

ANDREW SAVAGE MEMORIAL LECTURE**ACCOUNTABILITY IN TRANSITION****F VAN ZYL SLABBERT**

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INTRODUCTION

The last time Andrew and I had one of our many indepth and wide ranging discussions was a few weeks before he died. We were walking along the beach at Bushy Park and he was saying how fortunate he was in being given ample warning about his death and how this enabled him to prepare himself and others for it. We then talked about death itself, its mystery, the paradox it posed to life and meaning and the impact it has on those who carry on.

What struck me then was what always impressed me most about him : the complete openness towards and respect for the integrity of the problem he was applying his mind to. Whether it was a speech he had to make in Parliament, a community problem he had to

assist with in a township, or preparing me to fish off the rocks at the beach, one knew that at that moment, the complete person was involved in what he was doing. I believe that is one important reason so many and widely divergent people loved and trusted him. They knew they were being taken seriously.

I have to be careful. Andrew always said the one thing that never failed to amaze him was to discover what he was not, every time people had to introduce him at some occasion or the other. However, whatever his degree of self-effacing modesty, we here, who knew and loved him, know how much we miss him and what he meant to us and to so many people. It is a privilege for me to be asked to give this Memorial Lecture and so, together with you, cherish the fond memories of Andrew Savage.

THE PROBLEM

Recently I attended a conference with the theme : The Implications of Post-Apartheid South Africa for Southern Africa. It was an international conference with a strong African flavour and two things stood out very clearly for me at the end of the conference -

- (i) a general expectation that South Africa had the capacity to lead a socio-economic recovery for the region, and
- (ii) nobody seemed to have any definite idea what the term Post-Apartheid South Africa meant.

Underlying this confusion were more fundamental theoretical, even methodological dilemmas, which I believe bedevil discussions inside South Africa as well. Between the political opponents who have declared themselves committed to a peaceful negotiated transition away from domination towards some democratic outcome, there seems to be three important sources of confusion and hostility :

- (a) there is no commonly shared strategy of transition;
- (b) there is no commonly shared view of the role of the State;
- (c) there is no commonly shared view of the identity and relationship of the regime towards the State and transition.

These three problems, and there may be others, are closely related to the issue of determining political accountability during transition. Accountability has both a negative and positive side to it - negative in the sense of apportioning blame for the unresolved problems of transition and positive in the sense of taking credit for whatever progress is being made. At the moment the relationship between the incumbent regime and its opponents is such that both sides wish to deny as much credit for progress to the other as possible, whilst allocating blame as generously as possible for the unresolved problems of transition. It is not too difficult for all sides to get trapped into a game of moral outbidding and one-upmanship when trying to deal with

the problem of accountability during transition. This unhappy state of affairs is bound to continue for as long as the incumbent regime and its opponents cannot come to terms with these three sources of confusion just mentioned. A brief look at each one in turn will serve to illustrate the problem.

NO SOUND STRATEGY OF TRANSITION

A careful reading of the public utterances of spokesmen of the incumbent regime and, for example the ANC, highlights the following dilemma : the Government of the day sees the loss of control over the process of transition as the negotiated conclusion of a democratic outcome; the ANC sees the loss of control by the Government as a necessary beginning for an eventual democratic outcome. The Government of the day sees the creation of an interim type government as a gradual process brought about by bargaining and consultation; the ANC sees the creation of an interim government as an event brought about by the resignation of the Government of the day in favour of an interim government. To this end it insists on mass action to keep up pressure for the incumbent regime to do just that. From the incumbent regime's point of view there is no de facto power political reason why it should resign and to demand that it does so in the absence of such reasons, is to obviate the necessity for why negotiations are necessary in the first place.

The point is, of course, that there are no self-evident political mechanisms available that can resolve these issues between the competing strategies of transition. Some common understanding

of the process has to develop between the regime and its opponents before any kind of sensible bargaining or negotiations can begin. An All or Multi-Party Conference could be a good beginning to address these problems, but these problems exist not only between political opponents but within their own ranks as well. It is not enough for all parties to say they agree to negotiate away Apartheid and to replace it with Democracy. They have to more or less understand what they mean by negotiations and what they expect of the process. That is why, despite the ongoing violence, the signing of the Peace Accord is an encouraging signal. It has to do with the conditions under which negotiations have to take place, rather than the actual negotiations themselves. However, a similar process has to unfold as far as monitoring not only violence and maintenance of stability is concerned, but the overall process of transition itself. This will undoubtedly raise the issue of the status of the incumbent regime in relation to its opponents and if the same degree of consensus can be reached here as on the Peace Accord, a more coherent and commonly shared strategy of transition can emerge. In other words : Who Monitors Transition? Who Maintains Stability and How? What is the status of the Incumbent Regime in relation to its negotiating partners? These are fundamental questions relating to a strategy of transition that are intimately linked to the problem of political accountability during transition. They are not going to be solved through moral outbidding or one upmanship. A bargain has to be struck about the process of bargaining before bargaining about the outcome of the process can begin. It is not easy for political opponents

to crawl out of the intellectual orifices of their own assumptions, particularly if they believe that victory is simply a matter of time.

