

**Barry Streek Memorial Lecture by Tony Leon:****“The Mandela Presidency: Beginning or Ending of Free Space for South Africa? Some Lessons for Today and the Future”****Cape Town Press Club, Kelvin Grove Club. Wednesday 7 August 2013 at 1900.**

Barry Streek, whose imperishable memory we honour tonight, was foremost a man of the press, the embodiment of a passionate and proficient journalist, in whose veins the printer’s ink ran very deep indeed. For a significant part of his professional life, writing for a South African newspaper, through the thicket of curbs, bannings and regulations, was in the words of the doyen of media lawyers of the apartheid age, Kelsey Stuart, “Like walking through a minefield blindfolded.”

Barry and other colleagues of that time did more than navigate this treacherous terrain with tenacious skill and some daring; they brought to light and to the attention of an often somnambulant country and unsuspecting world, the full and unexpurgated story of the dark underbelly of the apartheid state and the forces which it unleashed to protect its privileges.

When Barry’s journalistic career was in its commencement, the legendary Joel Mervis was Editor of the Sunday Times. In his commissioned history of Times Media, and its predecessor South African Associated Newspapers (SAAN), in whose employ Barry worked for much of his professional life, Mervis wrote – “Even though statecraft and the craft of journalism have much in common, they are, like opposing barristers in court, basically adversaries.”<sup>1</sup>

Until the advent of full-blown democracy here in 1994, Barry and his like-minded colleagues in the so-called “Morning Group” of SAAN newspapers had no doubt on which side of the equation they operated. He was an impassioned champion for the fairness, openness and equality which was the almost exact opposite of both the state and its craft until the ascent to the presidency of FW De Klerk in 1989.

It was at a moment shortly after the election, in early September 1989, that Barry and I encountered each other for the first time, in the rabbit-warren of

first floor offices at the back of the old assembly in Parliament where the parliamentary press gallery was housed.

“Have a drink”, might not be the first words he uttered to me on entering the office which he shared with Anthony Johnson, his Cape Times journalistic Siamese twin, but it was a good approximation of our early relationship at any rate. A stop over with Barry and his colleagues was an early and essential rite of passage for a freshly minted and somewhat ambitious Member of Parliament such as I was back then; and I made many rounds to his and neighbouring offices, desperate to ensure some coverage in the next day’s editions! Many libations helped ease those and many subsequent encounters.

Those were remarkable and heady days indeed as the apartheid order started, both under its own hand and from the forces ranged against it, to yield to the demands of the new. The contours of the new democracy could only be vaguely seen at the time of the dawning of the country’s new age. Even the announcement of its arrival - in perhaps the most remarkable and unexpected speech ever delivered from the podium of parliament- on 2 February 1990 - was unimaginable just weeks before its delivery.

The British historian CV Wedgwood wrote-

“History is written backward but lived forward. Those who know the end of the story can never know what it was like at the time.”

Barry and his colleagues and I and others who entered parliament at the end of the apartheid era, and those who joined the negotiations process from exile and from prison, lived that history and helped write that story; perhaps one of the most remarkable in the annals of the modern world.

Sadly, Barry Streek’s early death seven years ago, in July 2006, robbed him of the opportunity to see how the journey to democracy continued. Doubtless he would have strong views about our uneven progress, and some significant regressions, since then and Barry being Barry would have made them known in emphatic and vivid terms!

Barry’s passions for social justice and media freedom and indeed for the very Cape Town Press Club which honours him with this lecture tonight are well known to us all. They were his sheet anchors in the turbulent times which he

ably chronicled. Less well known to me, at any rate, was a fact gleaned recently from a colleague, that Barry was an avid and prodigious collector of maps.

This information inspired me use tonight's lecture to contemplate a period of which Barry was a full and enthusiastic reporter- the presidency of Nelson Mandela. Did that now almost golden, and increasingly distant, chapter in our national story, provide us with a road map to guide us in building a house of durable freedom and democracy on the stony soil of our country? Has the structure which Mandela helped to build and withstood the unanticipated damage and corrosion in the years which followed?

