REFLECTING ON PEACE PRACTICE PROJECT

Cumulative Impact Case Study

Reflecting on Peace Practice: A South African Case Study

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This document was developed as part of a collaborative learning project directed by CDA. It is part of a collection of documents that should be considered initial and partial findings of the project. These documents are written to allow for the identification of cross-cutting issues and themes across a range of situations. Each case represents the views and perspectives of a variety of people at the time when it was written.

**These documents do not represent a final product of the project.** While these documents may be cited, they remain working documents of a collaborative learning effort. Broad generalizations about the project’s findings cannot be made from a single case.

CDA would like to acknowledge the generosity of the individuals and agencies involved in donating their time, experience and insights for these reports, and for their willingness to share their experiences.

Not all the documents written for any project have been made public. When people in the area where a report has been done have asked us to protect their anonymity and security, in deference to them and communities involved, we keep those documents private.
Concessions are inherent in negotiations.

*When you negotiate you have to accept the integrity of another man.*

*When you negotiate you must be prepared to compromise.*

_Negotiated solutions can be found even to conflicts that have come to seem intractable and that such solutions emerge when those who have been divided reach out to find the common ground._

*Only free men can negotiate._

(Nelson Mandela in a letter to the then State President of the Republic of South Africa P.W. Botha, dismissing Botha’s offer of conditional release from prison. Zindzi Mandela, daughter of Nelson Mandela, read the letter to crowds gathered at Jabulani Stadium, Soweto on 10 February 1985.)
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ABSTRACT

This case study examines the peacebuilding activities employed in the resolution of South Africa’s political, economic, social and moral conflict. The paper begins by briefly outlining the political economy and social relations of apartheid, which formed the basis of conflict in South Africa. Understanding the dynamics of this period are integral to understanding both the conflict and its resolution. The paper then identifies turning points in the conflict-resolution process, and maps the peacebuilding activities that occurred during and subsequent to the conflict. Finally, the paper considers the contribution of these different activities in “adding up” to the growth of “peace writ large.”

A note on terminology

It is not possible to sidestep the language of racial classification in writing about South Africa. Indeed, it was the racialised social and economic structures that generated the conflict addressed in this paper. Conventional designations of White, Coloured, Indian and African are used where necessary. “African” refers generally to black people of African origin (though in the post-apartheid period there is debate about “Who is an African?”). The term “Black” refers to Coloureds and Indians as well as to Africans.
1 Overview of the Apartheid Context and Nature of the Conflict

The following discussion of apartheid is brief, focuses on key events, and is designed to provide only an overview for the purposes of this case study. Apartheid (translated as “separateness”) was the name given to the political theory of separate racial development practiced in South Africa from 1948 until 1994. Apartheid enforced total separation of blacks and whites in all spheres of life – political, economic, social and cultural. Apartheid theory proclaimed that each “race” had its own identity and should be kept separate from the others in order to fulfill its potential. After the inception of apartheid in 1948, the South African government created a maze of legislation designed to promote apartheid and to maintain white economic and political domination.

The first significant apartheid legislation, enacted in 1950, classified all South Africans into four racial groups: White, Black, Coloured, and Indian.1 The racial classification assigned to a person determined where he/she could live, the jobs he/she could have and the type of education he/she received. After this classificatory legislation was enacted, the South African government sought to control contact between racial groups.

In order to do this, the South African government instituted a policy of “separate development”. Separate areas were demarcated for each racial group. Once an area was assigned to a specific racial group, all members of other races residing in that area there were forced to relocate to an area set aside for them.2 “Independent homelands” or “Bantustans”3 were created on less than a quarter of the land in South Africa, ostensibly for the ownership and use of Africans (who constituted 80% of the population). Apartheid thus continued the dispossession of African land which had commenced with colonialism in 1652. The homelands were created according to existing tribal distinctions, and Africans were required to become citizens of the homeland that was allocated to their tribe.4 All of the major cities fell into white areas, and Africans required permission to enter urban areas (the infamous “pass” laws)5 and to live in designated townships (or as servants with employers). The South African government used the homelands legislation to justify its refusal to give Africans political rights in South Africa, despite the fact that Africans comprised the majority of the people in South Africa, were settled throughout the country, and in many cases had never even visited their so-called “homelands.” The rationale was that, as they were citizens of the independent homelands, which the South African government regarded as separate sovereign states, they were foreign citizens and not entitled to political rights in South Africa. Apartheid theory also claimed that Africans were not being deprived of political rights because they were able to exercise political rights in their homelands.

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2 Group Areas Act No. 41 of 1950.
3 The Promotion of Bantu Self-Government Act No. 46 of 1959.
5 The Native Abolition of Passes and Coordination of Documents Act No. 67 of 1952 required Black men to carry a pass at all times. Those caught without a pass could be jailed or forced to work on white farms.
Separate development was extended to every aspect of life through legislation forcing different racial groups to use separate transport, parks, beaches, benches and other amenities. Hotels, cinemas, theatres and restaurants could serve one race group only. Legislation enforcing separate (and unequal) education was also passed. The limited education provided to Africans was initially designed to educate blacks to a standard suitable for employment as labourers. Former South African President Hendrik Verwoerd stated in a speech made as a Minister in Parliament in 1953, “The Native will be taught from childhood to realize that equality with Europeans is not for them…What is the use of teaching the Bantu mathematics when he cannot use it in practice….There is no place for the Bantu child above certain forms of labour.” Political rights were limited. “Non-whites” were not allowed in the South African legislative or executive branches of government until 1983, when the Constitution was reformed to allow Coloured and Indian participation in separate houses of a Tricameral Parliament. Africans did not receive political rights in areas outside the homelands until apartheid ended in 1994.

Apartheid also upheld a system of job reservation, whereby the labour market was formally segmented and whites (and men) were given privileged access to employment. A system of migrant labour was expanded for African men, based on the assumption that social services and support for African women and children would be provided in the subsistence living conditions of the homelands. With people overcrowded on too little land, rural poverty became a hallmark of apartheid, while hostels in townships and mines signaled the systematic disruption of family life and the harsh conditions under which black people lived.

A form of structural violence, apartheid legislation was brutally policed, and the human rights and dignity of the majority of the people were violated daily in a web of repression. A series of measures, including the Suppression of Communism Act (1950) and the Public Safety Act (1953), gave wide powers to the government to act against those who challenged it. Gross human rights abuses were the order of the day, particularly at times of heightened conflict.

Resistance to apartheid in the 1950s was determined and well organised. The African National Congress (ANC) had been established in 1912 to defend and promote the rights and freedoms of Africans. Its goal was to achieve democracy and equal rights, preferably by peaceful means. In 1952, the ANC organised the Defiance Campaign to protest unjust legislation. Participants purposefully broke unjust laws, and once arrested refused to apply for bail. Over 8,000 people were arrested, and many of these spent months in jail. This was a highly significant instance of non-violent mass action which led to a dramatic increase in the membership of the ANC.

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6 Reservation of Separate Amenities Act No. 49 of 1953.
7 Bantu Education Act No. 47 of 1953.
8 A.N. Pelzer, Verwoerd Speaks: Speeches 1948-1966 (Johannesburg: Perskor, 1966). 83. Later, education was expanded, but remained under-resourced and funded at a much lower level than education for whites.
In 1955, the ANC and others\(^9\) held the Congress of the People to adopt a Freedom Charter which called for a non-racial South Africa, with political rights, human rights, social security and education for all. Protest actions continued to gather momentum in the late 1950s. The non-violent resistance to apartheid took the form of strikes, acts of public disobedience and protest marches. In 1956, 20,000 women marched to the Union Buildings in Pretoria in a famous protest against the degrading experience of having to carry passes.

The government responded to the non-violent resistance by arresting and charging 156 people, including Nelson Mandela and Oliver Tambo, with treason. The Treason Trial started in 1956 and dragged on until 1961. Eventually all charges were dropped as the state failed to prove its case.

In 1959, a group of ANC members broke away to form the pro-Africanist and more militant Pan-Africanist Congress (PAC). The PAC and ANC announced plans for further protests against pass laws. In 1960, a turning point was reached. The PAC organized a peaceful protest march against pass laws, gathering about 5,000 protesters at Sharpeville. The police responded by firing upon the demonstrators and at least sixty-nine people were killed in what became known as the Sharpeville Massacre.

The Sharpeville Massacre was a pivotal moment for the liberation movement, as it changed the nature of resistance in South Africa. The South African government responded by banning the ANC and the PAC. These organisations responded by taking their activities underground and into political exile and, significantly, both decided to take up armed resistance. In June 1961, the ANC established its military wing Umkhonto we Sizwe (Spear of the Nation, also known as MK) to conduct a campaign of sabotage and to prepare for guerrilla warfare. The PAC established its own military wing, Poqo, which planned a country-wide uprising. The decision to adopt armed resistance was made reluctantly by the ANC and was in large part a result of the violent suppression employed by the South African government. In the words of one of its female stalwarts: “All the time the African National Congress was using peaceful means to try to bring change in South Africa, the reaction from the regime was violent….We decided that, if the gun is what the South African regime has used to rule us, it will have to be the gun that breaks that rule.”\(^{10}\)

In 1964, Nelson Mandela and seven other ANC leaders were sentenced to life imprisonment for planning guerrilla warfare and the pursuit of violent revolution after the Rivonia trial.\(^{11}\) Oliver Tambo was forced to flee South Africa and lead the ANC from political exile for the next thirty years.

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\(^9\) These included the Congress movement included the South African Indian Congress and the Congress of Democrats (Whites).


\(^{11}\) This was the second major trial of South African opposition leaders.
After the shift to armed resistance, the government began to introduce even harsher apartheid legislation. An example was the General Laws Amendment Act of 1963 which empowered members of the police to arrest anyone suspected of sabotage and to detain such a person without trial for a period of 90 days.\textsuperscript{12} The General Laws Amendment Act was updated in 1967 by the Terrorism Act, which allowed the indefinite detention of anyone suspected of acting against the government.\textsuperscript{13} Many political prisoners died whilst being detained under these laws.\textsuperscript{14}

The 1970s gave birth to a new wave of anti-apartheid activity. A new, independent democratic trade union movement emerged, which was to play a significant role in building a civil society base in the liberation struggle. Unions had successes in organizing strikes against low wages and bad management, and in protesting apartheid restrictions. Also during this period, the Black Consciousness Movement was founded by students on the precepts of Black pride, psychological liberation, and non-violent opposition to apartheid. The mainly white National Union of South African Students (NUSAS) was formed in protest against security laws and military conscription.

On 16 June 1976, school pupils from the Soweto township organized a march protesting the use of Afrikaans as a medium of instruction for education. The police opened fire on the students, killing at least twenty-three and triggering the “Soweto Uprising,” which became a nationwide student uprising against the system of Bantu Education and apartheid more generally. The students were supported by workers, parents and communities. Protest actions took the forms of boycotts, violent clashes with police, destruction of property and community stay-aways. Over the next decade more than 1,000 students were killed in clashes with the police, and over 12,000 students left South Africa to join the ANC in exile and to receive military training. Sabotage and armed resistance within South Africa increased as the new recruits completed their training.

The government responded to the Soweto Uprising by banning all organisations with links to the Black Consciousness movement and arresting Black Consciousness and trade union leaders. Black Consciousness leader Steve Biko died in detention after being beaten and tortured. During the 1980s, Umkhonto we Sizwe launched attacks on various high-profile targets, including the Koeberg nuclear power plant and the headquarters of the South African Airforce.

In 1983, the government introduced a new constitution that created a Tricameral Parliament in which Indian and Coloured voters would be represented in separate houses. Africans, however, were excluded. This attempted restructuring of apartheid served only to heighten the political struggle. It was rejected by most democratic organizations, and the United Democratic Front (UDF), a non-racial alliance of about 400 national, regional and local organizations, was formed in opposition. The UDF implemented strikes, boycotts of white business, labour actions, street protests and general non-cooperation

\textsuperscript{12} General Laws Amendment Act No. 37 of 1963.
\textsuperscript{13} General Laws Amendment Act No, 83 of 1967.
\textsuperscript{14} These deaths were allocated a range of improbable official causes of death ranging from “suicide” to “fell down the stairs.”
with the apartheid regime. Between the UDF and the trade union movement, civil society involvement against the state grew enormously. Underground organisations were also active.

During the 1980s, churches became more openly critical of the government, and the South African Council of Churches supported non-violent action to end apartheid. The 1980s also saw the creation of a large number of community organisations. These organisations focused on issues affecting their specific communities but became part of the broader opposition to apartheid through their support of boycotts and stay-aways.

This range of civil society activities—the protest actions of unions, community organisations and churches and the activities of the UDF—along with the ANC’s campaign to make South Africa ungovernable brought a general sense that South Africa was becoming destabilized politically, economically and psychologically. (The impact of this campaign is discussed in more detail in the Turning Points: Pre-negotiations section of this case study.)

