

CHAPTER 1

Introduction and Overview

The Mount Grace Country Hotel in Magaliesburg isn't really far enough from Johannesburg to qualify as a "bush" resort, but it has the kind of rural, almost colonial, elegance to be familiar as a posh, quiet getaway spot for the white South African elite. Perhaps this is why the Minister of Posts, Telecommunications and Broadcasting Dr. Z. Pallo Jordan craftily chose it as the venue for the National Colloquium on Telecommunications Policy in November 1995. Where once they could set foot at the Mount Grace only as busboys and chambermaids, black delegates to the colloquium would mix with their white counterparts on equal footing. Jordan had been on the job as Cabinet minister for a little over a year, since the African National Congress alliance received the lion's share of the vote in South Africa's first free election in April 1994 and took the reins of government as the dominant bloc in a multiparty government of national unity. A respected ANC intellectual, Jordan was rumored to be bored with this second-rank ministry and disengaged from its operations. Yet he had initiated an unusual policy-making process in which the public, and sectoral "stakeholders" in particular, were *directly* engaged in policy formulation. Called the National Telecommunications Policy Project (NTPP), the process was moving on schedule toward its next crucial phase, this so-called colloquium.

The colloquium was designed to bring together representative stakeholders in the telecommunications sector to discuss the future of the industry in the new, post-apartheid South Africa. A Green Paper, which described the nature of the South African telecommunications sector and its problems and posed a series of questions on various policy options, had been published some months previously. Reactions, comments, and answers to the Green Paper questions coming from all

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quarters of the country had been submitted to a coordinating group, the NTPP Task Team, which then “played back” to the parties a document summarizing the submissions and shaping their interpretation. The Colloquium was the next phase of the process, and holding it at the Mount Grace, away from offices, workplaces, and union halls, was intended to foster a kind of working relationship, if not camaraderie, among the delegates.

Camaraderie is not what one would have expected. After all, delegates included the old Afrikaner bureaucrats in the old Post Office, white businessmen (many of whom had for years prospered happily under apartheid structures and regulations), leaders of some of the most militant black labor unions (whose youth stood in marked contrast to the aging white delegates), officials from newly formed black entrepreneur associations (dressed more smartly than the white businessmen, and like them, armed with the latest cell phones), and representatives from telecommunications user groups ranging from large corporate clients to the disabled. Many of these people, and certainly the groups they represented, had but recently been at the literal barricades. And, given the powerful, racially structured template that governed personal interactions during the decades of apartheid, this new, relatively unstructured, ostensibly equal forum made many participants both expectant and nervous. Here were heads of major corporations sitting with township residents, black union leaders with the Afrikaner old guard. Camaraderie did not really blossom. Indeed, there were several strained moments over the three days, as there would be in subsequent interactions and negotiations. Nonetheless, the approximately one hundred delegates met in workshops and plenaries and hammered out a series of compromises that, in the main, established a set of guidelines that would become the law transforming telecommunications from a retrograde, apartheid-aligned sector to one whose central orientation is to provide service to the disadvantaged black majority. This process of sectoral reform in telecommunications, replicated also in many other economic sectors and governmental functions, was an instance where democracy – in John Keane’s (1991: 190) shorthand definition, rule by publics who make judgments in public – came alive literally before one’s eyes.

South Africa has been a tremendously exciting place since February 1990, the date of the unbanning of political organizations and hence the birth of the transition to a post-apartheid dispensation. Virtually all social institutions have been placed under examination, their structures

