

# Parliament and revolutionary democracy: debating the constitution of a new South Africa

In the first of two articles, KARL VON HOLDT argues that it is in the interests of the working class to establish a multi-party parliamentary democracy in South Africa, as outlined in the ANC's constitutional guidelines. But for democracy to be revolutionary, it must be complemented by mass organisation and mass struggle at all levels of society.\*

*"The guidelines lay down broad and general principles of government structures and powers, and the fundamental rights and liberties of the people. They are framed in a broad, pragmatic, and flexible style. It is this flexibility that makes them a lethal weapon in the struggle against apartheid."*

*"We regard constitutions as living documents dealing with the real problems of our contemporary generation. The real problems that we are facing now, not only the problems after liberation. They have been tabled for deep*

*study, bold and realistic discussions by the broadest spectrum of our people. Through this debate we hope that the guidelines will be further enriched. Through them, we hope to achieve the greatest mobilisation and organisation of all possible motive forces in the struggle against apartheid."*

*- Zola Skweyiya, Constitutional & Legal Dept, African National Congress*

**T**he fundamental goals of the democratic revolution in South Africa are contained in the Freedom Charter. The Charter sets forward the vision of the people of South Africa for a trans-

\* This article is based on a paper delivered at the NUSAS July Festival in Cape Town this year. Some of the ideas expressed were developed in discussions and seminars of the Mass Democratic Movement. However, this article is a discussion paper.



*Apartheid education - transformation into people's education is a massive and urgent task*

*Photo: Anna Zieminski/Afrapix*

formed, liberated society.

The tasks set out in the Charter are massive. What it envisages is the destruction and eradication of apartheid, and all apartheid institutions. These tasks cannot be implemented in one day.

To take simply one example, education: there are 17 education departments in this country, all racially and ethnically defined. There are tens of thousands of bureaucrats located in those departments. There are enormous inequalities between different departments and different schools. Syllabuses are completely inadequate to the task of building a united nation. And even more seriously, there are tens of thousands of teachers who have been trained and

who have years of teaching experience within the institutions of apartheid education.

This is the education system that the new government will inherit after liberation. It is this system that will have to be transformed into one unified, non-racial educational system that unites the people of South Africa and builds a unified nation. This is an enormous and difficult task, yet it will be extremely urgent.

Similar tasks will confront the democratic movement in all spheres of our society. Apart from the destruction and eradication of apartheid institutions, we have to build something new. We have to build national unity, we have to build a national culture, we have to take forward



reconciliation between white and black. We have to do these things at the same time as we are setting in motion revolutionary changes that empower and liberate the masses.

Fundamental to the eradication of apartheid, is the reallocation of resources on a huge scale. In the apartheid cities resources will have to be reallocated from the white areas to the townships. The rural areas have been exploited and impoverished by apartheid. Resources will have to be poured into those areas to develop them. National wealth will have to be devoted to improving the lives of the majority, rather than increasing the wealth of the few.

### Forces resisting democratic transformation

There is no doubt that there will be a range of forces located at different levels in South Africa and outside South Africa that will be trying to stall these changes, to demobilise mass organisation, to prevent the people and their political organisations from reconstructing South Africa in their own interests.

- Most whites are likely to resist the changes that are needed in order to reallocate power and resources towards the people. The concentration of whites in skilled positions in the economy and the state will give them a powerful bargaining position. Rightwing groupings may well expand and step up their terrorism.
- Imperialism, and big business in

South Africa, will be trying to preserve capitalism and prevent the deep changes desired by the people. These capitalists will strive to build an alliance with the black middle-classes and sections of the democratic movement to block a deepening revolution.

