

AFRICA FORUM  
PROSPECTS FOR A DEMOCRATIC SOUTH AFRICA

F VAN ZYL SLABBERT

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Can South Africa rid itself of white minority domination as the central issue of political conflict? Yes, quite probably and quite soon. Can South Africa become a functioning democracy? This is not as certain and if so, could take somewhat longer. Getting rid of Apartheid/Separate Development as manifestations of white minority domination may be a necessary, but is certainly not a sufficient condition, for bringing about a fully democratic state in South Africa.

Although there is no self-evident uncontroversial concept of democracy, or only one form of democratic government in the world, this need not complicate analysis in the South African case too much. There appears to be a growing convergence amongst most protagonists on the basic elements of democratic government for South Africa : universal franchise, regular elections, multi-party competition, an independent judiciary based on the rule of law; a justiciable Bill of Rights etc. If one poses the question : Can South Africa become a democracy?, then the

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declared preference for democratic government by the major participants to the process of negotiation is what is meant.

Obviously there are militant, radical or reactionary exceptions to this convergence on the basic elements and needs of democratic government for South Africa. However, to the extent that one can talk about South Africa having entered a "new era", it is because its major political groupings, and in particular, the NP government, have accepted the idea of sharing one State based on a common non-discriminatory citizenship. A cursory look at what the NP government, ANC, PAC, Inkatha, and Trade Unions want for South Africa, shows a fair degree of similarity, despite the rhetoric and posturing : i.e., a democratic government, economic prosperity, social justice etc. By stating this, one is not suggesting unproblematical "common ground" between all parties, but at least a correspondence of interests which makes the concept of negotiation between them feasible. To this extent, South Africa's problem is not the convergence of ends between political opponents, but the confusion of means to reach them. It is this confusion which may pose an enduring threat to us becoming a democracy even if we have managed to put the problems of white minority domination to bed.

In this context, if one looks for example at the interaction between the NP government and the ANC over the last year, one thing is quite apparent : neither has evolved a coherent policy or strategy to cope with the kind of transition they have committed themselves to. For decades the NP presented a policy of white domination as a theory of transition away from it, i.e.

Apartheid/Separate Development. In that same period the ANC countered with a policy of struggle against domination as a competing theory of transition away from it, i.e. a National Democratic REvolution. Both policies ill prepared the respective sides for the kind of transitional demands they have to cope with now. This was to a certain extent evident at the recent consultative conference of the ANC where they appeared to vacillate between insurrectionary rhetoric and adversarial mass action on the one hand, and exploring the dynamics of serious negotiation on the other. In the same vein, President de Klerk in his end of the year address, came across as Judge, Jury, Prosecutor and Defendant on the trials and tribulations of transition.

Their dilemma is understandable. It is compounded by the fact that there is no clear cut historical precedent for the kind of transition they are trying to bring about. Certainly white minority domination has to be understood within the historical context of colonialism, but there is no prospect of colonial transition for South Africa. It is this colonial context which can create the illusion that there is a self-evident agenda for South Africa's transition away from white domination. This is a dangerous fallacy, which for as long as it is taken seriously, will cause great hardship during our transition. It is the sinister implication behind the "one-settler-one-bullet" incantation. At best, a romantic indulgence. At worst a refusal to come to terms with the dynamics of transition.

