

Reflection

What colour is the South African rainbow? The ANC's racial transformation

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Over two decades ago, after De Klerk's famous speech of 2 February 1990, announcing the formal end of apartheid, journalists started to speak of the 'South African miracle' – the almost unthinkable possibility of a peaceful transition to a democratic future in a united society. Not every black South African was happy about the fact that, after long and difficult negotiations, the new national anthem featured 'Die Stem' together with 'Nkosi Sikelela Afrika', that several representatives of the National Party became ministers in the government of national unity and that, having become president, Nelson Mandela did not show any willingness to revenge himself upon old enemies. Not every white South African was happy about the new constitutional arrangements in the wake of the negotiated settlement. But the expectations of the black majority were so high, and the feeling of relief among their white compatriots so overwhelming, that petty grudges did not matter. For a few years the country lived in a state of euphoria, and Bishop Desmond Tutu proclaimed that South Africa had already become a 'rainbow nation'.

Alas the term did not last: it is only with irony that 'the rainbow nation' is mentioned today. The miracle has not yet happened: a high proportion of both blacks and whites are disillusioned and disappointed. The national reconciliation that seemed almost a reality at the time of the Truth and Reconciliation Commission, when former torturers asked their victims for forgiveness and cried together with them in front of the TV cameras, still evades South Africans, and South African society is still divided by law, emotions, economy, ethnicity and policy. So, what has gone wrong? Why is it that the 'rainbow nation' obstinately does not want to form? There are

many reasons for this, but one has to begin with the ideology and policy of the ruling party.

Ideology

The ANC has been conceptualising South Africa's ethno-racial¹ relations from its inception in 1912, and they remain the focus of the party's ideology to the present day. This is not surprising in the context of the nature of the ANC as an African nationalist organisation and of the history of a country whose state structures were based on race discrimination for centuries and on apartheid's racial engineering for more than four decades. The ANC's approach to ethno-racial issues in South Africa significantly changed over time – the process that has been sufficiently covered in the academic literature.²

There is, however, one aspect of the ANC's ideological baggage which continues to define its policy on race today that deserves to be mentioned here: a contradiction between two approaches to the race issue as defined in the ANC's two policy documents and thus between its two images of South Africa's society and its future. One document is the *Freedom Charter* which has been the party's programme since its adoption in 1955 and which asserted that 'South Africa belongs to all who live in it, black and white' (Karis and Carter 1977: 205). The other is *Strategy and Tactics of the ANC*, adopted by the party's conference in Morogoro in 1969. This second document which repeated the main points of the 1962 Programme of the South African Communist Party (South African Communist Party 1963), stated that the main contents of the struggle in South Africa was the 'national liberation' of the biggest and worst exploited group of South Africa's population – the African people (African National Congress 1970).

The authors of the *Freedom Charter* saw South Africa as one society, though deeply unequal and divided by race and class. For them the struggle was for political and social equality. The authors of the *Strategy and Tactics* assumed that South Africa was a colony, albeit of a special type, because it was situated on the same territory as its colonial power. For them, the ANC's struggle was a national revolution – the 'national democratic revolution' (NDR), as it was called, following the Soviet lead.³ Equality and 'internationalism' were to come later, at the second stage of the struggle, after the existing socio-economic structure was destroyed and historical injustice rectified. The ANC theorists reconciled the contradiction between the two visions (which they chose not to notice) by defining 'nationalism' and 'nation' in ideological rather than racial or ethnic terms.

Pallo Jordan, ANC's main spokesperson on race, nationality and ethnicity at the time, wrote: 'the concrete historical conjuncture' in South Africa 'indicates that only a new conception of nationhood, which takes no account of ethnicity, skin colour or linguistic affiliation, is consonant with the aspirations of the oppressed... The perspective of the national liberation alliance is therefore an inclusive nationalism that seeks to weave the diverse strands of the South African population into a new nation defined by a common loyalty to a common Motherland' (Jordan nd:12).

However, more than loyalty to a common Motherland was required: it had to be a motherland of a particular kind – the one shaped according to the ANC's vision. A 'common, non-racial, non-ethnic' patriotism would emerge, Jordan wrote, as a result of 'the conquest of power by the popular classes' and after those classes had created the material and political basis for it (Jordan nd:32). So those, to whom the ideology of 'the popular classes' was unacceptable, for example, 'committed racists', would 'exclude themselves'.

