

Planning for Post-Apartheid SA

South Africa's two exiled liberation organisations, the African National Congress (ANC) and the Pan-Africanist Congress (PAC), have each produced discussion papers on a post-apartheid South Africa. The ANC's proposals are called 'guidelines' or a 'working document.' The PAC's proposals are called a 'manifesto.' The two papers differ significantly in important areas. The ANC's approach is cautious and pragmatic; the PAC's approach is stridently authoritarian and uncompromisingly socialist.

The PAC, weakened by years of internal strife, is trying to revitalise itself, but new divisions are appearing between moderates and radicals. The author of its manifesto is said to be Professor Siphoshe Shabalala, of the University of Zambia, who is a member of the PAC's Research Bureau.

The ANC takes a contemptuous view of the PAC, dismissing it as too unorganised and lacking in support to be accepted as a major element in the liberation movement. But African and other governments are applying pressure on both organisations to settle their differences, and form a united, anti-apartheid front.

Two Year Task

The ANC, as the senior organisation, has put a great deal of effort into framing its 'guidelines.' A Constitutional Committee, supported by numerous individual contributions, has worked intensively on the document for two years. The document is almost ready to be distributed to black organisations in SA and ANC supporters in various countries. It is the most comprehensive policy document the ANC has produced since adoption of the Freedom Charter in 1955.

But the ANC is at pains to explain that the 'guidelines' are not a constitution. A constitution can be drawn up only when the ANC is able to campaign freely in SA and submit its proposals to the people of the country. Distribution of the 'guidelines' is intended to initiate a de-

bate on a post-apartheid society, and only when it has been studied by the major black organisations will it be released for public discussion.

Self-Criticism

The ANC is undergoing a major re-think not only on post-apartheid policies, but also on its present structure and organisation. A sympathetic commentator has referred to an 'orgy of self-criticism' at the ANC's headquarters in Lusaka. The organisation has suffered setbacks through the arrest and deaths of many of its armed cadres in SA, it has been infiltrated by informers, it lacks facilities, and its bureaucracy is recognised as having become too unwieldy, while, in SA, organisations like the United Democratic Front (UDF) and Congress of SA Trade Unions (COSATU), have been hard hit by the February restrictions.

Not all ANC supporters are enthusiastic over the 'guidelines.' They feel the ANC may be conceding too much too soon. Among the sceptics are communists, although in other areas the SA Communist Party element in the liberation movement has been more pragmatic than some of the black 'nationalists.'

In drawing up the 'guidelines,' the ANC has been motivated by two important considerations: (a) repeatedly, it has to face criticism that the Freedom Charter is too vague - US Secretary of State George Shultz asked ANC president Oliver Tambo how he proposed to implement the FC. (b) Proposals for a post-apartheid constitution are flowing thick and fast and the ANC does not want to be left standing on the sidelines while others draw up SA's constitution for it.

Following are some of the main points from the 'guidelines' (see also 'Work in Progress' (Johannesburg) April/May 1988).

Report by Stanley Uys.

The ANC's New 'Guidelines'

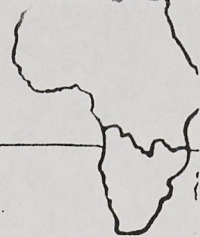
The ANC's new guidelines have been drawn up by an eight-member Constitutional Committee functioning under the organisation's Department of Legal and Constitutional Affairs, which was established two years ago and was headed by Zola Skweyiya, a lawyer who studied at Fort Hare University in the Eastern Cape and later obtained a doctorate in the German Democratic Republic. Skweyiya is also vice-chairman of the Constitutional Committee.

Chairman of the committee is Jack Simons, congress veteran and a former professor of African Government and Law at the University of Cape Town, who went into exile in the 1960's and taught at the University of Zambia. Another prominent member is lawyer Albie Sachs, whose speciality is the Bill of Rights. (Sachs was severely injured in a bomb blast in the Mozambique capital Maputo in April and is now in London recovering from his

injuries. His right arm was severed above the elbow, the sight of his left eye is impaired, his right ankle was fractured and his body was pitted with shrapnel. His impaired hearing, however, is recovering).

No fewer than 10 drafts of the new guidelines have been drawn up, the last being at a four-day seminar in Lusaka last March. 'Dozens of papers were delivered at the seminar, the keynote paper on the economy being presented by the ANC's Director of Information (and Tambo's aide) Thabo Mbeki. Other papers presented were on the land question (Tessa Marcus and Barney Pitso), education (Andrew Masondo) and the judiciary (Nat Masemela).

The committee examined about a dozen African constitutions and a dozen other constitutions, ranging from



Sweden to Cuba. The committee spent a week in Czechoslovakia last year.

