

**A STUDY ON DEMOCRATIC
TRANSITION IN SOUTH AFRICA:
DEMOCRACY THROUGH COMPROMISE
AND INSTITUTIONAL CHOICE**

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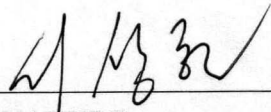
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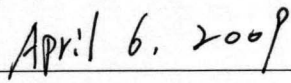
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SUMMARY

The focus of this study is on South Africa's transition to democracy. It is argued in this thesis, that an analysis of the transition to democracy in South Africa and the transformation of the conflict that prevailed in this divided society could generate new avenues for theorising about transitions to democracy in divided societies amidst conflict. The aim with this thesis is to contribute towards a more comprehensive understanding of the complex nature of the process of transition to democracy, and the relevant theory involved, particularly with regard to transitions in divided societies. One consequence of the deep divisions within South African society has been the increase in violence, which followed liberalisation. The transition to democracy in South Africa, as a result, was characterised by continuing and escalating violence. In South Africa, the authoritarian regime deteriorated mainly because of internal factors, but external factors also played an important role.

The analysis of the transition has been guided by the hypothesis that the democratisation of South Africa was accomplished through a compromise that was negotiated between the major political actors and which reflected the intra-, as well as the inter-dynamics in the domains of, state - political society - civil society.

Thus, the main theme of this thesis is, that in the analysis of the dynamics of the transition to democracy in South Africa, a basic framework in which the domains of, state - political society - civil society, are the domains where structural variables (such as culture, economic development, class structures, increased education and the international environment) and behavioural variables (such as major political actors, elite factions, organisations from civil society) interact. Thus, in the diachronic analysis of South Africa's transition, an interactive approach, that seeks to relate structural constraints to the shaping of contingent choice, is followed. At the same time, the institutional substitution of a new democratic political dispensation is examined.

In conclusion, democracies are complex phenomena, and they are caused by many different forces and synthesizing the relevant theoretical approaches to political change provides a more cogent and comprehensive explanation of democratic transition in South Africa.

KEY WORDS

democracy, South Africa, democratic transition, political actors, macro-structural approach, interactive approach, micro-behavioural approach, political society, civil society, power-sharing, Groote Schuur Minute, Pretoria Minute, National Peace Accord, Multi-Party Negotiating Process

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LIST OF ABBREVIATIONS

ACDP	African Christian Democratic Party
AHI	Afrikaanse Handelsinstituut
ANC	African National Congress
APLA	Azanian Peoples' Liberation Army
ASB	Afrikaanse Studentebond
AV	alternative voting
AVF	Afrikaner Volksfront
AVU	Afrikaner Volksunie
AWB	Afrikaner Weerstandsbeweging
AZAPO	Azanian People's Organisation
AZASO	Azanian Students' Organisation
BCM	Black Consciousness Movement
BCP	Black Community Programmes
BPC	Black People's Convention
CBM	Consultative Business Movement
CCB	Civil Co-operation Bureau
CI	Christian Institute
CODESA	Convention for a Democratic South Africa
COSAG	Concerned South Africans Group
COSATU	Congress of South African Trade Unions
CP	Conservative Party
CPRC	Coloured Persons' Representative Council

CPSA	Communist Party of South Africa
CRC	Coloured Representative Council
DP	Democratic Party
DRC	Dutch Reformed Churches
FA	Freedom Alliance
FF	Freedom Front
FOSATU	Federation of South African Trade Unions
GB	Great Britain
GNP	Gross National Product
GNU	Government of National Unity
HNP	Herstigte Nasionale Party
HSRC	Human Sciences Research Council
ICFTU	International Confederation of Free Trade Unions
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
IMC	Independent Media Commission
LDRC	Local Dispute Resolution Committee
MDM	Mass Democratic Movement
MK	Umkhonto we Sizwe
MP	Members of Parliament
MPNF	Multi-Party Negotiating Forum
MPNP	Multi-Party Negotiating Process
NACTU	National Council of Trade Unions
NAFCOC	National African Federated Chamber of Commerce
NAM	Non-Aligned Movement
NGK	Nederduits Gereformeerde Kerk
NGO	non-governmental organisation
NIC	Natal Indian Congress

NP	National Party
NPC	National Peace Committee
NRP	New Republic Party
NUM	National Union of Mineworkers
NUSAS	National Union of South African Students
OAU	Organisation of African Unity
OPEC	Organisation of Petroleum Exporting Countries
PAC	Pan Africanist Congress
PAM	Pan Africanist Movement
PASO	Pan-Africanist Students' Organisation
PEBCO	Port-Elizabeth Black Civic Organisation
PF	Patriotic Front
PFDP	Progressive Federal Party
PP	Progressive Party
PR	proportionality in representation
PRP	Progressive Reform Party
PWV	Pretoria-Witwatersrand-Vereeniging
RDRC	Regional Dispute Resolution Committee
SABA	South African Black Alliance
SABC	South African Broadcasting Corporation
SACBC	South African Catholic Bishops' Conference
SACC	South African Council of Churches
SACCOLA	South African Employers Consultative Committee on Labour Affairs
SACOB	South African Chamber of Business
SACOS	South African Council of Sport
SACP	South African Communist Party
SACTU	South African Congress of Trade Unions
SADCC	Southern African Development Co-operation Conference

SAG	South African Government
SAIC	South African Indian Council
SANNC	South African Native National Congress
SANROC	South African Non-Racial Olympic Committee
SARU	South African Rugby Union
SASO	South African Students' Organisation
SPROCAS	Study Project on Christianity in Apartheid South Africa
STV	single transferable vote
TBVC	Transkei Bophuthatswana Venda and Ciskei
TEC	Transitional Executive Council
TIC	Transvaal Indian Congress
TRC	Truth and Reconciliation Commission
TUC	Trade Union Congress
TUCSA	Trade Union Council of South Africa
UCM	University Christian Movement
UDF	United Democratic Front
UN	United Nations
UNSC	United Nations Security Council
UP	United Party
US-	United States
USA	United States of America
USSR	Union of Soviet Socialist Republics
UWUSA	United Workers' Union of South Africa
WCC	World Council of Churches

Chapter 1

INTRODUCTION TO A STUDY OF DEMOCRATISATION IN SOUTH AFRICA

1.1 INTRODUCTION

President FW de Klerk's speech at the opening of the South African parliament in Cape Town on 2 February 1990 signalled a turning point in the struggle for democracy in South Africa. On this day, President De Klerk lifted the ban on the major anti-apartheid organisations, undertook to release Nelson Mandela and other political prisoners, and declared the door to negotiations open (Arnold, 1992:1; Sisk, 1995:56). South Africa subsequently embarked on a process of liberalisation and democratisation after years of political conflict between the government and the politically empowered whites on the one hand, and the challengers, which usually referred to this conflict as "the struggle", on the other hand.¹

South Africa's political history was traditionally characterised by chronic conflict between, on the one hand, a sub-society composed of whites that enjoyed political participation and competition and, on the other hand, another sub-society composed of non-whites (blacks, coloureds and Asians/Indians),² that had only limited political rights. South African

¹In this regard the term "challengers" refers to those who sought a regime change and which included mostly those excluded from political participation through prescription and proscription since the establishment of the Union of South Africa in 1910, for example the African National Congress (ANC), the South African Communist Party (SACP) and the Pan Africanist Congress (PAC). See chapter 2 for an explanation of the various concepts in this regard.

²The words used to designate these categories of the population are controversial, often pejorative, not consistently used and have changed during the years. The term, "whites", usually refers to those that have retained their European identity and heritage. Hence, the term, "Europeans", is often used as a synonym. The terms "so-called coloureds" and "Bruinmense" (Brown people) are often used as alternatives for "coloureds." The terms "African", "Native" and "Bantu" are often used to refer to a black person. The

society, as a result, was characterised by divisive factors like race, including ethnicity and language, class, ideology and political rights. In this sense, South Africa was a plural society in the extreme. The people of South Africa were also historically segregated in terms of race, namely as whites, blacks, coloureds and Asians/Indians. Successive governments prescribed and proscribed political rights based on race during the period 1910 to 1994. The ruling white elite systematically excluded and deprived the non-white people of a national position. The adoption of the apartheid policy, after the National Party (NP) came to power in 1948, was in particular instrumental in this regard. The term, apartheid implied an exclusionary franchise and other rights (for example with regard to opportunities for employment).³ This implied that mainly white people could vote and be elected to the South African Parliament.⁴ Non-whites, therefore, did not enjoy the same political rights as whites (see Thompson and Prior 1982).

Blacks were, in terms of the policy of apartheid, further divided according to ethnicity. They were allowed some political rights based on their ethnicity and mainly in ethnically defined geographical areas called “homelands.” Language differences often coincided with ethnic differences. Societal divisions of race, ideology and class, coincided and were, therefore, reinforced by divisions in political rights.

The ruling NP later attempted to accommodate the political aspirations of blacks through its policy of homelands; by providing “independence” to some of these homelands, namely Transkei (1976), Bophuthatswana (1977), Venda (1978) and the Ciskei (1981); and by the implementation of local government structures for blacks (see chapters 3 and 4). With the adoption of a new constitution in 1983 (Republic of South Africa Constitution Act No. 100

term “Asian” is sometimes used to refer to Malays and Chinese. The denigrated and pejorative colloquial terms “hottentotte (hotnots)”, “coolies” and “kaffirs” for coloureds, Indians and blacks respectively. The terms “non-whites”, “people of colour” and “non-Europeans” are often used to refer collectively to those that are not white. Currently, the term “blacks” is used for this purpose. For purposes of this study, unless otherwise indicated the following main categories and their labels will be used: whites, coloureds, blacks and Indians (see Du Toit, B M 1983:365-395; Horowitz 1991:23-27). Collectively the latter three will be referred to as non-whites. On occasion the designator Asian/Indian would be used to refer to a broader Asian category.

³Examples in this regard are the Representation of Natives Act No. 16 of 1936 and the Separate Representation of Voters Act No. 46 of 1951 that were passed in South Africa, further limiting the black franchise. In the Cape Province, blacks could vote but not run for office. In 1956, Cape coloureds were removed from the common roll and accorded representation by whites in parliament. These limited rights were abolished in 1960 and 1968 respectively (see Thompson and Prior 1982:78).

⁴However, some non-whites, as mentioned above, enjoyed limited voting rights as would be discussed in chapter 3.

of 1983), the government tried, through a tri-cameral constitutional dispensation (see chapter 4), to co-opt coloureds and Indians in Parliament. Coloureds and Indians were given representation in separate parliamentary chambers, but with limited powers. This was an attempt to introduce “consociational democracy”, as some members of the NP mislabeled their experiment in co-optation. Blacks were not included in the new parliamentary arrangements. Even though some coloureds and Indians participated in the new dispensation, they were not necessarily convinced of its merits and voter turnout among coloureds and Indians was low (Botha, 1996:107-108). These attempts to accommodate and co-opt non-whites failed. South Africa became, as a result of the policy of apartheid, further segmented, polarised and isolated from the international community.

The South African government was, thus, often referred to as a “racial oligarchy” that is a form of regime where political power was effectively vested in a small segment of society, and in the case of South Africa, a white minority. The political dispensation based on race and discrimination in general, became increasingly untenable domestically, as well as in the eyes of the international community.

Those opposed to the ruling elite formed a variety of resistance organisations such as the ANC in 1912, Pan Africanist Congress (PAC) which split from the ANC in 1959 and later the United Democratic Front (UDF) in 1983 (see Thompson and Prior 1982:136-137; Marx, 1992:7-39).

It is against this background that South Africa embarked on a path of transition to democracy after 2 February 1990. However, establishing a democratic system in South Africa looked difficult (see Sisk, 1995; Giliomee, 1995). A transition to democracy meant not only the unbanning of anti-apartheid organisations, but also the possibility of whites losing their political and economic privileges. Political elites differed over the negotiation process, the writing of a constitution, what democracy in South Africa is supposed to be and there were, for example, disagreements over issues such as power-sharing, the form of state, the extent of media freedom, and the rights and obligations of the opposition (see Horowitz, 1991; Lijphart, 1985:24). The first non-racial election, held during 26-29 April 1994, was a historic event that signalled the beginning of an “inclusionary democracy” and an end

to “racial oligarchy”. South Africa’s experience of a peaceful transition to democracy was, and still is regarded as a miracle. It stimulated interest, among academics and in particular political scientists, in acquiring knowledge about the possibility of democratising “deeply divided societies”.

South Africa is therefore important to scholars that study transitions to democracy in deeply divided societies and for this reason, the process of the transition to democracy, in South Africa, is the focus of this thesis.

1.2 STATEMENT OF THE RESEARCH PROBLEM

As implied, studying the process of democratic transition within the South African context is important to political scientists. However, the problem addressed in this thesis is: what was the nature of the dynamics of the process that made a peaceful transition to democracy possible? Furthermore, the problem includes the parameters of a more integrative theoretical approach as a tool towards a better understanding of the processes of liberalisation and transition to democracy in general, and with regard to South Africa in particular.

As indicated, South Africa has since February 1990 been involved in a rapid process of liberalisation to democracy, following protracted political conflicts between the regime and anti-regime forces. Several questions remain with regard to the process of peaceful transition in South Africa and in particular, within a context of societal divisions and conflict. Of particular importance, are questions pertaining to the factors that contributed towards a transition to democracy in South Africa, as well as how the process has developed. Questions like these are the inspiration behind the analysis, made in this thesis, on South Africa’s liberalisation and transition during the period 1978-1994 under the general theoretical framework of a “transition to democracy”.

A reconsideration of democratisation in a deeply divided society and the institutional capability for consolidation is thus important in the study of transitions to democracy. Attention needs to be paid to the macro-structural factors, the micro-behavioural processes,⁵

⁵According to particular theories that form part of the macro-structural approach (see Bratton and Van de Walle, 1997:20-23), there is a high degree of correlation between various economic, social, and international factors, on the one hand and political liberalisation and democratic transition on the other hand. In the

the substantial “institutional substitution” of a new democratic system, as well as the dynamics of the process of democratic transition in general and in particular in the case of South Africa (1978-1994). In this study an analysis is, therefore, made of the processes of compromise through negotiation and strategic reciprocal action among the main political actors that took place during the process of transition.

1.3 PRINCIPAL OBJECTIVES OF THE STUDY

Following from the problem statement, the objectives of this thesis are: firstly, to analyse the dynamics of the democratic transition of South Africa that took place during the period 1978-1994 and secondly, based on this analysis, to establish a more integrative theoretical approach that could provide a basic framework for a better understanding of the liberalisation processes and the transition to democracy.

The aim of this study is therefore to develop, on the basis of the analysis of the dynamics of the transition in South Africa, a theoretical framework where structural and behavioural variables are combined eclectically for analytical purposes. For analytical purposes, the domains of, state - political society - civil society are the areas where structural variables (such as culture, economic development, transformation of class structures, increased education and the international environment) and behavioural variables (such as major political actors, elite factions, social movements and trade unions) interact. At the same time, the institutioning of a new democratic system will be examined.

This thesis will therefore establish that, state - political society - civil society are the domains in which structural and behavioural theories are integrated for analytical purposes in order to explain the democratic transition in South Africa. Each of these three domains is characterised by complex interactions between structural and behavioural variables. Because of these complex interactions, each domain expands and contracts at different speeds, but also influences change in the other domains, continuously. At the same time, each domain is being influenced by the changes in the other domains (Stepan, 1988; Cohen and Arato, 1992; Kim, 1997).

micro-behavioural approach the focus is on political actors and their strategies in the transition process.

Thus, the hypothesis that guides this study is: Firstly, transitions to democracy would be better understood if the various theories pertaining to the dominant approaches, in the study of transitions to democracy, are integrated into a single theoretical framework that could be used as an analytical tool in the study of transitions to democracy. Secondly, the domains of, state - political society - civil society, are the areas where the following variables interact: 1) structural variables, such as culture, economic development, societal structures, increased education and the international environment; and 2) behavioural variables, such as major political actors, elite factions, social movements and trade unions. The institutioning of a new democratic system, as well as the institutional alternatives in this regard, can be examined within this context. Thirdly, the democratisation of South Africa was established through a compromise that was negotiated between the major political actors and which reflected the inner dynamics, as well as the mutual dynamic relations in the domains of, state - political society - civil society.

1.4 CONCEPTUAL CLARIFICATION

At this stage in the research, several concepts need clarification, consequently, working definitions are provided for the following concepts:

DEMOCRACY

Democracy remains a contested concept in the political sciences (see Sartori, 1987), but for the purpose of this thesis, the definition of Diamond, Linz and Lipset (1989:xvi) is used. According to them democracy, or what Robert Dahl terms “polyarchy”, is a system of government that meets three essential conditions. Firstly, meaningful and extensive competition among individuals and organised groups (especially political parties) for all effective positions of government power, at regular intervals and excluding the use of force. Secondly, highly inclusive levels of political participation in the selection of leaders and policies, at least through regular and fair elections, such that no major social group is excluded. Thirdly, it is characterised by a level of civil and political liberties such as freedom of expression, freedom of the press, freedom to form and join organisations sufficient to ensure the integrity of

political competition and participation.

AUTHORITARIANISM

Linz (1970:255; 1975:264) defines authoritarian regimes as:

political systems with limited, not responsible, political pluralism; without elaborate and guiding ideology (but with distinctive mentalities); without intensive nor extensive political mobilization (except at some points in their development); and in which a leader (or occasionally a small group) exercises power within formally ill-defined limits but actually quite predictable ones.

Thus, as a political system, authoritarianism is undemocratic, in that political power is concentrated in a leader or small elite not constitutionally responsible to those governed. It differs from totalitarianism in that authoritarian governments usually lack a guiding ideology, tolerate some pluralism in social organisations, lack the power to mobilise the whole population in pursuit of national goals, and exercise their power within relatively predictable limits.

Within the South African context and for purposes of this research, the concept authoritarianism would imply “government without the consent of the majority”.⁶ Authoritarianism is therefore the opposite of democracy.

TRANSITION TO DEMOCRACY

The concept of transition to democracy (democratisation) is usually defined as a change from an authoritarian (sometimes totalitarian) political dispensation to a democratic political dispensation.

DEMOCRATIC TRANSITION IN SOUTH AFRICA

In the case of South Africa, democratic elements were to be found in white politics and some of the limited political rights that non-whites had. However, South Africa in general lacked inclusive political rights, a culture of human rights and political freedom. For this

⁶There were a number of democratic characteristics within the South African political dispensation, but the majority of the people were excluded from these.

reason, it could be regarded as an authoritarian regime. Because of the political rights and other privileges, that whites enjoyed, it was, as said, often referred to as a racial oligarchy. Thus, within the South African context a transition to democracy implied a change from the “racial oligarchy” to an inclusive, participatory and competitive political dispensation based on universal franchise.

South Africa’s transition to democracy involved three concurrent dimensions.⁷ Firstly, it involved a political transition from a racial oligarchy (apartheid) to liberal democracy, which also required the de-racialisation of South African society. Secondly, it involved an economic transition from a closed, white-dominated, albeit racially integrated, economy to a gradually globalising, more open economy which included increasing black participation. Thirdly, it involved a transition from resistance (and quasi-civil war in some parts of the country such as KwaZulu/Natal and the East Rand) and armed struggle, to peace and order under majority rule.

These three dimensions of the democratisation process can be described as South Africa’s triple transition.

STATE

In this regard, the concept of state refers to the behavioural relationship between rulers and the ruled, which take place within institutional structures. It thus, implies a political association that establishes sovereign jurisdiction over a people within a defined territory (Heywood, 1997:413).

CIVIL SOCIETY

Cohen and Arato (1992:ix) distinguishes between civil society, political society and economic society, though political society and economic society both rise from civil society. They therefore define the concept of civil society as “a sphere of social interaction between economy and state, composed above all of the sphere of associations (especially voluntary associa-

⁷For a more elaborate discussion of the triple transition, see Michael Bratton and Chris Landsberg, 1999. “From Promise to Delivery: Official Development Assistance to South Africa, 1994-98”. Johannesburg: Centre for Policy Studies. Research Report no. 68.

tions), social movements, and forms of public communication” (see also Bratton, 1994:2-4). For analytical purposes a distinction will be made in this study between civil society and political society only, and therefore civil society will be regarded as: “the realm of organised social life that is voluntary, self-generating, (largely) self-supporting and autonomous from the state”, but which excludes the private dimensions of individual and family life (Diamond, 1994:55). It includes economic, cultural, informational, educational, interest and developmental organisations, as well as civic groups (Diamond, 1994:55).

Michael Bratton (1994:56) also posits that civil society is distinguishable from political society, as it is a public realm between the state and the family. He holds that civil society is a theoretical rather than an empirical construct; and that although civil society and the state are conceptually distinct, they are best considered together.

POLITICAL SOCIETY

The concept of political society refers to the institutions through which social actors seek to win and exercise state power. The institutions of political society - which are located in society and not in the state - specialise in partisan political contestation and in the construction of governing coalitions. The concept of “political society”, therefore, refers to the buffer zone between the domains of state and civil society and includes parties, political organisations and political publics such as parliaments (Bratton, 1994:2-4; Cohen and Arato 1992:ix).

1.5 IMPORTANCE OF STUDY AND LITERATURE BACKGROUND

This study is important because the political changes made in a multi-ethnic and racially divided South Africa, during the period 1978-1994, have implications for theories about the democratisation of “deeply divided societies”, and in particular in the presence of conflict. Multi-ethnic states are often left to themselves to either negotiate an end to the struggles and conflicts they are involved in or to continue fighting. Multi-party democracy and free elections are often regarded as good in their own right and important in establishing a functioning democracy. Theories of comparative politics, however, often view conflicts in

such societies as primarily the manifestation of irrational passions (Sisk, 1995:xi). According to some of these theories, there is, thus, little hope for the resolution of conflict and even less hope for democracy. O'Donnell and Schmitter (1986:11), for example, mention that even though protests and demonstrations are quite common during transitions, widespread violence may drastically reduce the prospects for democracy. In South Africa, the conflict, at the time of transition was, according to authors like Kim (1997:15) and Sisk (1992:57) primarily about race, class and ideology. In this regard, racial discrimination and exclusion reinforced and exacerbated class divisions, which in turn, led to ideological dissension. The transition beyond apartheid (and the conflict it inspired), towards a set of conflict reducing democratic institutions was as alluded to in section 1.4 a multi-faceted enterprise.

The explanatory value of the existing theories on democratisation, in particular within the context of South Africa's transition, as well as ways in which these theories can be integrated, need to be researched (see also Sisk, 1995:xi). New theorising is necessary to explain the conditions under which the divisions of divided societies can be reconciled and conflict managed through negotiated political transitions during a process of democratisation (Sisk, 1995:xi).

A number of theories focus on the possibilities and problems of democratic transitions, often with diverse outcomes. Some of these focus on, for example, the various stages in the process of democratisation. According to O'Donnell and Schmitter (1986:6-14), for the process of democratic transition to be complete, it has to go through the stages of liberalisation, democratisation, socialisation and democratic consolidation. Other theories again focus on the nature of political institutions best suited to democracy in divided societies. There are, for example, two similar, but distinct versions of possible democratic success in divided societies, namely the power-sharing or consociational model mostly associated with Arend Lijphart (1977; 1985) and the more integrative incentives-based approach of David Horowitz (1985), which Sisk (1995:31) refers to as centripetalism.

Lijphart (1977; 1985), for example, argues that deeply divided societies should deal with their plural nature by adopting consensus-oriented consociational, rather than majoritarian political systems. He argues that consensus-oriented systems encourage elite co-operation,

joint policy-making, power-sharing at the cabinet level, proportional representation, minority veto rights, and federalism. These systems enable minority groups to gain access to political power and resources. The argument is that if minority groups are politically empowered, they are less likely to become disaffected. Lijphart's (1985) suggestions implied, for example, that federalism, if properly introduced in South Africa, might alleviate the violent black-on-black conflict that prevailed in KwaZulu/Natal at the time. In addition, a form of power-sharing might convince Afrikaners (a white Afrikaans-speaking group of mainly European ancestry) and members of other groups that might feel disaffected and excluded, of a place in South African society.

Then there are those who argue against the idea that consensus-oriented systems may be more suitable than majoritarian ones, for deeply divided societies such as South Africa. Some are even of the opinion that South Africa is not a deeply divided society, because the black population is not naturally divided into competing ethnic groups as the apartheid state used to insist (see Horowitz, 1991:2-9). They suggest that apartheid divided the nation into racial and ethnic "enclaves". The issue of deep societal cleavages is, therefore, a political issue (see Lijphart, 1977:37, 238).

Horowitz (1985; 1991) who is of opinion that political institutions should preferably promote integration across societal divisions, proposes five political mechanisms, in contrast to the arguments of the consociationalists, that may reduce conflict in divided societies. Firstly, the dispersion of power in such a way that it would proliferate points of power and thus would "take the heat off a single focal point". Secondly, the devolution of power and the reservation of offices on an ethnic basis are required for the promotion of inter-ethnic competition and co-operation at the local level. Thirdly, there should be inducements for inter-ethnic co-operation, such as electoral systems (for example single transferable vote) that effectively require multi-ethnic electoral co-operation and coalition. Fourthly, policies should be adopted that would encourage alternative social alignments, such as social class or territorial differences. Fifthly, inequalities should be reduced (Horowitz, 1985:597-600; 1992:137-145; 163-226; Sisk, 1995:34-38).

There has been an implicit assumption by scholars of comparative politics, as demon-

strated by the theorising of Lijphart and Horowitz (who specialise in divided societies), that such political conflict can potentially be ameliorated only if such societies adopt certain types of democratic institutions, that is, through “political engineering” (Sisk, 1995:5; Sartori, 1987). There was much debate in South Africa on the political institutions that best suited South African conditions. It may appear as if there is little difference between the prescriptions of Horowitz and those of the consociationalists. Both, for example, cautioned against majoritarianism and adversarial politics. Horowitz’s prescriptions for conflict-regulating institutions for divided societies (and for South Africa) also overlap those of Lijphart - both advocate, federalism for example - but they differ in important ways (see Lijphart, 1985:7-8; Horowitz, 1991:214-226; Sisk, 1995:35). Horowitz (1985:568-76; 1991:141-144; 1992:137-145; Sisk, 1992:20) criticises the consociational model on two important grounds. Firstly, he argues that the consociational approach emphasises the ability of segmental elites to contain underlying communal conflict. Secondly, consociational institutions maintain, legitimise, and strengthen communal claims against the state. Too much autonomy (for example, through a mutual veto) can lead to further claims beyond the intention of the original agreement (see Duchacek 1973:9; Sisk, 1992:21; Sisk, 1995:35).

According to Sisk (1995:15), the right mix of precipitating events can turn an intractable stalemate into the right moment for successful negotiations. He, however, warns that the commencement of negotiations could usher in an uncertain interregnum, which could become turbulent and potentially fatal. Even though violence initially did escalate and in particular, in KwaZulu-Natal, this fear did not materialise. Agreements on interim sets of rules also play, in his opinion, a critical role in turning the uncertainty of transition from a liability into a potential asset. History, ideology, and leadership are all important components of the process, both as detracting and contributing factors (Sisk, 1995:15).

Two important approaches to the study of democratisation need to be mentioned as well, namely the macro-structural and the micro-behavioural approach. Both the macro-structural and the micro-behavioural approaches make a significant contribution to the general understanding of the transition to democracy from authoritarian regimes. However, each approach contains certain limitations as will be discussed in chapter two. Considering the limitations of accepted theories, some favour a synthesis of the structural and behavioural theories (see

Shin, 1997).

According to particular theories that form part of the macro-structural approach (see Bratton and Van de Walle, 1997:20-23), such as the political culture theory and the wealth theory of democracy, there is a high degree of correlation between various economic, social, and international factors, on the one hand and political liberalisation and democratic transition on the other hand. Consequently, external factors, such as economic sanctions, pressures from the United Nations (UN) and the United States of America (USA), and international trends towards democratisation since the 1970s, are regarded as important. In this thesis, it is therefore, argued that the South African case supports the evident correlation between structural conditions and political liberalisation. At the same time, however, effective leadership by political leaders, and strategic choices made by the elite groups and their dynamic interactions, as well as the actions of social movements in civil society, were central to this process. Thus, in the micro-behavioural approach the focus is on the political actors and their strategies in the transition process.

South Africa managed to democratise peacefully in spite of the fact that it was regarded, by some (see Sisk, 1995 and Giliomee, 1995:83, for example), as a least likely case for democratisation. Because of its successful transition, it is important to analyse the transition to democracy in South Africa in detail in order to improve our understanding of transitions to democracy in other divided and conflict-ridden societies (see McClintock, 1989:127-148). An analysis of the transition in South Africa that uses a number of theories is, therefore, important if political scientists wish to address some of the other unlikely cases for democratisation.

1.6 METHOD OF ANALYSIS

Several aspects regarding the analysis in this thesis of South Africa's transition to democracy are important. As mentioned, the aim of this thesis is to describe and analyse the process and dynamics of political transition, making use of South Africa as a case study. This interpretative case study seeks to explain the possibility of democratisation in a "deeply divided society." South Africa is in the words of Sisk (1995:7):

an ideal case with which to investigate these broader concerns because it is one that can best test a wide range of hypotheses about the possibilities and limits of democratization under conditions not thought conducive to democracy - [for example] deep cleavages along ascriptive lines, a dearth of tolerance, low levels of economic development, [and] high[levels] of socioeconomic inequality.

South Africa, thus, is used as a typical case in this regard. It will be argued in the thesis that the analysis of the South African transition to democracy by scholars, such as Van Zyl Slabbert and Steven Friedman, amounts to a compromise that was negotiated between the major political actors. This compromise reflected the inner dynamics, as well as the mutual dynamic relations in the domains of state - political society - civil society. For the purpose of this study, some of the most prominent theories on democratisation, most notably by American scholars, have been selected. This study, therefore, does not represent an exhaustive study of all theories in the field.

Furthermore, this thesis is based on a literature study of mainly secondary sources. The literature study was undertaken in order to construct an integrated framework that will enable researchers to explain negotiated transitions to democracy, in general, but in particular, with regard to South Africa. For this purpose, it was necessary to analyse and compare the applicability of a variety of theories and approaches within the context of the South African scenario as would become evident in the chapters to follow.

For the purpose of this study, South Africa is, as already mentioned, regarded as a deeply divided society. Two factors are important with reference to the nature of the divisions in South Africa. Firstly, until the repeal of the Population Registration Act No. 30 of 1950 (and amendments), South African law stipulated that every member of the society should be registered by race. Secondly, the overlap of racial and class divisions is important. Sisk (1995:8-10) for example argued that the state was systematically used as the instrument of the white minority to further both the aims of racial exclusion and economic inequality. Furthermore, the divisions were compounded by the disenfranchisement of some on the basis of race and by distributive policies that directly and indirectly protected the material interests of whites, in particular during the apartheid era. As a result, the unfranchised majority adopted revolutionary strategies to counter white minority rule and privilege. This

deep-seated conflict involving race and class centred on the fundamental nature and control of the state (Kim, 1997:13).

The abovementioned divisions in race supported the structure of the conflict. These again coincided with the division between the sub-societies that were incorporated into the political system and those that were excluded. Conflict between the white and non-white sub-societies reflected this racial divide, which in turn, formed the main pivot in the conflict. Furthermore, class and ideological conflict was secondary to racial conflict, but ideological and class divisions largely coincided with racial divisions and thus reinforced the racial division. These in turn were integral to the ongoing conflict.

Existing paradigms of political change, for example the macro-structural approach and the micro-behavioural approach, have limited applicability when trying to explain South Africa's transition, especially when only one of these is applied to the transition in South Africa. This thesis is in particular, concerned with the fact that the speed and direction of the democratic transition were determined by a combination of factors that underlie a number of theories, consisting, *inter alia*, of both structural and behavioural variables, operating reciprocally within the domains of, the state - political society - civil society. For this reason, there is in the investigation of the problem, a search for unity in the combination of the various theories used in studies of transitions to democracy.

In the analysis of the relevance of the macro-structural and micro-behavioural theories of transition in the South African context, two aspects are important. Firstly, how the internal dynamics and reciprocal relationships are reflected in the strategic interactions of the main political actors and, secondly, how compromises have been reached during the process of negotiation in the domains of, the state - political society - civil society. Political society arises from civil society, but for purposes of the analysis in this study, political society is, as said distinguished, from civil society. The actors of political society are directly involved with the power of the state which they seek to control and to manage (Cohen and Arato, 1992:ix). The democratic political system that resulted from the choices made from possible alternatives, provides guidelines with regard to an understanding of transition to democracy in South Africa.

At the same time, there is in this thesis an analysis of the process of compromise, strategic interactions and negotiations between the major political actors who reflect the inner (intra-) dynamics and mutual (inter-) dynamic relations of the abovementioned three domains on the micro-level of transition. A final focus is on the practical “institutional alternative” produced by the new political system as a result of the process where political change in South Africa replaced the authoritarian, racially based system, with a new democratic system of multiracial power-sharing.

As already mentioned, various stages may be identified in a transition to democracy. In this study, South Africa’s transition to democracy is analysed according to the following stages of democratic transition, namely liberalisation→democratisation→consolidation (Giliomee, 1995; see also O’Donnell and Schmitter, 1986). However, this study concentrates specifically on the stages of liberalisation and democratisation. Consequently, the study of various phases identified in the process of transition, will end prior to the stage of consolidation.

Furthermore, three distinct chronological phases can be identified in the history of the transition to democracy in South Africa (see Kim, 1997:3). These are the “initial phase of transition” (1978-1989), the “crucial phase of transition” (1989-1991),⁸ and the “maturity phase of transition” (1991-1994). The multifaceted nature of the process of transition to democracy will, therefore, be dealt with chronologically using these three phases. Changes in the three domains, as explained above, formed important interactions during each of these phases.