To the extent that the ANC and the PAC address the challenge of transition, they propose the idea of a Constituent Assembly (CA). In as much as a CA raises the problem of popular legitimacy for constitutional transition, it has validity, for this is certainly a serious problem in the South African situation. But to the extent that the ANC and PAC insist that a CA has to be reproduced in the same way in South Africa as it was in Namibia, they wish to impose a colonial transition on South Africa without the conditions being present to make it possible. At least three fundamental conditions were present in Namibia that are completely absent in South Africa : firstly, transition was initiated, mediated and monitored through sustained and internationally accepted external intervention - in South Africa transition has been initiated through domestic/internal initiatives; secondly, the issue of stability was removed from political contention through UNTAG - in South Africa, stability is maintained through the security forces of the incumbent regime and this is precisely one of the crises of transition that has to be resolved; thirdly, there was no incumbent regime in Namibia that had to divest itself of power and there was no developed and autonomous state structure that had to be transformed - in South Africa there is a clearly identifiable incumbent regime with one of the most highly developed state structures on the African continent. Both the incumbent regime as well as the State in South Africa have an interest in the process and outcome of transition and a CA Namibian style, bypasses the very problems posed by an incumbent regime and a fully operating State structure.

However, the NP government, having dismissed the idea of a CA, still has to find a way of satisfactorily addressing the problems which a CA poses. Thus far, it appears to issue an open ended invitation to its opponents to "come and talk". But talk about what? Is the NP government prepared to talk seriously about problems that a CA did not have to solve in Namibia? For example, who maintains stability during transition?; how non-partisan can such structures be?; how does the regime transform itself during transition to reflect the sharing of responsibility for managing transition?; how do previously excluded constituencies gain access to budgetary proposals before transition is concluded? During colonial transitions these problems were suspended or held in abeyance until a regime change had been effected, usually under some form of external supervision and approval. It is what Albie Sachs once called "magic day transition". On a specific predetermined day the old flag comes down, a new one goes up and then the new regime has to deal with those very problems the "magic day" postponed or held in abeyance. In many instances the subsequent dealing with these problems by new regimes in Africa did not exactly inspire confidence for the prospects or democratization. More often than not, new regimes sacrificed democratic accountability in favour of State manipulation and control as well as maintaining coercive socio-economic stability. It is these problems that the NP government and its opponents cannot evade or avoid with any short cuts. No doubt it has been difficult for the NP government and its opponents to agree that we have to get rid of Apartheid and we have to become democratic. It is far more difficult to agree on the rules and procedures that can help us get from the one to

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the other. Is it possible for the NP government and its opponents to agree not only to negotiate a final constitution for South Africa, but, perhaps more important, can they agree to negotiate the conditions for transition which could help such a constitution to emerge and survive?

These are not rhetorical questions. Underpinning them all is perhaps the fundamental question : Is what South Africa is attempting at all possible? That is, negotiating a democracy as an alternative to domination? There is no political script available for us to follow in answering this question. Can fundamentally undemocratic structures and mechanisms be made serviceable to a commonly declared and preferred democratic outcome? Before one says yes too easily, it is appropriate to keep in mind the history that precedes such an approach. Not only the history of racial domination, massive social engineering, misallocation of resources, economic inequality etc., but also the history of struggle against such domination and the expectations inculcated at the prospect of a successful outcome to such a struggle. It is not inconceivable that every new area of political space that is created to negotiate transition will also be occupied to contest and redress historical imbalances that brought to bear the pressures for negotiation in the first place. This contest in itself can inflame expectations and intensify fears during transition and become part of the problems that have to be solved. Thus, the more agreement is reached on a democratic outcome, the more polarized we become in our approach to it. This could be compelling reason enough for the NP government and its opponents

to negotiate not only the outcome of transition, but the very conditions of transition that could make negotiations difficult.

For example, it serves very little purpose to talk about negotiating a new constitution for South Africa, if the NP government and its opponents are not prepared to negotiate the kind of stability that has to be maintained during such negotiations. So far, the regime and its opponents have had a tendency to blame each other for the lack of stability whilst continually rededicating themselves to the process of negotiation. The problem of violence, instruments and agents of violence is critical during transition. Clamping down on criminal violence is entirely necessary in any society, but it cannot substitute for coming to terms with non-criminal political and transitional violence.