Throughout the 1980s the South African government responded to political protest with harsh and violent measures. Political activists were assaulted, detained, tortured, incarcerated and many were murdered. South Africa was violence-ridden and unstable, and in 1986 the South African government declared a State of Emergency over the entire country that lasted until 1990. South Africa was deadlocked in an armed struggle which neither side could definitively win.

It was in this context that on 2 February 1990, South African President FW de Klerk announced the unbanning of anti-apartheid political parties, the release of political leaders from prison and free political activity for all. On April 27, 1994, South Africa held its first democratic elections.

1.1 Methodology

The above section has briefly outlined the major dynamics of the South African conflict. In the next sections, we look at turning points in the resolution of conflict and the building of peace.

The material in this study was initially based on desk research. In order to supplement this research, interviews were conducted with people specifically targeted for their high level of involvement in the process and their ability to represent a key demographic of South African Society.

The interviewees were divided according to their involvement in either track 1 or track 2 processes. The questions were tailored for each track and, to an extent, for each interview. While the questions provided a structure to the interviews, they were conducted in an informal manner allowing uninterrupted reflections on personal experiences.
The purpose of the interviews was to gain insight, and the interviewers refrained from mentioning names of people, organisations, and events other than in broad terms. This was an attempt to avoid leading questions which would reinforce the desk work but add little value to the paper. The interviews were recorded, and permission was obtained to use quotations from the interviewees in this paper.\textsuperscript{15}

Those interviewed were very generous with their time, particularly as many of them are currently in prominent positions in South Africa. Their willingness to find time to talk about the transition and what was learnt in that process speaks volumes to the personal investment that they had. A list of interviewees with brief biographies is provided in Appendix B.

2 Turning Points

The peace process in South Africa may be viewed in two major stages: pre-negotiations, and negotiations. Each of these contains a series of events which were turning points in the resolution of conflict.

2.1 Pre-negotiations

The first stage in the peace process was the establishment of conditions under which major political actors were able to take steps towards negotiations. The major parties in South Africa at this point were the incumbent National Party (NP) government and the ANC. Other groupings that played important roles were the Inkatha Freedom Party (IFP) based largely in KwaZulu-Natal, the South African Communist Party (SACP), the Democratic Party (DP), the Azanian Peoples Organisation (AZAPO), the PAC, and the Congress of South African Trade Unions (COSATU). Of these, the ANC, SACP and PAC were banned organisations.

The first major turning point in the resolution of the South African conflict was the announcement by President FW de Klerk, on 2 February 1990, that all anti-apartheid political parties would be unbanned, political leaders would be released from prison, and free political activity would be allowed for all. Nelson Mandela was released from prison a few days later and talks commenced on the pre-conditions for the settlement of South Africa’s political conflict. Dikgang Moseneke observed that “th[is] very first step of unbanning gave tremendous momentum to producing a democratic outcome.”\textsuperscript{16} What led to this turning point?

\textsuperscript{15} The MP3 recordings of the interviews are available on request.
\textsuperscript{16} Justice Dikgang Moseneke, Interview, November 2009.
Nicholas Haysom identifies the reasons for the decision by the South African government to begin the formal process of negotiations as both objective and subjective. Up until 1990, the South African government had refused to negotiate, based upon its claim that the ANC was a communist organization and had intentions of installing a communist state in South Africa. The underlying reasoning was the fear that negotiations would bring an end to white power and privilege in South Africa. Haysom explains that in order for the white ruling elite to consider negotiations, there needed to be objective factors that shook their confidence with regard to their capacity to govern forever in the same way.

Haysom argues that the presence of objective factors alone is not sufficient to bring about negotiations; subjective factors are also required. He suggests that there needs to be a measure of confidence in the negotiating process and a section of the leadership of both parties that is willing to take the risks associated with negotiating with an enemy. A particular combination of objective and subjective factors in South Africa created the conditions necessary for negotiations to begin.

2.1.1 Objective Factors

International influence

The end of the Cold War had significant repercussions for South Africa. During the Cold War, South Africa was valuable to the West as a barrier against communism. The Reagan and Thatcher administrations in the United States and United Kingdom respectively followed a policy of “constructive engagement” with the apartheid Government, and vetoed the imposition of UN economic sanctions on South Africa. When the Cold War ended, South Africa was stripped of much of its Western support, and the major world powers began to agitate for the ANC and the South African government to enter into negotiations aimed at the peaceful resolution of the apartheid conflict. The pressures placed upon South Africa by the international community included economic sanctions, trade sanctions, an arms boycott, cultural isolation, sporting isolation and political isolation.

The consolidation of sanctions in the mid-1980s had a dramatic effect on the South African economy. The growth rate dropped, inflation rose, and the currency faltered. Political instability within South Africa knocked business confidence and the economy faced the threats of capital flight and the emigration of skilled whites. It was clear to the Government and to the Liberation Movement that South Africa could not adequately sustain its economy without being able to engage in the global economy. Former Minister

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18 Ibid., 4.1.
19 Ibid.
20 Ibid.
21 Ibid., 4.2.2.
of Constitutional Affairs and head of the National Party negotiating team Roelf Meyer acknowledged the impact of international influence, telling us that “international pressure was one of the factors that played an ongoing role, [although] this role diminished as the negotiations got underway.”

Internal opposition

Armed resistance to apartheid was designed to make South Africa ungovernable. “The widespread civil uprising was a very determined rejection of the system,” Justice Dikgang Moseneke, a PAC leader and member of the team that drafted the Constitution, commented. The strikes and other forms of mass action called by opposition movements had a paralyzing effect upon South Africa. Internal mass action and armed resistance succeeded in destabilizing South Africa politically, economically and psychologically.

During our interview, Cheryl Carolus, a member of the provincial and national leadership of the UDF at the time, reflected on the effect of the mass action:

The bus boycott (1979 - 1980). Then two strikes for non-racial treatment, the Fattis and Moni's strike and the red meat strike. The brutality of the government aroused and invoked such a sense of injustice in ordinary people, and that started to mobilize ordinary people. The actions of the state had provoked ordinary people, and so the cycle continued, making people more aware [that] something needed to be done.

The government remained in control through its use of military force, and the strength of its military meant that the opposition, and specifically the ANC as the largest party, was unlikely to be able to seize power forcibly. The government could not govern effectively, and the ANC could not seize power; thus, a stalemate came about that had the effect of ripening the option of a negotiated settlement. The stalemate, in the words of Dikgang Moseneke, meant that, “the parties understood that there would be no outright victor…we understood each other’s relative strengths and weaknesses.”

The sustainability of minority rule

Haysom notes that the objective factors affecting South Africa were inter-related and reinforced each other. They also posed long-term risks to the efficacy of any new order. A new government would be unlikely to succeed in its task of social reconstruction if its

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23 Justice Dikgang Moseneke, Interview, November 2009.
24 Cheryl Carolus, Interview, October 2009.
26 Justice Dikgang Moseneke, Interview, November 2009.
27 Haysom, “Negotiating the Political Settlement in South Africa: Are there lessons for other countries?” 4.2.5
economy was debilitated, its infrastructure in collapse and its citizens vengeful and divided.\textsuperscript{28} The cumulative effect of the internal opposition movement, civil society opposition, international influence and the military stalemate was that minority rule was no longer sustainable. The parties recognised that the cost of continuing with a low-intensity civil war would be disastrous for South Africa and that the only viable long-term solution was a negotiated political settlement.\textsuperscript{29} Roelf Meyer reflected:

We were on the brink of a civil war. Nobody was certain of the outcome. Although we could never go back to the situation before the release of Mandela, it was not certain what would happen, so there was pressure from all directions to find a solution.\textsuperscript{30}

\section*{2.1.2 Subjective Factors}

As mentioned earlier, Haysom explains that objective factors alone are not sufficient to prompt the parties to a political conflict to undertake negotiations. It was therefore important that the opposition and the government recognise that only a negotiated settlement could allow a new democracy to inherit a country with an infrastructure and economy that allowed for the rebuilding of the country. The confidence and leadership required to initiate negotiations was built through the following factors.

\textit{Public peace processes}

A series of public meetings took place from 1985 onwards between various groups working towards a peaceful settlement of the conflict in South Africa. These meetings have been referred to as the “public peace process.”\textsuperscript{31} One of the first public peace process meetings took place in 1985 when Piet Muller, editor of Afrikaans newspaper \textit{Beeld}, and Professor HW van der Merwe traveled to Harare to meet with exiled ANC leaders, ending a moratorium on such talks. Many other meetings followed. In 1985 a group of industrialists, including the chairman of the Anglo-American corporation Gavin Reilly, traveled to Lusaka, Zambia, to meet with the ANC. Afrikaner intellectuals and the ANC met in Senegal in 1987 and in Lusaka in 1989. A series of twelve meetings were held between the ANC and prominent Afrikaners (including leaders of the secret Afrikaner Broederbond organisation) in England. These meetings were often highly emotional and members of both sides built bonds that were to go a long way to bringing about a negotiated solution to South Africa’s conflict. As an observer commented, “[The meetings] began to melt down propagandized visions of the enemy that permeated white society during the years of the total onslaught ideology…These meetings helped inculcate an understanding among political elites on both ends of the spectrum that negotiation could in fact yield a mutually beneficial outcome.”\textsuperscript{32}

\begin{flushleft}
\textsuperscript{28} Ibid.
\textsuperscript{29} Ibid.
\textsuperscript{30} Roelf Meyer, Interview, October 2009.
\textsuperscript{31} Bouckaert, “The Negotiated Transition from Apartheid to Nonracial Democracy,” 242.
\textsuperscript{32} Ibid., 243.
\end{flushleft}
Secret talks between the ANC and the government

The government officially rejected talks with the ANC and branded those who participated as traitors and disloyal. However it is now clear that secret talks were held with the imprisoned Nelson Mandela. Roelf Meyer told us that “direct contact was started by PW Botha and carried on by De Klerk. They met with Mandela and with exiles like [Jacob] Zuma and [Thabo] Mbeki.”³³ While reassuring the ANC leadership that he was not engaged in substantive negotiations, Mandela’s secret talks with the Government broke ground and built trust. Mandela’s diary records at least forty-seven meetings with government officials to discuss future negotiations.³⁴ In 1985, Botha offered to release Mandela. Mandela refused, stating that he would not accept a conditional offer of release: “I am in prison as the representative of the people and [the people’s] organisation, the African National Congress, which was banned. What freedom am I being offered while the organisation of the people remains banned?”³⁵

In 1989, Mandela wrote a detailed memorandum to Botha on his views on possible negotiations, suggesting that the government and the ANC should initially create a proper climate for negotiations and then proceed to actual substantive negotiations.³⁶ Mandela finally met with Botha himself on July 5, 1989, a month before de Klerk acceded to the State Presidency because of Botha’s poor health. Peter Bouckaert comments that “if the public peace process led to a consensus that negotiations were possible, the secret Mandela-Government talks did much to establish the agenda for negotiations which were to follow.”³⁷

Liberation movement

The liberation movement in South Africa was split into a variety of political groupings. An assortment of opposition parties, personalities and agendas had the potential to divide the opposition movement and complicate negotiations. In South Africa, despite the many political groupings, the ANC had been able to establish themselves, internationally and domestically, as the leading political party in the movement towards democracy. The ANC used this position to promote alliances with the other groups opposed to apartheid and to obtain their backing for a political settlement. This was an important measure that succeeded in limiting factionalism and creating a coherent opposition movement.

The opposition movement was able to unite around the charismatic ANC leader Nelson Mandela. Mandela significantly furthered the transition through his willingness to discuss a negotiated solution, his ability to transcend racial and ethnic divisions in South Africa, and his willingness to assume leadership of an unpredictable and tenuous process.

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³³ Roelf Meyer, Interview, October 2009.
³⁴ Bouckaert, “The Negotiated Transition from Apartheid to Nonracial Democracy,” 244.
³⁵ Ibid., 244.
³⁶ Ibid., 244.
³⁷ Ibid., 243.
The ANC was able to demonstrate that it shared Mandela’s perspective and that, as an organisation, it was capable of leading a new South Africa.\(^\text{38}\)

**The NP government**

Haysom notes that “just as the ANC needed to have the confidence to negotiate, especially the confidence that comes from being recognised as the pre-eminent voice of black South Africans, the government equally needed to have the confidence of being the voice of the status quo, especially the security establishment and the white community generally.”\(^\text{39}\) FW de Klerk, as State President of South Africa, took decisive steps in 1990 to bring about negotiations. De Klerk’s unbanning of the liberation movement and repealing of repressive legislation was a fundamental shift in policy. The reason he elected to make the decisive shift in policy was his recognition that there was a genuine crisis in South Africa and that the apartheid regime was not sustainable. De Klerk had the support of a number of influential reformers from within the South African military who helped in determining his strategy.

