenes this principle, potentially undermining property rights and the rule of law. To this end, the manifesto states, as the first of its 7 cardinal pillars, that the party will carry out the “*expropriation of South Africa’s land without compensation for equal redistribution in use*”. The party, doubling down on what has been said by other parties (see above) also plans on restricting any foreign ownership of land.

Equally concerning to the right not to be arbitrarily deprived of property is the party’s second cardinal pillar, namely the “*nationalisation of mines, banks and other strategic sectors of the economy, without compensation*”.

Furthermore, the EFF's emphasis on race-based rhetoric and policies contradicts the constitutional principle of non-racialism. By framing issues predominantly in racial terms and advocating for race-based policies such as nationalisation, the EFF perpetuates divisions along racial lines rather than fostering a united, non-racial society as envisioned by the Constitution. Statements referring in an undignified manner to “*white settlers/white monopoly capital*” are littered throughout the manifesto. This can be seen in phrases such as “*the economy in South Africa continues today to be under the ownership and control of the white minority settlers, whose ownership and control of land in particular, were gained through settler colonialism and its corollary - the dispossession of the black colonised*”.



There is also a disregard for the dignity of individuals of other races, brought about by the preferential treatment of black individuals (and concomitant unfair discrimination of others) in the manifesto. One such example of this is seen in the pledge that the EFF will provide a “R1 million grant for every black PhD student”. This contradicts the EFF’s promise that “the EFF government will focus on removing barriers to allow all citizens to confidently and with dignity pursue their dreams”.

Therefore, based on the content of the EFF’s manifesto itself, it can be said that the EFF does not pass the test for adherence to non-racialism as called for in the founding provisions of the Constitution.

While the EFF promises to pursue environmentally friendly practices in the mining and agricultural sectors, there is much speculation as to whether this will actively contribute to preserving the environment due to the EFF’s lack of support in decommissioning coal-fired power stations or the principles of a just-transition to cleaner, renewable, energy.

Moreover, the EFF's stance on the National Prosecuting Authority (“NPA”) and the [General Intelligence Laws Amendment Bill](#) raises questions about respect for the independence of institutions and the right to privacy. Proposing to amend the Constitution to alter the status of the NPA and expand state surveillance powers undermines the constitutional safeguards designed to protect individuals' rights and freedoms, particularly the right to privacy.


While the EFF vows to introduce stricter sentences for serious crimes, the manifesto remains silent on the re-introduction of a death penalty. To this end, context suggests that the party does indeed support the right to life.



Additionally, the EFF's proposals on education and crime highlight potential infringements on individual liberties and the rule of law. While advocating for free education and increased policing, the EFF's approach to these issues may undermine the autonomy of individuals and communities, potentially infringing on the right to privacy, dignity and due process.

The party is also silent on the matter of freedom of expression or outlawing hate speech, a notable absence when taking into account the fact that the party leader, Julius Malema, has been embroiled in a number of [hate speech cases](#). The chanting of "*kill the Boer, kill the farmer*" by Julius Malema and the EFF constitutes hate speech as it incites violence and discrimination against a specific racial group, violating the right to equality and dignity. Despite Malema's claims of historical significance, the chant perpetuates hostility and animosity towards farmers, who are predominantly white, creating a climate of fear and division. The song's continued use disregards the constitutional principles of non-racialism and respect for human dignity, fostering discrimination and animosity based on race.

Overall, the EFF's manifesto reflects a departure from key constitutional principles, including non-racialism, property rights, respect for institutions and the rule of law. While aiming to address socio-economic inequalities, the EFF's policies risk undermining the foundational values of South Africa's constitutional democracy, potentially eroding the rights and freedoms guaranteed to all citizens. As such, critical assessment and scrutiny of the EFF's proposals are essential to ensure alignment with constitutional principles and the protection of fundamental rights and freedoms.



In conclusion, the EFF's manifesto outlines policies that diverge from key constitutional principles enshrined in the Bill of Rights, posing significant challenges to South Africa's democratic framework. The party's proposals on land expropriation without compensation and nationalisation of key sectors raise concerns about property rights and non-racialism, while its stance on institutions like the NPA and surveillance laws threatens the independence and privacy rights of individuals. Additionally, the manifesto's silence on freedom of expression and hate speech, coupled with controversial rhetoric like "*kill the Boer*" raises further doubts about the party's commitment to constitutional values.

Overall, the EFF's manifesto presents a vision that, if implemented, could lead to economic instability, erosion of civil liberties and social division, echoing failed policies seen in other countries, like Cuba or Venezuela.



## 4. Inkatha Freedom Party (“IFP”)

The absence of acknowledgment of fundamental rights such as the right to form trade unions, freedom of movement, assembly and conscience in the [IFP’s manifesto](#)<sup>[4]</sup> raises concerns about their commitment to constitutional principles. These omissions suggest a potential disregard for key liberties enshrined in South Africa's Constitution. Without explicit recognition and protection of these rights, citizens may face limitations on their ability to organise, express dissent and exercise autonomy over their beliefs and actions.