As long as these definitions remained abstract, they did not matter. But the idea of national liberation first, equality in the united, ideologically defined, non-racial non-ethnic nation later, was to play itself out in a dramatic manner after the advent of South Africa's democracy.

While the ANC was a banned organisation in exile and while it was a party on the move, negotiating with the National Party government and defining its political space in South Africa, its proclaimed non-racial and non-ethnic stance served it well. At that time the 'nationalist' part of the 'national-democratic revolution' seemed to be completely obliterated by its 'democratic' part. Few South Africans did not buy into a vision of a democratic society based on 'non-racialism', and a tint of African nationalism in such a society seemed more than justified in view of South Africa's history.

In the first few years of the new South Africa the talk was of national reconciliation, the 'rainbow nation' and non-racialism. Affirmative action in the public sector was expected and broadly accepted. But those who thought that this was the end of the NDR – and it seems that there many who did – did not read or understand the ANC's policy documents. The NDR was just about to unfold.

The ANC's 1997 national conference, when Thabo Mbeki became president of the organisation, turned out to be the ANC's Rubicon in many respects. In particular, the conference made it clear that the time for national reconciliation was over and that the era of the NDR had arrived. As before, the conference defined the 'strategic goal of the NDR' as the creation of a

‘united, non-racial, non-sexist and democratic society’ but this had to be achieved through ‘liberation of all Blacks in general and Africans in particular, from political and economic slavery’. This goal, the new *Strategy and Tactics* document stated, could not be achieved through a ‘formal democracy with the support of market relations’, because ‘there exists a symbiotic relationship between capitalism and national subjugation in our country’. As the ANC saw it the South African nation had to be transformed into an African one, based on the unity of diverse African identities. Non-Africans could hope to become members of that nation only if they rejected their own identities and adopted an African one (African National Congress 1997). This vision represented a dramatic departure from ‘non-racialism’, even though expressed in an Aesopian way. From then on the ‘national’ part of the NDR came to the fore, and the ‘democratic’ part of it started to lose ground to the ANC’s racial transformation course.

It was before that crucial national conference of the ANC that my article for the journal *Transformation* 34 (1997) was written. In it both the reasons for the impending changes in the ANC policy and their nature, were discussed and analysed. In the years that have gone by since then much of what became the ANC’s new vision (or rather the return to its national liberation stance) was realised. To a very large extent South Africa today is the product of that vision.

Ironically, a new attempt by the ANC to re-introduce a non-racial vision for South Africa was made in 2007, at another national conference of the party. Strange as it may seem, it came from the Mbeki faction of the ANC that had been responsible for the change of the party’s course in the first place. By 2007 it was battling against the onslaught by the ‘Zuma tsunami’. The new version of the *Strategy and Tactics of the ANC*, tabled by the ANC leadership, suggested that ‘large groups of that [white] community’ could be part of the ‘balance of the national majority’ that gradually formed the ‘social agreement of common interest’ (African National Congress 2007). But even if it were a sincere attempt, made by somebody in need of every supporter he could get, it was too late: by then Mbeki’s two governments had already succeeded in adopting policies based on race and in stirring racial emotions on all sides.

Mbeki lost his position, and the final version of the 2007 *Strategy and Tactics*, adopted by the conference, remained vague on whether the white community could or could not be defined as antagonists of the NDR ‘by dint of being white’. The document called the opposition ‘part of the democratic

engagement' (African National Congress 2007: 108-11) but did not elaborate whether those who belonged to it were allowed to be considered part of the South African nation.

Policy

The dismantling of apartheid started long before 1994, and *de facto* even before 1990, but legally this system was cancelled only by the 1993 transitional constitution. This constitution did mention the need for affirmative action, particularly in the public sector, in order for it to reflect the 'demographic composition of the population'. However, it contained various provisions for serving officials, such as an independent Public Service Commission that was to be responsible for the appointment and dismissal of public service officials. Already in 1994 the ANC attempted to transfer some functions of this Commission to the state – a step which would, of course, prejudice its independence (African National Congress 1995).