THE INITIAL PHASE OF TRANSITION (1978-1989)

During the initial phase of transition, Mr PW Botha tried to impose a transition to democracy from “above”. This period was characterised by reforms that followed after the student uprising in 1976 and Botha’s assumption of power. It can be said that serious attempts at political change began in 1978 when PW Botha assumed power. This is the reason why the year 1978 was chosen as the beginning of the transition to democracy for purposes of the

⁸There will be an overlap in dates (in years) because of key mid-year events, such as changes in political leadership.

analysis made in this thesis. This was, however, an antagonistic and confrontational phase. During this period, PW Botha held the position of prime minister (1978) and eventually resigned as president in 1989. This was an important stage in the reform and transition process in South Africa, which was characterised by liberalising and democratising reforms initiated and imposed, from above, by PW Botha.

PW Botha supported limited power-sharing with South Africa's coloured and Indian communities (see Sisk, 1995:60). The president's liberalising (but not democratic) reforms stimulated intensified demands from South African blacks for their full incorporation into the political system. This phase was further characterised by the rise and mobilisation of an anti-regime civil society, as well as by the policies of ameliorative liberation initiated by the reformers in the government. Borrowing Zartman's (1991:14; Sisk:1995) terms, a "mutually hurting stalemate" developed during this phase that eventually led to the conflict becoming "ripe" for resolution in 1989.

THE CRUCIAL PHASE OF TRANSITION (1989-1991)

The crucial phase of transition was the period of the initiation of negotiations for democracy through compromise between the regime and anti-regime camps. Thus, this phase was characterised by preliminary negotiation of the democratic transition through compromise. Demands for more extensive reforms led to criticism from PW Botha and was a factor in his eventual resignation as President. In this period, Mr FW de Klerk was elected leader of the ruling NP and became president of South Africa. President de Klerk's speech at the opening of parliament in Cape Town on 2 February 1990 was, as already mentioned, the turning point for transition to democracy in South Africa. It resulted in the release of Nelson Mandela and the unconditional lifting of the prohibition on illegal organisations. This led to important changes in the domain of political society. Soon after, De Klerk and Mandela held meetings the Groote Schuur Minute (1990), the Pretoria Minute (1990), and the National Peace Accord (1991) between the government and the ANC came into being. This period was the most critical time for democratic transition in South Africa. President de Klerk also emphasised the importance of negotiations as pointed out by Huntington (1991:611).

The crucial phase of transition was, therefore, also the period of initiating negotiations for democracy through a compromise between the regime and the anti-regime camps.

Thus, in 1989, South Africa began a process of democratic transition through compromise. Preliminary negotiations dealt with the reciprocal benefits to the leaders of political society. This phase shifted away from the antagonistic confrontational phase, to a phase of negotiations between the regime and the anti-regime. The evolution of the negotiation process in South Africa led to the establishment of a set of nascent institutional structures to discuss “talks about talks” (Kim, 1997:4).

THE MATURITY PHASE OF TRANSITION (1991-1994)

The maturity phase of transition was the period of democracy through compromise, culminating in the inclusive elections of 1994. Thus, this phase was characterised by the actual transition to democratic procedures and institutions. As the leaders wrote tentative transition pacts, the problem of an alternative institutional choice as eventually set out in a new interim constitution (Constitution of the Republic of South Africa Act No. 200 of 1993) and the formation of an interim government, became a serious issue regarding transition during this phase. The maturity phase of transition, culminated in the election, which included all races, in April 1994.

Through these steps, the process of democratisation in South Africa culminated in the formation of the Government of National Unity (GNU) after the 1994 election. Thus, this phase also laid the groundwork for democratic consolidation.

1.7 OUTLINE OF THE STUDY: SEQUENCE AND AIMS OF THE CHAPTERS IN THE THESIS

In chapter two, the theoretical framework for this study will receive attention. Various approaches and theories applicable to the study of transition to democracy are introduced. The macro-structural approach is the first to receive attention and theories that are based on the “macro-structural” approach will be discussed. Secondly, the “micro-behavioural” approach, focussing on theories of the dynamic interaction among the actors during the

democratic transition process, will be discussed. Existing studies of democratisation in South Africa will also be discussed. Finally, the three modes of transition from authoritarianism to democracy, receive attention. The first is a transition imposed from above, where the government (incumbents) is more powerful than the anti-regime groups (challengers) and the forces of reform are more powerful than conservative forces (hardliners or standpatters) within the government. The second is a transition from below where anti-government forces effectively exploit the regime's disadvantages, such as the failure of the economy, corruption and violations of human rights. The third is a transition through compromise where democratisation is produced by the combined actions of government and the opposition. A systematic distinction is drawn between the deterioration of the authoritarian regime, democratisation and the consolidation of democracy.

This facilitates the formulation of the research hypothesis that guides this study and particularly the part stating that the democratisation of South Africa was established through a compromise that was negotiated between the major political actors and which reflected the inner dynamics, as well as the mutual dynamic relations in the domains of, state - political society - civil society (see section 1.3).

In chapter three, the focus is on an analytical description of both the internal and external environmental background of the transition in South Africa, up to 1978, and the commencement of the first phase of the transition. In particular, development in South Africa shows that the democratic process can be understood in terms of the outcome of complex interactions between political actors and structural conditions. The internal cleavages resulting from the divisions and the structure of conflict that are of importance in the South African case are the following: firstly, racial divisions; secondly, class divisions; thirdly, ideological divisions; and fourthly, the struggle against apartheid. Additional macro-structural factors of transition relevant within the South African context are the following: firstly, a weakening demographic base; secondly, economic pressure; thirdly, the international pressure of isolation; and fourthly, ethnic and regional conflict.

In this chapter, there is also an analysis of the deterioration and breakdown of authoritarian regimes and the relevance thereof for the transition in South Africa. It is argued that

the direct causes of deterioration include the following: economic crises, declining legitimacy, divisions among incumbents, mass mobilisation, and the high costs of repression (Gill, 2000; Gillespie, 1987 and 1990; Pye, 1990). Thus, authoritarian rule deteriorates primarily because of internal factors, although external factors also play a role during the process of liberalisation.

In chapter four, the “initial phase of transition” (1978-1989), that is characterised by the ameliorative liberalisation of the antagonistic and confrontational phase, will be analysed. The emphasis is in particular on the antagonistic structure between the state versus the anti-regime civil society in the absence of a buffer zone of political society.

In this chapter the ameliorative liberation by the government of PW Botha, is also analysed, as well as the challengers’ mobilisation of civil society. It will be discussed how the erosion of the power of the authorities was caused by a number of factors, such as the economic crisis, a legitimacy crisis because of the failure of the policy of apartheid, divisions amongst the incumbents, mass mobilisation against the regime, and lastly, by repression becoming more costly.

The “crucial phase of transition” (1989-1991) will be dealt with in chapter five. During this phase the threshold of democracy was crossed by moving from a mutually antagonistic confrontational phase to a mutually beneficial phase of negotiation. Under examination are the internal dynamics and changes in the domains of, state - political society - civil society. An analysis is made of the process of pre-negotiation, including tentative negotiations, between the main political actors for transition in South Africa. The political implications of this process are assessed.

In chapter six, the focus is firstly on a description of the adopted strategy of transition between South Africa’s political actors and the institutional logic of negotiations in the “maturity phase of transition” (1991-1994). Secondly, there is an analysis of the process that resulted in the institutionalisation of a new political system through fierce strategic interaction. Chapter six is also concerned with the beginnings of the consolidation of democracy in South Africa. The groundwork for democratic consolidation in South Africa was laid by the holding of the first democratic election in 1994. South Africa’s first democratic election

in 1994 was a remarkable achievement in light of the fact that there was no civil war and that democracy has not fared well on the African continent. Undoubtedly, the latter fact is more than enough reason why South Africa's democratic consolidation should be the focus of research. In practice, initial pacts usually precede the first elections, while further pacts may follow elections; for example, those that are written into a new democratic constitution. The discussions commence with a focus on the role of the political actors and election in 1994 and in the last instance a brief look at some of the dilemmas important to the consolidation of democracy.

Chapter seven, is the conclusion of this thesis. In this chapter, the experience of democratic transition in South Africa is reviewed in accordance with the analytic framework of the thesis and the theoretical significance of the findings is analysed.

Chapter 2

APPROACHES AND THEORIES IN THE STUDY OF DEMOCRATISATION

2.1 INTRODUCTION

Profound political regime transformations have taken place, since the Portuguese Revolution in 1974 in, for example Greece, Spain, Philippines, Republic of Korea, Taiwan, Czech Republic, Poland, Hungary, and even in Benin, Nigeria, Malawi and some South American states (Huntington, 1991:679; Mainwaring 1992:1-2). The diverse experiences of these states in terms of their paths to democracy require a more in depth theoretical analysis of transitions to democracy. Various scholars have developed several theories in an attempt to explain these transitions.

The basic theoretical framework for this study, therefore, is based on existing theories of transition from authoritarianism to democracy, as well as previous research in this field. Included are studies on the reasons for the emergence of democratic regimes from authoritarian regimes, as well as the process of transition to democracy. The purpose of this chapter, therefore, is to analyse these existing theories of transition to democracy in order to develop a suitable analytical framework in terms of which the transition to democracy in South Africa can be analysed.

The theoretical literature on democratisation offers several competing explanations on change from an authoritarian regime to a democratic regime. As already mentioned, analysts have long been interested in whether, how, and why democracies are established and

eventually consolidated. The debates generated by these inquiries raise several issues that are important to this study.

The first set of issues that is of importance, concerns the relative impact of structural factors on political change versus the behavioural actions of elites, and events. The question is whether a transition to democracy is a function of underlying preconditions at the economic and societal level. Alternatively, the question is whether political change depends on the preferences and choices of leaders, as well as on their skills at mobilising resources, counteracting opponents, and taking advantage of opportunities. According to Bratton and Van de Walle (1997:19-20) there is more to this debate than the old dilemma of whether history unfolds deterministically as a result of shifts in the social forces, or irregular through the actions of great men. They further argue that a complete theory of political agency would also attend to the endeavours of ordinary citizens, the interplay between elite and mass actions, and the unintended, as well as the planned consequences of political events (Bratton and Van de Walle 1997:19-20). Thus, in order to understand and assess more accurately the prospects for democracy in a divided society in which conflict is prevalent, it is important to analyse the conditions that will urge political actors in divided societies to choose a democratic political system.

The second debate concerns the degree to which political change is determined by national and/or international factors. The question is whether the trajectories of regime transition are best understood in terms of the separate and distinctive domestic histories of each state or, whether a more holistic perspective in which they are regarded as parts of larger international systems should be adopted. In the latter instance, they are subjected to powerful influences from beyond their own borders. These questions are particularly relevant in the case of small, indebted polities on the margins of an increasingly global economy in a post-Cold War world (Bratton and Van de Walle, 1997:19-20).

A third debate concerns the institutional choices that actors make. The institutional choice approach, by explaining why political actors make the institutional choices they make for the transition and the new political order, is one of the approaches that are relevant in this regard. This approach explains how choices evolve because of strategic interactions

among the actors during the process of negotiation. An understanding of the reasons for the choices made by the various actors will facilitate the description of the process of negotiated transition by explaining the positions of various actors during negotiations, and by making some tentative predictions about the outcomes thereof. It may even become possible to assess whether the outcome will be democratic, and what type of democracy it might be. Such an analysis may even provide clues to the possibility of consolidating such a democracy.

The first objective in this chapter, therefore, is to review the various approaches to these issues taken in the literature on transitions to democracy. The arguments developed by influential writers who propose different interpretations of democratisation, are discussed. The discussion also provides an overview of the efforts to apply these frameworks to South Africa. Existing studies on democratisation, therefore, receive attention.

Some of the theories that have been advanced to explain the complexity of democratisation and the transition from authoritarianism to democracy could in terms of their methodological approach be broadly grouped into two categories, namely macro-structural theories, and micro-behavioural theories (Rustow, 1970; Pridham, 1984: 6-27; Przeworski, 1986:47; 1991:96-99; Mainwaring, 1989:29; Huntington, 1991:31; Bratton and Van de Walle 1997:19-20). The focus in this chapter therefore will be on aspects of these two categories of theories, relevant to this thesis.

Thus, the first approach to receive attention, in this chapter, will be the “macro-structural” approach with the focus on the conditions that make democratisation possible or may obstruct it. Attention will be paid to theories emphasising culture, wealth and international intervention. The second approach to be discussed will then be the “micro-behavioural” approach that focuses on the dynamic interactions among the actors in the process of transition to democracy. Attention will be paid to theories emphasising strategic choices, modes of transition, power-sharing and the integration of power. This is followed by a discussion of the theories of democratisation that are prevalent in studies on South Africa. The interactive approach to democratic transition, as well as the three ways of transition to democracy will be discussed, namely transition from above, transition from below and transition through compromise.

The second objective of this chapter is to search for an appropriate analytical framework for analysing South Africa's transition to democracy. In this search for an analytical framework, South Africa's transition to democracy is regarded as "democratisation established through compromise". Furthermore, this compromise was negotiated between the major political actors and reflected the inner dynamics, as well as the mutual dynamic relations in the domains of, state - political society - civil society. The study of state, political society and civil society relations is therefore important. It is argued that civil society, which can incorporate organisations such as churches, trade unions, social clubs and neighbourhood groups, could strengthen existing democracies, or could contribute in bringing democratic change to authoritarian regimes.

The theories that have been developed in an attempt to explain the process of democratisation often imply certain normative assumptions. A number of normative assumptions are relevant to this study. Firstly, democracy is regarded as a desirable goal (see O'Donnell and Schmitter, 1986:3). In the words of Dahl (1989:2), "the idea of democracy is universally popular". Reasons for accepting this assumption include, according to Dahl (1989), the fact that democracy is the only form of government that enjoys popular legitimacy and protects the rights of the individual. There is also some evidence that democracies do not fight other democracies; thus, more democracies imply a more peaceful world order. Studies by Dahl (1989), Diamond, Linz and Lipset (1989), Huntington (1991) and Fukuyama (1992), have also found some evidence that the existence of democracy is positively correlated with economic development. There may therefore be some economic advantages to democracy.

Secondly, accepting democracy as a desirable form of government implies that a transition to democracy is also a desirable occurrence. If a democracy is, therefore, to be established, then there will be a need for strategic choices.

2.2 STUDIES IN DEMOCRATISATION: THE MACRO-STRUCTURAL APPROACH

As mentioned, the literature on democratisation offers a wide range of competing explanations about regime change and there is an important debate around the relative impact of

structural factors versus individual actions and events on political change. The focus in this section, therefore, is the macro-structural approach to transitions to democracy.

Structural analysts regard the prospects for political change as being embedded in the architecture of the relevant social system. Viewed from this perspective, democracy is seen as a political expression of the social order. The process of democratisation, representing a general trend towards the inclusion of previously excluded groups in the various institutions of the state, is in the realm of political authority, similar to the breakdown of feudal systems of economic production and aristocratic social status (see Bratton and Van de Walle 1997:20). According to the structural analysts a regime transition to democracy, is the product of factors such as culture, technological innovation and their application to production, the spread of market-based social relations, external (international) influences and the emergence of new social identities. Przeworski (1991:96) even stated that to some protagonists of this approach, the outcome such as democracy is uniquely determined by conditions, and history goes on without anyone ever doing anything.

Theorists who favour the structural perspective - regardless of whether they rely on empirical cross-national statistical data or on comparative historical case studies - study aggregate phenomena (hence macro). Their explanations of political trends, therefore, always return to a foundation of macro level structures that solidified during the past. According to them, social patterns, once forged, often persist beyond their original conditions (Bratton and Van de Walle 1997:20; Rueschemeyer, Stephens and Stephens, 1992:7).

Macro-structural factors have been found to be important both in establishing, as well as in maintaining a democracy. O'Donnell and Schmitter (1986:19) also discuss macro-structural factors and are, for example, of the opinion that individual actions are less determined by "macro" structural factors during the breakdown of authoritarianism than during the breakdown of democratic regimes. Accordingly, the factors that receive extensive attention in case studies by the macro-structuralists are the interests of external forces and capital, while the interests of a particular sector of the national elite receive little attention. O'Donnell and Schmitter (1986) argue, on the other hand, that elite dispositions, calculations and pacts largely determine whether an opening (to democracy) will occur. They emphasise

that domestic factors play a predominant role in a transition to democracy and in particular any important division within the authoritarian regime (O'Donnell and Schmitter, 1986:19). Accordingly a good starting point for looking at the crisis of an authoritarian regime is the "opening", that is the appearance of political and ideological space for a challenge to be mounted against it.

Furthermore, O'Donnell and Schmitter (1986:3) argue that regime transitions are abnormal periods of "undetermined" political change in which "there are insufficient structural or behavioural parameters to guide and predict the outcome." A contingent model of change as advocated by O'Donnell and Schmitter assumes that one agent's initiative prompts another actor's response and that political events cascade from one to another.

Proponents of the structural approach, in contrast, see political transformation as determined and they seek to discover the patterns of determination by inductive generalisation. In the macro-structural approach, it is argued that political actors face extremely narrow sets of choices. Their rational choices are clearly constrained by the distribution of resources and their interest to maximise income and/or power, in terms of which they calculate optimal strategies (Shin, 1997:10).

The main argument of structural theories is that it is difficult to establish democracy in the absence of certain objective conditions that facilitate democracy. Structural conditions have become a conceptual tool with which to judge both the possibility of sustained democratic rule in fledgling democracies and the chances of its development in non-democratic states.

The basic hypothesis of the macro-structural approach is, thus, that structure determines human behaviour. Studies in the macro-structural approach, therefore, focus on conditions that may be favourable and unfavourable to democracy. Theorists in this approach try to determine necessary and/or sufficient conditions for a democratic regime - conditions without which democracy cannot occur and/or conditions that are sufficient to bring about democracy. De Schweinitz (1964) and Lipset (1959; 1992) are examples of scholars of this approach. De Schweinitz compared advanced capitalism to socio-economic conditions of industrialisation and democratisation, while Lipset analysed the level of economic develop-

ment of capitalism as an infrastructure of democratisation. Other examples of studies include Almond and Verba (1963), Moore (1966) Lipset, Seong and Torres (1993), Rueschemeyer (1991), Apter (1977), Pridham (1990) and Vanhanen (1990).

The macro-structural approach offers useful clues to understand the role of environmental factors in studies on democratisation. Analyses of these theories are inevitable in order to understand and identify the factors that could promote or restrict a democratic political system (see Huntington, 1984:196).

It is important to note that proponents of this approach downplay the importance of the short term dynamics of political development. To them, decisions made by the relevant political actors are regarded as products of their interpretation of the prevailing socio-economic structures and political institutions (Karl and Schmitter, 1991:270). They argue that the existing structures can be decisive because they may either restrict or enhance the options and strategies available to the various political actors attempting to construct a democracy (Roxborough, 1988:360). These studies try to demonstrate that democracy is a consequence of “historically-created structures”, such as socio-economic development, inequality and class structures, sub-cultural cleavages, education and foreign control (see Przeworski, 1986:47; Dahl:1971:32; Vanhanen, 1990:41-2).

Scholars however focus on different preconditions, but for purposes of this study, the following theories will receive attention: the political culture theory, the wealth theory of democracy, and the international situation theory.

2.2.1 THE POLITICAL CULTURE THEORY

Political culture is one of the central research themes in political science, but political scientists remain divided on its meaning. In *The Civic Culture* (1963:13), Almond and Verba regard political culture as the pattern of individual attitudes and orientations toward political objects among the members of a political system (in their words “nation”). The subjective realm underlies and gives meaning to political actions. Since *The Civic Culture* (1963) the concept of political culture and quantitative cultural studies have been a recurring source of debate, and a recurring source of new research initiatives.

For purposes of this study, the concept of political culture can be defined as a broadly shared set of ways of thinking about politics and government and political culture then provides the general psychological environment within which the political system must work (Ranney 1996:62). Thus, in essence political culture theorists argue that there is no context free political thinking and action (see Eckstein, 1988).

The role of culture in human development has been the focus of many scholars. Even in the works of the ancient Greeks such as Aristotle, there is an implied link between culture and regime. Several earlier works, such as that of Johann Gottfried Herder, Alexis de Tocqueville and Montesquieu, provided the intellectual antecedents of modern theories on political culture (Formisano, 2001:394). Max Weber, for example also explored the role of culture as a factor in economic development.

Political culture theory was considered of great importance during the 1960s, however, most of these theories made use of contributions dating back to the 1920s and 1930s. The rise of the political culture concept during the 1950s and 1960s was part of the more general ascension of culture “to explanatory prominence in the social sciences and history.” Berkhofer (1972:198, 299, 300) stated that culture was given causal efficacy as well as being caused, and political culture as underlying patterns of ideas and values, acquired the same traits. Initially, political scientists were excited by the possibility of measuring variations among the political cultures of different nations, but they eventually turned to the study of such entities as “elite political culture” and “ethnic political culture”.

The political culture literature helped to provide political science itself with a sense of legitimacy and authority after World War II (Pye, 1972:286). Contemporary theories in political science on the role of political culture began with Almond’s seminal article of 1956, *Comparative Political Systems*. According to Almond, “Every political system is embedded in a particular pattern of orientations to political action”; he referred to this pattern as “political culture.” He also suggested that the then popular term, “ideology,” be confined to “the systematic and explicit formulation of a general orientation to politics,” leaving political culture to encompass “the vaguer and more implicit orientations” (Formisano, 2001:394). In the light of subsequent definitions, it is astonishing that Almond initially rejected such terms

as “attitudes to politics”, “political values”, “national character”, and “cultural ethos” as intrinsic to political culture; he deemed them “unstable and overlapping”. Ironically, later definitions refer to attitudes, values, and the like as standard elements of political culture - and remain so (Almond, 1980:1-36).

An important early study on the role of political culture in establishing and maintaining democracy is Almond and Coleman’s, *The Politics of Developing Areas* (1960). Soon after, political culture research took off as a political science sub-field (Pye, 1972) and in 1963 the, abovementioned, seminal work of Almond and Verba, *The Civic Culture*, appeared. They themselves give credit to Laswell’s, *Power and Personality* (1946).

The Civic Culture is a cross-national study offering a theory of political stability and democracy that implicitly celebrated Anglo-American representative government. It became a major work of the political culture approach. Almond and Verba (1963:x) state explicitly that there exists in Britain and the United States of America (USA) a pattern of political attitudes and underlying social attitudes that is supportive of the democratic process. The main focus of *The Civic Culture* is the political culture of democracy (1963:ix; 1). A psychological or individualistic approach resulted from the authors’ use of survey research methods used to study political culture in five democracies of that time, namely the USA, Great Britain, Germany, Mexico, and Italy. These methods led to findings of three basic types of political culture, namely parochial, subject and participatory, that the authors claimed were relevant to all political systems. The “civic culture” that was regarded as being supportive of democracy was then a balanced mix of these three types (1963:29).

For many scholars *The Civic Culture*’s importance lay in its methodology, not only the use of survey methods, but also the attempt to employ the survey methods in a cross-national context. Almond and Verba also focussed on ancient questions of normative democratic theory, reflecting their attendant bias in favour of stable democracies. As time passed, many of the findings reported in *The Civic Culture* seemed at odds with those of later research conducted in some of the polities studied (Almond, 1980). These discrepancies helped to discredit the political culture paradigm for almost two decades.

Another early seminal work on political culture is that by Pye and Verba, *Political Culture*

and Political Development, published in 1965. The Pye and Verba perspective in *Political Culture and Political Development*, sometimes referred to as the “neglected tradition” in political culture research (Lane, 1992:367), focuses on each polity’s critical elites and masses in order to study the inner structure of their mediating orientations (Laitin, 1978; Lichter, 1979; Lockhart, 1984). The contributors examined the political cultures of several polities, namely Japan, England (the relationship of English society to British government), Germany, Turkey, India, Ethiopia, Italy, Mexico, Egypt, and Soviet Russia. Multiple political cultures and sub-cultures were identified in each of the polities studied. Egypt’s political culture, for example, appeared as an interactive mix of the distinctive mediating orientations of three groups, namely the urban middle-class elite, traditional rural bourgeoisie, and the traditional peasantry. The political culture of England, in contrast, resembled a domestic balance in power system in which elites assimilated talented upstarts and expected deference from the masses. Its peculiar mixture could best be described as traditionally modern (Pye and Verba, 1969:129).

The culturalist paradigm gained new impetus in the late 1980s through the work of, for example Inglehart (1988), Eckstein (1988), Putnam (1993) and Wilson (1993).

Central to political culture theory is the concept of “oriented action”, in terms of which political actors respond to situations through mediating “orientations” rather than directly, that is, how they interpret those situations (Almond, 1990; Pye and Verba, 1969; Eckstein, 1988; Mayer, 1989:183-184; Putnam, 1971:651-653). Ongoing research into the processes of political change and the emergence of democracy (Elkins, 1993; Putnam, 1993; Thompson, Ellis and Wildavsky, 1990; Wildavsky, 1987) confirmed the importance of oriented action. These orientations are what Eckstein (1988:790) called the “soul-stuff”, or “mind-stuff” in terms of which experiences are processed. Mediating orientations must be differentiated from attitudes. The latter are more specific, whereas the former appear as cultural dispositions that may vary cross-nationally. Even elites and masses in the same polity often exhibit distinctive political cultures (Gaenslen, 1986; Putnam, 1971, 1993). Analyses of the mediating orientations that structure each political culture, are important in the political culture theory.

Three core kinds of mediating orientations have been identified in political culture theory, namely: cognitive, affective, and evaluative. Cognitive mediating orientations centre on knowledge about the political system; its roles and the incumbents of these roles; its processes; and its outputs. They give meaning to experience (decoding). Affective mediating orientations are feelings with respect to the political system's institutions, roles, personnel, process, and performance. They provide feelings that prompt political actors to act. Evaluative mediating orientations embody judgments about whether the political system's process and output reflect those values. They are important in setting goals to be pursued by the political actors (Almond and Verba, 1963:14; Bill and Hargrave, 1981:86-88; Eckstein, 1988:791-803; Parsons and Shils, 1951:58-60). Culturalists postulate about the emergence, consolidation, and persistence of political regimes by focussing on the content and internal structure of these core orientations.

In spite of the renewed interest in political culture, and convincing evidence of a link between regime type and culture, explanations of transitions to democracy premised on political culture, are criticised on a number of grounds. Shin (1997:43-45) identifies six fundamental criticisms with regard to the notion that democracy is dependent on political culture.

Firstly, changing social and economic conditions, such as economic development and its consequences may shape a state's political culture. There is historical evidence that attitudes and values may change in response to economic development and a democratic political culture may thus be the outcome of the facilitating effects of long periods of social and economic development (Diamond, 1992b:475). Huntington has, for example also suggested that a link exists between culture and religion (1984, 1991). Political culture, therefore, should not be regarded as a singular and independent actor in the institution and preservation of democracy. Any attempt to do so would be reductionist and therefore fail to take account of other possible explanations of the reasons why democracy is the "preferred" regime in a particular society.

Secondly, a correlation between democracy and political culture does not necessarily imply a causal relationship between political culture as an independent variable and democracy

as the dependent variable. What brings about the culture of people's willingness to compromise and bargain, and the effort to search for means of accommodating diverse opposition groups? Democracy itself might even be a cause rather than an effect of democratic political culture (Shin, 1997:43). This position is increasingly favoured by a number of scholars (see Di Palma, 1990:30; Diamond, 1990:57).

Thirdly, there is the problem of determining what people's attitudes really are. It is not possible to quantify "cultural values" in the same manner, as it is to quantify economic development. Nor is it possible to determine that particular democratic outcomes occurred because certain groups favoured particular political values and courses of action (see Pinkney, 1994:24-25; Shin, 1997:44). More fundamentally, how did democratic values develop within an authoritarian political dispensation? It has been argued in the past that the Roman Catholic Church is not democratically organised, yet it played an important role in facilitating democracy in Latin America (see Huntington, 1991:72-85).

Fourthly, political culture theory ignores the crucial role of political leaders and activists. According to Dahl, (1989:261) political leaders and activists can influence the course of political events, because they create and maintain political events, such as the stability of regimes and their transformation. Weber referred to political leaders as the "switchmen of history" (Kotze and Du Toit, 1995:34; Shin, 1997:44). Furthermore, it is argued that the proponents of democratic culture, as a prerequisite for democracy, ignore the strategic choices political contenders make, and how these determine the nature of a transition to democracy (Przeworski, 1986:47-57; O'Donnell and Schmitter, 1986:19; Karl and Schmitter, 1991:270-271; and Fukuyama, 1992:220). The role of political leaders, such as Nelson Mandela and FW de Klerk would be discussed in chapter six of this thesis.

Fifthly, cultural homogeneity is often emphasised, but is not necessarily a precondition for democracy (Shapiro, 1993:126-127, 298-311). Dahl, (1989:255), for example, is of the opinion that cultural homogeneity cannot guarantee democracy, and under certain conditions, democracy can function well, despite extensive sub-cultural pluralism. Examples of polities characterised by significant cleavages, but which are nonetheless democracies, include Switzerland, Belgium, Austria, Finland and the Netherlands. Their sub-cultural plural-

ism has been successfully converted into democracy by means of appropriate consociational democracy and/or federalism (Lijphart, 1991c:488; Shin, 1997:44). Lijphart (1977:228) argues that an extended period of successful consociational government may be able to resolve some of the major disagreements among the segments of society and thus depoliticise segmental divergences. It may also create sufficient mutual trust at both elite and mass levels to render itself superfluous (Shin, 1997:45).

Sixthly, the relationship between political culture and structure must be treated as a two-way street where structural elements are used consciously to create or reinforce specific values and norms (Arat, 1991:69; Shin, 1997:45). Although political culture theory may contribute to an understanding of the reasons for transition to democracy by regarding culture as the major factor explaining variations in political structures, the interaction between them is far more complex.

Thus, an approach premised on cultural homogeneity as a precondition for democracy is simply too static and too deterministic to adequately account for the complex effects of deep subcultural cleavages on the prospects for a transition to democracy (see Dahl 1989:254-260).

In spite of the above criticism, political culture theory remains an important school within theories on democratisation. The crucial question is: What is the importance of political culture theory for an understanding of democracy in general and the South African case in particular? For purposes of this study, it is important to note that studies conducted on political culture found links between political cultures and various regimes. In political culture theory, it is argued that the institution and preservation of democracy are dependent on particular supportive habits, ideas and attitudes among citizens (Inglehardt 1988:1204-1205).

Elections, for example, are products of political cultures, and they are statements about these political cultures. Elections may be periodic demonstrations of the viability of political cultures, or, as the history of military governments in Africa and South America have demonstrated, they may be the points at which political cultures break down.

Within the South African context, cultural heterogeneity is of particular importance. South African society is indeed deeply divided by conflicting racial, ethnic, religious, and

linguistic based values and interests. How important were these divisions and how were they managed in South Africa's transition to democracy? Up to 1994, there had never been universally competitive elections. For much of South Africa's history, parties advocating universal franchise had been banned and the basic civil freedoms listed by Huntington as necessary for democracy had been absent (Shapiro, 1993:126-127). Therefore, it was argued before 1994 that South Africa's rigid racial and ethnic divisions, as well as the absence of a democratic political culture, made democracy in a common state unlikely (see Lijphart, 1985; Horowitz, 1991:42-86).

However, some positive factors concerning political culture, as would be discussed in more detail in chapter three, were present, namely the democratically committed elites and the history of political competition within the ruling elite under the old regime all suggest that a degree of confidence in the possibility of a successful transition was warranted (Huntington, 1991:111-112). Shapiro (1993:141) argued the presence of positive factors that can be associated with political culture of which the most important is perhaps a relatively long history of the presence of a rule-of-law state. This was unfortunately often honoured in the breach rather than its observance during the heyday of apartheid. Nevertheless, it left institutional traces that had been useful in holding the apartheid government to account for violence as would be later demonstrated through such institutions as the "Goldstone Commission" (see chapter 5), and in facilitating and structuring the negotiations at the Convention for a Democratic South Africa (CODESA) and the Multi-Party Negotiating Process (MPNP) (see chapter 6).

With hindsight, the election of April 1994 in South Africa, in fact provided a report on the health of the emerging South African political culture on the questions of consent and legitimacy (Alexander, 1994:18-19) and eventually on the consolidation of democracy.

In conclusion, a useful way of approaching political culture is to see it as a synthesis of contradictory elements or impulses. For instance, the often conflicting demands of liberty and equality, or of ethnicity and common citizenship might struggle for expression. Elements of continuity and change will mark a political culture in either evolutionary or revolutionary transformation. To observe that the political culture, which evolved in South Africa, is

marked by deep contradictions does not make South Africa unique, but there are aspects of these contradictions that make it singular among others with similar experiences (Alexander, 1994:19).

2.2.2 THE WEALTH THEORY OF DEMOCRACY

The search for a relationship between economic development and democracy has been the focus of many scholars and in particular in the field of comparative politics. The search for such a relationship became even more important after the failure of many newly independent states to establish democratic rule after World War II (Lipset et al, 1993). Modernisation may be one reason why the incidence of democracy often correlates with economic development. Modernisation theory became, therefore, particularly important in this regard (see Landman, 2003:65-93; Przeworski and Limongi, 1997:157).

The modernisation approach had its origins in classical liberal theory (Apter, 1977). Research dating back to the late 1950s and early 1960s, emphasise the relationship between political systems and the socio-economic and structural conditions embodied in the processes of industrial growth and modernisation, such as higher literacy, urbanisation and Gross National Product (GNP) (see Lipset, 1959; Lipset et al, 1993; Huntington, 1984; Bollen and Jackman, 1985). Theorists in the modernisation approach are, thus, of the opinion that commercial and industrial societies are more favourable to competitive politics than predominantly agrarian societies are. According to their assumptions, economic development independently affects orientations conducive to democracy, among citizens (Vanhanen, 1997:11). Democratisation, therefore, might be an inevitable consequence of socio-economic development.

The question of whether a relationship exists between the nature of an economy of a state and democracy is a threefold question. Firstly, there is the issue of whether (and if so, why) wealthy polities are more democratic relative to less wealthy, poorer and poor polities. The second issue is whether economic development will lead to the development of democracy in non-democratic states. The third issue is whether continued economic development can maintain a democracy (see Landman, 2003:65-93). Searching for the “linchpins”

of democracy, modernisation theorists, subsequently, argue that democracy is the result of progress, which is defined as economic and social development that goes hand in hand with industrialisation (see Lipset et al, 1993). It is, thus, assumed that the best strategy for promoting a transition to democracy, would be to raise the level of socio-economic development (Vanhanen, 1988:2).

