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Thurs., March 8

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Thanks again for all the help, I hope
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in London.

Regards,

Chris

P.S. If you think that it could be brought
up to date and made publishable, I'd like
to know what you think - my address is Jesus College
Cambridge CB5 8BL

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Thurs., March 8

Dear Albie,

Thank you for meeting with me in November, here's the essay that I wrote about the guidelines. I'd really appreciate knowing what you think about it, but I know that with all of the exciting developments you must be very busy. You'll be amused by the reference to "speculation that Mandela may be released and the ANC legalized" - the announcement about Mandela came two days after I handed it in. Thanks again for all the help, I hope to see you this spring if you're still in London.

Regards,

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P.S. If you think that it could be brought up to date and made publishable, I'd like to know what you think - my address is Jesus College
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Institute of Commonwealth Studies

UNIVERSITY OF LONDON

27-28 Russell Square
London WC1B 5DS



Tel 01 580 5876
Fax 01 255 2160

27/3/90.

Chris You did a nice job,
I hope the examiner liked it.
The important thing is the
debate and involving the
people in it. I don't agree
with your older/younger
internal/external divide.
There are problems, big ones -
but they reside in the
heads of each one of us.
The answer is to work →

democratically, so
that we all take part
in finding solutions.

Best wishes,

Albie.

**THE ROLE OF THE AFRICAN NATIONAL CONGRESS'
CONSTITUTIONAL GUIDELINES:**

**An Evaluation of the Liberal/Radical Debate in the Context of a
Future Democratic South African State.**

**Submitted for the M.Phil. Degree in the Sociology and Politics of
Development**

By Christopher J. Gilligan

January 30, 1990

The African National Congress is widely accepted both within South Africa and in the West as the dominant anti-apartheid organization. If free elections were held tomorrow, political analysts agree that the ANC would be favored to capture the majority of the black vote as well as some of the white vote. In the United States, the Democratic party recognizes the ANC, and the State Department has established official relations with the organization. Recently, several jailed leaders of the ANC, including Walter Sisulu, have been released. Furthermore, there is increasing speculation that the government may engage in negotiations with the ANC, may release Nelson Mandela, and may legalize the organization. Thus, in light of these developments, a review and evaluation of the ANC's political platform is in order.

This paper proposes to assess the recently issued Constitutional Guidelines for a democratic South Africa in the context of the general interest and response that they generated. In June of 1989, scholars at the University of Natal in Durban held a conference on the economic implications of the ANC guidelines. The following month, numerous radical groups such as the Border Students Congress, and the Congress of Border Women, held a workshop on the same topic. It is within this wider political context that the following articles should be read in order to be made relevant to the current South African Situation. Albi Sachs, a member of the ANC's Constitutional Committee that drew up the guidelines in collaboration with the broader leadership of the

congress, generously granted an interview on the background and origin of the principles outlined in the document.

In 1988, the African National Congress published Constitutional guidelines for a democratic South Africa. The guidelines called for a democratic, non-racial state with universal suffrage. A Bill of Rights would guarantee the end of discrimination, and freedom of association, religion, and the press. The state would "take active steps to eradicate, speedily, the economic and social inequalities produced by racial discrimination."¹ In the section on the economy, the guidelines state that the economy shall be mixed, with private, public, co-operative, and family sectors, and that the state will set the rights and obligations concerning the ownership of productive capacity. The remaining sections call for land reform, workers' right to form unions and strike, equality of the sexes, and international non-alignment.