If the IFP were to govern without addressing these omissions, it could lead to a governance framework that lacks inclusivity, transparency and respect for individual liberties. Without safeguards for freedom of movement and assembly, dissenting voices may be marginalised, hindering democratic participation. Moreover, the absence of protections for trade unions and privacy rights could result in a lack of accountability and increased vulnerability to exploitation. Ultimately, failing to uphold these constitutional rights may erode public trust, impede social cohesion and undermine the foundation of a democratic society.

[4] Read the full IFP manifesto here: <https://www.ifp.org.za/wp-content/uploads/2024/03/Inkatha-Freedom-Party-2024-Manifesto.pdf>



## 5. Freedom Front Plus (“FF Plus”)

The FF Plus’ manifesto[5], while affirming constitutional principles like non-racialism, dignity and socio-economic rights, conspicuously side steps several fundamental freedoms. It notably omits any mention of the right to assemble, picket, or demonstrate - a cornerstone of democratic expression. Similarly, the right to form and join trade unions, crucial for worker empowerment and collective bargaining, is noticeably absent. Moreover, the manifesto overlooks the right to privacy, a fundamental protection against unwarranted intrusion.

Freedom of expression, a bedrock of democracy, also goes unaddressed, raising concerns about the party’s stance on open discourse and dissent. By omitting these rights, the manifesto leaves gaps in its commitment to a robust democratic society, where citizens can freely express themselves, organise and engage in civic action without fear of reprisal or restriction.

The FF Plus’ manifesto emphasises the significance of all language and cultural rights, particularly regarding Afrikaans, as integral components of human dignity and identity. It also advocates for the recognition and development of all indigenous languages in South Africa, underscoring the importance of preserving linguistic diversity.

The manifesto specifically focuses on Afrikaans, stating that, “*at present, Afrikaans as a medium of instruction is severely under attack*” and that “*the survival of Afrikaans paves the way for the survival of other indigenous languages.*”

The FF Plus condemns the marginalisation of Afrikaans in education and public institutions, viewing it as a violation of language rights and cultural heritage. Furthermore, it opposes the imposition of English dominance and advocates for multilingualism in education and public services. To this end, it seems as though preferential treatment is given to indigenous languages (including Afrikaans) over English, which is indeed an official language of the Republic.

It states, “*the FF Plus condemns the creeping language imperialism of Anglophiles who want to subject indigenous languages to English domination in the name of global trade and traffic particularly in the field of education, but also in public institutions and state departments*”.

Interestingly, besides the words “*indigenous languages*” being used in the manifesto, of these only Afrikaans is specifically mentioned.


While the FF Plus's stance on language rights aligns with the constitutional provisions promoting linguistic and cultural diversity, concerns may arise regarding the potential conflict with the principle of non-racialism. The manifesto's emphasis on preserving Afrikaans could be perceived as privileging one linguistic group over others, potentially contradicting the constitutional commitment to equality and non-discrimination.

Appearing to be in alignment with constitutional principles in the section titled “*Equality*”, the manifesto aims to specifically promote the rights of women, children and people with disabilities. Furthermore, it touches on the scourge of gender-based violence and advocates for measures to improve the reporting, protection and prosecution of such crimes - thereby aligning with the principle of the right to bodily integrity and non-sexism.

The manifesto also strongly upholds property rights, rejecting arbitrary deprivation of land and opposing the current [Expropriation Bill](#), which allows for expropriation without compensation. The party advocates for redistributing already acquired land and unused state-owned land promptly, following the principle of willing seller, willing buyer.

The party also highlights damages to the environment, calling for the introduction of the “*Green Scorpions*” which would “*effectively police pollution*”. The right to a safe and healthy environment is indeed a feature of the Bill of Rights and the party aligns with this principle.





While the manifesto emphasises property rights, healthcare access and housing - aligned with constitutional provisions - it's the absence of key freedoms that warrants scrutiny. In a constitutional democracy, safeguarding civil liberties is paramount, ensuring that all citizens can participate fully in shaping society. The FF Plus's silence on these crucial freedoms calls into question its dedication to fostering an inclusive, rights-respecting democracy where every voice is heard and every right upheld.



## 6. uMkhonto we Sizwe Party (“MK Party”)

The constitutional synopsis of the [MK Party’s manifesto](#)[6] reveals several areas of concern regarding adherence to constitutional principles and rights.

Firstly, regarding land reform and property rights, the manifesto suggests a significant departure from constitutional principles. The party's stance on land reform appears to prioritise state ownership and control, which infringes upon the property rights enshrined in the Constitution. The manifesto unashamedly states that it will “*defeat neo-apartheid*” by “*expropriating all land without compensation and transferring ownership to the people under state and traditional leadership custodianship*”. This approach raises questions about the party's commitment to respecting property rights and the rule of law.


The main focus of the manifesto is, indeed, land – but the defence posited by the party for this overly radical stance is that “*land dispossession in South Africa stripped deprived indigenous populations of their dignity and assets, reducing them to exploitation as labourers for Western colonisers*”.