Negotiating stability is part of a much wider problem that also has to be addressed during transition : what kind of transformation is the South African state going to undergo en route to a negotiated democratic outcome? The problem of stability relates directly to the SADF, SAP, MK, Homeland Armies, Aquila, vigilantes etc., as part of the security situation during transition and the responsibility of the South African state in this regard. But all the other aspects of the South African state are going to be fundamentally affected by the process and outcome of transition. Consider in this regard, the state functions of Health, Education, Welfare, Commerce and Industry, Agriculture, Housing, Finance and the Treasury, as well as Legislative Assemblies and Homeland Governments. It would be

silly and even dangerous to assume that those manning these state departments are disembodied automatons with no vested interests in the outcome of negotiated transition. It would be equally short-sighted to assume an unproblematical identity of interests between the NP government and the State when the regime negotiates with its opponents. Certainly, some of the evidence emanating from commissions of inquiry into so-called death squads and spying would belie this, and the DET is clear testimony of what happens when a state department becomes the battleground for conflict between an incumbent regime and important sections of civil society.

One of the very significant consequences of the historic compromise between De Klerk and Mandela on negotiation was an acceptance by both that the South African state was not going to collapse or disappear as a result of either revolution or partition. However, this acceptance highlighted a common dilemma for the NP government and its opponents, particularly the ANC - the absence of a mutually shared or even competing strategies for State transition as part of negotiated transition. Soon after his release Mandela approached so-called Homeland leaders as potential tactical allies in the anticipated negotiations; so did De Klerk. Both appeared to want to claim sections of the State as part of their terrain during transition, rather than negotiate its role during and after the process. This dilemma is quite ironic in the case of so-called Independent national State such as the Transkei. The NP government has repeatedly and unambiguously rejected or abandoned the viability of the constitutional goals which brought them into being. Yet it



continues to recognise the universally unrecognised legality of these governments. The ANC, which never accepted this legality in the first place, is quite comfortable in accepting the hospitality of the heads of these governments and both the NP government and the ANC tend to act as if Chris Hani and MK are somehow in "another country" when they rest up in the Transkei. The South African state will have to be transformed as part of the process of negotiation and it is highly unlikely that this problem can be addressed by a CA or by open ended invitations to "come and talk". Such issues will have to be put squarely on the table for discussions. That is why the ANC's proposals for a multi-party conference and the NP government's positive response to it, holds much more promise of dealing with serious issues of transition.

Let us assume that at such a multi-party conference a willingness becomes evident between the NP government and its opponents to also negotiate conditions of stability and state transformation. This could certainly raise new issues for the current tactical commitment and composition of, for example, the ANC and other opponents of the regime. Because to seriously negotiate stability and state transformation, is to create the opportunity for widening participation in government and the state during transition. It means in effect that the NP government and its opponents begin to accept joint responsibility for managing transition, as well as negotiating its outcome. For some organisations and parties this could raise the spectre of "collaboration" and "sell out". It would certainly be a test of the strength, confidence and organisational coherence of

alliances and parties to deal with such new tactical demands. There is always the possibility that the revolutionary commitment to the "transfer of power" and the "total emancipation of the majority" could, in the eyes of some, become blunted in the everyday cut and thrust of state transformation, joint management of stability and participation in government during transition. This could put stress on unity and lead to factionalism and radical outbidding. On the other hand, not to participate at all but to continue with multi-party conferences to negotiate stability and transformation is to maintain a contradiction which cannot be taken seriously. In the short term, opponents of the regime face the challenge to resolve tactical ambiguities in the face of this dilemma. For the NP government, the challenge is to seriously put the issue of stability and transformation up for discussion at such multi-party conferences.

