

UNFINISHED BUSINESS: STATE CAPTURE
AND THE 2nd PHASE OF THE NDR



African Communist

1st Quarter 2018 ● Issue 197



REFLECTING ON THE LAND

Towards a Marxist approach to the land question



African Communist

1st Quarter 2018

Issue Number 197



Cover: A young resident of Overcome Heights (Muizenberg).
Picture courtesy of True North, an NGO working on early childhood development in Western Cape informal settlements

- 3** **Editorial Notes**
 - 7** **Key strategic tasks for the SACP**
Central Committee report
 - 27** **Towards a Marxist approach to the land question**
Jeremy Cronin
 - 46** **The Ingonyama Trust controversy**
Jabulani Sithole and Percy Ngonyama
 - 69** **Belling the cat – Slovo's Leninism today**
Jeremy Cronin
 - 83** **The October Revolution & South Africa**
John Pampalis
-

The African Communist is published quarterly by the South African Communist Party as a forum for Marxist-Leninist thought.
Send editorial contributions to: alex@sacp.org.za, or to African Communist, PO Box 1027, Johannesburg 2000.

Progress on state capture and the NDR – but major struggles ahead

The SACP Central Committee met in February this year in the immediate context of the important breakthrough that had just been won with the last-minute, forced resignation of Jacob Zuma and the election of Cyril Ramaphosa as state president. The SACP had been an active protagonist in these events. Meeting against the backdrop of these developments, the CC agreed that there was now important momentum in the fight against state capture. At the same time, the CC counselled ongoing vigilance, and noted the finely balanced and likely unstable consequences of the electoral outcome of the ANC's December national conference. The CC resolved that the momentum in the fight against state capture needed to be sustained and deepened (see the February 2018 CC political report in this issue).

Since February, this general reading of the conjuncture has proved correct. Unfinished business noted in February has now received attention with more moves against key figures implicated in parasitic state capture. Tom Moyane has been sacked from his position as commissioner at the South African Revenue Service. Arthur Fraser has been removed as director general of the State Security Agency. Ajay Gupta and Duduzane Zuma are fugitives from justice and the NPA has finally decided to proceed with Jacob Zuma's fraud and corruption trial.

Gupta-aligned ANC politicians had tried to mask their wrong-doing behind a pseudo-radical discourse, claiming that the attack on them

was really a conspiracy led by established “white monopoly capital” to protect its own interests against transformation of our society. Despite its superficial populist appeal, this discourse quickly exposed its hypocrisy. Unlike the majority of South Africans, including hundreds of thousands of South Africans of Indian origin, the Gupta family, recent immigrants with dubious residency and citizenship rights, were hardly impoverished victims of apartheid. The hypocrisy was further revealed when the script-writers for the “white monopoly capital” narrative were exposed (partly through the efforts of the SACP) as a UK-based, multi-national PR company, Bell Pottinger.

Since February, the complicity of sections of big capital and of new black owned operations in the state capture agenda has been further underlined – not least with the role of KPMG auditors in both dodgy Gupta-Eskom deals as well as in the Venda Building Society scandal, and now the revelations around another auditing firm, in this case, the formerly black-owned, Nkonki Inc. The Auditor General has terminated the public auditing contracts with both KPMG and Nkonki. In the case of Nkonki, which was almost entirely dependent on public sector auditing, this has forced it into voluntary liquidation. Greed and a toxic connection to the Guptas has reached deeply into institutions that are supposedly, as auditors, upholders of financial probity.

But if there is gathering momentum in dealing with state capture and exposing its populist narrative, there are also many challenges and uncertainties. As the CC February political report notes, not all of those who rallied to the anti-Gupta camp were there because of their opposition to this brand of parasitic looting. Some were there because they were rivals of the Guptas in the business of looting the state. And some of these elements remain well placed within senior structures.

Another danger is that general elections scheduled for the first half of next year may increasingly encourage ANC caution in dealing with

unresolved challenges. There is the danger of an unprincipled closing of ranks. And what about other thorny issues? The ANC has in the recent past often taken the short-cut of reaching its largely loyal, rural electoral base via traditional leaders. While a degree of carefulness is understandable, there has often been a failure to mobilise the rural masses in their own right. And what are the implications of likely electoral caution for the seriously problematic challenges of the Ingonyama Trust (so effectively underlined in the article by Jabulani Sithole and Percy Ngonyama in this issue)? Sithole and Ngonyama expose the Trust for what it was intended to be – a counter-revolutionary Trojan Horse with its origins in bantustan elites, planted in the heart of KZN and cynically created in the dying days of apartheid, on the very eve of the April 1994 democratic elections.

The SACP has consistently engaged the ANC since its 2012 Mangaung Conference, seeking to work together to provide substantive policy content to the resolution calling for a second radical phase of the NDR, involving radical economic and social transformation. In the Party's view the ANC, having taken the resolution, failed to provide substantive content to it. In recent years, the space has been taken, either cynically by the now thoroughly discredited Guptas' Bell Pottinger operation, or by an entirely demagogic populism epitomised by the EFF's Julius Malema.

This is most evident in the way in which the land question, for instance, has been raised in these quarters. Understandably land is a highly emotional issue in our country. Centuries of colonial and white minority land dispossession have been central in the national oppression of the majority of South Africans. But how, in the 21st century, do we address the land question from a working class and socialist perspective? How do we drive a radical land reform programme that addresses both the productive and social aspects of land, and both the needs of

rural people and of the urban majority of South Africans? The racial inequities in South Africa's agrarian and urban settlement patterns are unsustainable and deeply unjust. But a serious and sustainable land reform programme cannot be based on an illusory restoration of a long altered past, or an elite land grab.

Without a serious class-based analysis of the land question in South Africa, the debate will be dominated by slogans that do not take the struggle forward. Jeremy Cronin's article in this issue is an attempt to open up a discussion on the land question grounded in Marxism. ●

CENTRAL COMMITTEE

Key strategic tasks for the SACP

The political report to the February 2018 Central Committee sets out the strategic and urgent tasks of the revolution

We should neither exaggerate nor underrate the relatively rapid developments that have been unfolding over the past several weeks in South Africa. It is clear that important blows have been struck at the heart of the state capture agenda and key players are now off-balance and even on the run. However, we need to understand that the problem is systemic and not just a single network formerly located within the presidency itself. We can expect attempts at a regrouping of those bent on pursuing a primitive accumulation agenda through the looting of public resources. But the rapid moves of the past weeks, including the forced resignation of President Zuma, have opened up an important momentum with considerable popular support. Now is the time to press boldly ahead.

As the SACP we can proudly say that some of the advances and movement forward made over the recent past also have a lot to do with our own contribution. As the ANC increasingly squandered the moral high ground, losing its capacity to play its core role in nation building to advance, deepen and defend the National Democratic Revolution (NDR), so the SACP in recent years correctly put more emphasis on its own vanguard role and responsibilities in relation not just to socialism and the working class, but to the NDR itself.

Placing more emphasis on our vanguard role within the NDR has seen the SACP providing a leadership role on a number of fronts. We have taken a leading role in correctly naming and characterising the dangers of corporate capture of the state, which has now been given the prominent shorthand of state capture. This has been an important ideological and political intervention by the SACP that has greatly helped to clarify the dangers and the challenges facing our movement and revolution in the contemporary period.

Of the Alliance formations, we were the first to call for President Zuma to step down as head of state. Our call was principally based on the fact that the President was actually at the centre of state capture and the related processes of building a parallel state and its parasitic networks. In the process he had contributed to the further squandering of the ANC's two decades of electoral dominance, a dominance that could have been used to actively drive structural the transformation of our society. In the process, Zuma (ironically, much like Mbeki before him) increasingly marginalised not just Alliance partners, but even the ANC itself around key decisions in government and the movement. In Zuma's case, a shadow state was constructed with Zuma allied to a faction that was actively benefitting from, as well as abetting, the corporate capture of the state.

The SACP was the first organisation to call for a judicial commission of inquiry into state capture, as one way of confronting this scourge, which has undone many of the gains we have made during the first phase of our national democratic revolution. We knew, however, that much as a judicial commission would be an important legal intervention that could catalyse other broader interventions, it is not the whole solution to the problem. It was for this reason that we threw our weight fully behind Cosatu's September 2017 mass action in protest against capture and corruption. Indeed our vanguard role is still sorely needed

on the front of mass activism.

The SACP, during the course of last year, convened an Imbizo, bringing together the Alliance and a number of social formations, as well as reaching out to our stalwarts and other sections of our movement that are disgruntled about the current state of especially the ANC. Indeed our imbizo was also attended by Business Leadership South Africa (BLSA) and faith-based formations, and pointed to the possibilities and necessity of defending democracy, constitutionality and national sovereignty through a very broad-based patriotic alignment – across ideological and class divisions – and the responsibilities of the SACP in this regard. It was, and remains, critical for the left not to be absent from anti-corruption struggles and for the defence of the rule of law. For a critical moment in 2017 the SACP was the *only* mass formation within the Alliance capable of playing what is in principle the ANC's historic role. We played this role momentarily, there are now hopeful, but still only early signs, that under the Ramaphosa leadership, the ANC will be able to reassert this critical, nation-building, patriotic task. The vanguard role of the SACP in this context is to remain vigilant, organised and coherent, while helping to strengthen this development as much as possible. We must ensure that the anti-state capture drive does not occur under the unilateral hegemony of monopoly capital.

It is also important to understand that part of the vanguard role of the SACP is for its national leadership to give direction to the ordinary Party membership and lower structures. This requires that leadership listens to membership and lower structures, but also at the same time seeks to direct the lower structures in a manner that takes into account the overall responsibilities of the SACP, based on a concrete analysis of the concrete reality, and in the context of the broader strategic tasks of our revolution and the struggle for socialism. This is the essence of democratic centralism!

One of our more important resolutions coming out of our 14th Con-

gress is that of building a left popular front, to unite all those forces committed to driving a second more radical phase of our democratic transition. Such a front may, in fact, be both relatively formal and informal. It is likely to have different characteristics in specific localities, and it may cut through and across formal structures of, for instance, the ANC and key state political institutions. Although the post-Nasrec ANC is proclaiming “unity”, the outcomes from the ANC’s 54th national congress could also produce a stagnant unity of paralysis. We must not allow the unity call to become a papering-over of corruption and parasitism and elite pacting, a closing of ranks in the interests of 2019 elections.

Apart from consolidating a networked left popular front, we need to continue to work towards fostering a broad patriotic front whose primary focus is to defend the rule of law and our national sovereignty. .

Our detractors, especially from inside our movement, have labelled all these interventions on our part as oppositionism, conveniently forgetting what OR Tambo said: we must speak the truth even if it coincides with what the enemy says. To us that’s playing a vanguard role!

The conjuncture & the strategic and urgent tasks of the revolution

We need to build on these advances and roles to create conditions to drive a second, more radical, phase of our democratic revolution – this is the key task in 2018 and beyond. Part of creating the conditions to drive a second phase must be to aggressively confront and dismantle the parasitic networks both inside and outside the state. Dismantling the parasitic networks is going to require decisive interventions in the state as well as mobilisation of the progressive forces, both inside and outside the Alliance, to defeat state capture.

If we are to defeat state capture we need to build upon our Marxist analyses of this phenomenon as we started doing in the political

report to the Augmented Central Committee of 2017. State capture is a particular form of primitive accumulation. We also need to understand some of its key features and manifestations:

- The existence and consolidation of a parallel (sometimes referred to as a ‘shadow’) state controlled by a parasitic bourgeoisie;
- Securitisation of the state apparatuses and the internal operations of the political movement itself, including abuse of state apparatuses to advance narrow factionalist interests, akin to a mafia state;
- The emergence and consolidation of a dominant, though not hegemonic, faction in the movement, with the former president Zuma at the head and centre of the faction;
- The rapid rise of anti-intellectualism and populism: ‘let the rand fall we will pick it up through radical economic transformation’. If welfarist measures were the answer to the poor for the neo-liberal programme of the 1996 class project, populism and patronage is the answer of the parasitic bourgeoisie to the impact of its looting on the mass of our people;
- Repeated appeals to tribalism and tribalistic forms of organisation to defend power. Both before and after the recall of Cde Zuma there have been clear attempts at Zulu tribal mobilisation coupled with attempts to use KZN ANC structures as a base to challenge the Ramaphosa leadership. The vanguard role of the Party will be needed here in order to ensure that we do not allow KZN to be used in this fashion.

However, this parasitic bloc and its networks are not without their own contradictions. These include the fact that the very outcome of the ANC conference reflects the deep divisions and factionalisation of the ANC in the lead up to its conference. Another contradiction is that factions tend to fractionalise further leading to the emergence of new factions. The parasitic bourgeoisie is unable to meaningfully engage

ideologically or persuasively with the people other than through arrogance or patronage.

If we are to successfully embark on a struggle to roll back and defeat the parasitic networks associated with state capture, it is indeed important to deepen our Marxist-Leninist analysis of state capture, as a short-hand, descriptive label for a specific phenomenon that has taken aggressive root in the South Africa reality over the past decade or so.

Some of our comrades are questioning the scientific validity (in a Marxist sense) of the concept of state capture. Amongst other things they argue that it is very un-Leninist and fails to grasp the character of the state in capitalist societies – that it is always captured, so to speak, by the capitalist class. It is for this reason, amongst others, that we need a deeper and ongoing scientific analysis of the state capture phenomenon.

Our point of departure must be that the short-hand and now widely used idea of state capture needs to be more effectively unpacked through a scientific Marxist analysis of the systemic development of a particular form of primary accumulation that has taken root over the past decade or so in South Africa, but which is also a characteristic pattern in many peripheral and semi-peripheral societies.

The main thrust of Marx's *Capital* is to probe behind capitalism's own self-image as a "market society" involving "free exchanges" between sellers and buyers, and in particular the myth that the labour market is a free space in which the sellers of labour freely sell their labour power in "fair exchange" for a wage. By proceeding beyond the appearance of "fair" market exchange and entering into what he calls "the hidden abode" of production, Marx uncovers the secret of capitalist exploitation – the worker creates *more* value than his/her "price" expressed as a wage.

This is "normal" capitalism. The daily class expropriation of surplus

from the direct producers disguised as a “fair market exchange”. This is the “formal” capitalist economy and the essence of a capitalist “rule of law”.

This is the key focus of Marx’s great scientific contribution and the bedrock of Marxism. However, in *Capital* (and elsewhere) Marx also considers other forms of class expropriation – many of them the very condition for the establishment of capitalism in the first place. He describes these as “primitive”, or “primary” accumulation, forms of surplus expropriation that are outside the “rules” of “fair market exchange”. In particular, the expropriation of peasant farmers through “enclosures” in Britain and elsewhere, colonial expropriation, and the slave trade are mentioned as key historical foundation stones for the accumulation of wealth (and the proletarianisation of direct producers – freed of assets with nothing to sell but their labour power). These forms of primary accumulation (typically expropriation without compensation) underpinned the subsequent development of capitalism in Western Europe.

Marx, but particularly later Marxists – Lenin, Luxemburg, and in South Africa, Harold Wolpe, and in the recent period Marxist ecologists and Marxist feminists – have underlined that various forms of “non-capitalist” expropriation continue to be essential elements in the way in which actual capitalist societies function and reproduce.

Which brings us back to the idea of state capture. A key strategic agenda of the Mbeki presidency was to promote a new black capitalist stratum with the agreement of established monopoly capital. First generation BEE was largely played out within the rules of the capitalist system in general. While non-market forces were used (state regulatory power), the empowerment followed the “rules” – BEE beneficiaries received indebted shares and were expected to repay the loan.

Generally, established monopoly capital played along with, and often

actively promoted, this agenda and saw it as a key means to advance the interests of monopoly capital in general by stabilising capitalism in South Africa against radical threats.

However, for many reasons, this agenda proved unstable and unleashed many contradictions and rivalries within the ANC and new state institutions. What we describe loosely as state capture, is a second wave of accumulation using positions within the state. But this second wave no longer plays within the parameters of a “capitalist rule of law”. It involves direct looting (expropriation) of public resources (and particularly of key SOEs). Moreover it is no longer in the interests of capital, or monopoly capital in general – quite the opposite. This is why it has been possible to build a multi-class patriotic front of forces against state capture.

It is going to be important to closely monitor and undertake ongoing analyses of this form of primitive accumulation, within the context of an ongoing critique of capitalism, as it tends to be a resilient and consistent feature of capitalism in relatively underdeveloped capitalist societies – typically associated with post-colonial political elites. Of course, there are ongoing and aggressive other forms of non-market expropriation/primary accumulation in the developed capitalist centres (the expropriation of common wealth, of the environment, for instance, through pollution; or the effective expropriation of informal, home-based care necessary for the reproduction of labour power, etc.)

The rapid developments of the recent period, especially the very welcome resignation of President Zuma and the installation of Cde Ramaphosa as the president of the republic, open up possibilities to consolidate and anchor, and to reposition, a range of forces to defend and advance our gains of the last 24 years. Over and above dismantling the parasitic networks it is important that we also focus on strengthening our organisations and ensure that the movement wins the elections

in 2019.

The state of the nation address (Sona) has certainly given hope to a wide range of South Africans, well beyond our allies, including many supporters of the opposition parties. The opposition parties themselves in parliament appear to have been caught off-balance by the Sona. We need to build the positive message taken from Cde Hugh Masekela's song *Thuma mina*. This could be a clarion call almost similar to the *Thuma mina Oliver Tambo* version.