The term “*white*” is also scattered freely throughout the document, contravening the principle of non-racialism. The party backs up its assertions that “*according to the South African Human Rights Commission (“SAHRC”), whereas 64% of blacks are poor, only 1% of white South Africans live in poverty*” and that “*the South African state politically protects the interests of white monopoly capitalists*”.

This dramatic and highly exaggerated focus on specific demographic groups suggests unfair discrimination and undermines the constitutional guarantee of equality.

The inclusion of the death penalty in the manifesto - which the party wishes to hold a referendum on - also raises concerns about respect for the right to life. The death penalty is inconsistent with constitutional prohibition of cruel, inhuman, or degrading punishment and its inclusion in the manifesto may signal a disregard for this fundamental right.

[6] Read the full MK Party manifesto here: <https://mkparty.org.za/our-manifesto/>



Additionally, the absence of mention of freedom of expression, the right to choose one's profession freely and fair labour practices suggests a lack of commitment to upholding these constitutional rights. Freedom of expression is a cornerstone of democracy and any limitations on this right should be carefully scrutinised to ensure compliance with constitutional standards.

Similarly, the lack of clarity or mention of trade unions in the manifesto raises questions about the party's stance on workers' rights and collective bargaining, which are protected under the Constitution. The party seems to take a particularly hard-line stance on this, stating that trade unions (specifically COSATU) have prioritised the easing of labour market reforms which the party believes will negatively impact workers.

While the party does dedicate a section of the manifesto to *“Reclaiming our dignity”*, by *“establishing indigenous languages as mandatory official languages taught in schools from Grade zero to Grade 12, used in higher education, legal proceedings and all official state communication”* and *“eliminating all remnants of colonialism and apartheid from cultural and political life. Including a mandatory subject into the education curriculum focusing on African history, values, ethics and morals, with special attention to gender relations”*, one must question if this promise comes at the expense of stripping other races of their culture or dignity.

The party cannot be said to adhere to policies that adhere to the right to privacy, either, as calls for the unification of intelligence services suggest a heightened intelligence network open to abuse.

Having any dispute settled by a court of law is also sneered at in the manifesto, as the party pledges to withdraw from the *“weaponised International Criminal Court (“ICC”)”*.

Furthermore, the absence of explicit recognition of the right to a healthy environment is notable. Environmental rights are constitutionally protected in South Africa and any policy proposals should take these rights into account to ensure sustainable development and protection of natural resources.

Lastly, the party claims that *“the Constitution of the South African state is colonial, founded on Roman-Dutch law, with very little influence of African jurisprudence”*. It aims to *“move our country away from constitutional supremacy toward unfettered parliamentary supremacy”*. The sheer and utter disregard for the Constitution of South Africa is evidenced in the call by the party to *“hold a referendum to scrap the 1996 Constitution and replace it with a parliamentary system with or without a codified Constitution”*.

Overall, the analysis of the MK Party manifesto reveals a stark misalignment with the Bill of Rights enshrined in the Constitution. The manifesto's proposals demonstrate a complete disregard for fundamental constitutional principles and rights, particularly in areas such as land reform, non-racialism, equality, the right to life, freedom of expression, fair labour practices and environmental protection.

The party's radical stance on land reform, which advocates for expropriation without compensation and prioritises state ownership, directly undermines property rights protected by the Constitution. Furthermore, the manifesto's frequent use of racial categorizations and assertions of systemic discrimination against specific demographic groups contradicts the principle of non-racialism and equality before the law.

Most troublingly, the party's outright rejection of the current constitutional framework and calls for a parliamentary system without constitutional supremacy demonstrate a fundamental disrespect for the rule of law and the constitutional order established in South Africa. By advocating for a referendum to scrap the existing Constitution, the party undermines the foundational principles of democracy and constitutionalism upon which South Africa's post-apartheid society was built.



## 7. African Christian Democratic Party (“ACDP”)


The [ACDP’s manifesto](#)[7] for the 2024 National and Provincial Elections presents a comprehensive outline of their policy proposals across various sectors, albeit with notable omissions and stances. While the manifesto does not explicitly mention non-racialism, unfair discrimination, or the respect and protection of everyone's dignity, it emphasises the party's commitment to justice and righteousness rooted in a “*Biblical foundation*”.

However, it does not adhere to the principle of non-sexism, as evidenced by the manifesto's language regarding gender roles. The manifesto states, “*as a party with a strong Biblical foundation standing for justice and righteousness,*” suggesting a conservative interpretation of gender roles rather than embracing non-sexist principles.

If we are to look at the constitutional principle of non-sexism, the ACDP proposal for the amendment of “*legislation that grants access to contraceptives and abortion for young girls without parental consent, teaches Comprehensive Sexuality Education (“CSE”) and gender ideology, bans moderate parental chastisement and legalises prostitution, pornography and abortion-on-demand*” suggest that there is a fundamental lack of compliance with this foundational right.