As mentioned, attention was paid to the role of literacy, urbanisation, and GNP in seeking to account for democratic development (Lipset et al, 1993:155). Lerner's (1958), *The Passing of Traditional Society: Modernizing the Middle East*, made an important contribution in the field of modernisation by presenting a model in which three types of orientations were identified, namely traditional, transitional and modern. In determining these orientations, literacy, urbanism, media participation and empathy were used as criteria. Modernisation is regarded by Lerner as movement away from a traditional to a modern participant way of life (Landman 2003:75-76).

Several other important studies were conducted within this paradigm, often paying attention to different aspects and even manifestation of a possible relationship between economic development and democracy. Two seminal works in this regard are: Lipset's 1959 essay, *Some Social Requisites of Democracy: Economic Development and Political Legitimacy* and Rostow's *The Stages of Economic Growth* of 1961.

Lipset's general argument (1959)¹ was simply that "democracy is related to the state of economic development...the more well-to-do a nation, the greater the chances that it will sustain democracy" (Lipset, 1959:75; 1960:31). To demonstrate his argument, he classified the states in his study into two sets, namely those of Latin America (as one), and those of Europe and the English-speaking states as the other (Lipset, 1959:73). Based on their experiences with democracy, these two groups in turn were each classified into two categories. European and English-speaking states were classified into stable democracies versus unstable democracies and dictatorships. Latin America, on the other hand was classified into democracies and unstable dictatorships versus stable dictatorships (1959:73-74). Within each region or set,

¹Asserting a broad and multi-stranded relationship between the level of economic development and democracy, Lipset's essay broke new ground in what came to be known as "modernisation theory". It also became an essential reference point for all future work on the relationship between political systems and the level of economic development (Diamond 1992b).

he then compared the two groups of regimes on a wide range of indicators of socioeconomic development - wealth (income, transport, healthcare and communications), industrialisation, urbanisation and education. He found that within each regional set, the more democratic states had consistently and often dramatically higher mean levels of development than did the less democratic states (Lipset 1959; Diamond, 1992b:450).

Proponents of modernisation theory, building on the arguments found in these two works, claim that as states save and invest at appropriate levels, their infrastructure and social institutions will expand and liberal democratic institutions will flourish as a natural response to the functional imperatives of society, by opting for the best form of governance. The development of social institutions thus raises the level of education of the population, improves its social and spatial mobility, and promotes the political culture that supports liberal democratic institutions (Hartlyn and Valenzuela, 1994:102). In short, modernisation theory assumes that the process of socio-economic development is a progressive accumulation of social changes that will eventually culminate in the democratisation of that society (Przeworski and Limongi, 1997:158).

There are several other important studies in the earlier phase of the search for a relationship between the wealth of a state and democracy (see Landman 2003). Important in the earlier phase are the work by Coleman (Almond and Coleman, 1960), Cutright (1963), Cutright and Wiley (1969), Dahl (1971), Jackman (1973), Bollen (1979), Bollen and Jackman (1985). In a second phase, characterised by more sophisticated statistical analysis, the research by Helliwell (1994), Burkhart and Lewis-Beck (1994) and, Przeworski and Limongi (1997) are important. The arguments and findings of Winham (1970), Huntington (1984, 1991), Vanhanen (1990), Rueschemeyer (1991, 1992), and Fukuyama (1992) are basically in agreement with Lipset's original argument, which posits a strong and positive correlation between a state's socio-economic development and its level of democratic performance.

In a comprehensive study, Bollen and Jackman (1985), for example, determined a correlation between the variables of economic development and democracy in over 100 states (using political indicators for 1960 and 1965). They found that "the level of economic development had a pronounced effect on political democracy, even when other non-economic factors

are considered” (Bollen and Jackman 1985:38-39). In another comprehensive study, Huntington (1984) noted, “the correlation between wealth and democracy is thus fairly strong” (Huntington, 1984:199, 218; Shin, 1997:15).

From these studies, can be concluded that the predominant finding of quantitative comparative research on the “correlates” of democracy is that there is a “stable positive relationship between socioeconomic development and democracy” (Rueschemeyer et al, 1992: 26; Diamond 1992b; Bollen and Jackman 1985).

How does economic development promote transition to democracy? The answer to this question is not straightforward. Even though several important studies suggest a correlation between economic development and democracy, other studies by, for example, Przeworski and Limongi (1997) questioned the interpretation of the findings of earlier studies in this regard. Several cases do not support a correlation between economic development and democracy. Oil-rich nations, such as Saudi Arabia and Kuwait, for example, have authoritarian political systems, in spite of a high per capita income.²

Wealth itself, therefore, may not necessarily be a factor in the democratisation of undemocratic political systems. Broad based economic development, that includes industrialisation, appears to be more important in contributing to democratic transition, than wealth resulting from the sale of natural resources such as oil (Huntington, 1991:65). Dahl (1971:53-61) referred in this regard to the apparent importance of norms about equality, private ownership and in particular a decentralised economy. Muller (1996) in turn points out the negative effect of income inequality, which is often a consequence of economic development, on democracy. Thus, sheer economic wealth may not necessarily be sufficient for the development of democracy, nor be able to maintain it.

In trying to explain the reasons for the correlation between economic development and democracy, it is argued that the process of modernisation is a movement away from traditional society to a modern participant society characterised by urbanisation, literacy, the development of civil society, media participation and political participation. The dramatic rise in the proportion of secondary school students around the world between 1965 and 1985

²In 1976 they had per capita GNPs of over\$4,000, ranking well up among the wealthy polities. In 1992, Saudi Arabia’s GDP per capita was \$7,940 and that of Kuwait \$16,160 (Huntington, 1991:65)

may have had a special impact on citizens' demands and so indirectly on political structures as well (Lipset et al, 1993:168).

Economic development, thus, may give rise to certain trends that could facilitate the development of democracy. Correlational and causal relationships, as well as causal paths among various variables were the focus of different, yet related studies by a significant number of scholars. These studies often differ in the interpretation of exactly how democracy is "caused" by economic development. Even though the findings of some of these studies are conflicting, there are also important similarities to be found in these studies. The following are important in this regard:

- "Urbanism" was identified by Lerner (1958:89) as one of the characteristics of a modern participant society. Economic development facilitates urbanisation, an increase in the literacy rate, as well as increased exposure to the mass media (see McCrone and Cnudde, 1967:78; Diamond, 1992b:462-463; Huntington, 1984:199). It is argued that urbanisation affects the democratic political development primarily by increasing educational levels, which in turn increases mass communications, such as newspaper, television and radio (Diamond, 1992b:462-463). These may all contribute towards the development of a political consciousness among the population. It is thus also necessary to pay attention to the importance of variables such as literacy and communication in the development of democracy.
- Higher income is particularly important in democratisation because of its impact on education. There is a significant relationship between income levels and the proportion of children attending secondary schools. In 1985, the median secondary school attendance in the low-income economies (including China and India) was only eighteen per cent, compared to a median attendance of ninety-six per cent in the rich industrial economies. The correlation between the proportion of enrolments in higher education, and political freedom scores, is likewise significant. Rising national income, combined with an increase in schooling, may have a dramatic effect on the attitudes and the political demands of the newly educated generation (Lipset et al, 1993:167; Shin, 1997:16-17). Formal schooling tends to modernise attitudes and values includ-

ing a desire and willingness to have a say in the actions of government (Lipset et al, 1993:167; Inkeles and Smith 1974:133-143).

- The expansion of education and the accompanying increase in the literacy rate, as well as the expansion of and increased access to communication media, heighten public awareness of political issues and encourage popular demand for participation. Cutright (1963) and Winham (1970) both found positive correlations between communication, urbanisation, education, and transition to democracy. By using time-lagged correlations over a long time span, Winham was able to infer more persuasively that socio-economic development has a causal effect on the development of democracy. His finding that the data pointed to the causal priority of education and especially communication (Diamond, 1992b:462; Shin,1997:16) is important. The better-educated populace is better equipped to discern government propaganda from fact more easily than illiterate or poorly educated citizenry, and are thus capable of resisting the influence of such government practices (Huntington, 1968: 47-50).
- According to Diamond (1989:34) socio-economic development tends to loosen or sever traditional ties of deference and obedience to authority. New interests are generated, new consciousnesses kindled, and new political and organisational capacities are acquired at the individual and group levels.
- Higher standards of living, may, facilitate the formation of a middle class. A middle class usually is an asset in a democracy, but depending on their interests may on occasion obstruct democracy. Economic development and the accompanying improved standards of living may give rise to greater social diversity, and increased civil consciousness of the people (Manning, 1990:49-50; Shin, 1997:16).
- Likewise, economic development, increased education and the media may be beneficial to the development and nurturing of both civil and political society. The importance of civil and political society within the context of South Africa's transition would receive attention in chapters three to six.
- It is also argued by, for example Huntington (1984:199) that a highly economically de-

veloped and complex society, cannot be efficiently governed by an authoritarian regime and therefore requires specialised political institutions (see Reuschemeyer, 1991:12).

- An economic developed society simply provides more opportunities and interests which an authoritarian government may find difficult to address.

Despite these findings, there are many criticisms of modernisation theory. The following are some of the criticisms levelled against the wealth theory in general:

Firstly, most of these studies can be criticised on conceptual and methodological grounds. According to Diamond (1992b:451) Lipset's study, for example, is a "static analysis of data from a single time point, although it does classify regimes on the basis of their experience over a long period of time (25 to 40 years)." Like other theories in the modernisation or "liberal" school, it merely establishes correlation and not causality. Lipset (1959:72) even contended that, "The high correlation which appears in the data...must not be overly stressed, since unique events may account for either the persistence or the failure of democracy in any particular society." Yet, the study does assume and infer that democracy is the consequence of various developmental factors (Diamond 1992b:451). Modernisation theory thus posits a universal trajectory for all nations despite their relative historical timing of development, namely, after Europe and North America.

A second point of criticism of the studies on the relationship between economic development and democratisation, is that they often assume linearity and ignore the possible negative impact on democracy that, according to Huntington and Nelson (1976:20) "the processes of changing from one developmental level to another might have" (Diamond 1992b:451). Without proper political institutionalisation, socio-economic development could actually lead to political instability (Huntington, 1968). In other words, the very process of development itself is a destabilising force. The deterministic and teleological nature of these studies may therefore be questioned (see Przeworski and Limongi, 1997:176). Most objections arise in this sense for it assumes that all polities that achieve high levels of economic development necessarily achieve democracy. Huntington surprisingly also concluded in his groundbreaking study, "with a few exceptions, the limits of democratic development in the world may well have been reached" (Huntington, 1984:199, 218).

Thirdly, theories focussing on the role of economic wealth in democracy, do not consider other possible causal and intervening variables. Great care should therefore be taken to infer causality from a mere correlational relationship. Putnam (1994), for example is of the opinion that both economic development and democracy are dependent on “social capital” and “civic engagement” (Putnam, 1994:9). The wealth theory also tends to ignore the impact of colonisation and decolonisation, as well as the possible alternative outcomes of development, for example, those that resulted from the revolutions in Russia, Mexico, China, and Cuba.

Fourthly, from a regional perspective such as Latin America, Africa, and Asia, modernisation theory is in fact ethnocentric, since it prescribes a formula for development based on the patterns observed in the advanced industrial polities of Europe and North America (Valenzuela and Valenzuela, 1978:535-357).

Lastly, the wealth theory is unable to predict the possible advent of democracy and neither does it explain the more recent transitions in Eastern Europe, all of which, to varying degrees, took place in a context of economic crisis. Economic crises, as would be discussed in the chapters to follow, are often instrumental in regime breakdown and in providing the necessary opening for regime change in which elites usually play an important role. This criticism is also raised within the context of the South African transition to democracy in the face of a long-term decline of economic growth, widespread poverty among black people, relatively high inflation rate, and high unemployment. South Africa had long been considered one of the polities where a transition to democracy was least likely (Shin, 1997:28; Giliomee, 1995:83).

2.2.3 INTERNATIONAL FACTORS OF TRANSITION TO DEMOCRACY

States and regimes are not isolated entities. They exist in an international system that both undergirds them and exposes them to change. Most social scientists take the nation-state as the prime unit of comparative analysis, but often discover that explanations of domestic political dynamics require reference to “external” influences emanating from the

international environment (Bratton and Van de Walle, 1997:27). Therefore, scholars such as Dahl (1971:189-201), Huntington (1984:205-207; 1991:85-100) and Whitehead (1986:3-46) are of the opinion that a polity is seldom solely shaped by its own people and that international factors may be decisive in determining whether a state becomes a democracy or not. In the extreme, some analysts even grant causal primacy to the international system, treating it as an all-embracing whole in which states - and the regimes devised by their rulers - are merely parts. An unfortunate consequence is thus the reduction of internal political developments to mere functions of international relations (Bratton and Van de Walle, 1997:27). In fact, the contribution of international factors is usually secondary to internal or domestic factors, but the former often enhance the effect of domestic factors.

The issue of whether international systems provide support or impose restraints on the development of new states, including their political dispensation, is complicated by the fact that these global systems are themselves changing. Analysts are only just beginning to understand the nature and implications of the momentous events and trends that followed the end of the Cold War. Important in this regard are, the collapse of communism in the Soviet bloc, the universalisation of free markets, the mobility of financial capital, the global information revolution, the rise of social movements, the international emergence of Western hegemony headed by the USA and the associated ascendancy of the ideology of liberal democracy. Together these would challenge the political status quo throughout the world, increasing the likelihood that authoritarian regimes would have to undertake at least a measure of political liberalisation (see Bratton and Van de Walle, 1997:28). When political protesters and embattled leaders in the early 1990s spoke the language of liberal democracy, they reflected the influence of powerful ideas emanating from Western arenas.

This literature on the “international context” of democratisation unpacks such components as background conditions, decisive events, influential actors, and forms of influence. Three types of international influences have been identified as important in this regard. Firstly, direct and conscious policy (often in the form of pressure) from outside the particular state concerned, such as conditions for democratic reform imposed by international donors and financial agencies, and the threat of material sanctions on states. Munslow (1993:299) is for example of the opinion that the move for democratisation on the African

continent is primarily being driven from abroad. This is in line with Tom Young's assertion that the recent wave of democratisation is largely externally engineered (Hall and Young, 1997:262). Secondly, pressures emanating from the structures of the international economy (Gill, 2000:18). Thirdly, the persuasive effect of the example set by the democratisation of other states as citizens jump on the democracy bandwagon. This is often referred to as the "demonstration", "contagion", "diffusion," "snowballing," or "domino theory" of regime transitions, whereby political events in one polity evoke effects across international borders. These effects may suggest why political phenomena commonly occur in "waves" (see Pridham, 1991:10, 18-20; Huntington, 1991:100-106; Dahl, 1971:189-201).

DIRECT AND CONSCIOUS POLICY

The actions of foreign governments, non-governmental organisations and organisations from political and civil society with links to similar organisations in a state with an authoritarian regime, could be important in this regard.³ Their influence may be in the form of pressure on the authoritarian regime to democratise, support for the democratising forces (even support for liberation movements), or the promise of material benefits (see Gill, 2000:63-64). However, the withdrawal of support for authoritarian regimes may also be a factor. Mechanisms of such direct pressure usually include penetration, intervention, isolation and mediation (Geldenhuys, 1989:272).⁴

The emergence of a global concern about human rights played an important role in this regard. Human rights and democracy became major issues in international relations after World War II. This manifested itself for example by the United Nations General Assembly's adoption of the Universal Declaration of Human Rights in 1948, human rights legislation of the US-Congress, the emergence of human rights organisations such as Amnesty International, Freedom House, American Watch, and other intergovernmental human rights organisations (Huntington, 1991:88-101; Gill, 2000:65). From the early 1970s, the USA in particular made the promotion of human rights a major foreign policy goal and recommended a variety of actions to promote that goal. The global concern about human rights began to

³These also played a role in South Africa as discussed in chapters 3-5.

⁴See chapter 3 for a discussion on these within the South African context.

erode authoritarian regimes in the 1970s. Undoubtedly, the worldwide human rights revolution became a reality in the minds of political and intellectual leaders in most states. It had a morale-boosting effect on those opposing authoritarian regimes. For authoritarian regimes, in turn, the difficulties and costs of ignoring human rights increased markedly. Thus, the global impact of the human rights movement was an important factor in the overthrow of some authoritarian governments (Huntington, 1991:88-101).

Furthermore, governments usually try to strengthen “friendly political movements” in other states through diplomatic, economic, and military instruments. This is a mechanism also used by Western governments and in particular the USA. Some diffusion of democracy resulted, in large part, from the efforts of the USA to create a world conducive to its best interests. This was the case throughout the Cold War, as well as after its demise (see Gill, 2000:19). Realists and idealists agree that the USA would benefit if democracy were a worldwide political order in which other democratic governments would be amenable to USA foreign policy, strengthen its market economy, muster support for its initiatives, and show respect for human rights (Solarz, 1985:19; Manning, 1990:96). Ironically, for the same reason international communism also supported the democratisation of some South American states. In order to provide stability and prevent the spread of communism, the USA often resorted to supporting authoritarian regimes as for example in Chili, where a military coup ousted the democratically elected President Allende in 1973.⁵

The role of international factors is therefore complex and regime changes thus may be a consequence of changes in the policy of governments supporting authoritarian regimes of other states. Thus, even the President of the former USSR, Mikhail Gorbachev’s decision to withhold Soviet military protection from discredited communist governments in Eastern Europe was a signal to pro-democracy forces that democracy could be instituted (Diamond and Plattner, 1994).

⁵This also affected the USA and Britain’s policy toward South Africa during the Cold War. Thus, as will be discussed in chapter 5, after the fall of communism and the USSR’s support for liberation organisations in South Africa, Western governments were able to exert pressure on the South African government to find a democratic settlement.

STRUCTURES OF THE INTERNATIONAL ECONOMY

Pressures emanating from the structures of the international economy is largely a consequence of overarching economic principles, the global flow of capital with risk and political instability as discouragement for investment, or the creation of dependencies that could affect democratisation (see Gill, 2000).⁶

The rising economic cost of maintaining an authoritarian regime within a global economy could become an incentive for authoritarian regimes to democratise. However, pressures emanating from foreign domination in general and economic dominance in particular are also important.

According to theories of international dependency or, in neocolonialism the evolving interests of capital at the core of the global economy either entirely block, or at best permanently subordinate, the prospects for development of poor polities. Dependency theorists were mainly interested in capital accumulation and class formation at the periphery and they therefore paid relatively little attention to political dispensations. Some such writers recognised that Africa's emergent bourgeoisie was a political class that owed its control of economic means to the occupancy of state office. Others drew attention to the fact that dependent states displayed weak organisational capacities (Wallerstein, 1979). While most neo-Marxist scholars regarded national development not a top priority of the political class, others like Richard Sklar (1983:11-24) identified "developmental dictatorship" as the political regime most commonly associated with the neocolonial state in Africa. In a context in which the principal focus was on economic accumulation for consumption by state elites, analysts neglected the legitimation of states or the democratisation of their political regimes (Huntington, 1987: Chapter 1). Thus, dependency theorists imply that the lack of economic and political development would hamper the prospects for democracy. Dahl (1989:263), however, is of the opinion that if the dominating state is a democracy its rule could stimulate the development of democracy in the dependent state, as was the case in some British colonies such as Canada and Australia (see Huntington, 1984:206-207; De Villiers, 1993:86).

⁶Gill mentions that this needs more research but he indicates that even during the Cold War most democratisation took place within the sphere dominated by "capitalist democracy" and after the fall of communism this became even more important.

DEMONSTRATION EFFECT

Huntington (1991:100-101) is of the opinion that successful democratisation in one state encourages other states in a similar situation to democratise, because they might become aware of the advantages, possibilities, difficulties, and methods of successfully achieving a democratic transition. Democratisation might, for example, be perceived as a cure for their problems, or because the country that has already democratised is powerful and/or is regarded as a political and cultural role model. Successful democratic transition in one state serves therefore as an example for others.

In the age of the communication explosion that facilitates the spread of political ideas, it is no longer possible for one state to prevent its people from receiving information on international events. The exposure of citizens to multiple information sources and the free exchange of ideas pose a direct challenge to the structures of political control imposed by authoritarian regimes (Shin, 1997:56).

Moreover, in the interconnected international society, it is difficult for any state to deviate from the dominant political and social trends in the world. Hence, the international demonstration effect is felt everywhere (Huntington, 1991:102). The toppling of hard line regimes in East Germany and Bulgaria, for example, led both incumbent and opposition groups in then Czechoslovakia to recognise and act upon the vulnerability of their own regimes.

This type of international diffusion can occur within regions undergoing regime transitions as well as from dominant cores to dependent peripheries. Geoffrey Pridham (1994:7) argues that a favourable or supportive geostrategic environment has been essential, or even crucial for successful transitions to constitutional democracy in postwar Western Europe, Southern Europe in the 1970s, Latin America in the 1980s and Eastern Europe at the end of the Cold War. Also with reference to Eastern Europe in the spring of 1989, Kumar (1992:441) finds that the causes of the revolutions and the conditions of their success were largely external - the result of changes in Soviet policy, and by ideas mainly derived from Western liberal ideas going back to the Enlightenment and the French Revolution.

Preconditions of transition to democracy based on international influence also have their shortcomings:

Firstly, Vanhanen (1990:118) argues that the effects of international influence tend to be diverse and complex and therefore almost impossible to quantify (Shin, 1997:64). Although most analysts therefore acknowledge some role for international forces in democratisation in the late twentieth century, a small literature grant causal primacy to the international system, treating it as an all-embracing whole in which states - and the regimes devised by their rulers - are merely parts. An unfortunate consequence is thus the reduction of internal political developments to mere functions of international relations (Bratton and Van de Walle, 1997:27).

Secondly, there may be alternative explanations of democratisation, for foreign intervention may not necessarily lead to democratisation. For example dependency theorists, based on their interpretations of Latin American experiences, argue that foreign influence may in fact inhibit democratic development. This was also largely the case in those states on which the USSR exercised influence (De Villiers, 1993:87).

Thirdly, external pressures may topple an authoritarian state, but their ability to establish a democracy is more limited. Democracy cannot be imposed in a similar way as authoritarianism, and external influence can only add a helping hand if some of the preconditions mentioned are already there (Shin, 1997:64). This is clearly demonstrated by the history of African states with authoritarian political dispensations.

Jackson and Rosberg (1982:1-24) for example indicate that African states benefited from achieving independence during a period when internationalism reached a high-water mark (see Jackson and Rosberg, 1982:278). At the same time, the Cold War often enabled African political leaders to attract resources, and obtain protection for their chosen regimes by playing one superpower off against another. In comparison to the states of early modern Europe, forged internally out of feudalism and absolutism, African states and regimes were in large part the creation of a post imperial international order. Charles Tilly (1975:46) has noted that "the later the state-making experience...the less likely...internal processes...are to provide an adequate explanation of the formation, survival or growth of a state."

Fourthly, other, more cautious voices warn against assuming that liberal values are gaining universal acceptance, pointing to the persistence of indigenous political values and the

limited capability of Western powers to promote democracy abroad (Huntington, 1993:22-49).

Fifthly, intervening variables are often not taken into account. The case for an externally inspired process of political change is often favoured within Africa. After all, the political openings in African polities from 1990 onward occurred almost simultaneously, implying a shared response to a common external stimulus, such as the collapse of communism or the end of superpower rivalry. Yet, this does not demonstrate an external origin to these transitions. For this to be the case, political outcomes would also have to be consistent, but regime transitions were widely divergent across African polities. Outcomes that ranged from the establishment of democracy to the deepening of military dictatorships, suggest that major explanatory variables may in fact intervene between the international context and the transition processes. Thus, international factors do not fully explain transitions to democracy. As Fishman (1990:440) notes, “To emphasise the distinctiveness of specific cases simply avoids the false assertion that there is one comprehensive causal constellation accounting for significantly different outcomes and processes.”

To summarise: although international factors and involvement can have negative effects for the promotion of democracy, the evidence is overwhelming that it can enhance transition to democracy. It helps to effect transition to democracy by raising the perceived costs of maintaining a repressive authoritarian regime, creating and widening the feasible political space to the opposition forces before and during transition, and mobilising contacts to persuade the need for restraints by the hardliners during transitions (Shin, 1997:64). However, in order to have a meaningful effect the international context needs to be favourable toward democracy. The withdrawal of support for authoritarian regimes as well as the active promotion of values that facilitate democracy is important in this regard. It should thus not be assumed that the international context would automatically favour democratisation.

At the time of South Africa’s transition, international influence as exerted by the USA, European Union, the Vatican and even the then USSR was predominantly pro-democratic. The regional or global trend was, and still remains, pro-democracy, and powerful external actors made the promotion of democracy an explicit foreign policy aim (see Huntington,

1991:86). The wave of democratisation after the collapse of communism in Eastern Europe seemed to leave South Africa with no option but to follow (Giliomee and Schlemmer, 1994:188). As would be discussed in chapter five it is doubtful that President FW De Klerk would have been able to move toward democratisation without the worldwide collapse of communism (Shapiro, 1993:133). In turn, democratic change in South Africa has also stimulated political change in the region (Diamond, 1993).

2.2.4 SOCIAL STRUCTURE AND THE IMPORTANCE OF POLITICAL AND CIVIL SOCIETY

Several authors such as Huntington, 1984 and Shin, 1997 stress the importance of a widely differentiated and articulated social structure demonstrated by the presence of autonomous social classes, political and civil society organisations, pluralism - even highly structured (e.g. caste system in India) - an autonomous bourgeoisie and even a feudal aristocracy (Huntington, 1984:202-205). It should however be noted that discussions on these are often included in other structural theories and in particular those dealing with wealth and culture and to a lesser extent international factors. Likewise, these factors often receive attention in theories on elite behaviour (see Gill, 2000:4-7). However, Gill is also of the opinion that the problems encountered with the explanatory ability of most structural and behavioural theories are due to the fact that insufficient attention was paid to political and civil society (Gill, 2000:7, 58-62).

For our purposes, due to their importance within the South African context, the role of political and civil society organisations should briefly be noted separate from the other theories.⁷

On the one hand, the presence of organisations representing for example religion, labour, business, culture, professional and occupational groups, as well as political interests (such as political parties), could be an indication of the existence of a culture of democracy. These organisations would thus be in a position to sustain democracy by providing a counter-balance that would prevent the centralisation of political power, and by becoming the “vehicles” for

⁷The importance and role played by political society and civil society receive detailed attention in chapters 3-5.

increasing and channeling political participation, education and even international influence (see Huntington, 1984:203; Gill, 2000:4-5, 60-62). On the other hand, they could become a significant force in eroding the powerbase of an authoritarian regime and even eventually the breakdown of such a regime.

Gill (2000:60-61) however also concedes that the role of these organisations may differ from one society to another and would depend on the popular support they could mobilise and their ability to maintain themselves under authoritarian rule. Political parties are particularly important during transitions for they often are the best placed to negotiate with the rulers, to determine the rules of the political game and to ensure the honouring of agreements.

In concluding on the uses of the macro-structural approach, it is important to note that it has several limitations that should be borne in mind in studies of transition to democracy. The following are important in this regard;

Firstly, Rustow (1970) and Przeworski, (1991:96) are of the opinion that the structural approach's determinism in the sense that democracy is determined by satisfying certain functional prerequisites, is problematic. Structural theories have thus been criticised for being too deterministic by orienting the activities of political actors who instead believed that the success of democratisation might depend on their own strategies and those of their opponents, rather than on structural conditions (Przeworski, 1991:96). Structuralists however maintain that they do not imply that individual decisions made at particular points in time can be predicted by pre-existing social, economic or political relations (Karl and Schmitter, 1991:272). Huntington (1984:198) also acknowledges Rustow's contribution in helping to provide a more balanced approach to studies of democratisation, but cautions against the extreme of ignoring these factors altogether.

Secondly, the reductionist nature of these theories are also problematic for explanations are usually limited to these factors only. Rustow (1970:337) argues that the search for the causes of democracy primarily in economic, social, cultural, psychological, and international factors are limiting and seemingly ignore political factors. Neither do these theories provide for a systematic analysis of possible relationships between the various variables identified

in diverse theories. What connection exists for example between cultural and economic variables? Thus, the persuasiveness of this approach is only relative.

Thirdly, and following from the above, the nature of the relationship that exists between macro-structural variables and democratisation is not properly clarified. Rustow (1970) is of the opinion that correlations are often incorrectly elevated to causal factors.⁸ For example, various macro-structural “pre-conditions” could in fact depend on democracy. Karl and Schmitter (1991:270; Shin, 197:69) for example argued:

empirically, the structural conditions commonly considered preconditions for democracy may be better perceived as the outcomes of democracy, rather than as the explanation of democracy’s emergence. Greater economic growth and more equitable income distribution, higher levels of literacy and education, and increases in media exposure are considered products of a stable democratic process rather than as prerequisites of its existence.

A positive correlation does therefore not necessarily imply causation. The causation between democracy and structural conditions is complex and not necessarily unidirectional. A manifest correlation may be accidental or may even be the result of intervening variables.

Fourthly, by focussing on macro-structural conditions for democracy and democratisation, the processes involved in democratisation are neglected. Thus, the macro-structural approach is weak in analysing the various paths of the process of democratisation, or the roles that elites may play in such transitions. Structural theories can therefore explain only one part of transition to democracy. According to this approach, structural factors are necessary conditions for democracy. However, structural factors may determine the range of options available to decision-makers and may even guide them to specific choices (Karl, 1990:7). Thus, although we cannot deny the importance of structural factors in the transition to democracy, there is room for political actors to make choices or for political engineering that increase or decrease the probability of the persistence and stability of a regime (Vanhanen, 1988:5).

Fifthly, as Kitschelt (1992:1028-1029) points out these theories do not adequately explain why polities with comparatively the same socioeconomic structure form vastly different po-

⁸Rustow (1970:337) contends that the structural theorists often jump from the correlation between democracy and other factors to the conclusion that those other factors are the causes of democracy.

litical systems, nor why democratic transition does not occur in certain polities despite the changes in objective conditions. Neither does it answer the question of why a transition transpired at a particular time (Shin, 1997:69). Thus, critics of the structuralist approach also argue that most of the various propositions (and variables) within the structural approach are at most plausible and only applicable to a few cases. This seems to indicate that the causes of transition to democracy differ from case to case and from time to time (Shin, 1997:69). Neither do these theories account for the uncertainties and reversals possible in any real historical situation (Whitehead, 1986:38; Levine, 1988:384).

In addition, structural theories are even unappealing to scholars who oppose the behavioral theories because it elevated structural factors to political importance (Przeworski, 1991:97)

In the context of this study it is accepted that sufficient evidence exist for the presence of these variables during transitions of democracy. It is therefore argued that the presence of these variables during the South African transition needs to be investigated even though this may not necessarily imply a causal relationship between these variables and the South African transition.

2.3 STUDIES IN DEMOCRATISATION: THE MICRO-BEHAVIOURAL APPROACH

In terms of the micro-behavioural (or process) approach, the focus in studies of democratisation should be on the origin or birth of democracy and not on controversial preconditions. Consequently, a transition to democracy is viewed as the outcome of deliberate attempts made by actors to transform political structures, institutions and behaviour in order to attain particular goals. Attention is paid to the strategic calculation and selection process of political actors, such as elites and political parties; the various paths to democracy; the modes of transition; and the outcomes - that is the nature of democracy and the institutions decided on (Rustow, 1970:344; Karl, 1990:8; Burton and Higley, 1987:295; Przeworski, 1991:ix-xii). Thus, outcomes depend less on objective conditions than on subjective rules surrounding strategic choices. This has the advantage of stressing collective decisions and

political interactions, which receive little attention in research focussed on preconditions (Karl, 1990:6). The basic assumption of the micro-behavioural approach is, therefore, that structure controls the behaviour of humans, but is not decisive in democratisation - the dynamic “process” of democratisation rather than the conditions of democratisation is thus emphasised.

Rustow (1970) made one of the first important contributions in this regard. His genetic theory, which focussed on the “genesis” of democracy, was presented as an alternative research strategy to the macro-structural approach. According to the genetic theory the data used in the macro-structural approach to determine preconditions, are obtained from stable democracies that already exist and thus cannot forecast the outcome of the process of democratisation. The process itself may suddenly stop or be reversed and is therefore characterised by uncertainty and indeterminacy. Therefore, the preconditions of democratisation do not guarantee successful democratisation (Rustow, 1970).

Despite differences in research strategies, it is claimed that micro-behavioural theories restore causal analysis (Rustow, 1970:340; Karl, 1990). They are focused on pursuing strategic choices, as well as the payoff, of main political actors including the various “paths” that they follow. Other important researchers in this approach are O’Donnell and Schmitter (1986), Burton and Higley (1987), Kaufman (1986), Share (1987), Karl (1990), Mainwaring (1992), Valenzuela (1992), Przeworski (1986, 1991, 1992).

An important focus is on the possibility (and the stability) of “democracy through compromise” - a process in which the “moderates” among the main political actors (from both the incumbents and the challengers) often play a crucial role. Przeworski (1992) for example emphasised, “the theory of strategic choice” in which he made use of the game theory.

Such a research strategy provides a persuasive and theoretical basis for the understanding of the dynamic process of democratic transition. It, thus, contributes to a better understanding of the “structure of choice”, as well as the goals and strategies that drives the main actors, “the once- dominant search for prerequisites of democracy has given way to a more process-orientated emphasis on contingent choice” (Karl, 1990:1).

Furthermore, it is argued that this approach provides a more dynamic perspective on

democratisation since every political system and every transition to democracy is unique. According to Rustow (1970:346, 357) the genesis of democracy need not be geographically uniform for there may be many roads to democracy; neither need it be temporally uniform because different factors may become crucial during successive phases. Likewise, it is not socially uniform because the attitudes that promote democracy are not necessarily the same for politicians and for ordinary citizens (Rustow, 1970:346). Therefore, a better knowledge of a particular transition to democracy can be acquired through a close examination of the actual causes and political processes, including its historical background, and the major political actors and their roles in the process.