The rationale behind the introduction of these guidelines can be analysed in terms of the following set of considerations:

a)The guidelines follow the Freedom Charter adopted at the Congress of the People at Kliptown in 1955.

b)They are intended to provide a more concrete set of proposals for the future of South Africa. This demand for a more elaborate and complete framework grew out of the previous 1979

¹Constitutional guidelines for a democratic South Africa, article J. See appendix A.

experience in Zimbabwe; the ZANU(PF) performed poorly at negotiations on the future of that country because of a lack of preparation.

c) Another reason for writing the guidelines was that the popularity of the ANC rose within the country in 1983-84, while the Pretoria regime grew increasingly isolated. Originally, the ANC intended to produce an actual constitution, but the leaders concluded that a "sovereign, popularly elected constituent assembly" should perform that task.²

In light of the above, one could argue that the guidelines represent a general theoretical framework outlining the principles of democratic leadership rather than a precise set of strategies and policies of implementation. In this sense, the guidelines are primarily meant to exemplify the political aspirations that the ANC leadership would bring to the negotiating table, i.e. an ideal vision of a future South Africa. For example, the authors call for "irreversible redistribution of wealth," but do not set out any measures or policies that would allow them to carry out redistribution. Given this primary conceptual role of the guidelines, they can only be understood as the spring board rather than the political debate platform. The authors state that "Extensive and democratic debate on these guidelines will mobilise the widest sections of the population to achieve agreement on how to put an end to the tyranny and oppression

²Ian Phillips, "The Economic Implications of the African National Congress' Constitutional Guidelines for a democratic South Africa," conference at University of Natal, Durban, 28 June 1988. Introduction.

under which our people live. . . ."³ Indeed, in this respect the guidelines have succeeded in promoting debate. The section concerning the mixed economy land reform and redistribution of wealth have been instrumental in creating a climate favorable to discussion of their merits and disadvantages.

In his article "The ANC's Constitutional Guidelines: An Economic Assessment," Fuad Cassim argues that mixed economies have been widespread in Western economies, and that "interventions by the state have been undertaken in many Western countries to stabilise and promote economic growth."⁴ He observes that the state can undertake many long-term strategic projects, such as transportation and public utilities, which would be too risky or unprofitable for the private sector. For Cassim, the state's role should be that of the provider of health, education, and social services, because the private sector has neither the incentive to provide for the poor nor the interest to engage in preventative health care. Furthermore, only the state is capable of establishing a coherent national economic policy and thereby directing the economy. Within this state directed economy, Cassim allocates a dual role to the private sector:

³Constitutional Guidelines, paragraph three of introduction.

⁴Fuad Cassim, "The ANC's Constitutional Guidelines: An Economic Assessment," paper presented at the Conference on Economic Alternatives for South Africa (the Economic Society of South Africa and Wits Business School), 1 March 1989, p. 4.

a) The private sector can satisfy the needs of the people "as producers and consumers," thereby reducing the burden on the state.

b) The private sector, being more flexible than the state, can "provide signals and incentives, and stimulate cost reduction and adaptation to technological change."⁵

Daryl Glaser, in "Democracy, Socialism, and the future," presents a more pessimistic view of the future of the economy in South Africa. He focuses on the inherent tension between the two competing economic models (mixed economy vs. complete nationalization), in order to emphasize the ultimate political impasse awaiting future South African democratic governments. The political left will see the proposal of a mixed economy as a bourgeois policy indicating that the ANC has abandoned socialist goals. On the other hand, rapid nationalisation would be an economic and political disaster. For it would lead to a "breakdown of functioning economic structures; the premature, gratuitous alienation of strategically or numerically significant social sectors; and an inevitable slide into bureaucratic, centralised and statist patterns of economic management."⁶ Glaser's final conclusion has primarily the character of a warning rather than the statement of a political option for it states that even the most politically radical

⁵*ibid.*, p. 6.

⁶Daryl Glaser, "Democracy, Socialism, and the Future," paper presented at The Economic Implications of the African National Congress' Constitutional Guidelines for a democratic South Africa, conference at University of Natal, Durban, 28 June 1988, p. 12.

parties must acknowledge at least the need for a transitional period of mixed economy.

Gavin Maasdorp addresses the issue of a mixed economy for South Africa by reviewing and drawing from the experiences of several centrally planned economies, including the USSR, GDR, Rumania, and Czechoslovakia. On the basis of this evidence, he argues that:

a) Centrally planned economies suffer from a lack of information, and that consequently "the plans bear little relation to reality, and inevitably turn out to be inefficient."⁷

b) Centrally planned economies are "wasteful of capital, labour and natural resources." Thus, he concludes that perestroika and wide spread reforms in Eastern Europe constitute an admission that central economic planning is a failure.