A second measure that contributed to the success of the negotiations was de Klerk’s decision to call for a referendum, among whites, which would give him a broad mandate to negotiate with the ANC.\(^\text{40}\) The referendum was a gamble and could have pushed South Africa into renewed conflict. Fortunately, de Klerk’s popularity and a broader desire for peace led to a conclusive victory for de Klerk on the referendum and, consequently, a broad mandate to negotiate with the ANC. Roelf Meyer credits de Klerk for his role in the referendum:

> On the side of the white community, the referendum was the best thing that de Klerk did. He was probably the only one that could do it [winning the referendum], he was coming in as a conservative and as such secured the 70% mandate to proceed.\(^\text{41}\)

Haysom notes that this mandate allowed for a “bold risk-taking approach to the negotiations, rather than a cautious “looking-over-one’s-shoulder” approach.”\(^\text{42}\) The opposition movement privately recognised the need for de Klerk to obtain such a mandate, although they could not publicly accept that whites should have the right to veto the transition.\(^\text{43}\)

**Confidence building measures**

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\(^{38}\) Haysom, “Negotiating the Political Settlement in South Africa,” 4.3.1.

\(^{39}\) Ibid., 4.3.2.

\(^{40}\) The referendum was held in 1992 and is discussed in greater detail in the Negotiations Section.

\(^{41}\) Roelf Meyer, Interview, November 2009.

\(^{42}\) Haysom, “Negotiating the Political Settlement in South Africa,” 4.3.2.

\(^{43}\) Ibid., 4.3.2.
In order to gather support for the negotiations, both the ANC and the government needed to build the confidence of their supporters. The shift from armed resistance to negotiations required both parties to explain to their supporters that the decision to negotiate did not amount to capitulation in the armed conflict. ANC supporters needed to be pulled away from liberation slogans such as “freedom or death” and “no compromise.” Government supporters needed to relinquish indoctrinated concepts such as “total onslaught,” the “swart gevaar” (black danger) and the “rooi gevaar” (communist danger). Critically, the ANC communicated with the South African public in a manner that inspired confidence in the negotiation process. The ANC went a long way towards allaying white fears by issuing public statements and blueprints for a future society; holding discussions with civil society and business leaders; and explaining to the South African public that their policies were reasonable and non-threatening. Cheryl Carolus explained the foresight of this approach, “The ANC leadership was visionary in its concepts for a joint society. We were still discussing martial law and exile and uprisings, but OR Tambo was writing constitutional principles that would govern the new South Africa.”

The ANC made it clear that it envisaged a democratic constitution-making process once negotiations had resolved, with fundamental human rights for all.

Haysom, on negotiations, notes:

Paradoxically parties will only begin negotiating if negotiations offer the possibility that they may both achieve their own very different, even mutually destructive, ambitions…In truth, however, negotiations produce a result determined by a range of factors, not least of which are the dynamics of the negotiating process itself. What is important initially is to get the parties to the table so that direct exchanges can commence, the concerns of both sides can begin to be addressed and a jointly-owned process can be initiated.

The subjective and objective conditions outlined above established the necessary pre-conditions for the parties to get to the table in South Africa and as such formed the first significant steps in the creation of peace in South Africa.

2.2 Negotiation process

The second phase of the peace process was the commencement of actual negotiations. The negotiations themselves had a number of stages. The first involved establishing the pre-conditions for political settlement talks. These discussions took place between 1990 and 1993 and proved to be the most difficult. Haysom highlights three themes addressed by these initial discussions: “establishing the conditions for political normalisation; protecting the process from the violence taking place around it; and agreeing on the

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44 Cheryl Carolus, Interview, October 2009.
45 Haysom, “Negotiating the Political Settlement in South Africa,” 4.4.
process of constitution-making, which is the actual form and procedure for conducting substantive negotiations.”  

Each of these themes is considered in the sections that follow.

### 2.2.1 Establishing conditions for political normalisation

Before any talks could begin, preliminary agreements had to be reached. From the ANC’s perspective, although the ANC political party had been legalized, a number of its leaders had not been indemnified against prosecution for their violations of apartheid laws. Additionally, a number of ANC leaders were imprisoned in South Africa, and the majority of its supporters still lived under harsh and racist legislation. From the Government’s perspective, it would not be possible to begin negotiations while the ANC was engaged in armed conflict. Allister Sparks describes the fears on both sides: “The work was fraught with suspicion on both sides. The ANC members feared that they were being led into a trap, that once they were all in the country they would be seized and imprisoned; the government feared that the ANC would take advantage of the amnesty arrangements and the suspension of the counter-insurgency operations to infiltrate guerrillas into the country for a major revolutionary thrust.”

The first meeting was held at Groote Schuur. The ANC demanded the release of all political prisoners, the withdrawal of government troops from the townships, an end to the state of emergency, an end to all political trials prior to the commencement of negotiations, the granting of temporary amnesty for its cadres and leaders returning from exile, the repeal of politically repressive legislation and the repeal of racial legislation. In return, the NP government demanded that the ANC declare a ceasefire, that the ANC decommission, and that they support the lifting of economic sanctions.

The first substantial agreement was recorded as the Groote Schuur Minute of 2 May 1990, which provided for the release of political prisoners, gave temporary immunity for returning exiles and amended security legislation. Most importantly, the Groote Schuur Minute committed the ANC and the government to peaceful negotiations. Naledi Pandor, an ANC leader and Minister in the current government, recounted how she had felt when it was signed:

> The Groote Schuur Minute was significant, and the statement by Mandela in the gardens…He came out and said we need to work together, at a time of great impatience. Somehow he and other leaders calmed everybody down. Seeing the leaders together, signing the minutes played a massive role.”

The parties met again three months later, and in the Pretoria Minute of 7 August 1990 the ANC agreed to suspend its armed struggle. The ANC refused, however, to decommission its cadres. They agreed to decommission only once the talks were

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46 Ibid., 5.1.
48 Naledi Pandor, Interview, October 2009.
completed and the process had become irreversible. After the Pretoria Minute, the ANC and the NP jointly invited other parties to join in the negotiation process.

2.2.2 Violence

The period leading up to negotiations was tense. The ANC, other liberation movement political parties and the NP Government had agreed to move away from the politics of violence to negotiation. However, once negotiations had begun, South Africa experienced an escalation of political violence. This escalation has been blamed on the NP Government and its security forces, insurrectionists within the ANC, and the warlords and hostel dwellers of the IFP. The violence was mostly perpetrated by those attempting to bring talks to an end and to maintain the status quo. The hardline right wing third parties who were linked to the NP Government’s security forces were referred to as the "third force". They aimed to disrupt talks by provoking violence. In addition to violence perpetrated by third force operatives, a significant amount of violence occurred between supporters of the IFP and supporters of the ANC.

The violent conflict between supporters of the ANC and supporters of the IFP can be linked to homeland politics in the 1980s and earlier. The IFP drew the majority of its support from Zulu-speaking South Africans in the Kwazulu-Natal region. The IFP wanted regional autonomy in KwaZulu-Natal and the retention of power by traditional leaders, and to this end it participated in the apartheid Government’s homeland structures. The ANC’s political rejection of the IFP’s acceptance of the apartheid structures caused significant violence between the two parties’ supporters in the KwaZulu-Natal province. Between 1985 and 1995, over 10,000 people were killed in acts of violence and reprisals in KwaZulu-Natal and on the Witwatersrand.

It was later established that the NP government had colluded with the IFP by providing funding and military training and by attempting to strengthen IFP-affiliated labour unions. After evidence to this effect was published in national newspapers, many ANC members felt that negotiations would be farcical in light of the Government’s activities. In the middle of 1991, continued violence and revelations of NP Government involvement in hit-squads and attacks on townships threatened to derail the negotiation process.

As one ANC leader said, “The violence at that time was of such a nature that something had to be done.”49 During 1991, church associations, business organisations, concerned individuals and advocates for negotiation within the ANC pushed for an agreed end to violence. “The initiative was led by civil society and business leaders in their personal capacity.”50 It was this initiative that created the National Peace Accord.

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49 Naledi Pandor, Interview, October 2009.
50 Roelf Meyer, Interview, October 2009.
2.2.3 Curbing violence: the National Peace Accord

On 14 September 1991, all major political parties, government, business leaders, church leaders, traditional leaders and homeland leaders signed the National Peace Accord (NPA). The NPA committed the main protagonists in South Africa to controlling violence by their supporters. The NPA created mechanisms to minimize violence and as "one of the few consensual documents to have emerged in South Africa," it had the potential of effectively addressing the violence.

The NPA was deliberately established as a national structure involving civil society and the full spectrum of political opinion in the country. It was felt that a multilateral agreement involving all political parties, civil society, the government (and particularly the police) was more likely to result in peace than a bilateral agreement between the ANC and the NP. The NPA also included local-level structures that were established in every area affected by violence. The local peace committees (LPCs) acted as mediators, educators and peace-marshals. They allowed South Africans from all sides of the conflict to work together to resolve conflict.

The NPA was a significant document for peacebuilding in South Africa; it was a crucial step in protecting the negotiation process from violence (Haysom’s second theme). As former student activist Moss Mashishi remarked, “They managed to get the political parties involved. It [the NPA] was the very first step in real negotiations; it was our first introduction in negotiating the details of a document.” Roelf Meyer concurred, observing, “It changed the idea that confrontation was the main form of engagement.”

2.2.4 Codesa I and II

Agreements on political normalisation and the containment of violence enabled discussions about how the substantive negotiations would be conducted and about the process of constitution-making (Haysom’s third theme). The Groote Schuur Minute and the Pretoria Minute paved the way for all-party talks to negotiate the path to a new South Africa and established the principles that would guide it. Talks began with the Convention for a Democratic South Africa (CODESA), which was held on December 21 and 22, 1991. CODESA established a broad declaration of intent to guide the search for a new constitution, and created five working groups. The working groups’ mandates were to: establish a climate for free and fair political competition; devise constitutional principles and mechanisms; develop proposals for an interim government; plan the reincorporation of the homelands; and set a timetable for transition to a new

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52 The successes and limitations of the NPA will be discussed in the Mapping Peacebuilding Activities section of the case study.
53 Roelf Meyer, Interview, October 2009.
54 Moss Mashishi, Interview, October 2009.
While the ANC and the NP were the two most important parties in the country, they did not represent all South Africans. CODESA’s first hurdle was to resolve the conflict around political party participation. In order to include all relevant agents in the process, CODESA incorporated all political parties that demanded participation, as well as all of the homeland governments.

CODESA was then tasked with balancing the inclusion of the smaller parties with the relative strength of the ANC and the NP. To this end CODESA invented a decision rule called “sufficient consensus” which required that, if no agreement had been reached after prolonged debate, a judge would determine whether there was enough agreement to reach a decision. This manufactured concept effectively gave the ANC and the NP veto power over any decision.

CODESA began positively. Agreement seemed possible. The main topics of discussion were the transition process and the constitution. The NP claimed that any interim government should be bound by a transitional constitution. It insisted that, because a constitutional assembly would take time to write a new document, the interim government would have to be bound by law or else rule by decree. This posed a dilemma for the ANC. The ANC understood the need for law to be in place during interim rule but did not want that law to be the Constitution then in place. On the other hand, the ANC feared that if a constitution-writing process dragged on indefinitely or reached deadlock the “interim might become permanent.” If the ANC accepted the need for an interim document, it would have to accept the delay of negotiating it. Additionally, the question of threshold of votes needed to pass the permanent Constitution would take on added meaning; the higher the percentage of votes needed to create the document, the greater the likelihood of deadlock, and the greater the possibility that interim document would become permanent.

The deadline for presenting the reports of the working groups was May 15, 1992 at the second Convention for a Democratic South African (CODESA II). The third working group, tasked with determining the substantial details of interim arrangements, reached agreements that acknowledged “the need for a multiparty transitional executive council to function in conjunction with existing legislative and executive structures.” Implementation of the third working group’s agreements depended upon resolution in the second working group, which addressed the key issues of CODESA: where the parties were headed and how they would get there. In the second working group, the ANC accepted that an interim constitution would be negotiated at CODESA and agreed that simple majority rule would be inadequate for the passing of the final Constitution. The percentage of votes required to pass the final Constitution, however, proved to be an

57. Ibid., 151.
58. Ibid.
59. Ibid.
insurmountable stumbling block. The NP had proposed a 75% threshold for legislation concerning regional and local powers and the bill of rights. This threshold would effectively have given the NP a veto. The ANC offered 70%, but the NP insisted upon 75%. The parties could not agree to a percentage. CODESA II deadlocked.

The failure of CODESA had a number of consequences. In the short term, the NP hard line destroyed trust between the parties, alienated the ANC and weakened the position of those in the ANC who favoured concessions. Analysts have commented that the NP was the major obstacle to the conclusion of an agreement at CODESA. Ohlson suggests that the NP’s success in the March 1992 referendum had left them having to decide whether to agree to mutual benefits with the ANC or to push for the lion’s share of the benefits. The NP opted to risk attaining no agreement in pursuit of the lion’s share and adopted a very hard line. The ANC refused to continue with a process designed to perpetuate NP rule.

Although CODESA did not succeed in creating a lasting agreement for transition, it laid the groundwork for the eventual settlement that led to elections in 1994. The basis for the eventual settlement derived from the negotiations at CODESA and the work done in the third working group provided the blueprint for the eventual transitional arrangements. CODESA had also demonstrated that the ANC was very committed to the peace process and consequently were willing to compromise and to make concessions, within limits.