- People with skills, such as engineers, researchers, doctors, accountants, managers and so on, will also seek to preserve their own privileges and authority. The same applies to all the various layers of middle classes, both black and white. Their needs and legitimate interests will have to be accommodated.
- In many African countries after independence the middle classes and emerging capitalists used their control of the newly independent state as a base to consolidate their position as the new ruling class. They also rapidly assumed senior positions in multi-national corporations. They gained increasing control over the economy either through nationalising industries, or by using the state to support and expand their private businesses. In neither case did they meet the demands of the people. We may expect the black middleclass in South Africa to try to do the same.
- The bureaucracy at all levels of the South African state - the massive white bureaucracy as well as the burgeoning black bureaucracy - are likely to be a conservative force, paralysing progressive decisions. They will strive to protect their





own power and privileges, and to undermine the power of the people.

This means South Africa after libera-

tion will be characterised by very deep struggle by different forces. It will be a struggle over the direction of democracy, over the direction of the democratic revolution.

## The constitutional guidelines

What sort of constitution will be able to embody the vision of the Freedom Charter? What sort of constitution can accommodate these struggles over transformation, and facilitate the struggles of the masses to realise their interests?

The ANC has published the constitutional guidelines as the basis of thought and debate on this question. The Freedom Charter says 'The people shall govern'. The guidelines put forward a set of proposals about how the people shall govern the country.

## Multi-party parliamentary democracy

The guidelines propose that South Africa should be a multi-party parliamentary democracy, with universal franchise, one person, one vote.\* All

political parties will have the right to organise and take part in political processes, except those that advocate racism, fascism, nazism, or the incitement of ethnic or regional exclusiveness. These would be excluded by law.

There has been a lot of debate around the question of parliamentary democracy, and to what extent it is appropriate for our country. A multi-



*The vote - source of oppression under apartheid, source of freedom after liberation*

*Photo: Eric Miller/Afrapix*

\* Members of parliament can be elected on a proportional or constituency basis, or a mixture of both. This important issue is not addressed in the guidelines or this article.



party parliamentary democracy allows a range of different social forces and organisations to organise and articulate their interests in the struggle for parliamentary power, seats and votes.

Many people will question the need for this. Why allow capitalists to organise politically, when they will simply be trying to reverse the gains of the masses? Why allow liberals and middle-class political parties, when they will simply try to protect their privileges? Why allow small ultra-left political groupings to confuse the masses and disrupt unity?

I would argue that there are at least four good reasons why such a democracy is essential for a liberated South Africa.

**1. A national parliament would bring together representatives of all the people of our nation,** with their different cultures, historical experiences and demands. Thus it would serve as a unifying and integrating national institution, helping to create a liberated, non-racial nation.

**2. A multi-party parliament is the foundation of broad alliances.** The strategy of the national democratic struggle is based on building broad alliances. This strategy will have to continue after liberation. There will be forces that will seek to destabilise a liberated South Africa, to sabotage the people's government, and to develop right-wing terrorist groups, whether black or white. Such forces can do tremendous damage, as in the case of the SA-backed Renamo in Mozambique, or the US-backed contras in Nicaragua. The more alienated and

dissatisfied people there are in South Africa, the easier such destabilisation will be. The best way to combat this danger is through a political strategy - a strategy of maintaining the broadest social base for a democratic South Africa. This means consolidating the broadest possible alliances.

But these social forces will not be interested in an alliance if they are not allowed free association, if they are not allowed to operate as political parties, and to win seats in parliament. It is essential to allow different social forces to organise and to articulate their interests. Otherwise there is no basis for alliances.

A multi-party parliamentary democracy can accommodate a range of different social forces - even antagonistic forces - in a framework that is mutually acceptable. And here we are talking about capitalist forces, about different middle-class forces, about different interests amongst the people being articulated, interests that may not be the same as those of the masses, that may be opposed to those of the mass democratic movement. But a multi-party democracy provides a framework within which those differences can be asserted. It is a framework which can *contain* these different interests, so they do not serve as a base for counter-revolution. It provides a framework within which the struggle for hegemony and leadership of society can take place.

