



**OPEN SOCIETY FOUNDATION
FOR SOUTH AFRICA**

OPEN SOCIETY LECTURE SERIES



**Annual Open Society Lecture
delivered at the University of the
Western Cape**

**LECTURE BY
NELSON ROLIHLAHLA MANDELA**

5 OCTOBER 1999

OPEN SOCIETY LECTURE SERIES

The Open Society Foundation for South Africa is committed to promoting the values, institutions and practices of an open, civil and democratic society. It is working to assist in the establishment of a vigorous and autonomous civil society, not dominated by the state, in which minorities and divergent opinions are respected.

The Open Society Lecture Series was initiated in 1994 with the inaugural lecture delivered by Mr George Soros, Chairman of the Soros Foundations and founder of the Open Society Foundation for South Africa. Subsequent lectures have been delivered by Dr Frene Ginwala, Justice Richard Goldstone and Advocate Dikgang Moseneke.

This year we are honoured to present the lecture delivered by Mr Nelson Rolihlahla Mandela on 5 October 1999. In 1994 - after being imprisoned by the apartheid government for 27 years - Mr Mandela became the first President of a democratic South Africa.

NELSON MANDELA
ANNUAL OPEN SOCIETY LECTURE
DELIVERED AT THE UNIVERSITY OF THE
WESTERN CAPE ON TUESDAY 5 OCTOBER 1999

Chairperson

Members of the Board of the Open Society Foundation

Distinguished Guests

Ladies and Gentlemen

If I survey the road travelled in this one individual life - from the first decade of the century to this point at the closing of the millennium - I cannot but marvel at the almost indescribable progress logged by humankind. There could be found enough cause for despair if we note the misery and suffering which human-beings continue to bear and to inflict one upon the other. Yet I cannot find it in me to succumb to a pessimism which denies the essential capacity of the human spirit for greatness and generosity.

We in this country should need no reminders of the indestructibility of the human spirit and of the capacity of good to triumph over evil. The struggle waged for the better part of this century against racial discrimination and oppression should be a constant reminder thereof. Sometimes in the South African public lexicon the phrase "the struggle" is employed with a dismissive banality as if referring to a passing political fashion to which some subscribed. This denies the fact that our fight to end apartheid was universally acknowledged as one of the great moral struggles of our times.

The enemies of the open society, we have been taught by famous writers and thinkers, are manifold and their manifestations often quite sophisticated.

Nothing could have been more crudely closed than a political and social order based simply on colour and race. Apartheid was a crime against humanity not only because of the physical violence and brutality it dealt in. Its intrinsic

racism demeaned and debased all of humanity. The primitive biological basis upon which it coercively organised human society was fundamentally antithetical to the idea of human freedom; to the concept of human beings as subjects with the capacity to exercise choices.

We overcame all of that through a long struggle which demanded great sacrifices from many, as well as simple affirmations of decency and a refusal to bow to baser instincts on the part of many more. Ultimately the struggle against apartheid triumphed through the cumulative effects of a profound partnership of forces and people. The liberation movement that led the resistance against apartheid typified this coalition of energies in the imagery of the four pillars of struggle. It brought together the energies of armed struggle, underground resistance, mass mobilisation and international solidarity. The mass democratic movement tapped into and drew on the resources of all sectors of society. The struggle brought together the efforts of the good men and women that were to be found in all communities and persuasions of our society.

Was such an all-embracing partnership, such a closing of ranks, in any way an offence to the idea of openness and the open society? Could the disciplined and single-minded dedication to the combat of a crime against humanity, and the mobilisation of all of society in that cause, be faulted in this regard?

We pose these questions because in the first five years of democratic rule in our country, government continued to stress the importance of an all-embracing partnership, this time in the cause of the reconstruction of society. This remains an equally strong emphasis of the second democratic government.