A speech made by Mandela at CODESA was identified as a special event by virtually all of those interviewed. During televised discussions, De Klerk had criticized the ANC and called for a weapons handover and the lifting of economic sanctions. Mandela’s response was unequivocal, emphasizing to De Klerk that he was not the representative of a legitimate government because he did not represent the majority of the people. It simultaneously reinforced his position as the leader of the ANC and as the future president of South Africa.

Former ANC executive Tiego Moseneke recalled the effect the speech had on him:

We, the more militant, were concerned that Madiba had hit a personal chord with de Klerk which was influencing his decision and that he was not standing up enough. But when Madiba spoke he let de Klerk have it. He let rip in the most phenomenal manner. It was a decisive point that changed the nature of the negotiations and the power relations, by the time Madiba stopped speaking it was clear who was president. It pacified the more militant cadres.

Others had similar emphatic memories of the moment:

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60 Ohlson et al, *The New Is Not Yet Born*, 152 and 154 (quoting, amongst others, the view of Colin Eglin).
61 Ibid., 154.
62 Tiego Moseneke, Interview, November 2009.
“Mandela gave de Klerk such a tongue lashing, and made the Nats (NP) think again about how high the stakes were.”

“I watched with my family in Umtata, de Klerk spoke and he was a bit cheeky, then Mandela stood up and gave such a brilliant response…child, man, women were silent watching him speak. You should have seen us afterwards, we went crazy [celebrating].”

“After Mandela spoke and told de Klerk where to get off…that night I was in Soweto and the cars were hooting, people were elated because someone had the guts to tell this guy where to get off…it balanced the power in the negotiation.”

2.2.5 Lead-up to multi-party negotiations

“I can no longer explain to our people why we continue to talk to a government that is killing our people.”

This statement was made by Nelson Mandela after the Boipatong massacre of June 1992, in which IFP affiliated hostel dwellers had murdered forty-nine ANC members including twenty-four women and children. Mandela charged the NP government with complicity in the massacre and the ANC formally broke off negotiations, issuing a set of demands that had to be met before negotiations could resume.

In August, 1992, the ANC began a program of mass mobilization. A successful general strike organised by the ANC demonstrated mass popular support and reaffirmed that the ANC represented the majority of black interests. In September 1992, ANC hardliners organised a protest march to the city centre in Bisho, the capital of the independent homeland of Ciskei, in an attempt to topple the government of Ciskei. However, the Ciskei military, supported by the South African military, opened fire on the ANC marchers and killed at least twenty-eight unarmed people. South Africa had again reached deadlock. While on the one hand, ANC mass action had demonstrated their strength, on the other hand the Ciskei incident had demonstrated that the ANC would be unlikely to topple the government from the streets. Cheryl Carolus agreed: “There were two separations of the power. The Nats [NP] controlled the army and government structures, the ANC had the support of the masses and could bring the economy to a standstill.”

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63 Cheryl Carolus, Interview, October 2009.
64 Naledi Pandor, Interview, October 2009.
65 Moss Mashishi, Interview, October 2009.
66 The Goldstone Commission was appointed to investigate the allegation and the Commission confirmed that police had allowed the massacre to take place.
67 Cheryl Carolus, Interview, October 2009.
In a bid to end the cycle of violence the ANC and the NP resumed talks. On 26 September 1992 the two parties reached a Record of Understanding committing them to the principle of majority rule. It was at this time that Joe Slovo, a member of the ANC executive council and former head of the South African Communist Party, argued for the ANC to make concessions in order to enable the negotiations to succeed. Slovo argued for a number of “permissible compromises” that would not “permanently block a future advance to nonracial democratic rule in its fullest connotation.” After much internal debate the ANC decided to adopt Slovo’s proposals including the permissible compromises of “a ‘sunset clause’ requiring power sharing for a specified period of time, an informal agreement on regional powers and federalism, an amnesty for past political crimes, and an agreement on job security and retirement compensation for a mostly white civil service.”

Private meetings between the NP and the ANC toward the end of 1992 and in the early months of 1993 produced an agreement on the process and transition to democracy based on Slovo’s suggestions. The agreement was not accepted by the smaller political parties. In response to this, the ANC and the NP invited all interested parties back to the negotiating table for the Multiparty Negotiating Forum. The Multiparty Negotiating Forum met at the World Trade Centre at Kempton Park with sufficient consensus still the decision rule.

### 2.2.6 Multiparty Negotiating Forum

No sooner had negotiations begun than shock waves again rocked the country. The assassination of the general secretary of the SACP, Chris Hani, in early April 1993 sparked nationwide unrest and the real possibility of open conflict in South Africa. In a sign of the imminent shift in power, Mandela appeared on national television and succeeded in his appeal for calm. Cheryl Carolus observed that “Chris Hani’s death was a rallying point that reminded people how much was at stake. Mandela became a de facto president when he addressed the nation appealing for calm.”

Negotiations recommenced, and the ANC proposed that an election date be set to serve as a deadline for the agreement to be reached. Smaller parties objected to the proposal, and in June 1993 the AWB (Afrikaner Weerstandsbeweging), a militant Afrikaner right wing grouping, stormed the World Trade Centre, driving through its glass front. But negotiations were not put off track. With violence erupting throughout South Africa, the ANC and the NP insisted that a date be set for South Africa’s first democratic election. Despite the objections of smaller parties, the presiding judge ruled that sufficient consensus had been reached and the election was set for 27 April 1994. Delegations from the IFP, the KwaZulu-Natal homeland and the Conservative Party walked out of the talks but reserved the right to return when talks resumed two weeks later.

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70 Cheryl Carolus, Interview, October 2009.
On 26 July 1993, a committee of constitutional experts chosen by the forum offered the first draft of an interim constitution. The draft put forward twenty-seven principles to bind the elected constitutional assembly. Among these principles were fundamental human rights, multiparty democracy, proportional representation, an independent judiciary and a two house parliament, one representing provincial interests and the other national interests. The NP had placed its faith in strong regional government as a means of keeping national government in check and of maintaining some of its power. The initial draft incorporated regional governments and regional powers. This represented an important concession from the ANC, which had previously been opposed to any form of federalism. Additionally, regions would be allowed to create their own constitutions provided that these constitutions accorded with the national constitution.

The draft constitution was rejected by the IFP and by right wing white parties. Right wingers demanded a “white homeland,” and the IFP demanded regional constitutional autonomy. The IFP was anticipating an electoral victory in the KwaZulu-Natal province and wanted to be able to write a regional constitution that would perpetuate its rule. A further possible result of regional constitutional autonomy was a white party winning a region and writing a constitution that perpetuated apartheid. The ANC and NP continued to make concessions to try to bring all parties into the process but insisted that a single national constitution be used to create rights and obligations for all South Africans.

Constitutional negotiators continued to revise the draft by strengthening regional powers. A draft was accepted as the Interim Constitution in November of 1993, and an all-party Transitional Executive Council was established to guide the country to the April election. The significance of this was immense. It meant that “the transition from apartheid to democracy was achieved with constitutional continuity”. The constitution would both maintain and redefine the rule of law. A dual ballot was agreed to, with one ballot for regional government and the other for national government. Both of the major parties had shifted significantly in their demands to achieve this result.

By April 1994, the ANC and the NP had succeeded in drawing all parties into the negotiations except for the militant AWB and the IFP. In March 1994, the AWB had marched into Bophuthatswana to support the homeland government and had been crushed. This had effectively dispelled the military threat of the white right wing AWB. Moss Mashishi reflected:

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73 Following a civil servant strike in the homeland of Bophuthatswana, Bophuthatswana president Lucas Mangope asked the white right wing to provide military assistance in ending the strike. The arrival of the AWB and the ensuing racial murders of Bophuthatswanaan civilians caused the Bophuthatswana Defence Force to mutiny against Mangope. Three AWB members were executed by the Bophuthatswana Defence Force and the images were broadcast on South African news. In so doing, the myth of white right wing military superiority was graphically dispelled. Sparks, Tomorrow is Another Day, 153 – 176, provides a more detailed discussion of the “Battle of Bophuthatswana.”
One of the key turning points was the confrontation with the right wing in Mafikeng - Bophuthatswana. You had gravitation towards Eugene Terreblance and Constant Viljoen who represented different strands of the right wing. Viljoen – a very calculating, correct, disciplined leader. Terreblance was emotional, fiery, radical and charismatic. If they had gelled, we (the ANC) would have had a very different engagement. The killing of the white soldier split the Afrikaner...It took out the perceived military superiority. It brought a sobering… and snuffed out the potential of the right (wing) to be a threat.74

The ANC and the NP turned their attention to the violence-torn IFP stronghold of KwaZulu-Natal. The leader of the IFP, Mangosuthu Buthelezi, had adopted a hardline stance and refused to contest the elections. Buthelezi’s approach backfired, and his support in KwaZulu-Natal declined. By the end of March 1994, most analysts believed that the IFP would not win an election in its stronghold of KwaZulu-Natal.75

One last negotiating effort between Mandela, de Klerk, Buthelezi and the Zulu king, Goodwill Zwelethini, held less than three weeks before the national elections, ended in failure. Buthelezi agreed to a proposed mediation by Henry Kissinger and Lord Peter Carrington but pulled out after learning that the election date would not be included as a subject for the mediation. A Kenyan mediator Washington Okumu continued to meet privately with Buthelezi and argued that if Buthelezi did not contest the elections, he would lose all power in KwaZulu-Natal. Simultaneously, IFP moderates undertook to quit the party if the IFP did not end their boycott. Finally, a week before elections were due, Buthelezi capitulated after securing from the Government a guaranteed, constitutionally-entrenched role for the Zulu monarch.76

An IFP sticker was appended to election ballot sheets and on 26-29 April 1994, South Africa held its first democratic elections. The elections brought to an end South Africa’s decades-long conflict over political participation. The election was largely free and fair, with the major exception of the KwaZulu-Natal region. Reports of ballot fraud and intimidation warned of a potential eruption of violence in the region.77 In the interests of national peace and stability, the leadership of the ANC, the IFP and the NP agreed to a manufactured result in the region.78 The parties agreed that the IFP would win a bare majority and form the provincial government in KwaZulu-Natal.

On May 6, the Independent Electoral Commission (IEC) announced a “designer result.”79 The ANC had won the national election with 62.6 percent of the vote, which was enough

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74 Moss Mashishi, Interview, October 2009.
76 And a lucrative secret land deal, according to Bouckaert. Bouckaeert, “The Negotiated Transition from Apartheid to Nonracial Democracy,” 250.
77 The provincial staff of the Independent Electoral Commission (IEC) refused to certify the elections in the KwaZulu-Natal region as free and fair. They were overruled by IEC chairman Richard Kriegler.
78 For more detail, see Ohlson et al, *The New Is Not Yet Born*, 163 (listing numerous news articles covering the negotiated “IFP victory” in KwaZulu-Natal).
79 Ibid., 163.
to form the new government but short of the two-thirds majority required to enable them to write the Constitution themselves. The NP won 20.4 percent and the IFP 10.5 percent. It has been speculated that the ANC, concerned that a two-thirds majority would impact negatively on national stability, accepted less than their real percentage of votes.  

This assertion would seem to be supported by the chairman of the IEC, Richard Kriegler, who, when asked about the integrity of the results responded, “Come now, come now, let’s not get purist. If the objector and the objectee come to terms, that is universally accepted as legitimate in the political game…let’s not get overly squeamish.” We asked the Deputy Chairman of the IEC, Dikgang Moseneke, for his view. He responded that

This was not an election to go penny pinching. Concessions had to be made if ballot boxes were sealed incorrectly, some ballots were collected in black refuse bags as we ran out of official boxes. The rules had been breached, but the important deed of voting had been done.

Regardless of the accuracy of the result, the ANC and the NP sacrificed much for the new democracy. The ANC compromised on principles that would guide the writing of the new constitution and conceded power to regional and local government. The ANC also agreed to a longer interim arrangement than they wanted by accepting a five-year government of national unity. The NP conceded their ideas of an executive by committee and a white veto on policy.

The elections held in April 1994 ended apartheid and created a non-racial democratic state in South Africa. South Africa had succeeded in bringing its political, economic, moral, and social conflict to an end through a negotiated settlement, rather than the bloody conflagration many had feared.

3 Civil Society

During the pre-negotiation and the negotiation processes, South African civil society was engaged in actions designed to end apartheid and to create a climate for peace. We argue in the fourth part of this study that the South African conflict was ultimately resolved through track one processes and that this was because the South African conflict was about a legitimate government. Accordingly, it is difficult to quantify the value of civil society actions in the attainment of “peace writ large.” We have attempted to do so by examining the role that civil society played in creating a climate for establishing peace. We are of the view that the role played by civil society was vital and contributed to limiting violence and facilitating the negotiated settlement.

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80 Ibid., 164.
82 Justice Dikgang Mosepeneke, Interview, November 2009.
83 Ohlson et al., The New Is Not Yet Born, 164.
84 Ibid.
Through the interviews we were able to isolate four key areas of civil society involvement: communication, organisation, trust/consistency, and the ability to facilitate grassroots participation in peacebuilding. These areas are all linked to each other and added up to create the climate for the establishment of peace.

