

The Patriotic Front: Can it prevent a Constituent Assembly compromise?

DEVAN PILLAY assesses the implications of the move towards forming a Patriotic Front of all liberation forces by August in the context of the debate around the All-Party Conference, Interim Government and Constituent Assembly, and the ANC's ultimatum to the government on the recent upsurge in violence

The recent highly successful meeting between the ANC and PAC in Harare has paved the way for a Patriotic Front of all liberation organisations. This is a highly significant development, given the real differences that exist between the ANC and PAC on a range of issues. There seems to be a renewed determination among liberation organisations to concentrate on what unites them - their common interest in a democratic government - in the face of the white minority's attempts to entrench divisions among the oppressed, and ensure increased legitimacy for president FW De Klerk.

The regime's agenda

The ruling elite's agenda is simple and, by now, clear: Use the instability and ill-discipline in the townships (which is caused primarily by the deprivations of apartheid) to sow discord and enmity amongst the oppressed, in order to show that the black community, and their political representatives, are deeply divided; and pander to the deep-rooted racism of the white minority (and the ignorance of many black, in particular coloured and indian, people), by portraying african people as violent 'tribalists', who can only be saved by the intervention of a 'neutral' white government. It hopes to convince enough people that its presence - as a 'civilising' force - is necessary in any future political arrangement.

This strategy was recently summed up by an ex-Cabinet Minister: What De Klerk is doing to the ANC is similar to forcing a person's head under-water, but pulling out it just in time to prevent drowning.

The ANC needs to be severely destabilised and disoriented so that it loses much of its appeal and effectiveness. But the ruling class needs the ANC to give any future political settlement legitimacy - it therefore should retain enough credibility and strength to be of use to the ruling class, but not enough to be the dominant actor.

De Klerk wants to emerge out of the chaos his party has created as a moderate peace-maker constantly in search of solutions, while Mandela and the ANC are painted as inconsistent purveyors of problems, at best unable to control the ever-present 'hawks' in their midst, and at worst having a secret agenda to foment instability and 'revolution'.

Besides winning increased legitimacy, which they hope will translate into majority support for an NP-led alliance in any future election, the De Klerk regime also wants to win acceptance (through the portrayal of endemic 'tribal' warfare) for a camouflaged ethnicity-based constitution, which will guarantee the essence of white (capitalist) power.

Unity of the oppressed?

The response of the representatives of black aspirations is also simple and straight-forward - oppressed people have to close ranks against a common (predominantly white) racist enemy. Not to do so spells certain death for a democratic solution to the apartheid crisis. De Klerk will continue to take the initiative, which will ensure the continuation of white domination (albeit with a 'multi-racial' facade).

But the unity-of-the-oppressed re-



sponse is not without its own tensions and strains. The ANC-Cosatu-SACP alliance stresses non-racial unity, while the PAC insists on 'african' unity (the definition of which seems to be quite fluid). Both, however, are focussed on achieving national liberation as the first step towards some sort of socialist, or social democratic, transformation. The two much smaller players, Azapo and Wosa, advocate a 'direct' route to socialism, with Azapo emphasising black unity and Wosa non-racialism.

A Patriotic Front is intended to also include a range of community, women's, youth and student organisations allied to one or other political position. The crucial binding factor is the desire of all of these political formations to see a constituent assembly decide the constitutional future of the country (if Inkatha, the other significant player amongst the oppressed, is included in a Patriotic Front, as has been suggested by some, then this basis for unity falls away).

But again, crucial differences exist, amongst and within these organisations, over how to pressure the apartheid state to give in to the demand, and what the exact nature of the constituent assembly should be.

There are broadly speaking two extremes: On the far left, the principled non-collaborationist 'maximalists', and the (unprincipled?) pragmatists on the right



Mass action: The only way to force the regime to concede to the demand for a Constituent Assembly

forces are too weak to put socialism on the agenda', will not be the democratic assembly that will empower the powerless.

Azapo and Wosa, then, while supporting the demand for a constituent assembly, are actually very close to the insurrectionist position of sections of the PAC youth. If engaging on the terrain of negotiations is out, then the alternative has to be the seizure of power by force (or at the very least forcing the regime to the point of collapse, when it will agree to all the demands of the revolutionary forces).

But is this all-or-nothing approach realistic? Do conditions allow for an insurrectionist strategy, or is such an approach at best romantic and at worst dangerous and counter-productive (see Bloch on page 32).