The ascendancy of Cde Ramaphosa to the presidency of the republic and his inspiring Sona requires more rather than less of the vanguard role of the SACP, for a number of reasons. Firstly, we have entered a hugely contested period by a variety of class forces, many of which were, until recently, united around the call to remove President Zuma. In fact the broad patriotic expressions around the removal of Zuma may have temporarily obscured the different interests that were lined up behind this call. For the capitalist classes, they see an opportunity to fashion a president who is more sympathetic to their class interests. Even within the capitalist classes there are struggles for different fractions to consolidate their interests above others.

Secondly, there is a very real danger that in this age of hope, those with resources and control of the means of production (and reproduction) of ideas will act to consolidate themselves at the direct expense of the working class. Working class mobilisation is a necessity and not a distraction from consolidating the recent advances. One of the most serious weaknesses in our working class struggles is that of the decline in the militancy of Cosatu in particular, and the trade union movement in general. (It is very noticeable, for instance, how both Fedusa's Denis George, and Saftu's Zwelinzima Vavi, were able to create profiles for themselves around Sona and the Budget, with Cosatu's leadership seemingly marginalised). We need to contribute towards the revitalisa-

tion of trade union militancy as part of building a more radical trade union movement. We however need to analyse what are the factors contributing to the weakening of the militancy of the trade union movement. In fact, the foundation and core of a left popular front is a militant trade union movement!

Thirdly, the SACP needs to continue to play its vanguard role in what is possibly going to be a protracted struggle to roll back and defeat the parasitic bourgeoisie and its networks.

The ANC National Conference and its immediate aftermath and impact

This Central Committee needs to undertake a very thorough evaluation of the meaning of the outcomes of the ANC conference for a whole range of challenges and realities facing us, including the challenges and possibilities it poses for the implementation of our 14th Congress resolution on state power. Evaluating the ANC Conference is an important, integral and not separate, process from the current conjuncture.

In our November/December Road Map we advanced four possible ANC Conference scenarios. In practice there was a hybrid outcome involving features of what we dubbed Scenario 2 (a “CR17” victory based on a platform of anti-State Capture) and Scenario 3 (a power-sharing “unity” deal between the two major slates). In many respects we got a version of Scenario 3 – with all of the dangers of continued leadership paralysis in the Top 6 and NWC (National Working Committee) and a theme-song of “unity” of the ANC. But, in effect, there was not a straight CR17/NDZ Scenario 3 deal, because of the role (one assumes) of Mashatile and Mabuza – which resulted in a slight advantage to the CR17 slate in the Top 6, and subsequently in the election of an NWC. But the Mashatile/Mabuza arrangement also saw the exclusion of leading SACP members from the NEC.

The non-election of SACP officials into the NEC of the ANC creates

a completely new situation that has not been there for some decades. It creates the possibility of the two organisations increasingly drifting apart, unable to influence each other at the highest levels of both organisations. Much as it is important to analyse these latest developments in terms of factionalist anti-SACP positioning within the ANC, this may also be a reflection of the kind of ANC we have at the present moment. This may signal the triumph of provincially based factions over a unified national leadership voice. It may also be a reflection of an ANC cadre that is increasingly drifting apart from some of the core values of our movement and remains only rooted in the organisation through factionalist activity.

While continued paralysis and mutual checkmating in the name of ANC unity was likely to be the outcome of the ANC Conference and the very slim CR17 advantage, the past three weeks have shown something different – an important and changing dynamic:

- Important (if in most cases still initial) moves have been made on virtually all the SACP's demands regarding State Capture which were also resolutions of our broad imbizo;
- The recall of Zuma has now happened, creating possibilities for the Alliance to perhaps act as a cohesive force, particularly in tackling parasitism;
- The judicial commission of inquiry into state capture based fundamentally on the Public Protector's State of Capture Report is now in the process of being set up;
- The then Deputy President, now President, has publicly announced that the nuclear deal will not go ahead, and was not contradicted by Zuma then;
- The Eskom Board has been changed;
- The NPA is beginning to move (Trillian, Eskom, the Vrede Dairy Farm);

- There is a new Police Commissioner, and the Hawks are being cleaned up;
- The SABC is slowly being changed.

Some of these processes had been started by the opening, in mid-2001, of the ANC Parliamentary caucus as a new site of anti-state capture struggle (in which SACP MPs played a role). The various parliamentary hearings underway (in which SACP-ANC MPs are again playing a role) are adding further momentum to the anti-state capture wave. These hearings are also resulting in different “comrades” throwing each other under the bus, further deepening the crisis of the state capturers.

All of these developments are positive but, of course, we should temper our optimism with the realisation that much needs to be done. So far the fight back has been relatively weak and clearly these forces are off-balance, and surprised by the rapidity of advances and the multiplicity of problems and emerging information. However, we must not be caught off-guard by attempts at counter-mobilisation, as seems to be the case from the KZN base. We must also appreciate that, at least visibly, there are critical institutions that, so far, are untouched (SARS, Intelligence) – although the Sona announcement of a commission of inquiry into SARS is a very positive indication.

What are the specific roles of the SACP in this reality?

- While we need to appreciate that the CR17 grouping within the Top 6, NWC and NEC (as part of their assertion of hegemony) need to play the “unity” theme song – the SACP need not have any such qualms. We need to actively deepen the division between those seeking to clean up the ANC and the State, and the Guptarites (and indeed, those who share the same parasitic agenda, and who were merely anti-Gupta because they were business rivals in the business of state capture). This is how over the past two years the SACP has

played a key role from within the Alliance in advancing the anti-state capture platform – we much earlier articulated openly what many were feeling within the ANC but couldn't or dared not initially say (eg. Recall Zuma, etc.) We must continue to play this vanguard role in the fight against state capture and corruption more generally;

- We must do better than we generally have in the recent period in more active mobilisation and campaigning – making the link between state capture and the impact on the working class and middle strata (the Metrorail crisis, for instance.) This is also how we should seek to build a Left Popular Front – something in which we have not made much progress;
- At important moments in the course of last year, but playing a leading role, the SACP was able to ensure that the anti-state capture mobilisation was not left to opposition parties, or the likes of Outa. We must continue to be active;
- We must keep the pressure on – including on issues like the dismissal of non-performing ministers; and
- We must move beyond just mobilising against state capture and advance a radical transformation agenda. The most obvious area in which there is now political momentum is around the *land question*.

The Land Question

The land question is now firmly on the agenda following the ANC's Nasrec conference resolution and President Ramaphosa's Sona and Sona debate response, in which he has firmly nailed his colours to the ANC resolution.

We should note, firstly, that in many ways the Nasrec resolution is a symptom of the down-the-middle, 50-50 divisions of the ANC conference. The resolution supports, on the one hand, the EFF's populist

call for expropriation without compensation, and then qualifies it by resolving that this should not impact negatively on the economy or food security.

The SACP *could* point out the internal contradiction within the resolution – any serious land reform programme (whether in the socialist examples of China and Cuba, or the capitalist oriented but highly successful South Korean case) inevitably has an *initial* destabilising impact on the economy. We *could* also point out that “just and equitable” compensation as envisaged in the Constitution is not a hindrance to serious land reform, and that, in fact, the powers conferred on Government by Section 25 (the Property Clause) of the bill of rights have *never* been used, much less tested for land restitution!

However, a better approach given the current reality, is to use the Nasrec resolution as a means to open up a serious interrogation of the so-far spineless and confused approach to the land question in general, to now drive a serious and mass driven land reform programme.

An immediate (although surely not the most important) issue is how best to approach the constitutional issue:

- One approach would be to work with the EFF to change the Constitution to remove the compensation requirement. A constitutional change might take time, and the EFF might prove unreliable by attaching additional requirements (for instance, dropping the qualifications introduced by the Nasrec resolution). Do we want to depend on the EFF in any case?
- An alternative approach is to use Section 25 (8) of the Property Clause: “No provision of this section [the Property Clause] may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination provided that any departure from the provisions of this section [i.e. for instance compensation] is in accordance

with section 36 (1)”. Section 36 (1) requires that general law of application must be developed if there is to be any departure. In other words, an alternative to amending the Constitution would be to pass legislation which refers to the above clauses and says something along the lines of “Where expropriation is undertaken for the purposes of achieving equitable access to land and water, the state may withhold the payment of compensation in cases of absentee landlordism, purely speculative land holding....etc....”.

The constitutionality of such legislation will of course be challenged. But the more important imperative is not now to get too hung up on the Constitutional and legal issues, and rather focus on driving effective land reform.

A useful starting point is the report of the High Level Panel chaired by Cde Kgalema Motlanthe. It notes that we have been very weak and confused about our objectives in land reform. It notes that land reform is not effectively budgeted for (constituting only 0,4% of the national Budget). It further underlines that land reform involves 3 critical areas:

- Restitution;
- Redistribution (which only receives 0,1% of the budget) and which seems to have focused more on creating a black rural capitalist stratum – see the High Level Panel report;
- Security of tenure;

While restitution is an important pillar of land reform (restoring dignity to communities and healing wounds) an over-emphasis on restitution at the expense of the other pillars has resulted in several problematic outcomes;

- There is a massive backlog, and there has been a further opening up of claims;
- A high proportion of claimants opt for monetary compensation

rather than land – while this serves the purpose of justice, it doesn't alter racial and other skewed land ownership patterns in South Africa;

- Where land is restituted there is a high failure rate in terms of sustained productivity – again the emphasis on justice (important as it is) at the expense of effective productive support impacts upon achieving radical and sustainable land reform;
- Restitution encourages backward looking, rather than forward looking into the challenges of the present and coming decades – food and water security, land in urban areas. It also treats potential motive forces as victims (which of course they are), but not as agents of change, self-emancipators; and
- Finally, restitution also runs dangers of re-tribalisation and endless conflicts over who is the “community” and who authentically represents the community – this is occurring in both rural areas and in prime urban areas (see the forever stalled District 6 issue in CT).

While not neglecting land restitution – the SACP must advance the perspective of greater stress on land redistribution especially for the landless and poor, and on security of tenure (especially for farm workers and, above all, families living in former bantustans – here the massive problem of Ingonyama Trust looms large).

In his response to the Sona debate, Cde Ramaphosa said:

“The expropriation of land without compensation is envisaged as one of the measures that we will use to accelerate the *redistribution* of land to black South Africans. We will need to determine, collectively, how we can implement this measure in a way that promotes *agricultural production*, improves *food security*, advances *rural development*, reduces *poverty* and strengthens our *economy*.”

Clearly the stress given to redistribution and the productive and developmental emphases point in the right direction. (Although we need

to ensure that land reform also focuses on transforming urban land patterns to overcome the persisting legacy of apartheid urban space – now driven by the capitalist property market).

The impact of the ANC December conference and its January 2018 aftermath on opposition parties

Both the DA and the EFF are now being deprived of the JZ “gift that kept giving”.

In both cases Ramaphosa’s effective take-over of the anti-state capture struggle, coincides with their own internal DA and EFF challenges. In the case of the DA, they have scored a series of own-goals, particularly in their model city of Cape Town, which in turn has been sharpened by their palpable amateurism in dealing with the water crisis. Some of the DA’s problems relate to a “white boy” management team that puts up black electoral figures who are either mavericks (De Lille) or out of their depth (Maimane). At a national level, within the DA, there is growing contempt for Maimane, especially from within their black caucus. Tony Leon has further put the cat among the pigeons by telling his party that Ramaphosa is a game-changer, and that the DA needs to re-think its strategic posture. Clearly (and correctly) they are concerned that a Ramaphosa presidency will erode their gains in the black middle strata.

The EFF had also been running out of steam in the course of last year. Their campus radicalism, which had started well for them, began to back-fire and was increasingly rejected by the majority of students. Their parliamentary antics also became increasingly tiresome amongst the broader public. There were signs that they were seeking to clean up their act somewhat, with their pseudo-military C-in-C spending more time in courts involved in law-fare than in street brawling. But with the gift that kept giving no longer giving very much, the EFF has resorted

to type with its widely condemned H&M hooliganism. They also burnt their fingers with a repeat of obstructionism ahead of Sona, with their walkout being roundly condemned as “immature” on social media, not least by their own supporters.

2019 elections

These interacting developments within the ANC and the main opposition parties have probably (not certainly) significantly increased the probability that the ANC will not fall under the 50% mark.

This probability – which of course needs constantly to be assessed – will also impact on the SACP and any calculations we might make regarding an independent electoral stand and the leverage we could have (as currently in Metsimaholo) if the ANC were to fall below 50% in 2019. This is not to say that we should no longer explore the option of an independent SACP, or SACP-led election platform. And certainly our Metsimaholo campaign has served to show that we are prepared to actively move in this direction.

Related to the above, already some of our own structures are seeing lots of positives from the Ramaphosa victory and the departure of Zuma. Cosatu does not seem to be having an appetite for any other electoral path other than to support a Ramaphosa led ANC as they had campaigned for. We therefore need to have a sober discussion at this CC about the reality of the ‘Ramaphosa phenomenon’.

In short, it may be incorrect and premature at this point to make a definitive decision.

Re-configuring the Alliance

As we have previously said, we must not think of re-configuration primarily as a “comradely agreement” to adjust the Alliance “organogram” signed off at an Alliance lekgotla, or Alliance Political Council,

perhaps. That may or may not happen – much more important is how we alter the balance of class and ideological power within and across the Alliance.

Much will depend on our ability to consolidate the SACP itself as a more effective organisational force on the ground, in our communities, at our places of work and study – in all sites of power.

We must also appreciate what we actually did in the run-up to the ANC December Conference. In key provinces (KZN, North West) where the dominant ANC forces tried to create a no-go zone for the CR17 campaign – it was SACP (and YCLSA) organisation and capacity that created the space for Ramaphosa to campaign. This was not because we were supporting a particular slate or personality, but because this brought the anti-state capture message powerfully into these no-go zones. In doing this we were in effect actively re-configuring the Alliance.

All of the above constitute both the *content* and *context* of our roadmap, and is not separate and independent from that roadmap. It would be wrong to be reductionist about the road map and limit it exclusively and narrowly to considerations of independent electoral contestations by the SACP, much as we should at the same time not fudge the necessity to openly discuss our electoral options as we shall do in this CC. In any case it is within these realities that the SACP will have to locate its electoral considerations, and to even contest elections for that matter.

The pressing tasks in 2018

Arising out of the above, 2018 poses some complex and difficult challenges that we need to be thoroughly guided by strategic consistency, analytical awareness and tactical flexibility. Much more importantly the CC needs to unite itself on our way forward so that it is able to play its vanguard role in relation to the rest of our lower structures and

membership.

Some of the key tasks and challenges include the following:

- The necessity to embark on serious mass work on a number of fronts: intensified political education for our membership; engaging the broader progressive forces towards the building of a left popular front; mobilising the rural and urban motive forces around the land question. We need to creatively connect with ongoing mass struggles on the ground, not in an opportunistic fashion but in a principled way;
- The SACP must urgently discuss and seek consensus on the idea of a broader patriotic front as there seems to be uneven understanding of what we mean by this;
- Intense engagement inside our Alliance and focusing our attention on particularly the reconfiguration of our Alliance and the trade union movement, in particular our ally Cosatu;
- Strategically developing our policy capacity, but not through the creation of internal SACP stand-alone capacity for policy development. Instead we should have linkages with existing policy think tanks, NGOs, universities and government through which we can leverage policy information and positions. Nevertheless, this will require careful co-ordination and capacity for catalytic engagements with relevant institutions. Our CC commissions should perhaps seek to strengthen themselves to play this co-ordinating and vanguard role;
- We need to strengthen Party structures at all levels and this discussion cannot only be limited to the role of the General Secretary, but to all our secretariat structures at all levels;
- We need to thoroughly prepare for our Special National Congress, which must be held by no later than July 2018. ●

THE LAND QUESTION

Towards a Marxist approach to land

This is an edited version of a talk by **Jeremy Cronin** to a Joe Slovo commemoration event at the University of the Western Cape on 22 March 2018

Twenty-four years after the historic defeat of the apartheid regime, the land question has resurfaced with ever-greater passion and, indeed, hostility, anger and confusion on many sides. The immediate cause for the eruption of public debate is the December ANC national conference resolution, which reads: “the ANC should, as a matter of policy, pursue expropriation of land without compensation. This should be pursued without destabilising the agricultural sector, without endangering food security in our country and without undermining economic growth and job creation.”

In commemorating the outstanding contribution of our former SACP general secretary, Cde Joe Slovo, I want to dwell precisely on the land issue in contemporary South Africa, and pose the question: Is the unresolved land question a reflection of the alleged “sell-out” in the negotiated settlement of the early 1990s? It was, after all, a settlement in which Slovo played a leading role. I will argue that the failure to drive an effective land reform programme in post-apartheid South Africa is not located in the negotiated settlement or in the alleged constraints of the 1996 Constitution that emerged from that settlement.

Rather, the weaknesses and failures of our land reform programme

are to be found primarily in the neo-liberal turn in government marked by the 1996 Gear macro-economic programme, along with considerable policy confusion, institutional weaknesses, and, often, corruption.

Appropriately used, the ANC's December 2017 conference resolution can provide us with a useful entry-point into a critical examination of the failures of our post-apartheid government to drive an effective process of radical social and economic transformation. It can, therefore, also provide an opportunity to discuss what needs to be done to drive a sustainable and radical land reform programme.