Ari Sitas applies Maasdorp's observations about centrally planned economies to South Africa. Turning, on the other hand to the libertarian model, Sitas finds it also a nonviable alternative for South Africa. For, he argues, a free-market economy would fail to address the extreme economic and social inequality that apartheid has produced, thus explaining away an important aspect of contemporary South African society. He claims that the

⁷Gavin Maasdorp, Ari Sitas, and Peter Corbett, "Implications of the ANC's Constitutional Guidelines for economic growth, and for income and wealth distribution, in the light of experiences in other countries," paper presented at The Economic Implications of the African National Congress' Constitutional Guidelines for a democratic South Africa, conference at University of Natal, Durban, 28 June 1988, p. 2.

government must intervene to close the gap in income and welfare between blacks and whites, "for the sake of its own survival if for no other reason."⁸ Having ruled out both centrally planned and free-market economies as acceptable alternatives, Sitas agrees with the ANC's proposal of a mixed economy.

Sitas urges caution concerning nationalisation. Nationalisation, he argues could discourage investment and thereby stifle economic growth. It could result in decreased state revenues due to drops in economic activity and efficiency. Furthermore, it may be inadvisable in light of the equal opportunity, education, and housing programs that many of the multinationals have sponsored. He calls on the government to nurture "the market as the engine of growth in an efficient, mixed economy,"⁹ and to focus on Black economic empowerment through an increased role in ownership and management and through equal access to education and social services.

Turning from the liberal academic responses to the guidelines to the response of more radical groups such as the Border Students' Congress, Congress of Border Women, et al., one finds that there is a wide disparity in the ways each group employs certain key concepts that remain vague and ambiguous as introduced by the ANC. The interpretation, usage, and understanding each group assigns to such concepts as "mixed

⁸A. Sitas, *op. cit.*, p. 5.

⁹*ibid.*, p. 8.

economy," or "freedom of speech," etc., is obviously guided by each group's own political agenda. Since each political group exploits the original ambiguities contained in the text in a manner that would render the ANC's goals consistent with their own.

The radical response is enumerated in the minutes to the Workshop on the Constitutional Guidelines conducted in July, 1989. On the issue of the economy, the participants in the workshop support a mixed economy. However, they would utilise a mixed economy as "system for transforming South Africa into a socialist state."¹⁰ Furthermore, they define a mixed economy as one where the state owns the majority of industry, while only a small private sector remains. They call for price fixing, limitation of capital intensive industries that result in unemployment, and measures to stop efflux of capital. They propose farm subsidies, increased wages for laborers, training of farmers, and state control of food prices. At the same time, they desire continued foreign investment and entrepreneurship.

Workshop participants demand redistribution of wealth. They suggest that revenues obtained through nationalisation and taxation could be used to finance social services and welfare. They also call for massive redistribution of land and limitations on the amount of land that an individual may own. They endorse freedom of speech, association, and the press, but specify that these rights should not allow individuals to promote dissension.

¹⁰Border Students' Congress, Workshop on the Constitutional Guidelines, p. 4.

In their view, the press should be a "people's press," and "should not be allowed to propagate racism, false propaganda, etc."¹¹

Several critiques of the radical response to the guidelines may be introduced on the basis of the internal tensions and latent contradictions contained within the response itself. For example, they call for widespread nationalisation, heavy taxation, and price-fixing, all measures that have historically discouraged investors, but they also desire foreign investment and prevention of capital efflux. The workshop participants offer no explanation as to how foreign investors could be convinced to invest in such an environment. On the subject of rights, they support freedom of speech and the press, but at the same time they make provision for the government to abrogate those rights when in its view the speech promotes dissent. The radicals may also be criticized for failing to take into account the unsuccessful nationalisation programs in Tanzania and Mozambique. In this sense there appears to be no recognition of the problem, let alone an attempt to support the claim that nationalisation in South Africa would be more successful. Moreover, they do not explain how they would run highly sophisticated sectors of the economy in the event that technicians and professionals emigrated in response to nationalisation.