The proponents of the micro-behavioural approach often focus on particular facets of transitions to democracy and thus establish various theories. For a better understanding of the variety of contributions, in this regard, it is important to pay attention to the following elements of actual democratic transitions: key actors, the various paths, identified strategies and choice, modes of transitions and the institutional outcomes. It is however important to note that these elements are identified for analytical purposes for in most theories they are integrated.⁹

2.3.1 KEY ACTORS IN TRANSITIONS

The discussion above has given an indication that a variety of actors¹⁰ from the state, political society and civil society are involved in transitions to democracy. Based on their positions and behaviour during transitions, a number of categories of actors are identified which require further elucidation. These include the incumbents, elite, challengers, hardlin-

⁹The concepts used in this section, as well as the associated terminology, are often given different content by different authors. However, this is largely due to the heterogeneous backgrounds of scholars and differing research contexts. During the discussion, it will become clear how the most important terms and concepts are used in this thesis. Note e.g. Huntington (1991:114) comments on the different terms used in this regard.

Huntington		Linz		Share/Mainwaring
(1) transformation	=	reforma	=	transaction
(2) replacement	=	reptura	=	breakdown/collapse
(3) transplacement	=	reptforma	=	extrication

See Linz (1978:35), Share and Mainwaring (1986:177-179); Przeworski (1991:xi).

¹⁰Huntington (1991:122) refers to these as “political groups involved in democratisation” or as “crucial participants”.

ers, standpatters, softliners, liberalisers, reformers,¹¹ moderates and radicals.¹²

- The incumbents are those that hold positions of power within the state.¹³
- The concept of elite is often referred to in transitions to democracy. It refers to those who are able, through their position in, for example political institutions, government, business, trade unions, the military, the media, religion and academia, to affect political outcomes seriously and regularly. They may include both the established, as well as a counter-elite (Burton and Higley, 1987:296).¹⁴
- The challengers are those that oppose those that wield power within a particular state and could include a counter-elite.¹⁵ The terms challengers and opposition are often used interchangeably. However, within the South African situation this is rather problematic. There was an official parliamentary opposition which did not necessarily seek to democratise the political dispensation - for example the Conservative Party (CP) favoured a more stricter enforcement of the apartheid system.
- Hardliners are those within the “authoritarian bloc” or in Huntington’s words the “governing coalition” (1991:121) that believes that authoritarian rule is possible and desirable. Hardliners usually consist of various factions and the most problematic are

¹¹Huntington (1991:122) identifies democratisers and liberals among the reformers.

¹²The terms hardliners and radicals are often used interchangeably in the literature - likewise, the terms softliners, liberals and moderates. Within the South African context, the term “verligtes” was used to refer to the liberalisers, softliners or reformers among the ruling elite, while the term “doves” were used for moderates among the opposition. The term “verkramptes” was used to refer to hardliners and standpatters among the ruling elite, while the term “hawks” were used to refer to the radicals among the challengers.

¹³In the literature they are sometimes referred to as the government, power bloc, authoritarian bloc, regime, regime bloc and ruling elite. In the study, the term “government” refers to the executive (or cabinet) only. The term incumbents is wider than the government but narrower than the “power bloc” - the term “power bloc” refers to all that is associated with the exercise of power and is used as a synonym for the “ruling elite” - and may include individuals and organisations from political society and civil society.. The incumbents therefore include the government and others who exercise power within state institutions - security forces particularly are important in this regard. The term “authoritarian bloc” refers to the power bloc or ruling elite in an authoritarian dispensation. The term “regime” refers to a system of rule (e.g. democracy), while the term “regime bloc” refers to all that is associated with a particular system of rule and is broader than the concepts of government and ruling elite (may include the official opposition).

¹⁴As indicated above the established elite who are involved in the exercise of power are often referred to as “the ruling elite” and within a non-democratic system, they are referred to as the “authoritarian bloc”.

¹⁵In the literature, they are sometimes referred to as anti-regime, anti-regime forces, anti-government forces, challengers and opposition. In the study the terms “anti-regime”, “anti-regime bloc” and challengers” will therefore refer to those who oppose a particular system of rule and the anti-regime bloc will therefore include all that is challenging the existing regime. The term “opposition” is wider than the term “challengers” and the former may include dissenting voices from among the ruling elite. Challengers are therefore those whose goal is to replace an existing regime - and in the context of democratisation, with democracy.

those who oppose democracy and could therefore remain a source of possible coups and conspiracies (O'Donnell and Schmitter, 1986:16). They are often found among members of the security forces, the legal fraternity and bureaucracy (Przeworski, 1991:67). Huntington (1991:121) uses the term *standpatters*¹⁶ in this sense and he notes that in non-communist regimes they are often rightwing, fascist and nationalist.

- Softliners are those within the “authoritarian bloc”, who may behave similar to hardliners but realise that a need for electoral legitimation may arise in the near future (O'Donnell and Schmitter, 1986:16).
- Liberalisers are those within the “authoritarian bloc” who decide to liberalise the political dispensation. They may include both hardliners and softliners who may for very diverse reasons opt for change - often to secure their own positions. They may signal a split within the ruling elite (Przeworski, 1991:55-66). Huntington (1991:122) notes that they do not necessarily support democratisation.
- Reformers are those within the “authoritarian bloc” who may or may not have been liberalisers, but wish to change the political dispensation. They usually include politicians and members from business groups (or managers) (Przeworski, 1991:67-68). Huntington (1991:122) notes that they may be either democratisers or liberalisers - liberalisers favouring limited reform and not democratisation.
- Radicals or extremists are those that hold uncompromising attitudes within the opposition (challengers) and favour a profound transformation of the political dispensation (Przeworski, 1991:68). Their behaviour is often similar to that of hardliners. However, extremists may not necessarily support democracy.
- Moderates are those within the opposition who may not necessarily be less radical, but behave moderately because they fear the hardliners (Przeworski, 1991:68).

¹⁶The term “standpatters”, is used in early 20th century USA history to designate conservatives in the Republican Party as against the Insurgents or progressive Republicans. The term is said to have originated in Mark Hanna's remark concerning an election - all that was necessary for Republican success was, in poker parlance, to “stand pat.” (The Columbia Encyclopedia, Sixth Edition, 2001 Columbia University Press). However for purposes of the study the “hardliners” are regarded as more extreme than “standpatters”.

In terms of the micro-behavioural approach, the process of democratisation unfolds because of the actions, interactions and choices of these various types of actors.¹⁷

As mentioned in chapter one and in section 2.2, these actions and interactions are of particular importance in and between the domains of, state - political society - civil society.

STATE

The concept of state remains contested within the political sciences. The modern state, as Berki (1989:12) wrote, is rather a baffling phenomenon. Its meaning and significance appears to derive from different cultural, political and developmental traditions.

The term is unfortunately often used interchangeably with other terms such as regime, nation, government and authority. It is therefore worth considering different conceptions of the “state”.

Some merely equate the concept of state with the institutions exercising authority over a population. An example in this regard is the idea that the term, “state,” refers to the behavioural relationships between rulers and ruled which take place within institutional structures. In other words, the term “state” describes a set of institutions comprising the legislature, the executive and the judiciary. Thus, the state is a set of governmental institutions (Stepan, 1988:4). Definitions such as these ignore the territorial and sovereign dimensions of the concept of state though they may be useful when the stated relationship is the focus of a particular study.

The territorial and sovereign dimensions of the concept of state are also absent in Marxist and related literature. Engels for example argues that:

The state...is rather a product of society at a certain stage of development; it is the admission that this society has become entangled in an insoluble contradiction with itself, that it is cleft into irreconcilable antagonisms which it is powerless to dispel. In order that these antagonisms, these classes with conflicting economic interests, may not annihilate each other and society in sterile struggle, a power apparently standing above society, became necessary for the purpose of moderating the conflict and keeping it within the bounds of “order”

¹⁷There are also other terms that are often used such as conservatives who are similar to hardliners in their actions.

and it is this power, arising out of society, but placing it over it, and increasingly alienating itself from it, that is the state (in Chilcote, 1981:191).

Thus, according to Engels and proponents of Marxist theory the “state” is the politically dominant class. The class that controls the means of production has control over the political power. Therefore, in this context the state becomes simply a protector of the ruling class interests. Speaking further of the state, Engels stresses that: Because the state arose from the need to hold class antagonism in check, but because it arose, at the same time, in the midst of the conflict of these classes, it is, as a rule, the state of the most powerful, economically dominant class, which through the medium of the state, becomes also the politically dominant class, and thus acquires new means of holding down and exploiting the oppressed class (in Chilcote, 1981:192).

President Woodrow Wilson of the United States of America (USA) on the other hand stressed the territorial dimension of the state and he has defined the concept of state as, “a people organised for law within a definite territory”.

Skinner’s (1989:112) analysis of the state, in turn, implied the sovereign dimension of the state. He showed that the concept of the state had a doubly impersonal character - that is the state is distinct from its rulers, but also from the ruled. Likewise, Dicey spoke of the legal sovereignty of the state.

For purposes of this thesis, the concept of state is defined as a political association that establishes sovereign jurisdiction over a people within a defined territory, and is characterised by its monopoly on legitimate physical force (see Heywood, 1997:413). Furthermore, the state is an abstraction that depicts many institutions, rules and values (see Jackson and Jackson, 2003:15-16). Thus, it is important to bear in mind that governments may come and go but that the state remains - the concepts of state should therefore not be confused with the concept of government.

Different conceptualisations of the state may have implications for democratisation. This is particularly important within the context of elite settlements where different actors often conceptualise the state differently - which was the case within the South African transition. One of the crucial issues often faced during transitions, is separatist movements who in

fact may contest the very territorial boundaries, as well as the jurisdiction of a particular state. Examples in this regard are the former Yugoslavia and Czechoslovakia. Likewise, within the South African context (as would be discussed in the next chapters) the peculiar organisation of political power, the creation of the homelands and the issue of citizenship were all manifestations of a particular conceptualisation of the state, which in turn was contested by the opposition challengers.

The state performs a number of distinct functions. However, expectations of what the functions should be or should not be, often depend on a particular political culture and the dominant and/or official ideology of a state. The functions expected from a minimalist state will differ from those expected of a maximal state. Thus, the functions of the state in a liberal democracy will differ from those in a social democracy, as well as those subscribing to the communist ideology. Traditionally one of the most important functions of the state is internal and external security. This is precisely one of the reasons why the state holds the monopoly on physical force. Together with other functions such as providing in the basic needs of its citizens and perceptions that the state is in addition a moral authority, views on the functions of states could become important during transitions as was indeed the case during the South African transition.

The state, furthermore gives rise to a number of actors that could play a crucial role in transitions as was alluded to above. The government is the agent of the state and acts on behalf of the state, but governments may also act on their own behalf. In states with an authoritarian political dispensation these two concepts are often not viewed as being essentially two separate entities. Furthermore, state institutions are actors that may play an important role during transitions. Of particular importance in this regard is the security forces and in particular the military which often are the source of resistance to change, as well as the overthrow of governments.

CIVIL SOCIETY

The concept of civil society has received some attention in both chapter one and section 2.2 above. Historically, the concept of civil society refers to an entity that exists outside the

state, often in opposition to the state (see Dahrendorf 1990; Gellner, 1991:495-510; Friedman, 1991:5; Gill, 2000:59). Alexis de Tocqueville (Cohen and Arato, 1992:16) already recognised the importance of civil society in a process of democratisation and in democratic institution building. However, the more recent usage of the term is often with reference to civil society as being a bulwark against statism and particularly within the context of a democratic social and political order where participatory and accountable governance is emphasised.

Dahrendorf (1990) provides the following description of the concept of civil society:

Civil society is about substantial sources of power outside the state, and more often than not, against the state [see also Cohen and Arato, 1992:31]. It means the creation of a tight network of autonomous institutions and organisations which has not one but a thousand centers and can therefore not easily be destroyed by a monopolist in the guise of a government or party. Civil society in a certain sense sustains itself. It does not seem to need the state. One thinks of Italian society, mafia and all, though this codicil indicates the risk which a civil society runs if there are not at the same time certain rules and procedures binding on everyone. This is why I prefer to think of civil society as providing the anchorage for the constitution of liberty, including its economic ingredients. Both are needed, civil society and the state, but they each have their own *raison d'être* and their own autonomous reality.

The term civil society is therefore descriptive of the space where free and voluntary human association, as well as the building of support-networks that is outside and autonomous of the state, and distinctly different, are possible (Encarnacion, 2001:53-55). These autonomous groups aggregate the views and activities of individuals and act to promote and protect the interests of those people including against the state (Gill, 2000:5; Cohen and Arato, 1992:31). The following can be regarded as examples of important categories of the constituent parts of civil society: trade unions, professional organisations, organised business, co-operatives, farmers' associations, religious based organisations, neighbourhood associations, civic organisations, ratepayers' associations, cultural organisations, women's and youth organisations, environmental groups and societies addressing a variety of issues (see Encarnacion, 2001:53-55; Diamond, 1994:55-56). All of these may play an important role during processes of transitions to democracy.

For a civil society to exist it is important that the state allows space for autonomous

organisations which is not necessarily the case in totalitarian states (see Gill, 2000:5-7). Friedman (1991:5-6) is thus of the opinion that civil society is important within a process of democratisation because the mere existence of a civil society implies a guaranteed right to organise, act and speak and is thus limiting the power of governments. Cohen and Arato (1992:31-33) mention that the presence of a civil society are sometimes regarded as an indication of the failure of the authoritarian rulers, particularly in a totalitarian state, to control society. In addition, the right of all interests and values to organise provides the basis for pluralism and the possibility of bridging cleavages in a divided society. It further implies that the state may partly derive its legitimacy by defending this diversity. Thus, civil society depends on a particular type of relationship between state and society for civil society to exist and function properly (Friedman, 1991:5-6). In addition, civil society could also act as an important mediator between government and the population.

Some scholars like Gill (2000:5-6) holds the view that a network of groups structuring interests and pursuing them in the public sphere do not constitute a civil society unless it is able to pursue these interests in the political sphere. In such a situation, autonomous groups that structure individuals' private lives preferably should be called "civil society forces".¹⁸ As would become clearer within the South African context such a view is extremely debatable, for a significant section of civil society was denied access to the political sphere even though it was allowed space to exist.

During the phase of liberalisation the "opening" provided often bring a rise, or what O'Donnell and Schmitter (1986:26, 48) call the "resurrection" of civil society and concomitant political activism. This affects the position of hardliners and softliners whose reactions in turn have an affect on the actions of the members of civil society. They further assert that a revival of civil society should be seen against the background of the success of authoritarian regimes in depoliticising as well as atomising their respective societies (O'Donnell and Schmitter, 1986:26, 48).

¹⁸Gill (2000:6) admits that these forces constitute the potential for civil society. However, civil society should be distinguished from inward-looking "parochial" groups of importance when they in fact interact in some way or the other with the state concerned with private ends (Diamond, 1994:56). For purposes of regime transitions, civil society and "civil society forces" are only of importance when they engage in processes associated with the state.

POLITICAL SOCIETY

Political society is a particular layer of civil society (see Gill, 2000:6; Cohen and Arato, 1992) and, for this reason, a distinction is not always made between civil society and political society. However, within the context of regime transitions and in particular during democratisation, it is important to distinguish between civil society and political society (Diamond, 1994:57). Stepan (1988:4) identifies “political society” as a component of civil society and describes it as:

that arena in which the polity specifically arranges itself for political contestation to gain control over public power and the state apparatus. At best, civil society can destroy an authoritarian regime. However, a full democratic transition must involve political society, and the composition and consolidation of a democratic polity must entail serious thought and action about those core institutions of a democratic political society - political parties, elections, electoral rules, political leadership, intraparty alliances, and legislatures - through which civil society can constitute itself politically to select and monitor democratic government. Groups and institutions of political society are specifically political in their outlook and have definite political aims. They thus seek to promote and protect their interests in the political sphere (Gill, 2000:7). Thus, in a democracy, political society consists of political parties and affiliated networks, legislatures, organisations and campaigns, as well as the campaign organisations of individual candidates (Diamond, 1994:57). The dynamics of the interactions within the domains of, state - political society - civil society, in a democracy is regulated in such a way as to ensure political participation and competition. Political society thus channels demands to the state.

If a political society is allowed to exist in a non-democratic regime, political society is usually narrower and less transparent, consisting of contending networks, cliques, and factions within the ruling party, the military and the bureaucracy (Diamond, 1994:57). Thus, political society is that arena where the state and civil society may overlap.

The concept of political society is thus useful to analyse the sphere which exists between, on the one hand the realm of voluntary organised social life, and on the other hand the legal and political institutions which regulate public conduct and policy. Political society thus is organised for the realisation of political goals (see Kim, 1997:24).

2.3.2 PHASES IN THE “PATHS” TO DEMOCRACY

The term, “paths to democracy”, usually refers to the route whereby a particular state arrived at a democratic political dispensation. One of the first scholars to identify trends in these paths is Robert Dahl (1971:34-47). He identified three possible paths in this regard: firstly, liberalisation precedes inclusiveness;¹⁹ secondly, inclusiveness precedes liberalisation;²⁰ and thirdly, a shortcut where there is a sudden change to polyarchy (democracy) through the sudden granting of universal franchise and the right to public contestation.

As indicated in chapter one, the most important phases identified by other scholars in these “paths” of transitions²¹ to democracy are liberalisation, democratisation and consolidation (see O’Donnell and Schmitter, 1986, Przeworski, 1988, 1991; De Villiers, 1993).

LIBERALISATION

Liberalisation is the provision, within an authoritarian dispensation, of increased opportunities for public contestation and competition, which redefines and extends political rights, particularly the various freedoms, and the right to privacy and fair trials (Dahl, 1971:34-35; O’Donnell and Schmitter, 1986:7; Stepan, 1988:6). This is usually regarded as the beginning of transition to democracy even though liberalisation does not necessarily imply democratisation. Liberalisation thus provides “controlled openings of political space” (Przeworski, 1991:5; O’Donnell and Schmitter, 1986:10).

In the literature on transition, various reasons are provided for decisions to liberalise an authoritarian regime and the following are important in this regard:

- There is a need to relax social tension and the broadening of the social base of the ruling elite in order to strengthen its position (Przeworski, 1991:57).

¹⁹An authoritarian regime (Dahl uses the term closed hegemony) provides more opportunities for public contestation and competition which will lead to increased participation, that is inclusiveness, and eventual polyarchy (Dahl, 1971).

²⁰This is the situation when a legitimate authoritarian regime becomes more inclusive and then increases the opportunities for public contestation (Dahl, 1971).

²¹The concept of transition generally refers to “the interval between one political regime and another” (O’Donnell and Schmitter, 1986:6).

- Divisions among the ruling elite arise, which increase the possibility of alliances between factions of the ruling elite and other actors, for example from civil society (Przeworski, 1991:57).
- Liberalisers (or softliners) among the ruling elite may exert influence on the government to liberalise (O'Donnell and Schmitter, 1986:17).
- Domestic, internal and international factors may pressurise the ruling elite to launch a transition (O'Donnell and Schmitter, 1986:18-23; Przeworski, 1991:65). Przeworski (1991:65) is of the opinion that in such circumstances, “the Liberalizers are likely to persuade themselves that the opening will be successful, even that they will win competitive elections if they proceed all the way to democracy”.

The phase of liberalisation is usually characterised by uncertainty, unpredictability and the possibility of reversion and the clampdown by “hardliners” among the ruling elite (see Przeworski, 1991:61). The possibility of such action would be influenced by the incumbents’ calculation of the cost of repression (Dahl, 1971:15).

Liberalisation may however facilitate further “liberalisation” if the ruling elite begin to realise that “jumping ship seems as good a way to save one’s skin as shooting” (Przeworski, 1991:64). Furthermore, personal contacts may be established with the opposition. Liberalisation typically places the incumbents in a dilemma because they have to decide either to democratise or to repress quests for democratisation and revert to the pre-liberalising phase (Przeworski, 1991:64).

DEMOCRATISATION

The concept of democratisation refers to the processes whereby the rules and procedures of democracy are applied to political institutions previously governed by principles of control and exclusion, and/or are extended to include persons and groups who did not previously enjoy democratic rights (see O'Donnell and Schmitter, 1986:8-9; Huntington, 1991:121-124).²²

²²O'Donnell and Schmitter (1986:11-14) identifies the stage of “socialisation” as a phase in the stage of democratisation and which implies the extension of socialist principles such as redistribution. This is however a very ideological understanding of the concept of democracy. Though such aspects may be part of

It is during this phase that the actors, strategic choices, modes of transition as well as the institutional outcomes, all of which are discussed below, are of great importance. Democratisation in effect implies the “breakdown” of the authoritarian regime, or put differently its inability or unwillingness to maintain the status quo.

CONSOLIDATION

The concept of consolidation refers to the effective functioning of a new democratic regime and the enculturation of democratic principles such as toleration and peaceful alternation of governments (see Huntington, 1991:266).²³

2.3.3 STRATEGIC CHOICE

An important theory often used in the micro-behavioural approach, is the strategic choice theory, which emphasises the role of political actors and the manner in which they make decisions. This approach is closely related to rational choice analysis and game theory (Collier and Norden, 1991:229-230). Rational choice analyses may be understood as a broad label for approaches that assume that actors make choices in the light of an assessment of costs and benefits. Game theory on the other hand is a more specific label for analyses, which explicitly focus on the interdependence of actors. Like game theory, strategic choice models involve games in which actors take account of what other players will do, but it also places a particular emphasis on actions to influence these players’ choices. However, strategic choice analyses tend to be less formal than game theory (Collier and Norden, 1991:229-230).

Analysts increasingly recognise the theoretical importance of strategic choices, which political contenders make in determining the outcomes of transition, particularly transitions to democracy. This theory holds that the appropriate decisions and choices by elites, both from the authoritarian bloc and the opposition, are crucial in transitions to democracy (e.g. Fukuyama, 1992; Huntington, 1991; Karl, 1990; Burton and Higley, 1987; O’Donnell and Schmitter, 1986; Share and Mainwaring, 1986; Przeworski, 1991). Strategic choice involves a transition, for purposes of this discussion they are regarded as part of the choices that various actors need to make or negotiate - as would become clear in the case of South Africa’s transition.

²³As indicated this thesis does not include the stage of consolidation and thus it would not be discussed in more detail. Some further comments will however be made in chapter 6.

two essential components, namely “choice” and “strategy”. In focusing on individual choice, this approach emphasises the fact that actors have discretion (Collier and Norden, 1992:230).

Models of strategic choice assume that political actors anticipate the likely subsequent behaviour of others when making choices. Two implications flow from this assumption, namely interdependence and censoring (Smith, 1999:1257-1259). These imply that, when evaluating which action to take, each actor considers the likely response of other political actors. One actor’s choices cannot be considered in isolation, for each time an actor makes a particular choice he/she prevents an observation of what would have happened had he/she chosen the unrealised alternative (Smith, 1999:1255).

No absolute external determination of political outcomes is incorporated (see Smith, 1999). However, choices are influenced by the context and by changes in the context, but in the end, it is the actor’s discretion that makes a difference. Actors design strategies for the achievement of an intended goal, such as reform or democracy and each strategy consists of a set of behavioural options for goal directed choices. These strategies may vary in coherence and design and may range from single, isolated decisions to complex, interrelated sets of choices, but during the process of transition, these strategies, in turn, influence the behaviour of other contenders, such as political parties and interest groups. Political outcomes thus in the end are the product of the interaction among different actors’ strategic choices (Przeworski, 1991). Furthermore, choices are often made under adverse conditions such as the uncertainty over critical factors, an overload of pressing issues, hard to analyse interdependencies between different items for decision on the agenda, harsh domestic political constraints, and overriding economic scarcities (Dror, 1984:97; Shin, 1997:85). In this way, ongoing interactions between diverse contenders and the strategic choices they make shape the nature of the emerging political system, particularly, the nature of a transition to democracy (De Villiers, 1993:20; Shin, 1997:83; Collier and Norden, 1991:229-230).

The theory of strategic choice particularly emphasises the central role of fundamental political pacts²⁴ between elites, which explicitly define the rules of the game. Pacts are often

²⁴O’Donnell and Schmitter (1986:37) defines the concept of pact as, “an explicit, but not always publically explicated or justified, agreement among a select set of actors which seeks to define (or, better, to redefine) rules governing the exercise of power on the basis of mutual guarantees for the ‘vital interests’ of those entering into it.”

elitist in nature and thus usually restrict the scope of direct mass participation during the transition stage. This is often seen as an advantage because it could lessen the fears of authoritarian elites and thus prevent them from reversing the transition process.

These pacts usually pertain, at least in the initial stages, to the rule-making aspect of democracy rather than broader socio-economic democratisation (Shin, 1997:85). In O'Donnell and Schmitter's words (1986:37) "they are often initially regarded as temporary solutions intended to avoid certain worrisome outcomes and, perhaps, to pave the way for more permanent arrangements for the resolution of conflicts." They are most likely to result in new regimes that only meet the minimum procedural requirements of democracy. As a result, old authoritarian elites have less to fear from such democratic regimes and may believe that they can still exercise great influence under the new rules of the game. The South African experience²⁵ clearly demonstrated the importance of strategic choices of elites during the bargaining process, particularly timely compromises by skilful and pragmatic leaders, as was the case in Southern Europe and Latin America. Remmer (1991:484 in Shin, 1997:85) sums up the emphasis in strategic choice theory on the crucial role of elite choice as a "voluntaristic understanding of political democracy". This theory thus does not focus on structure, but on statecraft (Zhang, 1994:110-111; Shin, 1997:85). The emphasis is thus on "possibilism" or opportunities for change and taking advantage of uncertainty, while constraints are deemphasised (Collier and Norden, 1992:240).

These choices are often analysed by making use of statistical methods (see Smith:1999). Strategic choice is regarded as the explicit study of counterfactuals. It asks why political actors choose one particular path over another. The key to understanding why actors stay on a particular path is the anticipated consequences of deviating to a different path. That these consequences remain unobserved, precisely because actors seek to avoid them makes them no less pertinent. Statistical methods may be used to analyse the relationship between the dependent variable Y - that is the behaviour we wish to explain - and the independent variable X - that is the factors that influence this behaviour (Smith, 1999:1255-1256). Statistical procedures thus estimate the extent to which X influences Y and measure the overall ability

²⁵In the chapters that follow it would become clear how, during South Africa's transition, the various actors positioned themselves for strategic choices and how their strategies changed as the process of transition unfolded.

of the relationship to predict variations in behaviour. To assess the explanatory power of a theory, an appropriate method must assume the distributional relationship between X and Y that the theory predicts. A shortcoming is that standard statistical methods typically assume a linear relationship between X and Y, but strategic explanations often hypothesise a different type of relationship (see Rustow, 1970:345). Thus, standard econometric techniques may fail to estimate the true impact of X on Y and, hence, misrepresent the explanatory power of the theory, “Even if independent variables affect incentives in a simple linear manner, the interdependence and censoring inherent within strategic choice mean that the observed relationship between X and Y is nonlinear” (Smith, 1999:1256). Nevertheless, there are statistical methods that can overcome this problem. Thus, the statistical analysis of strategic choices remains an important tool.

In a nutshell, a fruitful approach for explaining a transition to democracy is to look at the critical role of key political actors and their strategic choices; to locate those choices within the context of opportunities and obstacles that have to be exploited or overcome; and then plot a probable outcome to the process (Slabbert, 1992:5; Shin, 1997:85). Thus, “momentous choices” by elites could lead to a transition to democracy (Dror, 1984:97; Shin, 1997:85).

Strategic choice theory may also be criticised on a number of grounds. Shin (1997:86) emphasises three important criticisms against strategic choice theory, Firstly, strategic choice theory does not make adequate provision for the importance of “resolute pressure from below” - that is without such pressure, incumbent authoritarian elites would not open a regime to outside influences. No matter how skilled opposition leaders may be in negotiations, they still owe their presence at the negotiating table to the pressure of the masses (see Pinkney, 1994:134). Secondly, it does not explain how negotiations within the often unequal relationship between an authoritarian government and an opposition force culminate in a transition to democracy and not in an authoritarian coup. Thirdly, strategic choice theory emphasises that actors have discretion, but the scope of discretion depends on resources and constraints on resources. Thus, it could be asked what economic resources are available in the domestic and international context that may contribute to the promotion of reform and democracy. What kind of political resources - organisational, ideological, or cultural - can be utilised by

the promoters of change? When do resource constraints become severe enough to sharply limit actors' discretion? These questions must be addressed in any effort to apply a strategic choice perspective (see Collier and Norden, 1992:240; Shin, 1997:86).

2.3.4 MODES OF TRANSITIONS

For purposes of this study, the concept “modes of transition” refers to the “how” and by “whom” a transition to democracy is effected.

For analytical purposes and for purposes of this study three broad types of processes of transition to democracy can be identified, namely “democracy from above”, “democracy from below”, and “democracy through compromise”.

DEMOCRACY FROM ABOVE

In democracy from above the ruling elite take the initiative and play a decisive role in ending the authoritarian regime and changing it into a democratic system - thus it is also referred to as “imposition”. In democracy from above, (transformation or in Juan J Linz's words, *reforma*) the interaction between reformers and standpatters within the governing coalition is of central importance. Transformation occurs when the elites in power take the lead in bringing about democracy. Democracy from above only occurs if reformers are stronger than standpatters are, if the government is stronger than the challengers, and if the moderates are stronger than the extremists (radicals) are. In this situation, the rule of law is supported and reforms are carried out within the existing authoritarian regime. Hardliners are rewarded by security guarantees and benefits, and reform forces carry out the transition strategy. Reform forces support and raise moderation forces among the challengers (see Giliomee, 1995:105)

By the end of the 1980s, democracy from above accounts for approximately sixteen out of thirty-five, third wave transitions that have occurred or that appeared to have been emerging. These sixteen cases include changes from five one-party systems, three personal dictatorships, and eight military regimes (Huntington, 1991:591). However, the line between democracy from above and democracy through compromise is fuzzy, and some cases might be legitimately classified in either category (Huntington, 1991:590-591).

Because the government needs to be stronger than the challengers, democracy from above often occurs in well-established military regimes, where governments clearly control the ultimate means of coercion vis-à-vis the challengers. It may also occur in economically successful authoritarian systems, such as Spain, Brazil, Taiwan, Mexico, and Hungary where the leaders had the power to move toward democracy. In each case the challengers were, at least at the beginning of the process, markedly weaker than the government. In Brazil, for example the people best situated to end the authoritarian regime were the leaders of the regime - and they did as Stepan (1989: ix) states that when “liberalization began, there was no significant political opposition, no economic crisis, and no collapse of the coercive apparatus due to defeat in war”. In Spain “it was a question of reformist elements associated with the incumbent dictatorship, initiating processes of political change from within the established regime” (Stepan, 1989 :ix). Typical cases of democracy from above among the communist regimes are Hungary and the former Soviet Union at the end of the Cold War. These are all transitions from above where elite control was maintained throughout (Schmitter, 1990). They are characterised by the use of unilateral action, including the possible use of violence, to effect a transition (O’Donnell and Schmitter, 1986:39; and Schmitter, 1990).

There are two main sub-types of imposed transitions (see De Villiers, 1993:141-143). Firstly, a foreign power imposes democracy after defeating the incumbent ruling elite militarily. Examples of this sub-type are democracies of post-war Western Europe established in Austria, Italy and the former West Germany along with Japan (see Share 1987:531). In these cases, stable democracies were created after the collapse of the preceding authoritarian regime due to military defeat, and subsequent occupation by a foreign power (see Dahl, 1971:37-38; Pasquino, 1986:69-70; Stepan, 1986:71-72; Di Palma, 1990:32-33; and Vanhanen, 1990:119). In all of these cases, the authoritarian regime was completely delegitimated by military defeat. Consequently the new democratic regime took steps to distance itself from its authoritarian legacy (see Herz, 1982:275-292; Share, 1987:531-532; and Linz, 1990a:148). Other examples of foreign intervention leading to the establishment of democracy include the US interventions in Grenada and Panama (see Whitehead, 1986:3; MacEwan, 1988:119; Huntington, 1991:24). However, democracy by foreign imposition is only really conceivable with regard to small, weak states (De Villiers, 1993:141).

Secondly, a dominant group, such as the military, is able to impose unilaterally the conditions of democratisation (Stepan, 1986:65). The change in regime is largely initiated from above and the coercive power of the state is consistently brought to bear to determine the timing, pace and content of change (Karl and Schmitter, 1991:275; De Villiers, 1993:141-142). Recent examples are Turkey, Brazil and the former Soviet Union (De Villiers, 1993:142). It is important for the authoritarian incumbents to have sufficient cohesion and resources to impose the rules of an emerging democratic dispensation - or what O'Donnell and Schmitter (1986:39) refer to as "a prior concentration of executive power". Thus, the new rules can be imposed unilaterally from above and the other players may obey them out of fear or respect (O'Donnell and Schmitter, 1986:68).

De Villiers (1993:141-142) lists several strict limits that the ruling elite can set to determine the extent of the opening. These are:

- "Dangerous" parties or individuals, such as communists, may be prohibited from participating in elections.
- The opposition is allowed to compete, but not to win significant national offices.
- Issues, such as human rights abuses by the military and redistribution, are excluded from the transition agenda (see Stepan, 1986: 72-78).

Huntington (1991:127) argues that democracy from above in an authoritarian regime requires the emergence of leaders within the structures of the authoritarian regime who believe that movement in the direction of democracy is desirable or necessary. The main reasons for liberalisation have already been alluded to above; they lie in the deterioration of the authoritarian regime (Kaufman, 1986; Gillespie, 1990). In this context then, softliners see liberalisation as a way of defusing opposition to authoritarian rule. They would like to reduce repression, restore some civil liberties, reduce censorship, permit broader discussion of public issues, and allow civil society greater scope to conduct their own affairs.

Unfortunately, attempts to impose democracy from above may be mere attempts by the incumbents to legitimise and/or secure their own positions and they may not necessarily have the intention to relinquish power completely (see Przeworski, 1991; Karl, 1991:10).

