

The legacy of SA's Freedom Charter 60 years later

By [Keith Gottschalk](#)

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This year marks the 60th anniversary of the [Freedom Charter](#) in South Africa, a document that triggered a paradigm shift in thinking about the democratic rights of black South Africans and their protection under the law.



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The Freedom Charter starts off with a preamble evoking the US Declaration of Independence:

"We, the People of South Africa, declare for all our country and the world to know: that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people..."

This is followed by ten sections. Five demand the classical human rights of the great liberal 18th-century revolutions such as the [French revolution](#); the other five demand the [welfare benefits](#) and policies demanded by 19th-century trade unions, socialists, and other social reformers.

The Charter's life post adoption

The Freedom Charter was adopted at a meeting of the [Congress Alliance](#), comprising the African National Congress (ANC), the South African Indian Congress, the Coloured People's Congress, the South African Congress of Trade Unions, and the Congress of Democrats - the so-called the Congress of the People - on June 25-26, 1955.

The apartheid political police dealing with political activists as well as prosecutors were the first to react to the charter's adoption. They [charged](#) the organisers of the congress with treason on the grounds that demanding universal franchise implied revolution to overthrow the state. The government of the day had no intention of granting democracy. The 156 accused were found not guilty after a trial lasting five years. It is still the South African record for the length of a criminal prosecution.

Controversies over the Freedom Charter's compilation, formulation, and implementation have continued episodically ever since. Often, these polemics tell us more about the polemicists themselves than about the Freedom Charter: the bee in their respective bonnets range from [Cold War](#) dinosaurs to [Marxist](#) theorists.

The Africanist wing of the ANC cited the Freedom Charter as a major reason for them splitting from the ANC in 1959 to

found the [Pan Africanist Congress of Azania](#).

But for the great majority of ANC members and sympathisers, the Freedom Charter grew to have iconic status. Throughout the three decades during which the ANC was banned it was circulated clandestinely as an inspirational and aspirational document. It was widely used to attract supporters and mobilise people to back the ANC and the liberation struggle.

After the unbanning of liberation movements in 1990, the ANC elaborated the three-page Freedom Charter into a 50-page [Ready to Govern](#) paperback. Its 1994 [election manifesto](#) included a 100-page Reconstruction and Development Programme, which further enlarged the charter.

The Freedom Charter post democracy

This will be the last big-number anniversary of the Freedom Charter for living veterans of its adoption such as the octogenarians [Albie Sachs](#), [Ben Turok](#), and [Mervyn Bennun](#).

Is their legacy one they can be proud of?

South Africa is now a [constitutional democracy](#) with an entrenched [Bill of Rights](#) embedding all the Freedom Charter demands that the people shall govern, all shall be equal before the law, and that all shall enjoy equal human rights.

The South African judiciary has been given powers equalled in very few other democracies, such as the ability to annul statutes of parliament. Only in [India](#) and the [US](#) do judgments cause as many political controversies with rulings against the government.

Driving into any South African city, town or village today one's first sight is usually of some of the more than two million houses built by the state and transferred to the residents as freehold property. The more recent developments boast solar heaters on their roofs. This is the most physical and visible of the Freedom Charter's achievements: there shall be houses, security and comfort.

University enrolments have [doubled](#), and college numbers risen higher thanks to massive increases in state bursaries. There can, however, be no excuse for nine-tenths of schools still lacking working libraries and laboratories.

The biggest controversies have swirled around Freedom Charter demands for [nationalisation](#) policies which were widespread in the UK in the 1940s, India in the 1950s and among African nationalists of the 1960s. They are rare in 2015. A variety of leftist organisations have advocated compiling a Workers' Charter, a Women's Charter, and others, but none have yet come to fruition.

The government's actual policies have shifted over the decades. During the late 1990s it attempted to privatise [South African Airways](#), the national airline; [Telkom](#), the partially state-owned telecommunications utility; and state-owned railway buses and holiday resorts. It debated, but did not, privatise [Eskom](#), the electricity utility. The state also gave a concession

to a private security firm to build and operate two prisons. These policies had mixed successes and failures.

The government continues to reject calls for nationalisation from the [Economic Freedom Fighters](#), the [Workers & Socialist Party](#) and the [United Front](#). Its focus is rather on pressuring the corporate sector to allocate heavily discounted shares to private black entrepreneurs.

South Africa is furthest away from achieving Freedom Charter aspirations such as:

"There shall be work and security!"

An [unemployment](#) rate that's stubbornly high at 26,40%, with half of youth remaining unemployed, means South Africa shares this devastating problem with countries such as Greece and Spain. Mass prolonged unemployment results in social pathologies ranging from the crime wave to alcoholism. A huge increase in artisanal apprenticeships and colleges is key to mitigating this, alongside the existing [Expanded Public Works Programmes](#).

Obvious problems that remain include a [police force](#) involved in killing, assaults, torture, reminiscent of the repeated US police controversies. The [demilitarisation](#) of the police needs to include a transformation of police culture to evidence-based procedure and service mindset.

A lingering controversy concerns the Government's three attempts to [push](#) the Traditional Courts Bill through parliament. The [bill](#) seeks to give apartheid-style powers to traditional courts run by hereditary, patriarchal chiefs. Only six women are chiefs in their own right, out of 700 hereditary rulers.

Eternal vigilance is the price of liberty - and all other policies and entitlements worth fighting for. These struggles form the permanent bread and butter of democratic contestation - in both the oldest and the youngest democracies.

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