The 'first rough drafts of history' was the wonderful definition of journalism penned by the Washington Post publisher Phil Graham. And so, the issue is: How will future generations, as they leaf (or more accurately, Google) through the 'first rough drafts of history' judge the Mandela years and what has followed: will his successors be remembered for consolidating the new democracy, or will some be remembered as having lost their way as they vandalised the structures and excavated under the foundations they were bequeathed?

Foremost, is the difficulty of separating the power of human agency from what Karl Marx termed the "motive forces of history", and the confluence of events and the formations which propelled them. Undoubtedly, while Mandela was at all times the servant and symbol of the political movement he led, he also, at key moments, provided personal leadership which proved quite decisive in determining the course of this country.

On the personal, as I wrote in my political biography: "Mandela was an extraordinary phenomenon. At one level he was all too human, but at another level he inhabited a plane out of reach of most mortal politicians (in which latter category I decidedly place myself). It had been my great gift that my leadership had commenced under his presidency and had grown, not under his enormous shadow, but because of that special light which he shone on so many, including me."<sup>ii</sup>

There are many members of tonight's audience, and certainly the man whose memory we honour in this lecture, who also basked in that radiance.

Equally, Mark Twain reminded us that “Every man is a moon with a dark side that he doesn’t show anyone.” We can also bracket Mandela with Mahatma Ghandi, as one of the select few of any age who transcend the politics of their age and rank in that rare category of truly good and the great. But we should bear in mind George Orwell’s necessary caution and apply it to both men: “The problem with conferring sainthood on Ghandi is that you need to rescue saints from under a pile of tissues and saccharine.”

Certainly, from my angle of both proximity to and distance from him, the Mandela presidency was an all-inclusive effort, which operated on many fronts. He led a Government of National Unity until 1996 and no sooner had its largest minority component (the National Party) left it, than he sought to include others, including my party, in it. Even when we could not agree to square that circle, of going into government but also maintaining a critical stance outside of it, Mandela continued to reach out by both gesture and intervention, to ensure that minority views were obtained and some buy-in on critical issues was achieved.

I was, accordingly, often at the receiving end of what the ghost writer of his autobiography (and, latterly, Editor of Time Magazine) Richard Stengel defined as “The full Mandela”-

“He is a power charmer –confident that he will charm you, by whatever means possible. He is attentive, courtly, winning, and to use a word he would hate, seductive. ..The charm is political as well as personal, and he regards himself not so much as the Great Communicator but as the Great Persuader...he would always rather persuade you to do something than order you to do so..(but) he will always stand up for what he believes is right with a stubbornness that is virtually unbending.”<sup>iii</sup>

I used to tell my political colleagues after one or another session with the great man and a dose of “The Full Mandela” that, from an opposition perspective, it was a little like the political equivalent of the seduction scene from “Fatal Attraction”!

My first conclusion, on contrasting the Mandela presidential years and those which followed it, startswith acaution: His great personal characteristics aside, Mandela’s presidency had the advantage of occurring at a time of transcending

national and international change. He was the bookend between the dying of the old order and the dawn of a new age. By the time he took office, the seventy year era of Communist rule over Eastern Europe and forty-six years of apartheid rule (and three centuries of racial domination) at home had just come to an end. It was an era of new and brave and dramatic beginnings.

It was on his watch that the first democratic parliament convened, a new constitution was negotiated and inked, the Truth and Reconciliation Commission commenced and concluded its work and the country and its First Citizen basked in the attention and admiration of the world. Such an alignment of stars is rare in any country's history; and, sometimes it is easier to guide the ship of state through the high seas of big events than it is to navigate through the smaller, but often unseen and therefore more treacherous, currents which it fell to his successors to manoeuvre.

But, some blind spots aside, Mandela led by example in opening up the free space necessary for a democracy to take root in this country. His rare combination of personal history and enforced 27 year period of reflection and introspection perhaps uniquely equipped him for the task of being the country's cheerleader-in-chief for democratic freedom.

Recently, Mandela's close colleague, Pallo Jordan, reminded us that-  
 "During the Rivonia trial, Nelson Mandela cited the Magna Carta, the Petition of Rights and the US Bill of Rights as expressive of his vision of a free society."<sup>iv</sup>

No less than his own movement's Freedom Charter, these international testaments of freedom clearly informed and helped shape his world view and his tone of governance.