From 1996 the ANC leadership began to accuse the whites as a community of trying to keep their privileges and to destroy the ANC's democratic achievements (see Mandela 1996). Such accusations proliferated after the National Party left the government of national unity, although at the time there was practically no opposition to the main lines of the ANC's course. The new South African constitution was voted in by the absolute majority of parliament and was celebrated by all sections of South Africa's population.

The constitution confirmed and entrenched the principles that all political parties and forces in the country regard as liberal-democratic (though their attitudes to this notion differ), including the equality of all citizens before the law and the equality of all rights, including property rights. However, the Bill of Rights contained provisions for discrimination in favour of formerly disadvantaged groups. It ran:

9.(2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may take place.

9.(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth...

9.(5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair (South Africa. Constitution. Bill of Rights Section 9(2).⁴

The constitution did not provide any guarantees of minority rights: at that time the common wisdom was that these were sufficiently guaranteed by the sections establishing individual rights. In practice this meant that with its huge majority in parliament, the ANC could pass any law it wanted. It was left to this majority to decide whether any law was discriminatory or not.

Even before the constitution was passed the government began to accuse the Public Service Commission of hampering the transformation of the civil service. In 1996 the number of the Commission's staff was cut and many of its functions were transferred to the management of ministries and departments, by then consisting almost entirely of ANC appointees (*Business Day*, January 26, 1996).

The same year saw the introduction of the act that offered beneficial pension packages to those state employees who took early retirement (*Business Day*, February 12, 1997). In 1997 the Public Service Laws Amendment Act effectively abolished both qualifications and merit as criteria for appointments to positions in the public service, mentioning only 'training, skills, competence, knowledge and the need to achieve a public service broadly representative of the South African people, including representation according to race, gender and disability' (South Africa Public Service Laws Amendment 47, section 11, *Government Gazette* 338 [18366] 1997: 16). There was no mention of the degree of 'training, skills, competence and knowledge' required for an appointment, so the 'redress the imbalances of the past' became the decisive criteria.

The result was a mass exodus of experienced and qualified civil servants. In the period May 1996 - September 1997, more than 48,000 civil servants of the central and provincial administrations, as well as 15,500 teachers took severance and retirement packages either voluntarily or under pressure. The majority were white.⁵ During 1997-98 practically all the top management of the defence force, military intelligence and national intelligence was changed too.

The ANC leadership was obviously hoping that the vacated positions would be filled by qualified black cadres, but there were simply not enough of them, so either people with insufficient qualifications and experience were appointed or positions remained vacant. This soon started to hamper the ability of the public service to fulfil its functions, particularly in the situation when many times more citizens were now entitled to receiving state service than before.

In the situation where there were not enough local black candidates some

institutions, but particularly universities, developed the practice of appointing black foreigners even though local white candidates of equal or higher qualifications and experience were available. Not only whites but Indians and coloureds could be discriminated against in this way too.⁶

At a practical level the 1997 ANC Conference passed two resolutions that significantly accelerated racial transformation and defined its shape and form. The first concerned the need for the 'structural transformation of the state', the second established the principle of the party's control over the 'deployment' of its cadres, their promotion and activity (African National Congress 1997b). These resolutions aimed at establishing the ANC's 'leading role in all centres of power' (African National Congress 1997a) which basically meant the open recognition by the ANC of the fact that it aimed at controlling all state institutions, rather than the other way round. Several acts passed in the late 1990s were designed to entrench the principle of 'demographic representativity' in the public service and, more broadly, in the state sector as a whole. The racial composition of employees of every state institution at every level had to reflect the racial composition of the population.

In July 1997 the Education Department published its *White Paper on Transforming Higher Education*, which required 'ensuring that the composition of the student body progressively reflects the demographic realities of the broader society. A major focus of any expansion and equity strategy must be on increasing the participation and success rates of black students in general, and of African, Coloured and women students in particular, especially in programmes and levels in which they are underrepresented'.⁷ This well-intentioned goal ultimately led to the introduction of racial quotas and higher admission requirements for white students at such university faculties as Law, Medicine, Engineering, Accountancy and Business Management.