On the face of it, the ANC resolution appears to be both self-contradictory and in other ways problematic. It envisages expropriation of land without compensation "without endangering food security", which seems to imply that there already is food security. But nearly one-third of South Africans, more than 11-million people, are food insecure. Presumably what the resolution means is that South Africa's current national food sovereignty (our current ability to basically produce enough food locally to feed all our people) should not be compromised. But food sovereignty in a capitalist South Africa, and actual affordable food availability (ie security) for all are not remotely the same thing.

More problematically, the ANC resolution appears to veer between the simple adoption of a populist and pseudo-radical slogan ("expropriation without compensation") on the one hand, while seeking to reassure the capitalist market and the commercial agriculture sector that there will be no "destabilising", on the other.

These ambivalences in the ANC resolution are, of course, not accidental. It is no secret that the ANC December 2017 national conference was highly divided. Some participants even came to blows on the floor of conference on whether to adopt "expropriation without compensation" or not.

Predictably, the ANC resolution has now given rise to the widest range of reactions, many of them hysterical. White right-wing forces like Afriforum read into this resolution the prospect of “white genocide”, a perspective echoed by an Australian government minister. Conservative liberals, like the DA, portray the resolution as an assault against the “sanctity of private property”, which they claim (falsely) is enshrined in the Constitution. More populist voices, notably the EFF’s Julius Malema, claim authorship of the resolution, and call for the “return of the land” to those from whom it was stolen, meaning the indigenous African majority. (But what about other black communities dispossessed through Group Areas removals, for instance, by white minority rule? Or the dispossession of the Khoi-San people?)

In short, there is confusion and muddle in every direction. It is obvious that “land” has often become a magical symbol, a metaphor for a wide range of other fears and frustrations – the loss of white privilege, for instance, on one side, or youth unemployment, marginalisation, and a general sense of alienation and anger, on the other.

Colonial expropriation

Land is understandably a highly emotive issue in contemporary South Africa. Colonialism and variants of local white minority rule, including apartheid, carried out systematic, large-scale, often genocidal expropriation of black South Africans – Africans in particular, but also of other black communities. It was not just land that was expropriated but also other productive assets (cattle, for instance) as well as access to water, homes, and trading licences. It is crucial to remember all of these factors as an antidote to the magical populism of the EFF claiming, for instance, that “land creates jobs”, “land creates wealth”. In the words of Tembeka Ngqukaitobi, we must not reduce the land question, like this, simply to repossessing “ground”.

The land question needs to be anchored firmly within its shifting historical productive and social roles, and in the critical interface between land and labour. Indeed, what gets forgotten in much discussion around the land question is another colonial expropriation – the expropriation of labour itself. If land was stolen, so were human beings.

In the 18th and early 19th century, genocidal military raids against the Khoisan people involved the capture of young boys and girls and their enslavement to trekboers in the infamous ‘inboekeling’¹ system. The Cape Colony from the mid-17th century depended on a large number of imported slaves from East Asia, Madagascar, Angola, and elsewhere. Through much of the early period of the Cape settlement, slaves outnumbered European settlers. A simple return of land somewhere in contemporary Indonesia, for instance, is hardly a panacea for their now thoroughly South African descendants, who were, nonetheless racially oppressed over many generations by colonial and successive white minority regimes here on the African continent.

In short, the ‘original sin’ (a term which has entered the local land debate, but which is borrowed in this context, often unknowingly, from Marx’s analysis of “capitalist primitive accumulation”) was not only local land expropriation of the African majority, but a massive process of colonial theft both here in southern Africa and across the colonial world.

From the late 19th century colonial expropriation was increasingly linked to the proletarianisation of the African majority. Which is to say, both material assets and labour power were expropriated, the expropriation of the former being the condition for the latter. It was labour power driven into the capitalist market by the loss of productive assets, but also by other expropriations, notably taxation, imposed monetary levies on societies largely outside of money-based exchanges. Increasingly through the latter part of the 19th century and into the 20th cen-

tury, it was the drive to commodify labour, and to reproduce cheap labour power that underpinned the wide range of racist land and other policies and interventions.

These interventions did not only involve the expropriation of land and other assets from the African majority, but also the **reservation** of land and the forced confinement of families and the forced return to this land of semi-proletarianised migrant workers after the termination of their contracts, by way of pass laws and various other ‘influx control’ measures. And this is where we begin to encounter the **special** in what the SACP has long characterised as South Africa’s “colonialism of a special type” (CST).

At the heart of the earlier phase of South Africa’s CST was yet another capitalist expropriation of labour – the patriarchal expropriation on behalf of mining monopoly capital of the unwaged reproductive work (caring for the young, the sick and injured, and the old) carried out by women and youth in the native reserves. One third of South Africans, a majority of them women, continue to live in rural poverty in the former homelands with insecure tenure and often under arbitrary and sometimes corrupt power of traditional leaders.

These class developments are important to remember as we approach the unresolved land question not as it was, but as it is now in South Africa in the early 21st century. Among other things, this brief history reminds us that radical land reform cannot be a simplistic question of restoring people to ancestral lands. Where do we begin? In 1652? – long before the emergence of a Zulu kingdom, for instance, which involved land dispossession and absorption. And where, geographically, do we stop? Should we cede to our neighbouring country large parts of the Free State stolen from the Basotho peoples by Boer commandos and British colonial annexations? We must never forget the past. But we cannot make a simple return to it.

CST and blocked urbanisation

From a Marxist perspective we must always understand the violent process of land dispossession and forced proletarianisation of previously independent producers is a thoroughly dialectical reality that both destroys livelihoods and creates the objective conditions for the emergence of a new revolutionary force, the working class.

Without the increasing proletarianisation of the African majority in South Africa across the first half of the 20th century, the ANC's founding mission to forge a mass-based national movement that transcended narrow tribal identities would never have occurred. Without proletarianisation, the ANC would have remained an elite formation of Westernised intellectuals. In calling for a return of the land, and its implicit (and explicit in some cases) view that the people should also return **to** the land, we need to be careful that we do not reverse into narrow ethnic and tribal claims and counter-claims, and with it entrench patriarchal practices.

If the reserves (and later the bantustans) helped to reproduce cheap migrant labour for mining monopoly capital, they were also a deliberate colonial and apartheid strategy to undercut an emerging radical nationalist consciousness among a proletarianising (and urbanising) African majority.

The development of capitalism in South Africa under conditions of CST meant that there was the forging of a racially polarised agrarian countryside, parts of which were under indirect colonial rule via a distorted system of "traditional" leadership. This deliberately constrained and delayed African urbanisation, reinforced by the pass law system. It has left, in turn, a persisting legacy of racially, gendered and spatially distorted town and city settlements.

The end of apartheid and the abolition of pass laws and other "influx control" measures has now seen the vast and rapid expansion of

urbanisation, with some two-thirds of South Africans urbanised. However, this urbanisation process continues to perpetuate apartheid-style poverty traps for the majority, but now in an urban setting and now governed not by apartheid functionaries and “traditional” leaders, but by an exclusionary capitalist property market that confines the working class and poor to impoverished, often unsafe and distant peripheries of towns and cities.

At the same time, partly because of the uncertainties of urban life, first-, second-, and in many cases third-generation urban dwellers continue to retain emotional and cultural links to a rural family home. Apart from emotional and cultural ties, these rural homes also serve as a family backstop in an economy in which there are high levels of job precariousness and in which urban tenure is insecure. However, petty agricultural activity in these rural homesteads, located in former homelands, has largely collapsed and any radical land reform programme must also address this dimension.

The transformation of commercial agriculture

The end of apartheid has also seen the dramatic restructuring of commercial agriculture. In 1994 there were around 60 000 commercial farms in South Africa, by 2002 this had dwindled to around 45 000, and it is now estimated that the figure is closer to 30 000. These developments were partly the result of the ANC-led government’s neo-liberal turn in the mid-1990s and its opening up of the economy to globalisation. Instead of transforming, democratising and de-racialising the substantial state support accorded to white commercial farmers that included marketing boards, co-operatives, financing, tariff protections, extensive logistics infrastructure and much more, there was liberalisation and deregulation. White family farms were swallowed up by capital-intensive agro-enterprises, many listed on the JSE. Large numbers of

farm workers were retrenched, the potential support base for emerging black farmers was eroded, and the viability of many rural municipalities compromised.

This growing concentration of commercial farming is predicted to continue. Moreover, within this relatively small number of commercial farms, there is an even greater level of concentration. In 2002, 1 348 farms were responsible for more than half of total gross commercial farm income. These highly capitalised commercial operations constitute the backbone of South Africa's national food security. With the effective socialisation of both production as well as the socialisation of their upstream and downstream value chains, these farms could become a key pillar of a socialist economy capable of ensuring both affordable food for the working class and general food security for the majority. But this will mean a range of interventions, few of which will be directly about **land** restitution in any simplistic form.

The multi-dimensional character of land reform – land reform and agrarian reform are not equivalents

The current land debate is often reduced to an **agrarian** debate. There are two fundamental problems with this. The agrarian question and the bundle of related issues – food sovereignty and food security, farming production – are not only about land. The domination of agricultural inputs by multinationals, the monopoly control over agro-processing and food retail – these are all major challenges for the radical transformation of the sector.

On the other hand, the land question is also not reducible to the agrarian question. Land reform is also an urban (arguably it is now primarily an urban) issue. The racial spatial design of South Africa's cities requires focused attention. Both the mistaken collapse of the agrarian challenge into just a land question, and the equally mistaken reduction

of land reform simply into a rural question, have important institutional implications.

Why, for instance, have we divided into two separate national departments – rural development and land reform (in the Department of Rural Development and Land Reform – DRDLR), on the one hand, and agriculture (in the Department of Agriculture, Forestry and Fisheries – DAFF) on the other? In practice, this has resulted in a lack of coordination between land restitution and actual follow-up measures in terms of productive sustainability – the provision of effective extension officers, veterinary services, etc. This institutional problem is surely one of several factors responsible for the reported high failure rate of farms on restituted land. At other times, there appears to be a duplication of effort between the two departments.

Additionally, the reduction of the land question into a largely rural matter leads to a confused national debate. In much of the debate, the budget allocated to land reform, and the responsibilities for driving land reform, are narrowly equated with the budget of DRDLR. Land reform in South Africa needs to be an all-of-government matter, with national departments like Human Settlements, Water and Sanitation, Public Works, and Cooperative Governance and Traditional Affairs, along with provinces and, critically, municipalities playing a central role.

Who should be the main beneficiaries of land reform?

The Freedom Charter calls for “land to the tillers”. And this certainly points to three important social segments in contemporary South Africa who are tillers – survivalist households in the former homelands; farm-labourers on commercial farms; and labour tenants.

Land hungry survivalist farmers (mostly women) in the former homelands, living with insecure tenure rights, need to be among the main beneficiaries of a radical land reform programme. This will neces-

sitate the bottom-up democratisation of land tenure rights in the face of patriarchal chiefly domination (see the excellent study on the Ingon-yama Trust in KZN elsewhere in this issue of *The African Communist*).

Other productive tillers who must benefit from a radical land reform programme are the estimated 20 000 labour tenant families mainly in KZN and Mpumalanga. These farmers are the remnants of former successful black commercial farmers, who were dispossessed of land rights, but allowed to remain on white farms as labour tenants – providing free family labour for six months to the white farmer in exchange for being able to graze cattle and farm on portions of the white-owned farm. In many cases, now, the white farm-owner no longer occupies the farm, or only effectively occupies and produces on a small portion. But it is the white farmer who has proprietary tenure rights, while the actual tillers have insecure rights and are unable, for instance, to raise loans against land collateral. In all of these cases, a land reform programme that targets the actual tillers is appropriate.

Equally, the struggle to transform large-scale commercial farming must address the plight of farm-workers, who, despite legislation, continue to have precarious rights of occupation on farms. As the actual “tillers” on these farms, a progressive agenda must seek to both secure stronger security of tenure for these workers, but also training interventions to enable up-skilling and other possible interventions – like employee share-ownership schemes, and the democratisation of the on-farm management function.

Security of tenure

An absolutely central feature, therefore, of a radical land reform programme will be less about the “return of land”, and more about ensuring that all South Africans, and particularly the working class and poor, have security of tenure in land which they either work or which they use.

The DA makes a great song and dance about security of tenure, but they equate security of tenure to private title deeds housed within the Deeds Registry. While the current system of formal title deeds might work reasonably well for the middle classes and for private businesses, it is inappropriate for the majority of South Africans, both because of the complexity and expense of obtaining a title deed, and because many of its embedded private tenure assumptions are foreign to the more social forms of tenure practiced by a majority of South Africans.

Some 60% of South Africans are excluded from the formal property system, which is based on what Ben Cousins describes as “an imposing edifice”. A formal title deed involves a complicated and costly process of a detailed spatial surveying of the land parcel; a register recording ownership, bonds, and servitudes; and ongoing updating to reflect sales, inheritance, subdivisions and new servitudes.

The costs and bureaucratic services involved in this system exclude the majority of South Africans who exist outside of the dispensation with largely insecure tenure rights. This includes about 17-million in communal areas, about 2-million farm-workers and farm-dwellers, about 3,3-million people living in informal settlements, about 1,5-million in backyard shacks, an estimated 200 000 living in inner city buildings, and about 6,5-million living in RDP houses with no titles, or with inaccurate or outdated titles.

But apart from its costs, the dominant private ownership formal title deeds dispensation is foreign to other widely practised forms of land holding rights, based on family consent (albeit patriarchal consent), social obligations, and rights of access by others. In many of these practices the idea that an individual title deed holder can alienate, that is sell, the property is a completely foreign notion.

For all of these reasons, the DA notion of wall-to-wall individual title deeds is both impractical and anti-poor. In other countries where in-

dividual title deeds have been introduced into communal smallholder farming areas, the result has been a rapid growth of rural inequality, as the poorest households, in desperate indebtedness, sell off their land to an emerging capitalist class.

A serious land reform programme in South Africa must, as a priority, address the question of insecure tenure for the great majority, without coercing them exclusively into an inappropriate private ownership model.

The Constitution – a mandate for radical transformation

In commemorating the role of Cde Slovo, I began this intervention by posing the question: Is the Constitution a blockage to radical land reform? I deliberately posed this question because there is now a growing populist narrative that our negotiated constitutional settlement was a “sell-out” and all of our current crises are the result of that compromise. Let’s now turn more directly to this topic.

Land reform has to be more than land restitution

One of the misguided objections levelled against the Constitution, and specifically the Property Clause in the Bill of Rights, is that it “only allows for the return of the land to those dispossessed from 1913”.

But this objection, like many others, is based on a misreading of the Property Clause. A quick reading of the Property Clause will tell you that it correctly understands that, in the South African reality, land reform must rest on **three** pillars:

- Land restitution;
- Land redistribution; and
- Security of tenure.

The 1913 date in the Property Clause refers **only** to claims for **restitution**. Obviously, radical social and economic transformation, of

which land reform is an important component, must transform the terrible legacy of centuries of colonial and apartheid dispossession. But restitution is only one, and arguably not the most important, means for effecting radical land reform.

In fact, restituting land claims going back just to 1913 is itself proving to be a major problem, with a long time frame for full implementation.

The challenges of land restitution

Land restitution in post-apartheid South Africa is an important measure. It is about restoring some dignity and justice to communities and families. However, back in the early 1990s, in documents like the 1993 *Ready to Govern*, the ANC anticipated that the major pillars of our future land reform programme would be redistribution and security of tenure rights. In practice, restitution has tended to dominate both government programmes and much of public discourse (“returning the land to the rightful owners”).

A whole range of challenges have emerged with this overwhelming emphasis on land restitution.

The great majority of beneficiaries have opted for monetary compensation rather than the land. This is perfectly legal and completely understandable. Many communities and families have now rebuilt their lives in other localities, often in more urban settings. There is also the appreciation that going back to farming on land that has, perhaps, not been worked for many years is a daunting task without additional financial and other support. However, taking monetary compensation, while ensuring that some justice is done, means that restitution has not been a major path to the radical transformation of existing racialised patterns of land ownership and land use in both rural and urban South Africa.

A further major challenge has been the difficulty of substantiating who actually must be restituted. There are often many competing claims and counter-claims, and the process involves drawing in anthropologists, historians, and so-called ‘customary law’ experts. The restitution process is also in some cases resulting in rebuilding narrow tribal identities – exactly what the ANC in 1912 set out to overcome. For all of these reasons the process has often become exceedingly fraught and complex, and this means that:

- At the current pace, settling claims, it is estimated, could take 35 years (for old order claims submitted by 1998) and a further 143 years (for new order claims submitted after 2014). This means that we cannot continue with the existing approach. It is politically untenable. We need to explore a strategy to settle claims *en masse*, perhaps by way of a standard one-off monetary compensation, even as we pursue wider land reforms. This may be warranted because it is more expensive and time-consuming to settle land claims than to redistribute land. The onus on claimants and the state to prove the validity of the claim hampers us. We need to move ahead more speedily and negotiate settlements.

But why have government and much of the public discourse focused disproportionately on restitution?

It is surely not de-linked from the emotional but extremely limited idea that the devastation of centuries of colonialism and decades of white minority rule can be reversed by “the return of the land”. It is an old PAC theme – whose ultimate sterility accounts for the virtual demise of that organisation. But this PAC Africanist theme was taken up a few years ago by the ANC Youth League and then carried over into the EFF by Malema and his cohort of ex-Youth Leaguers. There is an apparent logic in the call – “the land was stolen, we must take it back through expropriation without compensation!”