**3. Democracy reveals the balance of forces.** Free political activity gives organisations of the masses a practical understanding of the balance of



forces, of the different political interests in society, and of their own weaknesses and strengths. In Nicaragua for example, in the 1984 elections, the FSLN found they had very little support in some areas of the

what different sectors and classes of the population are wanting. This makes it impossible to develop a political strategy for advancing and deepening the democratic revolution while accommodating different inter-



*Parliamentary democracy - allowing different social forces to organise and express their interests*

*Photo: Guy Tillim/Afrapix*

countryside. This showed they had not done enough work among the peasants, and that their rural policies were lacking. Likewise, the elections in Namibia show where SWAPO is weak and has not done enough work.

If all opposition is suppressed you cannot understand your own strengths and weaknesses, nor can you grasp

ests, and isolating and dividing those forces opposed to it.

**4. Parliament gives the people power to voice their demands.** It is only through genuinely democratic institutions that the leadership can stay in touch with the people, and that the working class can develop its leadership over society. This is not only true



for a transitional national democracy, but for socialist societies as well. The current crisis of communism in Eastern Europe, and the democratic strategies for renewal, have much to teach us.

In Poland, Hungary, East Germany - and in the Soviet Union - we find political parties that ruled for decades without genuine democratic institutions. Parties

became autocratic and divorced from the lives and problems of the people - so divorced that the leadership could not foresee or understand the mass protests and revolts that broke out this year. Leadership after leadership has been rejected and replaced with democratic reformers. Constitutions have been rewritten to establish parliamentary democracies. Different social forces and interests are now allowed to mobilise, organise, agitate.

In Poland, Hungary and East Germany multi-party democracies are being established. In the Soviet Union there are wide debates about whether to allow political organisations other than the Communist Party.

Elections in the Soviet Union have showed that many leading communists lack popular support. In Poland the party itself seems to have very little credibility. It is not clear what will happen in elections in East Ger-



*Lack of democracy in Eastern Europe - workers fight for independent organisation. Lech Walesa addresses striking workers, Poland 1988.*

*Photo: AP*

many and Hungary.

It is an open question whether the communist parties of Eastern Europe will be able to win back the support of the people. But the point is that they now have to *win* it, in open democratic struggle. The crises have also thrown up forces, especially in Hungary and Poland, which favour a return to

some form of capitalism. That too is a good thing. It allows an open debate and struggle, where the majority can choose whether capitalism or socialism is preferable. After all, socialism can only succeed where the majority of the people support it - and support the socialist government. A parliamentary democracy means that the government has to stay in touch with the wishes of the people, and put forward policies that have popular support.

These are all powerful reasons for supporting the concept of multi-party parliamentary democracy as put forward in the guidelines.

### **Parliamentary democracy not enough**

But in South Africa after liberation there will be many struggles, as argued above. The question is whether



parliamentary democracy can provide the vehicle for the mass struggle for control over society.

I would argue that struggle for popular control, for mass control, cannot be fought out primarily in parliament. The masses and people's organisations will be facing opposition, as described before, at a range of different levels in the society - at the local level in terms of local authorities, in the community, at the city level, in government departments, in business, in institutions like education, hospitals, the courts, in the mass media, and so on.

In all of these institutions, in all of these arenas, there will be forces interested in maintaining the status quo, in defending their privileges, and in keeping the masses passive and subservient. There will be a need to wage struggles at all of those different levels to gain control over society, not only at the level of parliament, not only at the level of passing laws.

Moreover, because there will be different forces in parliament, there will be compromises. Laws will come out of parliament that don't necessarily advance the interests of the people. This will mean people's organisations fighting at other levels to put pressure on parliament, fighting at other levels to actually advance their interests and advance their control.

In addition, it may be difficult for the masses to gain access to parliament. There is a tendency for educated, articulate people and professional politicians to dominate parliaments. Professional full-time

politicians tend to serve the interests of their political party rather than the interests of their constituencies.

This means that the struggle does not end with the vote. The masses will have to fight for power within all social institutions. They will have to establish powerful SRCs and parents committees in the schools. They will have to fight for control in the factories, and for leadership in the local authorities. They will have to struggle for a powerful voice in the mass media. They will have to fight for democratic structures with community representation in hospitals and government departments of health, education, economic planning, welfare, housing, etc.