PAC and ANC move closer

The PAC shares much of the concerns of Azapo and Wosa, although there are strong moves within the PAC to adopt a less uncompromising position on negotiations with the regime. At the very least, however, the PAC's position remains one of rejecting negotiations with the regime, within an all-party framework or otherwise, until all the conditions of the Harare declaration - the removal of all obstacles to negotiations, such as the freeing of political prisoners, return of exiles, repeal of security legislation, etc - are met (after the historic ANC-PAC Harare meeting, and the ANC's ultimatum to the government, the ANC has reaffirmed its commitment to this position).

There therefore seems to be movement on both sides. However, there is still a measure of ambiguity as to whether the ANC is prepared to enter all-party talks in the hope that it will be able to convince the other parties of the wisdom of holding elections for a constituent assembly.

In addition, the ANC and its allies are demanding that an interim government be put into place once obstacles to negotiations have been removed, and serious negotiations begin. In other words, the present government should resign, and an 'interim government' (consisting of the major players across the spectrum), which would rule by decree, should take its place.

The PAC, along with Azapo and Wosa, reject this idea, because it does not want

wing of the liberation movement. In between these are varying shades of opinion which, to some extent, cut across all the organisations.

Just beyond the two extremes on either side are political positions among the oppressed which fall outside the constituent assembly consensus.

On the 'ultra-left' edge is the Western Cape-based New Unity Movement (who reject the constituent assembly demand 'at this stage') and completely off the ledge are sections of the PAC youth, who see the constituent assembly demand as a 'sell-out' demand.

On the 'ultra-pragmatist' right is Inkatha, which at best adopts a defeatist position (the regime won't give in, so we have to compromise), and at worst is part of the De Klerk game plan (it mimics De Klerk virtually word for word).

Both positions, however, feed into the perspectives of the far-left and the pragmatists at either end of the constituent assembly consensus.

All or nothing

The 'maximalist' position starts from the premise that the struggle is for everything, or nothing. Anything short of the total defeat of the apartheid capitalist ruling class, and the total victory of the 'socialist revolution', is a 'sell-out'. Azapo's Dr Aubrey Mokoape expressed this view in a recent talk hosted by *Trib-*

ute magazine: 'You are either free or unfree - there is nothing in between'.

This perspective feeds a non-collaborationist position, which the New Unity Movement takes to the extreme. Anything that is remotely related to the apartheid government has to be boycotted - including negotiations with the regime and any of its satellites. Azapo's politics goes very far down this road although, says Mokoape, 'we do not reject negotiations out of hand'. The struggle - including armed struggle, mass action and sanctions - needs to be intensified to the point of near collapse of the apartheid state, including the economy. Only then, says Mokoape, 'will the regime talk sense'.

Azapo believes in the idea of a constituent assembly deciding on a future South African constitution - indeed, it claims to be the first organisation to have made this call in the early eighties, when the ANC was still wedded to the idea of a 'national convention' (a type of all-party conference, which some in the UDF were calling for then).

Azapo shares with Wosa (and to an extent the New Unity Movement) the view that only a constituent assembly that has been won 'through struggle' will express the interests of the masses. An assembly that has been negotiated with the regime under current conditions, when, as Wosa's Carl Brecher told a Johannesburg meeting recently, the 'revolutionary

to be responsible for 'administering apartheid'. An outside body - like the OAU or Non-Aligned Movement - is preferred. There is nothing to indicate, however, that they are not open to compromise on this issue, once the ANC has worked out a clearer proposal itself, and can show that an 'interim government' can avoid the dangers many (including the SACP) feel uneasy about.

ANC secretary general Alfred Nzo expressed an optimistic view: the basis has now been laid for the organisations to work through their differences 'on important strategic questions and search for common ground through mutual compromise' (*New Nation* 19-25/4/90). This is particularly so once these organisations unite in struggle.

Emphasising mass action

The radical Marxist Workers' Tendency within the ANC, which is close to Wosa in its 'trotskyist' world-view, does not oppose the idea of the ANC entering all-party talks, providing it goes into them with the sole purpose of presenting the demand for a constituent assembly - and withdrawing if this is refused (*Congress Militant* No 6, February 1991). Its position, therefore, seems very close to the PAC's.

The SACP, while it shares concerns about the ANC conceding too much to the regime, has not committed itself to the extent that the MWT has. Along with Cosatu, the party has since 1989 consistently called for a democratic constituent assembly, but it has yet to insist, in unequivocal terms, that this demand be a precondition for negotiations with the regime. The way is still open for all-party talks where the constituent assembly demand is tabled amongst other demands.