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and operations critically assessed to see if they comport with democratic values and whether they deliver the material goods. The examination itself is an exercise in the self-constitution of a free people, a moment of *democratization* – that special phase in the forging of democracy.¹ Democracy is a project of establishing a system of rules specifying who is authorized to make collective decisions and through which procedures such decisions are to be made, so as to secure the fullest possible and qualitatively best participation of affected parties. Again, following Keane (1991: 168–169), this proceduralist definition of democracy has clear normative implications. Democracy requires, at minimum, equal and universal adult suffrage, majority rule and guarantees of minority rights, the rule of law, constitutional guarantees of freedom of assembly and expression. In this, reforming communications policy in post-apartheid South Africa was and continues to be an inspiring and sometimes maddening demonstration of how to democratize politics and policy making. The process has both invoked and helped shape voluntary associations of autonomous agents outside the direct control of the state – in current parlance, civil society – and has created viable, if still fragile, public spaces that facilitate debate among citizens and dialogue between civil society and the state. The kind of participatory, civil society–based deliberative democracy that has become the reverie of so many Western social and political theorists in recent years has been occurring on the ground in complex and grubby fashion in the new South Africa. Communications policy was both the subject and object of democratic reform: Subject, in the sense that the process of policy determination occurred through a deliberative, participatory politics; object, in the sense that the goal was the establishment of the infrastructure of a democratic public sphere and the expansion of the social basis of communication generally.

¹ An analytic distinction can be made between the processes of transition to, consolidation of, and institutionalization of democracy. In the transition to democracy, or democratization, as Víctor Pérez-Díaz (1993: 3–4) explains, the basic rules of the game are established (both within the political class and between the political class and society at large). They chiefly concern the limits of state power, the means of access of both politicians and society to that power, and the modalities for the exercise of such power. With consolidation comes the widespread expectation that the new regime is going to stay, and its basic rules will be respected. Institutionalization describes the point at which the regime is recognized as legitimate in the eyes of most of the population most of the time, and the basic rules of the political game not only prevail *de facto* but have been internalized by both politicians and society. The three processes are interrelated. They are not consecutive phases of a temporal order; rather, they overlap one another.

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This experience of participatory, deliberative democracy may be a phenomenon unique to the South African context due to its complicated history. Indeed, one of the arguments of this book is that it was the particular kinds of civil society activism of the 1980s that established the structures and mechanisms of the participatory, consultative politics typified in the communications reform process. The South African reform experience is an important demonstration of the need to consider the formation of civil society itself as a powerful element in democratic process. This book chronicles the process of reform and the exercise of participatory democracy through the concrete examination of reform in the South African communications sector: in telecommunications, broadcasting, print media, and the government information service.

The communications sector has a special status in modern societies. Its technologies constitute the infrastructure of an increasingly information-based, trade-oriented economy and society. Uncritical and exaggerated claims about the “information age” and the “network society” notwithstanding, it is clear that communications and information have become centrally important to modern economies. Accordingly, this is a period of dramatic upheaval in communications policy design. Old models are challenged by new technologies, the convergence of technologies and modes of delivery, impetus toward liberalization and privatization, and pressures for fully open markets. Perhaps more than in the past, communications are key to economic development (see, for instance, Saunders, Warford, and Wellenius, 1994; Castells, 1996). Their reform, then, has significant impact on the task of alleviating the poverty and inequality left over from apartheid. Indeed, if, following Amartya Sen (1999), poverty is not simply a matter of inadequate income, but rather a state of unfreedom, then reconstruction and development is an inherent component of the process of liberation and democratization. Communications also have a special status in a democracy. In large complex societies, it is in the public arena of the mass media (and now, increasingly, due to the convergence of technologies and the emergence of the Internet, includes telecommunications as well as the traditional mass media of print and broadcast) where democracy is most concretely manifest because that arena both represents and constitutes the independent political institution wherein citizens can engage in the discussion of matters of the commonweal (see, among others, Garnham, 1986; Habermas, 1996; Bohman, 1996). The mass media constitute the means by which groups represent

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themselves to themselves and to others. To the extent that communications reform facilitates access to the public sphere, it has effects on poverty and economic development as well. As Sen (1999) has shown, in countries that are destitute but have a free press, famines do not occur. Finally, in a country like South Africa, which is confronting a brutal past, the project of truth-seeking and reconciliation – arguably necessary for successful democratization – can only take place on a national stage through the mass media. The reform of communications is not just an aspect of political reform, the transformation of one particular industrial sector; rather it is part and parcel of the transition to democracy. Indeed, communications policy is paradigmatic of the many reform processes going on in South Africa. It gives people voice, symbolically and materially.