The *White Paper on Affirmative Action in the Public Service* of 1997 and the *Employment Equity Act* of 1998 both required the acceleration of the process of racial transformation and offered concrete steps in this direction. The *Employment Equity Act* that was to have a particularly dire effect on employment policy in the country envisaged 'implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce' (South Africa Employment Equity Act 55, ch. 2b: 1998). The Act prohibited any form of

discrimination on any grounds, except 'affirmative action measures consistent with the purpose of this Act'. It required demographic representativity at all levels not just in state organisations and institutions, but also for the first time in private business, ie all organisations and enterprises with more than 50 employees. Employers were required to submit employment equity plans that would reflect their affirmative action goals for each successive year and present yearly reports on the implementation of these plans. Notable exceptions to the requirement of implementing this act were the National Defence Force, the National Intelligence Agency and the South African Security Service (South Africa Employment Equity Act ch. 1-4.3: 1998).

It looks like the measures designed for correcting historical injustice were based on idealistic assumptions or on entirely wrong beliefs. The authors of the ANC policy documents must have understood that without a big pool of highly qualified African workers these measures would be devastating for their own electorate. Some obviously believed that such a pool was there. In 2007 Jimmy Manyi, then chairman of the Commission for Employment Equity and now the ANC spokesman, famously called reports of skills shortages an 'urban legend' (*Pretoria News*, May 23, 2007). The government was forced to face up to the fact that Manyi was wrong and that skills shortages did, indeed, exist and hampered service delivery. It attempted to introduce various measures to rectify the problem – but the damage had already been done, and the core of the problem, the affirmative action policy in the shape and form in which the ANC propagated it, has never been either retracted or modified.

The affirmative action acts resulted in truly bizarre attempts at racial engineering. The plan for 'racial representativity in the police service for 2007-2010', signed by the then police commissioner Jackie Selebi, for example, envisaged the increase of the proportion of Africans at the top managerial positions from 50 per cent in 2007 to 'ideally' 79 per cent, but 'realistically' to 67.6 per cent. The proportion of Indians in the same positions had to decrease from 6.99 per cent to 'ideally' 2.5 per cent, but 'realistically' to 5 per cent. Such detailed plans were worked out for each population group, including, for example, 'Indian women', 'coloured men', 'coloured women', etc at each level of service. Each police unit and even each police station had to work out its own plans within the framework of this general instruction (*Business Day*, March 1, 2007). So the police service was preoccupied with these plans while crime in the country was spiralling out of control.

The logic of the ANC's racial transformation policy is that the historically disadvantaged had to suffer, together with the rest of the society – only more, in the name of the ANC's policy of correcting historical injustice. Could there be a different way? Compared to the majority of other newly independent African countries South Africa had the advantage of a significant well-qualified and well-educated segment of the population. This segment could have been used in various ways to advance the education and skills of the disadvantaged majority. This was not done. On the contrary, this resource has been almost entirely wasted – squeezed out of active service or of the country for the only reason that it was mostly white.

Professor Malegapuru Makgoba, now Vice-Chancellor of the University of KwaZulu-Natal, gave a simple explanation of the reasons for this. He wrote: 'They (white liberals – I.F.) are more interested in the statistics of crime, the falling Rand, more education and more good bureaucracy and so forth. While the economy and politics are important, the larger and more fundamental issues of the majority, such as who determines the knowledge production and intellectual direction, culture and value systems, the meaning and value of life, the identity of the nation in the global context are what are likely to turn this country around ... The little liberal thought ... tends to be too technical, legalistic and protocol-bound in a parrot fashion. Hence so much administration and bureaucracy and no leadership' (Makgoba 1997: 116-7).

So for Makgoba the key to 'turning the country around' was represented by value systems, intellectual directions and leadership. These were more important than good bureaucracy and crime statistics. This must have reflected the views of the then ANC leadership; while Mbeki was in power, Makgoba was his close associate. This was the political climate of the time which produced many 'leaders' at every possible level but no good bureaucrats, no crime statistics, and not enough education or enough economic growth – exactly the prerequisites necessary for uplifting historically disadvantaged communities.