Famously, Mandela's rich and complex background also helped inform and shape his politics and, later, his style of presidency. British statesman Denis Healey said properly-rounded leaders needed "a hinterland", a life and philosophy beyond the narrow confines of the party *diktat*. Few of any country's rulers - and certainly none here since his presidency - have enjoyed Mandela's breadth of experiences.

Richard Stengel, again, captures the complex and contradictory forces which shaped his life and informed his politics: “His persona is a mixture of African royalty and British aristocracy. He is a Victorian gentleman in a silk dashiki.”

Politics and imprisonment might have shaped his life, but so too did his decision to escape an early arranged marriage, commence the first-black law practise in Johannesburg, and earning a living independent of the Party. He was more certifiable member of the human race than a narrowly formed political partisan. Doubtless it was this rich personal hinterland which allowed him to call the Queen of England by her first name and to win the adulation of rural peasants in his home Province. It also informed some of his most powerful gestures and symbols.

Today, in contrast, almost our entire political leadership is drawn from the ranks of life-time politicians and trades unionists. This is not confined to the governing party: many emerging leaders on the opposition side, as well, have had no career outside of party politics.

Gestures and symbols are, incidentally, hugely important and often underestimated in statecraft, and Mandela had an almost genius-like ability to use them to shape his nation and bind its component parts together. The *Invictus* moment in the 1995 Rugby World Cup, the tea party in Orania with widow of the architect of grand apartheid Dr H.F. Verwoerd, and signing into law the 1996 South African constitution at Sharpeville, site of the grim police massacre of anti-pass law protesters thirty five years before, were among the highlights of a crowded, consequential and celebrity-filled presidency.

He set the benchmark even before entering office: You might recall a dramatic moment on the eve of South Africa’s first democratic election in 1994, during the only television debate between President FW De Klerk and Mandela. In the main it was a rancorous and point-scoring exercise, with Mandela spending much of it on the offensive. Yet toward its conclusion, Mandela reached across to De Klerk and took his hand and said of his main rival, “I am proud to hold your hand...Let us work together to end division and suspicion.” Posterity remembers that gesture better than the debate, and thus the “Rainbow Nation” was born.

Paradoxically, the most partisan of politicians, Mandela was also able to look beyond the interests of the Party and make tough calls on it, to meet the needs of the country-in-the making.

There was another critical moment just after the 1994 elections, during its chaotic counting process. You might recall the drama of unregistered ballots, pirate voting stations and other jarring irregularities. During this long tallying process, the very future was in the balance due to extreme electoral infringements in key places. At one point, ANC senior officials met in Johannesburg and demanded the Party take action, and at least call a press conference concerning what many insiders apparently regarded as “grand theft”, which they believed had robbed the party of victory in Kwa Zulu Natal and elsewhere. An eye witness at the meeting describes its conclusion: “Mandela had said nothing during the discussion. Then he brought the room to a full stop. “Tell the comrades to cancel the press conference. We will not do anything to make the election illegitimate. The ANC will not say the election is not ‘free and fair.’ Prepare our people in Natal and the Western Cape to lose.”<sup>v</sup>

He followed through on this example toward the end of his presidency. When the Truth and Reconciliation Commission prepared to publish its report in October 1998, both his predecessor and successor as President attempted legal action to either amend or suppress its findings. In contrast, Mandela said the equivalent of “publish and be damned.” As his authorised biographer, Anthony Sampson, noted: “As head of state he saw himself as having loyalties which went beyond the ANC...”<sup>vi</sup>

Indeed, as president and even before, Mandela ensured that his presidential office was no echo chamber reserved only for approving voices. He sought the counsel of a range of viewpoints.

While he was unyielding on his bottom lines, Mandela claimed no monopoly of wisdom on key issues and sought a range of views and voices beyond the party faithful and his inner circle.