A great deal of the scholarly literature on South Africa since February 1990 has been concerned with plotting the process of the political transition and with analyzing the design of institutions coming out of it. Could the bitter historical antagonists arrive at a workable set of compromises, or would continual outbursts of violence throw the country into ruinous civil war? What kind of electoral system (plurality, majority, or proportional representation) would come out of negotiations? What executive type (parliamentary or presidential)? What manner of constitutional arrangement (majoritarian or power-sharing)? For scholars, whether and how the South African political elites resolved these design options implicate particular paths of a transition to democracy, reveal underlying constraints on bargaining elucidated by game theory, and, perhaps most important, serve as harbingers for the future of democracy and stability. Indeed, South Africa has become just one more case to examine in an emergent literature on the “transition to democracy.”

To be sure, this literature is not really new per se. It is a part of, though somewhat at odds with, an older literature on democratization that accompanied modernization theory and emphasized structural factors, such as levels of income, education, and media consumption as the key elements – even necessary preconditions – for determining the prospects for democratization (see Lerner, 1958; Lipset, 1960; Dahl, 1971). What sparked a revival in the study of democracy was the explosion of countries that moved from authoritarian to democratic politics in the 1980s, particularly in Latin America and Southern Europe. The remarkable collapse of the Soviet system in 1989 and the emergence of

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tentative democratic regimes in Central and Eastern Europe likewise stimulated the resurgence of research on democratization. In contrast to the older structural theories, the new scholarly literature concentrates on process, on the perception of alternatives among significant portions of the population or major institutional actors, and, especially, on elite negotiations. The correlation between higher levels of socioeconomic development and democratization, while well-documented, does not tell us much about when, how, and if a transition to democracy will take place and be successfully completed (see Linz and Stepan, 1996). The new transition literature concentrates on a process-driven explanation of change, which highlights the political choices of actors within specific sets of opportunities and constraints. Democratization is seen as primarily the product of political leaders who have the will and the skill to bring it about. Indeed, it is the reconstruction of actors' changing cognitive frames that permits the transition to proceed (see O'Donnell and Schmitter, 1986; Di Palma, 1990).

Transition theory, as it is loosely referred to, is the product of reflection upon, and abstraction from, the historically disparate paths to democracy followed in Central and Southern Europe and Latin America. Samuel Huntington (1991), whose *The Third Wave: Democratization in the Late Twentieth Century* has become something of a standard-bearer in the subfield, characterizes four types of transition: *transformations*, when the elites in power take the lead in bringing about democracy (as in Spain, India, Hungary, and Brazil); *replacements*, when opposition groups take the lead in bringing about democracy (as in Portugal, Romania, and Argentina); *interventions*, when democratic institutions are imposed by an outside power, usually following a military defeat (as in Japan, West Germany, and Panama); and *transplacements*, characterized by negotiations between key powerful groups. South Africa is usually taken as an example of the transplacement type.

Transplacements are expected to occur when two conditions are present. First, there is a mutually perceived sense of stalemate, the continuation of which becomes untenable. A transplacement's preconditions arise when the old regime registers a split between hard-liners, who insist on continuing repressive rule, and moderates or reformers, who conclude that the regime has failed in fundamental ways.² Transi-

2 Of course, the perception of "failure" by elements of the authoritarian regime harks back to the political-economic bases of the older transition to democracy model usually associated with Seymour Martin Lipset. Empirical evidence indicates that a large majority of the coun-