But what exactly is to happen? Implied, and sometimes expressly stated, in this call for the return **of** the land is also a call for a “return **to** the land” of the great majority of South Africans. Listen carefully to the crowd response to Malema’s demagoguery – there is often enthusiasm for the idea of taking back stolen land, but little interest among his largely urban, male, youth constituency for actually returning to a rural peasant life.

Leaving aside the question of land restitution, are there other blockages to radical land reform in the Constitution, and specifically Section 25, the Property Clause? At the risk of becoming slightly technical, let me attempt to answer the most common illusions in this regard.

Is our 1996 Constitution, and, specifically, is Section 25 (the Property Clause) in the Bill of Rights an impediment to serious land reform?

The first thing to acknowledge is that the mandate contained in Section 25 to expropriate property in the public interest has **never** been tested in the courts. Government has **never** used Section 25 to expropriate for the purposes of land restitution or land redistribution. Yet the Property Clause explicitly allows for expropriation in the public interest and it says: “*the public interest includes the nation’s commitment to land reform, and to reforms to bring about equitable access to all South Africa’s natural resources...*”

That is surely a powerful mandate for serious and radical land reform – not an obstacle.

What about the requirement in the Property Clause to pay compensation?

It is true that the Property Clause, while allowing for expropriation, subjects this right to the payment of compensation. However, compensation is not based on the principle of market value – but rather on the principle of “just and equitable”, and the Property Clause, indicates

that some of the factors that need to be taken into account include “*the current use of the property*” (is it being held purely for speculative reasons? Is it being used productively?); and “*the history of the acquisition and use of the property*” (are the current owners the direct beneficiaries of Group Areas expropriation, for instance?).

In short, in terms of the Property Clause, compensation in the case of expropriation might be well below market value. It might even approach zero. On the other hand, we need to appreciate that it is not only the rich who might be expropriated – a poor rural homestead might be expropriated to build a dam, for instance. In that case, if the homestead occupants are to have any chance of restoring their lives to a semblance of at least their current situation, surely a “just and equitable” compensation would be considerably greater than market value.

But it might be objected: “You are still talking about compensation, even if it might be very low. How do you square this with the ANC resolution to allow for expropriation without compensation?”

Here is where it gets interesting.

Section 25 (8) of the Property Clause says: “*No provision [for instance the requirement of compensation] of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36 (1).*”

This means that the requirement of just and equitable compensation **cannot** hold the state back from taking measures to achieve land reform. Any taking of property for land reform purposes without compensation would need to be guided by Section 36 (1) which is an overriding ‘limitation clause’ in the Bill of Rights. Basically, this clause says that any limitation of a right (in this case not paying compensation) in

the Bill of Rights, would need to find expression in legislation which will shape how expropriation without compensation is treated. Section 36 (1) reads:

“The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors”.

In short, we **can** constitutionally allow for expropriation without compensation. An amendment of the Bill of Rights (which we have never done in any case) is neither necessary nor desirable. The Bill of Rights is a mandate for radical social and economic transformation, not an impediment.

But how legally would the possibility of expropriation without compensation be achieved?

Legislation can be passed saying that, in the case of an expropriation, it may be just and equitable for no compensation to be paid in cases where, for instance, a building has been abandoned, or land is not occupied or productively used by the nominal title deed holder. Such legislation could, for instance, be included within the un-promulgated Expropriation Bill of 2017, which is now awaiting a new round of public hearings.

But (here comes the next objection): “You are still talking about land reform at the margins – ‘abandoned buildings’, ‘land not productively used by the owner’. You are offering scraps at the margin, this can’t be the core of a serious land reform programme.”

There are two answers to this legitimate concern.

First, as we have already noted, there are some 20 000 black labour tenant farmers and their families productively working land on farms still nominally owned by white farmers. These productive black farm-

ers are mainly to be found in KZN and Mpumalanga. These cases are surely prime instances where expropriation without compensation, providing the actual tillers with ownership rights and security of tenure would be just and equitable, and indeed a serious contribution to improving food security and productivity. Likewise, there are an estimated 200 000 people living in abandoned inner-city buildings.

Secondly, and more generally, the above concern is based on the illusion that expropriation, and specifically expropriation without compensation is the **only** means available and virtually the **only** intervention required from the side of government to drive a radical and sustainable land reform programme. But the failures of our current land reform programme have little to do with the actual acquisition of land and more to do with other failures. In fact, the Department of Rural Development and Land Reform is currently sitting on some 5 000 farms bought in recent years but which have not yet been allocated!

In short, going forward with land reform as a key pillar of sustainable, radical social and economic transformation, we need to place increasing emphasis on land redistribution and on security of tenure. In these cases, too, expropriation with or without compensation (depending on the circumstances) will be an important constitutional means. However, we must never forget that expropriation is only **one**, and arguably not the most important, means to achieving radical and sustainable land reform – post-settlement support whether to black farmers or those occupying abandoned buildings or informal settlements is absolutely critical. ●

Cde Cronin is an SACP Politburo member and Deputy Minister of Public Works.

Notes

1 'Inboekeling' was the mechanism used to justify the kidnapping and effective enslavement of young Khoi and San children – usually during armed raids – by migrant Dutch pastoralists ("trekboers") in their move away from the Cape Colony. The practice was continued in the Boer Transvaal Republic, and was still in use in the 1870s.

THE LAND QUESTION

The Ingonyama Trust controversy

Jabulani Sithole and **Percy Ngonyama** unpack the double agenda of the KZN land deal that sought to entrench bantustan cliques and subvert the revolutionary gains of 1994

In November 2017, a High-Level Panel (HLP), appointed by the Parliamentary Speakers' forum, and under the leadership of former President Kgalema Motlanthe, declared the 1994 Ingonyama Trust Act (ITA) unconstitutional and recommended that it either be repealed or amended.¹ The HLP submission provides for redress to the rural communities and township residents in the KwaZulu-Natal (KZN) Province who have been negatively affected by the ITA and its workings since it was enacted on the eve of South Africa's hard-won democracy in 1994. The HLP's progressive stance has elicited a negative response from certain sections of society.

The amakhosi in KZN in general, and the Zulu King, Goodwill Zwelithini kaBhekuzulu in particular, have threatened to mount both legal and even violent resistance. During the annual commemoration of the Battle of Isandlwana at Nquthu and again during the debates on the 2018 State of the Nation Address, Inkatha Freedom Party (IFP) leader Mangosuthu Gatsha Buthelezi argued that the ITA was meant to make certain that "land in traditional areas could continue to be administered according to indigenous and customary law".² Hostel-dwellers who gathered at the Mai-Mai Hostel in Johannesburg on 24 February 2018

also vowed to stop the government from dissolving the ITA.³ Speaking at the opening of the KwaZulu-Natal Provincial Legislature in Pietermaritzburg on 27 February 2018, King Goodwill Zwelithini threatened to call on his subjects to take up arms to defend the land under the Ingonyama Trust if the need arose. He then called on loyal Zulu people to contribute a minimum of R5 towards a fund to defend the ITA.⁴ In response, KZN Premier Willies Mchunu assured traditional leaders of provincial government support, and offered to convene a land summit to debate the submissions of the HLP on the ITA⁵

There are flaws in the emotional responses of the main supporters of the Ingonyama Trust (IT) land arrangements. Firstly, most of these responses ignore the context in which the ITA was enacted. As a result they erroneously assume that land which falls under the Ingonyama Trust is administered in a fashion similar to pre-colonial traditional African societies, when land was communally owned and the king, chief or their appointed officials dispensed it to whomever came to khonza (pay allegiance). Repealing the act, they maintain, would therefore disadvantage rural communities. This line of argument ignores the fact that what is regarded as customary law has not been immune to contamination by the expedient political considerations of successive colonial administrations since the mid-19th century in what is now the KZN. There is the false impression that there has been a seamless evolution over time and a failure to take into account the fluidity of customary law since the advent of colonialism and apartheid. Secondly, the arguments have completely ignored the fact that the HLP concluded the ITA was unconstitutional after extensive public consultations which revealed that the current and proposed legislation on traditional leadership, and under the Ingonyama Trust lands, in particular denies people living in areas under traditional leaders several constitutional rights which consequently distinguishes them from those living in the

rest of the country who enjoy full benefits of post-apartheid citizenship.⁶

What is the Ingonyama Trust?

The Ingonyama Trust is a politically controversial land deal that King Goodwill Zwelithini signed with the apartheid regime at the instigation of IFP president, Mangosuthu Gatsha Buthelezi, three days before the first democratic elections in South Africa in 1994. It was established through the KwaZulu-Natal Ingonyama Trust Act of 1994, enacted on 24 April 1994. The stated intentions of the ITA was to establish a trust hold all land previously owned by or belonging to the KwaZulu bantustan Government, in the name of the Ingonyama, for the benefit, material welfare and social well-being of the members of the “tribes and communities” living on the land.⁷ The act was amended in 1997 to create the Ingonyama Trust Board (ITB) which administers the land falling under the jurisdiction of the IT.⁸

The ITA is a uniquely KwaZulu-Natal legal instrument: no other former bantustan lands vested in one of the former governments or administrations listed under Section 239 of the Interim Constitution. The HLP consequently observed that the arrangement was such that the ITA enabled the ITB to exercise control over land in ways that far surpass any power the Minister of Rural Development and Land Reform has in the other eight provinces. The ambiguities and the deficiencies in the ITA and its amendments and the ramifications thereof, have had a far-reaching effect on the communities residing on the land under the jurisdiction of the ITB.⁹ The HLP noted in particular the tensions between the provisions of the ITA and its actual application when it comes to the communities and residents.

The HLP advanced five reasons for its recommendations to parliament:

Firstly, the Ingonyama Trust is meant to exist and function subject to existing land rights under customary law and not act in ways that undermine or abrogate such customary law and other underlying lands rights. However, the Trust in some instances regards itself as the outright owner of the land and therefore not subject to any duty to consult or to obtain community consent in dealing with the land. This has given rise to situations where the Trust has leased land to external third parties, such as shopping centres, without having first consulted and obtained consent of those whose informal or customary land rights were subsumed by the shopping centre.¹⁰ This observation was a result of submissions that community members had made to the HLP during the public engagements. We should hasten to add that these allegations are part of widespread grievances which the KZN's Department of Cooperative Governance and Traditional Affairs (Cogta) has had to investigate in places like Umgababa at the eMathulini chiefdom, south of Durban; kwaWosiyane at the Mambulu area of Kranskop; and KwaShezi at Inkandla (to name just a few), in 2014-2016. Our experiences, having conducted these investigations on behalf of Cogta, is that the ambiguities of the ITA made it impossible to resolve them in ways that would guarantee security of tenure for communities concerned.¹¹

Secondly, the HLP established that the ITB has over the years threatened the security of tenure of communities and residents living on lands under its jurisdiction by converting the Permission to Occupy Certificates (PTOs) into lease agreements for both business and residential purposes. The PTOs were issued as part of land tenure system on non-surveyed land throughout South Africa before 1994. Through the Upgrading of Land Tenure Rights Act of 1991 (ULTRA) the PTOs could be upgraded to ownership after the land had been surveyed. This was an indication of the strength of such underlying rights. It noted that ULTRA was, however, never implemented because of the costs and

the complexity entailed in surveying and transferring the land. In KZN the PTOs were kept alive by two pieces of legislation after 1994. The first was the KwaZulu Land Affairs Act 11 of 1992; the second was Government Notice 32 of 1994.¹²

The HLP concluded that the lease agreements were structured to favour the ITB and to disadvantage the lessee. The standard ITB lease agreement provides for a 40-year term, and a 10% annual increase on rental. It compels the lessee to fence the property within six months. Furthermore, the lessee must obtain written permission to build, must notify the ITB of all improvements. The ITB is entitled to cancel the lease agreement for failure to pay rent. All buildings and structures that have been built on the land will belong to the Ingonyama Trust when the lessee vacates the premises. The ITB generated a huge income from these arrangements. The 2015-2016 rental income alone stood at R96 130 563. There is no evidence that it was used for the benefit or material well-being of communities.¹³ Instead, the Ingonyama Trust has accumulated substantial reserves.

Thirdly, the ITB has ignored the provisions of the Ingonyama Trust Amendment Act of 1997, which stipulates that the ITA of 1994 shall not apply to townships, and that township land should be controlled by the relevant municipality. Initially, the ITA had applied to both rural and urban land within the former KwaZulu bantustan areas, and included the townships (known as ‘R293’ or “Trust” townships, because they had been established in terms of Proclamation R293 of 1962). The HLP found evidence that the ITB continued to hold land in the former R293 townships and that it is dealing with the land as if it were the outright owner. It exercises exclusive power to allocate it, authorise its use, and collect revenue from it. The R293 townships also qualify for upgrading tenure rights in terms of ULTRA and yet there is widespread failure to implement ULTRA.¹⁴

Fourthly, the HLP was prompted by the criticism that the National Assembly's Portfolio Committee on Rural Development and Land Reform has levelled against the Ingonyama Trust for its lack of transparency and apparent failure to use the revenue it receives for the benefit of the beneficiaries – the rural communities and residents who live on the lands under its jurisdiction. In addition, the Auditor-General has found that the Ingonyama Trust:

- Does not comply with the financial reporting framework prescribed by the Public Finance Management Act 29 (PFMA);
- Procures goods and services without inviting the competitive bids; and
- As the designated “accounting authority”, the ITB does not adequately exercise its oversight responsibilities with regard to the implementation and the monitoring of internal controls for financial reporting and compliance with applicable legislation.

The HLP has concluded that the ITB is a public entity in terms of the PFMA and its executive authority is accountable to Parliament in the performance of its duties.

It adds that the Ingonyama Trust is subject to Section 217 of the Constitution of the Republic of South Africa, which requires it to comply with the principles of fairness, equity, transparency, competitiveness and cost-effectiveness.¹⁵

Finally, the HLP also took into account numerous reports of the ITB's abuse of the members of the public – through failure to consult or even inform them when development projects are initiated in their areas, disrupting their lives and violating their land tenure rights. The profits and benefits from these projects go to the Ingonyama Trust instead of to the members of the community on whose lands these projects are introduced. In some cases, businessmen have had their business shut down without explanation, despite the fact that they pay rent to the

traditional leaders. Furthermore, rural communities are forced to pay rents to the Ingonyama Trust without prior consultation or consent. At Jozini, for example, they were simply told assemble at the Thusong Centre and bring their identity documents. Thereafter they received monthly bills requiring them to pay rents to the Ingonyama Trust.¹⁶

It was primarily because of these practices that the HLP proposed a review of the ITA with an aim of either repealing or amending it, to bring it in line with national legislation and the prescripts of the Constitution.

This conduct, assuming the HLP findings are accurate, is clearly abusive. The proposed measures are therefore aimed at ensuring that KZN's rural poor enjoy security of land tenure and benefit from the developmental projects. The national government should not allow a situation where the poor and most vulnerable South Africans, especially women and the elderly, become not only victims to exploitation and blatant extortion but are also mere spectators when development come to their communities. They should benefit from the wealth generated on their ancestral lands.

Overview of the HLP Report on the ITA

1. The HLP argues that the ITA should either be repealed or amended. The motivation for a repeal is that this would bring KZN into line with national land policy; secure land tenure for the (rural) communities and (township) residents who reside on the lands that currently fall under the jurisdiction of the ITB. The

2. HLP further advised that, in the event of a Repeal Act, it should provide for the repeal of the ITA and for the disestablishment and dissolution of the Ingonyama Trust. The repeal should also include provisions for the transfer of the trust lands, assets, liabilities, rights and obligations to the minister responsible for land affairs as a custodian on

behalf of the members of the communities and residents concerned.¹⁷

3. The HLP submitted that should the repeal not be immediately possible, substantial amendments must be made to secure the land rights of the people affected, and ensure that land vests in a person or body with proper democratic accountability. It further recommended that mechanisms be established to:

- Investigate and resolve complaints by people whose rights have been infringed by the Trust, or whose rights may be infringed in the future;
- Ensure that trust land (including all land registered in the name of the Ingonyama as a trustee for the Ingonyama Trust) is administered for and on behalf of and for the benefit of the communities and residents concerned;
- Include provisions which amend the composition of the ITB, which should fall under the auspices of the Minister responsible for land affairs;
- Provide that the Trust land shall be subject to the national land programmes;
- Reiterate that the Act shall not apply to land in all townships;
- Provide for a Trust Fund; and
- Preserve the records of the Trust and establish a “Land Register”.

4. The HLP also specified that in the event of a repeal or amendment of the ITA, ownership of trust land should vest in the national government or some other body designated for this purpose, and that there should be an explicit statement that:

- The holders of the rights to the land, either as users or occupiers of the land, are deemed to be the owners of the land for the purposes of any revenue from the land or any compensation for the use of the land, which otherwise flow to the registered owner;
- Any revenue or compensation that accrues from the use of the

land shall be paid to the users or occupiers of the land and not to the Ingonyama or the Trust, if it continues to exist, or to the state;

- Any such revenue should be paid to the people who are deprived of the use of the land, and not to the state or Ingonyama Trust.