DEMOCRACY FROM BELOW

In cases of democracy from below (replacement or Linz's *reptura*), challengers effectively use the regime's disadvantages such as a lack of orthodoxy, failure of the government's economy, the corruption of politics and lack of human rights. In democracy from below the interactions between incumbents and challengers and between moderates and extremists are important. Replacement occurs when an opposition group takes the lead in bringing about democracy, and the authoritarian regime collapses or is overthrown. The challengers thus have to be stronger than the government, and the moderates have to be stronger than the extremists are. A democracy from below thus takes place when challengers mobilise from below and then demand a change in regime with or without resorting to widespread violence (Karl and Schmitter, 1991:275). Hence, mass-based challengers are able to achieve the expansion of unrestricted contestation and participation (Karl, 1991:173; De Villiers, 1993:138).

Democracy from below, thus, involves a very different process from democracy from above. Reformers within the regime are weak or nonexistent. The dominant elements in government are standpatters opposed to regime change. Democratisation consequently results from the challengers gaining strength and the incumbents losing strength until the government collapses or is eventually overthrown. The former opposition groups come to power and the conflict then often enters a new phase as groups in the new government struggle among themselves over the nature of the regime they should institute (Huntington, 1991:602).

Karl (1991:8-10)²⁶ identifies two sub-types of "democracy from below. The first is labelled "reform"²⁷ where the incumbent ruling elite still have power even though they may be severely weakened. The second sub-type is labelled "revolution" and is where mass actors have gained the upper hand vis-à-vis the ruling elite (Karl, 1991:8).²⁸

In the first sub-type, challengers, who are led by a nonviolent, moderate and pragmatic

²⁶Using actor strength and strategies of transition as criteria Karl (1991) develops a typology consisting of "pact" (elite ascendant and compromise), "imposition" (elite ascendant and force), "reform" (mass ascendant and compromise) and "revolution" (mass ascendant and force). See also Karl and Schmitter (1991).

²⁷Democracy from above and in particular those involving extended periods of liberalising, is also sometimes referred to as "reform from above" and should be distinguished from "reform from below".

²⁸A popular image of democratic transitions is that repressive governments are brought down by "people's power", the mass mobilisation of outraged citizens demanding and eventually forcing a change of regime.

group, must suggest tolerance and ability that could be a viable alternative for the government. In addition, they co-opt into their ranks influential actors such as military leaders, business leaders, professionals and leaders of religion (Stepan, 1986:65; Karl and Schmitter, 1991:275). Replacement involves three distinct phases: the struggle to produce the fall, the fall, and the struggle after the fall. Revolutions usually entail the complete overthrow of the government - often violent.

The role of civil society and political society in successful mass mobilisation may be important in transitions from below. The essential characteristic of transitions dominated by demands for reform from below, is successful mass mobilisation. Here it is important to note that mass mobilisation is generally around interests driven from below. Hence, mass mobilisation may be the chosen strategy of a social movement, an opposition party or of local interests which were previously excluded from the authoritarian polity (De Villiers, 1993:138-139; Tilly, 1978:54-55). Some form of mass action did take place in almost every third wave regime change completed or underway at the end of the 1980s. Examples of such transitions are Solidarity in Poland and Civic Forum in the former Czechoslovakia (Przeworski, 1988:76-79; Huntington, 1991:144).

Workers are often the first and largest force to mobilise, because the workplace and the market are places where people can meet without direct supervision. Furthermore, political rights are necessary for workers to struggle for their economic interests. Thus, workers organise autonomous unions which then embrace political demands that put them in the forefront of the struggle for democracy (De Villiers, 1993:139-140; Przeworski, 1988:73; Keck, 1989:282-289, and 1992:49-51; Valenzuela, 1989:466-469; Anstey, 1991b:26; Cooper, 1991:24-29; Therbon, 1977: 32-35).

However, Huntington (1991:602) argues that most third wave democratisations required some co-operation from those in power. Only six democracies from below had occurred by 1990. Democracy from below was rare in transitions from one-party systems (one out of eleven) and military regimes (two out of sixteen) and more common in transitions from personal dictatorships (three out of seven). Leaders who created authoritarian regimes are usually reluctant to end those regimes. Changes of leadership in military regimes were much

more likely through “second phase” coups or, in one-party systems, through regular succession or the action of constituted party bodies. Personal dictators, however, seldom retired voluntarily, and the nature of their power - personal rather than military or organisational - made it difficult for opponents within the regime to oust them and, indeed, made it unlikely that such opponents would exist in any significant numbers or strength (Huntington, 1991:603). Personal dictators often hang on to power until their death and thus the death of the dictator often coincides with the end of an authoritarian regime. Examples are Franco who was leader of Spain and died in 1975, and Ceausescu who was leader of Romania and executed in 1989 (Huntington, 1968:8-12).

Even though democracy from below is characterised by extensive mass mobilisation, this takes place within certain self-imposed limits (De Villiers, 1993:139; O’Donnell and Schmitter, 1986:27; Morlino, 1987:73; Ash, 1990:139-140). Often this is the outcome of a learning curve where threats to overthrow an authoritarian regime is met by counter action by the incumbents, This was the case in Poland in 1981 when Solidarity threatened to overthrow the authoritarian regime, which in turn responded with martial law and a crackdown. However, by 1988-1989, “both sides had learned their lessons” and then “pursued policies of moderation and compromise in leading Poland toward democracy” (see De Villiers, 1993:139; Huntington, in Rustow, 1992:122).

Democracy from below which involves reform has a greater chance of success than democracy from below involving revolution. According to Karl, (1991:8) revolutions may produce stable governments but seldom consolidated democracies.

DEMOCRACY THROUGH COMPROMISE

In the case of democracy through compromise or what might be termed transplacement (or “*reptforma*”)²⁹ the most important elements are negotiation and co-operation. In democracy through compromise, the central interaction is between reformers and moderates among the government and challengers respectively. The two sides should not be widely unequal in power, while each side should be able to dominate the antidemocratic groups within its

²⁹It is also often referred to as “democracy through pacts”, “democracy through negotiations” or “elite settlements”.

ranks. Transplacement thus occurs when democratisation results largely from the joint action by the incumbents and challengers (see Linz, 1978). In virtually all cases, groups both in power and out of power play some role and these categories simply distinguish the relative importance of incumbents and challengers. In some cases, the reformers and moderates agree at least on a temporary sharing of power (Huntington, 1991:590; see also Przeworski, 1991:56).

Leaders among the incumbents and the challengers begin to realise that negotiations are inevitable - the forces favouring confrontation thus lose their position. Moderate groups clearly recognise the advantages that would be brought by negotiation. Reformers within government isolate hardliners, take the leadership within government and manage to secure support for negotiation from military forces and the government bureaucracy. They furthermore succeed in assuring the old-guard that their interests are secure, as well as elevating the prestige and “authority” of the challengers. The positions of both sides are adjusted through negotiation (Stockton, 2001:94).

Thus, a transition to democracy is the outcome of combined actions by the incumbents and the challengers. Within the government, the balance between standpatters and reformers is such that the government is willing to negotiate a change of regime - unlike the situation where standpatter dominance could result in democracy from below (Huntington, 1991:608). Among the challengers, pro-democracy moderates are strong and able to dominate antidemocratic radicals who are not strong enough to overthrow the government. Hence, the challengers also begin to realise the virtues of negotiation. Both sides have to be pushed and/or pulled into formal or informal negotiations with their adversaries.³⁰ Skilful leadership is thus vital in any negotiated transition.

According to Huntington (1991:609), eleven of the thirty-five liberalisations and democratisations that occurred or began in the 1970s and 1980s resembled the model of democracy through compromise, such as Poland (1988), Czechoslovakia (1989), Uruguay (1983), and Korea (1987). In addition, the regime changes in Bolivia (1982), Honduras (1983), El Salvador (1983), and Nicaragua involved significant elements of democracy through compromise.

³⁰The following chapters would provide a clear indication of the dynamics of the push-pull factors within the South African context.

In El Salvador and Honduras, the negotiations were in part with the US-government, acting as a surrogate for democratic moderates (Huntington, 1991:611-613).

For a successful transition to democracy through compromise, it is important for the dominant groups among both incumbents and challengers to recognise that they are incapable of unilaterally determining the nature of the future political system. The incumbents and challengers often develop these views after testing the strength of each other in a dialectical process. Governments usually believe they would be able to secure their positions indefinitely without incurring unacceptable costs, while the challengers usually believe that it would be able to bring about the downfall of the government at some point in the not too distant future. For as long as both sides hold on to these uncompromising and often-unrealistic views, serious negotiations are impossible. It is important for both sides to realise that the costs of non-negotiation in terms of increased repression, further alienation of people, the increased possibility of a hard line takeover of the government, and possible increased pressure from the international community could escalate (Huntington, 1991:609).

Huntington (1991:609) argues that the democracy through compromise dialectic often involves a distinct sequence of steps. Firstly, the government engages in some form of liberalisation and begin to lose power and authority. Secondly, the challengers exploit this loosening by and weakening of the government. The challengers expand their support and intensify their activities with the hope and expectation of bringing down the government. Thirdly, the government reacts by forcefully containing and suppressing the mobilisation of political power by the challengers. Fourthly, government and challengers as contenders perceive a standoff emerging and begin to explore the possibility of a negotiated transition. However, it is possible for the government, to restore its power - at least temporarily. On the other hand, the challengers could continue to develop its strength - thus further eroding the power of the government and eventually bringing about its breakdown or downfall. Democracy through compromise however requires some equilibrium in the strength between government and opposition, as well as uncertainty on each side as to who would prevail in a major test of strength. In these circumstances, the risks of negotiation and compromise appeared less than the risks of confrontation and catastrophe (Huntington, 1991:609).

In chapter four it would be discussed how politics in South Africa in the 1980s under PW Botha evolved along the lines of the four-step model (Huntington, 1991:610).³¹ Uncertainty, ambiguity, and division of opinion over democratisation thus tend to characterise the ruling circles in democracy during situations of compromise. These regimes were not overwhelmingly committed to holding on to power either ruthlessly or to moving decisively toward democracy (Huntington, 1991:612).

Furthermore, Huntington (1991) argues that each party has an interest in strengthening the other party so that it can deal more effectively with the hardliners and extremists - which was also the case in the rapport between President de Klerk and Mr Mandela.³²

Negotiations for regime change usually are preceded by “pre-negotiations” about the conditions for entering into negotiations. These might include aspects such as which individuals and groups would be involved in the negotiations and what the rules would be (Huntington, 1991:614-615).³³

Democratic transition through political pact making has been emphasised by scholars because it has most consistently produced stable democracies (see O’Donnell and Schmitter, 1986; Higley and Burton, 1989; Karl, 1990). Democratic institutions arising out of transition pacts tend to have greater chances of survival.

³¹As would be discussed in chapter 4, PW Botha began the process of liberalising reform in the late 1970s, thus arousing black expectations and then frustrating them when the 1983-Constitution denied blacks a national political role. This led to uprisings in the black townships in 1984 and 1985, which stimulated black hopes that the collapse of the regime was imminent. The government’s forceful and effective suppression of black and white dissent then compelled the opposition to revise their hopes drastically. At the same time, the uprisings attracted international attention, stimulated condemnation of both the apartheid system and the government’s tactics, and led the USA and European governments to intensify economic sanctions against South Africa (Huntington, 1991:610). As the hopes for revolution of the ANC radicals declined, the worries of the NP government about international legitimacy and the economic future increased. The ANC remained committed to the use of violence, but saw negotiations as the more likely route for achieving ANC goals. After becoming president of South Africa in 1989, FW de Klerk also emphasised the importance of negotiations (Huntington, 1991:611).

³²In 1990, for instance, Mandela commented on the problems FW de Klerk was having with white hardliners and said that the ANC had appealed “to whites to assist De Klerk. We are also trying to address the problems of white opposition to him. Discussions have already been started with influential sectors in the right wing.” At the same time, Mandela said that his own desire to meet with Dr Mangosuthu Buthelezi had been vetoed by radicals within the ANC and that he had to accept that decision because he was “a loyal and disciplined member of the ANC”. De Klerk obviously had an interest in strengthening Mandela and helping him deal with his militant left-wing opposition (Huntington, 1991:614).

³³For example in South Africa, the government’s precondition was that the ANC renounce violence. ANC preconditions were that the government unban opposition groups and release political prisoners.

2.3.5 INSTITUTIONAL OUTCOMES

The outcomes of transitions decided on by the various actors are likewise important within the micro-behavioural approach. Political actors make choices over preferred institutions, or rule structures, for the future political dispensation (Sisk, 1995:44).³⁴ Various outcomes, such as the form of the state (federalism versus unitary state), form of government (presidential versus parliamentary) and the electoral system (single-member constituencies versus proportional representation or the mixed system) are important.³⁵ Sisk (1995:51) identifies four broad sets of institutional choice preferences, namely majoritarianism (unrestrained majority rule), centripetalism (integration and incentives for moderation), consociationalism³⁶ and partition (see also Lijphart, 1985). Political dispensations based on power-sharing, particularly consociationalism, versus those based on the integration of power (centripetalism) are of particular importance for divided societies, particularly within the South African context.³⁷

The crucial question underlying these theories refers to those conditions that will provide incentives for political leaders to respond to conflicts in deeply divided societies by prompting them either to search for a bargained resolution to such conflicts or to exacerbate the conflicts by taking extreme positions and try to impose unilateral policies. The Rabushka and Shepsle (1972:86) thesis holds that given the existence of intense ethnic preferences in a society, it is politically profitable and rational for ambitious politicians to increase the salience of ethnic prejudice, hatred, and fear. Attempts are then made to outbid politicians who try to sell moderation, having created a polarised political marketplace in which “the rhetoric of co-operation and mutual trust sounds painfully weak” (Rabushka and Shepsle, 1972:86).

³⁴Of particular importance during negotiated transitions is how the various actors change their positions in this regard. Thus, institutional choice models may be used (see Sisk, 1995). For purposes of this discussion the focus is mainly on options in choices pertaining to how power could be distributed and exercised in a divided society.

³⁵It is not possible to pay attention to all possible aspects of the institutional profile and constitutional framework of a new political dispensation decided on.

³⁶Lijphart(1977), by using the criteria “social culture” (homogeneous-fragmented) and the actions of elites (competitive-coalescent) identifies four types of democracy: Firstly, homogeneous-coalescent depoliticised democracy; secondly, homogeneous-competitive centripetal democracy; thirdly, fragmented-coalescent consociational democracy; fourthly, fragmented-competitive centrifugal democracy. He later generalises the consociational democracy as a consensus model and a logical opposite of the majoritarian model.

³⁷Brief attention was paid to these two broad dispensations in chapter 1.

THEORIES ON POWER-SHARING

Some scholars such as Arend Lijphart are of the opinion that majoritarianism, particularly the Westminster version, is problematic for deeply divided societies such as South Africa.³⁸ According to Lijphart (1977), the theory of consociational democracy offers a different outcome to the conflict potential of deeply divided societies. He (1985:6) argues that a system of elite co-operation can counter these divisive forces within a constitutional framework with the following characteristics:

- Executive power-sharing among the representatives of all significant groups.
- A high degree of internal autonomy for groups that wish to have it.
- Proportional representation and proportional allocation of civil service positions and public funds.
- Minority veto on the most vital issues.

A preference for a system of power-sharing among elites in a divided society is based on the assumption that the way in which these elites negotiate compromised solutions to divisive issues, could counter ethnic extremism and promote moderation. Lijphart (1977:236; 1985:118)³⁹ also preferred a consociational type political dispensation for South Africa, “the outlook for democracy of any kind is poor, but if there is to be democracy at all it will most certainly have to be of the consociational type.” Lijphart sees the following positive outcomes of a compromise between the various segments: sharing of power through a grand coalition; formal limits on power through the exercise of the mutual veto; a fair distribution of power through proportionality; and the delegation of power through guaranteed segmental autonomy.

Lijphart (1977:100; 1985:130) is of the opinion that given certain “favourable conditions,” rival political leaders can make the “self-negating prediction” from which they will infer that

³⁸Likewise partition, for in South Africa the system of apartheid largely resembled the principles of partition, while majoritarianism could also usher in racial or ethnic dominance. However, most challengers in South Africa favoured majoritarianism (see Sisk, 1995:31-36).

³⁹Lijphart has refined the studies that emphasise “power-sharing” as an option for democracy in divided societies.

it is politically more profitable to respond to conflicts in deeply divided societies by searching for negotiated solutions, than to respond with ethnic extremism. These favourable conditions that promote consociationalism include a society with: a small population composed of a small number of segments of relatively equal size; no majority segment and segments of approximately equal size, as well as segments that are geographically concentrated and of relative socioeconomic equality; traditions of accommodation and overarching loyalties; and lastly common external threats. Awareness of the destructive conflict potential of deeply divided societies and an assessment of perceived future costs and benefits could motivate elites to co-operate with one another in order to avert such conflict. This could provide the catalyst for pre-emptive action to prevent the escalation of conflict.

Lijphart (1985; 1989; 1991a) criticised the classical assumption, that social and cultural homogeneity is an essential condition for democracy. His analyses of plural societies, such as the Netherlands, Belgium, Switzerland, and Austria, demonstrated that in cases of heterogeneous and fragmented culture, stable democracies might be established by the accommodation of, and compromise among the elite of each sub-society - consociational democracy.⁴⁰

After applying his model to South Africa, Lijphart (1985) regarded South Africa as suitable for consociationalism and suggested that consociationalism be used as a prominent mechanism to settle the long drawn out conflict involving the various races. However, other scholars such as Horowitz (1991:138-139) dispute this claim by Lijphart by arguing that majority oppression is a possibility. In the case of South Africa it would be possible for the black segment of the population to be a dominant majority.⁴¹

Consociationalism has both advantages and disadvantages. An advantage of consociationalism is that it maintains, legitimises, and strengthens communal claims against the state and could thus limit state power. On the other hand, too much autonomy through for example the mutual veto can lead to further claims beyond the intention of the original agreement (see Duchacek, 1973:9 in Sisk, 1995:35). This can encourage centrifugal forces in

⁴⁰In this thesis, under the assumption that the essential attributes of consociational democracy and a consensus model are the same, consociationalism and the consensus model will be used in contradiction to majoritarianism.

⁴¹Racial cleavages in South Africa will be discussed in chapter 3.

the polity that may be difficult to contain. Another disadvantage is that consociationalism can lead to “immobilism”.⁴² Furthermore, the rather well defined nature of the segments suggests that inter-segmental conflict could overwhelm co-operation. Structural guarantees for communities, for example, through a minority veto, could provide a built-in incentive for maintaining the rigidity of the segments.

THEORIES ON THE INTEGRATION OF POWER

To counter the disadvantages of consociationalism, Horowitz (1985:601-652; 1991) offers an alternative institutional option to divided societies, namely centripetalism. Instead of entrenching communal representation, political institutions should encourage integration across communal divides. For a democratic government to be effective in a divided society, it is important to create incentives that would encourage moderation. Thus, moderates must be rewarded while extremism must be discouraged. These incentives should motivate politicians to appeal beyond their own communal segments for support.

Centripetalism (Horowitz, 1985; Sisk, 1995:34-38) could promote the integration of power because it creates a series of systematic incentives for segmental members by removing the dividing environment between segments. This could be achieved by inducing competition on purpose. The assumption is that politicians are rational actors and will do whatever they need to do to be elected. Thus, the polity can be engineered to encourage inter-communal co-operation as a prerequisite for electoral success. This is contrary to the logic of consociationalism, which holds that it is necessary to control competition in order to reduce the level of conflict between segments. Horowitz, however, contends that the mentioned incentives are better than consociational constraints, such as the mutual veto, because they offer reasons for politicians and divided groups to behave moderately, rather than obstacles aimed at preventing them from pursuing hegemonic aims (Horowitz, 1991:261; Sisk, 1995:36).

Another advantage is that the integration of political power is concerned with constituency-based moderation rather than a reliance on the belief that political leaders alone can foster moderation. The key to constituency-based moderation is the electoral system, which there-

⁴²This term refers to a crisis of indecision in government and is a common criticism of inaction that can result from the use of the mutual veto (Sisk, 1995:35).

fore should be designed in such a way that leaders must appeal to the moderate sentiments in the electorate and isolate forces of extremism. This would foster compromise between the leaders and their constituents and would allow politicians to make the kind of compromise required for a divided society to be truly democratic and stable. To safeguard minority interests, Horowitz advises that the system should make the votes of minority members count (Horowitz, 1991:175-176; Sisk, 1995:36).

In order to achieve these effects, Horowitz (1991; 1993) favours a “power-centred presidential system”, federalism, subsequent preference voting.

A power centred presidential system

Horowitz (1991:205-214) is of the opinion that, if a special majority is required a presidential system is potentially less exclusive than parliamentarianism. There is an old debate between, on the one hand, the consociationalists such as Lijphart (1977) and Linz (1990:51-70), who argue that parliamentarianism is more inclusive, and on the other hand, Horowitz (1990:73-79) who is a defender of presidentialism (Sisk, 1995:36). According to Horowitz a parliamentary-chosen executive, is problematic because whichever party or coalition of parties has a bare majority in the legislature can choose an executive without taking into account the preferences of the minority. Thus, parliamentary elected executives fall in the winner-takes-all, government-versus-opposition pattern of politics, which will nurture divisions in an already divided society (Sisk, 1995:36-37). According to Horowitz (1991:205), it is important to prevent a single group from capturing “the state permanently by merely capturing a majority in parliament”.

A separately elected presidency, on the other hand, could have the broadest possible national appeal and with a strict separation of powers from the legislature, could proliferate points of power at the centre, thus allowing some parties to win sometimes, and others to win at other times. This would reduce the confrontation between the various segments (Sisk, 1991:107-108). A strong, statesmanlike, moderate president - forced to appeal to the least common denominator of electoral sentiments - can serve a unifying, nation-building role. Furthermore, a strong executive would be able to push legislation through a divided

parliament. Strong but benevolent leadership might be required to make tough economic decisions or redress historical injustices.

Horowitz's ideas also have some limitations and particularly with regard to South Africa (Sisk, 1991:102-113). Firstly, like Lijphart, by limiting the focus of analysis to racial cleavages and problems, the structure of cleavages of South African society, is over simplified. Secondly, this oversimplification is even more pronounced in his simplistic conceptualisation of "race". As Southall (1993) indicated, Horowitz is dividing all races according to the only criterion "language", not considering compound factors such as historic experiences, coexistence between racial segments and the level of union, compatibility and contestation between racial variables. Thirdly, Horowitz has excessively positive assumptions about the presidential system. He is of the opinion that if the right to vote is extended to non-white segments, and the presidential system is based on the principle of absolute majority, post racial democratic competition could exist. However, unless the old system's legacies, including white privilege and non-white deprivation are addressed, confrontation between the various races could be intense. Thus, Horowitz's power-centred presidential system that induces real integration of people may stop at the level of an ideological model.⁴³ Fourthly, majoritarianism remains a problem. Majority rule is more effective in conditions of national homogeneity and the exercise of equal rights and duties. On the other hand, centripetalism could, according to, Horowitz nurture homogeneity and a sense of unity in a divided society like South Africa, if "equalness" is promoted. Thus, in order to achieve unity, centripetalism requires a strong power-centred presidential system. Horowitz's position on this logic of centripetalism however is vague (Shapiro, 1993:142-150).

As referred to in chapter one, Horowitz's prescriptions for conflict-regulating institutions for divided societies (and for South Africa) overlap those of Lijphart to a large degree - both advocate federalism, for example. Yet they are distinguished in important ways. Horowitz (1985:568-76) is an indefatigable critic of the consociational model for two important reasons (Sisk, 1995:35). Firstly, he argues, the consociational approach emphasises the ability of segmental elites to contain underlying communal conflict (preventing the outbidding danger).

⁴³Nevertheless, Horowitz's logic is reflected in the same way in the dispute with Linz (1993), who is of the opinion that a cabinet system is better than a presidential system.

As noted earlier, the incentive for elite moderation in consociationalism is rooted in elite realisation of the costs of conflict. “There is no reason to think automatically,” Horowitz (1991:141) writes, “that elites will use their leadership position to reduce rather than pursue conflict” (Sisk, 1995:35). Horowitz (1985, 1991, 1993), therefore, rightly focuses on the incentives and disincentives for moderation a political system generates. In his view consociationalism not only overestimates deference by communal groups to their leaders and underestimates the power and role of dissatisfaction with inter-group compromise, it may even provide elites with incentives to encourage conflict. If individual elite power in the consociational system is only as strong as the constituency the leader represents, politicians can stir up hostilities among their communities to strengthen their own hand. Tsebelis (1990 in Sisk, 1995:35) describes this problem as “elite-initiated conflict”.⁴⁴

Federalism

Federalism can serve four important purposes in a divided society, according to Horowitz (Sisk, 1991:108, 201). Firstly, in combination with the electoral system federalism could encourage the proliferation of political parties, which is conducive to inter segmental compromises and coalition building. At the same time, it would counter hegemony at the central level (Horowitz, 1991:221-222). Secondly, politics at the regional and local levels can serve as training grounds for politics at the centre or national level. Thirdly, federalism disperses conflict at the centre by resolving some issues at the regional and local levels. Finally, it creates difficulties for any party hoping to get a hegemonic grip on the entire society - capturing all of the provincial states would be a difficult task. However, federalism may promote subgroup cleavages in communally homogeneous states (Sisk, 1995:36-37).⁴⁵

⁴⁴There were strong grounds for seriously considering his blueprint for the constitutional structure of a post-apartheid political system. The model that was put forward has potential for conflict resolution in divided societies, irrespective of the kinds of divisions that beset them.

⁴⁵Within the South African context federalism was often seen by the challengers as containing elements of apartheid and the homelands (see Horowitz, 1991:131-132, 214-215).

Electoral systems

To Horowitz, divided societies do indeed need some proportionality in representation (PR), but not just the straight system of party-list proportional representation that Lijphart generally advocates.⁴⁶ A system of preference voting - and preferably, alternative voting (AV) is favoured. AV, a majoritarian system on the other hand with some proportionality effects, relies not on seat pooling (coalitions formed after an election), but on vote pooling (coalitions based on pre-election agreements). Voters do not only choose their first preference, but specify second or third preferences as well. In addition to AV, Horowitz prefers the single transferable vote (STV), where candidates can make vote-pooling agreements. The major precondition for a successful vote-pooling framework is sufficient party proliferation, large heterogeneous constituencies, and conditions that make vote pooling profitable: that is, when moderation by political leaders causes them to gain more second- and third-preference votes than the first-preference votes, they lose by appearing soft on communal interests (Sisk, 1995:37). The list systems favours seat pooling, that is assuming no party wins an outright majority, seats are pooled to form a governing parliamentary majority. Coalitions that rest on intergroup vote pooling, as well as seat pooling would be inclined to accommodation and thus reward statesmanship (Horowitz, 1991:177).

Why is subsequent-preference voting preferred for divided societies, in Horowitz's view? The logic is that in order to win, politicians must seek to obtain the second, or third-preference votes of those who would not ordinarily vote for them. In order to gain those alternative votes, leaders must behave moderately towards other communal groups. Outbidding will not occur on the extremes; because politicians will try to outbid each other. They will compete with one another to find the political centre (moderates). Centripetal forces will override centrifugal ones. The critical difference between the consociationalist system and Horowitz's is thus the formation of electoral coalitions by constituents as they specify their second or third preferences beyond their own narrow group interests (Sisk, 1995:38).

⁴⁶The list system, Lijphart (1990a:2-13) allows parties to choose lists of candidates and voters vote for the parties, often in a single national constituency. The proportion of votes for the party is directly translated into the same proportion of seats in parliament; that is, party lists provide for the most direct vote/seat ratio possible (Sisk, 1995: 37).

2.3.6 ADVANTAGES AND DISADVANTAGES OF THE MICRO-BEHAVIOURAL APPROACH

The Micro-Behavioural Approach, which provides a fresh outlook on the study of transition to democracy, has several uses and limitations.

It is a dynamic approach for the analysis of the short-term dynamics of transition politics, particularly where a high level of uncertainty and unpredictability prevails. Secondly, it draws scholarly attention to the micro aspects of the emergence and the breakdown of democratic regimes. Thirdly, obviating the more or less deterministic views of the structural approach, it allows an ample degree of inconclusiveness and open-endedness in suggesting the paths of transition to democracy (see Shin, 1997:87).

Despite these merits, the micro-behavioural approach involves the following shortcomings. Firstly, this approach comes down to a behavioural-centred line by making structural variables secondary. As a result the selected behaviour and the transition strategy of actors become independent variables that explain democratisation. Structural dynamics that may shape democratic transition is therefore disregarded. For example, in the case of the strategic choice theory, the attempt to solve the problem of “integrating structure and behaviour”, assumes that structural conditions constrain the strategic choice options of actors - that is the “structure of choice”. However by separating the constraint itself from strategic choice, it fails to find an inner dynamics between structure and behaviour (see Karl, 1990:6).

Secondly, by focusing on strategic interactions between actors who participate in democratisation, this approach is useful in pursuing the dynamic development processes of democratisation. However, it falls short in explaining the macro-structural environment and causes of democratisation, which might constrain or promote transitions to democracy. Thus, actors may make decisions with regard to a transition to democracy without considering whether democracy could be sustained and consolidated. It therefore simply does not guarantee a democratic political dispensation in the long term (see Karl, 1990:6-7).

Thirdly, the course of democratic transition followed according to this approach and the game model between actors is excessively diagrammatic. There are some deviations, but many studies that analyse transitions to democracy in terms of the micro-behavioural

approach, investigate the transition game that hardliners/moderates of regimes and anti-regimes play. Subsequently the democracy through compromise that has been facilitated by the moderates is presented as an exemplary route of transition and often as the only route to transition.

The problem is the fact that the transition game and the transition route of this approach are only based on a virtual and probable situation about choice behaviour of actors and the cost of their actions. However, abstract probable situations do not necessarily apply to real examples of democratisation. Thus, this approach has the danger of simplifying real social situations excessively. Therefore, for this study the explanation power of concrete analysis, social and economic conditions, which control selection behaviours of individual actors, as well as the dynamic relations between these actors, need to be considered simultaneously.

Lastly, the focus is often on the behaviour of elites and even though they may play important roles in a democracy, democracy in itself implies the involvement of the masses.

2.4 AN ANALYTIC FRAMEWORK FOR SOUTH AFRICA'S TRANSITION TO DEMOCRACY

It is at this stage necessary to provide a brief overview on studies that focussed on South Africa's transition.

A prolific literature developed around South Africa's political dispensation and the problems South Africa encountered in this regard. Three phases can be identified in this literature, namely those that were written prior to what is regarded in this study as the initial phase of transition (1978-1989) those written during the period 1978-1994 and lastly those written since 1994. The literature of the first two phases are to a large extent characterised by critical analyses of South Africa's political dispensation, the problems it faced as well as elaborate studies on possible alternatives. After South Africa's transition to democracy through negotiations between various political actors and with the drafting of the final interim constitution, which was based on a multi-racial power-sharing model, South Africa's democratic shift was presented as a "textbook case of a well-crafted transition" (Jung and Shapiro, 1995: 270).

During the first two phases important studies were made by a significant number of South African and foreign scholars. This literature also reflected the various positions of the scholars vis-à-vis the South African political dispensation. Of particular importance was thus the anti-apartheid literature focussing on black consciousness, Marxism and anti-colonialism. These either provided intense critiques on, or a descriptive analyses of the South African dispensation. Historical works are also important in this regard. Examples of scholars during this period are: Adam, Arnold, Giliomee, Horowitz, Lijphart, Marx, Maphai, Moodley, Schlemmer, Schrire, Sisk, Southall and Slabbert.⁴⁷

However, if the focus is on the analyses of the actual transition, the studies are not abundant. Though it was the biggest political change historically in South Africa, a systematic and comprehensive study has not yet been done. Important studies up to now, include those of Slabbert (1990a), Rantete and Giliomee (1992), Van Nieuwkerk (1992), Ottaway (1993), De Villiers (1993), Giliomee (1995), Adler and Webster (1995), Kim (1997) and Shin (1997).⁴⁸

Slabbert (1990b; 1992) made several critical analyses of South Africa in transition and in particular paid attention to pre-negotiations. However, he does not provide a systematic analysis of South Africa's transition.

Rantete and Giliomee (1992) applied the following three types of democratisation to South Africa, namely transition through transaction, transition through extrication, transition through breakdown. They evaluate the democratic transition route of South Africa by analysing pacts. Their analysis is limited to the initial phase of democratisation. In their analysis of the preliminary negotiations between the NP-government (incumbents) and the ANC (challengers), they argued that the final transition would be moulded by the outcomes of negotiations.

Such was also the position of Van Nieuwkerk (1992). He added as objects of analysis the Pan-Africanist Congress (PAC) and the Conservative Party (CP) to the NP-government and the ANC, and he made a cross-analysis of them. Thus, he deepened the level of analysis,

⁴⁷The bibliography provides a comprehensive list of important authors and works during these phases.

⁴⁸There are also numerous works documenting the history of the transition, as well as works providing important biographical detail of important actors and in particular with regard to Mandela and De Klerk.

but his analysis did not go beyond the preliminary negotiation phase.

Ottaway (1993) made her analysis after the preliminary negotiation phase. Her approach was more developed, because she included social and economic variables in the analysis of the alternative proposals of each party with regard to a new political dispensation. Especially, in analysing the process of establishing a constitution for organising the new political dispensation, she focused on the fact that negotiation and transition strategies reflect the power relations and economic interests of civil society. By dividing the arenas of struggle during the negotiations for the establishment of the constitution simply into the local and economic arenas, she failed to grasp the dynamic interactions in the domains of state, civil society and political society.

After the transition was settled in the interim constitution Giliomee (1995) supplemented his initial analysis (Rantete and Giliomee, 1992) and tried to combine micro-behavioural analysis and macro-structural analysis (see also Giliomee, Schlemmer and Hauptfleisch, 1994). For this purpose, by using the model of O'Donnell and Schmitter (1986) he identifies the following phases in the transition, namely liberalisation, democratisation, consolidation. He replaces the types of change of Share and Mainwaring (1986) with that of Huntington (1991), namely democracy from above (transformation), democracy from below (replacement), democracy through compromise (transplacement). He argues that in connection with the democratic transition in South Africa, "democracy from above" of the NP government and "democracy from below" of the ANC are converged into "democracy through compromise". Here, he identifies several macro-structural factors, which forced concessions from the incumbents to the challengers, namely relative population decrease of the white ruling bloc, economic crisis, and international pressure. Of course, contrary to the existing approaches, it was meaningful to try to combine macro-structural variables into micro-behavior analysis.