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tion commences when dominant groups in both government and opposition begin to bargain with one another, recognizing that neither party is capable of determining the future unilaterally. Indeed, pacts are said to work only when the prior regime type is authoritarian or “post-totalitarian” (those few Soviet bloc countries that retained elements of civil society), because only in these regimes do civil society and moderate bargaining players exist (Linz and Stepan, 1996: 38–65). Second, at critical junctures, reformers must appear to be stronger than “stand-patters” in the government while moderates must seem stronger than extremists in the opposition. A successful transition to democracy under these conditions is the result of negotiations between reformers in a ruling regime and moderates in the opposition. Reformers and moderates can use their more extreme erstwhile allies as threats but in the end must isolate them and engage in a suboptimal pact of the middle ground. But, because of the control the government reformers exercise over the machinery of state, particularly the military, the pro-democratic forces in the opposition most often must offer concessions in exchange for democracy. Fear of a coup limits pro-democracy options. Hence most successful transitions produce a dispensation that is economically and socially conservative, thus maintaining the central pillars of capitalist society (see O’Donnell and Schmitter, 1986; Przeworski, 1991).

This schematic outline does capture something of the nature of South Africa’s transition. “Reform apartheid,” initiated under P. W. Botha’s *verligte*, or moderate, wing of the ruling National Party in the early 1980s, embodied among other things a dire need to address the contradictions between apartheid institutions and an economy that had moved from a mining and farming predominance to one increasingly defined by manufacturing. Labor shortages and skills deficits had begun to plague the South African economy, and the increasing dependence of business on skilled and semiskilled African labor meant that the old form of industrial relations – characterized by Jeffrey Herbst (1994: 39) as one “whereby managers issued diktats to a floating group of

tries that experienced a transition from authoritarianism to democracy in the 1970s and 1980s had substantial economic problems (either declining economic growth or rampant inflation, or both) prior to the transition. Stephan Haggard and Robert R. Kaufman (1995: 32–36, 366), critics of the choice-based transition literature, argue that economic crisis accelerated, if it didn’t directly cause the collapse of authoritarian regimes. At the very least, economic constraints figured much more centrally in determining the political agenda, the interests, and capabilities of the central protagonists in the democratization drama than the choice-based theorists acknowledge.

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nonskilled workers who often responded with wildcat strikes” – no longer worked. Reform apartheid relaxed repressive labor laws, legalized black trade unions, and embarked upon the immense task of upgrading the conditions of South Africa’s black population, particularly in education.³ The political side of reform entailed an attempt by the government to foster a nonwhite middle class whose stake in the system would stabilize a social order still largely distinguished by white domination. The culmination of the strategy rested in the creation of a tricameral Parliament in 1983 to augment the whites-only Parliament. The aim was to draw in the Coloured and Indian communities and segregate them from the still disenfranchised African majority.

But reform apartheid was a liberalization, not a democratization strategy. The difference is of some importance. As Linz and Stepan (1996: 1) argue, in a nondemocratic setting liberalization may entail a mix of policy and social changes, such as less censorship of the media, somewhat greater space for the organization of autonomous working-class activities, the introduction of some legal safeguards for individuals, perhaps some measures for improving the distribution of income, and the toleration of opposition. Democratization encompasses liberalization but is a wider and more specifically political concept. Democratization requires open contestation over the right to win control of the government, and this in turn requires free competitive elections, the results of which determine who governs. In South Africa, democratization also necessarily demanded policies that deracialize politics and society, in short, the abolition of the system of racial separation and oppression known as apartheid. The effort to maintain white supremacy while jettisoning grand apartheid served rather to reignite widespread grassroots rebellion under the newly constituted anti-apartheid umbrella group, the United Democratic Front (UDF). The 1980s were marked by widespread popular struggle and violent repression, political stalemate, and economic crisis. This was the backdrop to F. W. de Klerk’s move to “unban” the African National Congress (ANC), South African Communist Party (SACP), and Pan-Africanist Congress (PAC) in February 1990, very soon after he succeeded P. W. Botha as National Party leader and State President. De Klerk’s faction of the

3 In the context of South African liberation politics since the 1970s, the term “black” was used to encompass all three “nonwhite” groups. Indians, Coloureds, and indigenous Africans were to be considered “black” so long as they identified with the struggle against racial oppression. Blackness became a matter less of ancestry than of a raised consciousness. The term “African” refers to the Bantu-speaking indigenous majority (see Biko, 1978: 49–53).