The 'Jambaisation' of KwaZulu-Natal

The Ingonyama Trust was a last-ditch effort on the part of conservative elements within the KwaZulu bantustan-based African semi-feudal and petit bourgeoisie (and their National Party and apartheid security force allies) to entrench a “Jamba option” in KZN to serve as a base for destabilisation after the 1994 advent of democracy (Jamba was the southern Angolan base of Jonas Savimbi’s counter-revolutionary Unita movement, armed, trained, supplied and supported by the CIA and the apartheid regime.)

The establishment of the Ingonyama Trust was a culmination of at least four years of attempting to resist a negotiated political settlement, which began with the bilateral talks between the African National Congress (ANC) and the National Party government from April 1990 onwards. The bilateral talks had given rise to the signing of the Groote Schuur and the Pretoria Minutes in April and August 1990 and laid the basis for ensuing multiparty negotiations. The IFP adopted an ambivalent response to these negotiations. The IFP’s Buthelezi, stayed away from the talks when they commenced as the Convention for Democratic South Africa (Codesa) in December 1991.¹⁸ The IFP sent only a low-key IFP delegation in protest against the exclusion of the Zulu king and the KwaZulu bantustan, arguing that the IFP was not representative of the entire “Zulu nation” and the KwaZulu bantustan was not an apartheid creation.¹⁹ Buthelezi explained the IFP decision as follows:

“...and furthermore after several times I said to him (FW de Klerk) [in] 1990-1991 he must remember that the Zulus are not like these

other self-governing territories, that the Zulus are a sovereign nation with a king and they have been there for a long time. They are not bound by the homelands policy. And I've said to him and then he would say yes, he understands that. So, I said, 'Do you understand that the king will have his delegation there with the government of KwaZulu?' The IFP has never claimed to represent all the Zulus. So, he would say, 'I understand, I understand this perfectly.' But just because the ANC didn't want that that's why I didn't go to the Codesa plenary although my party was there because I would not abandon the Zulus who are excluded by him (de Klerk)."²⁰

The IFP had already set a precedent by insisting that both the IFP and the Zulu king's delegations should attend and become separate signatories to the National Peace Accord in 1991.²¹

The signing of a record of understanding between the ANC and the NP government in September 1992 was the final straw for the IFP at a very crucial stage in the transition to a democratic South Africa. It symbolised not only betrayal by an old political ally, but it dashed all hope of ever asserting its claim that it was a liberation movement.²³ Buthelezi adopted at least four distinct responses to the record of understanding.

- He accused De Klerk of having "sold his soul" to the ANC: "I raised some things with him 10 days before he signed the record of understanding with the ANC which shattered my faith in him because he doesn't keep his word";²³
- He led the IFP into a loosely constituted right-wing alliance of black and white conservative groups known as the Concerned South Africa Group in October 1992²⁴ – among them the IFP, Ciskei and Bophuthatswana bantustan dictators Oupa Gqozo and Lucas Mangope, the Conservative Party, the Afrikaner Volksunie and the Afrikaner Freedom Foundation.²⁵ The alliance called for the abolition

of the record of understanding (on the grounds that it tried to force other parties to rubber-stamp the ANC/NP agreements at multiparty negotiations), postponement of negotiations, and the disbanding of MK²⁶ (in fact formally disbanded at its last parade on 16 December 1991).;

- Through the IFP he adopted a more confrontational approach when the KwaZulu Legislative Assembly unilaterally adopted a draft constitution as a first step towards federal autonomy for KwaZulu and Natal in December 1992.²⁷ This was an attempt to advance a secessionist solution to South Africa's transitional politics along similar lines to Unita's Savimbi who, with the active support of apartheid South Africa, had led a nearly three decade-long counter-revolutionary struggle in southeast Angola after Angolan independence in 1975. The IFP's agenda was to promote a chauvinistic Zulu ethnicity and regionalism;
- He and the IFP boycotted the multiparty negotiations that resumed in April 1993, while it secretly began to consolidate plans to sabotage the first democratic elections, scheduled for 26-28 April 1994. It received help from the Afrikaner Weerstandbewiging and Vlakplaas-based members of the apartheid South African Police (SAP) and the South African Defence Force Military Intelligence. Former Vlakplaas-based apartheid hit-squad members such as Eugene de Kock and the IFP's Walter Felgate subsequently confirmed that plans were underway to sabotage and undermine the first democratic elections.²⁸ The Vlakplaas-based operatives used their network for the supposed recovery of illegal weapons as a cover for the distribution of weapons and other illegal activities.²⁹

In public the IFP embraced a renewed chauvinistic Zulu ethnic mobilisation by rallying its members and supporters behind the Zulu monarch, King Goodwill Zwelithini, in demanding political independ-

ence and sovereignty for a Zulu kingdom far larger than the kingdom had been at its high point in the pre-colonial period. Between Codesa and the adoption of the Interim Constitution in late 1993, the IFP's confrontationalist Zulu nationalism assumed the form of mass mobilisation through marches during which demands to carry and brandish what it described as traditional weapons gained prominence.³⁰ In response, the NP government held bilateral consultations with the IFP and the Zulu king. These consultations culminated in at least three meetings between the NP government, the IFP leadership, King Goodwill Zwelithini and a huge delegation of eminent Zulu personalities in January and February 1994. At a gathering at the Union Buildings in Pretoria on 17 January 1994, King Goodwill Zwelithini told a crowd of between 35 000 and 60 000 heavily armed Zulus,³¹ that he had come to claim the Zulu right to self-determination because the proposed post-apartheid constitution did not make allowance for this right.³² One unnamed prince declared: "We tolerated British rule, we tolerated rule by you [the Afrikaners]. We tolerated apartheid, but we will not be ruled by the Xhosas. We therefore demand our sovereignty!"³³

In a follow-up meeting at the Union Buildings on 1 February 1994, the Zulu king and his delegation demanded sovereignty and self-determination since the demands for a federal arrangement had failed to materialise.³⁴ The IFP, the Zulu monarch and NP government representatives met again in Durban in February. There again the IFP and the Zulu monarch mobilised a huge crowd (about 100 000) heavily armed supporters brandishing spears, assegais, cowhide shields, automatic rifles and other guns. They camped on the streets in the precinct of the Durban City Hall while the meeting was in progress.³⁵

While Buthelezi used chauvinistic Zulu nationalism to mobilise locally, for broader, including international, consumption he adopted Cold War, anti-communist rhetoric:

“I think anybody who has studied communism would understand [that] with communism you are either revolutionaries or counter-revolutionaries. In my case, they stated very, very clearly in the document in 1985, which I think you have, that I was not a puppet of the regime but they considered me to be a counter-revolutionary, and then they stated in black and white that they must therefore work on bringing me down.

“The ANC is an alliance between communists and those who are ANC and the influence of communism is very prominent there... This is quite definite because if you look at the segments of the alliance which are there, the ANC/SACP/Cosatu, if you look at Cosatu you will notice the leaders of Cosatu are members of the Communist Party, also if you look at the Executive of the ANC you will see more than half the members are members of the Communist Party, but they are seen as representatives of the ordinary members of the ANC ... that indicates who influences who. The Communist Party influences the ANC but not the other way around.”³⁶

This anti-communist rhetoric chimed well with the apartheid regime’s international attempts to present its policies as a defence of Western values against a global Communist threat. As John Daniel notes, the South African security forces gave very little cognisance to the political motivation of the South African liberation movements beyond regarding them as part of a perceived Soviet onslaught against the civilised free democratic Western world. They could not believe (or did not want to believe) that black South Africans who supported the ANC and its allies wanted for themselves (and not some imagined Soviet master) what white South Africans already had in the form of political sovereignty.³⁷ The same can be said of the IFP. In a desperate bid to hang on to its regional power base, which it had enjoyed since its leadership embraced the apartheid-created bantustan system in the

1970s, it clung to Cold War rhetoric and dismissed the ANC's commitment to an inclusive democratic dispensation in South Africa as either a communist conspiracy or a threat of Xhosa domination. It drew the Zulu monarchy deep into this skewed political perception.

It was the promise of international mediation which brought the fierce brinkmanship in KZN politics between the IFP and the Zulu monarch, and the NP government and the ANC, to an end a few days before the first democratic elections in 1994. On 19 April, the leaders of the ANC, the IFP and the NP, Nelson Mandela, Mangosuthu Buthelezi and FW de Klerk, met in Pretoria to sign an agreement in which the IFP committed itself to participate in national elections a week later. Five days later, De Klerk and King Goodwill Zwelithini signed a separate agreement resulting in the passing of the Ingonyama Trust Act. What is unclear is whether the ANC had any knowledge of the ITA, which as Motlanthe's HLP has observed, is in conflict with both the Constitution and the laws regulating land issues in South Africa. Both Buthelezi and the FW de Klerk Foundation deny that this agreement was a secret.

But it is abundantly clear that the ITA disadvantaged rural communities and residents living on land controlled by the Ingonyama Trust.

The ITA was promulgated in the midst of endemic violence, which had resulted in the deaths of more than 20 000 people. This violence escalated shortly before the elections and continued until about 2001. Rupert Taylor says that approximately 1 000 people were killed in Natal alone during the three months leading to the April 1994 elections, and a further 2 000 people died between April 1994 and 2001.³⁸ The current threats of violence in the wake of the HLP report are in many respects a chilling *deja vu* for the residents of KZN. The threats should not be taken lightly, but must not deter the progressive democratic government led by the ANC from addressing what is undoubtedly a lingering problem that needs a permanent solution. It is important not

only to act to address the challenges created by the ITA but to question the relevance of the relics of a feudal order that exist side by side with democratic arrangements catered for in a constitution so highly regarded globally.

The success of actions on the ITA will be measured by the extent to which it caters for the interests of the poor, and women in particular. Arguments that have been advanced to defend this exploitative feudal arrangement are not backed up by history and the experiences of the people of KZN since the advent of colonial domination in the mid-19th century and the segregationist and apartheid administrations of the 1910 to 1994 period. The Ingonyama Trust has been an attempt to perpetuate, well into the 21st century, conditions which obtained in the KwaZulu bantustan. In the process, rural communities and individuals find themselves often even more vulnerable to exploitation and abuse than they were under apartheid.

Access & land use in traditional African society

A number of anthropological and historical studies on the issue of land and access to it in the predominantly patriarchal traditional, pre-colonial African society show that land was owned collectively, as it belonged to the *isizwe* (loosely translated as “nation”), chiefdom. The king or chief merely acted as its custodian. There were particular political and socio-economic aspects of land usage and right of access to it. Not only land, but other communal resources of livelihood, were for the collective productive use by members of a chiefdom or kingdom. In these societies, no single person could hold on to vast amounts of land when there were individuals who remained landless. These societies were fluid –sections of the chiefdoms often moved to other areas in the event of land shortage or social conflict where they paid allegiance to the ruler (chief or king) in return for access to land. Under the practice

of ukukhonza (paying allegiance to a chief or king), the abanumzane (homestead-heads) were allocated sites on which to establish their imizi (homesteads), to cultivate and for their livestock to graze. In return, they, and members of their homesteads, were expected to fulfil certain civil duties. The imizi were established throughout the chiefdom's or kingdom's territorial space, from izigodi, villages, to izifunda, districts. This system of land tenure had evolved over several centuries and was firmly embedded in traditional political societies.

With the advent of capitalism and colonial encroachment, land became a territorial commodity that had to be surveyed, cut into pieces, then either left vacant in anticipation of the "right" market prices or for "developmental projects". With colonialism-induced land shortages, amid amidst rising populations, izigodi did become full and people had to find alternative sites for setting up their homesteads. More importantly, British colonialists imposed indirect rule through which it co-opted chiefs and izinduna (headmen) into becoming salaried petty-judicial officers who ruled at the behest of their colonial masters rather than their own people. Colonialism simultaneously created rigidity out of societies which had fluid and dynamic social and political structures in the pre-colonial period. It further exerted pressure on commoners and traditional leaders when it ruled that chiefly power and influence was to be determined by the number of imizi that were paying allegiance to a chief and by the land which fell under the jurisdiction of each chiefdom. Chiefs with larger territories and following were paid higher stipends than those who had fewer subjects and smaller territories. This precipitated competition and violent conflicts over land through what became known as "faction fighting". Fighting further entrenched the divide-and-rule strategy as those chiefs who were loyal to colonial authorities were protected and promoted, while those who resisted colonial rule were regarded as recalcitrant and were deposed.

Commoners, often men of no good standing in their societies, were appointed in their places. This further exacerbated violent conflicts within and between chiefdoms.

During pre-colonial periods, land was not regarded as a commodity which traditional leadership owned privately. Chiefs served as custodians who held the land on behalf of the people as a whole. African societies in pre-capitalist times were based on the accumulation of living things, cattle and people, in comparison to modern-day capitalist societies which are based on the accumulation of material things. These foundations of traditional society have been completely ignored in the debate around the Ingonyama Trust. The absurdity of it all is that not only is the land vested in the hands of one individual, the Zulu King as the sole Trustee, but it is the assumption that the people who are living there are regarded as a form of commodity through which material benefits are accumulated.

Rapid urbanisation, especially during the 1920s, gave rise to two important pieces of legislation. The first was the 1923 Natives Urban Areas Act, which was aimed at controlling the influx of black people into the urban areas. The second was the 1927 Native Administration Act, which was passed as a counter-revolutionary measure in the face of the rise of black working class politics. It was part of what became known as retribalisation initiatives, enshrined in the 1927 Native Administration Act as a national social and political policy and designed to shore up South Africa's "tribal" order in the context of urbanisation and class-based resistance politics from the late 1920s.³⁹ These initiatives invoked Zulu ethnic identity politics as an alternative to class-based resistance struggles the Communist Party of South Africa (CPSA) and the Industrial Commercial Workers' Union (ICU) championed during the 1920s and 1930s.

Native Affairs Department (NAD) officials in Natal embraced the

retribalisation initiatives with alacrity, seeking to perpetuate long-established “tribal” administration in the region. The underlying motive for this was to exert tighter control over African people in the reserves and to contain the process of urbanisation. The most significant development in the retribalisation initiatives was that Harry Lugg, the Chief Commissioner for Native Affairs in Natal, was even willing to reverse the long-standing official hostility in Natal to the Zulu royal family, and move towards the recognition of the Zulu regent, Prince Edward Mshiyeni Zulu, as paramount chief. Also in terms of this initiative, the white authorities in Natal, who had regarded Zulu nationalist identities as a threat to white interests in the 19th century, were beginning to see in them an instrument to be co-opted in defence of government and capitalist interests. They therefore seized an opportunity to revive them – albeit in a modified form, to give chiefs a new lease of life and make them a bulwark against the thrust of emerging radical black community and working class politics.⁴⁰

The Zulu ethnic project strengthened the position of chiefs who were politically marginalised by industrialisation and African urbanisation. Retribalisation also enabled the NAD officials to develop patronage networks. Some chiefs had their authority strengthened while others were continually alienated by the NAD’s decisions and policies. This form of segregationist state intervention usually intensified the levels of conflict and enhanced the opportunities for the revival of disputed claims and boundary disputes within and between chiefdoms. The existence of patronage relations compelled most chiefs to demonstrate absolute loyalty to the state, while trying to maintain their authority over their followers. Retribalisation also encouraged the NAD to amalgamate chieftaincies previously fragmented by the state. However, the amalgamation of chieftaincies often gave rise to situations where chiefs jostled for positions and influence with the NAD officials. They did so

firstly in the hope of increasing their powers, and of winning the support of NAD officials, to enhance their prospects of retaining their positions in the event of an amalgamation of fragmented chieftaincies. This often resulted in the resuscitation of disputes over succession and in the submission of competing applications for the resuscitation of chieftaincies dissolved by the state.

These circumstances continued under apartheid, through the Bantu Authorities Act of 1951, the Promotion of Bantu Self-Government Act (1959) and legislation that led to the consolidation of bantustans from the 1960s to the 1980s. In Natal and Zululand, most of the land that had been set aside under colonialism as “locations” for African occupation, became part of the KwaZulu bantustan. The amakhosi and their appointed officials continued to preside over the land and allocate it to members of their political units, within the confines of apartheid legislation.

It is this land that was awarded in 1994 to the Zulu King with the establishment of the Ingonyama Trust on the very eve of South Africa’s first democratic elections. ●

Jabulani Sithole and Percy Ngonyama are from the Mzala Nxumalo Centre for the Study of South African Society

NOTES

1. Report of the High-Level-Panel (HLP) on the Assessment of Key Legislation and the Acceleration of Fundamental Change’, November 2017, pp. 277-278; in https://www.parliament.gov.za/storage/high_Level_Panel/Report.pdf.html, site visited on 28 February 2018.
2. The Citizen, 25 January 2018; The Citizen, 19 Feb 2018; and Daily Maverick, 23 February 2018.
3. The Citizen, 27 February 2018.