Additionally, the manifesto does not address the right to assemble, to demonstrate and to picket, nor does it mention the right to freedom of movement or the right to form and join a trade union. The manifesto only goes as far as calling for the restriction of “*union activities at schools that hinder the effective education of our children and in certain instances, unfairly influence the appointment and promotion of educators and principals.*” These omissions call into question the party's stance on civil liberties and labour rights.

[7] Read the full ACDP manifesto here: <https://www.acdp.org.za/Manifesto2024.pdf>



Furthermore, the manifesto's silence on the right to use language and participate in cultural life raises concerns about cultural diversity and inclusivity. The absence of the explicit mention of these rights prompts' scrutiny regarding the party's commitment to upholding constitutional principles of diversity and cultural expression. This is especially concerning taking into account the preconceived notion of the ACDP being a party that favours one religion or culture (namely, Christianity) above others. The party's manifesto makes no attempt to rectify this assumption as it remains silent on matters of race or culture, touching on the former only insofar as the party pledges to *“end cadre deployment and race-based policies that have caused inflated prices and resulted in a “tender-preneur” economy.”*

More surprising, however, is the apparent lack of compliance by the party with the constitutional right to be free from slavery, servitude or forced labour. The party states that it will *“broaden prison labour programmes whereby prisoners will learn various skills and contribute to the cost of their boarding and lodging”*. While this may seem a noble endeavour, it calls into question the party's stance against forced labour, with the reward being boarding and lodging in an imprisonment facility.

The party does stand in favour of protecting property rights, advocating for *“just and equitable compensation”* to be paid for any expropriated land and calling for a government-facilitated approach to land access for rural and entrepreneurial farm workers.

In terms of governance implications, the ACDP's manifesto suggests a conservative approach to social issues, prioritising traditional family values and religious freedoms. However, the lack of acknowledgment of certain constitutional rights and principles raises questions about the party's inclusivity and commitment to upholding the Bill of Rights. If in power, this approach could potentially lead to policy decisions that favour certain religious or cultural groups over others and may overlook the rights and protections guaranteed to all citizens under the Constitution.



## 8. African Transformation Movement (“ATM”)

The [ATM's manifesto](#)[8], while comprehensive in addressing various aspects of governance, economic development, community empowerment and social welfare, lacks explicit references or adherence to several key rights enshrined in the Bill of Rights.


Firstly, regarding the right to life, the manifesto states that for the next parliamentary term, it commits to institute a constitutional review process “*to ensure the Constitution is a reflection of the will of the people*” and that it will achieve this by the “*introduction of Capital Punishment to deal with heinous crimes and serious murders*” and ensuring that “*heavier sentences are imposed for deserving categories of crime*”. Looking at the Bill of Rights as it currently stands, section 11 thereof states that “*everybody has the right to life*” and Constitutional Court cases, such as that of [S v. Makwanyane](#), have expressly deemed the death penalty to be unconstitutional. Furthermore, the party calls for the banning of bail for certain categories of crime - questioning its adherence to the right to be free from slavery or servitude.

It is noteworthy that the party does call for the triumph of the rule of law - specifically African-Customary law - through the establishment of courts in rural and outlying areas.

On the topic of non-racialism, the manifesto classifies the party as one that follows a policy of “*humanism*”, emphasising that “*there is only one God and only one race, the human race*”.

Similarly, there is no mention of the right to privacy, freedom of expression, freedom of assembly, freedom of movement, the right to choose one's trade or occupation, or the right to participate in the cultural life of one's choice.





The manifesto also appears to be in contrast to the Bill of Rights insofar as property rights are concerned. It pledges to “*expropriate land without compensation*” and “*limit landownership strictly to South African citizens*”.

However, the manifesto does align with certain aspects of the Bill of Rights. For instance, Pillar 5 of the manifesto emphasises promoting a healthy and environmentally protected community, which correlates with the right to an environment that is not harmful to health or well-being. Additionally, the focus on enhancing local economic development (Pillar 2) and providing integrated sustainable human settlements (Pillar 3) aligns with the broader goals of socioeconomic rights, such as access to adequate housing, water and sanitation.

Furthermore, the manifesto emphasises accountability, good governance and the professionalisation of municipalities, which indirectly supports principles of transparency and accountability inherent in the Bill of Rights.

In summary, the ATM’s manifesto lacks explicit adherence to key rights in the Bill of Rights. It advocates for capital punishment and limits on bail, potentially conflicting with the right to life and freedom from slavery. While it supports African-Customary law and promotes non-racialism, it overlooks privacy, freedom of expression and crucially, property rights. However, it aligns with socioeconomic rights by prioritising community health and economic development and it emphasises accountability and good governance.



## 9. GOOD Party

The [GOOD Party's manifesto](#)<sup>[9]</sup> prioritises social, economic, spatial and environmental justice, but it notably overlooks several fundamental human rights and freedoms. Absent from their agenda are critical rights such as the right to life, the right to privacy and the prohibition of forced labour. Additionally, there's a glaring absence of commitments to uphold freedom of religion, belief, thought and conscience, as well as freedom of expression. Furthermore, the manifesto fails to address the right to assemble, protest, demonstrate, or picket, essential for civil society engagement and accountability.