### Independent mass organisation

At the same time, the masses will have to establish and strengthen their independent organisational bases *outside* these institutions and structures - their trade unions and civics, their youth and student organisations, women's organisations and unemployed organisations.

It is essential that the masses have their own powerful mass organisations to articulate their demands and struggle for their interests. The mass organisations provide a base for increasing mass power and mass control inside institutions such as schools, hospitals, government departments, local authorities and factories.

These organisations must be independent, they cannot be under the





*Independent mass organisation - a base from which to fight for democracy and transformation*

*Photo: Tsaks Mokolobate/Learn and Teach*

control of political organisations. They should express the views and demands of the masses, not of the political leadership. They should provide a forum where leadership has to listen to the people, rather than the other way round.

One element in the crisis of communism in Eastern Europe and the Soviet Union is that mass organisations - especially trade unions - have not been independent. They have been under party control and closely tied to the state apparatus.

Thus they ceased to express the interests of their members. The result is that workers then seek to express their needs in other ways - like Solidarity in Poland, or the miners' strike in the Soviet Union.

For an example of the role of mass organisation we may return to the issue of transforming education. Mass

organisations of students, teachers and parents can pressurise the bureaucracy if it is slow to introduce changes. At the same time, they can themselves actively begin to shape people's education, by drawing up syllabuses and texts, and by exerting popular control over the schools. Community organisations and trade unions should also be involved in deciding national education priorities and strategies.

In the factories the workers' committees will have to prevent management from sabotaging production. They will have to uncover corruption and insist on safe and healthy conditions of work. They will have to develop their ability to control production and influence distribution. The trade unions will have to ensure that workers have a powerful voice in economic planning, in setting priorities, and allocating resources.



Thus the strategy for building a national democracy does not rest only on winning the vote. It complements a genuine multi-party parliamentary democracy with mass struggle and mass organisation at all levels of society in order to establish the masses - both within parliament and outside it - as the dominant and leading social force. This is what is meant by the slogans, 'Build People's Power' and 'The people shall govern.'

### **The constitutional guidelines and mass organisation**

The constitutional guidelines are virtually silent on the role of mass organisation, on organs of people's power. Is this a problem? Some people would argue that this absence from the guidelines shows that the guidelines are not in the interests of the working class. As I argue below, this view is based on a misconception of the function of a constitution.

Others say that the role of mass organisation cannot be enshrined in a constitution, that it will be won in struggle. They argue that, moreover, the role of mass organisation will be determined by the balance of forces at the time of transfer of power.

This point has some validity. However, I would argue that it is important to refer to the role of mass organisation in the guidelines. Clearly the guidelines cannot establish the constitutional rights and duties of mass organisation, but they can establish the principle that mass organisation has an important role.

This is important, because if the guidelines are used in mobilising and educating the masses, they should provide guidance on this key issue. At the same time, it is necessary to confront our broad allies now with our views on this. Many will be unhappy with it, and need to discuss and become accustomed to it now.

### **Local and regional government**

Although a national parliament has many strengths, as outlined above, it also has weaknesses. One is that it is quite far from the people, remote from their daily lives. This can make it difficult for the people to establish their power in parliament.

It is important, in order to overcome this, to establish local and regional bodies of democratic government which are closer to the people and through which they can gain control over their lives. These bodies would be structures of government (like town councils and municipalities) and should not be confused with mass organisations like civics. These bodies - local and regional assemblies or councils - should have a substantial amount of power over local and regional issues.

The constitutional guidelines are also weak on this issue. They simply devote one sentence to it: central government may delegate powers to local and regional authorities "for efficient administration and democratic participation." This point could be strengthened and elaborated.



## The constitutional guidelines and the working class

A number of activists have complained that the guidelines go too far in the direction of a 'bourgeois democracy', that they compromise too much on working class demands, that they do not entrench the interests of working class.

