

MBEKI'S MISSIVE

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In a 30-page leaked document on land and the national question, titled *What Then About Land Expropriation Without Compensation*, the Thabo Mbeki Foundation (TMF) elucidates both historic context but crucially an analysis of a resolution of the ANC's 54th National Conference in December 2017 on "land expropriation without compensation". Without going into the settings of the document about the "glorious National Democratic Revolution" and its "victory of 1994", the document presents some important perspectives about debates inside the ANC, especially about non-racialism and expropriation of land without compensation (EWC). The tone of the document clearly indicates the hand of former President Thabo Mbeki writ large and seeks to methodically outline the ANC's historical position on its attempts to assume the role of, "frontline fighters for the creation of a non-racial, democratic, humane and humanist global human society".

At the heart of the TMF treatise is perhaps the most foundational of concerns for the nation, that of how the ANC will reconcile the impact of its December 2017 resolution on EWC with its stated commitment to building a non-racial society.

The document veers into detail on the trajectory of the land question within the ANC from its inception in 1912 to various congresses and resolutions culminating in the adoption of the Freedom Charter. Two core principles are highlighted: "South Africa belongs to all who live in it, black and white; and "the land shall be shared among those who work it". In further references to the Freedom Charter and the Strategy and Tactics documents, the document forcefully asserts that, "throughout the evolution of this policy, over 105 years, which has most often included land expropriation, there had never been any decision by the National Democratic Movement until December 2017 that such land expropriation as might be necessary would exclude compensation".

In the juxtaposition between past and present in the document, the following might portend a scenario that might play out as the ANC heads toward the 2019 election. It states, "*If the ANC abandons these two principles and strategic positions, it must accept that it is turning its back on its historical position as the 'parliament of the people' by repudiating views and hopes about the future of our country which the masses of our people have held for many decades, ready to pay any price in their defence*".

The document states that its concerns about EWC has nothing to do with expropriation or no compensation. It has to do with the extremely fundamental question of the very definition of the nature, character and objectives of the ANC, and that is its position as leader of all South Africans (black and white), its non-racial character and mission, and the rule of law. If the Nasrec resolution should stand, the Freedom Charter would have to be changed to:

'South Africa belongs to all who live in it, black and white, except as this relates to land'; and, 'All national groups are equal before the law, except as this concerns land!'

The document goes on to state in no uncertain terms: "*Certainly, the argument that has been advanced by the ANC leadership since the 54th National Conference about the Land Question communicates the firm statement that the ANC has changed in terms of its character. It is no longer a representative of the people of South Africa*".

The document makes a scathing reference to former President Jacob Zuma's subversion of the ANC as a black political party, "Jacob Zuma was advancing a perspective about the 'resolution of the National Question' radically different from the long established and historic position of the ANC, which he led at the time". For the EFF, it reserves classic Mbeki disdain and refers to the EFF's ideological subversion of ANC policy while pointedly highlighting his party's own breakaway from the PAC in 1958 because of a divergence on the question of non-racialism. He infers that the ANC is being led by the EFF on the land question, to its own detriment.

The TMF 's paper posits valid questions and proposals, some of which may cause necessary discomfort if the country is to move in a direction that does not undermine constitutional guarantees to property rights, equality and non-discrimination. Under the rubric of the necessity for an Internal Review and Programme of Action on the land question, the paper questions what is rapidly becoming a false basis for the land question, including that of the extent of land hunger. Equally valid is the question about land for what: farming or housing. The rural/urban question together with that of positioning South Africa within a global economic context (or private owners of capital as the document refers) and the necessity for growth and jobs require pragmatic introspection by the ANC.

The Thabo Mbeki Foundation document categorically states too, that the current constitutional provisions are adequate and create an enabling framework for land reform.

The Thabo Mbeki Foundation document further raises the following important issues in the debate on EWC:

- Does an amended Section 25 making provision for EWC attack the foundations of non-racialism and the rule of law? If this is true, a 75% majority will be necessary to amend it.
- Necessary land reform is not a zero-sum game, where whites must lose so that blacks can win. It should be resolved in the national interest on a non-racial basis and with the rule of law intact.
- The "land issue" must be resolved, not by a quick fix of taking from whites and giving to blacks, but by carefully considering all pertinent factors such as what should land be used for, who wants to farm and what the effect of all of this would be on food security.

In the broader debate about our unity in diversity, it raises the important question of who are "our people"? This legitimate question by COPE leader Mosiuoa Lekota was not answered by the ANC leadership, asserts the document. Interestingly, the document seems to say that the Freedom Charter and constitutional principle of non-racialism trumps the ANC oft expressed dictum that its struggle is for "blacks in general and African in particular".

The Thabo Mbeki Foundation document has already caused a storm on social media, and elicited a response from Ace Magashule, taking a swipe at the "disloyalty" displayed by Mbeki.

What is more important though, is whether President Ramaphosa and his panel of advisors on EWC will take the issues raised by the Thabo Mbeki Foundation document seriously enough to reflect it in their advice to him? And will those ANC members in Parliament who will have to vote on a possible amendment of Section 25 reflect on these issues before they do? And finally, will the Constitutional Court judges, when a challenge to the amendment to Section 25 is brought (as it surely will), take into account that a former president of the ANC and the country no less, asserted that such a change may destroy the very foundations of non-racialism and the rule of law in chapter 1 of our Constitution?