However, the party has stressed the need for **mass action** - including setting up disciplined defence units both to defend communities against attack, and to prepare for a future people's army, given the white minority's control of the repressive apparatus - to continue even while negotiations take place, so as to apply maximum pressure on the regime to ensure that it eventually gives in to the demand.

In other words the party does not have illusions that skillful ANC negotiators will, through the power of the tongue alone, convince De Klerk and his allies of the wisdom of conceding the constituent assembly demand. The ruling class, as always, has to feel the 'hot breath' of the working class before it gives in.

Cosatu shares this perspective, and with the party has decided to embark on a series of mass actions, starting with 39 May Day rallies in 9 regions, to popularise the constituent assembly demand, amongst others.

The ultimatum

Ever since talks with the regime began, many in Cosatu and the SACP have felt uncomfortable about the way their alliance partner has often failed to properly consult them on crucial decisions (see Briefings), and the way they seemed to be allowing De Klerk to take the tactical initiative, by forcing concessions from the ANC without fulfilling their side of the bargain. This uneasiness came across strongly at the ANC's December conference, where April 30 was set as the deadline for agreements to be honoured, in particular the release of all political prisoners.

After the clearly orchestrated violence erupted again this year, the ANC finally took the initiative and delivered an ultimatum to the government: control your security forces, and fulfill your commitments by 30 April and 9 May, or we will pull out of negotiations.

While yet again Cosatu and the SACP were not properly consulted before this highly significant tactical shift was made, the two alliance partners were so pleased with the decision that they have made only mild protests to the ANC (although they nevertheless see such lack of proper consultation as in principle an unhealthy habit of the ANC leadership).

ANC pragmatists

Large sections of the ANC (perhaps the majority of members) share the perspectives of the SACP and Cosatu. But there are other voices within the ANC. These are the 'pragmatists', who start from the premise that the regime will never concede to the demand for an elected constituent assembly, and therefore, while we ought to nevertheless formally present the demand to an all-party conference, we should expect to compromise.

ANC pragmatists are not necessarily 'agents of monopoly capitalism', or 'faint-hearted liberals' trying to please everyone. Some may have these tendencies, but there are others who feel that a democratic socialist position is best served by not 'fetishising' the constituent assembly demand.

A constituent assembly, according to this position, will not empower the people in the way that supporters envisage, be-

cause it is highly unlikely that, given the objective situation (including the relatively centralised character of the ANC), anything more than a Namibian-type constituent assembly will come into being (see later).

This view starts from the premise that De Klerk is ready to concede what a (limited) constituent assembly will anyway decide: a fully non-racial constitution which incorporates democratic rights along basic liberal lines. This is because there are only two real actors that have to come to an agreement, the regime and the ANC - whether the negotiating forum is the all-party conference or a (limited) constituent assembly. The regime realises that it will have to compromise with the ANC, and, given its desire to please western governments and win over liberal support, the regime is unlikely to hold out for long against a basic non-racial, democratic constitution. All the ANC has to do is insist on this.

For this position, the **key issue** is not how the constitution is drawn up, but what the future economy is going to look like, and how society as a whole is going to be democratised on the ground.

But this view is surely too optimistic about what De Klerk is likely to concede, and too pessimistic about the short- to medium-term prospects of developing a more democratic political culture, both within the ANC and in society as a whole.

Beyond the Namibian model

Cosatu and others within the alliance have put forward what they consider to be a more democratic and accountable constituent assembly concept than the Namibian model.

In Namibia, once the assembly was elected, delegates lost all contact with their constituency, and sat behind closed doors to work out a constitution. The only difference between this model and the all-party conference idea is that, in the former, national elections decided the composition of the negotiating table. But once that was achieved, the constituent assembly operated much like the all-party conference De Klerk and others are advocating.

There was no public discussion on the various clauses of the constitution, and none of the delegates reported back to their constituencies. The most significant constituency, the National Union of Namibian Workers, complained at the time that its worker demands were being ignored - they had no access to the debates within the assembly, except very

indirectly through Swapo, their ally. It was clear that this extremely limited access was highly insufficient to allow their voice to be heard.