We now live in a constitutional state based on the rule of law. The Constitution, with its entrenched Bill of Rights, is the supreme law of the land, a status constantly confirmed by the judgements and pronouncements of the Constitutional Court. Diversity and difference are recognised and protected by the Constitution, which furthermore guarantees a range of civic freedoms in the Bill of Rights. There can be no argument that South Africa has the legal foundations of an open society. Its Constitution in fact includes a specific reference to it being a "democratic and open society".

An essential ingredient of that kind of democratic and open society to which our constitution refers, is a constant vigilance on the part of all to ensure that practice does not erode good intentions. We ourselves, while still in government, often made the point that public organs like the media are essential for the defence and consolidation of our democracy as they hold out

the mirror in which those elected to rule on behalf of the people can see themselves. The practice of criticism is not only functionally necessary for the maintenance of an open society, but is an expression of an open society. What we are saying is that even in the improbable event of there being nothing wrong to be criticised, an open society would as an essential element of that openness continue to experience criticism.

The rule of law, as I (admittedly a long retired old lawyer) understand it, refers to a structural exercise of rule as opposed to the idiosyncratic will of kings and princes. Even where the latter may express itself benevolently the former is morally and politically superior. Where the rule of law does not apply, rulers assume entitlement to rule; the rule of law, on the other hand, places the emphasis upon structured responsibility and obligation.

This distinction cannot in a simple fashion be transferred as an analogy to non-governmental sectors of society. Different dimensions of freedom apply in those sectors, just as the societal obligations and responsibilities are entered into in a different manner. One does, however, sometimes think of this distinction between structured responsibility and idiosyncratic exercise as a certain entitled freedom in the performance of vigilance to ensure the maintenance of an open society.

The Preamble to the South African Constitution speaks in a single phrase of a democratic and open society. I understand the linking of democratic with open to also mean that there shall be structural mechanisms of democracy to keep vigilance over the openness of the society. Those organs of vigilance, like the Constitutional and High Courts, the Human Rights Commission, the Public Protector, the Auditor-General and others, cannot be whimsical or idiosyncratic, but are held structurally accountable for their exercise of vigilance.

This matter is raised here as an invitation and exhortation to those agencies and organs outside of government with the societal function of guarding critically over the freedoms of our society, to never undermine the seriousness with which they are listened to through cavalier exercise of the freedom to criticise. Where powerful agencies for public criticism and vigilance are regularly perceived to act frivolously or only in sectional interests, the tendency may set in for the structural organs to increasingly be seen as the only dependable protectors of the interests of the majority of the population. Were this attitude to take root amongst large sectors of the population as well as with

those in government, the partnerships necessarily required also for these vigilance functions can be seriously undermined and damaged.

The manner in which South Africans have managed their transition is often hailed as a miracle. The world stands astounded and admiring at the way in which the people of our country have come together across historical divides to first resolve our political conflicts, and then to start rebuilding society. Yet, we remain a divided society; not necessarily in racial terms, but more crucially between the rich and the poor. We are still one of the countries with the highest coefficients indicating the difference between rich and poor. And systemic and massive poverty is one of the most dangerous enemies of democracy and the open society.

One of the major challenges we face, in this context of a discussion on the nature of an open society, is to balance and marry the insistence on and foregrounding of liberal freedoms with an equally insistent campaigning for substantive social justice. The chapter on the founding provisions in our Constitution opens with a reference to the values of human dignity, the achievement of equality and the advancement of human rights and freedoms. If our constitution is in fact the embodiment of what we wish for our society, than we are enjoined by this phrase to attend equally to the realisation of each of those values and goals.

It is in this context that we wish to return to the concept of an all-embracing partnership. We have arrived at where we are as a people and a nation, because of a partnership expressed in a historic compromise between forces that were locked in a combat that could only have led to the destruction of our common country. We were able to mobilise a national partnership of forces against apartheid. We started off our democracy in a government of national unity, combining in partnership political parties that had been sworn enemies, thus ensuring stability in those founding years. We are once more calling upon such national partnerships to develop and rebuild our country.