Equally concerning is the omission of the right to freedom of movement, vital for individual autonomy and participation in society. The absence of a commitment to support the right to form and join trade unions overlooks the importance of collective bargaining and labour rights in safeguarding workers' interests.

While the GOOD Party's manifesto outlines ambitious plans for justice and economic reform, the glaring gaps regarding these fundamental rights raise questions about the comprehensiveness and inclusivity of their vision for South Africa.



## 10. Al-Jama-ah

Al Jama-ah's manifesto<sup>[10]</sup> articulates a commitment to many constitutional principles, including non-racialism, non-sexism, respect for dignity and the protection of fundamental rights such as the right to life, freedom of expression and access to education and healthcare. However, notable omissions exist in their manifesto concerning certain constitutional rights, such as the right to choose one's trade, occupation, or profession and the right to form and join trade unions.

While Al Jama-ah emphasises the eradication of poverty, the creation of jobs and the provision of dignified housing, there is a lack of mention regarding the right of individuals to freely choose their occupation or join trade unions. These rights are fundamental to the Constitution and play a crucial role in promoting economic empowerment and protecting workers' rights.

With regards to property rights, while the party does not specifically mention “*expropriation without compensation*”, it pledges to “*confiscate state land without compensation to provide backyard dwellers and homeless people 100 square meters of land with a title deed.*”

Furthermore, their manifesto underscores the importance of community empowerment and the right to adequate housing. In this regard it states that, “*Al Jama-ah requests to see the formation of dignified housing for all our communities.*”

However, without specific mention of the right to choose one's occupation or join trade unions, there is a risk of overlooking key aspects of economic and labour rights guaranteed by the Constitution.

Despite being a Muslim party, Al Jama-ah claims to embrace diversity and inclusivity across cultures and languages. They assert that their platform serves as a political space for all communities, irrespective of religious or cultural backgrounds.



## 11. Azanian Peoples' Organisation ("AZAPO")


The [AZAPO manifesto](#)[11], while ambitious in its goals, lacks adherence to several fundamental principles outlined in the Bill of Rights. Notably absent are considerations for the right to privacy, a cornerstone of individual freedoms protected by the Constitution. The manifesto's silence on this issue raises concerns about potential encroachments on citizens' privacy rights under an AZAPO government.

Dishearteningly, the manifesto falls short in addressing key principles of non-racialism and the prohibition of unfair discrimination. Despite South Africa's painful history of racial oppression, the manifesto does not explicitly commit to fostering a society free from racial prejudice and discrimination. This omission undermines the foundational values of equality and inclusivity enshrined in the Bill of Rights.

In fact, the manifesto goes so far as to say that *"most of the political parties in Parliament are either a duplication or multiplication of political forces on the payroll of the white ruling class. This is done in order to maintain the status quo of the concentration of the country's wealth in the hands of the white minority"*.

Statements such as the above in the AZAPO manifesto perpetuate unfair discrimination by promoting racial stereotypes and fostering distrust among different racial groups. By alleging that political parties are controlled by a *"white ruling class"*, the manifesto implies that certain racial groups are inherently privileged or nefarious, which leads to unjust and unfair treatment and marginalisation based on rights.

Ironically, this stands in contrast to the party's statement that *"favouritism and preferential treatment particularly in employment has robbed the civil service of much needed skilled personnel"*. This calls into question whether the party's proposed *"restorative merit-based system"* will alienate certain individuals on the basis of their skin colour.



Additionally, the manifesto fails to adequately recognise the right to freedom of religion, belief and opinion. While it touches on cultural expression and heritage, it neglects to affirm the importance of protecting individuals' rights to hold diverse religious beliefs and express their opinions without fear of persecution or censorship. This is because the manifesto only expressly refers to the promotion of “*indigenous languages*” or “*black people*”. One must ask the question, will Afrikaans as a language be protected under an AZAPO government?

Most strikingly, the manifesto flaunts the slogan “*Bring back the land!*”. When assessing the party’s compliance with property rights, as enshrined in the Bill of Rights, the following emerges: “*Scrap the current land reform policy that is based on a willing buyer-willing seller model and replace it with the expropriating of land without compensation, which shall primarily be applicable to the land owned and controlled by big landlords and their foreign counterparts*”. This approach is completely contrary to the protection against the arbitrary deprivation of land as called for in the Constitution.

Further omissions raise concerns about the potential erosion of religious and intellectual freedoms under AZAPO's governance.

Despite these shortcomings, the manifesto does address certain social and economic rights, such as access to healthcare and education, which are enshrined in the Bill of Rights. However, the effectiveness of these proposals in promoting human dignity and equality hinges on their alignment with constitutional principles, particularly those related to non-discrimination and individual freedoms.

In summary, while the AZAPO manifesto demonstrates a commitment to addressing pressing social and economic issues, its lack of explicit recognition and adherence to key constitutional principles raises concerns about its compatibility with the Bill of Rights. Any government formed on the basis of this manifesto would need to ensure that its policies and actions uphold the fundamental rights and freedoms guaranteed to all South Africans under the Constitution.