This view is based on a misconception of the role of the constitution of a liberated South Africa. The constitution will have to provide *a framework and a set of rules acceptable to all anti-apartheid forces*. It cannot therefore entrench the interests of the working class only - it has to reflect the interests of a broad range of democratic forces. This does not necessarily mean it will *contradict* the interests of the working class. The constitution will provide the *framework* within which the working class will struggle to entrench its interests and leadership - and of course the framework within which other forces will attempt to weaken and reverse the working class.

But a framework, a set of rules, a constitution, can never be neutral. It has to reflect interests, and it will reflect the domination of specific class interests.

For example, the guidelines say that the state will have the right to limit the power of those who own productive capacity (ie factories, farms, banks, etc) to do as they wish with their property. In drawing up a constitution bourgeois forces will try to weaken this clause so that it is ineffec-

tive. On the other hand, working class forces will try to establish their own right to a say in how factories, mines and land are used.

There are also likely to be struggles over the bill of rights. Bourgeois and petty-bourgeois forces will probably emphasise individual rights and the freedom to pursue their interests, whereas working class forces will emphasise the right to live decently, to end inequality and to redistribute wealth. Thus while the constitution has to be broadly acceptable, it cannot be neutral - it will reflect the domination of specific class interests.

The guidelines are aimed at a very broad range of forces. Some sections favour working class interests - such as the section on the economy, and the section on the bill of rights. Both are based on the Freedom Charter.

Other sections are vague, such as the land section. There are also, I have argued, specific weaknesses on the question of mass organisation, and on local and regional bodies of the state.

It is important for the mass movement to analyse and discuss the guidelines thoroughly, and develop its own positions. These must be put forward and argued. Various liberal and bourgeois experts are doing this very thing, and there is a danger of surrendering the constitutional initiative to them. The ANC has stated that the debate may lead to a reformulation of the guidelines.

Ultimately a draft constitution will have to be taken to the constituent assembly, as the negotiating position of the liberation movement. It is import-





*The people shall govern - then we will have a real democracy*

*Photo: Eric Miller/Afrapix*

ant for the mass movement to participate fully in the process of drawing this up, so that it represents strongly the views of the working class.

### **The balance of forces and a new constitution**

The COSATU resolution on negotiations proposes that the new constitution of South Africa will be drawn up by a constituent assembly, as in Namibia. That means the constitution will be negotiated by all the forces present in the constituent assembly.

The extent, then, to which the constitution will reflect the interests of the working class, will depend on the strength of the mass movement and its political organisations both within the assembly and in society at large (success in negotiations always depends on one's strength on the ground outside the negotiating room).

For example, if the constituent assembly meets while half the factories are occupied by militant workers demanding their immediate nationalisation, and while communities are establishing armed militia - under these conditions bour-



geois forces would find it very difficult to impose their views. They would have to accept a constitution that favours working class interests. This is why it is essential for the mass movement to strengthen its position in society in every possible way as South Africa moves towards the transfer of power.

Once the new constitution has been adopted it will provide the framework within which the democratic revolution can develop. It will open up a

period of class struggle in which the masses struggle to build their power and control; imperialism and capitalism attempt to reverse their gains; and various middle class groups try to consolidate a privileged and dominant position.

The direction and depth of the democratic revolution will depend on the balance of power between these contending forces. This again is why it is so important for the mass movement to rebuild and strengthen its

### Cuba - a different kind of democracy

**T**he classical Marxist critique of the multi-party parliament is that it is a bourgeois form of democracy, inappropriate for a working class democracy. Its anti-working class tendencies are held to be:

- Members of parliament are not accountable to their constituency, and do not take mandates to parliament.
- Parliament is dominated by professional politicians who are usually highly educated and wealthy. They represent the policy of their political parties and their class rather than the interests of the people.

Like many socialist countries, Cuba has rejected parliamentary democracy and political pluralism (where different political organisations are permitted to exist and to organise), and adopted a completely different approach to democracy.