We asked Laurie Nathan, national organizer of the End Conscription Campaign and founder of the Centre for Conflict Resolution, whether he thought that civil society represented the will of the people. Nathan’s response was that

> Everyone, the whole society, was involved in the struggle. SANCO, Trade unions, Youth Movements, the Women’s Movement, this was not a struggle driven by a political party to the exclusion of any other aspect of society. There is no doubt that we (civil society) represented the people.85

### 3.1 Communication and Organisation

Civil society was able to reflect and shape the views of the people because of effective communication. Communication between track two and track three was done in different ways. For wide-ranging impact, the media was used to increase pressure upon the government to change to democratic rule. Many journalists and editors also instigated and facilitated media protest. Journalist Gerald Shaw remarked to us that “the papers had advocated negotiations since the 1980’s. Not all, but the Rand Daily Mail, the Cape Times, the Natal Witness and the Star helped to create a climate for negotiation.”86 Civil society organisations also used court processes to expose abuse and to defend charges made against individuals and organisations. Trade unions used space within the legal system to organize lawful strikes, stay-aways and demonstrations.

At a track three level, civil society tapped into small, lawful community organizations. These organisations had been established by communities to deal with “bread and butter issues, around water, electricity, school fees. These [organizations] tended to escalate very quickly into more ideological discussions of the larger ideals.”87

Civil society assisted these smaller community organisations to establish operational structures. The work done by the Black Sash is an example of particularly effective civil society engagement at both tracks three and one. Established in 1955, the Black Sash was made up predominantly of white women. Their modus operandi was to use peaceful protests, petitions and silent vigils to oppose apartheid. These protest methods created publicity for the Black Sash locally and globally. The Black Sash extended its operations to grassroots and had success in identifying the needs of the smaller community-based organisations and providing for these needs.

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85 Laurie Nathan, Interview, November 2009. SANCO was the South African National Civic Organisation, established in 1992 by hundreds of ANC-sympathetic civics.
86 Gerald Shaw, Interview, November 2009.
87 Justice Dikgang Moseneke, Interview, November 2009.
By providing training and development assistance and helping to establish operational structures for the local organizations the Black Sash became part of the local organizations and therefore part of the ideological discussions.

### 3.2 Trust and level of participation

The involvement with the community organizations allowed members of the Black Sash to become trusted and familiar faces in the communities. Mary Burton, former chairperson of the Black Sash and Commissioner at the Truth and Reconciliation Commission, told us of the value of the trust: “[The Black Sash] was building a peace infrastructure and there was already a nucleus of trusted people.” By the 1980s the Black Sash had established its reputation as an organisation that could be trusted.

They trained and deployed peace monitors for the National Peace Accord processes and election monitors for the national elections. Mary Burton elaborated:

Monitors became skilled at interventions, and were known by the police and the community. There was a high level of trust by participants. Skills were transferred from peace monitoring to election monitoring, using largely the same monitors. This again added to the credibility of monitors. It was peace-architecture; we were building a peace infrastructure.

Because a high level of trust existed, the Black Sash was able to communicate the track one processes to the communities. The communication allowed for a broad dissemination of knowledge and consequently a broad ownership of the process. This presence and trust, Mary Burton noted, was used to argue for acceptance of the Truth and Reconciliation Commission:

Meetings were called to discuss the concept of a truth commission. The press was used, but not in a concerted campaign. We [Black Sash] held community meetings, to explain what the truth commission was and what it would do. People were angry about amnesty for apartheid offenders. We needed to make sure there was enough consultation in the beginning so people knew what to expect.

The Black Sash is but one example of the kinds of activities undertaken by civil society. There were many similar smaller-scale activities undertaken by NGOs, civics organisations, individuals, businesses and religious organisations that contributed to the climate of resistance. Of particular importance was the role that civil society engagement played in facilitating participation by members of communities. This was important, as it created an environment for discussion and sharing of information, which in turn allowed

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88 Mary Burton, Interview, October 2009.
89 Ibid.
90 Ibid. On the issue of amnesty Mary Burton told us that “in small towns I would say [to those gathered] that amnesty was the price we paid for the peaceful outcome of the negotiations.”
for a broad ownership and understanding of the processes established by the track one actors.

In our interview Mary Burton used the term “peace infrastructure.” We would like to borrow the term to characterize the role that civil society played in the South African transition. Civil society in South Africa created the “peace infrastructure” of communication, organisation, trust and support in which South Africans could take control of their own affairs, share information, effectively protest apartheid, and remain informed of the track one processes. It is difficult to quantify the value of establishing a peace infrastructure and a climate for establishing peace. However, there can be no doubt that the negotiated settlement would not have been reached as peacefully or as expediently without the peace infrastructure established by civil society.

4 Mapping and Analysing Peacebuilding Activities

In the first part of this paper, we provided a brief overview of the apartheid period, in order to give a sense of the major actors and dynamics of the conflict. The second provided a narrative of the lead-up to the negotiations and the negotiations themselves, indicating the turning points as well as the major actors and dynamics. The third examined the vital role that civil society played in creating the climate for peacebuilding. We now provide a mapping of what we consider to be the major peacebuilding activities, those that “added up” in a significant way to “peace writ large.” In each case we ask: What were the activities? Who were the actors? How significant were the activities?

We have chosen to focus on the National Peace Accord, the Constitution, the Truth and Reconciliation Commission (TRC) and the Government of National Unity (GNU) as the major peacebuilding activities undertaken in the South African peace process. In our view, these activities have had the largest impact upon the building of peace in South Africa, both before and after the elections of 1994. The civil society activities discussed in part three were crucial in building a climate to resist apartheid, resolve conflict and establish peace, and all “added up”

We argue, however, that a distinctive feature of the South African conflict, and therefore its resolution, is that it was a conflict over legitimate government. From the earliest days of its establishment, the ANC’s focus was to achieve democratic participation in a constitutional order. In contrast, a characteristic feature of the apartheid state was its determination not to allow a common polity in which all of South Africa’s people would be equal participants. The South African struggle, fought over many decades, stretched from non-violent actions to the use of force by state and opposition groupings. Inasmuch as apartheid touched every aspect of people’s lives, private and public, so, too, the opposition to apartheid ranged from personal acts of defiance to public demonstrations of all sorts. At its core, however, the conflict and its resolution pivoted on how the country would be ruled and by whom. At stake in the struggle was the constitution of democratic governance of a united South Africa, the rule of law, and equal human rights.
Consequently, our selection of the organisations and activities that significantly “added up” to peace were those that secured the conditions for public participation in civic life and curtailed violence (the NPA), enabled the new constitutional order to be put in place while maintaining the rule of law (the TRC and the Constitution), and established a power-sharing government of erstwhile enemies (the GNU).

4.1 National Peace Accord (NPA)

4.1.1 What were the major activities of the NPA, and who were its actors?

By the beginning of 1991 political violence in South Africa had become the most serious obstacle to negotiations. Although political leaders recognised the damage being caused by violence, none was able to facilitate a peace agreement because of suspicions about political agendas. It was left to leaders from civil society, through a joint initiative between religious groups and organised business, to facilitate the National Peace Accord (NPA). The NPA was signed on 14 September 1991 by all political parties in South Africa except three white right-wing groups, the PAC and the Azanian Peoples Organisation (AZAPO). The PAC and AZAPO declared their support for the spirit and objectives of the NPA but declined to sign because they had adopted a non-collaborationist stance which prevented them from being part of a structure in which the South African Government was represented.

The major activities of the National Peace Accord were to work to reign in violence through building multi-layered structures, thus enabling other activities, including negotiations, to take place. The Peace Accord was structured as follows (Table 1):

Table 1: The structure of the National Peace Accord

<table>
<thead>
<tr>
<th>National Level</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Peace Committee (NPC)</td>
<td>Oversaw the Peace Accord at National administrative level, facilitated its work, and resolved its disputes. Composed by representatives of the signatories. Made decision by consensus.</td>
</tr>
<tr>
<td>National Peace Secretariat (NPS)</td>
<td>Carried out the instructions of the NPC. Established and administered a network of regional peace committees (RPCs), one in each of the regions of the country. Made decisions by consensus.</td>
</tr>
<tr>
<td>Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation (known as the Goldstone Commission)</td>
<td>Investigated the nature and causes of violence, identifying those responsible and recommending action to the state president. Judge Richard Goldstone headed the Commission.</td>
</tr>
</tbody>
</table>

**Police Board**

Established to promote more effective policing and police-community relations. It advised the minister of law and order on policy issues and was made up of police officers and civilians.

**Regional Level**

**Regional peace committees (RPCs)**

Worked to prevent and control violence in each region and established and supervised local peace committees. RPC members also mediated conflict.

**Socio-Economic Reconstruction and Development (SERD)**

Established to create development projects that addressed needs that were a source of violent conflict (such as poverty).

**Police reporting officers (PROs)**

Investigated allegations of police misconduct.

**Local Level**

**Local peace committees (LPCs)**

Addressed local violence and community issues. LPC members also mediated conflicts. Each LPC was accountable to its regional peace committee.

**Specialised criminal courts**

Proposed by the Peace Accord to expedite the dispensation of justice in unrest-related cases but never established.

The NPA was signed by all major political parties, Government, trade union leaders, business leaders, church leaders, traditional leaders and homeland leaders. The National Peace Committee (NPC) was made up of representatives of these signatories. Decisions in the NPC were made by consensus. The National Peace Secretariat (NPS) was responsible for establishing, coordinating and financing Regional Peace Committees (RPCs) and Local Peace Committees (LPCs). Eight of its nine members were nominated by the NPC, and the ninth member was a representative of the Department of Justice. The RPCs and the LPCs were made up of regional representatives from political organisations, the church, trade unions, commerce, the police, the defence force, and representatives of local and tribal authorities. Approximately 10,000 volunteers, consisting of members of the various peace committees, monitors and other helpers, were attached to the LPCs. These volunteers received training in facilitation, mediation and conflict management.

The Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation (the Goldstone Commission) was established to inquire into incidents of political violence, to determine the nature of the violence and its causes, and to establish who was responsible. The Goldstone Commission comprised Judge Richard Goldstone, a senior advocate, and three other legally qualified persons. The Police Board was made up of members of the public and members of the police in equal numbers. The members of the public were nominated by the NPC to guarantee political representation. The Socio-Economic Reconstruction and Development (SERD) envisaged by the NPA was aimed at communities detrimentally affected by political violence. Communities became involved in development tasks through SERD subcommittees that linked to the RPCs and the LPCs in the area.
4.1.2 How significant were the activities of the NPA in terms of peacebuilding?

Peter Gastrow identifies the three main objectives of the NPA as “(1) to eliminate political violence by means of the network of Regional Peace Committees and Local Peace Committees that would serve as peacemaking and peacebuilding mechanisms at the grassroots level; (2) to promote democratization by creating a climate of greater tolerance that would be more conducive to negotiations and the establishment of a multiparty democracy; (3) to facilitate reconstruction and development, specifically in those communities directly affected by the violence.” Each of these will be considered in turn.

Reflecting on the successes of the NPA structures, Laurie Nathan noted:

The networks of RPCs and LPCs sought to eliminate political violence at regional and local levels through conflict resolution and mediation. The RPCs and LPCs were most successful in the Western Cape province. The Western Cape had a relatively low level of violence, and this relative calm allowed RPC members to build solid working relationships in the communities. The LPCs were able to respond effectively to crises which in turn promoted confidence in the committees.

The NPA had the least success in areas like KwaZulu-Natal, where there was a high incidence of violence. The high levels of violence prevented the LPCs from creating relationships between the conflicting parties. Unable to build trust between the parties, the LPCs could not reduce violence. Violence begat violence. Indeed, countrywide statistics show that violence increased after the inception of the NPA.

The NPA was unable to break cycles of violence in many parts of South Africa for two major reasons. First, there was an absence of authority and governance in South Africa’s townships. The lack of recognised institutional means of conflict resolution in these areas meant that minor disputes would generally escalate into violent confrontations. The second reason is the transitional nature of the political process in South Africa. Nathan explains the phenomenon by quoting the Italian theorist Antonio Gramsci: “The old order is dying and the new has yet to be born. In this interregnum there is a great morbidity of symptoms.” The political transition followed an “old order” which was non-democratic and the “new order” did not yet have existing legitimate forums and procedures for conflict resolution to draw upon. This meant that the success of the NPA processes was dependent upon the RPCs being able to persuade participants to respect and engage with

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93 Laurie Nathan, Interview, October 2009.
95 Ibid., 5.
its mediation and resolution processes. The NPA did not have mechanisms to enforce its decisions. In conflict-ridden areas the absence of authority, legitimate forums, procedures and mechanisms meant that the RPCs had limited success.

Nathan argued at the time that the ability of the NPA to resolve violence should not be overestimated given the circumstantial constraints.\(^\text{96}\) In Gastrow’s view, the NPA had, “helped contain political violence to levels that would otherwise have been worse.”\(^\text{97}\) It also showed the commitment of many people at different levels of society to resolving conflict and achieving peace.