I recall when I first met Mandela in July 1992, at a dinner he arranged at his Houghton home, he told me and two party colleagues how his recent visit to the World Economic Forum at Davos had convinced him on his return that the

ANC had to change its economic policy. As he rather pithily put it on that occasion, “Some of the biggest and most influential businessmen in the world were at Davos. They were very happy to meet me, but practically every one of them bashed me over the head because of our policy of nationalisation (of industries). So when I got back to South Africa, I got hold of our economics team, and said to them, “Boys we have got to change our policy ...and they agreed.”

Compare and contrast that impulse with what prevails today in South Africa’s inner councils of power, at a time of deep economic crisis. Last week, in a somewhat gloomy, but I fear accurate, description, the *Financial Mail* editorialised –

“Rightly or wrongly, the ANC struggles to bring itself to listen to any institution, organisation or individual outside its own ranks. The most important debates within the ANC happen within the ANC. In the minds of the cadres, many of whom think of themselves as part of a liberation movement rather than a political party, outside critiques are almost by definition wrong.”<sup>vii</sup>

Contrary voices are often irritating and discomfiting, but they are vital for obtaining society’s buy-in and correcting course when change is indicated. They are often the equivalent of the canary-in-the-coalmine who avert to the dangers which lie ahead.

At a meeting shortly after the 1994 election, Mandela told me, in private, “It is important for the opposition to hold up a mirror to the government and point out where we do things wrong.” He used almost this exact formula when he benchmarked, in public, his soon-to-be elected government’s relationship with the media. In February 1994, Mandela told the International Press Institute Congress-

“...The media are a mirror through which we see ourselves as others perceive us, warts, blemishes and all. The African National Congress has nothing to fear from criticism. I can promise you, we will not wilt under close scrutiny. It is our considered view that such criticism can only help us grow, by calling attention to our actions and omissions which do not measure up to our people’s expectations and the democratic values to which we subscribe.”<sup>viii</sup>

Four years in office somewhat changed Mandela's views, on both opposition and media scrutiny. In December 1997, at the ANC 50<sup>th</sup> Conference in Mafikeng, he severely criticised the press, non-governmental organisations, the opposition, and other elements of civil society. He identified them as part of some vast and ill-defined 'counter revolutionary movement.' Even his staunch press ally, *The Guardian* of London called it "a profoundly depressing assault."<sup>ix</sup> I thought it marked the low-water mark of political paranoia, so distinct from his hugely buoyant presidency.

I also believe that this Conference, far more decisively than the better reported and more dramatic gathering at Polokwane ten years later, set South Africa on the wrong course: it was here that the finishing touches were sealed on cadre deployment, the capture of the State by the Party and other elements of a determined hegemony so at odds with the constitution concluded just one-and-a-half years before.

However intemperate Mandela's remarks in Mafikeng, they were a far cry from the poisoned waters which now seem to separate government and the media and the opposition and civil society today. They certainly did not lead to any introduction of legislation to muzzle the media, such as the Protection of State information Bill. But perhaps it sowed the seeds for a future showdown.

In researching tonight's lecture, I was reminded -in lighter vein - that Mandela had his own "*The Spear*" moment, though how we diffused it was perhaps telling. He had an aversion to censoring anything, even pornography. In February 1998, *Hustler* magazine indecorously named Mandela as "Asshole of the Month." Then deputy minister of Home Affairs, Lindiwe Sisulu, slammed the issue as 'vile, outrageous and obscene', and apparently considered banning it. Mandela, in sharp contrast 'laughed the matter off' and instead of rushing to court he said, somewhat oxymoronically, the magazine 'should use its own sense of morality and judgment'. He surprised his Director General, Jakes Gerwel, by asking impishly: "Have you seen this month's *Hustler*?"<sup>x</sup>

More consequentially, it was Mandela's attitude toward the courts and his faith in the supremacy of the constitution and respect for its institutions which separated him from some of his successors.

Our current President's own ascent to office can be, diplomatically, best described as a Houdini-like escape from the coils of court processes, rather than an embrace of them.

In contrast to Mandela's championing of the constitution which he signed into law, consider the recent scepticism of senior ANC executive member and Deputy Minister of Correctional Services Ngoaka Ramatlhodi. In 2011, he stated that the constitutional transition was a victory for 'apartheid forces' who wanted to 'retain white domination under a black government'. This was achieved 'by emptying the legislature and executive of real power' and giving it to 'the other constitutional institutions and civil society movements.'<sup>xi</sup> Apparently, other powerful voices in Mr Ramathlodi's party and government share this sentiment.