The Liberal responses also face serious weaknesses. First, Maasdorp's attempt to link the ANC's reduced emphasis on

¹¹ibid., p. 3.

nationalisation in the guidelines to perestroika and recent liberal reforms in Eastern bloc countries is both anachronistic and misleading given that the guidelines were written before the force and magnitude of perestroika were evident and before many of the changes in Eastern Europe had begun. Second, all of the liberal arguments except Glaser assume that black South Africans will be satisfied if a new government ends apartheid and institutes welfare and social service programs. Upon reading the minutes to the workshop, it is clear that many South Africans will not be satisfied with anything short of massive redistribution of land and wealth, and extensive nationalisation.

ANC aims to include all classes, and wants "the working class to be involved in the struggle as a leading force, while we also seek to ensure that the capitalists, as well, act against the apartheid regime. . . ." ¹² This attempt to please both workers and business interests can be seen partly as the motivation leading to the kind of vague economic proposals introduced in the guidelines. Big business, the world press, and western countries are alienated by socialist programs, but critics of the ANC within the anti-apartheid movement see the "racial capitalism being replaced by an equally exploitative system in which the socialist promise is reduced to rhetoric and unnecessarily postponed." ¹³ The great gap between the expectations of liberal supporters of capitalism on

¹²ANC speech, 1986, quoted in H. Adam's "Exile and Resistance: the African National Congress, the South African Communist Party, and the Pan Africanist Congress," in A Future South Africa: Visions, Strategies and Realities, P. Berger and B. Godsell eds. p. 114.

¹³D. Glaser, op. cit., p. 9.

one hand, and of militant proponents of socialism on the other, becomes evident in the different and incompatible interpretations of the guidelines that each group introduces.

The liberal academics support a mixed economy involving a large private sector, little nationalisation of industry, government planning at a macro-economic level, and government intervention in education, health, and social services. Groups such as the Border Student's Congress support a mixed economy meaning a small, highly controlled private sector, and large scale nationalisation. The same groups support freedom of speech and association, but introduce the important qualification that such rights do not apply when actions or speech are interpreted by the ruling party as promoting dissension or spreading false propaganda. The liberals support freedom of speech and association in the broad sense, including the right to voice ideas that are critical of the ruling party.

The ANC faces many internal tensions and conflicts: older leaders such as Mandela and Sisulu do not perceive the situation in the same way that younger leaders do; external wings of the congress have a more conservative bent than internal ones; the military branch desired to take power through military struggle while the political branch has understood military strength as a means of achieving a stronger bargaining position. In a similar manner, the large and diverse constituency of the organization is divided by different goals and expectations for the future of the

nation. Martin Murray argues that the diversity of the anti-apartheid movement has been a double edged sword; on one hand, diversity leads to strife and dissent, but on the other, it "enriched and dynamized the mass movement, sparking ideological debate and growth."¹⁴ The diversity among supporters of the ANC may equally be seen as a double edged sword implying both a strength and a weakness. As noted earlier, if the ANC comes to power it will never meet the expectations of all its backers, it will never fulfill all of the expectations of both radicals and liberals. Nevertheless, debates such as the one that the guidelines provoked may continue, and may constitute a valuable contribution to the determination of the future course of South Africa. A dynamic, on-going dialogue concerning the policies and strategies of the nation may help a future government to avoid the pitfalls of dogmatic and unimaginative leadership. Given the broad popularity of the ANC, this potential government may be able to create an environment in which the people would perceive its leaders as representative of and responsive to the people's needs. Thus, by virtue of its wide appeal, the ANC may lead the diverse sectors of South African society to engage in arguments of policy rather than warfare over the control of the country and its resources.

¹⁴M. Murray, South Africa: Time of Agony, Time of Destiny, p. 438.

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