His analysis has, however, some limitations. He mainly focuses on the role and position of the ruling elite and thus creates the impression that liberalisation at the initial phase of transition was a an initiative of the incumbents only. Thus, pressures emanating from the challengers (particularly from below) and interactions of power between the incumbents and the challengers are not systematically analysed.⁴⁹ Core variables of political change

⁴⁹This kind of position is revealed in his evaluation of the liberalisation phase from the late 1970s to

in South Africa do not receive the necessary attention. Nevertheless, Giliomee concludes that the transition was achieved by democracy through compromise, but in the analysis of the compromise between regime and anti-regime camps insufficient attention was paid to pressure from below.

Adler and Webster (1995) focus on analysing the influence of civil society on the process of democratisation through compromise. Examining the strategic model of Przeworski (1991; 1992) critically, they insist that the democratic transition in South Africa has not been led only by reformers of the regime camp and moderates of the anti-regime camp. According to them, anti-regime radicals did not take a position of uncompromising maximalism. They were not actors that could be changed into moderates. Standing on a range of strategic possibilities, they were using their influence continuously regarding compromise between reformers and moderates. Radicals in South Africa were not isolated or did not become neutralised, but they were strategic actors who affected compromising processes progressively in the transition.

Adler and Webster's analysis also has limitations. The first problem concerns the dividing criteria of actors. Dividing lines between radicals and liberals, reformers and moderates, and radicals who allow transition through negotiation and those who reject transition through negotiations and pursue uncompromising maximalism, become vague. If the criterion of the division is "attitude toward negotiations", eventually, the radicals are rather included in a progressive group of moderates. The problem does not stop here. This thesis acknowledges their progressive role in the democratic transition in South Africa, but does not argue that their influence was not powerful enough to decide the characteristics of the transition. If it is true, Adler and Webster overestimated the capability of the progressive group of moderates. According to Adler and Webster, one representative of the strategic radicals is the Congress of South African Trade Unions (COSATU), a core supporter of the ANC. The transition strategy of COSATU was to secure the following in the drafting of an interim constitution: Principle of majority rule, guarantee of the right to labour and labour unions, and securing the late 1980s.

Opposing the "elite-response perspective" of Price (1991), that the liberalisation measures were just a response of the national elite to anti-regime camp struggles, which had eroded the base of white national power, he follows the "elite-initiative perspective", which views the liberalisation measures as an active alternative strategy of the national elite for the continuance of the system.

of labourers' participation in economic policy decision-making. What we should remember here is the fact that though this kind of transition strategy is similar to the standpoint of ANC leaders, in the real negotiations to establish the constitution, these conditions were modified and diluted. For example, the government method was far from majoritarianism, but was based on a "temporary power-sharing type". Dense consociationalism relatively weakened the progressive role of strategic radicals.

De Villiers' (1993), Kim (1997) and Shin (1997) all apply and analyse various theories on transitions to democracy within the context of South Africa's transition. De Villiers focuses on theories of negotiations, Kim on the phases in transition and Shin on the need for a synthesis between macro-structural and micro-behavioural theories. Even though, all of these are applied and analysed within the South African context the focus is on the theories and not on the explanation of the South African transition.

All of the above literature on South Africa provide important information that can be used in an analysis of South Africa's transition. They however do not provide a comprehensive analysis of South Africa's transition.

In compiling an analytical framework for the analysis of South Africa's transition it is important to integrate structural and behavioural factors. Such methodologically is however challenging. Studies of democratisation in South Africa have a tendency to be divided between those that follow the macro-structural approach and those that follow the micro-behavioural approach. In cases where structure and behaviour are integrated, there is still an inclination towards the structural approach.

Each of these approaches, as previously examined, makes a significant contribution to the general understanding of transition to democracy. However each approach contains certain limitations, as previously mentioned. Considering the limitations of accepted theories, a synthesis of the structural and behavioural theory is a first step in the analysis of South Africa's transition. Thus, the combination of structure and behaviour thus establishes an alternative approach to the macro-structural and the micro-behavioural approach. Several authors such as Shin (1997), Giliomee and Schlemmer (1994), Karl (1990) have made contributions in this regard but none has provided a name for an alternative approach. Karl (1990:1) refers

to the need for an “interactive approach that seeks explicitly to relate structural constraints to the shaping of contingent choice”. Thus for purposes of this study such an approach would be labelled an “interactive approach”. It is important to note that it integrates the basic assumptions of the macro-structural approach with those of the micro-behavioural approach. As mentioned, in this chapter the existing theories on democratisation were analysed with the aim of developing a framework for the analysis of South Africa’s transition to democracy. The crucial interactions in the process of democratisation were those between government and challengers, between reformers and standpatters among the ruling elite and between moderates and extremists amongst the challengers in the opposition (see Huntington, 1991:590). In all transitions these three central interactions play some role. In the proposed framework the following elements are thus important: the domains of state - civil society - political society, structural and behavioural variables; the chronological phases of transitions, choices and compromise through negotiations, as well as alternative institutions.

In order to overcome the shortcomings of the various theories on democratisation, the framework for analysis consists of the state, political society and civil society and provision is made for both structural and behavioural variables. Furthermore, the inter- and intra-dynamics of relations within and among the domains of, state - political society - civil society, together with structural and behavioural considerations, provide considerable scope for analysing the procedures for decisions on alternative institutions for the establishment of a new political dispensation. This is possible without neglecting the chronologically sequential dynamics of a negotiated transition to democracy.

Thus, it is argued that the dynamics of a transition to democracy cannot be explained by only focusing on strategic choices made by the main actors. Micro-behavioural theories can anticipate the transition strategy and tactics that may be chosen by the actors at a specific point in the chronological sequence, but has difficulty in explaining the background that forced the choices, as well as the nature of political change as calculated by the actors in the choice process. This implies that at the various points of political change structural variables limit the behavioural variables. In order to analyse the dynamics of a transition to democracy effectively, both the defining force of structural variables working in the domains of state - political society - civil society, as well as the strategy and tactics for transition as

chosen by the various actors, must be considered.

Of particular importance in this framework is the role of political society which theoretically has a mediating function between the state and civil society. This contributes to an analysis of the dynamics of a transition to democracy by compromise. The nature of interactions or confrontation between the state and civil society is important in the political changes made during transitions. In the case of a transition to democracy by compromise, attention must be paid to the fact that the zero-sum confrontational structure between the domains of the state and civil society is theoretically rearranged to a non-zero-sum structure by means of the mediating role of the political society. Thus, to clarify the question of transition to democracy through compromise, the analysis of confrontation between the domains of state and civil society, together with political society theoretically mediating between them, is important. Thus, the introduction of political society, for analytical purposes has considerable advantages. In the chapters to follow, it would however become clear that initially the position of political society was problematic within the South African political landscape. This resulted in interesting dynamics in and among the various domains.

Furthermore, where the transition of democracy by compromise is the object of analysis, it is necessary to distinguish, for analytical purposes, between the various phases of the transition process. Thus, the “complex conjuncture”, with different motivational attributes, of the course of transition to democracy is used for analytical purposes. In the case of transitions to democracy by compromise, the “initial phase”, the “crucial phase” and the “maturity phase” each has a unique set of immanent principles at work. The initial phase is characterised by initial attempts at ameliorative liberalisation of the political landscape. The crucial phase of transition which occurs before the threshold of democratisation is crossed, explains the complex situation at the time of preliminary negotiations, where the mutually hostile phase of confrontation turns to a mutually beneficial phase of negotiation. In addition, the maturity phase of transition produced after crossing the threshold of democratisation explains the dynamics of transition during the period of grand compromise, where the institutional alternatives for a new political dispensation are sought. Thus, attention was also paid to the selection of these “institutional alternatives”. The appropriate strategy for a transition and a suitable model for the new political dispensation favoured

by the individual actors during the maturity phase of transition are basically moulded by the structural factors which limit their actions. The propensity of the micro-behavioural approach to emphasise only the chronologically sequential game of negotiation, while ignoring the actors' choice environment, is thus avoided. Table 2.1 provides a brief summary in this regard.

TABLE 2.1: Framework for the Analysis of South Africa's Transition to Democracy

Initial phase of transition (1978-1989)	Crucial phase of transition (1989-1991)	Maturity phase of transition (1991-1994)
<u>Macro-structural Factors</u> Push, pull and status quo effect of: Societal structures, cleavages and demography Political culture Economic development and crisis International context	<u>Macro-structural Factors</u> Push, pull and status quo effect of: Societal structures, cleavages and demography Political culture Economic development and crisis International context	<u>Macro-structural Factors</u> Push, pull and status quo effect of: Societal structures, cleavages and demography Political culture Economic development and crisis International context
<u>Actors</u> Power, actions and decisions of main actors within and between the domains of: State Political Society Civil Society	<u>Actors</u> Power, actions and decisions of main actors within and between the domains of: State Political Society Civil Society	<u>Actors</u> Power, actions and decisions of main actors within and between the domains of: State Political Society Civil Society
<u>Outcomes</u> Attempt at transition from above Liberalisation measures Rise of civil society Mutual hurting stalemate	<u>Outcomes</u> Levelling of playing field Crossing of threshold of democracy Pre-negotiation for negotiation Advent of multi-party negotiation	<u>Outcomes</u> Multi-party negotiations Negotiated outcome and transition Process of democratisation Choices for new institutions

2.5 CONCLUSION

Thus, the focus of this chapter was the theoretical background to the study. In the chapters that follow these will be applied as indicated to the South African transition. In the next chapter the focus will be on the environment in which the transition to democracy in South

Africa commenced. In the case of South Africa, before the transition commenced, the domains of state - political society - civil society was complex and problematic because political society was racially divided and only the white segment had access to the state. Civil society was also racially divided and the anti-regime civil society comprised mainly of non-whites. Thus, the route to mediate political interests was largely based on race. Racial cleavage and conflict nurtured along these lines worked as strong, structural factors of political change, internalising or distorting class and conflicts in which ideology played an important role.

Chapter 3

THE ENVIRONMENT OF TRANSITION

3.1 INTRODUCTION

The focus in this chapter is on the macro-structural and micro-behavioural context that preceded the initial phase of transition, which commenced in 1978. South Africa, as indicated in chapter one, is one of a few states with significant socio-political cleavages that have experienced a relatively peaceful transition to democracy. After a period of negotiations, the government eventually agreed to the principle of universal franchise and democratic elections, even though they had little chance of remaining in power.

The initial phase of transition, that is the period of 1978-1989, was an important stage in South Africa's transition, in the sense that, even though it was a crucial decade of antagonism, confrontation and resistance, it prepared the ground for the transition to democracy in the 1990s. As mentioned in chapter one, this phase was characterised by attempts at reform and liberalisation. However, the basic contours of, state - political society - civil society relations were already being shaped during the period that preceded the initial phase of transition. Events during this period should, therefore, not be isolated from their historical context. How did the history of South Africa unfold to the point where political reform was attempted? Which structural factors in the social, economic and political context shaped these events? It is also important to pay attention to what the position of the various elites was vis-à-vis one another, as well as to how and why they arrived at that position.

Several theories, focussing on transitions to democracy, were examined in chapter two.

Theoretically, transitions to democracy are, as was discussed, explained by two approaches, namely the macro-structural and micro-behavioural approaches. It was mentioned that the macro-structural approach focuses on the structural prerequisites for transition to democracy, while the micro-behavioural approach focuses on the changes in behaviour or the sequence of events and the strategic choices exercised by the political role players (Diamond, 1992:472; Huntington, 1991: 34; Przeworski, 1986:47; Rustow, 1970; Shin, 1997).

In the case of South Africa, the process of transition was started because it became increasingly difficult for the existing ruling structures to be effective in practice. There was a complex set of interactions between structural conditions and political actors even prior to the initial phase of transition. Thus, the interconnectedness of structural factors and political actors prior to the initial phase of transition, is of particular importance in an analysis of South Africa's transition.

The purpose of this chapter is, therefore, to connect the South African experience to the larger theoretical issues as discussed in chapter two. For this purpose, South Africa, as an example of transition in a divided society, is introduced as a case study by paying attention to the salient features of the South African society and politics and, in particular, the salience of race, ethnicity, class, and ideology as sources of "cleavages" and conflict. The initial phase of transition unfolded within the context of these societal divisions, as well as a conflict that was fomented primarily along these divisions. Racial discrimination and the exclusion of various segments of society from the political process, on the basis of race, were defining features of the political landscape. The role of the state in the conflict generated along these lines of division is important. The state had been used and particularly since the advent of NP rule in 1948, as the agent of the whites who dominated politics and the economy.

South Africa, prior to the transition, had a long history of social, political and economic segregation and exclusion based on race, which fostered the abovementioned divisions. Early segregation eventually led to the development of the ideology of apartheid that, together with nationalist ideas, provided the guiding principles for the political thinking of the NP. After coming to power, the NP government embarked on a comprehensive restructuring of society

based on racial segregation and exclusion. From the discussions in this thesis, it will transpire that the nationalist and apartheid ideology of the ruling white minority, however, invoked a strong counter-ideology (and counter-elite) among the excluded majority.

The policy of apartheid was essentially characterised by racial segregation. Though only officially instituted after the NP came to power in 1948, racial segregation and, the exclusion of the majority of people from the political process, had a long history going back to the early settlement by whites and the era before the creation of the Union of South Africa in 1910. The eventual transition to democracy in South Africa implied, however, the end of apartheid as an official policy of the government. Several factors, already present in the environment prior to transition, aided on the one hand, the dismantling of apartheid and on the other hand, the democratisation of South Africa's political institutions. Factors such as the growing internal unrest, together with the political, social and economic costs of apartheid, as well as an increasingly hostile international environment, are important in this regard. The NP and members of the elite from other sectors of society began to realise that the game played according to the old rules had become too costly, when compared to the envisaged advantages of a more legitimate political dispensation, although a new political dispensation would require the inclusion of the black majority.

In this chapter, the conditions prevailing in the environment and the factors that prompted the initiation of the transition to democracy in South Africa are therefore discussed. Bearing in mind that neither structural, nor behavioural approaches can fully explain South Africa's multidimensional transition to democracy, political change in South Africa and the macro-structural and micro-behavioural factors of transition identifiable at this stage, will also be discussed. The focus will be on the inherent cleavages and the nature of conflict in South Africa during the period that preceded 1978. Events during the pre-1978 era give an indication of the relationship between the structural forces and strategic choices of political actors as the analysis of political liberalisation in the following chapters will demonstrate. The period 1910-1978 will, however, receive particular attention.¹

¹The year 1910 is the year in which the Union of South Africa was established. The fact that non-whites were excluded from this process was a factor in the establishment of the South African Native National Congress (later the African National Congress) in 1912. Even though the political problems generated by apartheid received attention prior to 1978, the latter year is, for purposes of this thesis regarded as the beginning of South Africa's transition to democracy. Note, however, that in the discussion it was not always

The purpose of this chapter is, therefore, to provide an analytical description of the environment of the transition. For this reason, the various internal cleavages, namely race, ethnicity, class, and ideology will receive attention. The structure of the conflict in South Africa will be discussed with reference to the ethnic and regional conflicts, as well as the struggle against apartheid that shaped the alignment and role of the elites vis-à-vis one another. Other macro-structural factors to receive attention, are: the weakening demographic base of the whites, the economy and the international environment, particularly economic pressure and international isolation. In these discussions the state - political society - civil society relations will receive attention only briefly since a more detailed discussion of these will be provided in chapter four.

3.2 MACRO-STRUCTURAL FACTORS: THE STRUCTURE OF SOCIETY AND INTERNAL CLEAVAGES

Several cleavages, amongst which, race was (and still is) a dominant cleavage, can be identified in the South African society. The most important sources of cleavages prior to, and at the time of the transition to democracy, were race and ethnicity, class, and ideology. These cleavages often coincided with each other. The overlap of race, ethnicity, class and ideology were so intertwined, that to some scholars it seemed total.² This aspect of South Africa's transition is of particular importance in this thesis - that is democratisation in a divided society, particularly, in the presence of conflict (see Sisk 1995: 13-15).

The cleavages that existed in South Africa, prior to 1978, were the product of rather complex forces within the South African society. Scholars often disagreed on the exact nature of these forces. According to Horowitz (1991:2), South Africa was "doubly divided". There was, firstly, a conflict between competing values and interests and, secondly, also a conflict about the conflict, or what he called a metaconflict. The latter conflict was reflected in the

possible to neatly separate available data according to these phases, because data often covered time frames that differed from those used in this study - thus data may on occasion overlap with some of the other phases in the study. Attempts were however made to limit the incidence of such overlap.

²Lijphart (1985: 35-37), using Rae and Taylor's (1970:22-23) index of fragmentation, calculated the division by "ethnic" groups (14 in total - including Afrikaners and English) of South Africa as 0.89. On a scale of 0 to 1, the value is 0 for a completely homogeneous society (the possibility of belonging to different segments is nil). The value 1 occurs in the hypothetical society where each individual belongs to a different segment. South Africa's score is close to that of a completely fragmented society.

different ways in which South Africans initially perceived their society and its conflicts, and the inability of South Africans to agree on common terminology to describe their differences. As indicated in chapter one, there were fundamentally different interpretations of what were the reasons for the different societal cleavages. This was particularly true of the debate on ethnicity as a source of cleavage (see Horowitz 1991:2-9). Questions that were frequently asked by scholars were: To what extent did ethnicity divide South Africans? Is there indeed one South African nation, or is it a state inhabited by a multiplicity of nations? Is “non-racialism” or “multi-racialism” the predominant feature of a shared interdependence? These fundamental issues highlighted the complex and competing varieties of belief systems in South Africa and were central to the disagreements over the nature and structure of the conflict.³

In order to understand the societal context of the transition, it is important to pay attention to race, ethnicity, class, and ideology as the most important cleavages in South African society.

3.2.1 RACIAL AND ETHNIC CLEAVAGES

Race has had a long history in South Africa as a source of politically relevant cleavages. The basic racial categories that could usually be identified were: whites, coloureds (a category that included a variety of subgroups, for example those of mixed descent and descendants of the Khoisan and slaves), blacks and Asians (usually with reference to Indians and “other” Asians such as the Chinese).⁴

Although race as a source of cleavage was politicised and institutionalised, the politicisation and institutionalisation of ethnicity were even more complex. There were claims on

³There were on the other hand also factors that mitigated against absolute cleavages. Religion, and in particular the cross-racial nature of Christianity, provided a common value system that could bridge the race-class-ideology divide to a certain extent. Religion was, however, also relatively problematic. Some denominations had separate churches for the various race groups, but the shared value system should be noted. Protestant churches in particular, are often democratically organised. Some members of the various race groups were therefore, exposed to democratic values during the years preceding South Africa’s transition to democracy (see Wilson and Thompson, 1982:229, 401-401). Black Christian activists were also important in early black political activity (see Karis and Carter, 1972:3-12).

⁴It is important to note that as was mentioned in chapter 1, the words used to designate these categories of the population are controversial, often regarded as pejorative, not consistently used and have undergone change during the course of history. See chapter 1 for an explanation in this regard.

the one hand, that ethnicity was used in order to create artificial cleavages in the tradition of “divide in order to rule.” On the other hand, ethnic differences were regarded as being a source of cleavage among blacks (see Horowitz1991:1-49). Both race and ethnicity are discussed in more detail in the following subsections.

Racial cleavages became a dominant factor in South Africa and in particular, after the NP came to power in 1948 and the adoption of several acts that prescribed and proscribed race relations. Racial identity had been woven into the societal, legal and political structures of South Africa, and explicitly in 1983 into the constitution (Republic of South Africa Constitution Act No. 110 of 1983; see Sisk, 1992:8). Furthermore, ethnicity as a source of cleavage was engineered in the government’s “homeland policy“.

For purposes of this discussion, four important historical periods are identified, namely pre-1910, 1910-1948, 1948-1978 and 1978-1994.⁵ The pre-1910 period will not receive much attention, since that is the era before the creation of the Union of South Africa, which is not the focus of this chapter. It is, however, important to bear in mind that racial cleavages had their origins prior to 1910 and that “separate” legislation for the various race groups, was adopted prior to unification. The period 1978-1994 will be dealt with in more detail in the following three chapters.

PRE-1910 ERA

This is the period of South African history that preceded the founding of the Union of South Africa. Patterns of interaction existed among the various indigenous groups prior to their contact with whites (see Wilson and Thompson, 1982:42-182). The arrival of whites in 1652 at the Cape, introduced a new era of social, political and economic interaction among the population (both old and new) of what is now known as South Africa. White political authorities created political, economic and social institutions that affected both the lives and livelihoods of the indigenous population (Karis and Carter, 1972:3).

The white settlers initially had contact with the indigenous Khoikhoi and San (Khoisan). Early white settlement also brought slaves from Asia, Madagascar and West Africa (see Du

⁵Major events such as the coming to power of the NP in 1948 separate these timeframes, therefore an overlap in dates is unavoidable.

Toit, 1983). During the era of Dutch rule in South Africa⁶ the governing officials did establish contact and consultation with the settlers through “burgher councillors“, “Landdroste“, “Heemraden” and “Veldkornets,” but these were not extended to the Khoisan and the slaves. The movement of the latter two groups was monitored and restricted (Thompson and Prior, 1982:23-28; Wilson and Thompson, 1982:213-227). The vastness of the territory made control over the settlers difficult -

The racial practices of the Dutch East India Company...caused them [whites] to look upon themselves as a distinct and superior community...white farmers...formed the dominant element in a loose-knit, preindustrial, racially stratified, plural society (Thompson and Prior, 1982:28).

Racial attitudes clearly developed from the interactions among the various population groups and their contact in turn with the governing officials. Along their shifting frontiers, white settlers, both Afrikaners and English came into contact with the black indigenous population of Southern Africa.⁷ Whites were embroiled in various conflicts with black ethnic groups, often forming alliances with some against others, in struggles lasting until the late nineteenth century (Horowitz, 1991:10).

The establishment of several republics by the Afrikaners (Boers) in those areas that they controlled, was important from a political perspective. The two most important republics were the Orange Free State and the South African Republic (Transvaal). These displayed democratic characteristics, but non-whites were excluded from participation in the political process (see Wilson and Thompson, 1982:364-372).

British rule⁸ brought changes to the political organisation of the various territories under its control. Important in this regard were the more effective application of the rule of law, freedom of the press (1828), removal of restrictions on the movement of the Khoisan (1828) and the emancipation of the slaves (1834-1838). Furthermore, a representative element in government was established. A parliament for the Cape Colony was established in 1854⁹ and a parliament for Natal in 1856. Parliamentary control over the executive, but subject to

⁶1652-1795 and 1803-1805

⁷As indicated the term black will be used instead of African or black African or Bantu.

⁸1795-1803 and 1806 till complete independence of the Union of South Africa (British rule existed in various and varying territories as the history of the eventual Union of South Africa unfolded)

⁹Cape of Good Hope Constitution Ordinance, 1853.

the British Parliament, commenced in 1872 in the Cape Colony and 1893 in Natal. Blacks were either gradually conquered or, incorporated territorially in a peaceful manner into the existing political dispensation. Some even managed to retain their social and cultural structures. A colour-blind qualified franchise applied in theory under British rule, but due to the nature of the qualifications, almost all non-whites were excluded from the political process and political power was in the hands of whites (Thompson and Prior 1982:29; Wilson and Thompson, 1982:311-333).

Events such as the British annexation of Transvaal in 1877 and the two Anglo-Boer Wars that followed, gradually made relations between Afrikaners and the British authorities and with English-speaking South Africans more important than relations with the indigenous population (Horowitz, 1992:10). Relations between the authorities and in particular, blacks were, therefore, treated with less urgency (see Thompson, 1960:117).

A number of events during the early history of South Africa are important for purposes of this discussion: Firstly, of particular importance are the divisions that developed because of race, culture and ethnicity. Deep divisions between English and Afrikaans-speaking whites were important during this part of South African history (Wilson and Thompson, 1982:373). The foundation of race and ethnicity as a source of cleavage was laid during the early history of the white settlement in South Africa. The existence of various ethnic groups and the fact that many blacks retained at least some part of their tribal land ensured that ethnicity would remain a source of heterogeneity and possible cleavage (see Wilson and Thompson, 1982:310-311). Though intermingling of the races was, usually, not prohibited formally, social separation has its roots early in South African history. The various authorities also began to adopt legislation that treated the various races and even ethnic groups differently. Restrictions were for example, placed on the ownership of land by Indians¹⁰ in Transvaal. Pass laws were already in existence. In 1885 the Asiatic Bazaar Law No. 3 of 1885 that negatively affected the rights of all “Asians,” was adopted in Transvaal.

Secondly, the democratic political institutions that were emerging among the white set-

¹⁰Indian indentured labourers were introduced in Natal in 1860 to work on the sugar plantations. Many Indians preferred to stay in Natal and not to return to India after the expiry of their contracts. They soon migrated to other provinces. Discrimination led *inter alia* to the arrival of Mohandas (Mahatma) Gandhi who soon inspired a struggle for freedom.

tlers during the early history of white settlement were important. Thus, a political society was already in the making, prior to the unification of South Africa. Though some of these were “racially blind,” (as was the case in the Cape Colony¹¹ and Natal¹²), non-whites were for all practical purposes, excluded from the official political process. The political institutions created by the Afrikaners, excluded non-whites and non-whites remained excluded after the British conquest of Afrikaner territories (Thompson, 1960:111). Political organisations, such as the “Kaapse Patriotte” (1779-1791) demanded political reforms (Wilson and Thompson, 1982: 183, 214, 222). Political parties, such as the Afrikaner Bond, Het Volk and Orangia Unie are examples of political parties that were established prior to unification in 1910 (Wilson and Thompson, 1982).

Non-whites were exposed to new political practices that impacted on their lives, although they were mostly excluded from participating in the official political processes. They also began to organise themselves politically in order to protect and promote their interests and to resist discriminatory practices (see Horowitz, 1991:12). The politically motivated, Imbumba Yama Afrika, that was formed in the Eastern Cape in 1882 is an example. Likewise, the Native Education Association and the Native Electoral Association were formed in 1884 in the Eastern Cape in order to fight for the rights and inclusion in the political process of blacks (Karis and Carter, 1972:5). Other examples of political organisations for blacks included the Natal Native Congress, the Transvaal Congress, the South African Native Congress (1902), the Vigilance Association of the Eastern Cape, the Native United Political Associations of the Transvaal Colony and the Orange River Colony Native Congress (see Karis and Carter, 1972:9-10).

Indians also began to organise themselves similarly and in the last decade of the nineteenth century, the Natal Indian Congress (1894) was founded. It was later followed by the Transvaal Indian Congress and the South African Indian Congress.

Thirdly, the basic roots of civil society can be traced to the early history of white settlement in South Africa. Various factors played a role in this regard. As a result of the

¹¹Registered voters in Cape Colony in 1909: 121 346 whites, 14 388 coloureds, 6 633 blacks (Thompson 1960:110).

¹²Registered voters in 1907 in Natal: 23 480 whites, 150 Indians 50 coloureds and 6 blacks (Thompson 1960:111).

inhospitable nature of the region, settlers relied to a large extent, on each other and also on religious orders for their survival and basic services in addition to those provided by the authorities. Religious groups such as Christian churches were of particular importance (Wilson and Thompson, 1982:229-230). Other organisations were however, also established and examples of these are the Young Men's Christian Organisation (Cape Town 1865) and the Young Women's Christian organisation (Cape Town 1886) (Joyce, 1989:398). Christian Churches and Islam played an important role among non-whites. In order to deal with the impact of white settlement in South Africa, non-whites therefore also formed religious or culturally based groups among themselves. Some of these gave rise to political campaigns, for example, Muslims from the Cape who demanded the right to practise their religion.

Early South African history thus laid the foundation for racial and ethnic cleavages as well as the basis for the future development of both a political and a civil society that began to be shaped along racial and ethnic lines. Though racially divided, cultural values that could support democratic values were taking root among the various population groups.

THE PERIOD 1910-1948 AND STATUTORY RACIAL CLASSIFICATION

The union of South Africa was established on 31 May 1910 after deliberations at the National Convention of 1908-1909.¹³ The delegates were all white men. Political rights for non-whites, was an issue at the Convention but proved to be an obstacle because of the differences in the political rights of non-whites that existed in the Cape Colony, Natal, Orange River Colony (formerly Orange Free State) and Transvaal. The issue of race could have jeopardised unification and therefore a compromise was sought. It was agreed that each of the future provinces would initially retain their own policies in this regard. Non-whites, except for the retention of the qualified franchise of the former Cape Colony, were for all practical purposes, excluded from the political process. The exclusion of most non-whites from the new political dispensation was also criticised and gave rise to the saying that Britain attempted "to reconcile the whites over the body of blacks" (Thompson 1960:117).

¹³It comprised of 12 delegates from the Cape Colony (British), 8 from Transvaal (Boer/Afrikaner), 5 each from Natal (British colony) and the Orange River Colony (Boer) and 3 observers from Southern Rhodesia - later Zimbabwe (Thompson 1960:90-92).

The modern South African state developed from unification in 1910. The history of the evolution of race, ethnicity, class, and ideology as societal cleavages, was particularly intertwined during the era that followed unification. Non-whites were only marginally part of the new political dispensation, yet became the focus of legislation and other regulations that impacted on their lives. Legislation adopted almost exclusively by whites, increasingly segregated non-whites in terms of where they could reside or own land, as well as in terms of their employment and political rights.

Some of the worst fears of non-whites were confirmed in the years following unification. Non-whites responded to their treatment by organising themselves, petitioning the Union government and Britain, holding strikes, demonstrations and passive resistance campaigns (see Karis and Carter, 1972:61-142). The exclusion of blacks from the political dispensation also gave rise to new political organisations. In 1912 the South African Native National Congress (SANNC - later the African National Congress or the ANC) was established (see Karis and Carter, 1972:61).

Economic interests were extremely important in the quest for unity (see Thompson, 1960: 92), but became even more so in the development of the Union. The South African society, it is argued, began to be shaped by powerful links between the new state and the mines, and the role of white farmers in the new political dispensation, “the large gold mining companies and the big land owners at the price of...the Natives...” (Karis and Carter, 1972:83). Relations between the state and the mines, kept the question of labour supply as an issue of government policy. Reserves, influx control¹⁴ and the manipulation of traditional authority were re-attuned to the needs of state-sponsored industrialisation. The new segregationist policy became a reliable servant of mining and agricultural capital (Butler, 1998:15, Karis and Carter, 1972:82-84, Guise, 1993:10, 12).

Non-whites, felt the effect of being regulated where they remained on the land, and also proletarianised through the migrant labour system (Butler, 1998:15). Several statutes that affected the role and position of blacks and other non-whites were passed during the period 1910 to 1948. Various aspects of their lives were affected by legislation. Residential

¹⁴The phenomenon of “influx control” can be traced back as early as 1760 (Thomashausen, 1987:2).

and social segregation increasingly became a consequence of legislation. Segregation and legislation adopted to that effect, have only in retrospect, come to be seen as a form of early “apartheid” and therefore as a precursor of grand apartheid that became government policy in 1948 (Butler, 1998:15; Mabin, 1992:405-406).

The ownership and use of land were contentious issues indeed. The Black Land Act No. 27 of 1913¹⁵ is usually regarded as one of the cornerstones of racial segregation and discrimination in South Africa. The commission appointed in terms of the Black Land Act, 1913, allocated, for example, eighty seven per cent of land to whites - including much of the most fertile land and leaving many blacks on land belonging to white farmers (see Guise, 1993:10, 11, 18). This act also barred blacks from acquiring, hiring or purchasing land or having an interest in land outside the “scheduled areas” (Karis and Carter, 1972:228). The purchase of native land by whites and tenants that were not labour based, were also prohibited.¹⁶ The official statement in November 1913 concerning this act implied inter alia that, “Parliament had decided that an effort should be made to put a stop to the many social and other evils which result from too close contact between Europeans and natives” (Karis and Carter, 1972:228).

The following are additional examples of discriminatory legislation that, in principle, segregated the population in terms of race: The Housing Act No. 35 of 1920 made provision for the Central Housing Board. Its practice of approving schemes for specific “groups” (in effect races) enhanced already entrenched segregation through public housing. The Blacks (Urban Areas) Act No. 21 of 1923¹⁷ laid down the legal tools to further entrench the practices of segregation and influx control (Butler, 1998:15; Guise, 1993:18; Mabin, 1992:407). By 1920, 200,000 black workers¹⁸ were involved in migrant labour in any year. As taxes, dispossession and population growth squeezed rural populations, they sought income oppor-

¹⁵Originally the Natives’ Land Act. Juta’s database is used for the names, numbers and dates of acts.

¹⁶Article 2 for example stipulated: “From and after the commencement of this Act, no person other than a native shall purchase, hire or in any other manner whatever acquire any land in a scheduled native area or enter into any agreement or transaction for the purchase, hire or other acquisition, direct or indirect, of any such land or of any right thereto or interest therein or servitude there over, except with the approval of the Governor-General“.

¹⁷Originally the Natives (Urban Areas) Act.

¹⁸This eventually grew to some 430 000 workers in 1961 (Butler, 1998:15). The percentage of blacks who were urban residents rose from 19% in 1936, to 33% in 1970 and 44% in 1985. The government became alarmed and eventually imposed severe limits on blacks to carry a pass for identification (Guise, 1993).

tunities in areas of economic activity. Increasing numbers therefore chose to supplement rural economic activity by participating in the economically active centres. The authorities responded with “influx control” and a centralised system was in place by 1920. Under this act, local authorities gained the potential power to restrict most blacks to townships and compounds (Mabin, 1992:407). These powers, however, remained limited, and many urban areas remained or became more racially integrated.