NO SHARED VIEW OF THE STATE

For the sake of simplicity, I mean by the State - the Civil Service. The Regime refers to a set of rules and conventions which determine who the Government of the day is; how they get access to resources and who qualifies to participate. I do not assume a correspondence of interests between the incumbent regime and the State. Nor do I see the State as simply an extension of the interests of the Regime. In fact, the State/Civil Service can accommodate a multiplicity of divergent and competing political interests. For example, a critical relationship during transition is that between the Government of the day and the military/security establishment. Just think of the Soviet Union, Haiti and Zaire in recent months.

Generally speaking the Government of the day in South Africa tends to present the State as a dispassionate politically disinterested agent available to serve whoever happens to be in power. That is why it is indignant at suggestions that elements of the State may be politically partisan. This is, of course, pure nonsense. There is overwhelming evidence of the politically partisan role of the State during the decade of the 80's and even some sections of it up to the present. The ANC on the other hand, tend to present the State as a pliant and willing servant of the Regime and therefore if the Regime does not discipline or

control it, it is because it does not wish to do so. This is an equally simplistic view.

The fact of the matter is that over the last 30 years a massive bureaucracy has been erected in pursuit of the Constitutional Goals of Apartheid and Separate Development. These goals have now been abandoned by the Government of the day, but not necessarily by all civil servants or departments of State. It is reasonable to expect a conflict of interest between sections of the State and the declared political objectives of the Regime. In fact, in some respects, there could very well be greater commonality of purpose between the incumbent regime and the ANC as to the outcome of transition than between the Regime and elements within the security establishment.

Let me illustrate the same dilemma in another way. Let us assume by some transitional magic the ANC became the government of the day, but with the current civil service still intact. One of the most volatile situations in transition in any society is an incumbent regime with a largely hostile civil service. What does the ANC do in such circumstances? Does it demand that the Defence Force, Police, Homeland Governments, Treasury etc. resign immediately? If so, how are they to be replaced? And if they refuse, what then?

These questions highlight a fundamental dilemma of transition. How is the State to be transformed to be made serviceable to the political outcome of negotiated transition? In this regard, it

is also important to realise that the civil service reflects the budgetary priorities of the incumbent regime. It is a visible manifestation of patterns of preferred social expenditure. How do the ANC and other political opponents of the regime become part of the administration during transition; not only part of Government. This question highlights another fundamental problem of accountability during transition.

NO SHARED VIEW ON THE ROLE OF THE REGIME IN TRANSITION

There are three concepts of Government that exist in the debate on the kind of transition South Africa is undergoing : the Government of the Day or Incumbent Regime; an Interim Government or Interim Regime and a final Democratic Government or Regime. Logically, these three concepts imply different agents to be held accountable for government during transition. Whatever else can be said about the concept of an Interim Government, it means shared responsibility for managing transition between political opponents. The more fundamental question is - When do they begin to share such responsibility? There is no clarity on this between the Government of the day and, for example, the ANC.

The Government of the day argues that it cannot stop taking responsibility for administration simply because transition is being negotiated. To this end it seeks access to capital markets and international loans to meet demands for education, housing, health etc. The ANC then accuses the incumbent regime of unilateral administration in order to gain positive accountability as a political competitor. The ANC on the other

hand wishes to avoid negative accountability for sharing responsibility in managing transition and postpones coming into an interim government until conditions are favourable. It engages in protest and mass actions to prevent positive accountability for the incumbent regime, but resists becoming part of an interim regime under conditions which would make it share in negative accountability. The result is confusion, stalemate and economic stagnation. The irony is, the longer this endures, the more difficult it becomes to address the problems of social administration and the greater will become the degree of negative accountability for whichever regime is in power eventually.

The Government and the ANC (and other opponents for that matter). not only have to find common cause on a strategy of transition and the role of the State in the process, but also how they are going to jointly manage the transition as they bargain about a democratic constitution for the future.

These three problems I have mentioned are not simply invention for the sake of debate. They follow logically and practically from the process which the Government and some of its major opponents, notably, the ANC have committed themselves to, namely : to negotiate a democratic outcome to the present situation of domination.

CONCLUSION

Let me conclude by returning to where I started - the external dimension. The outside world's view of a Post-Apartheid South Africa. The fact is, that even if Governments and agencies do not have the same understanding as to what Post-Apartheid means, it does not prevent them from making up their minds about it and taking policy initiatives. Over the last 18 months we have seen:

- new diplomatic missions established there, e.g. Hungary, Poland, USSR;
- selective sanctions being lifted by different bodies and governments;
- trade agreements, landing rights, technical transfers, etc. being arranged.

For whatever reason, these governments or bodies, wish to promote their own interests and reward a process of transition which they perceive to be irreversibly under way. In this they are being sent conflicting divergent signals from within South Africa. As they respond to these signals and shift their policies towards South Africa, they inevitably become part of the dynamics of our transition. And as this process unfolds, these countries will increasingly pose the questions ;

How does South Africa see its own transition?

What is the role of the State?

Who is the Government during this whole process?

In short - who is to be held accountable during transition? They can pose the questions. It is our historical responsibility to answer them. If we fail to take these questions seriously or to seriously seek answers to them, we will destroy the promise which our transition has opened up, and the outside world will understandably walk away from us in boredom.

(savage)