4. The Witness, 26 February 2018.
5. The Witness, 1 March 2018.
6. See Report of the HLP, p.67.
7. Report of the HLP, p.273; and the KwaZulu-Natal Ingonyama Trust Act No.3KZ of 1994 and KwaZulu-Natal Ingonyama Trust Amendment Act, No.9 of 1997 and Communal Land Rights Act, No.11 of 2004, in Republic of South Africa (RSA), Government Gazette 26590 of 20 July 2004, p.2. in <http://www.ingonyamatrust.org.za/wp-content/uploads/2015/10/Ingonyama-Trust-Act-as-amended.pdf>;
8. HLP Report, p.273; and KwaZulu-Natal Ingonyama Trust Act No.3KZ of 1994 and KwaZulu-Natal Ingonyama Trust Amendment Act, No.9 of 1997 and Communal Land Rights Act, No.11 of 2004, op.cit.;
9. Report of the HLP, pp.273-274.
10. Report of the HLP, p.274.
11. See Mduduzi Molefe, Phelalani Duma and Jabulani Sithole of the Ingqwele Conflict Resolutions and Capacity Building Services, 'Progress Reports into the Investigations into Claims of Ubukhosi and lands at the eMathulini Chiefdom, Umgababa, to the Department of Cooperative Governance and Traditional Affairs, KwaZulu-Natal Province, March 2015; and Ibid, Progress Report into Disputes over Ubukhosi and lands at the Shezi, Inkandla, March 2016 and Ibid, 'Progress into the Investigations Into Claims of the Ubukhosi BakwaNzama at the Mambulu Area at Kranskop', 29 May 2016.
12. HLP Report, pp.274-275; and 'Upgrading of Land Tenure Rights Act 112 of 1991', in <http://www.rural.development.gov.za/acts/upgrading%20land%20-%20tenure%20>
13. HLP Report, p.275.
14. Ibid.
15. Report of the HLP, p.276.
16. Ibid.
17. Ibid, pp.277 and 278.
18. J. Collinge, 'Launched on a Bloody Tide: Negotiating a New South Africa', in G. Moss and I Obery (eds.), *South African Review* 6, (Johannesburg: Ravan Press, 1992),

pp.15-16; and N. Haysom, 'Negotiating a Political Settlement in South Africa', in G. Moss and I Obery (eds), *South African Review* 6, p.39; and J. Sithole, 'The Inkatha Freedom Party and the Multiparty Negotiations', in *South African Democracy Education Trust, The Road to Democracy in South Africa Vol 6 [1990-1996], Part 2* (Pretoria: University of South Africa Press, 2013), pp.869-870.

18. Author's Personal Collection (APC) 1, 'Speech by Mangosuthu Buthelezi at Prayer Rally for Peace and Progress in Negotiations', Umlazi Stadium, 15 December 1991', p.6; and L. Piper, 'The Politics of Zuluness in the Transition to a Democratic South Africa', (Unpublished PhD Thesis: Cambridge University, 1997), p.150.

20. University of the Western Cape (UWC), Mayibuye Centre, Pdraig O'Malley Archives, 'Interview with Mangosuthu Buthelezi', 15 September 1993.

21. Ibid, 'Interview with Mangosuthu Buthelezi', 28 July 1992.

22. See Piper, 'Politics of Zuluness', p.155; and L. Piper, 'Nationalism without a Nation: The Rise and Fall of Zulu Nationalism in South Africa's Transition to Democracy, 1975-1999', *Nations and Nationalism*, 8, 1 (January 2002), p.83; and Sithole, 'The Inkatha Freedom Party', p.870.

23. O'Malley Archives, 'Interview with Mangosuthu Buthelezi', 15 September 1993.

24. See N. Mandela, *Long Walk to Freedom: The Autobiography of Nelson Mandela*, (London: Little Brown, 1994), p528; A. Simpson, *Mandela: Authorised Biography*, (Johannesburg: Jonathan Ball Publishers, 2000), p.466.

25. E. Hassen, *The Soul of a Nation: Constitution Making in South Africa*, (Oxford: Clarendon Press, 1998), p.141.

26. D. O'Meara, *Forty Lost Years: The Apartheid State and the Politics of the National Party, 1948-1994*, (Randburg: Ravan Press, 1996), p.412; and Hassen, *The Soul of a Nation*, p.141.

27. O'Malley Archives, 'Interview with M. Buthelezi', op.cit; Mayibuye Centre, O'Malley Archives, 'Interview with Walter Felgate', 23 Sep 1998; Hassen, *The Soul of the Nation*, p.142; and R. Spitz and M. Chaskalson, *The Politics of Transition: A History of South Africa's Negotiated Settlement*, (Oxford: Hart Publishers, 2000), p.214.

28. See E de Kock (as told to J. Gordin), *A Long Night's Damage: Working for the*

Apartheid State, (Randburg: Contra Press, 1998), pp.241-243; and O'Malley Archives, 'Interview with Walter Felgate', op.cit.

29. Truth and Reconciliation Commission Report, Vol 6, Section 4, Appendix: 'The Third Force', Paras 20-32.

30. Piper, 'Nationalism without a Nation' pp.82-84.

31. In his autobiography F.W. de Klerk puts the figure at 35 000 whereas Laurence Piper gives a figure of 60 000. See F.W. de Klerk, *The Last Trek, a New Beginning: The Autobiography*, (London: Macmillan Publishers, 1998), p.304; and Piper, 'Nationalism without a Nation', p.73.

32. Piper, 'Nationalism without a Nation' pp.82-84.

33. F.W. de Klerk, *The Last Trek*, p.305.

34. Ibid, p.306; and Sithole, 'The Inkatha Freedom Party', pp.872-873.

35. APC 1, 'Speech by King Goodwill Zwelithini, 'The Claim for Sovereignty of the Zulu Kingdom', Durban, 14 February 1994; F.W. de Klerk, *The Last Trek*, pp.306-307; and Piper, 'Nationalism without a Nation', p.84.

36. Mayibuye Centre, O'Malley Archives, 'Interview with Mangosuthu Buthelezi', 28 July 1992. For similar rhetoric, see Ibid, O'Malley Archives, 'Interviews with King Goodwill Zwelithini', 6 and 20 August 1992.

37. J. Daniel, 'Racism, the Cold War and South Africa's Regional Strategy 1948-1990', (Unpublished Paper), pp.1 and 17. A published version of the paper appears as J. Daniel, 'Racism, the Cold War and South Africa's Regional Strategy 1948-1990', in S. Onow (ed.), *Cold War in Southern Africa: White Power, Black Liberation*, (London: Routledge, 2009), pp.35-54.

38. R. Taylor, 'Justice Denied: Political Violence in KwaZulu-Natal after 1994', in *Violence and Transition Series*, Volume 6, 2002, p.3, in <http://www.csvr.org.za/papers/papvt6.htm>. Accessed 6 October 2006.

39. Pietermaritzburg Archives Repository (PAR), Chief Native Commissioner's Papers (CNC) 108A, File No.94/4/ N7/9/2, 'The Native Administration Bill; and T.A. Nuttall, 'Class, Race and Nation: African Politics in Durban, 1929-1949', (Unpublished D. Phil Thesis: Oxford University, 1991), pp.125-127 and 245-246; P. Maylam, 'The Changing

Political Economy of the Region, c.1920-c.1950', in R. Morrell et.al. (eds.), *Political Economy and Identities in KwaZulu-Natal: Historical and Social Perspectives*, (Durban: Indicator Press, 1996), p.98.

40. S. Marks, *The Ambiguities of Dependence in South Africa: Class, Nationalism, and the State in Twentieth-Century Natal*, (Johannesburg: Ravan Press, 1986), pp.6-211

JOE SLOVO COMMEMORATION

Belling the cat – Slovo’s Leninism today

When Tony Leon sings Cde Cyril’s praises, argues **Jeremy Cronin**, it not us who should be worried – it’s the DA and the EFF, as our political reality changes quickly

In the space of a few days in January we witnessed the beginnings of what seems to be an important shift of our political reality. The appointment of a new and more competent Eskom board clearly driven by then-Deputy President Cyril Ramaphosa (and not Minister Brown); the Asset Forfeiture Unit’s moves on Trillian, McKinsey and, particularly, on the Gupta Vrede farm scam; the silence and confusion in the ranks of Zuma’s most ardent ANC fans still within the ANC NEC; and publication of the terms of reference for the Judicial Commission of Inquiry into State Capture (the inquiry itself has since begun), which, quite correctly focus on the role of the Guptas and their links to senior ANC politicians.

All of this happened against the backdrop of the repeated refrain “not if ... but when” on Jacob Zuma’s departure (which has also since come to pass). These and other developments have lifted the spirits of a broad cross-section of our country. Even the rand seems to be happy, dropping below R12 to the US dollar for the first time since 2015.

These developments have, incidentally, also created consternation in the ranks of the opposition parties. Suddenly Zuma, the gift that kept on giving to them has stopped giving. Former DA leader Tony Leon told

a DA KZN meeting that “Cyril Ramaphosa’s election has been a game changer for everyone, for the country, for our economic future and indeed for the DA”. The DA should support Ramaphosa in his efforts to deal with corruption one thousand percent, Leon said. Leon warned the DA to change tack and concentrate on cleaning up its own administration in Cape Town. The DA leader in KZN broke out in a sweat, declaring that Musi Maimane was his leader – not Ramaphosa. I rather suspect that’s exactly what was worrying Tony Leon.

The gift that keeps on giving has also stopped giving to the EFF. It is clearly running outrunning out of oxygen. Over the past year or so the EFF has tried, not always successfully, to clean up its act. There has been less invoking of a so-called Commander in Chief, and most of its leadership has spent more time posing as defenders of the rule of law in the courts. But with Zuma no longer a factor, the EFF has reverted to type with the wanton trashing of H&M stores and reckless campus adventurism.

So are we really on the threshold of a major shake-up of our social reality? Will the ANC successfully renew itself? Can the theme song of unity of the ANC emerging from the ANC’s December conference be reconciled with dealing decisively with corruption? Or is that a circle that can’t be squared? Will at least the main manifestations of corporate capture of the state be finally and definitively rooted out? Or has corruption become systemic within our movement? If Tony Leon, Goldman Sachs and many captains of industry are singing the praises of ANC President Cde Cyril Ramaphosa, should communists in South Africa be happy? Or worried?

Let’s not shy away from these questions, however awkward they may be.

But how do we begin to answer them? To help us we can fruitfully turn to the huge strategic contribution that Cde Joe Slovo made to our

struggle.

Cde Joe Slovo was born in Lithuania in 1926 and came to South Africa with his family as a 9-year-old. He was active in the CPSA from 1940. He was banned by the apartheid government in 1954. In 1955 he actively contributed to the Freedom Charter, but couldn't attend the Congress of People – he watched it through binoculars. In 1956 he was a Treason Trialist. He was a founder member of MK and narrowly missed arrest at Rivonia while on an external MK mission. He served as Chief of Staff of MK and played a leading role in Special Ops and in Operation Vula. He was elected general secretary of the SACP in 1986. In the course of the 1980s the apartheid regime portrayed him as Enemy Number One, and spread the lie that he was a KGB colonel. His wife Ruth First was assassinated with a parcel bomb that might have been targeted at him. With the unbanning of the ANC and SACP, and the beginning of negotiations, the ANC selected him as one of the lead negotiators. The regime tried to block this but Mandela and Tambo stood firm. In 1991 Cde Chris Hani became SACP general secretary and Cde JS was elected SACP chairperson. He was the first Minister of Housing after 1994 and died in January 1995, 23 years ago.

In the mid-1960s the ANC suffered a major strategic blow with the mass arrests of its leadership and the scattering into exile of its remaining structures. The apartheid regime felt that it had destroyed the ANC for all time. There was considerable disarray in exile, including a certain denialism that is often the sign of depression: “we didn't make mistakes”, “things are on track” many declared. In 1975 Cde JS published a vital intervention *No Middle Road* in which he boldly admitted that strategic mistakes had been made by the ANC and MK and that we had suffered a serious blow. In particular, there had been an exaggerated expectation of what the launch of the armed struggle in 1960 would achieve. And there had also been a serious under-estimation of the en-

emy's strengths. The launch of the armed struggle in 1960 was not at the most favourable moment for the movement. But "rather untimely action", Slovo wrote – quoting Lenin – "than untimely inaction".

Moreover, he went on to argue, the very strength of white minority rule within South Africa encountered by the ANC, when compared to other anti-colonial struggles – namely a large and historically rooted white population; its effective control over the territory linked to a modern logistics network; a significant industrial base – all of these strengths could also become points of vulnerability. The modern logistics network was also a point of vulnerability and with countrywide insurrectionary struggles the regime could be stretched. The significant industrial base increasingly required a huge army of semi-skilled black workers. A white minority with nowhere to go could be forced to the negotiating table without reducing the country to ruins if the balance of forces could be changed through struggle. Slovo was always thoroughly dialectical in his strategic analysis of a situation.

Published the year before the 1976 student uprisings, *No Middle Road* made a major contribution to developing within the movement an appropriate strategic posture to the prolonged wave of semi-insurrectionary struggles throughout the late 1970s and 1980s and into the early 1990s.

Cde Joe Slovo had a favourite saying: "We must bell the cat". It's an old-fashioned English saying meaning that we must undertake the prickly task of placing a bell around the neck of a wild and furious cat. A more familiar phrasing would be: "Let's grab the bull by the horns".

Slovo's ability to intervene timeously, and his ability to connect a strategic perspective to the tactical tasks of the moment had much to do with what I would like to call Slovo's Leninism. (Lenin, after all, was the master of "belling the cat").

What are the main features of this Leninism?

- The ability to analyse a complex and contradictory reality;
- The ability to identify the main trends;
- The ability to distinguish what might be your immediate enemy, or your immediate challenge from your long-term antagonist;
- Which is to say – the ability to develop the correct tactical responses for the immediate challenges without forgetting or abandoning your medium and longer term strategic objectives.

This Leninist approach is about avoiding both political opportunism (where short term objectives become everything) and political irrelevance dominated by grand theories and not practical engagement.

Political opportunism is all about tactics without a strategic analysis and without strategic principles. We have plenty of examples of this from our own recent experience – often of a narrow electoralist kind.

Political irrelevance is about grand strategic abstractions disconnected from the actual struggles at hand. Thus in the early 1990s the PAC grandly announced that it was not prepared to negotiate with the apartheid regime until it had been completely defeated. As Cde JS said at the time there is no point in negotiating with a defeated enemy. It is defeated. You negotiate with a weakened enemy.

So what relevance does all of this have for us in the present? And what relevance for the questions we posed at the beginning?

At our 14th National Congress in July last year, the SACP developed a multi-pronged strategic perspective.

We recognised state capture as the immediate enemy of the revolution, as the most pressing issue that required decisive resolution. State capture was a reality that reached deep into our own movement, into our own ally, the ANC.

We identified state capture as the immediate enemy not because we had suddenly forgotten about monopoly capital or imperialism as

our key strategic antagonists. We have never forgotten the Anglos, the Ruperts, the Christo Wieses, the Koos Bekkers. But how do you take on monopoly capital and imperialism if your democratic state is parasitically looted, if public resources are brazenly re-routed to Dubai, if your national sovereignty and national pride are sold out to a foreign wedding party, and if your own liberation movement is rotting from within?

For this reason over the past two years the SACP has played an active – and often leading – role in the struggle against state capture from within the Alliance itself. Even before former Public Protector Thuli Madonsela’s State of Capture report, the SACP had called for a judicial commission of inquiry into state capture. It was the SACP that first exposed the role of Bell Pottinger as the scriptwriter for the Guptas, the ANC YL and the ANC WL. Irony of ironies: it was this rather white (and now deceased) UK-based multi-national corporate that developed the “white monopoly capital” narrative for our local demagogues. Again the Party played a key role in demystifying this demagogy – yes, of course, in South Africa (although not in China, or South Korea, or India, or Japan) monopoly *capitalists* are overwhelmingly white. But capital as such knows no colour. Yes, in the past the SACP has sometimes referred to “white monopoly capital” as a shorthand, but our objection to it was never that it was white – but that it was and is exploitative monopoly capital.

Having identified state capture as the immediate enemy of the revolution, from the outset the SACP has recognised the importance of helping to build the broadest possible patriotic front in defence of our democratic constitution and our national sovereignty. At the SACP imbizo convened last year, participants ranged from Business Leadership South Africa, faith-based organisations, through the ANC stalwarts to trade unions. We all agreed on a common platform – a judicial commis-

sion of inquiry based on the Public Protector's report; the prosecution of those exposed by the flood of evidence even before the completion of a judicial commission inquiry; decisive interventions to restore good governance in state owned enterprises; the cleaning up of the Hawks, the NPA, Sars. The cancellation of a multi-billion nuclear deal that we neither need, nor can afford. And the sacking of incompetent Ministers.

This is the broad patriotic platform that we are now beginning to see being implemented. The SACP both in resolutions and in active campaigning has contributed actively to this patriotic platform. In the run-up to the ANC's December elective conference, in provinces that were actively sabotaging the fight against state capture – like the North West, Mpumalanga and KZN, SACP and YCL structures – we deliberately provided platforms to Cde Ramaphosa. Not because we were supporting one faction of the ANC against another; not because we were supporting one personality against another; but because of our unique position within the ANC-led alliance, we had a duty to shoulder the responsibility of taking the anti-state capture platform into areas which were intended by others to be no-go areas.

This is one example of the Party actively re-configuring the ANC and therefore re-configuring the Alliance. We mustn't think of our Congress resolution to re-configure the Alliance as simply some kind of Alliance Political Council round-table agreement, a desktop re-arranging the Alliance organogram, or even simply a deployment deal ahead of 2019.

In the past two weeks we have seen the welcome beginnings of the implementation of the anti-state capture patriotic platform. But we must not become relaxed. There will be a fight back. There will be active resistance, even if many of these forces are now off-balance, or desperately switching sides.

There is the danger that as the 2019 elections approach the temptation within the ANC and perhaps even within the broader Alliance will

be to close ranks in an unprincipled way that will simply perpetuate the cancer of corruption within the movement.

