

FW DE KLERK Annual Conference Speech
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“Hope for the Future: Achieving the Vision in the Constitution”

Last year the Wall Street Journal [wrote](#) that South Africa was at a crossroads, in 2018 the Medium Term Budget Policy Statement was too titled ‘South Africa at a Crossroads’, stressing the difficult economic and fiscal choices confronting the government, and in 2017 South Africa was once again at a crossroads according to a discussion held at the Centre for Strategic and International Studies. No doubt an expert in something, somewhere, was saying we are at a crossroads the year before that, and again another ten years before that.

In thinking through how we might edge closer to the vision in the Constitution, it would be trite of me to say that we are at a crossroads now, upon which the future of entire constitutionalism depends. Because more often than not, there is a fork in the road and choices to be made. There is seldom novelty in it, we are constantly presented with choices of profound significance that will lead us in one direction instead of another. I say this because when I present what I think are our choices, this is not a singular crossroads or watershed moment. Rather some of our temporal choices until we soon are confronted with another fork in the road.

Our Constitution envisions, among other things, a non-racial society and to ‘free the potential of each person’. These ideals in South Africa are inextricably linked, but their future, and thus that of the Constitution, are under threat: if we cannot free the potential of each person, we make achieving nonracialism harder.

Before I give a more detailed account of this position and its implication for our future, it needs mentioning that it is now de rigueur at every gathering where politicians and business leaders meet to declare that South Africa needs a social compact or contract. For what purpose? To set out a common vision for all stakeholders which would articulate the basic rules of the game necessary to achieving our shared national aspirations? We have such a contract - the Constitution.

The idea that South Africa requires a renewed social compact is almost exclusively motivated by the acknowledgement that there is a trust deficit in our society. Unless we wish to corrode

that trust further, what we cannot do is draw up a new contract because we're failing to live up to the aspirations of the present one. Instead of bold pronouncements of new social compact building we need to mount a less coy defence of the one we already have. It means we cannot stand by while it is lampooned and used as a scapegoat for political failure. If the Constitution can be undermined, the 'original' social compact as it were, no other imagined future compact will be worth the paper it's written on.

The future of the Constitution

The future and legitimacy of the Constitution is tethered to two of its aspirations: nonracialism and improving the quality of life of citizens - the furtherer we move away from those ideals the weaker the support for the Constitution becomes.

Improving the quality of life of citizens

If we survey the latter - improving the quality of life of citizens - the prognosis of the future does not look good.

The standard of living, at least measured by access to basic services (not so much quality), significantly improved for the majority of South Africans since 1994. However, growing inclusion in basic services has happened against the backdrop of stagnant, and in some cases, expanding gaps in income. Many South Africans are still very poor. More than half of South Africa lives in poverty (defined by the upper-bound poverty line), specifically 55 percent of the country survives on less than R992 per month¹, and less than R33 a day.

Furthermore, the real level of dependency is rising, that is the number of economically inactive people relative to the economically active share of the population. In fact there are now more people who are unemployed in South Africa than there are those who are working, which means that while there are more people than ever before who have access to education, healthcare, electricity, water, and housing; there are fewer and fewer people able to pay for these utilities and public services. Funding basic services via redistribution against a backdrop

¹ Upper bound poverty line. WB poverty and inequality report

of rising unemployment is not a viable model for sustainable economic integration or political stability.

Those who complete matric in South Africa and continue to tertiary education, who then go on to high wage employment where they have enough to both take care of the present and to invest, thus building future wealth, are a small fraction of the population - an elite. And very likely, a global elite. And yet we are the principal beneficiaries of frontline interventions of transformation policies. Shareholdings, management control, further skills development and training of graduates reaches those who manage to avoid childhood stunting (1 in 4 children in South Africa are stunted), who then manage to escape grade 4 with the ability to read for comprehension (two thirds of children cannot by this point in their schooling career), and that is if they can overcome a public transport system which works against them - a study from 2003 to 2013 shows the average commute time to work using public transport increased for South Africans. These are the areas which desperately beg for our attention if we are to live up to the constitutional vision to 'free the potential of every South African.'