## 12. Patriotic Alliance (“PA”)

The [Patriotic Alliance's manifesto](#)<sup>[12]</sup> reveals a mixed level of compliance with the Bill of Rights. While some aspects align with constitutional principles, others raise concerns regarding potential infringements on fundamental rights.


The most prominent issue at hand is that of the death penalty. The PA does not hide its stance on this matter, dedicating an entire section of its manifesto titled “*Return of the Death Penalty*”. The PA defends its position by stating that, “*reinstating the death penalty for the most heinous murders will send the message that South Africa actually values the constitutional right to life of such killers' victims more highly than that of anyone who commits these crimes, often without remorse*”.

This raises multiple concerns. Firstly, questions arise about whether, according to the PA, all lives are deemed to hold equal value under the law and whether the proposed policy aligns with constitutional principles. Clearly, the position of the PA is evidently unconstitutional as it flies in the face of the right to life and previous Constitutional Court judgments (see above).

Additionally, it challenges the notion of justice by suggesting that the state's response to heinous crimes may prioritise victims' rights over the constitutional rights of perpetrators, thereby complicating the ethical and legal landscape surrounding capital punishment.

Despite its origins as a coloured party, the PA now embraces non-racialism, advocating for the abolition of racial categories and promoting a vision of South Africa where individuals are seen primarily as South Africans, not defined by race. To its credit, the PA reiterates this stance by stating that, “*we cannot keep kicking the can of the racial question down the road*”.

[12] Read the full PA manifesto here: <https://www.documentcloud.org/documents/21087890-patriotic-alliance-manifesto>



On matters concerning non-sexism, no unfair discrimination, language and cultural rights, the PA manifesto is clear: *“The Patriotic Alliance also broadly subscribes to the South African Bill of Rights, which proscribes unfair discrimination on the basis of gender, age, sexual orientation, race, sex, class, religion, culture, language, disability status, marital status, family affiliation and other relevant attributes or characteristics. The party has established numerous structures within its ranks to recognise the value of distinct social groupings, including the youth, veterans, women, those with disabilities and members of the diverse LGBTQI+ community”*.

The right to form and join a trade union is not expressly mentioned in the PA manifesto, however trade unionism in general is posited with the PA acknowledging the importance of trade unions in protecting workers' rights, but seeks reforms to address challenges such as wage differentials and protection of underperforming members. They advocate for unions to focus on protecting workers' rights rather than shielding inefficient members, particularly in critical sectors like education and policing.

Similarly, the manifesto's stance on illegal foreigners' conflicts with human rights. The Patriotic Alliance advocates for a zero-tolerance policy on illegal immigration. They propose mass deportation and detention camps for illegal migrants while strengthening measures to prevent their return. The PA views illegal immigration as a threat to South Africa's sovereignty and the rights of its citizens. They argue that prioritising the rights of illegal migrants over citizens betrays the essence of the Constitution, designed for South African citizens. Additionally, they highlight the detrimental impact of illegal immigration on South Africa's economy and security, advocating for stringent enforcement measures by Home Affairs. In the PA's words, *“as the PA we do not wish to hear of illegal migrants' human rights. What about the right of citizenship of South Africans?”*




Now, this contravenes several human rights principles. These include the right to seek asylum, non-discrimination, liberty and a fair trial. Legislation such as the [Immigration Act](#) and the [Refugees Act](#) and international treaties like the [Universal Declaration of Human Rights](#) establish obligations to uphold these rights.

1. **Right to seek asylum:** Mass deportation without due process may violate the right of individuals to seek asylum if they are fleeing persecution or violence in their home countries.
2. **Right to non-discrimination:** Targeting illegal migrants for mass deportation based solely on their immigration status may contravene the principle of non-discrimination, as enshrined in both the Bill of Rights and international human rights law.
3. **Right to liberty:** Detention camps for illegal migrants may infringe upon their right to liberty, particularly if they are held without proper legal recourse or for extended periods.
4. **Right to a fair trial:** Deporting individuals without proper legal proceedings or access to fair trial processes undermines their right to due process and a fair trial.
5. **Right to protection against arbitrary expulsion:** Mass deportation without individual assessment of circumstances may violate the principle of protection against arbitrary expulsion, a fundamental aspect of international human rights law.

On the right to privacy, the manifesto advocates for transparency in the allocation of housing units through encryption and blockchain technology, which could enhance accountability, but also raise concerns about data privacy and surveillance. Privacy of the individual is not mentioned anywhere in the manifesto.

Notably, the PA manifesto “*recognises that the Afrikaans language is not a language of any “enemy” and is widely spoken by numerous groups throughout South Africa, including coloured people. Afrikaans language rights should be respected in the same way all official languages are protected*”. This aligns with language and cultural rights enshrined in the Constitution.



Adhering to property rights, the PA calls not for expropriation without compensation, but rather for the State to expropriate buildings which have been rendered unsafe by illegal immigrants.

