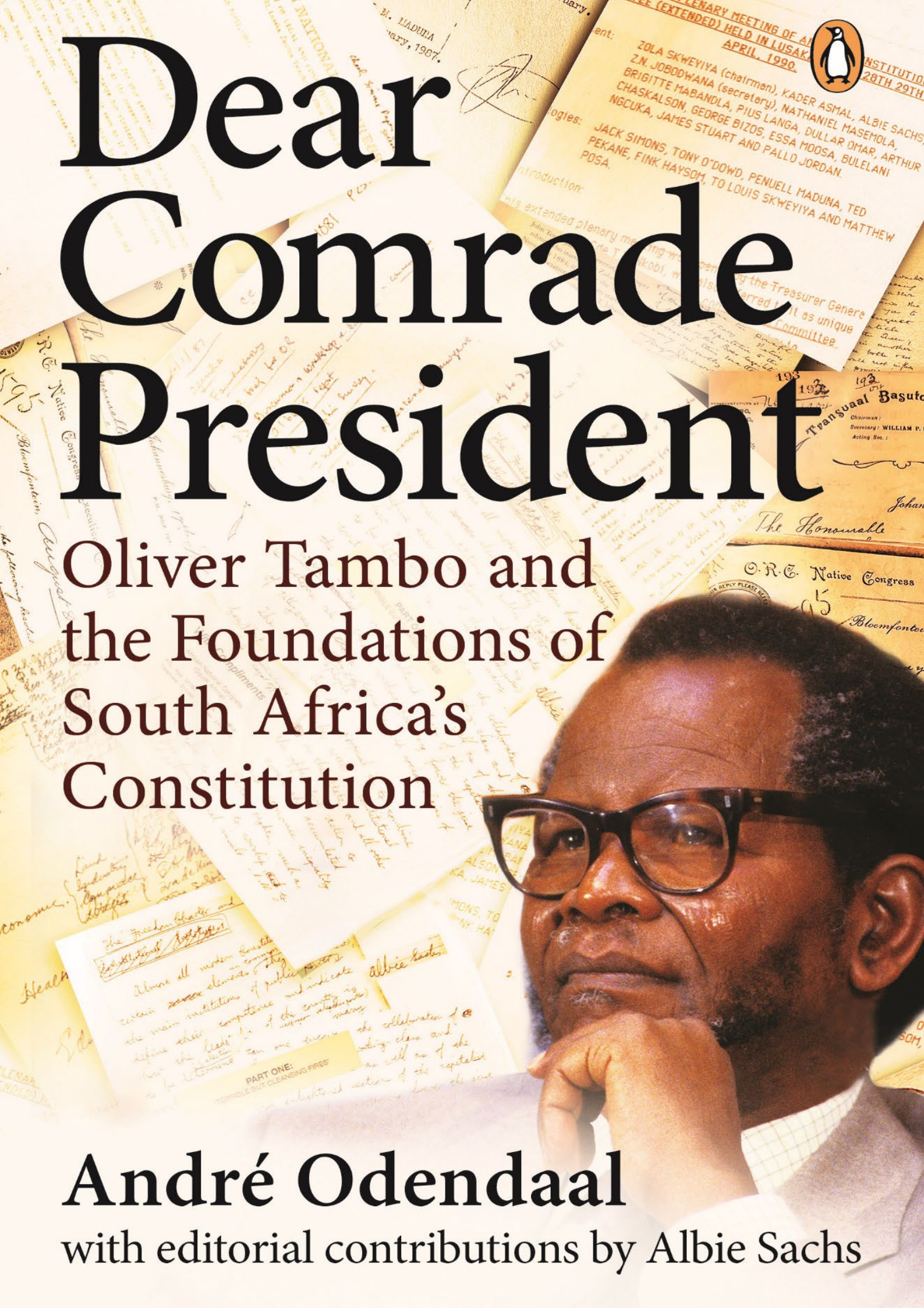


Dear Comrade President

Oliver Tambo and
the Foundations of
South Africa's
Constitution

André Odendaal

with editorial contributions by Albie Sachs





... *a long-awaited account of how South Africa's transition from apartheid to democracy was engineered through African initiative and agency.*

Review by Debbie Budlender

Penguin Random House South Africa 2022, 441 pages. R380

At 372 pages of main text, and about 70 further pages of appendices, notes and index, this book is densely packed with information. It is also packed with characters, events and developments that are relatively well known together with others that will be new to many readers. The book bears the stamp of its dedicated author, but the stamp of Albie Sachs, credited on the cover and in the text for “editorial contributions”, is also evident. Indeed, Albie makes regular appearances in the story-line, which spans several continents and decades, from beginning to end. It is for this very reason that Odendaal decided he should not be a co-author.

The book is described as “a long-awaited account of how South Africa’s transition from apartheid to democracy was engineered through African initiative and agency, and how the template for the 1996 Constitution was forged well before the negotiations of the 1990s.” It focuses on the period from 1986, when the Lusaka-based ANC tasked a small group of lawyers with drafting a constitutional framework based on the Freedom Charter, through to 1990, when Oliver Tambo returned to South Africa after years in exile.

Tambo served as President of the ANC throughout this period, and is referenced regularly throughout the book. Nevertheless, I found the title to be misleading. Firstly, Tambo, as leader of the ANC and a lawyer, did guide the constitutional work described in the book throughout the period. His support for the work evidenced his early appreciation of the possibility of the end of apartheid occurring through negotiations, and his recognition that the ANC needed to have a framework ready to guide it through such negotiations.

However, Tambo appears to have been much less involved than many others – the men and (fewer) women who participated in the drafting, discussion, revisions and other related work over the period. This is not surprising as Tambo had to guide and lead on many other complicated processes over the same period. Indeed, in the early years there were leaders, among them Joe Slovo, who argued that the time was not yet right for doing this type of work. Tambo’s very delayed responses to communication from the constitutional team over the first two years suggests that for him, too, it was not a priority. By the time Tambo commented on the draft document in “three tightly-typed pages” (page 213) in December 1988, the document was already in its sixth draft. Tambo’s comments resulted in the seventh draft. Many further drafts followed as the text was shared with and discussed by an ever-broader group of ANC members and supporters over the ensuing years. However, even during this period when the work gained traction and sparked workshops, discussions and much increased participation and discussion, Tambo does not appear to have positioned himself as key. The fact that he did not can be seen as laudable – the actions of a man who knew how to lead and respected and depended on a much broader team. But it does call into question his name in the title of the book.

Secondly, the book tells the story of much more than the Constitution. The Constitution-related activities are set against a relatively detailed background of other developments within the ANC and the struggle against apartheid by actors both inside the country and beyond. The text includes pen-sketches of many of the key actors, including their geographical, class and family origins. Many of these actors continued to play different roles in the post-apartheid era.

The Constitution-drafting process is described in great detail. Especially in the first period, each change and addition to the text is described. The level of attention to detail in this respect and others means that this book can serve as a valuable source for future scholars. There are unlikely to be many readers who read through every page of the book. But there might well be many who read sections that are relevant for them at a particular time. The book will avoid future scholars having to plough through the many documents that Odendaal must have consulted in the research for the book. And much of the information he gleaned through interviews and engagement with those who were involved in the activities described would be lost forever without this book as many of the key actors have already died or will have done so by the time readers consult this rich sourcebook.

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