We might conclude from this contrast that while the ruling party certainly celebrates Nelson Mandela and his early legacy of armed struggle, it is far more ambivalent about what we might term "Latter Mandelalism", and his embrace of the constitution, and some of those inclusive presidential characteristics I have enumerated above.

But let me conclude with a note of hope of how the spirit of democracy, freedom and robust dialogue has actually taken root a decade and a half since Mandela left formal office and entered "atwilight of greatness."

During his presidency, South Africa's parliamentary opposition was deeply fragmented; its civil society was still finding its feet after the long dark night of apartheid and the press, whose leading editors were mostly drawn from the minority, were at some quite decisive moments, mute and offside. The radiance of Mandela's leadership, ironically, both warmed our hearts but sometimes blinded "some among us" (to borrow a favourite phrases of former President Mbeki) on our roles in a free society and the rules of engagement needed for democratic deepening. In this respect, at least, there has been a sea-change today.

In June 2013, Constitutional Court Justice Edwin Cameron delivered an influential address at the Sunday Times Literary Awards. He eloquently

signalled that in one vital respect, and despite considerable damage done, our democracy remains afloat, and in one sense is more seaworthy than in the recent past:

“Our polity is boisterous, rowdy, sometimes cacophonous and often angry. That much is to be expected. But after nearly two decades, we have far more freedom, more debate, more robust and direct engagement with each other –and certainly more practically tangible social justice than 20 years ago.”<sup>xii</sup>

The push back by a diverse range of civil society actors here and the delayed passage and marked improvement to the Protection of State Information Bill earlier this year is a striking, encouraging example.

Just four years before Nelson Mandela’s release walked back into freedom, another political prisoner was released from jail, the first in the Soviet Union to be freed by Mikhail Gorbachev. Natan Sharansky had also been convicted and imprisoned for High Treason. After nine years imprisonment, he went into exile in Israel and subsequently became a political leader there. In 2004, he published a powerful polemic, “The Case for Democracy”. In the book he elaborates, with passion and clarity, that freedom is rooted in the right to dissent, to walk into the town square and declare one’s views without fear of consequence.”<sup>xiii</sup>

For the many things that have gone right and wrong with South Africa since our first steps toward becoming a free society back in 1994, Sharansky’s universal observation that “the democracy which sometimes dislikes us is a much safer place than the dictatorship which loves us” must serve as our guide into the future. It was the light which illuminated the life and work of our late friend, Barry Streek.

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<sup>i</sup> Joel Mervis: *The Fourth Estate*. Jonathan Ball. 1989. Johannesburg at p ix.

<sup>ii</sup> Tony Leon: *On the Contrary-Leading the Opposition in a Democratic South Africa*. Jonathan Ball. 2008. Johannesburg at p 498.

<sup>iii</sup> Richard Stengel: “Mandela’s Way-Lessons on Life.” [www.leadershiponline.co.za](http://www.leadershiponline.co.za)

<sup>iv</sup> Z. Pallo Jordan: “Big Bother would turn luxuriant green with envy.” *Business Day*. 1 August 2013.

<sup>v</sup> Stanley Greenberg: *Dispatches from the War Room*. Thomas Dunne Books. 2009. New York at p 157.

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<sup>vi</sup> Anthony Sampson: Mandela –The Authorised Biography. Harper Press.1999 at p 532.

<sup>vii</sup> “Politics the Victim of Vavi Debacle” Financial Times August 2-7 2013.

<sup>viii</sup> <http://www.anc.org.za/amcdocs/history/mandela/1994/sp940214.html>.

<sup>ix</sup> Anthony Sampson, op cit, at p 542.

<sup>x</sup> Anthony Sampson, op cit, p 528.

<sup>xi</sup> Justice Edwin Cameron: “Constitution Holding Steady in the Storm”: Sunday Times June 30 2013.

<sup>xii</sup> Justice Edwin Cameron: op cit.

<sup>xiii</sup> NatanSharansky: The Case for Democracy. Public Affairs.2004.New York at p 41-2.