The second objective of the NPA was to promote democratization. The signing of the NPA was an important moment in the transition to democracy. Roelf Meyer remembers, “They managed to get the political parties involved, it was the very first step in real negotiations. This was our first introduction in negotiating the details of a document.”\(^\text{98}\) All of the leaders endorsed the contents of the NPA and committed themselves to peace. The International Evaluation Alert mission noted, “[The Accord’s] significant success lies in developing a ‘peace culture,’ in securing an ideological commitment from the principal political actors to ‘political tolerance,’ and in being able to establish procedures and mechanisms for crisis management.”\(^\text{99}\) The RPCs and the LPCs were staffed with members representing political parties, interest groups, NGOs, business, security forces, religious groups and volunteers. These members were asked to work together to generate cooperation and tolerance between conflicting parties and to create the conditions for peaceful public gatherings.\(^\text{100}\) Gastrow observes that this interaction contributed towards democratization by bringing together “political opponents and representatives from a wide range of groups to jointly promote peace, political tolerance, mutual understanding, and the building of trust.”\(^\text{101}\) As Cheryl Carolus observed, “The NPA got South Africans to imagine a peaceful future, this future needed everyone to stop the violence… we were trying to find a way to break the spiral of violence, to stop it becoming endemic in society.”\(^\text{102}\)

The third objective of the NPA was to facilitate reconstruction and development. At the regional level, the Socio-Economic Reconstruction and Development (SERD) Committees attached to each RPC were intended to work with communities on local development projects that addressed needs that were a cause of violent conflict. Gastrow believes that the NPA “provided neutral forums through which issues relating to reconstruction and development, local government, transport, services, and police-community relations could be addressed jointly at the grassroots level.”\(^\text{103}\) Other commentators have observed that the SERD committees, although a good and logical idea, did not work properly for a number of reasons, including “a shortage of funds, lack

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\(^{96}\) Ibid.
\(^{97}\) Gastrow, *Bargaining for Peace*, 94.
\(^{98}\) Roelf Meyer, Interview, October 2009.
\(^{99}\) Gastrow *Bargaining for Peace*, 93 (quoting International Alert).
\(^{101}\) Gastrow, *Bargaining for Peace*, 94.
\(^{102}\) Cheryl Carolus, Interview, October 2009.
\(^{103}\) Gastrow, *Bargaining for Peace*, 94.
of community involvement in its implementation…and an obstructionist government wanting to control the development process.”

Viewed overall, how significant were the activities of the NPA? We suggest that they were highly significant in the resolution of South Africa’s conflict. Perhaps the most significant was the actual signing of the Accord which was an important step in the negotiation of a lasting political peace. Conflict resolution was no longer the sole responsibility of state institutions, and the NPA succeeded in placing this responsibility onto the parties themselves. The work done by the RPCs and the LPCs at grassroots level contributed towards building a culture of peace in South Africa. Although successes were limited in areas where violence was endemic, the contribution must be seen in the context of a violent and tense transition. Gastrow comments, “In the deeply divided society of South Africa, which many predicted would head toward a destructive racial war, the NPA represent[ed] a brave and historic attempt to build new sources of legitimacy and to begin to restructure society by getting political parties and organisations to agree on basic principles of democracy, codes of conduct for political parties and security forces, and procedures and mechanisms for resolving conflicts peacefully.”

In Laurie Nathan’s words, the NPA was “a profound statement of faith in civil society and participatory democracy.” The kind of thinking brought about by the NPA was a vision for the type of society that would be formed in the future that “we could not win with violence as then we would inherit this violent society. The NPA was quite a profound vision for the future, one without the systemic violence of Apartheid and Colonialism.”

The NPA was a brave experiment in conflict resolution. Similar special forums had been created elsewhere in the world, but nowhere had this been done on a countrywide basis, from national to local level, and with the formal endorsement of the Government and major political parties.

4.2 The Truth and Reconciliation Commission (TRC)

4.2.1 What were the major activities of the TRC, and who were the actors?

The TRC was part of the compromise settlement forged to bring an end to conflict. At the last minute, in 1993, the security police raised the issue of amnesty, saying that they would not be able to guarantee the continued stability of the transition if their members were to face prosecution for past political crimes. Roelf Meyer remembers the amnesty negotiations:

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104 Marks, Watching the Wind, 19.
105 Gastrow, Bargaining for Peace, 95.
107 Cheryl Carolus, Interview, October 2009.
The reality is there were opportunities to handle amnesty at the beginning that were not taken and the end result was in December 1993 the subject was suddenly raised again. As a default the matter was passed to Cyril [Ramaphosa] and myself… There was some threat from the security forces; they felt unprotected… as a result the post script of the interim constitution was appended.  

The postamble read, “In order to advance such reconciliation and reconstruction [of society], amnesty shall be granted in respect of acts, omissions and offences with political objectives and committed in the course of the conflicts of the past.”

The Promotional of National Unity and Reconciliation Act was promulgated in 1995 and established the Truth and Reconciliation Commission (TRC). The TRC was charged with investigating and documenting gross human rights violations committed within or outside South Africa during the period from 1960 (the time of the Sharpeville Massacre) to 1994. Its mandate was thus limited in both scope and time period. The TRC was founded in the belief that the uncovering of human rights violations was necessary for the promotion of reconciliation and national unity. The TRC report explains that, “…the telling of the truth about past gross human rights violations, as viewed from different perspectives, facilitates the process of understanding our divided pasts, whilst the public acknowledgement of ‘untold suffering and injustice’ …helps to restore the dignity of victims and afford perpetrators the opportunity to come to terms with their own past.”

Mary Burton remembers, “Amnesty was agreed on by the negotiators, it was an uncomfortable, but right path for South Africa. It was a way of acknowledging the agreement or concession that was made to the NP.”

The TRC was given four major tasks in order to promote national unity and reconciliation. The tasks were:

a) to analyze and describe the “causes, nature and extent of gross violations of human rights” that occurred between 1 March 1960 and 10 May 1994, including the identification of the individuals and organisations responsible for such violations;

b) to make recommendations to the President on measures to prevent future violations of human rights;

c) to help restore the human and civil dignity of victims of gross human rights violations through testimony and recommendations to the President concerning reparations for victims; and

109 Roelf Meyer, Interview, October 2009.
112 Mary Burton, Interview, October 2009.
d) to facilitate the granting of amnesty to persons who made full disclosure of relevant facts relating to acts associated with a political objective.\textsuperscript{113}

The TRC operated through three committees: the Human Rights Violations Committee, the Amnesty Committee and the Reparation and Rehabilitation Committee. During its lifespan, the TRC gathered submissions, conducted research, held public hearings, and submitted a five-volume report to Parliament in 1998. It handled more than 21,000 victim statements related to 38,000 incidents and 14,000 killings and its Amnesty Committee received 7,127 applications, of which 1,146 were granted.\textsuperscript{114}

The TRC investigated human rights abuses committed by both sides of the conflict and could only grant amnesty if the perpetrator had made full disclosure of the facts and if the crime had been politically motivated. Victims of human rights abuses were given the opportunity to tell their stories at public hearings and received symbolic and material reparations and compensation. The TRC was assisted in their investigations by community-based organisations, NGOs and volunteers.

As a peacebuilding activity, the TRC was charged with helping to lead South Africa “away from a deeply divided past to a future founded on the recognition of human rights and democracy.”\textsuperscript{115} Restorative, rather than retributive, justice, was the ideology employed to generate national reconciliation and promote unity and peace amongst South Africans. Restorative justice was “concerned not so much with punishment as with correcting imbalances, restoring broken relationships – with healing, harmony and reconciliation. Such justice focuses on the experience of victims….”\textsuperscript{116}

\textbf{4.2.2 How significant were the activities of the TRC in terms of peacebuilding?}

In the foreword to the report of the Truth and Reconciliation Commission, Archbishop Desmond Tutu writes:

A Dutch visitor to the Commission observed that the Truth and Reconciliation Commission must fail. Its task is simply too demanding. Yet, she argued, ‘even as it fails, it has already succeeded beyond any rational expectations’. She quoted Emily Dickinson: ‘the truth must dazzle gradually ... or all the world would be blind’. However, the Commission has not been prepared to allow the present generation of South Africans to grow gently into the harsh realities of the past and, indeed, many of us have wept as we were confronted with its ugly truths. However painful the

\begin{itemize}
\item \textsuperscript{113} TRC Report, Vol. 1, Chapter 4, para. 31.
\item \textsuperscript{114} TRC Report 1998; Pam Christie \textit{Beyond reconciliation: reflections on South Africa’s Truth and Reconciliation Commission and its implications for ethical pedagogy}, draft paper, 7
\item \textsuperscript{115} TRC Report, Vol 1, Chapter 4, para. 2.
\item \textsuperscript{116} TRC Report, Vol. 1, Chapter 1, para 36.
\end{itemize}
experience has been, we remain convinced that there can be no healing without truth.\textsuperscript{117}

The concept, according to Roelf Meyer, was to “first agree on the future before you look into the past. What we succeeded in doing was finding a settlement that would spell out a future which satisfied the majority of South Africans, only then we looked back to the mistakes.”\textsuperscript{118} The TRC was created in order to give adequate recognition to the atrocities of the past so that South Africa could move towards a new order based on the recognition of human rights and democracy. Its overarching task was to promote national unity and reconciliation, and in this to facilitate the work of the Constitution and social and economic reconstruction. The concept of reconciliation is one that is not easily defined. The TRC report explains that there were concerns about the imposition of a broad notion of reconciliation, associated with contrition, confession, forgiveness and restitution, on a divided society attempting to consolidate a fragile democracy. Nonetheless, it believed its notions of reconciliation and restorative justice could be the basis for a culture of human rights and democracy that required respect for a common human dignity and shared citizenship, as well as the peaceful handling of unavoidable conflicts.\textsuperscript{119}

The limits to the TRC’s mandate in terms of scope and time period meant that it did not address all the wrongdoings of apartheid. In Christie’s words, “The focus of the TRC was on extreme acts of human rights violation committed by individuals, rather than on the structural violence suffered by ordinary people in everyday life under apartheid. Nor did the mandate touch on the indifference, apathy and tacit acceptance of these inequalities by large numbers of the white population. Amnesty has not been without controversy, particularly when transgressors have been able to walk free without apology or material compensation to those they have harmed. Ironically, each and every one of these criticisms was anticipated and considered in the pages of the Report itself.”\textsuperscript{120} In the words of the TRC Report:

\begin{quote}
The Commission's focus was... a narrow or restricted one, representing what were perhaps some of the worst acts committed against the people of this country and region in the post-1960 period, but providing a picture that is by no means complete. For, simultaneous to the 'gross' abuses documented later in this report, millions of South Africans, and more particularly those who were not white, were subjected to racial and ethnic oppression and discrimination on a daily basis - in pursuit of a system which the Mandate chapter describes as "systemic, all-pervading and evil".\textsuperscript{121}
\end{quote}

\textsuperscript{117} TRC Report, Vol. 1, Chapter 1, para. 16.
\textsuperscript{118} Roelf Meyer, Interview, October 2009.
\textsuperscript{119} TRC Report Vol 1 Chapter 5.
\textsuperscript{120} Pam Christie Beyond reconciliation: reflections on South Africa’s Truth and Reconciliation Commission and its implications for ethical pedagogy, draft paper, 7.
\textsuperscript{121} TRC Report, Vol. 1, Chapter 2, para. 20. The Report did note that one should not underestimate the importance of apologies, by individuals, institutions and political leaders, combined with forgiveness by those who had been violated. Such gestures being important in the public life of a nation attempting to
It is possible to argue that “the narrow mandate of the TRC enabled it to complete its task, since the breadth and depth of apartheid wrongs could never be addressed and redressed in any single process.”

The TRC lists areas where it feels that its contribution towards the promotion of national unity and reconciliation should be noted:

a. The democratic, transparent, inclusive process of the Commission and the extensive public debates surrounding its work attempted to nurture and promote the central values of open debate and a democratic culture.

b. The Commission made significant progress in establishing ‘as complete and reliable a picture as possible of past violations’.

c. The Commission facilitated the official, public acknowledgement of these violations. In so doing, it sought to restore the dignity of those who had suffered.

d. By holding accountable not only individuals, but also the state and other institutions, and by making recommendations aimed at preventing future violations, the Commission sought to help restore trust in these institutions. Such trust is necessary for the functioning of a healthy democratic system.

Despite its shortcomings, we suggest that the TRC played a valuable role in building peace in South Africa. It achieved its goal of reconciliation “in that it provided sufficient acknowledgement of past harm to enable the new government to be put in place and reconstruction to begin….But this is not to say that the TRC brought forgiveness and healing, particularly to the individuals concerned or that it recorded a full account of the violence and suffering of apartheid.”

Naledi Pandor felt that “[i]t has left a lot of bitterness in the families of the victims, but you do what you can at the time.”