Economy

The pragmatic approach envisages a mixed economy - a combination of state, private and co-operative enterprise. The key phrase in the Freedom Charter is: 'The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole... and all the land redivided amongst those who work it.' These few words in a lengthy document leave many questions unanswered, and the new guidelines do not attempt to provide all the answers.

But, according to a senior ANC source, lessons have been learnt from the Zambian experience, where the state nationalised the mines, taking a 51% interest and leaving the Anglo American Corporation of SA with 49%. 'But there were no Zambians to run the mines,' the source said. 'They had to rehire Anglo to do it for them. Anglo did it, through their hastily-formed Bermuda based Zamanglo. Zamanglo is still running Zambia's mines, and Zambia has to rely entirely on their goodwill - they can't check the books, can't verify the profits, the turnover, anything, because Zamanglo is offshore. We must be careful to avoid that.' (Ed. note: in fact Zambia took over the management contracts in 1974/5 and the Anglo holding subsequently fell to 27.3%).

ANC leader Oliver Tambo, on whose initiative the Constitutional Committee was appointed, has warned repeatedly that the present great disparities in wealth in SA will not be allowed to continue. On the other hand, the ANC has also learnt the lesson of Mozambique: that an exodus of white skills seriously damages an economy.

Skweyiya notes: 'Can we honestly say that on day one we will be able to replace all the skills, the entire skilled strata, with skilled managers, planners and workers on our own? Look what happened in so many African countries - the white settlers, the colonists, ran away, leaving the economies to crumble. Any policies we pursue must be developed with that permanently in our minds.'

Form Of Government

The guidelines envisage a unitary, non-federal, non-racial state. The committee examined federal constitutions, like those of Nigeria and the United States, but rejected federalism because it would weaken a post-apartheid government's ability to control the direction and pace of change and delay the eradication of racialism.

However, the guidelines provide for substantial local government powers. Among the systems studied were those in SA, Portugal, Nicaragua and the GDR. In the GDR (where Skweyiya studied), local government exercises considerable control over many areas of industry. Devolution of powers to local authorities avoids creating regional or ethnic groups where ethnicity is perpetuated.

Although the guidelines make no formal recommendation, the ANC is likely to follow the African example of electing a president rather than a prime minister.

Tambo on 'Guidelines'

ANC President Oliver Tambo said in London (June 11, 1988) that the draft constitution for a post-apartheid SA had reached an 'advanced stage' and would soon be presented to ANC members and 'the mass democratic movement inside SA'. The new guidelines were based strictly on the Freedom Charter.

Tambo said the question of ANC bases in Angola had not been raised at the London talks (May 3,4) or at the subsequent Brazzaville talks (Front File Vol. 2, No. 7). But he understood they had been raised during the Brazzaville talks 'in the corridors - unofficially'. (Front File reported that in February Angola proposed to SA that when Namibia became independent, SA should withdraw support from UNITA and Angola would withdraw support from the ANC).

In another interview (Independent, June 14, 1988), Tambo said Chris Hani, Chief of Staff of the ANC's armed wing, Umkhonto we Sizwe (Spear of the Nation), was offering a 'personal view' when he said that 'reactionary judges' in SA, Members of Parliament and other whites directly involved in enforcing apartheid were legitimate targets. Hani said he would also like to see attacks in white areas 'to make apartheid expensive and costly in terms of financial resources and in terms of lives'.

Tambo said Hani was speaking as an individual. 'Perhaps that is how he would regard these things, but he is governed by policy in terms of what actually happens ... The decision we have taken is that our targets are military and police establishments, and specifically not civilians. Of course, he is not an ordinary individual, he is Chief of Staff, which is not unimportant, but even the Chief of Staff is subject to the political control of the ANC'.

Bill Of Rights

The guidelines reject the concept of 'group' or ethnic rights and offer instead a Bill of Rights which will entrench individual rights (some Soviet Africanists disagree: see Front File May, July, August 1987 and May 1988). The guidelines envisage a complete ban on institutions structured or organising on racial lines. Skweyiya: 'Obviously the (ruling) National Party would have no place in that society'. Constitutional Committee secretary Z.N. 'Job' Jobodwana: 'We see parties like Inkatha and the bantustan (homeland) parties as contributing nothing. Their tribal, ethnic base will act against the whole concept of a united, democratic South Africa.' The ultra right Afrikaner Resistance Movement (AWB) would be banned.

Trade Unions

The independence of trade unions will be entrenched. Skweyiya: 'The (March) seminar was very clear that it did not want to see the trade unions tied in to the ruling party.' The right of workers to strike, not contained in the Freedom Charter, will be legalised.