What about the rest of civil society? Those ordinary people who fall outside the organised ambit of the regime, its mobilized opponents and the State : communities and families, commerce and industry, peasants and unorganised workers, the youth and the aged and all kinds of voluntary associations? How do they relate to the politics of transition? Can they contribute to a democratic culture and a climate of tolerance when the major political opponents and interest groups literally hack and kill each other and indulge in all kinds of undemocratic practices? How can they contribute to stability if problems of stability are not seriously negotiated? Civil society in South Africa faces institutional breakdown in many areas. This is evident in the explosion of crime, community disruption, family breakdown, the

alienation of youth. Any society caught up in fundamental transition imposes severe strains on its "normal" institutional life. The quality of civil society can play an important role in making transition bearable and even successful. This is where the community, the family, the voluntary organised network of the small society can carry the larger society through times of stress and change. During the 80's in particular, civil society in South Africa took a severe beating and in many respects reinforced the segmented, fractured and fragmented nature of South Africa. Now, in many parts of urban South Africa, communities are painfully seeking out a new civic coherence and identity. Such communities do not stand the remotest chance of contributing to a democratic culture during transition if they become the killing fields of political predators. The quality of interactions between the NP government, its opponents and the manner in which the South African state is being transformed, must create the opportunities for civil society to contribute to successful transition. If not, South Africa may find itself without a viable social infra-structure to sustain the outcome of whatever has been negotiated. To put it quite bluntly : most people 'out there' haven't got a clue what is going on at the moment. The time is overdue for organisations such as the SACC to devote most of its energies to strengthening the growth of a democratic culture and promoting tolerance for political diversity, rather than tending and comforting the victims of violence and social dislocation. But the lead must come from those who are involved in negotiating transition.

What then the prospects of a democratic South Africa? Certainly, we can rid ourselves of the trappings and much of the substance of white minority domination. But, if we are to negotiate a democratic outcome, it would at least be necessary to :

- negotiate conditions for transition as well as the outcome of transition;
- create opportunities for multi-party participation in government during transition as well as participation in State transformation;
- include civil society in the process of negotiated transformation and enable it to contribute to the growth of a democratic culture.

If this could be achieved with a modest degree of success, then perhaps some kind of transitional stability could be achieved which would make sustainable economic growth possible. Because, without such growth all the problems of transition that have been identified will simply be compounded. The demands for social spending during and after negotiated transition are going to be enormous. If these demands can somehow be democratically articulated in such a manner that it does not threaten stability and the prospects of growth, then attempting to negotiate democracy could not become an exercise in futility. It certainly would be futile to impose a beautiful liberal democratic constitution on a state and civil society that is still fundamentally undemocratic in its orientation. What usually

happens is that one form of authoritarian government is substitute for another. It would be ironic for South Africa if all that is achieved after transition is the exchange of white minority domination for non-racial domination. Successful economic transformation will have to accompany successful negotiated transition if democracy has any prospect of surviving.

Some members of the NP government as well as its opponents claim that a fully democratic constitution for South Africa could be agreed upon during 1991. This may be so, but it certainly will not have been implemented by then. The successful implementation of such a constitution would presuppose that at least some of the problems that have been identified would have been successfully addressed by the regime and its opponents. The acceptance of a multi-party conference as a vehicle to explore some of these problems is a very hopeful sign at the start of 1991. Depending on the success of its deliberations there is no reason why, at the beginning of 1991 we may find ourselves well into a demonstration period of shared management and responsibility between the NP government and its opponents. If so, black and white members from different parties and movements could be part of government; there could be a number of multi-party commissions of inquiry into new state structures for security, health, education, housing, welfare, land reform etc. Maybe the problem of violence and stability will have been removed from political contention to such an extent that rogue and criminal violence will have been marginalised and contained, and foreign investors, given the new international acceptability of South

Africa, will be looking with renewed interest at prospects in South Africa.

This demonstration period of shared responsibility will greatly assist in the seasoning of minds between white and black South Africa on the realities and problems of governing a "new South Africa". It is this seasoning process which will have to prepare civil society, the NP government and its opponents as well as the South African state for the implications of a fully democratic constitution for South Africa. Without such a period of demonstration and seasoning it is very difficult to see how negotiations can bring about a democratic transformation in South Africa.