De Klerk’s refusal to go before the Commission aroused particular controversy, as Tiego Moseneke told us:

We were up in arms about de Klerk’s refusal…we went to see Mandela to tell him this was de Klerk giving us the finger, and in true Madiba fashion he replied saying: ‘If we make a habit of the incoming President going

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“transcend the divisions and strife of the past...leaving a legacy of hatred, fear, guilt and revenge.” TRC Report Vol 1 Chapter 5, para. 21.

122 Christie Beyond reconciliation: reflections on South Africa’s Truth and Reconciliation Commission and its implications for ethical pedagogy, draft paper, 7

123 TRC Report Vol. 1, Chapter 5, para. 22.

124 These included the inability to address South Africa’s colonial legacy, unaccounted for human rights violations and specific instances where amnesty has been granted without apologies from perpetrators or material compensation to victims.

125 Christie, Beyond reconciliation: reflections on South Africa’s Truth and Reconciliation Commission and its implications for ethical pedagogy, draft paper, 8

126 Naledi Pandor, Interview, October 2009.
after his predecessor…it will make it very difficult for me to hand over.'127

The value of the TRC in the peacebuilding process is that it enabled a formal (if partial) recognition of past wrongs, thus facilitating the transition from the old order to the new. Christie comments that

…above all, the TRC belonged to the transition. It was a ‘transitional object’ (to play loosely with a psychoanalytic term) that could be set aside once the political task of establishing the new order was achieved. And set aside it was. It was grudgingly received in parliament, with both the ANC and former president FW de Klerk bringing injunctions against its publication. Meagre reparations were paid out many years after the hearings. Yet in political terms the TRC did enable erstwhile enemies to join to form a government during the transition to a new political order. For all its flaws and shortcomings, it served the purpose of sufficiently coming to terms with the evils of apartheid in order for a new state to be formed and a new community to be imagined. It did not, and could not, erase apartheid. But it was, nonetheless, a remarkable achievement.128

4.3 The Constitution

4.3.1 What were the major activities of the Constitutional process, and who were the actors?

The Constitutional Court defined the situation itself as follows: Instead of an outright transmission of power from the old order to the new, there would be a programmed two-stage transition. An interim government, established and functioning under an interim constitution agreed to by the negotiating parties, would govern the country on a coalition basis while a final constitution was being drafted. A national legislature, elected (directly and indirectly) by universal adult suffrage, would double as the constitution-making body and would draft the new constitution within a given time.129

On 18 November 1993, at the Multi-party Negotiating Forum, agreement was reached as to the text of the interim Constitution and the binding Constitutional Principles that would provide the framework for the final Constitution. The interim Constitution was adopted by the Tricameral Parliament on 22 December 1993 and came into force on 27 April 1994.

127 Tiego Mosenoke, Interview, November 2009
128 Christie Beyond reconciliation: reflections on South Africa’s Truth and Reconciliation Commission and its implications for ethical pedagogy, draft paper, 9
129 As described by the Constitutional Court in Ex parte Chairperson of the Constitutional Assembly: in re Certification of the Constitution of the Republic of South Africa 1996 (First Certification judgment) 1996 (4) SA 744 (CC), para 13.
Johan de Waal, Iain Currie and Gerhard Erasmus have observed that the interim Constitution brought about three fundamental changes:

(1) For the first time in South Africa’s history, the franchise and associated political and civil rights were accorded to all citizens without racial qualification. The interim Constitution brought to an end the racially-qualified constitutional order that accompanied three hundred years of colonialism, segregation and apartheid.

(2) The doctrine of parliamentary sovereignty was replaced by the doctrine of constitutional supremacy. A Bill of Rights was put in place to safeguard human rights, ending centuries of state-sanctioned abuse. The courts were empowered to declare laws and conduct inconsistent with the Bill of Rights and the Constitution invalid.

(3) The strong central government of the past was replaced by a system of government with federal elements. Significant powers were devolved to the provinces and local government.\(^{130}\)

The interim Constitution was a transitional constitution. One of its primary purposes was to set out the procedures for the negotiation and drafting of the final Constitution. After South Africa’s first democratic elections the representative Constitutional Assembly was tasked with producing a final Constitution that conformed to the thirty-four Constitutional Principles that had been agreed to during the political negotiations. The Constitutional Court was required to certify that the final Constitution conformed to the Constitutional Principles. It found the first draft of the final Constitution to be inconsistent with the Constitutional Principles, but found\(^{131}\) the second draft of the final Constitution to be acceptable. The Constitution was signed into law by Nelson Mandela at Sharpeville on 4 February 1997.

The process of the creation of the final Constitution invited broad public participation. Members of Parliament were required to travel throughout South Africa to listen to what members of the public thought should be included. This consultation process was followed by a request for written submissions from the public and from civil society organisations. Over two million written submissions were received. The processes employed were important mechanisms in the generation of grassroots support for the Constitution. The final Constitution enjoyed overwhelming support and was approved by 98% of the representative Constitutional Assembly.

The Constitution, as a peacebuilding activity, holds tremendous significance for South Africa. The Constitution is a contract with the people of South Africa that codifies the promises of democracy, the rule of law and human rights. The features of the


\(^{131}\) In Ex parte Chairperson of the Constitutional Assembly: in re Certification of the Constitution of the Republic of South Africa 1996 (First Certification judgment), 1996 (4) SA 744 (CC), 1996 (10) BCLR 1253.
Constitution used to make these promises include a bicameral parliamentary system based upon the principle of the sovereignty of the Constitution; a justiciable Bill of Rights; an independent judiciary, including a Constitutional Court; an electoral system based upon proportional representation; and structures which ensure government at national, provincial and local level. State institutions were established in terms of the Constitution in order to support the constitutional democracy. These include a Public Protector, Human Rights Commission, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Commission for Gender Equality and an Electoral Commission.

Chapter 2 of the Constitution is the Bill of Rights. The Constitution provides that the Bill of Rights will be respected, protected, promoted and fulfilled by the state. The Bill of Rights guarantees, inter alia, political rights (free and fair elections, voting, participation in political parties), property rights, human rights (equality, equal protection of the law, dignity, life, personal security, privacy, movement, religion, association, expression), children’s rights, environmental rights, socio-economic rights and rights of accused persons. These rights are indicative of a promise made to eradicate the legacy of apartheid and contain the potential for building a lasting peace.

4.3.2 How significant was the Constitution in terms of peacebuilding?

The 1996 Constitution completed South Africa’s negotiated revolution.\textsuperscript{132} Roelf Meyer commented that, “the real peace factor was the agreement on the Interim Constitution.”\textsuperscript{133} The Constitution documents “one of the most remarkable achievements of the South African nation, namely a peaceful transition to a non-racial democracy after more than three centuries of mostly violent racial aristocracy.”\textsuperscript{134} The Constitution spanned the chasm between a “past culture of authority” and a future “culture of justification in which every exercise of power is expected to be justified; in which the leadership given by government rests on the cogency of the case offered in defense of its decisions, not the fear inspired by the force at its command.”\textsuperscript{135} Dikgang Moseneke remembers the transition:

We were committed to a lawful transition. I.e. the outgoing Parliament would convene and vote themselves out of power, then there would be elections, elections would be declared free and fair and lead to the formation of an assembly. It was a formalized, channeled transition. The army would salute the new president who was sworn in by the old Chief Justice... all of the symbols of democracy were meant to ensure that the process was charted with clear milestones.\textsuperscript{136}

\begin{thebibliography}{9}
\bibitem{132} Johan de Waal et al., \textit{The Bill of Rights Handbook}, 5.
\bibitem{133} Roelf Meyer, Interview, October 2009.
\bibitem{136} Justice Dikgang Moseneke, Interview, October 2009.
\end{thebibliography}
The Preamble to the final Constitution reads:

We, the people of South Africa,
Recognise the injustices of our past;
Honour those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity.
We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to –
Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
Improve the quality of life of all citizens and free the potential of each person; and
Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.
May God protect our people.
Nkosi Sikelel’iAfrika. Morena boloka setjaba sa heso.
God seën Suid Afrika. God bless South Africa.
Mudzimu thatutshedza Afurika. Hosi katekisa Afrika.137

Jeremy Sarkin describes a country’s constitution, and particularly its Bill of Rights, as a “road map for a society.”138 It contains the principles and values under which the state is bound to operate and affects the way that the wider society operates.

The South African Constitution can be seen as both memory and promise. It deals with the memory and legacy of apartheid by putting in place values and processes to deal with damage caused both materially and psychologically to the citizens of South Africa. It establishes constitutionalism, protects human rights and seeks to promote national unity and reconciliation.

The Constitution is a written text and is to be interpreted according to its societal context. The responsibility for interpreting the text of the Constitution lies with the courts. The Constitutional Court was established as the highest court in South Africa and one at which only constitutional issues would be adjudicated upon. The Constitutional Court has thus far made a number of important decisions eliminating some of the prejudicial laws and principles remaining in the South African common law.139

The provisions of the Constitution were created in the aftermath of apartheid and the resulting erosion of the socio-economic status of the majority. The Constitution deals

137 Preamble to the Constitution of South Africa, 1996
139 For example the death penalty, civil imprisonment, stereotyped gender and parental roles, and reverse onuses in criminal proceedings.
with the memory and legacy of apartheid by putting in place values and processes to deal with damage caused both materially and psychologically to the citizens of South Africa. It does this by creating the foundation for a democratic society and by promoting human rights. The Preamble refers to the healing of the past and creating the foundations for a democratic and open society in which every citizen is equally protected.

The Constitution holds promise that the future will be one that corrects past imbalances and guarantees fundamental rights. It contains both “first-generation” and “second-generation” rights. “Second-generation,” or socio-economic, rights impose positive obligations upon government to secure, within its available resources, a basic set of social goods (such as education, health care, food, water and shelter). The inclusion of these rights in the Constitution is a promise that the welfare of all South Africans will be protected.

Jeremy Sarkin, on the promise held by the Constitution, observes:

The 1996 Constitution of South Africa, building on the 1993 interim constitution, provides a rebirth for the country. It establishes many new and important rights for its citizens and strives to provide a living document and is designed to promote transformation. The rights enumerated in the Constitution are testimony to the problems of the past and the hope that the country will overcome this legacy, transcend all socio-economic barriers and ultimately unite the diverse population of the country. South Africa’s history and socio-economic makeup is reflected and woven throughout the Constitution, a document designed to eradicate the apartheid philosophy and its effects and promote equality for all.

The Constitution remembers South Africa’s history and promises that the rights of South Africans will be protected in the future. It holds the potential to build a unified South African society that values and protects all of its citizens. It is South Africa’s foremost peacebuilding success.

4.4 The Government of National Unity (GNU)

4.4.1 What were the major activities of the GNU, and who were the actors?

One of the concessions of the negotiations was that South Africa’s first democratically elected government would be a Government of National Unity (GNU). Clause 88 of the interim Constitution required that any party holding twenty or more seats in the National Assembly (equivalent to 5% of the vote in the elections) could claim one or more cabinet

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140 Civil and political rights such as Freedom of speech, Religion, Right to Vote etc.
141 Sarkin, "The South African Constitution As Memory and Promise," 76.
portfolios and enter the GNU. Any party securing eighty seats in the National Assembly (or 20% of the vote) would be entitled to nominate an Executive Deputy President.

In the election of 27 April 1994, the ANC obtained the majority of seats in the National Assembly and could thus form the GNU. The NP and the IFP made use of the provisions of the interim Constitution and entered the GNU. The NP also claimed an Executive Deputy President position for FW de Klerk.

The ANC and the NP had agreed to the formation of the GNU at the negotiating table between 1992 and 1993. The GNU was designed to be a provisional power-sharing arrangement. Power-sharing had been one of the NP’s core demands, and De Klerk had suggested that it be included as one of the constitutional principles that would be binding upon the deliberations of future Constitutional Assemblies. The ANC emphatically opposed power-sharing as a fixed constitutional requirement and refused to countenance anything further than a short-term mechanism. The compromise solution was a government of national unity that was to last for a five year period.

Decision-making within the GNU was a contentious point at the negotiating table. The NP attempted to secure either a minority veto or a continuation of the “sufficient consensus” concept that had been used during the negotiations. The ANC opposed these suggestions on the grounds that it would result in cumbersome and time-consuming decision-making. The ANC succeeded in arguing for majority decision making within the GNU. The only caveat was that decision-making was to be reached “in a manner which gives consideration to the consensus-seeking spirit underlying the concept of a government of national unity as well as the need for effective government.”

The creation of the GNU was a significant political success. The NP needed to maintain some political power in a post-apartheid South Africa in order to persuade their supporters to engage with the transition process. The agreement on the GNU represented a political compromise by the NP and a recognition of the major shift that was about to occur in South African politics. It also allowed the elections to occur with the support of the NP by ensuring that South Africa’s clear winner would not take all.

4.4.2 How significant were the activities of the GNU in terms of peacebuilding?

The GNU fulfilled two peacebuilding roles in South Africa. First, its creation played a role in facilitating a relatively peaceful democratic election. Secondly, it enabled the reconstruction of the country to continue on a unified basis after the election. “The GNU was the product of hard negotiations, hard issues within the ANC ranks itself. Mbeki said that the constitution had to be one that you [could] live with if you [were] the minority.”