In summary, the Patriotic Alliance's manifesto showcases both alignment and discord with the Bill of Rights. While it demonstrates commitment to non-racialism, language and cultural rights and gender equality, it falls short in areas concerning the right to life, freedom of association, privacy and fair treatment of illegal immigrants. The proposed reinstatement of the death penalty contradicts the right to life, while ambiguous stances on trade unions and privacy raise concerns. The zero-tolerance policy on illegal immigration challenges principles of non-discrimination, fair trial and asylum, underscoring the manifesto's mixed compliance with constitutional rights.





## 13. Rise Mzansi


[RISE Mzansi's manifesto](#)<sup>[13]</sup> articulates a relatively well-rounded vision for addressing key socio-economic and governance challenges in South Africa. From a constitutional perspective, the manifesto's emphasis on ending hunger, providing basic services and addressing substance abuse aligns with the constitutional imperatives of socioeconomic rights and public health. However, notable omissions include explicit references to certain fundamental rights, such as the right to privacy, freedom of religion, belief and opinion, freedom of expression, assembly and movement, as well as a more detailed overview on property rights.

The absence of specific commitments regarding these rights raises concerns about the party's stance on civil liberties and individual freedoms. While the manifesto prioritises economic and social development, it is essential to ensure that such efforts do not come at the expense of fundamental human rights. Without clear guarantees protecting these rights, there is a risk of government overreach and potential violations of citizens' liberties.

Moreover, the manifesto's silence on the right to form and join trade unions raises questions about the party's commitment to labour rights and workers' empowerment. Trade unions play a crucial role in protecting workers' rights and advocating for fair labour practices and the only mention of trade unions in the Rise Mzansi manifesto is that, *“rescuing the economy needs the participation and buy-in of all key stakeholders such as trade unions, business organisations and civic groups”*.

Regarding the freedom of movement, glaringly lacking in other manifestos, Rise Mzansi vows to *“manage flow and treatment of inward immigration through diplomatic engagement with neighbouring countries. Extend our borders by addressing immigration flows long before they reach SA”*.

[13] Read the full Rise Mzansi manifesto here: <https://www.risemzansi.org/peoples-manifesto>



The party's manifesto briefly touches on property rights, a more in-depth plan is missing as to how the party plans on executing its position. It claims to want to end hunger and ensure affordable housing by accelerating spatial planning and land redistribution "*using lawful expropriation of such land whenever necessary*". Whether the party supports the Expropriation Bill - which would allow for the expropriation of land without compensation - is not mentioned.

Overall, while RISE Mzansi's manifesto presents a bold agenda for addressing pressing social and economic challenges, its lack of clarity on certain fundamental rights raises questions about its commitment to upholding constitutional principles. As South Africa continues its journey towards inclusive development and democratic governance, it is crucial for political parties to articulate clear and consistent positions on all aspects of constitutional rights and freedoms.



## 14. ActionSA


Based on the [manifesto provided by ActionSA](#)[14], there are multiple aspects in which the party's proposals align with the Constitution, particularly regarding socioeconomic rights and governance reforms. However, the manifesto lacks explicit mention of some fundamental rights enshrined in the Bill of Rights.

While the manifesto emphasises the establishment of an independent anti-corruption agency and strengthening border security to combat illegal immigration and drug trafficking, it does not explicitly address certain constitutional rights. For instance, there is no specific mention of the right to privacy, freedom of religion, belief, thought, conscience and opinion, freedom of expression, assembly, protest, picket and demonstration, freedom of movement, or the right to form and join a trade union.

Regarding socio-economic rights, ActionSA proposes initiatives to address substance abuse, improve healthcare, enhance food security and support vulnerable groups, such as those with disabilities. These align with constitutional principles aimed at promoting social justice and addressing historical inequalities.

But, regarding the issue of trade unions, the manifesto only makes mention of the fact that *“trade unions, particularly SADTU, have been allowed to exercise undue influence over our education system for too long. Under an ActionSA government, SADTU will no longer be allowed to hold the education system and the future of our children at ransom”*. However, there is no explicit mention of the right to form and join a trade union.

Similarly, there is no express mention of the right to freedom of movement, as enshrined in the Bill of Rights. The party does, however, touch on borders by proposing *“increasing control over our borders ensures that all goods and people entering South Africa do so lawfully. We will improve the surveillance and management of our country’s borders by deploying the Border Management Authority (“BMA”) to reduce crime and harmful illegal trade in South Africa”*.



While the individual right to privacy is not mentioned, the party does pledge to *“implement reforms to remove political interference from crime intelligence agencies and ensure that crime intelligence agencies are well-resourced to effectively monitor and halt criminal activities”*.

The manifesto does not reflect upon the broader right of individuals to participate in the cultural life or utilise the language of their choice, but this seems to be promised in the manifesto if one were to read between the lines. In an attempt to accommodate all languages equally, the manifesto states that, *“ActionSA will work towards ensuring that all health departments in public hospitals and clinics employ at least one healthcare professional who is competent at sign language communication”*.

And the rule of law – a cornerstone of any democracy – is indeed widely referenced in the manifesto, with the party vowing to establish more courts to deal with a variety of criminal categories.

