

Constitution Committee
African National Congress
Lusaka
7 April 1988

The President
Comrade J R Taambo,
African National Congress,
Lusaka.

Dear Comrade President

Constitution Guidelines and the In-House Seminar

The Constitution Committee welcomes the opportunity to discuss the outcome of the Seminar held on March 1-5, 1988 and the need to find appropriate ways to follow this initiative.

It is our opinion that the papers presented and the discussion on them were generally of a high ~~order~~ standard. . We think it proper to add that most of the authors and probably the participants belonged to the 'middle-range' of our movement's leadership and fell within the age group 25-40. They showed an excellent grasp of the movement's objectives and the problems we experience in bringing our struggle to the point of transferring control of our country to a people's democracy such as is contemplated in the Guidelines.

The participants were told that the Guidelines had been approved by the NEC and was indeed its creation, something with which you were closely identified since its inception and at important stages in its development. This being so, the Seminar might debate and criticise but could not change the principles or wording. A resolutions committee appointed to record outstanding issues consequently decided to present a report on the discussion rather ~~making~~ ^{prevane} than a set of resolutions ~~which~~ ^{since these would have no binding effect.}

This cautious approach and the sober language of the Guidelines were scarcely calculated to inspire great enthusiasm. The document is anything but rhetorical, it deliberately ^{abstains} ~~abstains~~ from making extravagant promises and has to be read carefully to absorb the full implications of its clauses. It is in fact a lawyer's document rather than a manifesto or declaration calling on people to rise against the oppressors. This was the approach that the NEC adopted. Like our own Freedom Charter it should be studied and explained clause by clause, at conferences and in our branches throughout the movement. Our members must be prepared to defend the constitution against hostile critics and even sympathisers who disagree with one or other principle set out in the Guidelines.

The resolutions committee drew attention to four issues that received much attention and seemed to call for further discussion by the NEC. These were

1. the land question;
2. the nature of the economy;
3. national communities in the bantu-homelands; and
4. the multiple party system.

The Land

We sensed a feeling of shock, almost of outrage, at the failure to condemn the gross injustice in the distribution of land - 87 % for fewer than 5 million whites, 13 % for more than 25 million Africans, and virtually none set aside for 3 million Coloured and close on a million Asians.

It is not enough deal with inequality under the general rule that all kinds of discrimination on grounds of race and sex will be outlawed in a liberated South Africa. People want to know how the ANC proposes to correct this abominable consequence of three centuries of colonial conquest, expropriation of land and forced labour. The Guidelines are unsatisfactory on this issue. The Committee suggests that they should be used to transmit the demand of the landless of all national groups for land to live on and cultivate; assure the three million 'surplus people' that justice will be done to them; point the way to dealing with the colossal agro-business which are private enterprise concerns that dominate vast tracts of land in ~~various regions~~; and ~~and~~ indicate our determination to combine land reform with a high output of agricultural foodstuffs and raw materials for industry.

The nationalisation of land, public ownership and state control of land usage, is a necessary first step to land reform and should be so stated in the Guidelines.

The Economy

Strong exception has been taken also to this section of the Guidelines. It lists various forms of organisation that reproduce the existing apartheid structures, with slight acknowledgment of the claims of small-scale, self-help enterprises and collective production. The critics point out that this programme falls far short of ^{the} ~~undertaken~~ ^{ing} in the Freedom Charter to dismantle monopolies and open the market to both private and public entrepreneurs under state supervision - which incidentally is effectively enforced today by the apartheid state. An anti-monopoly stand is consistent with free market capitalism and is institutionalised in the laws of both the United State and the United Kingdom. Why should we promise less ?

National Minorities

The bantu-homelands are in a condition of revolt. The Guidelines fail to reflect the ^{or} ~~tr~~ubulence or suggest a remedy. To promise respect for chiefs is so far

removed from the concerns of most people in these 'border' areas as to appear somewhat absurd. Our policy of mass mobilisation and maximum unity surely point^s to the promotion of an alliance with rural workers, peasants, migrants, commuters and work-seekers in the more highly developed labour market of 'white' South Africa. ~~Some 15 million Africans.~~ Let us make the Guidelines meaningful and a source of inspiration to some 15 million Africans who are residents or citizens of the bantu-homelands, often against their will.

Political Pluralism

There is a huge gap between our membership's expectations of a seizure or other method of taking power and the prospect of taking part in an election side by side with scores of other parties. The prospect is sufficiently daunting to spread discouragement instead of enthusiasm about the return from exile. The NEC might give its mind to the possibility of proposing something like a constituent assembly to prepare the way for an election .

Albie Sacks

We make no apology for putting into words our sense of shock and outrage at the murderous assault on Albie by the same hand that murdered Dulcie. He was close to us - a dear friend and esteemed colleague who^{se} contribution to the work of our Committee and indeed the entire movement is beyond praise. We wish to condole with you and through you all the devoted members of our great enterprise for the liberation of our country from a ~~tyrant~~ tyrant who is evil personified but whose end is certain.

Maatla !
Amandla '
Comradely Yours

Jack Simons
Constitution Committee

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