143 Moss Mashishi, Interview, October 2009.
As mentioned above, power-sharing was one of the NP’s core demands and allowed the NP to obtain the support from its constituents necessary to hold democratic elections. The NP feared that the ANC would acquire unimpeded majority rule of South Africa after the 1994 elections and would be able to impose its will or objectives on other parties. Consequently, the NP pushed for a form of consociational democracy. De Klerk summed up this agenda in a speech to an NP audience when he said, “The NP has never asked for a mandate to hand over complete power to the ANC or to anybody else…We are certainly not prepared to exchange one form of power domination for another. Black domination is as unacceptable as white domination. The NP rejects both. Power domination spells catastrophe.”\(^{144}\)

The ANC, however, would not accept power-sharing as a fixed constitutional requirement. The creation of a GNU was the agreed compromise that allowed negotiations to proceed. This compromise allowed South Africa’s first democratic elections to occur relatively peacefully in 1994 and with the backing of the two major protagonists.

The political impact of the creation of the GNU is a separate and equally important factor in South Africa’s transition. The concession made by NP negotiators to accept a fixed five year time frame for power-sharing represented a significant shift away from their earlier ideas of consociational democracy. Driven by younger NP members who recognized that majority rule was inevitable,\(^{145}\) the NP also accepted majority decision making in the GNU. The NP’s capitulation on the issue of majority decision was unexpected, leading Joe Slovo to comment, “We won the battle for an executive based on majority decision making – something I thought we would never win. None of us thought, even a week [before], that we would win that.”\(^{146}\) This paved the way for ANC dominance of the GNU and “effectively signaled the abandonment of the most central tenet of the NP policy on power sharing.”\(^{147}\)

The longer term political effect of this decision by the NP was that South Africa was spared complex power sharing arrangements that would have undermined expedient governance. A government of compromises and a “consensus-seeking spirit” were chosen instead. The effective shift in agenda was dramatic with the NP moving away from its attempts to preserve white power and privilege to an agenda based upon a controlled transfer of power to the majority. It signaled the political end of the old order and the beginning of the new.

Subsequent to the 1994 elections and the inception of the GNU, the NP rapidly lost power and political support. The NP withdrew from the GNU in 1996 and was thereafter consigned to the “political margins.”\(^{148}\) Expressing his views on the effects of this

\(^{144}\) Hamill, “A Disguised Surrender?”, 5 (citing FW de Klerk speech to an audience of NP supporters in Bloemfontein in September 1991).

\(^{145}\) Such as Roelf Meyer, Dawie de Villiers and Leon Wessels.

\(^{146}\) Hamill, “A Disguised Surrender?” 12 (citing Joe Slovo).

\(^{147}\) Ibid., 11.

\(^{148}\) Ibid., 19.
decision, Roelf Meyer noted, “I think it was detrimental for the white community to withdraw from the GNU. It was a huge mistake, the NP could have made a meaningful contribution to the governing of the country.”149

Hamill has argued that South Africa’s negotiated settlement was a comprehensive victory for majoritarian rule at the expense of, principally, the NP.150 The aftermath of the transition would suggest that there is merit to this assertion. However, Hamill’s use of the word “victory” may be more appropriately replaced with “inevitability.” The recognition of this inevitability by the NP (or a number of influential members within the NP) during the negotiations allowed decisions and compromises to be made regarding to the form, rules and duration of the GNU. These decisions and compromises allowed the inevitable political decline of the NP to occur relatively peacefully.

5 Conclusion

The South African transition from apartheid to democracy was complicated, protracted and violent. The conditions that enabled a negotiated settlement were a mix of objective and subjective factors: an external climate supportive of democratic settlement, economic decline, increasing internal conflict and destabilisation, vibrant civil society, skillful leadership on both sides willing to take risks, and public and secret “contacts with the enemy” that helped to soften stereotypes and aversions. South Africa’s major political parties committed to negotiations once they recognised that state repression and violent opposition had reached a debilitating stalemate that neither side could break, and that continued conflict would cause further bloodshed, and irreparably harm the economy and institutions of the country without producing victory. Both sides were in a position to gain from negotiations, and both, if reluctantly, were willing to compromise.

South Africa’s violent conflict, fought over many decades, was caused by the political economy and systemic repression of the apartheid state. As we have argued, a distinctive feature of the South African conflict was that, at its core, it was a struggle over the form of the state and how power would be held. The ANC’s steadfast goal was to achieve a unified constitutional democracy with equal rights for all. The steadfast goal of the apartheid state was to secure the privileged position of the white minority. Consequently, in order to create peace in South Africa, peacebuilding activities had to focus on a political settlement that would end apartheid in favour of a constitutional democracy, the rule of law, and equal human rights for all.

In considering what “added up” to peace, it is important to examine the active role played by civil society. By 1990, the country was electric with activities on every scale, from personal to public. Churches, corporations, NGOs, civic organisations of all sorts, community organisations of all sizes, non-violent protests and civil disobedience – these were as much a feature of the landscape as was the visible and active presence of armed

149 Roelf Meyer, Interview, October 2009.
150 Hamill “A Disguised Surrender?” 1.
forces, military vehicles, security police, guns, teargas, shootings, arrests, and deaths. The presence of women, and women’s organisations, in acts opposing apartheid is noteworthy. Without the peace-infrastructure created by civil society action, the major peacebuilding activities we have focused on could not have taken the forms they did.

In choosing to focus our analysis on organisations and activities that impacted the shift of governmental power, we need simultaneously to acknowledge that these cannot be understood apart from the daily struggles of ordinary people against the repressive and dehumanizing conditions of apartheid. The instances we have chosen could only “add up” to peace because of the context of struggle of which they were part.

Moreover, we suggest that each of the organisations we have selected operated as it did in relation to the others. This is not to suggest a necessary combination, to be replicated elsewhere. Rather, it is argued that in the fluid and often unpredictable negotiations through which one set of power arrangements was replaced by another, each played a contingent but necessary role in bringing together people who had been strongly divided by ideology and armed conflict over decades.

The NPA, we suggest, made a unique contribution in “adding” to peacebuilding, not least because it was the first consensual document to be signed by all major political parties, government, business leaders, church leaders, traditional leaders and homeland leaders. The signing itself was an important step towards democracy and civic participation. Its multilateral and multi-layered structure involved many people at different levels of society in showing their commitment to peace and to resolving conflict. Responsibility for peace was placed on the shoulders of the conflicting parties themselves. Though it was unable to break cycles of violence in many parts of South Africa, the NPA contributed substantially towards building a culture of peace and conflict resolution. In significant ways, the NPA enabled negotiations to proceed with the involvement of civil society and provided a backdrop to the negotiated settlement.

The TRC, like the NPA, was a public process and a necessary part of peacebuilding. Though it could not address the everyday structural violence and harm caused by apartheid, it enabled gross human rights violations to be placed publicly on record so that they could not later be denied. Symbolically, it drew a line between past harm and future principles. While we would not claim that it achieved individual reconciliation, forgiveness and healing, it did achieve its purpose in national reconciliation, in that it sufficiently acknowledged the wrongs of the past to enable the new government to be put in place and reconstruction to begin. It thus facilitated the transition from the old order to the new. As a transitional process, it was not designed to stand alone in achieving reconciliation; it was designed as a bridge to the constitution and to reconstruction.

The Constitution represents the peak achievement of peacebuilding efforts. It embodies the memory of South Africa’s past, and its hopes for a future based on constitutionalism and the rule of law, as well as the protection of fundamental human rights. It seeks to promote national unity and reconciliation. The inspiring words of its preamble – healing the divisions of the past, and laying the foundations for a just, open democratic society
where all are protected by the rule of law – epitomize the goals of the South African liberation struggle. In as much as the Constitution brings the struggle to an end, it simultaneously opens it again on a new terrain where ideals must be given substance.

The GNU represents the beginning of that new terrain of activity, where the negotiated settlement proved its viability. The formula of the GNU was a major compromise on power-sharing on the part of the NP. It allowed for the NP to play a role in the new government, and then inevitably decline in prominence and finally disappear. The compromise of the GNU was essential for South Africa’s first democratic elections to occur relatively peacefully. And though the GNU did not last its full term, it was the basis for constitutional democratic government to be put in place peacefully in South Africa after decades of conflict, and for a spirit of compromise to be enacted in the policies of the government.

Peacebuilding activities were conducted in South Africa with a minimum of outside intervention. This contributes to a sense of South African ownership of the process, and the many measures to ensure public participation extend this sense of ownership of the peace process into civil society.

The creation of “peace writ large” in South Africa provides an example of a successful negotiated political solution to violent conflict. Although many of the activities undertaken in South Africa were specific to South Africa and may not be easily reproduced elsewhere, the creation of similarly effective, yet situation-specific, peacebuilding activities is possible, particularly where there is a similar willingness to compromise among participants and protagonists of conflict in other countries. Perhaps the lessons of the South African case are best distilled by Mandela’s words, quoted at the start of this paper:

Concessions are inherent in negotiations.
When you negotiate you have to accept the integrity of another man.
When you negotiate you must be prepared to compromise.
Negotiated solutions can be found even to conflicts that have come to seem intractable and that such solutions emerge when those who have been divided reach out to find the common ground.
Only free men can negotiate.
Annex A: Timeline

1985-1990  Secret negotiations between Nelson Mandela and NP officials.

1989  Secret meeting between President P.W. Botha and Nelson Mandela

1990  **February 2:** President de Klerk addresses the South African Parliament and announces the release of Nelson Mandela from prison, the unbanning of opposition parties, and invites parties to the negotiating table.

**May 2:** Groote Schuur Minute: framework for return of exiles.

**August 7:** Pretoria Minute: ANC renounces armed struggle.

1991  **September 14:** National Peace Accord signed. CODESA I (Conference for a Democratic South Africa) negotiations begin.

**December:** Mandela’s retort to De Klerk at CODESA – Broadcast live.

1992  **May:** Resumption of CODESA negotiations.

**June:** ANC abandons negotiation process.

**August:** Successful general strike organized by the ANC.

1993  **February:** ANC and NP reach agreement on the process and the structure of transition to democracy.

**May:** Kempton Park talks held, aimed at gaining acceptance from other parties for agreement.

1994  **April 27:** Elections held successfully. Government of National Unity formed.

1995  Promotion of National Unity and Reconciliation Act promulgated creating the Truth and Reconciliation Commission.

1997  **February:** South African Constitution signed into law by President Nelson Mandela at Sharpeville.

Annex B: Brief profiles of those interviewed

- **Mary Burton** (interviewed on 2nd October 2009) – chairperson of the Black Sash from 1986 – 1990, Commissioner at the Truth and Reconciliation Commission, Western Cape election officer. Mary Burton is an associate professor of the University of Cape Town.

- **Gerald Shaw** (interviewed on 12th October 2009) – journalist and political correspondent at the Independent Newspapers, editor of the Cape Times. Gerald Shaw is retired.

- **Naledi Pandor** (interviewed on 13th October 2009) – ANC leadership and specifically in higher education, established the first non-racial body of university academics, established the Joint Education Trust to prepare for the end of apartheid and asked to serve on the National Education Co-ordinating Committee. Naledi Pandor served two terms as South Africa’s Minister of Education after apartheid is currently the Minister of Science and Technology and at the time of our interview was the Acting President of South Africa.

- **Roelf Meyer** (interviewed on 21st October 2009) – Member of National Party Government, Minister of Defence, Minister of Constitutional Affairs and the head of the negotiating team responsible for the constitutional settlement and the Constitution. Roelf Meyer is currently a Director of Fevertree Consulting and consults on conflict resolution in different parts of the world.

- **Moss Mashishi** (interviewed on 21st October 2009) – Student activist, Tertiary Schools Congress and the United Democratic Front. Moss Mashishi was the President of the South African Olympic Committee up until 2009 and is currently the Chairperson of the Matemeku Group.

- **Cheryl Carolus** (interviewed on 28th October 2009) – Provincial and national leadership of the United Democratic Front, treasurer for the United Women’s congress. Cheryl Carolus is a former South African ambassador to the United Kingdom and is currently the Chairperson of the South African Airlines.

- **Justice Dikgang Moseneke** (interviewed on 20th November 2009) - Member of the Pan Africanist Congress, Deputy Chairman of the Independent Electoral Commission, part of the team that drafted the South African Constitution. Justice Dikgang Moseneke is currently the Deputy Chief Justice of the Constitutional Court of South Africa.

- **Tiego Moseneke** (interviewed on 20th November 2009) - ANC executive in Gauteng, National ANC subcommittee. Tiego Moseneke is currently the Chairperson of the Encha Group.
Laurie Nathan (interviewed on 23rd November 2009) – National organiser of the End Conscription Campaign, co-ordinated the security advisory committee for the Independent Electoral Commission. Established and ran the Centre for Conflict Resolution. Laurie Nathan is currently an associate professor of the University of Cape Town.
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