Failure in this regard has a cost; not just an economic cost but a social and political one. The cost of failing to enhance economic opportunity is to allow the disparities of the past to persist. Poverty has a black face it is often said, the other side of that coin is the implicit, or perhaps explicit, idea that wealth has a white face. Grinding poverty may not nourish the body but it feeds racial animus. If we cannot change the economic reality of the majority of South Africans, then we cannot change the social reality of heightening racial division. Which is why the deteriorating economy is such a powerful weapon in the hands of those who mobilise on race. It is not difficult to predict that redistributing resources among society's elite will not result in broad-based and sustainable economic mobility.

What does this have to do with the Constitution? As we have observed persistent economic disillusionment heightens feelings of frustration with a Constitution that some from the onset saw as overly measured; and enabling the wheel to turn too incrementally towards economic justice. We are nudged ever more dangerously towards Constitutional apathy and despondence, as we are now, when constitutional amendments are deployed to fill the vacuum of political will.

Nonracialism

The other headwind facing the legitimacy of the Constitution is a social headwind, propelled by the economic headwinds just described - and that is the absence of a shared understanding of nonracialism: its meaning and its relevance.

South Africa's social fault lines are still largely based on race, to the detriment of the non-racial society our Constitution envisions. Consequently, when economic pressure is applied, it is the cracks in race relations which first become pronounced. The reason race is still such a spot for South Africa, such that it cannot withstand much pressure applied to it, is not only because of the economic reality described previously but because we have all but fudged what nonracialism means. It means all things to all people. This has consequences for the kind of society the Constitution enjoins us to defend. We cannot defend a shared social compact when there is rampant political confusion of its place and meaning.

The two contested interpretations are principally a distinction between multiracialism and nonracialism. In popular parlance South Africa is referred to as the rainbow nation. In the early 90s Archbishop Desmond Tutu said, "*Move your hands Look at your hands - different colours representing different people. You are the Rainbow People of God.*" We are not here to judge, but to observe, whatever its merits or demerits 'Rainbowism', the idea of different race groups living together in harmony requires colour consciousness, not the negation of it. For many it is the compelling idea that people of differences could live together in harmony as one people. The challenge is that that rainbowism concedes race in order to offer up the hope of different races living in harmony, meaning that it is not per se illegitimate to think of people as belonging to different racial groups. This to me is the domain of multiracialism.

Nonracialism distinguishes itself from multiracialism by stressing the illegitimacy of race - as bad in science and bad philosophically. Philosophically, questions such as what are the criteria that differentiate one racial group from another, and what are the shared goals or beliefs that characterise the group - are near impossible to build a coherent ontology of race around. Rejecting race for the non-racialist is not the same as rejecting racism. Racism and prejudice do not require race to be real in order to exist - we know that many bad events in human history have occurred on the basis of false beliefs.

Having said this the colour-blind nation is then the natural progeny of a non-racial philosophy. It is the idea that while skin colour is clearly observable, one's thoughts, opinions, and experience of shared events are unique.

The idea of colour blindness now increasingly appears outmoded, and out of touch. But colour blindness as an idea suffers a more serious crisis than simply being outdated; it has not so much gone out of fashion with a younger generation in South Africa as having been rejected from first principles. The colour consciousness of the younger generation presents the logical conclusion of multiracialism and the rainbow nation.

There is a nationalist and parochial tide sweeping much of the globe. The question of whether nonracialism is best conceived as multiracialism or the non-existence of race as supported by the likes of Neville Alexander and Robert Sobukwe, cuts to the very core of the kind of society we are building. It has yet to be settled in my opinion, but burns at the epicentre of our social divisions.

The path of multiracialism is a future where we need always grapple with our inherent racial differences and struggle to reconcile them to a common purpose. The path of nonracialism is a future where our skin colour does not imply inherent difference. There will of course always be differences to be reconciled, of culture, of language, of values etc but not race - that is a future where that beast has been tamed and largely left to rest in the past as an artefact of history.

Ultimately, we are faced with an economic and social challenge to the future of the Constitution, both in a mutually enforcing race that propels the other. Arrest the economic decline, and we arrest the economic pressure which weighs against fragile racial divisions and which hastens calls to tamper with the Constitution. Similarly arrest the confusion on nonracialism, and perhaps we can mount a united front which turns around the economy and brings about opportunity for all. Neither an easy task, but available choices nonetheless. To close, I didn't exactly provide hope - but showed that we have options. And where there are options there is usually room for hope.