Which brings us to the grave and imminent crisis facing Cape Town, with Day Zero when the taps will be turned off for the majority living in the city fast approaching. That date was moved to April, then to July, and has now been suspended. But a real threat of future shortages remains. What should be our response as the SACP to this dire reality?

The temptation of politicians will be to play narrow party political games with the 2019 elections coming up. From an ANC perspective the DA City administration has never before been so divided, so off-balance and so clumsy in its public communication. The temptation might be to defend Mayor Patricia De Lille as the victim of a white-boys' club which, to some extent she surely is. But De Lille is not blameless in this fiasco. Last year she was telling us repeatedly that a "world class city doesn't run out of water". There are all kinds of problems with this stupid statement. Do the residents of Khayelitsha or Nyanga or Manenberg or Elsies River really believe they are living in a world-class city? It might be world class for the wealthy who summer here on the Atlantic seaboard during the Northern winter.

But if De Lille has been totally out of her depth in this matter, so have those now opposing her from within her own DA caucus. Much of the present water crisis in Cape Town relates to the DA's proud fiscal restraint, "clean" management approach. True they score better than most municipalities when it comes to fiscal management. True, public service requires fiscal accountability, but public service is NOT reducible just to clean audits. The problem is exemplified by another DA councillor completely out of her depth. In April last year (just a year before Day Zero), Xanthia Limberg, the City's mayoral committee member for water, sanitation and energy wrote in a *Business Day* article: "It is not practical to ring-fence billions of rand for the possibility of

a drought that might not come.”

That’s like saying it is more fiscally responsible not to pay car insurance for an accident that might not come. Except, in this instance, you are toying with the lives and wellbeing of more than 4-million Capetonians.

It is quite clear by mid-2016 that DA city politicians were aware of the looming water crisis, but they deliberately and opportunistically held off on announcing water restriction measures ahead of the August local government elections. For narrow electoralist ambitions they failed to bell the cat. If the restrictive measures had been implemented in 2016 then the situation would not be as dire as it is now.

The city has also been extremely slow, thanks to its cost-cutting fixation which is now back-firing, to move on the various interventions that are now hurriedly and belatedly being implemented – like desalination plants, and tapping into the aquifer. Cape Town is also far behind many other South African cities in recycling waste water.

So it may be tempting to score political and therefore narrow electoral points against the DA administrations – but how will that actually help the situation? And, are we so sure that the National Department of Water Affairs and Sanitation is a blameless factor in this looming crisis?

After all, this is a department that, according to the Auditor General, has been the worst performer in national government for two years running. In the 2016-17 financial year it ran up R715-million in irregular expenditure and a further R406-million in unauthorised expenditure. The media has run stories that point to state capture at play in this department, dubbed “Water-gate”.

So let’s not get tangled up in the factional and narrow electoral politics of politicians – of DA against ANC, and ANC against DA, or even of factions of the ANC against other factions. Let us mobilise popular

forces to ensure that elected representatives (regardless of their party political affiliation), and that government administrations in all three spheres, works collaboratively in the public interest. It is the working class and poor who will, once again, suffer the brunt of this pending humanitarian crisis. Premier Helen Zille in her recent intervention said that taps in the CBD will not be turned off. She advised the wealthy to book hotel rooms in the CBD where they can still take showers and add water to their whiskies. Needless to say that is not an escape route available to the majority of Capetonians.

But let's not get tangled simplistically in narrow electoral politics. Let's not behave like Musi Maimane who flew into Cape Town supposedly to unveil the grand strategy to address Day Zero. Unfortunately he had Zero to say on the issue. What he did say, which at first sight appeared to be a mature and constructive approach, was: "Now is not the time for politicking and finger-pointing. We do not have the luxury of time. We need to unite behind this common mission..."

That sounded good and I wanted to say "Amen", let's work together. But it soon became clear that Maimane was referring to politicking and finger pointing within the DA caucus. He quickly switched to a blame game against national government and even threatened to go to court.

So much for the Cape Town water crisis.

But, as we celebrate the positive signs over the past two weeks regarding the battle against state capture, we must also remain highly vigilant.

While the worst of state capture parasitism is dealt with at a national level, in the name of ANC unity, provincial parasitism (where much of it began in the first place) will be tolerated.

Another, related, danger is that there will be a selective attack on state capture – the Guptas will be dealt with, but other outrageous forms of state capture will receive less attention. One in particular has

had a massive negative impact on the lives of the working class and poor in Cape Town. I am thinking of the Metrorail crisis, due in large part to the systemic and massive corporate capture of Prasa, in which the former Group CEO, Lucky Montana, appears to have been a central player.

We are all familiar with former Public Protector Thuli Madonsela's *State of Capture* report, but her 2015 interim report on large-scale corruption in Prasa, *Derailed*, seems to have been forgotten. As with *State of Capture*, *Derailed* is incomplete and required further investigation. As far as I am aware, the Hawks assigned a single investigator, who also has other responsibilities, to this multi-billion rand cesspool involving hundreds of irregular contracts. When, in exasperation, the former chair of the Prasa board, Cde Popo Molefe, sought the help of a private law firm to carry out investigations, he and the rest of his board were hounded out of office by senior ANC politicians.

But at least some of the rot has been exposed by journalists. We know that the dodgy R3,5-billion rand locomotive tender with Swifambo resulted in a Spanish company in partnership with a so-called BEE partner dumping surplus stock from a cancelled East European order on us. The locomotives are too high for our operating specification. They were supposedly designed by one of Lucky Montana's buddies, Prasa chief engineering officer Daniel Mtimkulu, who turned out to have a fake PhD and engineering qualifications.

Another dodgy deal was with Siyangena Technologies, which was meant to supply CCTV cameras and other security equipment at stations. The deal has been a total flop, but plenty of public money has changed hands. In *Derailed* the Public Protector found that Luvuyo Gantsho, a Prasa senior employee overseeing the multi-billion rand contract, had received a Durban apartment as "gratitude". Another name featuring in the bogus security upgrades is that of Roy Mood-

ley, the current national treasurer of Sanco, and who was in the news recently following the publication of Jacques Pauw's book, *The President's Keepers*. Sars discovered that Moodley had a certain JG Zuma on his company payroll, while the latter was also the President of South Africa. Moodley apparently made over R600-million for security services supplied to Metrorail. Anyone familiar with the pathetic state of security on our trains will wonder where this money went. MKVA and its leader Kebby Mapatsoe also crop up as players in this space.

Then there is Patricia Norris, who is reported to have purchased a house in Oranjezicht for Lucky Montana. Norris is the CEO of Commuter Transport Engineering in Touws River, with the major repair and maintenance contract for Metrorail. Again, anyone familiar with the state of maintenance and repair of Metrorail carriages will wonder about the capacity of this company. And why are the publicly owned Transnet Rail Engineering works at Salt River not used by Metrorail?

I can go on and on. But the point that we must not forget is that the looting of Prasa/Metrorail comes at a terrible price for working class communities in Cape Town. Yes, vandalism including cable theft are the most immediate causes of the shutting down of the Central Line and the endless cancellation and hours long delays on other lines. But billions of rands that should have been spent on safety and security on the system have been looted. Billions of rands that should have purchased modern rolling stock and communication systems that don't rely on copper cabling have vanished into private pockets.

And the result is workers lose jobs for arriving late. Trains stuck at Netreg becoming sitting targets for criminals. A few years ago Cape Town was unique in that the majority of public transport travellers used the trains as their preferred mode. Trains are, in principle, safer, quicker and cheaper than a mini-bus. But safety has declined. Hundreds of thousands of former train riders have been forced to catch

buses and mini-buses, often taking two or three hours to get to work. People in Mitchell Plain now get up at 4.30 am to queue for buses. Life is hell.

For all of these reasons a broad patriotic platform in defence of the rule of law and national sovereignty that extends well beyond conventional party political demarcations is essential.

This is why we should welcome the current enthusiasm of Business Leadership South Africa, or the recent statements by Tony Leon – and not primarily because the latter’s views have sowed division within the DA. Make no mistake our country, our hard won democracy, our national sovereignty – all of these were taken to the very brink of irreversible decline by the Zuma presidency and the state capture agenda with which it has been associated.

But in welcoming the general support from the widest range of South Africans, we should not be under any illusions about where Tony Leon, or BLSA want to take matters. Essentially they want a restoration to neo-liberalism, to capitalism as normal, back to Gear, back to a revised version of Mbeki-ism. And yet it is the very failures of neo-liberalism, of capitalist driven growth as the priority beyond all priorities that have deepened the all-round crisis of our country and, indeed, of the world. Over the past 20 years global inequality has deepened to crisis levels. In post-apartheid South Africa, despite GDP growth in the first decade, crisis levels of unemployment persisted and even worsened. Inequality has remained extraordinarily high. At a global level, rampant and destructive profit-driven capitalist growth has now resulted in massive climate change outcomes – one of whose impacts we are now witnessing with an unprecedented drought here in Cape Town and other parts of the Western Cape.

It is precisely the failures of neo-liberal, financialised capitalism that have created the space for all manner of reactionary demagogic, popu-

list politics – Trump in the US, UKIP Brexiteers in Britain, right-wing anti-migrant popular mobilisation in much of Europe...and, here, in South Africa the Zupta phenomenon. What all of these manifestations of demagogic populism have in common is that they tap into the anger and frustrations of those who have been marginalised by neo-liberal driven globalisation, financialisation and the so-called fourth industrial revolution. But this brand of right-wing demagoguery cynically mobilises popular anger to advance narrow interests, whether those of the Trumps or the Zuptas.

Which is why, in the fight against state capture in South Africa, it is important to form the broadest patriotic platform, but it is also absolutely critical that we do not allow those who wish to use the moves against state capture simply to restore a neo-liberal capitalist hegemony.

And that is why at our 14th National Congress, we called not just for a broad patriotic platform against state capture, but also a Left Popular Front grounded in popular activism and mobilisation to drive forward a real – not a rhetorical or demagogic – radical second phase of the national democratic revolution. And, as communists, we believe that the only way in which this can be achieved is through an increasingly socialist orientation in our transformation effort. What does that mean? In brief it means putting solidarity above private interest. It means respect for the natural world above private profit. It means measuring the success of our society not in terms of GDP, but in terms of growing equality and well-being for all. ●

Cde Cronin is an SACP Political Bureau member. This is an edited version of his speech at the commemoration of Joe Slovo's death, at the University of the Western Cape on 25 January

OCTOBER REVOLUTION

The Russian Revolution and South Africa

The Soviet Union and the Communist International had a massive impact on the development of South Africa's democratic and anti-apartheid struggle. **John Pampallis** examines how this unfolded

The revolution that took place in the Russian empire in November 1917 (often referred to as the October Revolution because Russia still used the old Julian calendar) was one of the most important events shaping world history in the 20th century and its impact continues to influence the world today¹. When the Russian workers overthrew their feudal and capitalist oppressors near the end of the World War I, they provoked shock and dismay among the capitalist classes and raised hope among the workers worldwide, including in South Africa. The impact on South Africa came through the example of the revolution itself, the ideology that fuelled it (Marxism-Leninism), the state that it established (the Union of Soviet Socialist Republics), the Bolshevik (later renamed the Communist) Party that led it and, until 1943, the international organisation that it gave rise to (the Communist International or Comintern).

By 1917 South Africa already had an industrial working class – the result of the diamond and gold discoveries and attendant industrial development. Initially the skilled mine workers were mainly white. Tens of thousands of rural Africans, under pressure from the dispossession

of their land and the need to pay taxes in cash, became low-paid unskilled workers with abysmal working and living conditions. As many Africans learned new skills, white workers pressured successive governments to pass laws reserving various skilled jobs for whites only.

Many of the white miners brought with them socialist and trade union traditions from Europe, including from Britain and the Russian empire. They established trade unions from the 1890s, and in 1901 formed the South African Labour Party (SALP) that became a member of the Socialist International, an international organisation of socialist parties that included both revolutionary Marxists and reformists. The SALP – like the International as a whole – split in 1915 over whether to support participation in the World War.

The left-wing, Marxist (and anti-racist), anti-war minority of the SALP established the International Socialist League (ISL). It welcomed the Russian revolution and identified itself with its aims. “We are South African Bolsheviks!” it proclaimed. Unsurprisingly, the South African ruling class, especially those sections aligned with British imperial interests, strongly opposed it. What this meant was that by 1917 South Africa had social conditions and a social stratum (a section of the working class) that was receptive to the influence of the Russian Revolution.

Initial response

In the first major manifestation of the influence of the October Revolution, the ISL joined with smaller groups of radical socialists in 1921 to form the Communist Party of South Africa (CPSA) as a section of the Communist International, an organisation made up of communist parties from around the world. The CPSA was (and for many years remained) a small party, but with an influence that in the long term proved to be disproportionate to its size. Most of the impact of the Oc-

tober Revolution on South Africa in the period up to the end of the 1930s came directly or indirectly through the CPSA.

Initially it was mainly a party of committed white workers. They soon found that most white workers were happy to be junior partners to capital. The large strike of white mineworkers in 1922 had disturbingly racist characteristics. The strike was fundamentally in support of maintaining the colour bar because white workers' jobs were being threatened by mining companies' plans to replace them with black workers at lower rates of pay. The CPSA supported the strike because it saw the conflict primarily as a working class struggle against the capitalist mine owners. When the mine owners won the strike with the active and violent support of Jan Smuts' government, the miners gave their political support to the Labour Party that formed an alliance with the ultra-racist National Party that won the next election in 1924.

The Party's realisation that the white workers were far from a revolutionary force and the fact that the working class was predominantly black gave rise to serious introspection within the Party. It turned its attention to recruiting black workers and by the end of the 1920s black members formed the overwhelming number of Party members – although with a disproportionate number of whites in its leadership. During this period, a number of black Party members played leadership roles in the ANC and in the Industrial and Commercial Workers Union (ICU), a short-lived but massive organisation that grew up in the 1920s. Its influence on the ANC showed itself in a supportive attitude by ANC president Josiah Gumede towards the CPSA. He sought cooperation between the two organisations and in 1927 attended the 10th anniversary celebrations of the October Revolution in Moscow before being removed from the leadership by more conservative elements of the ANC.

In examining the impact and repercussions of the October Revolu-

tion in South Africa, I will focus on just four of the most important themes: the national question; the issue of alliances; the relationship between the white minority government and the Soviet Union; and the Soviet Union's support for the liberation movement.

The National Question

The national question is an ideological and theoretical issue with important practical implications. Many CPSA leaders were aware of the debates around the national question among the left in Europe and the approach towards minorities adopted by the Soviet Union. But most realised that the South African reality was different to the situation in the large imperial states of Europe such as the Austrian and Russian empires that Lenin, Rosa Luxemburg and others wrote about. There, large national groups sought liberation from oppression as nations, often with ambitions of creating independent national states. The debates among socialists and communists sought ways to reconcile the struggle of these nationalities with the class struggles of the working class and the peasantry.

In South Africa, the national question was centrally associated with race, racism and colonialism, as well as with class. Regionally-based nations did not exist in the way they did in Europe. African states had existed in pre-colonial times and most Africans lived in regions characterised by a common language. However, African leaders who had established the ANC in 1912 had set out a vision of South Africa as one nation with equality between all racial groups. There was negligible support among Africans for breaking up the country into smaller nations. The dominant view among ANC leaders was that class struggle played no role at all in its efforts to overcome colonial and racial domination. The CPSA, on the other hand, initially saw only the class struggle and felt that black and white workers should join together against

capitalism. The Party recognised no other natural allies, for example, the black petit bourgeoisie or the rural masses.

The Sixth World Congress of the Comintern in 1928 disagreed with the CPSA's approach. A special resolution was passed stating that "the national question ... lies at the foundation of the revolution in South Africa" and required the CPSA to "put forward ... the slogan of an independent native republic as a stage towards a workers' and peasants' republic". Although there was strong disagreement among a section of its leadership, the Party formally adopted the "native republic" concept and its 1929 programme emphasised the importance of the national struggle of the African people. As though to underline this, the 1929 conference elected an African trade unionist, Albert Nzula, as its first black General Secretary.

However, the change in the Party's position was short lived. A few months after he was elected, Nzula left South Africa to study in Moscow. Soon after, a new leadership under Douglas Wolton took control of the Party and perversely interpreted the Comintern resolution as equating the call for black republic as a call for socialism. The Party went into a very sectarian period as the new leadership – reflecting a sectarian tendency among leading members of the Comintern – opposed cooperating with the ANC on the basis that it was reformist and was not conducting a struggle for the working class. A number of the Party's founders, including some leading trade unionists, were expelled. In the context of a Soviet Union going through the turmoil and vicious suspicion of the Stalin purges, a number of the South Africans who went to Moscow on Comintern business were caught up in sectarian ideological struggles and at least two, Lazar Bach and Joe Glazer, were arrested and sent to labour camps, where they eventually died.

In South Africa, as the CPSA became enmeshed in internal conflicts, its membership declined drastically. It was not until 1934 that a

strenuous reaction against such sectarianism was launched, led by Moses Kotane. Drawing on the 1929 Congress resolution (and the 1928 Comintern resolution), it started to broaden the base of the Party and to build relationships with the ANC and other organisations.

Clearly, the impact of the Comintern resolution was not initially well received by many in the Party leadership and was followed by the most difficult period in the Party's history. However, in 1971 the Party's official history, *Fifty Fighting Years*, would assess the resolution, calling it "a remarkable Marxist-Leninist appraisal of the fundamental structure and character of South African society, whose aptness and relevance have been vindicated rather than made obsolete by the passage of time".