- The Black Administration Act No. 38 of 1927, made provision for moving blacks from one area to another.¹⁹
- The Slums Act No. 53 of 1934 is an example of legislation that appeared less discriminatory, but lent itself in practice, to programmes of segregation. Areas could become segregated because local authorities were allowed to condemn buildings or whole neighbourhoods, and move people - provided the funds were available - to new housing areas. Some local authorities did so on a large scale and segregation was accomplished by allocating different housing estates to different “races” (Parnell, 1988:112-126; Mabin, 1992:409).
- The Development Trust and Land Act No. 18 of 1936 made provision for removing blacks from “black spots,” that is “islands” of black owned land, surrounded by white owned land.
- The Black Laws Amendment Act No. 46 of 1937,²⁰ prohibited blacks from acquiring land in urban areas from non-blacks, except if they had the approval of the Governor-General.

Legislation, both at national and provincial level thus increasingly segregated the black, coloured and Indian communities from the whites. Apart from the above examples of legislation, there were also attempts by successive governments in power during this period to introduce legislation that made provision for more substantial segregation. Many of these attempts were, however, defeated or withdrawn. Legislation did not only attempt to separate whites from non-whites but also to separate blacks from other non-whites. There are

¹⁹Originally the Native Administration Act.

²⁰Originally the Native Laws Amendment Act.

several examples of attempts that were made to legislate racial residential segregation even more substantially.

The first of these attempts was the gazetting of the Squatters' Bill in 1912. The basic idea underlying this bill was to move blacks from farms and established locations. It was interpreted as an attempt to settle whites rather than blacks on the land. After a deputation to the authorities by the SANNC, it was scrapped (Karis and Carter, 1972:75, 82-84). A second example is the Blacks Administration Bill of 1917. This bill confirmed the principle of territorial segregation as well as a scheme for the administration of blacks. At the end of World War I, the loyalty of blacks during the War was "rewarded" by suspending the consideration of this bill (Karis and Carter, 1972:64-65).

Mabin (1992:407-408) also mentions the introduction of the Class Areas Bill of 1924 and the Areas Reservation Bill of 1926 as other examples of failed attempts to increase the powers to effect segregation. The Class Areas Bill of 1924 was introduced by the governing South African Party, but it lapsed with the defeat of the governing party, by the election pact between the NP and the Labour Party, in the general election of 1924. The new government introduced similar provisions in the Areas Reservation Bill in 1926. This bill was, however, withdrawn in order to proceed with discussions with the Indian government on the repatriation of Indians (Mabin, 1992:407).²¹

Both bills originated from a desire to restrict the movement of Indians. The Natal Municipal Association was prominent among those demanding restrictions on Indians. The association held that every race should have its own area. It was argued that a local authority should, therefore, have the power to compel people to reside in "Class Areas" (Mabin, 1992:408). These bills fuelled feelings of resentment among Indians and prompted the sending of a deputation from India to South Africa in 1926 (Rosenthal, 1961:242).

Amongst other local authorities similar sentiments with regard to the segregation of the various race groups, existed. There were for example, indications that the white-dominated local authorities of the Cape Province (usually considered to be accommodating towards non-whites) were concerned about the integration of coloureds and whites. In 1931 the Cape

²¹This is already an indication of the importance of international relations and the role it can play in the political process of a state.

Province Municipal Association, for example, resolved at its annual congress - attended by delegates from many local authorities - to ask the Provincial Administrator for additional powers in the existing Municipal Ordinance No. 10 of 1912 in order to replicate, for coloureds, the location provisions of the Blacks (Urban Areas) Act of 1923 (Mabin, 1990).

Likewise, Indians were also often the target of discriminatory measures at local level. The treatment of Indians did, as mentioned before, have international implications. To a certain extent the legislation of the 1930s kept local (white) demands for control over Indian property rights at bay, but the issue was characterised by frequent delays. A select committee of 1930, for example, proposed a bill to reinforce the 1885 Asiatic Bazaar law, which subsequently became the Transvaal Asiatic Land Tenure Act No. 35 of 1932 (Mabin, 1992:405-409). The clause that would have compelled local authorities to set aside areas for “Asians,” was postponed until after a second conference with the Indian government, on the repatriation and emigration of Indians. After the NP was forced into a coalition with the South African Party in 1933, the proposed clause fell away (Mabin, 1992:405-409).

In general, local councils, provincial administrations, and central government together, had considerable, albeit, incomplete power to segregate the various populations groups of South Africa.

Undoubtedly, legislation resulting in social separation of the various races, caused unhappiness among the non-whites, but discriminatory legislation that impacted negatively on their livelihoods had even more devastating consequences and fuelled discontent among them. Legislation that affected the ownership and use of land were, as already mentioned, important in this regard, but there was also discriminatory legislation that affected them in terms of employment and of access to the political process. Important in this regard were:

- The Mines and Works Act No. 12 of 1911. It excluded black people from certain positions of skilled labour.
- The Industrial Conciliation Act No. 11 of 1924, made further provision for job reservation and placed limitations on the participation of blacks in trade unions.

- The Representation of Blacks Act No. 12 of 1936,²² removed the black voters of the Cape Province from the common voters' roll and thereby separated them racially from the other voters. Blacks from the Cape Province now only had the right to elect three whites to represent them in the House of Assembly (Thompson and Prior 1982:78). A failed attempt was also made to remove the coloureds from the common voters' roll.
- The Asiatic Land Tenure and Indian Representation Act No. 28 of 1946, made provision for the separate representation of Indians by white members of Parliament.

From the examples already mentioned, it is clear that social, economic and political segregation of the various races was steadily being written onto the statute books. There are several reasons why segregation increasingly became an attractive option when formulating policy. Britain initially, and later South African politicians, tried to reconcile English speaking South Africans and Afrikaners. Racial exclusivity dominated the political organisation of the Afrikaners, and in particular, those that established independent republics, long before unification. Nationalism and Republicanism were to remain ideals among Afrikaners. Nationalism increasingly provided the guidelines for decision-making and republicanism was eventually realised with the founding of the Republic of South Africa in 1961.

On the other hand, poverty among, and the urbanisation of whites, that were often unskilled, made segregation and job reservation attractive options in order to secure the survival of white labourers. The mainly English speaking Labour Party for example, already stated in 1910, in its election manifesto that its social reform regarding blacks would entail,

Separate representation for Kaffirs [sic] in [a] separate Advisory Council, and no further extension of [the] Parliamentary franchise to them. The prohibition of squatting and 'Kaffir farming'[sic] and of native ownership of land in areas occupied by whites, and the provision of suitable native reserves were further policy matters that they promulgated. Further points were proper educational facilities and agricultural training for natives in reserves (Kleynhans, 1987:27).

A rising tide of nationalism among Afrikaners led to the founding of the NP in 1914 and also to the founding in 1918, of the Afrikaner Broederbond - a secret society promot-

²²Originally the Representation of Natives Act.

ing Afrikaner interests in all the important spheres of society.²³ The segregation of whites and non-whites was already an item on the NP's programme of action for the election of 1915, "the natives must be trained up in their own territories to a national life of their own. For this purpose native education must be brought under the Native Affairs Department" (Kleynhans, 1987:87). Success was achieved by the election pact between the NP and the Labour Party in the election of 1924. A comprehensive statement of the envisaged segregation policy included: the removal of black voters from the common voters' roll; the final delimitation of land in terms of the Black Land Act of 1913; the representation of blacks in Parliament by a few elected whites and the introduction of councils for blacks (Karis and Carter 1972:147). During the election campaign of 1929, the NP spelled out its belief that South Africa should remain the "white man's land" (Karis and Carter, 1972:148; Kleynhans, 1987:237-238). Segregation, thus, increasingly became an item on the political agenda of decision makers and a political issue during elections.

Though coloureds were often treated differently and had more privileges than blacks, coloured segregation was beginning to develop as an idea, and one which touched a raw nerve in the coalition in 1933 between the South African Party and the NP. In spite of Prime Minister Hertzog declaring that the destinies of coloured and whites were intertwined, there were some moves towards a national policy on residential segregation. In March 1939, Hertzog committed his government to social segregation, which included legislation for the segregation of all new townships, and a means of segregating established areas (Mabin, 1992:411-412).

In May 1939, one of a series of bills which targeted Indian ownership in the Transvaal, was introduced. Reference was also made to the drafting of longer-term measures. Local referenda or enquiries to determine whether three-quarters of the population of a neighbourhood wanted total segregation, was an option that was proposed. If local opinion favoured segregation, it should be achieved by a blanket insertion of restrictive racial "servitudes" in

²³Being a secret society, it is not always easy to determine its exact influence. The Broederbond eventually developed similar ideas as those of the Purified National Party - in Afrikaans the Gesuiwerde Nasionale Party (see Wilkins and Strydom, 1980). This party is also sometimes referred to as the second National Party. It was formed after the original National Party merged in 1934 with the South African Party to form the United South African National Party (later United Party). A breakaway group of nationalists under Dr D F Malan formed the "Purified" National Party.

all title deeds of the area (Mabin, 1992:412).²⁴

Mabin (1992:407-408) stresses the increasingly important role that the Broederbond played in the development of the policy of segregation and “early apartheid” in the political ideas of Afrikaners. He also notes that Wilkins and Strydom noted that the emerging policy of the Afrikaner Broederbond on segregation, evolved from the time of its first policy document on the subject in 1933. The Afrikanerbond vir Rassestudie, whose leaders were members of the Broederbond, studied the concept of apartheid from 1935 (Mabin, 1992:410). It is therefore not surprising that the Afrikaner Broederbond constitution of 1944 stated that “all Broeders in their political action will strive for...Segregation of all ‘Coloured’ races domiciled in South Africa...” (Wilkins and Strydom, 1980:353 quoted in Mabin, 1992:410). Mabin, further, argues that the Afrikaner Broederbond was certainly capable of organising itself nationally in support of parliamentary action by the Purified National Party and that, given the conflicts and suspicions over economic and other matters between the Cape and Transvaal members of both the Purified National Party and the Afrikaner Broederbond described by Dan O’Meara (Mabin 1992:408), it is possible that the evolving policy regarding the segregation of whites and coloureds provided a unifying force within these organisations at the time.

Mabin is therefore of the opinion that it is reasonable to suggest that the attempt between 1937 and 1940 to endow local government in the Cape Province, through a provincial ordinance, with powers to segregate coloureds from whites originated in policy circles in the Purified National Party and the Afrikaner Broederbond. On the other hand, the apparent support for segregationist policy as demonstrated by the actions of the white residents’ associations, particularly in Cape Town, produced enough anxiety for General Smuts as Deputy Prime Minister in the coalition government, to speak in support of segregation between coloureds and whites in March 1938 (Mabin, 1992:410-411).

As can be noted from the many failed attempts to legislate segregation more comprehensively, “segregationists” did not simply have their way on relations among the various races. National policy on the segregation of coloureds and whites, like that affecting Indians,

²⁴The means, though not the trigger, reappeared in the Group Areas Bill in 1950

had entered a period of indecisiveness. The outbreak of World War II in 1939 and South Africa's participation in the war were considered more urgent and national legislation on segregation was delayed as a result. Smuts became the new Prime Minister of the ruling United Party after Hertzog was defeated in Parliament, in September 1939, on his quest for South Africa to remain neutral during the war. Ethnic changes in some residential areas in Natal, stimulated ad hoc measures by the government during the war (Mabin, 1992:412). Servitude legislation was, however, not forthcoming. The general attitude towards the irregular settlement policy of the Smuts government, indeed, seemed to become more permissive as suggested by the suspension of pass laws in 1940. Smuts became increasingly concerned with "reconstruction" in the post-war world. The material realities of South Africa and the focus on industrialisation ensured that national legislation on segregation disappeared from the Smuts government's immediate agenda (Mabin, 1992:411-413).

Several aspects of this period are important for purposes of this thesis. Firstly, segregation as an unofficial principle in decision-making and policy-making became increasingly important as is demonstrated by both the successful and unsuccessful attempts to place segregation more firmly onto the statute books. Race and segregation became important election issues among the white electorate. South Africa, thus, became more and more divided along racial and ethnic lines.

Secondly, a developing political society also showed racial and ethnic divisions and increasingly developed along and as a result of these lines of divisions. Various political parties were established among whites, as well as political organisations that were meant to channel the political hopes, aspirations and frustrations of the non-whites that were excluded from the "white" political process. Some of these political parties and organisations, such as the ANC, NP and the Communist Party of South Africa (1921) survived to become key political actors during South Africa's transition to democracy. In 1930, the franchise was extended to white women, but not to non-white women.

Thirdly, an expanding civil society began to play an important role in the political processes. Of particular importance are the role of churches and the establishment of several trade unions. Again, their membership and interests were mainly determined by race and

ethnicity. Civil society had already begun to challenge the exercise of political power (see Karis and Carter, 1972 and 1973). Both white and non-white churches held discussions, organised petitions and deputations to find a humane solution to the political and social position of non-whites in South Africa. An example is the First and Second European-African Conference sponsored by the Dutch Reformed Church in 1923 and 1927 (Karis and Carter, 1972: 353). Trade unions organised strikes and boycotts of which the most notable was the “Rand Revolt” (white trade unions) of 1922 (see Karis and Carter, 1972:146).

Fourthly, though race, ethnicity and discrimination were enduring issues, the white versus non-white issue was not the only source of political dispute with which the authorities had to deal. There were also issues like the reconciliation of Afrikaans and English speaking people; relations with Britain as the colonial power; the issue of independence from Britain; recognition of Afrikaans as the official language; and South Africa’s participation in the two World Wars. The importance of some of these other issues often made racial issues less urgent.

The struggle by the non-whites against discrimination and oppression was becoming increasingly more sophisticated. Again, there were differences in their basic approach. Some preferred to co-operate with moderate whites, while others preferred a black or at most a non-white approach, for example, the First Non-European Conference that was held in 1927 and that was followed by further conferences held in 1930 and 1931 (see Karis and Carter, 1972).

In general, there was uncertainty about government policy towards non-whites after the end of the Second World War. This uncertainty together with many internal issues, fuelled the coming to power of the Purified National Party together with the smaller Afrikaner Party in 1948.

THE PERIOD 1948-1978 AND STATUTORY RACIAL CLASSIFICATION

Segregation of the races and legislation to that effect were, as discussed above, often on the agenda prior to 1948. At that stage it was not yet official policy (see Duggan, 1973:22). The

situation was soon to change following the coming to power, as mentioned, of the NP,²⁵ with the help of the Afrikaner Party in the general elections of 1948. Subsequently, immediate expectations of legislation for compulsory segregation arose.

The NP spelled out its comprehensive “colour” policy during the election in a document entitled, “National Party’s Colour Policy: Separation on Christian Principles of Justice and Reasonableness” (Kleynhans, 1987:344). There were two dimensions to the Colour Policy, namely separation and separate development as indicated by the following statements taken from the Colour Policy:

A policy of separation (apartheid) between Europeans and Coloureds and between Natives and Coloureds will be applied in the social, residential, industrial and political spheres...The Native reserves must become the true fatherland of the Native. The Native must be taught to build up his own social, medical and welfare services in the reserves in which his own efforts will be employed (Kleynhans, 1987:344-345).

In this policy, provision was also made for the repatriation of Indians and the revision of Indian legislation, as well as comprehensive restrictions on the lives of Indians (Kleynhans, 1987:345-346). Indians soon faced the introduction of discriminatory legislation. The Asiatic Laws Amendment Act No. 47 of 1948 came into effect in October of that year. This act repealed the chapter on Indian representation provided for in the 1946 Asiatic Land Tenure and Indian Representation Act No. 28 of 1946 (see Mabin, 1992).

Apartheid had thus become the official policy that laid down the fundamental principles that would guide legislation during the apartheid era. In order to separate the various races and to ensure their separate development, apartheid legislation focused on the segregation of the races, entrenchment of the position of whites, separate social and political structures for the various race groups, and legislation that would enable the authorities to deal with opposition and dissent.²⁶ “An integral Part of the apartheid policy has been in the underlying thesis that legislation - and civil administration - is designed to put down all concerted resistance to it - whether White or non-White” (Duggan 1973:26).

Legislation for compulsory segregation, however, was not immediate but delayed, pending

²⁵At this stage officially known as the Herenigde Nasionale Party (Re-united National Party).

²⁶In this section some of the important legislation will be dealt with chronologically.

careful investigation and proposals (Natal Mercury, 6 November 1948) on how comprehensive segregation could be justified and introduced (Mabin, 1992:419). That thinking included the “question of land tenure,” as well as the white - coloured segregation question (Mabin, 1992:419).

Soon afterwards, the NP, in “its endeavor to make the country safe for Afrikanerdom...set up a bulwark of restrictive racial legislation” (Giliomee, 1979:95). The Nationalists extended and formalised previous policies of racial segregation. During the 1950s, the government established a network of statutes that separated the various races spatially, socially and politically (Horowitz, 1991:10-11). Racial segregation was, for example, an outcome of the Prohibition of Mixed Marriages Act No. 55 of 1949, which prohibited marriages between Europeans and Non-Europeans and the Immorality Amendment Act No. 21 of 1950 that prohibited sexual intercourse between Europeans and Non-Europeans (Thomashausen, 1987:2).²⁷

The Population Registrations Act No. 30 of 1950 was, however, one of the pillars in apartheid legislation.²⁸ This act assigned every person to a racial category by requiring that all be registered as either: white, coloured, Indian (or Asian, thus including the very small Chinese minority), and black²⁹ (see Boonzaier, 1989:185-186; Carter, 1958:81; Horowitz, 1991:8-12, Sisk, 1995:59; Thomashausen, 1987:2-3). It provided for the creation of a national register on which every South African was classified according to race as defined in the act. Every birth was to be registered according to the race group of the parents. Classification by race was, obviously, driven by the demands of racial segregation. A person’s place on the legally defined population register, as prescribed by this act, determined where one could live, work, learn, marry, and even swim (Sisk, 1995:8). Its repeal only in 1991 by the Population Registration Act Repeal Act No. 114 of 1991 demonstrates the extent to which it was fundamental to apartheid.³⁰ As will be discussed in chapter four, race classification

²⁷The Immorality Act No. 5 of 1927 prohibited sexual intercourse between white and black (African).

²⁸The Population Registration Act was adopted by the whites-only House of Assembly by the narrow margin of 63-58. It originally provided for three categories, namely white, native (later bantu and later black) and coloured. The category of Asian was later added (see Carter, 1958:81).

²⁹Besides this official definition of the term black, a common use of the term embraces all who were oppressed on the basis of colour - coloureds, Indians and Africans. Thus to some “Black means anyone who is not White, anyone who is discriminated against because of colour” (Du Toit, 1983:379). Likewise, since 1994, the term ‘black’ has been used to designate those that were previously disadvantaged.

³⁰At the opening of parliament in February 1991, President FW de Klerk announced that the Act would

was the fundamental principle on which the Republic of South Africa Constitution Act No. 110 of 1983 was based (Sisk, 1995:9).³¹

This act and its implementation were, however, controversial, as predicted by its opponents in 1950. It became a source of conflict and inspired political agitation. The difficulty of the task of classifying people according to the prescribed racial categories was immense. Carter (1958: 81; Sisk, 1995:8-9) states:

The definitions of the Act illustrate the degree to which customary associations and community acceptance are decisive rather than colour as such. A white person is one who is ‘obviously white in appearance’, or by ‘general repute and acceptance’. But a person who is Coloured by general repute is ranked as such even if he is white in appearance.³²

A member of the opposition United Party³³ remarked during a parliamentary debate, “the epoch of the witch hunt is upon us. In the end, in order to avoid infinite trouble and vexation, it will be far more convenient to have some distinguishing mark tattooed on your forehead like some oriental caste” (Carter, 1958: 82; see Sisk, 1995:8-9).³⁴

The Population Registration Act entrenched race as a principle for legislation and public policy. This act was soon followed by the Group Areas Act No. 41 of 1950, which allocated separate residential areas to the various population groups. This act was designed to segre-

be repealed (also that “the South African statute books will be devoid, within months, of the remnants of racially discriminatory legislation which have become known as the cornerstones of apartheid”) (Sisk, 1992:59; Sisk, 1995:101).

³¹Article 52 of the 1983-constitution directly refers to the Population Registration Act, specifying that the three chambers (House of Assembly, House of Representatives and House of Delegates) of parliament set up by the constitution (it was commonly known as the tricameral parliament) represented the white, coloured and Indian population groups respectively. Separate elections on separate voters’ rolls were employed to choose representatives for these communities. Blacks were completely excluded from the system (See chapter 4).

³²Until 1962, the societal acceptance of a person as belonging to a particular race group was the main test. After this period, both acceptance and appearance had to be considered (Thompson and Prior, 1982:36).

³³The United Party formed in 1934 as a fusion between the South African Party and most of the members of the National Party. Under the leadership of General J C Smuts, it remained in power until 1948, (Worden, 1998: 157-158).

³⁴The problematic nature and bureaucratic difficulties of classification were evident from the ongoing process of reclassification. In the final full year of the Act’s implementation, 1990, some 463 people were, for example, reclassified racially (Sisk, 1992:59; see Thomashausen, 1987). The term, coloured, was in particular a matter of sharp contention. The category, coloured, is as mentioned a complex product of contact among Europeans, Khoi, San, other Africans, and “Malays” brought by the Dutch from Indonesia (Horowitz, 1991:23-25). As in many other colonial societies, coloureds were placed in a middle position between Europeans and blacks, their group boundaries, status, and prerogatives defined by the Europeans. The objection to the name coloured is expressed in alternative terminology for example the term the “so-called coloureds.” As mentioned others are more likely to refer to so-called coloureds as merely black (Horowitz, 1991:23-25).

gate every locality by race (Horowitz, 1991:8-12).³⁵ If numbers allowed, provision was also made for subdivisions in terms of ethnicity, language and culture (Carter, 1958: 85). It is regarded for example, by Carter (1958:84) as the most far reaching and complicated piece of apartheid legislation. Whole business and residential areas, declared “white” were eventually cleared of non-whites, who had worked or lived there for decades (Horowitz, 1991:11).

The classification of citizens on the basis of race and the allocation of group areas facilitated the limitation of the franchise and the policy of separate development, including separate political rights.

The Suppression of Communism Act No. 44 of 1950³⁶ was one of the acts empowering the authorities to deal with opposition to its apartheid policies. It placed a ban on organisations that supported communism, but a very loose definition implied that anyone advocating radical changes such as the equality of races could be regarded as a communist. Restrictions were also placed on “communists,” and severe limitations were in effect placed on some extra-parliamentary opposition groups (see Karis and Carter, 1973:404; Carter, 1958).³⁷

All of the former legislation paved the way for a series of statutes that provided important steps towards separate development, or “positive apartheid” (see Carter, 1958:92). The first of these was the Black Authorities Act No. 68 of 1951. This act re-established the authority of the tribal chiefs. It facilitated the inclusion of the tribal political structures of blacks into the constitutional system of South Africa. This act therefore paved the way for separate development, which would eventually entail self-government by blacks in the black areas (Carter, 1958:92; Thomashausen, 1987:4-5). The issue of blacks in urban areas, as well as educated and detribalised blacks, was however not addressed. Even more important was that blacks were denied the opportunity to identify with South Africa as a whole, or with the national interests of South Africa (see Carter, 1958:92-93).

³⁵The Black Laws Amendment Act No. 54 of 1952 and the Blacks Resettlement Act No. 19 of 1954 furthered the aims of the Group Areas Act, by limiting the right of blacks to live in urban areas. It also permitted authorities to relocate those not authorised to be where they were living, and provided for the removal of “black spots,” such as Sophiatown, in urban areas.

³⁶Its name was later changed to the “Internal Security Act“. The first trials of those accused of “statutory communism” took place in 1952 (Carter, 1958:10).

³⁷Other important examples in this regard are: Criminal Law Amendment Act No. 8 of 1953, Riotous Assemblies Act No. 17 of 1956, Unlawful Organizations Act No. 34 of 1960, Criminal Procedure Amendment Act No. 96 of 1965 and Terrorism Act No. 83 of 1967.

The misnamed Blacks (Abolition of Passes and Coordination of Documents) Act No. 67 of 1952, required all blacks to carry identification papers and hundreds of thousands were arrested annually for failing to produce the documents upon demand (Horowitz, 1991:11).³⁸

One of the most controversial pieces of apartheid legislation was the Black Education Act No. 47 of 1953. Its implementation was one of the causes of the Soweto uprising in 1976. This act transferred the control of black education (except for university³⁹ and technical training) from the provincial authorities to a newly created Department of Native Affairs⁴⁰ of the Union government. The role of state-aided mission schools in the education of non-whites was severely curtailed by reducing their subsidies if the missionary organisations wished to retain administrative control over these schools. The basic idea was that black education should be more closely related to the traditions and distinctive characteristics of its people. Expectations, such as following a professional career, should not be created by the education of blacks (Carter 1958:102-103). These measures were seen as oppressive and it also fuelled Marxist interpretations of the apartheid policy, whereby black education was seen as a tool in the hands of the capitalists to provide labour for the mines and industry. The consequence of this was the intellectual starvation of blacks. Limited funds were provided for black education and during the budget debate of 1954 it was said, “anything needed over and above this would have to be found by the Bantu community itself” (Carter 1958:106).

The Black Labour Relations Act No. 48 of 1953, effectively placed trade unions under white control and prevented blacks from striking (Carter, 1958:116).

The Reservation of Separate Amenities Act No. 49 of 1953, provided for the segregation of the various races in public spaces and the separation of facilities used by whites and non-whites (Horowitz, 1991:11).

After a long drawn-out constitutional dispute, the Separate Representation of Voters Act No. 46 of 1951 was validated by a joint sitting of the House of Assembly and the Senate

³⁸In March 1972 the minister of justice reported to Parliament that 42% of prisoners serving sentences of up to four months, have been sentenced for violating “influx control” laws (Duggan, 1973:24).

³⁹The Extension of University Education Act No. 45 of 1959 empowered the Minister of Bantu Education to designate colleges for specific black ethnic groups. Separate educational facilities were also created for coloureds and Indians (see Carter, 1958:102-104; Thomashausen, 1987:4). Non-whites had to acquire permits to study at “white” institutions that did admit non-whites.

⁴⁰The name of this Department was changed on several occasions.

in 1956. Coloureds were placed on a separate voters' roll and had to vote for white representatives (Thomashaussen, 1987:4-5; Carter, 1958: 119-144; Karis and Carter, 1977a:803; Giliomee and Schlemmer, 1993:97).

During the premiership of Dr Verwoerd (1958-66),⁴¹ the apartheid system was refined, perfected, and enforced. Influx control placed tough restrictions on the migration of blacks to cities (Horowitz, 1991:11). Its critics argued that influx control had two major objectives, namely to channel black labour to specific destinations where it was needed, and to restrict urbanisation in order to limit potential social and political problems (Maylam, 1995:19-38). In addition, urban life was made unattractive to those permitted to migrate. Black workers were, for example, forced to live in single-sex hostels far from their families, whom they managed to visit only occasionally (Horowitz, 1991:11).

The passing of the Representation between the Republic of South Africa and Self-governing Territories Act No. 46 of 1959⁴² was of particular importance in "positive apartheid" and was intended to set the "homelands" on the road to self-determination and, if desired, eventual independence.⁴³ Blacks would hence forward be able to determine their own destinies through their own political structures. Subsequently, from 1960, it also abolished the representation of blacks by whites in Parliament (Karis and Carter, 1977a:803). It is important to bear in mind that the government interpreted self-determination, not on a collective racial basis, but on the basis of ethnicity. This often led to the criticism of the government's policy of "divide in order to rule."

Reality soon prevented the government from having it all their way. There was the realisation that not all Indians would be repatriated. In order to deal with the permanent presence of Indians, restrictions were placed on the movement of Indians, as well as a complete ban on their residence in the Orange Free State province (Horowitz, 1991:11). This prompted the Indian government to take South Africa to the United Nations (UN). Likewise, there

⁴¹Dr Verwoerd is usually seen as the architect of apartheid. As leader of the National Party policy group since 1948 and as Minister of the then Department of Native Affairs since 1950, he created much of apartheid legislation (Duggan, 1973:29).

⁴²Originally the Promotion of Black Self-government Act No. 46 of 1959.

⁴³According to the policy of "positive" or grand apartheid (large scale territorial and political separation), blacks were to exercise their voting rights in the national "states", or homelands, irrespective of whether they lived there or in greater South Africa.

was the realisation that some blacks had settled permanently in urban areas. This resulted in the promulgation of the Urban Black Councils Act No. 79 of 1961⁴⁴ in which provision was made for black “self-government” in the urban townships (see Thomashausen, 1987:6).

The government nevertheless proceeded under the leadership of Dr Verwoerd to establish a haven for whites only, by promulgating legislation that segregated the race groups, that promoted “self-government” and that dealt with any opposition to its apartheid ideals. In 1961, South Africa, after a whites only referendum, became a republic (outside of the Commonwealth) and thereby realised one of the ideals of Afrikaner nationalism (Thompson and Prior, 1982:84). Non-whites were again excluded from any decision in this regard, with the result that they failed to identify themselves with the republic and its interests and had, in fact, resorted to more militancy and by June of that year, the ANC abandoned its policy of non-violence (Karis and Carter, 1977a:361-364, 804-805).

Political segregation and separate development were furthered by the: Transkei Constitution Act No. 48 of 1963 - a further step towards the self-determination of blacks; South African Indian Council Act No. 31 of 1968 that established a council appointed by the Minister of Indian Affairs; Separate Representation of Voters Amendment Act No. 50 of 1968 that provided for a Coloured Persons’ Representative Council; and Prohibition of Political Interference Act No. 51 of 1968 that prohibited non-racial political parties and foreign financing of political parties (Sisk, 1992:59-61; Giliomee and Schlemmer, 1993:96-103).⁴⁵

Between 1970 and 1977, the black homelands were important, with some granted self-government and others self-governing status. Transkei (1976)⁴⁶ and Bophuthatswana (1977)⁴⁷ even gained “independence”.⁴⁸ Important in this regard was the National States Citizenship Act No. 26 of 1970⁴⁹ and the National States Constitutional Act No. 21 of 1971 (Thompson and Prior, 1982:92-93).⁵⁰ In general, the policy of self-governing states did, however, not

⁴⁴The Black Affairs Administrative Act No. 45 of 1971 also provided for self-government in black townships.

⁴⁵Later renamed the Foreign Financing of Political Parties Act.

⁴⁶Status of the Transkei Act No. 100 of 1976.

⁴⁷Status of Bophuthatswana Act No. 89 of 1977.

⁴⁸Their status as independent states were not recognised by the international community.

⁴⁹Originally the Bantu Homelands Citizenship Act. Blacks now became citizens of a “homeland” and thus rendered them aliens within broader South Africa.

⁵⁰Originally the Bantu Homelands Constitution Act and later the Self-governing Territories Constitution Act.

meet the needs of the urban blacks.

Apartheid legislation reached its zenith during the seventies, until the assumption of power of PW Botha in 1978.⁵¹

A need to address the negative consequences of apartheid legislation led to the establishment of even more political and civil organisations among non-whites. Various political movements were established to promote and protect the interests of non-whites. A number of these organisations, such as the Youth League of the ANC, allowed multi-racial membership (including whites). Some of these organisations were established to organise protest actions such as during the Defiance Campaign of the 1950s and most of the smaller organisations either aligned themselves with the major political organisations such as the ANC or were eventually absorbed by them. Of particular interest is the adoption of the non-racial Freedom Charter by the Congress of the People at Kliptown in 1955. It was in turn adopted by the ANC in 1956. The re-established South African Communist Party (SACP, 1953), the Pan-Africanist Congress (PAC, 1959), the Black People's Convention (1973) and the Azanian People's Organisation (AZAPO, 1978) were important organisations founded during this period. Important was the intensification of radicalism among non-whites and in particular, during the 1970s as demonstrated by the rise of Black Consciousness. Several of these political organisations, as well as some of those previously established, were outlawed by the authorities, for example the ANC, the SACP and the PAC. Most of them went underground and/or into exile, from where they continued their activism from an international platform; thereby intensifying international action against South Africa.

The official prescribed political structures also gave rise to new political organisations, for example, the Inkatha Freedom Party (Zulu) and the Labour Party (coloured). Towards the end of the seventies, local grass-roots community organisations also mushroomed (Karis and Carter, 1997: 214). It is important to bear in mind that most of these organisations were organised on democratic principles to a large extent, even though it did happen that some individuals played dominant roles within these organisations.

⁵¹During the Information Scandal, the previous Prime Minister, Adv John Vorster, resigned and was succeeded by Mr PW Botha. He was regarded as more moderate than the "heir apparent", Dr Connie Mulder, who was also implicated in the Information Scandal (see chapter 4).

On the other hand, new pro-apartheid organisations were also established because there were those who were of the opinion that by the mid-sixties, the NP was already deviating from its apartheid policy. Examples are the Herstigte Nasionale Party (HNP, 1969) (Thompson and Prior, 1982:105) and the Afrikaner Weerstandsbeweging (AWB, 1973). Both leftist and rightist radicalism were now further complicating forces.

However, organisations that were predominantly white, such as the Black Sash women and the Torch Commando, campaigned for the rights of non-whites (see Carter, 1958:303-333). There were also organisations among non-whites that preferred to co-operate with the government in an effort to improve the living conditions of non-whites. Inkatha and the coloured Labour Party are examples in this regard. They were, however, often severely criticised by organisations such as the ANC and PAC and even branded by some as sell-outs.

THE IMPLICATIONS OF APARTHEID LEGISLATION FOR DEMOCRATISATION IN SOUTH AFRICA

The above discussion merely provides an indication of some of the most important pieces of legislation that were promulgated in the government's attempt to engineer society along the lines spelled out in the apartheid policy. Apartheid legislation, however, had a wide range of implications for the South African polity and in particular, any transition to democracy based on universal suffrage.

Firstly, the policy of segregation divided the South African society along racial and ethnic lines. Each person was assigned to a particular sphere of existence, based on race and if possible, based on ethnicity. Social contact between the races was discouraged by prohibiting "mixed" marriages and associational life, as well as by allocating separate facilities and amenities. Lack of contact, except in a hierarchical structure in the workplace, provided fertile ground for the development of negative stereotypes and mutual suspicion. This severely curtailed the development of mutual understanding, trust and respect among the various race groups and even between some ethnic groups (e.g. the Zulu and other black ethnic groups). The absence of trust, as would become clear in the following chapters, became an obstacle on the road to democracy.