In 2003 parliament passed the Black Economic Empowerment Act (South Africa. Broad-Based Empowerment 25899: 2003) designed to develop black business and employment among the black population. The Act envisaged the introduction of 'codes of good practice' for every kind of activity in the private sector, from management down to the lowly employee: ownership (inviting black partner companies and ceding some of the core business property or functions to them), management (employing as many black

managers as possible), employment equity, skills development, procurement from black partners, etc. Details of the application of this Act were provided by the document produced by the Department of Trade and Industry (South Africa. Department of Trade and Industry, nd). Such codes were to earn businesses – to be constantly under review – a certain number of points to enable them, eg to get, or expect to get, government contracts.

So far the policy of black economic empowerment (BEE) has produced a few black millionaires and resulted in the proliferation of corruption but it has not changed the situation of the majority of the historically disadvantaged population. The government reverted to pledges to broaden the base of BEE – but whether broad-based or not, it is obvious that this policy direction is a blind alley as far as the levelling of the playing field for the historically disadvantaged is concerned.

Moreover, the situation in which businesses are not free to make their own decisions about their employment and procurement policy and even about the ownership of their assets, in combination with stringent and inflexible labour laws and overwhelming corruption, has led to the loss of long-term investment and jobs.

There is no doubt that a certain number of formerly disadvantaged South Africans have benefited from the ANC's policy of racial transformation, but nobody has calculated, how many, or analysed, in what way. What is obvious, however, is the fact that by and large this policy is not producing a well-educated, skilled, entrepreneurial, experienced or independent new black middle-class, but rather an ill prepared and under-qualified greedy elite totally dependent for its well-being on its political connections to the government and on the ability of that government to continue racial redistribution.

This patronage system has permeated the whole society from top to bottom. However small the crumbs that those at the bottom get, more often than not the only way to get them is through a patron who is somebody somewhere at the lower levels of the administration ladder. There are exceptions, of course; there may even be many exceptions. But what the ANC created is a system, a structure, and it is that system that defines its rule.

In the long run the shrinking space for redistribution will make the system unworkable. The first signs of this in the form of service delivery protests, xenophobic violence and the collapse of administration and management capacity in the public sector are already present but the government does

not seem to be worried. The ANC leadership still believes that even if skills are not there, they are easily obtained, and that something that does not work at the moment will surely work in a couple of years. The comment of the Rural Development and Land Reform Ministry on the news of the flight of mostly white South African commercial farmers⁸ was that 'the government was aware of the exodus of farmers and had initiated recapitalisation and development strategies to support emerging farmers to become commercial'. 'In five years', the minister's spokesperson added, 'we will be on top of the game' (*Times*, April 4, 2011). This is said in a situation when various research shows that an absolute majority of new farmers who have received land in the course of land reform are either not coping at all or sharply diminish food production.⁹

Notes

1. My use of the terms 'race' and 'racial' here reflects their historical and present-day use in South Africa, not my understanding of their meaning or their applicability to any group of South Africa's population.
2. Among other publications, in my article in *Transformation* 34, 1997.
3. KN Brutents, one of the authors of the Soviet theory of the national liberation movement, wrote that this term was 'offered by the CPSU', then 'broadly accepted' by the international communist movement and then finally was 'broadly used at the International Meeting of Communist and Working Parties'. There were several such meetings; most probably Brutents meant the meeting of 1960. Brutents 1977: 146-147.
4. Sections 25(5) and (6) contained provisions for the return of land and property which was expropriated during apartheid.
5. National Assembly, 5/10/98. Quoted in J Myburgh, unpublished ms., ch 3: 111.
6. See, for example, *The Mercury*, November 21, 1997, on the case of Mac Maharaj, then Minister of Transport, investigating the Road Accident Fund: 84 per cent of its staff was Indian and this was considered inadmissible even in KwaZulu-Natal with its large Indian population.
7. *Education White Paper 3: a programme for the transformation of higher education*, Department of Education, Pretoria, July 24, 1997, point 2.24.
8. In 1994 there were 120 thousand commercial farmers in South Africa; only 37 thousand are still in business in the country in 2011. Many have left for countries whose governments appreciate their skills and contribution more than the South African one. *Times*, April 4, 2011.

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