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National Party saw that it had more to gain by negotiating with the liberation groups than by maintaining the conflict-ridden and stalemated status quo. In parallel, Nelson Mandela (still, for all intents and purposes the leader of the liberation movement) had come to understand that the government could not be overthrown and that the attempt to mobilize the population for armed struggle would lead to disaster. Mandela's view was communicated in a letter to P. W. Botha in July 1989, wherein he indicated his desire to open negotiations with the government but would not agree to the government's preconditions (that the ANC first renounce violence, break with the South African Communist Party, and abandon its demand for majority rule).

[M]y intervention is influenced by purely domestic issues, by the civil strife and ruin into which the country is now sliding. I am disturbed, as many other South Africans no doubt are, by the spectre of a South Africa split into two hostile camps; blacks (the term 'blacks' is used in a broad sense to include all those who are not whites) on one side and whites on the other, slaughtering one another; by acute tensions which are building up dangerously in practically every sphere of our lives, a situation which, in turn, preshadows more violent clashes in the days ahead. This is the crisis that has forced me to act. (Mandela, 1991: 218)

It has become something of a commonplace that the fall of the Soviet Union was the final catalyst enabling the National Party to move past its hard-line opposition against the black liberation struggle and toward some kind of negotiated accommodation with it (see Adam and Moodley, 1993). With the end of the cold war, each side – the ANC and the National Party/South African government – lost its value as a proxy in a larger geopolitical and ideological conflict. After the fall of the Soviet Union, communism could no longer play the ideological bogey for the white stalwarts of apartheid; materially, the white minority government could no longer expect to receive the support it had tacitly obtained from the West (particularly from the Thatcher and Reagan governments). On the other side, the loss of Soviet material and ideological support could no longer bolster the ANC's dreams for the total destruction of apartheid and the creation of a socialist order. And within the ANC, the fall of Soviet communism would have to spark some rethinking of political posi-

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tions that had gone unassessed for years. Indeed, as more than one commentator has argued, de Klerk understood before almost anyone else that communism's failure would have a profound effect on the ANC's project, and hence presented whites with the opportunity to negotiate a reasonable settlement (Herbst, 1997–98; also see Slovo, 1990).

In keeping with the transition theory model, dominant fractions of the two antagonistic parties recognized they could not dictate the future according to their respective designs. All-party talks, called the Convention for a Democratic South Africa (CODESA), commenced in December 1991, but moved slowly during the first couple of years, in large part because the ANC was trying to transform itself from a liberation movement into a political party and at the same time trying not to distance itself from its grassroots supporters. The National Party, intent on taking advantage of its position as the initiator of change and in far better command of the import of governance and policy options, pressed for substantive agreement on post-apartheid political institutions in advance of elections. These included entrenching power-sharing within the executive (with minority veto-power), securing the right to private property, establishing strong regional governments, and creating a Bill of Rights enforced by a special constitutional court (see Friedman, 1993). The ANC focused rather on reaching agreement on a procedure by which a democratic government could be formed and a constitution written. The ANC demanded an interim government and an elected constituent assembly to write the first constitution. It also challenged the National Party's dual role as government and primary political negotiator. The congress, or tripartite alliance, consisting of the ANC, the Congress of South African Trade Unions (COSATU), and the South African Communist Party (SACP), flexed its muscles, organizing mass actions to demonstrate its popular support. At the same time, de Klerk called the bluff of his hard-line internal opposition by calling and winning handily a referendum in March 1992, in which white voters were asked whether they supported continued negotiations with the black liberation groups (see Giliomee and Rantete, 1992; Jung and Shapiro, 1995).

As political negotiations dragged on, widespread civil unrest and violence threatened the transition. In the aftermath of two violent incidents that prompted both ANC and NP leaders to wonder whether the lack of progress portended social disaster (the Boipatong and Bisho massacres, in which scores of ANC supporters were killed),