More than 30 years later, the Communist Party – now known as the South African Communist Party (SACP)² – further developed its understanding of the national question with the adoption of its 1962 Programme, *The Road to South African Freedom*, with an elaboration of the theory of Colonialism of Special Type (CST). The programme characterised South Africa as a colonial type of society but one in which both the oppressor and oppressed nations shared the same territory. The Party simultaneously reaffirmed its commitment to the 1955 Freedom Charter that envisaged a future South Africa as one nation where everyone had equal rights. The concept of CST led to the conclusion that the immediate aim of the struggle was "a national democratic revolution which will overthrow the colonialist state of White supremacy and establish an independent state of national democracy". This was "the essential condition and the key for future advance to ... a socialist South Africa ..."

The CST concept was later adopted by the ANC and gained widespread currency in the liberation movement. Both the two-stage theory of revolution and CST can be understood as having their roots in the earlier decisions of the Comintern³.

Building alliances

Related to the national question is the issue of building and participating in alliances. It is the Party's approach to alliances that is arguably the most important reason why it maintained the influence it did for so long. The approach was influenced strongly by its membership of the Comintern.

The CPSA's tentative move towards alliance politics, revived from 1934, was strengthened by the main resolution of the Seventh World Congress of the Comintern in 1935. This urged the building of united and popular fronts⁴ against fascism and war – at a time when a number of European countries (Germany, Italy, Spain and Portugal) were ruled by fascist type governments. Nazi Germany was threatening war against its neighbours. Recent experience had taught communists that sectional conflict among the working class could open the way for fascists to exploit the divisions and that all other social strata such as the petit-bourgeoisie and the peasantry would also suffer. The Comintern's resolution resonated in South Africa where Nazi ideology was finding fertile ground, especially in the Afrikaner nationalist movement.

The Comintern resolution provided a theoretical argument against sectarianism that would remain embedded in the thinking of the Party. The CPSA began to actively build (or rebuild) cooperation with anti-fascist and anti-racist organisations. Communists played an important role in the revival of the ANC that had been going through a slump of inactivity and declining membership. It also played an active role in organising and participating in the proceedings of the All African Convention, called in December 1935, in response to the government's plans to curtail the franchise and land ownership rights of Africans.

When World War II broke out in 1939, the CPSA characterised it initially as an inter-imperialist war, but changed its position after Germany attacked the Soviet Union in 1941. It then took the view that

because the Soviet Union was the world's only socialist country (where workers had taken over the factories, mines and the land and ruled themselves; and because it had no colonies and stood for the national liberation of all oppressed people), its defeat would be a major blow for workers around the world, so it had to be supported. The Comintern itself was dissolved in 1943 to help maximise unity between the Soviet Union and communist parties elsewhere and the Soviet Union's western allies, especially the UK and the USA.

All this placed the CPSA on the same side as the South African government on the major international issue of the day. On one level relations between the two took the form of an uneasy truce. The heroic and ultimately decisive role played by the Soviet Union in the war won it much admiration and sympathy. The Friends of the Soviet Union (FSU), an independent organisation close to the CPSA, organised public meetings in support of the Soviet Union. Many of the meetings were non-racial and attracted a wide range of people: trade unionists, religious, youth and women's organisations and some liberal politicians. The FSU initiated the establishment of an organisation called Medical Aid for Russia that raised money and medical supplies for the Soviet Union. It attracted a wide range of supporters including even prominent white business people, religious leaders and politicians. Even the Prime Minister, Jan Smuts, sent greetings to some of its meetings.

The somewhat easier relationship between the CPSA and the government during the war did not detract the Party from its local struggles. Its cooperation with the ANC continued grow. Together they campaigned for African soldiers to be allowed to carry arms. "If you want the Non-Europeans to fight for democracy, why not give them democracy to fight for?" said Moses Kotane, a leader of both the ANC and CPSA. In 1944-45, the two organisations also cooperated in a large anti-pass campaign that included a march of over 15 000 people in Johannesburg.

In the armed forces, the Springbok Legion, in which Communists participated centrally, also demanded equality for black and white troops and called for the opening of a western front against Germany to relieve pressure on the Soviet Union.

The CPSA's war-time activism and its efforts to bridge divisions – as well as the international prestige of the Soviet Union resulting from its role in the war – resulted in an increase of approximately 400% in its membership. In 1944, Hilda Watts (later Bernstein) became the first and only communist ever to be elected to office by an all-white electorate, when she won a seat in the Johannesburg City Council, representing Hillbrow. Other communists were elected in Cape Town and East London by predominantly white electorates (in the Cape Province a portion of the electorate was still coloured). Alpheus Maliba and J Lekhota won hundreds of thousands of votes in elections to the Native Representative Council in the Orange Free State and Transvaal provinces although they were not elected. In local Advisory Board elections communists won every seat in Langa (Cape Town) and also won seats in East London and four East Rand townships.

The influence of alliance politics continued after the war with the CPSA and the ANC cooperating to support the massive strike by the African Mineworkers' Union led by JB Marks, the Indian passive resistance campaign in the same year. In March 1947, a joint declaration by the presidents of the ANC, the Transvaal Indian Congress and the Natal Indian Congress (the so-called Xuma-Naicker-Dadoo Pact or Doctors' Pact) pledged "the fullest cooperation between African and Indian people".

After the National Party of DF Malan won power under the slogan of apartheid, a number of liberation organisations started to work more closely together. But the CPSA was outlawed in 1950 by the apartheid government and could not participate openly in any political activity.

The Party, however, soon re-emerged as an underground organisation under a different name, the South African Communist Party (SACP). Its members worked in all the mass movements that became part of the Congress Alliance: the ANC; the South African Indian Congress (SAIC); the South African Coloured Peoples' Organisation (later renamed the Coloured Peoples' Congress, CPC); the organisation of progressive whites, the Congress of Democrats (COD); and the South African Congress of Trade Unions (Sactu). The Federation of South African Women, initiated by the ANC Women's League, became closely associated with the Congress Alliance. The SACP came to recognise the leading role in the Alliance of the ANC, as the largest national organisation, representing Africans, the most oppressed section of the South African population.

During the 1950s, the Alliance led a number of very significant mass campaigns including, the Defiance Campaign, campaigns against Bantu Education and the pass laws (especially their extension to women), trade union struggles and a wide range of community struggles in both urban and rural areas. Virtually all SACP members were also members of the various Congresses and participated centrally in these campaigns that continued until the ANC was itself banned in 1960 and forced to operate underground.

Once a cohort of Congress Alliance leaders and members went into exile, the ANC, with the SACP, encouraged the growth, largely though not completely successful, of a non-sectarian international anti-apartheid movement with all anti-apartheid forces urged to contribute on the basis of their opposition to apartheid despite any other differences between them. Internally, the supportive attitude towards black consciousness activists after the Soweto uprising saw many move into the ANC and the SACP and to build the United Democratic Front (UDF) in the 1980s.

It would be far-fetched to claim that these alliances were all the re-

sult of the 1935 shift in Comintern policy. As has already been noted, the ANC at one level had always had the building of unity at its heart. The unity of all Africans, irrespective of ethnicity, was one of its founding principle and it did have a vision of a common, non-racial society. But the ANC, like the CPSA, did not as a rule actively seek cooperation with other like-minded organisations with which it shared commonalities, around particular issues or more generally, in fighting against oppression. The Comintern's Seventh Congress was a turning point for the CPSA and consolidated its path towards seeking common interests between itself and those who shared its objective. In the latter half of the 1930s, Party people who held senior roles in both organisations like Moses Kotane, JB Marks and Edwin Mofutsanyana, played an important role in rebuilding the then-moribund ANC. And in the 1940s, the CPSA played an important role in overcoming the misgivings of the newly formed ANC Youth league about working with communists. It also played an important role in encouraging the signing of the Doctors' Pact and later in promoting the Congress Alliance. It could be said that the CPSA, with key ANC leaders, had an important role in embedding in the Alliance a positive attitude towards alliance-building.

The relationship between the Soviet Union and the South African government

An examination of the impact of the Russian Revolution in South Africa would be incomplete without looking at the relationship between the Soviet and South African governments. Until the British parliament passed the Statute of Westminster in 1931, South Africa was still not fully independent and had not yet taken control of its foreign policy. Even after 1931, South Africa's foreign policy towards the Soviet was no different to that of Britain. Relations between Britain and the Soviet Union were antagonistic – as can be expected between one of the

leading capitalist countries in the world and one that was decidedly anti-capitalist and that had in its early years tried to promote uprisings by the working classes in the capitalist world. Nonetheless, in South Africa, as in Britain, the Communist Party operated openly, though often faced by a hostile government and police force. There was limited trade, and South Africans with passports could openly visit the Soviet Union; Soviet citizens could also visit South African and some did come on cultural exchange visits. However there were no diplomatic relations between the two countries.

In 1942, diplomatic relations were established and a Soviet Consulate General was opened in Pretoria. From the South African side, this was partly because of pressure from organisations like the CPSA-aligned Friends of the Soviet Union and Medical Aid for Russia. However, despite the somewhat better communication between the two countries, the Soviet Consul General reported to his government that the South African government did not show any signs of a willingness to establish friendly relationship with the Soviet Union and that it did nothing to curb anti-Soviet attacks by right-wing Afrikaners.

After the war, relations between the two governments soured rapidly due to new international alignments in which South Africa supported the USA and Britain in their Cold War against the Soviet Union. After coming to power in 1948, one of the National Party's earliest pieces of legislation was the Suppression of Communism Act (1950) that banned the CPSA.

From then until 1990 anti-communism became a cornerstone of South African domestic and foreign policy.

Soviet support for the banned liberation movement

The banning of the ANC in 1960 resulted in the departure of senior leaders of the liberation movement (among them the ANC's Oliver

Tambo and the SACP's Yusuf Dadoo) who were sent into exile to mobilise international support. This facilitated the growth of a relationship with the Soviet Union as the ANC developed more direct and formal ties with the CPSU and the Soviet government than had previously been possible. The SACP, of course, played an important role in enabling this relationship.

It would have been difficult for the ANC to survive and make progress in the early exile years without the support of the Soviet Union and the socialist bloc. The support continued throughout the entire period of the liberation struggle. The Soviet Union became the single most important source of assistance for the ANC and its allies. The support came in many forms: diplomatic, political, social, educational, financial, economic, health, intelligence and military.

There was a qualitative difference between the support from the Soviet Union and other socialist countries on the one hand, and that from western anti-apartheid movements, on the other. This difference does not of course minimise the importance of either source of support but is worth noting. Soviet support was important and large because it came from a powerful state; support was extended as a result of state policy. But conscious support was mainly at the level of the state, leading organs of the CPSU and state-aligned organisations like the Afro-Asian Peoples' Solidarity Organisation (Aapso). As a result, unlike in some western countries, there was no mass-based anti-apartheid movement demanding that its government take measures to oppose apartheid – and consequently little wide-spread, well-informed consciousness of what the South African and other African liberation movements were fighting for.

The South African apartheid government became obsessed with the Soviet Union. The ANC and SACP were continuously accused of being its puppets. The apartheid government claimed to be defend-

ing western civilisation against “the Soviet Menace”. These assertions were made to win supporters in western countries caught up in the Cold War, to justify South Africa’s oppressive apartheid policies, and to discredit the ANC and SACP in the eyes of South Africans. The government accused the Soviet Union of leading a “total onslaught” against it. It also portrayed the ANC as being variously an extension of the Communist Party or a puppet of the SACP which was in turn a creature of the CPSU.

The Soviet Union’s support for the freedom struggle in South Africa was also extended to liberation movements in the neighbouring: Namibia, Zimbabwe, Mozambique and Angola – and it supported them in resisting aggression from the apartheid South African state. In Angola it sent military advisors and other personnel to support Angolan and Cuban forces to defend the country against invasion by apartheid South African forces. This led directly to the independence of Namibia in 1990 after more than 70 years of South African occupation.

With the weakening of the USSR, its dissolution in 1991, and the pre-1994 negotiations in South Africa took place in a new era, one in which the Washington Consensus and neoliberalism held sway internationally. This undoubtedly had an impact on the negotiations and strengthened the influence of western countries and big South African capital on the negotiations. Nonetheless the years of struggle by the South African people – buttressed by the support of the Soviet Union and others – gave the liberation forces the strength to make a crucial breakthrough, opening the way to the establishment of democracy in South Africa. ●

***Cde Pampallis** is a veteran Marxist ANC activist and Chairperson of the Board of the Mzala Nxumalo Centre for the Study of South African Society*

BIBLIOGRAPHY

- Bunting, B. 1975. *Moses Kotane: South African Revolutionary*. London: Inkululeko Publications.
- Filatova, I. and Davidson, A. 2013. *The Hidden Thread: Russia and South Africa in the Soviet Era*. Roggebaai: Jonathan Ball.
- Lerumo, A. 1971. *Fifty Fighting Years: the South African Communist Party, 1921-1971*. London: Inkululeko Publications.
- Meli, F. 1988. *A History of the ANC: South Africa Belongs to Us*. London: James Curry.
- Pampallis, J. 1991. *Foundations of the New South Africa*. London: Zed Books and Cape Town: Maskew Miller Longman
- Roux, E. 1964. *Time Longer than Rope: The Black Man's Struggle for Freedom in South Africa*. Madison: Wisconsin University Press.
- Shubin, V. nd. *ANC: a View from Moscow*. Belville: Mayibuye Press-UWC.
- Simons, J. and Simons, R. 1983. *Class and Colour in South Africa 1850 to 1950*. London: International Defence and Aid Fund for Southern Africa.
- Van Diepen, M. 1988. *The National Question in South Africa*. London: Zed Books.

Notes

- 1 This article has been adapted from a presentation to the Russian Revolution Centenary Conference, organised by the Marx Memorial Library and the Society for Cooperation in Russian and Soviet Studies in London, 4 November 2017. The author attended the conference as a representative of the National Institute for Humanities and Social Sciences.
- 2 After the CPSA had been banned by the Suppression of Communism Act in 1950, it formally dissolved itself. In 1953, former CPSA members regrouped and reconstituted the Party under a new name, the South African Communist Party (SACP).
- 3 The Comintern had been dissolved in 1943 in order to promote maximum cooperation between anti-fascist forces during the Second World War and was replaced by a looser grouping of national communist parties.
- 4 A united front was seen as an alliance between different working class parties (e.g.

communists and social democrats); the popular front was seen as a broader alliance between working class organisations and others (e.g. peasant or petit bourgeois parties), usually temporary, to meet a common objective. The Seventh Congress advocated both in order to defeat fascism. In South Africa no sharp distinction was drawn between the two.



WHERE TO CONTACT THE SACP

HEAD OFFICE

4th Floor Cosatu House
110 Jorissen Street
Braamfontein, 2017
JOHANNESBURG, 2000
Tel: (011) 339 3621/2
(011) 3393621/2
Website: www.sacp.org.za
Twitter: SACP1921
Facebook Page:
South African Communist
Party: <https://www.facebook.com/pages/South-African-Communist-Party/115354128489821>

EASTERN CAPE

Block A Unit 1 Bisho Business Village
Siwani Avenue BISHO, 5605
Tel/Fax: (040) 635 0463
Email: ecape@sacp.org.za

FREE STATE

1st Floor Moses Kotane Building
44 Fichardt Str, BLOEMFONTEIN, 9300
Fax: (051) 430 7571/4480303
Email: freestate@sacp.org.za

GAUTENG

4A Floor Samwu House
Cnr. Frederick & Von Brandis Str
JOHANNESBURG, 2000
Tel: (011) 333 9177
Fax: (011) 331 3017
Email: gauteng@sacp.org.za

LIMPOPO

Jorissen Street, Adams Forum
NUM HOUSE, 0700
Tel: (015) 297 8128
Fax: (015) 297 7643
Email: limpopo@sacp.org.za

MOSES MABHIDA

321 Anton Lembede Street 7th Floor
SADTU House DRBN
Tel: (031) 301 3806/301 3763
Fax: (031) 301 5470
Email: kzn@sacp.org.za

MOSES KOTANE

4th Floor; Room 406, Vannel Building,
Cnr: OR Tambo & Boom Street
KLERKSDORP, 2570
Tel: (018) 462 5675/8230
Fax: (018) 462 5675/4322
Email: northwest@sacp.org.za

MPUMALANGA

NUM Offices, Smart Park Building
WITBANK
Tel: (018) 656 2045/73
Fax: (013) 690 1286
Email: mpumalanga@sacp.org.za

NORTHERN CAPE

17 Graham Street Street,
KIMBERLEY, 8300
Telefax (053) 831 4180
Email: ncape@sacp.org.za

WESTERN CAPE

No 8 Beverley Street Athlone,
Code: 7764 CT
Tel: 021 762 9719/9748
Fax: (021) 421 4170 / 424 4667
Email: wcape@sacp.org.za

EDITORIAL BOARD

Editor-in-chief

Blade Nzimande

Deputy editors-in-chief

Solly Mapaila

Chris Matlhako

Editors

Yunus Carrim

Jeremy Cronin

Deputy editors

Buti Manamela

Jenny Schreiner

Other board members

Joyce Molo

Mluleki Dlelange

Celiwe Madlopha

Reneva Fourie

Sub-editors

David Niddrie

Mark Waller