However, the absence of explicit reference to key rights raises questions about the party's commitment to upholding all aspects of the Constitution, particularly the Bill of Rights. These rights are fundamental to South Africa's democracy and are essential for protecting individual freedoms, promoting diversity and ensuring equality before the law.



## 15. People's Movement for Change

**Disclaimer:** The constitutional synopsis provided is based solely on the information available from the [People's Movement for Change's website](https://pmc.org.za)[15]. Due to the limited information provided, there may be aspects of their plans that are not fully articulated or addressed. As such, this analysis is subject to the constraints of the available information and may not encompass all aspects of their policy proposals.

The People's Movement for Change's plans exhibit a unique approach to various socio-economic issues, but lack clarity on certain constitutional principles. While advocating for economic revitalisation and infrastructure development aligns with socio-economic rights, the absence of explicit mention of property rights raises concerns, especially regarding expropriation policies. The emphasis on indigenous people's rights, promoting equitable access to resources and opportunities, resonates with constitutional values of non-racialism and non-discrimination. However, there's insufficient information regarding language rights and labour rights, leaving ambiguity on their stance. Additionally, while the information on the website prioritises inclusivity and diversity, it's unclear how they plan to ensure equal opportunities for all communities.

Overall, while the People's Movement for Change addresses some socio-economic challenges, a clearer articulation of their stance on constitutional principles such as property rights and language rights would provide better insight into their policy framework.

## 16. Build One South Africa (“BOSA”)

**Disclaimer:** The following assessment provides an overview of how the policies outlined in the presented “[Jobs Plan](#)[16]” align with the Bill of Rights. However, due to the nature of the document focusing primarily on a Job Plan, rather than a comprehensive manifesto, some details may be lacking for a thorough assessment of adherence to all rights enshrined in the Bill of Rights.

The Job’s Plan, as described in the provided excerpts, demonstrates a commitment to addressing socio-economic issues and promoting job creation. It touches upon various aspects such as education reform, law enforcement and the revitalisation of the criminal justice system.

While these initiatives aim to improve the socio-economic landscape, it’s essential to evaluate their alignment with constitutional principles, particularly regarding socio-economic rights.

In examining the party's stance on socio-economic rights, several points stand out:

- 1. Property Rights:** The plan hints at addressing property rights concerns by advocating for reforms in education and law enforcement, which indirectly contribute to a conducive environment for property ownership and protection.
- 2. Labour or Workers' Rights:** The focus on revitalising the education system and investing in skills development aligns with the promotion of labour rights by enhancing employability and empowering workers with relevant skills.

However, a more explicit manifesto or policy proposals directly addressing expropriation, labour rights, or other socio-economic rights would provide a clearer understanding of the party's stance on these crucial issues.

[16] Access the BOSA Jobs Plan here:

[https://assets.nationbuilder.com/mmusimaimane/pages/296/attachments/original/1706390149/BOSA\\_JOB\\_PLAN.pdf?1706390149](https://assets.nationbuilder.com/mmusimaimane/pages/296/attachments/original/1706390149/BOSA_JOB_PLAN.pdf?1706390149)



## 17. National Coloured Congress (“NCC”)

**Disclaimer:** Due to the unavailability of a comprehensive manifesto or detailed policy documents from the National Coloured Congress, we lack sufficient information to conduct a thorough constitutional analysis of their policies. As such, any attempt to provide a constitutional synopsis would be speculative and may not accurately reflect the party's positions on constitutional matters. We recommend seeking further information directly from the party or official sources once available.

[17]

## Conclusion:

In conclusion, as we approach the South African National Elections on 29 May 2024, it is essential to reflect on the alignment of party manifestos with the foundational values of our Constitution. Through our thorough assessment of 17 party manifestos, we have provided insights into the adherence of these policies to the Bill of Rights, emphasising the principles of equality, freedom, dignity and justice as enshrined in our country's guiding document – the Constitution.

Despite the diverse array of policy proposals and ideological perspectives presented by different parties, one common thread emerges: The commitment to **making our constitutional democracy a reality for all South Africans**, as outlined in the mission of the FW de Klerk Foundation. Our vision is to promote the Constitution, national unity, reconciliation and the accommodation of diversity. In this spirit, it is heartening to witness political parties engaging with these fundamental principles and articulating their visions for the future of our nation.

While some manifestos may fall short in certain areas, there is cause for optimism as we navigate the complexities of our democratic process. Through robust debate, engagement and civic participation, we have the opportunity to shape a future that upholds the rights and freedoms of all citizens, regardless of race, gender, religion, or background.

As we move forward, let us remain vigilant in safeguarding the gains of our hard-won democracy and advancing the values of inclusivity, justice and respect for human rights. By working together, guided by the principles of the Constitution and the mission of **realising our constitutional democracy for all South Africans**, we can build a South Africa wherein every individual's dignity is upheld, every voice is heard and every right is protected.

Together, let us strive to realise the promise of our constitutional democracy and create a brighter future for generations to come.