Cuban democracy is based on a system of local, regional and national assemblies. People in each city or neighbourhood elect delegates to the local assembly. The local assembly has powers to govern the city or neighbourhood.

The local assembly then elects delegates to represent the city or neighbourhood in the regional assembly, which can make certain decisions regarding the region. The regional assembly in turn elects some of its members to the national assembly, where laws are debated and enacted, and national policy is decided. There is no competition between political parties. The only party is the Communist Party. This structure is similar to that operating in Uganda (see p 41).

In contrast to the model of multi-party parliamentary democracy, the Cuban system has the following ad-



organisations, and develop a clarity of political consciousness among all activists and members.

## Summary

- The constitution of a national democracy in South Africa should not reflect the narrow interests of the working class alone, but should embody the shared interests of the anti-apartheid struggle.
- The balance of forces at the time of

drawing up the new constitution will determine whether working class interests are the leading interests in the constitution, ie. whether the constitution encourages the advance of working class interests and power. Discussing the guidelines now will affect the balance of forces. As part of that discussion I have argued that the constitutional guidelines should refer to the key role of mass organisation, and expand on the issue of local and re-

vantages:

- Delegates at national level are accountable to regional structures, which in turn are accountable to local structures. The representatives in the local assembly are close to the residents, and it is easier to make them accountable.
- It is easier for 'ordinary people' - workers, housewives, peasants, etc - to become members of local, regional and national assemblies than it is for them to become members of parliament. This is because the elections start off in each neighbourhood, where the masses will elect delegates from among themselves, people who they know and trust.

There are no big national bourgeois elections, where candidates sell themselves and their policies and confuse the voters rather than representing their interests.

But compared to parliamentary democracy, the Cuban system also

has serious disadvantages:

- There is no room for free political activity and for other political parties. Thus there is no basis for broad alliances.
- Delegates are elected in the neighbourhood to the local assembly. They are elected on the basis of local issues and their role in the community. Ultimately the national delegates are selected from these local delegates. At no stage do the people directly elect representatives to the national level on the basis of national issues. This means that democratic participation can be very powerful at the local level, but weak on national issues and policies.

Because there are no opposition parties, the Communist Party does not have to contest its policies and win popular support for them. As a result the relation between party and people can become mechanical and bureaucratic.



gional government.

- Because the guidelines reflect the interests of a broad range of anti-apartheid groups, they help in building the anti-apartheid alliance and isolating the apartheid regime nationally and internationally. They also serve to establish the political leadership of the ANC in the broad opposition to apartheid.
- The constitution of a liberated South Africa will not only be established by debate and conferences,

but by mass organisation, mass action and the development of political consciousness among the people. That is what we mean by shifting the balance of forces. ☆

### Constitutional debate in Nicaragua

The constitutional debate in Nicaragua after the overthrow of the dictator Somoza raised an interesting idea about the role of mass organisation in parliament. When the new constitution was discussed in mass organisations, many felt that parliamentary democracy would not adequately reflect the interests of the masses. They put forward a proposal for a second house of parliament, in which delegates from the mass organisations would sit. The political parties would be represented in the first house.

They argued that a second house of parliament, representing the mass organisations, would ensure that the mandated voice of the masses would be heard. This 'House of the Masses' would be able to exert some control over the making of laws in the first house. The 'House of the Masses' would be a national organ of people's power, and involve the membership of mass organisations directly in national political debates.

This proposal was not put into practice in Nicaragua, because all the other political parties in the anti-Somoza alliance rejected it. They said it would give the liberation movement, the FSLN, too much power. Not only would they have the majority in the first house of parliament, but they would also dominate the second house, because virtually all the mass organisations supported or were affiliated to the FSLN.

Nonetheless, this is an interesting idea to discuss in our own constitutional debates. Is a second house, a 'House of the Masses', a good way to build people's power? Is it a good way of counteracting the tendency of a multi-party parliament to be elitist and inaccessible to the masses? Or does it run the danger of bureaucratising and incorporating mass organisations into state structures, as has happened in Eastern Europe and the Soviet Union? ☆