While in South Africa it is unlikely that the much more powerful and better-organised Cosatu will be similarly ignored if they found themselves in such a situation, Cosatu is not taking any chances. Which is why their Workers' Charter conference last November proposed a constituent assembly which stipulates that:

- all delegates should be directly accountable to their respective constituencies;
- the proceedings must be such that delegates seek mandates from their constituencies at regular intervals, to facilitate accountability;
- all discussions should be held publicly - presumably so that the electorate can monitor whether their mandates are being carried out, and through the mass media (which as a precondition would by then be accessible to all) the wider public would be able participate in the constitutional debate as it proceeds.

These positions were endorsed by a Cosatu CEC last March, and are likely to be entrenched as Cosatu policy at its July conference.

Compromise through referendum?

But this idea is too radical for a De Klerk regime that is hesitant to even consider the much more limited Namibian model. ANC Foreign Affairs spokesperson Thabo Mbeki, at an ANC meeting in Mayfair, Johannesburg recently, seemed to think so too. After expressing admiration for the Namibian model, when questioned he showed no enthusiasm for Cosatu's idea. Instead, his thinking went along the opposite direction: he seemed resigned to the virtual certainty that there is going to be a compromise with the regime on the whole idea of a constituent assembly itself.

He posed the following scenario: At the all-party conference, we will have on the one side (hopefully) the Patriotic Front, calling for a constituent assembly. On the other side we will have a range of forces, including the DP, Inkatha, Labour Party and the NP, amongst others, insisting that the (unelected) all-party conference be the forum to discuss a new constitution. If they do not budge, we will have a stalemate. We will then have to 'refer to the people', and get a fresh mandate. This can happen through a referendum, where the question will be: should negotiations for a new constitution proceed through a



Thabo Mbeki: Seems resigned to the virtual certainty of a compromise with the regime on the whole idea of a constituent assembly

constituent assembly, or through the all-party conference. If the result is the latter, then we will have to accept that we made a mistake, and that the people prefer an all-party conference to a constituent assembly.

Is there any significance to the fact that Mbeki only considered one type of result - a rejection of the constituent assembly? (Was it a 'Freudian slip'?) Recent remarks that 'I see no particular reason why we should not have a new constitution by the end of this year' strengthens the view that Mbeki's position represents a variant of the 'pragmatist' approach outlined above.

If a constitution is going to be drawn up by the end of this year, then clearly there is **not** going to be a constituent assembly. At the earliest a constitution drawn up by an elected constituent assembly will only see the light of day towards the end of **next** year (it would, most likely, take the rest of this year to win the constituent assembly demand, another 4-6 months to prepare for and have elections, and then possibly a further 6 months to a year for the assembly to debate a new constitution).

And what if the electorate decides, via a referendum, that a constituent assembly is what we want after all? Given the 'De Klerk will never concede to a constituent assembly demand' premise of the 'pragmatist' approach, why will the regime now accept the demand? After all, one of the regime's main objections to a con-

stituent assembly is that it presupposes the acceptance of one-person-one vote elections. If they reject that, then it follows that they will reject a **non-racial** referendum - unless Mbeki envisages, as part of the compromise, a **racial** referendum...?

Finally, what about the control of and access to the mass media? The struggle for an elected constituent assembly encompasses the struggle to free the media from state and monopoly capital domination (as well as the neutralisation of the repressive forces). A 'free and fair' election (or referendum) is impossible otherwise. A short time frame surely does not allow conditions for a 'free and fair' vote to be created.

Patriotic Front or compromise

It is clear that a Patriotic Front based on a constituent assembly consensus will severely limit the space for compromise on the constituent assembly demand. Already the ANC has moved from the January 8 position, where it seemed to consider the possibility of transforming an all-party conference into a constituent assembly, to the position after the Harare meeting with the PAC, that, according to ANC communications director Pallo Jordan, 'the all-party conference will limit its agenda to the modalities of the constituent assembly' (*New Nation* 19-25/4/91).

The implications of such a position are that maximum pressure ought to be exerted on the regime, to force it to give in to the constituent assembly demand. This includes mass action (which Cosatu and the SACP are taking a lead in), economic sanctions and, for the PAC, Azapo and Wosa, armed struggle (to the point of near-insurrection, or insurrection itself - although, it must be noted, this remains largely an idea, rather than a practice).

Given the real differences which exist between the organisations, there will have to be a willingness to compromise on all sides. This will only happen if, in the context of clear attempts by the ruling class to sow divisions and broaden its own support base, attention is concentrated on what **unites** the organisations of the oppressed.

At this juncture what unites virtually the entire liberation movement is the desire for a non-racial, non-sexist, democratic government, and an elected constituent assembly as the only democratic means of getting there. And the best way to actually achieve unity is through joint struggle. •