In a country that has in its recent history experienced the so-called total strategy, a deep-seated suspicion against national mobilisation is understandable. It is easy to portray the call for partnership - and for a new patriotism, as we have often articulated - as a move towards closure of spaces of difference and dissent, as illiberal centralisation, as a thrust towards homogenisation. In human affairs one can never absolutely predict outcomes and the danger of unintended consequences lurks in even the simplest of

human actions. It can certainly not be ruled out in this case either. We do need, however, to free ourselves from the imprisonment of continuing to equate the national conditions under our present constitution with those of apartheid. Patriotic partnership must surely mean something substantively different under the changed circumstances.

There are many perspectives from which to describe and typify South African society. What I wish to highlight in this context is the coexistence, the spatial and social juxtaposing, of two contradictory phenomena. On the one hand, there is this massive poverty to which we have already referred. Adjacent to it is a relatively sophisticated and advanced intellectual infrastructure and culture. Our university system and scientific community have a solid base to them; the vibrancy of our non-governmental and civic society was a key element in sustaining progressive and modern-minded resistance to apartheid; the artistic and literary community has maintained its creativity and vitality; our press is aggressively independent and free.

The eradication of poverty must be the overall national priority. A democratic government has been voted into office with the mandate to deliver a better life for all. That simply and unequivocally means the mobilisation of all possible energies for poverty alleviation and eradication.

At the same time and on a different level, South Africa needs to nurture that intellectual infrastructure. Not only is the nurturing and improvement thereof imperative for the provision of the human resources to address our developmental needs; that intellectual infrastructure provides the basis for sustaining ourselves as a modern democracy, as an open society where civil liberties are cherished, protected and promoted.

This again emphasises the need for constructive and creative partnerships. The submersion of all intellectual activity in the unmediated utilitarian task of poverty alleviation will impoverish and ultimately destroy that infrastructure and culture. The conduct of a high-minded intellectual life without reference to or concern for the massive sea of poverty surrounding it, would be a form of decadence that will also eventually cripple and destroy meaningful intellectual life.

It is often remarked that social sectors such as university-based intellectuals, the churches, the NGO world and others have become noticeable for their relative absence and silence on the large national debates. Much of the media has made a fetish of sounding critical so that their voices become predictable

and wont to be ignored. This is in marked contrast to the situation under apartheid when democracy and resistance found its voice most resonantly in these sectors.

Is part of the explanation of that not again to be found in the difficulty of making that fundamental mind-shift about the nature of government? It is also sometimes suggested that some of the historically Afrikaans universities have made faster and more progress in adapting to the changed political circumstances. If this were to be true, does it not point to the fact that they have greater experience - negative as it might have been in the past - of constructively co-operating with government? We can certainly not be calling for that uncritical acquiescence that characterised the relationship between the former regime and some sectors of society; but the instinctive withdrawal from, or reticence about, partnership with government in our present circumstances is to the benefit of no-one.

Chairperson, I must conclude. My basic argument has been for a broad national partnership for the reconstruction and development of our society. This process must lead to substantive improvements in the material conditions of the poor. It must ensure that we live in a society where fundamental freedoms and rights are respected and protected. That is what we struggled for as a nation and people - not the one at the expense of the other. We should take great care that we do not conduct ourselves in such a manner that any of these rubrics come to be seen as the terrain of only certain sectors of society. If, for example, civil liberties are to be perceived or projected as the concern of only the historically advantaged, and issues of substantive social justice are seen as the concern of only the previously disadvantaged, this then divides our society once more.

Let us join forces once more to ensure that the democratic and open society our Constitution speaks of is solidly built and sustained.

I thank you.

THE OPEN SOCIETY FOUNDATION FOR SOUTH AFRICA

Colinton House, Norwich Oval, 1 Oakdale Road, Newlands 7700

PO Box 23161 Claremont 7735

Telephone (021) 683 3489 Facsimile (021) 683 3550 e-mail admin@ct.osf.org.za