Secondly, in spite of job reservation and influx control, a racially integrated economy developed in South Africa. The South African economy, though driven by whites, was dependent on non-white labour. Two consequences followed from the inter-dependence of the races in the economic sphere of South Africa. On the one hand, it proved to be a serious obstacle to the apartheid engineers and one that they were unable to overcome. On the other hand, the perceived exploitation of non-white and in particular black labour, provided fertile grounds for Marxist interpretations and solutions to South Africa's problems (as is discussed in the following two sections). Though the shared economy was a positive factor in South Africa's transition, there was also the fear of Marxism with which they had to contend, and particularly, during the Cold War era.

Thirdly, South Africans of all races and ethnicity shared a common, but white controlled state and economy. However, the development of a common associational life was, as discussed, discouraged and prevented by legislation such as the Group Areas Act, Reservation of Separate Amenities Act and the Prohibition of Political Interference Act, as well as provision for separate political structures. This largely resulted in dividing both political and civil society along racial and even ethnic lines. Only the white political society had access to political power, characteristic of Western democracies.

Fourthly, the development of political society and civil society played an important role in the participation by whites in the political process. The vote was eventually extended to all white South Africans eighteen years and older. The political rights that whites enjoyed were similar to those found in Western democratic societies and were modelled on the Westminster system. These political rights were a source of contention among non-whites who felt left out of the early democratisation process. The political organisations that developed among non-whites had as one of its aims, the extension of these political and other human rights to non-whites. Though discrimination was an important issue, there was the belief that discrimination could only be truly addressed if, and when, non-whites had secured political rights similar to those enjoyed by whites. The African National Congress Youth League for example, declared in its Manifesto of 1948 that:

[T]he goal of political organisation and action is the achievement of true democracy...the admission of the African into full citizenship of the country so that he

has direct representation in parliament on a democratic basis (Karis and Carter, 1973:141, 323-324).

Fifthly, a large number of political organisations were established among non-whites. Access to political power was limited, in particular, after some of the organisations were restricted or banned. For these reasons, civil society organisations such as religious organisations, labour unions and sports organisations increasingly became involved in the non-whites' quest for political rights and an end to apartheid and discrimination. Thus, among non-whites the distinction between political society and civil society was blurred. There was some overlap with the white political and civil society, in the sense that some of the white organisations sympathised with non-whites. There was, for example, the Torch Commando and the Black Sash, as mentioned previously (see Carter, 1958:303-333).

A sixth important implication was that discriminatory legislation, based on race, affected the earning ability of non-whites severely. It also created a racial hierarchy in the sense that whites enjoyed a privileged position, but the position of Indians and coloureds were better than that of blacks who found themselves at the bottom of the social hierarchy. Nevertheless, non-whites suffered because of apartheid legislation and even though there were differences in opinion, co-operation among the non-whites was seen as an important weapon against apartheid.

Lastly, these factors had important implications for future decisions on political institutions for a democratic South Africa. No political dispensation that was based on race or ethnicity would in future be acceptable to a significant number of South Africans of all races, but in particular non-whites.

In summary, at its height, apartheid had two complementary thrusts: racial separation within South Africa proper and ethnic "self-determination" in the Bantustans. Concurrent with the phasing out of segregation in the United States of America, was its reinforcement in South Africa. As Britain, France, Portugal, and Belgium were granting African independence within existing colonial boundaries, South Africa was contemplating balkanised independence for impoverished, disconnected dots on a map (Horowitz,1991:11-12).

Race classification was therefore clearly driven by racial segregation as a policy. As noted

by Fullilove (1998:1297-1298), “these systems constrained the opportunities of those in the ‘inferior’ races and enhanced the life chances of those in the ‘superior’ races“. Ellison and colleagues (1996:1257-1262) also state that in South Africa, racial categorisation “ignores the impact of social forces, legitimises discrimination and reinforces a racially structured view of society.”

3.2.2 CLASS CLEAVAGES: CLASS DIFFERENTIATION AND RACIAL ECONOMIC INEQUALITY

Class differentiation and stratification are of particular importance within the context in which the South African transition to democracy took place. The stratification of society into classes provides an important indication of the distribution of power in a society, that is, whether power is distributed equally or unequally between groups of individuals. In the previous section, it was mentioned that apartheid legislation severely affected the earning ability of non-whites and in particular of blacks, resulting in a racially based economic hierarchy.

In the Weberian tradition, the class structure of a society is indicative of the differentiation of life chances, attitudes and the behaviour of groups of individuals. Class, however, is not the only basis for the stratification of many modern societies. In the United States of America (USA), Northern Ireland and Israel, for example, ethnicity has an additional and important role in the stratification process (Yaish, 2001:409). In these societies, the differentiation of social power, as well as life chances, attitudes and behaviour, thus often coincides with ethnic group membership (Yaish, 2001:409).

In a similar way, class and race were important in the stratification of South African society.⁵² They were indeed important dimensions of the context in which the transition to democracy had to be effected. Apartheid legislation was in many respects, a complicating factor in this regard. The struggle against apartheid was partially generated by class differentiation, reinforced by a racially exclusive political system and administration.

Both a white and non-white working class emerged in South Africa and in particular

⁵²Ethnicity also played a role, e.g. Afrikaners versus English, but for purposes of this discussion, the overlap between race and class is important.

after 1910. The white working class had access to trade unions and political society, for example, through the South African Labour Party. They, therefore, succeeded in addressing their position through political means such as the passing of legislation that provided for mandatory job reservations. White labour was thus protected against competition from the non-white working class. Their privileged position made class mobility a reality for whites, resulting in an emerging white middle class. Blacks constituted the majority of the working class, but restrictions such as influx control, job reservations, limited access to trade unions⁵³ and only nominal access to political society,⁵⁴ severely hampered class mobility among blacks resulting in a disproportional small middle class (see Slovo, 1976; Southall, 1980). With only limited access to trade unions and political society, socialism and Marxism were natural options for the black working class (Major, 2005:478; Carter, 1958:29-31, 60-66).⁵⁵ Due to the limitations placed on non-whites, it was easier for the small non-white middle class to link with the non-white working class than with the white middle class and in the process radicalising a section of the black population (see Slovo, 1976; Southall, 1980). This was a destabilising factor as was evident during the 1976-riots. As a result, there were indications that during the late seventies, the government tried to engineer a black capitalist and a black middle class that could form alliances with “white” South Africa (Southall, 1980).

It is therefore not surprising that the combination of race, class and apartheid gave rise to Marxist interpretations of the conflict in South Africa (see Mabin, 1989; Natrass and Ardington, 1990 and O’Dowd, 1991). Halisi (1989) is one example of such narrowly based and deterministic neo-Marxist approaches to South Africa (Sisk, 1992:62). From a “racial proletarianisation” perspective, the concepts of black and proletariat interacted and competed at times as core ideas in black political thought and action (Halisi, 1989:59). Interpretations such as these, complicated the already existing fears among whites that

⁵³For example, the Industrial Conciliation Act No. 11 of 1924 only allowed for the registration (and thus collective bargaining) of white, coloured and Asian trade unions. Black labourers were further marginalised after 1948 (see Major, 2005).

⁵⁴Blacks resorted mainly to unofficial trade unions that were often supported by the CPSA/SACP (Carter, 1958:62). The adoption of some of the recommendations of the Riekert and Wiehann Commissions towards the end of the seventies, made access to trade unions possible for blacks.

⁵⁵The white working class were initially radical, but the state managed to curb radicalism among the white working class (see Carter, 1958: 29-31; 60-66).

resulted from demographic imbalances (see Le Roux, 1990:36-39).⁵⁶ The essential point is, however, that the politics of class and the impact of racial domination on class stratification and class action, cannot be ignored in an analysis of the South African conflict (Sisk, 1992:62) and South Africa's path to democracy.

Class stratification, therefore, coincided with racial hierarchy in South Africa, but these divisions constituted only one dimension of class stratification in South Africa. From an economic perspective, South Africa was an unequal society and there was a significant correlation between access to political power and economic prosperity. Access to political power allowed whites the opportunity to use the state to gain economic ascendancy and statutory race divisions were important in this regard. The economic development of South Africa was in general, an important goal of all Union governments since 1910 (see Duggan, 1973:65-103; Kleyhans, 1987; O'Dowd, 1991). However, in the previous section there is a clear indication of how politics, legislation and public policy, gave preference to the economic problems encountered by whites (see O'Dowd, 1991:56-57). Lewis (1990:41; Sisk, 1995:11) for example states:

The objectives of South African governments since the 1920s, especially since the NP came to power, have been to eliminate the class of poor whites. The civilized labor policy and all of its successors put a floor under white incomes at the expense of blacks. The result is that the bottom end of the income distribution has all but been eliminated for white South Africans. It is often the large concentration of people at the bottom that provides extreme inequality according to Gini coefficients or any other measure.

Thus, as already implied, white control of most of the land and big businesses, job reservation and racially based wage policies,⁵⁷ the employment of whites in "white collar" positions within the civil service, as well as better education for whites, all played a role in a class structure that largely coincided with racial divisions (see Maasdorp, 1990:198).

The level of inequality in the distribution of income and resources in South Africa was, therefore, understandably extremely high. Several researchers such as Dostal (1990:618),

⁵⁶Blacks were already an overwhelming majority and together with the coloureds and Indians completely outnumbered whites.

⁵⁷For example in 1969 the average wages (in Rand) in the manufacturing industry were: 262 for whites, 69 for Asians, 64 for coloureds and 48 for blacks. In the mining sector: 341 for whites, 93 for Asians, 71 for coloureds and 19 for blacks (Duggan, 1973:111-116).

Lewis (1990:40) and McGrath, M D (1990) have substantiated this point. The Gini coefficient⁵⁸ for South Africa, for 1975, was calculated at 0.68 (McGrath, M D, 1990:94). Extreme income inequality was therefore a characteristic of the South African economy. The inequality is even more important when the distribution of the income is considered along racial lines, as demonstrated by Table 3.1.

TABLE 3.1: Racial Distribution of Income in South Africa, 1985

Income Class (Rand) (%)							Percent of Total Per Income
Race	0 - 2,999	3,000 - 4,999	5,000 - 7,999	8,000 - 10,499	10,500 - 15,999	Above 16,000	
Black	38	26	18	8	5	5	24.9
Asian	5	8	14	13	18	42	3
Coloured	26	22	19	7	12	14	7.2
White	2	1	2	2	10	83	64.9

Source: Data obtained from McGrath, M. D. (1990:95), McGrath, M (1990:95). Percentage of total personal income data from Dostal (1990:610); Sisk (1992:63); Sisk (1995:10-12).

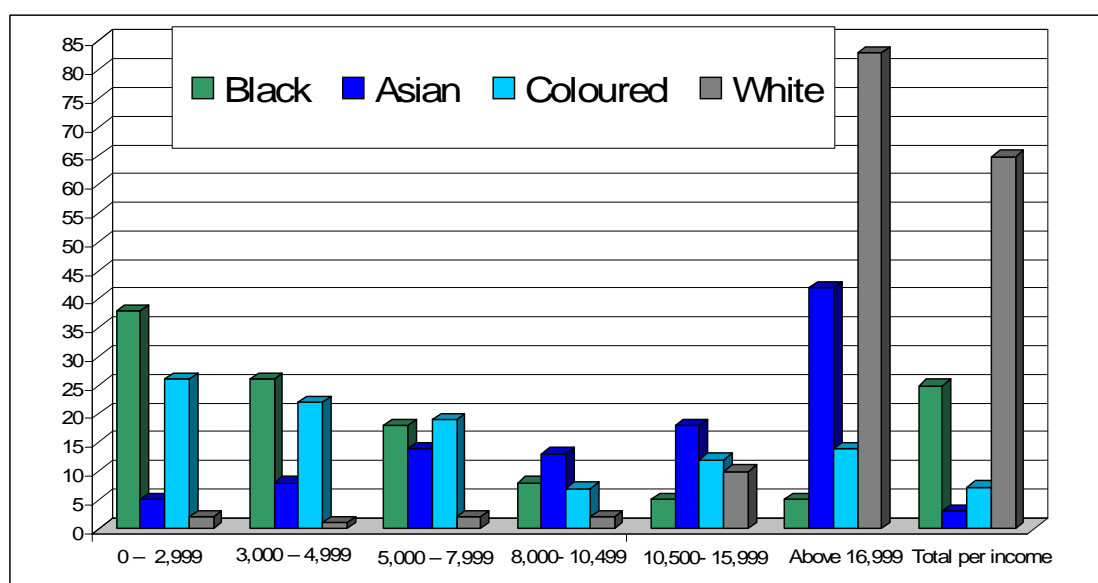


FIGURE 3.1: Distribution of Income According to Race: Income in Rand %

The data⁵⁹ in Table 3.1 and Figure 3.1 provide an indication of the disproportionate

⁵⁸A common measure of income inequality that is used to compare income distribution across different population sectors. The values range from 0 to 1, where 0 indicates perfect equality, i.e. everybody has the same income; increasing scores means greater inequality; and 1 perfect inequality, i.e. one has all the income. Most developed nations from Europe have Gini coefficients of 0,24-0,36 (http://en.wikipedia.org/wiki/Gini_coefficient).

⁵⁹Though the data is for 1985 it is also relevant for the era prior to 1978. See McGrath, M. (1990:91-98) and is therefore used in this section.

number of whites at the upper end, as well as their under-representation at the lower end of the income scale, compared to those of the other population groups. In 1985, eighty per cent of whites had annual incomes exceeding R16 000, compared to only five per cent of blacks. Poverty among whites was almost insignificant. Only a total of five per cent of whites had incomes of below R8 000 per annum, which was just at the poverty line. The data provide an indication of extreme levels of inequality between race groups, as well as of relative equal distribution within a particular race group (Sisk, 1995:10-12). As mentioned, the institutions of the state played an important role in buoying white incomes in South Africa.

South Africans experienced both extreme income inequality, as well as widespread poverty. Historically, this was, as already indicated, structured along racial lines. It was estimated that during the seventies, some sixty per cent of blacks were living below the subsistence level of income (see McGrath, M D, 1990:94-96; Wilson and Ramphele, 1989); and that over half of black males were unemployed (Wilson and Ramphele 1989:18).⁶⁰ Poverty was worst in the rural areas. During the seventies, the per capita income of black households in the metropolitan areas was 2,2 times the per capita income of those in homelands, and 3,7 times that of blacks in white rural areas (McGrath, M D, 1990:94; see also De Villiers, 1993:317; Pottinger, 1988:178; Wilson and Ramphele, 1989:4; Gagiano, 1990:10-11; Anstey, 1991a:38-39; Sisk, 1991:104; Van der Berg, 1992:145).

Even though the homelands had been created, economic development took place mainly in the traditionally white areas. The income gap between the races narrowed during the seventies, but the levels of inequality remained disturbingly high (McGrath M, 1990:95).

Several factors contributed towards economic inequalities and, in particular, poverty among blacks and coloureds. One of the main dimensions of South Africa's economy was the long-term decline in the rate of economic growth, exacerbated by rapid growth in the population and particularly among the poorest. The South African economy in general stagnated largely during the seventies. After rapid economic growth during the sixties, the growth rate slowed in the seventies.⁶¹ The annual growth rate declined to less than two

⁶⁰It was also estimated that in 1975 about 4% of white families, over 24% of Indians and 50% of coloureds lived in poverty (McGrath, M D, 1990:95).

⁶¹In the 1980's it slowed further, to 1.4% which was less than the population growth rate (Pierre du Toit, 1990:65-66; Buys, 1992:161; De Villiers, 1993:316).

per cent, real per capita income declined by fifteen per cent, unemployment rose and the price of essential commodities for blacks rose by forty per cent (Terreblanche and Natrass, 1990:15-16). This resulted in a decline in personal income for most people and significantly higher unemployment (Strydom, 1991:374; Tucker and Scott, 1992:52-53). The international economic environment such as, a global economic slump, high oil prices in the seventies also had serious consequences for South Africa's economy (McGrath, M, 1990:92; Slabbert, 1990b:7 and 1991a:9; and Sunter, 1992:170; De Villiers, 1993:316). All these factors played a role in South Africa's inability to achieve a high rate of economic growth, which in turn exacerbated the problems accompanying demographic change and rapid urbanisation.

The policy of apartheid was, as already stated, another factor in income inequalities and poverty among blacks in particular. In the report of the Second Carnegie Conference on Poverty in Southern Africa, six key aspects of "apartheid's assault on the poor" were identified, namely: the shift from the incorporation of blacks into the economy to dispossession; anti-black urbanisation policies (pass laws); forced removals and relocations; inferior "Bantu" education; the crushing of black political organisations; and the destabilisation of black community life (Wilson and Ramphela 1989:205-230). Important is the finding that there was a need for a fundamental redistribution of political power, in addition to economic transformation, in order to uproot poverty in South Africa. Black South Africans viewed apartheid as a system of both economic and political domination (Le Roux, 1990:37). This implied that economic reform would not be acceptable to non-whites without the necessary redistribution of political power.

The socio-economic and political inequalities among the race groups, the structure of class divisions based on race and the levels of absolute poverty among blacks in South Africa are therefore important in assessing the role of material interests in the conflict that prevailed in South Africa, as well as in a future transition to democracy.

Two characteristics of class cleavages in South Africa are important for purposes of this discussion. On the one hand, there were racial divisions within particular classes and on the other hand, there was a racial class hierarchy in the sense that the upper and middle classes were predominantly white, while the lower classes were predominantly black. This

race-class stratification was further exacerbated by extreme income inequality leading to the polarisation of South African society along these lines of cleavage. Intervention by elites would eventually be important in bridging these cleavages.

The extent of poverty, the severity of income inequalities and the overlap of divisions of class and race thus had, for several reasons, important consequences for South Africa's future political dispensation.

Firstly, the economy became an important target of political activism. Trade unionism became increasingly effective and received international support from, for example the British Trades Union Congress (Major, 2005). Widespread strikes that were largely successful in making real economic gains occurred, for example in 1973. This led to the taking of steps to liberalise the labour sphere. Of importance in this regard were the Wiehann and Riekert Commissions that investigated industrial relations and the utilisation of human resources respectively (Terreblanche and Natrass, 1990:15; Race Relations Survey, 1977:6). Most of their findings and recommendations were accepted and introduced during the late seventies.

Secondly, because of increased political activism (both domestic and international) international economic pressure on the South African government began to take its toll on the economy (Jenkins, 1990).

Thirdly, as mentioned, the inequalities and divisions that existed stimulated various ideological interpretations of both the causes of, and solutions to South Africa's economic problems. On the one hand, from a more liberal and capitalist perspective it was argued that the South African economy had too high a level of government expenditure and involvement. The apartheid policy entailed high and often wasteful expenditure because of the unnecessary duplication of services along racial lines (Giliomee and Schlemmer, 1989:128-129; Slabbert, 1992a:20; De Villiers, 1993:318-319). On the other hand, Marxists regarded the economic inequalities as the product of racially based capitalist exploitation. Thus, as would be discussed in the next section, there was not only an overlap of race and class, but also of ideology.

Lastly, there were also indications that the government was rethinking some of the basic principles of the apartheid policy by, for example, trying to facilitate the creation of a black

middle class in both the homelands and in urban areas. Such a middle class could cooperate with whites in order to stabilise the political scene in South Africa, as well as by the liberalisation of the labour sphere.

As will be discussed further in this chapter, South Africa's economic problems were typical of those associated with a deteriorating authoritarian regime. However, the economic problems were not exclusively the consequence of authoritarian rule. Economic problems must also be seen within the context of a modernising society undergoing profound changes; for example, demographic change and urbanisation (Schrire, 1991:13-21; Slabbert, 1992:32-33; De Villiers, 1993:316).

3.2.3 IDEOLOGICAL CLEAVAGES

The concept of ideology is an elusive and essentially contested concept in the sense that there is controversy about its very definition (McLellan, 1995:1). In the large literature on ideology, two traditions can be identified, namely one that revolves around the science/ideology dichotomy; and another that revolves around the sectional interest/ideology polarity (see Giddens, 1977; McLellan, 1986; 1995; Eagleton, 1991; Susser, 1995; Vincent, 1992).

Irrespective of how we define the concept of ideology, it is a feature of all societies, because it provides a set of meanings according to which people make sense of the world they inhabit. Ideology needs to be seen as part of reality, as the "very constitution of social life" (Giddens 1983:179). As such, ideology plays a "cementing" role by relating individuals to institutions and everyday experience and, in so doing, reproduces everyday relations of domination (McLellan, 1995).

In the light of the above and for purposes of the discussion in this section, both a wider and a more neutral meaning are attached to the concept of ideology. An ideology is, therefore, regarded as a set of coherent ideas on which organised political action is based, irrespective of whether such action aims at preserving, modifying or overthrowing the existing order (Heywood, 1997:43).

Ideology was important within the South African transition to democracy, for on the one hand, it provided the goals that various groups and movements had in mind for South

Africa and on the other hand, it provided the parameters of what would and could be negotiable within the South African context. Ideology, therefore, “demarcated fundamental differences in how the society ought properly to be understood and organised” (Horowitz, 1991:1-2). The question whether a particular ideology is seen as an end in itself or merely as a means to an end, is in itself important. Przeworski (1991:2) is, for example, of the opinion that a causative factor in the collapse of communism in Eastern Europe was the following: “Socialism - the project for a new future - was no longer the end; it had become an instrument of traditional values“.

The history of the South African political landscape provided fertile ground for a variety of ideologies to such an extent that ideology was an important source of cleavage. In fact, South Africa was sharply divided along ideological lines (see Horowitz, 1991:1-9). This was a logical outgrowth of the politics of exclusion based on race, as well as the extreme class divisions as discussed above. South Africa was and still is home to a complex spectrum of ideologies spanning from those that adhere faithfully to the principles of apartheid and racial separateness to those that favour complete social and racial integration. On the other hand, there were strongly held ideologies that represented almost the full range of “-isms” such as capitalism, liberalism, various nationalisms, democratic socialism, Marxism, anarchism, including the variations of each of these (see Reddy, 2000:406). A variety of organisations advocated these ideological principles (see section 3.4).

The various ideologies that were (are) present in South Africa were often either a synthesis of, or an eclectic combination of elements of various of the “standard” ideologies. Afrikaner nationalism, for example, contained elements of ethno-nationalism, conservatism, socialism and Calvinism (Carter, 1958:73-4; 340-1). Even within a single organisation, such as the ANC, several distinct ideologies coexisted, often giving rise to factions within the organisation. Lodge (1989:249), for example, writes: “African nationalism. Christian liberalism, clandestinity, technocracy, Communist popular frontism, Western Marxism and indigenous working-class radicalism, as well as residual elements of the Black Consciousness Movement, are constituents in the ANC’s complicated ideological recipe.”

Ideologies tend to claim a monopoly on “truth” for its fundamental principles. Likewise,

within the South African context, each ideology claimed to represent the “truth” of the South African conflict, and thereby contributed to what Horowitz (1991:2) has described as the metaconflict.

The classical left-right spectrum of communism, socialism, liberalism, conservatism and fascism as determined by their respective views regarding society, the economy, the role of the state, as well as the existing order⁶² is useful but problematic within the South African context. It does not make sufficient provision for ideologies based on race. Within the South African context, the right is usually reserved for Afrikaner nationalism and the left for communism. Yet, black consciousness and Pan-Africanism are likewise exclusive and based on race, but differ from Afrikaner nationalism in their opposition on the existing order and quest for radical reforms (Botha, 1996).

Two broad categories of ideologies are, therefore, important for an analysis of the South African transition, namely those that involved principles of either exclusion or inclusion, such as race and ethnicity, and those that fell into the classical left-right spectrum.⁶³ It is, however, not the purpose of this section to give a detailed account of all ideologies and their fundamental principles, nor of how they contributed towards the metaconflict. The purpose is merely to provide a broad outline of some of the most important ideologies that could affect, either positively or negatively, a transition to democracy.

RACE AND ETHNICITY AS IDEOLOGICAL PRINCIPLES

Underlying the ideologies of Afrikaner nationalism, African nationalism, Africanism, Pan-Africanism and black consciousness⁶⁴ is a fundamental principle, namely, the exclusion of those that do not comply with a predetermined racial and/or ethnic criterion.

⁶²The left-right scale is controversial but at least provides a useful “map” for the understanding of the ideological spectrum (see Susser, 1995:273-274; Heywood, 1997:234-235).

⁶³These categories did not necessarily exclude the other, for most ideologically based movements positioned themselves in terms of both. A two-dimensional spectrum classification would therefore be possible but falls outside the scope of this discussion.

⁶⁴African nationalism and Africanism are usually regarded as the same within the South African context and they both differ only marginally from South African Pan-Africanism. Black consciousness developed later but also share many principles with the other three.

Afrikaner Nationalism

Afrikaner nationalism could, prior to transition, be regarded as the dominant ideology, for it provided the norms and goals on which apartheid ideology and government policy were based. Though the roots of Afrikaner nationalism can be traced to the history of early white settlement, it was largely, a reaction to the British domination of the Afrikaner (Leatt et al, 1986:57-58) and increased competition from the black population. Early Afrikaner nationalism had as its goal: “to develop Afrikanerdom to the point where it could work on equal terms with English speaking South Africa” (Carter, 1958:73) and at the same time, it regarded South Africa as a white man’s land. In an election manifesto of the NP in the 1921-elections it was stated (Kleynhans, 1987:147):

The position which the National Party takes up and on which its whole existence is based, and the fundamental reason of its republican movement, is the equality of the British and the Dutch [Afrikaners] in South Africa. Because this equality could not be obtained under the old S.A. Party Government, the National Party was called into existence; and because in the opinion of the Nationalists this equality will not be obtained so long as the British connection continues to exist, the National party [sic] has adopted as its practical ideal the severance of the connection...Equality between British and Dutch is not only an election cry for the present. It is also the soul of the party’s origin and existence.

It was also stated in an election manifesto of the NP for the elections of 1924, that (Kleynhans, 1987:187):

Civilised labour will thus have to be protected against the pressure of the uncivilised labour within the white man’s territory. As regards the native, equal care will be taken for his existence and development within his territory.

At this stage Afrikaner nationalism was to a large extent a means to an end, but slowly Afrikaner nationalist political thought developed and became steeped in cultural consciousness and religious doctrine, and in particular a specific interpretation of Calvinism (Moodie, 1975). The Afrikaans Dutch Reformed Churches⁶⁵ and the Afrikaner Broederbond⁶⁶ played

⁶⁵There were three churches, namely the Nederduits Hervormde Kerk, the Gereformeerde Kerk and the Nederduits Gereformeerde Kerk (usually referred to as the “NG-kerk” (NGK) and often in the English press, as the Dutch Reformed Church). The Nederduits Hervormde Kerk can also be translated as the Dutch Reformed Church, but is a separate church. The NGK also had separate missionary churches for the different race groups, that played an important role in politics.

⁶⁶It was established in 1918, first as an overt organisation, but later as a covert and secret organisation for the promotion of Afrikaner interests. Membership was not open, but was based on the recruitment of suitable

important roles in deepening the intellectual base of Afrikaner nationalism and apartheid ideology.

The exclusive nature of Afrikaner nationalism often inspired criticism from its opponents. Concerning the link between South African Calvinism and the justification for apartheid, Adam (1979:17) for example wrote:

One of the most recurrent perspectives used to explain apartheid policies stresses the primitive Calvinism of Boers who, in an isolated corner of the world, missed the Enlightenment by being exposed only to the Old Testament rather than Voltaire. In their harsh frontier existence, it is said, Afrikaners developed...visions of a civilizing mission by a chosen people with a destiny in a sea of primitive heathen natives. Such ideological fixations were frequently detected in contemporary policies which in this view render Afrikaners psychologically incapable of adapting to a post-colonial reality.

Formal apartheid was thus a product of Afrikaner nationalism in the sense that it was initially seen as a means to an end, that is, an instrument for Afrikaner self-determination. The distinction between apartheid and Afrikaner nationalism eventually became blurred and it evolved as an end in itself, or stated differently, some proponents of Afrikaner nationalism were unable to conceptualise Afrikaner self-determination without apartheid.⁶⁷ Ethno-nationalism as a result became a guiding principle in the political activities of a significant number of Afrikaners and after the NP came to power in 1948, the messianic character of Afrikaner nationalism, and apartheid as its twin, became increasingly important as the government worked towards the realisation of Afrikaner nationalist ideals. Not only did Afrikaner nationalism have Afrikaner self-determination as a goal, but they also regarded it as the right of all other race groups and in particular black ethnic groups. The homelands policy, as well as separate political structures for the coloureds and Indians, was based on self-determination as a guiding principle (Giliomee and Schlemmer, 1993:94-103).

members who were Afrikaans and active members of one of the Dutch Reformed Churches. Though it played an important role in the development of apartheid ideology, and in particular the idea that God decreed separate ethnic groups, it however later became instrumental in the movement away from apartheid. By the late 1970s, members of the Broederbond held all top political, civil service, church and many educational positions.. The Broederbond also ensured that the education of Afrikaner children conformed to the teachings of the Dutch Reformed Churches and Afrikaner culture - as interpreted by the Broederbond (Giliomee and Schlemmer, 1993:94-96).

⁶⁷Giliomee and Schlemmer (1993:114) hold the opinion that apartheid “has always been the instrument of Afrikaner nationalism, never its master.”

The support of apartheid by the Afrikaner political elite was important, but through the years it was also supported by virtually every institution of Afrikaner nationalism. The creation of the Afrikaner nationalist establishment in the early 1920s, was a process that has been called the “bureaucratisation” of the Afrikaner ethos (Slabbert, 1989:8). In this institutionalisation of Afrikaner nationalist solidarity, the Afrikaner Broederbond was of the utmost importance in ensuring Afrikaner cultural consciousness as the centre of Afrikaner ethnic group solidarity. Giliomee (Adam and Giliomee, 1979:251) writes:

In the present decision-making process the Bond acts as a secret communication channel between the Government and the Afrikaner elite...it is both a generator of ideas and a sounding board of government initiatives.

Afrikaner nationalism and apartheid played a pivotal role in Afrikaner political thinking. Lemon (1987:64), for example, emphasises the “cohesion and single-mindedness” of the Afrikaner community in its support for apartheid. As Carter (1958:73) puts it: “Never before in the history of South Africa has so single-minded an administration been in power, or one that represents so intense an Afrikaner nationalism.”

The relationship between Afrikaner nationalists and those whites, who opposed Afrikaner nationalism (including a section of the Afrikaners) was an interesting dimension of Afrikaner nationalism.⁶⁸ Afrikaner nationalists tolerated white non-nationalists though they were often critical of them and in particular of those who advocated a racially integrated South Africa. There were white non-Afrikaners who supported apartheid ideology - though not necessarily Afrikaner nationalism. This gave rise to the concept of, “white nationalism” that implied the self-determination of all whites (see Horowitz, 1992:7). There were, however, few intellectual grounds in support of such an inclusive “white nationalism” (see O’Dowd, 1991:42-45). Whites and in particular Afrikaners, were however, socialised into a belief that only through apartheid could they secure and maintain their survival and their privileged position.

Afrikaner nationalism reached its zenith in the early sixties soon after South Africa became a republic in 1961 outside the British Commonwealth. Horowitz (1992:12) notes that the ideology supporting apartheid was being undermined as the institutions of apartheid

⁶⁸Not all Afrikaners were followers of nationalism, and especially during the later years of NP rule, many English-speaking whites voted during elections for the NP. (The NP was the most important but not the only political party in support of Afrikaner nationalism.)

were being strengthened. Towards the end of the seventies, there were already clear indications of changes in the ideological principles on which Afrikaner nationalism and apartheid were based. Giliomee (1982:1) describes the years 1976-1982, as the “rollercoaster years” during which the key ideological shift from the ideology of apartheid orthodoxy to what historian, Moodie, (Giliomee, 1982:10) has called the “ideology of survival” took place. The rollercoaster years were years of change for Afrikaners. This period was also characterised by many contradictions as the government tried to soften apartheid, yet simultaneously tried to enforce, for example, its policy on homelands. At this stage, apartheid was no longer an end in itself - similar in a sense to Przeworski’s (1991) observation regarding the collapse of communism in Eastern Europe.

Though self-determination usually is a principle of separatist movements, Afrikaner nationalism as a comprehensive ideology had no acceptable international relatives.⁶⁹ To the international community, it was too reminiscent of German Nazism which had been discredited in the Second World War (Sisk, 1992:126). The United Nations (UN) adopted, for example resolution 2396, which branded apartheid as “a crime against humanity“, in 1968 (A/RES/2396 (XXIII) 2/12/1968; Sisk, 1995:65). Largely as a result of its reliance on apartheid and racial discrimination, Afrikaner nationalism was therefore isolated from the international arena. The exclusive nature of Afrikaner nationalism and of the concept of “white nationalism” had a similar counter-reaction internally among non-whites, in movements such as African nationalism, Pan-Africanism, black consciousness and ethno-nationalism.

African Nationalism, Pan-Africanism, Black Consciousness and Ethno-Nationalism.

Black identity and power found expression mainly in African nationalism (to which Africanism⁷⁰ and Pan-Africanism are closely related) and black consciousness. These could be regarded as the antithesis of Afrikaner nationalism. Both Pan-Africanism and black consciousness were inspired by the fate of blacks within a white dominated political context. They believed that blacks should have their own pride, should struggle for their own libera-

⁶⁹It differs significantly from other separatist ideologies such as some interpretations of Zionism and Palestinian self-determination.

⁷⁰According to Leatt et al (1986:93-94) the formulation of Africanism by Lembede of the ANC Youth League predates its ideological emergence in the rest of Africa.

tion, and should search out the symbols of black culture that would persist in a new society. They argued that South Africa is part of the continent of Africa where the majority of its citizens are black Africans and, therefore, the overarching and dominant culture should be that of black culture. This view saw whites as part of South Africa, but of a black dominated South Africa (Collins, 1993:28-29).

African nationalism gave impetus to the search for an African personality (Wilson, 1963:2). Pan-Africanism, in turn, essentially propagated the unity of all Africans and particularly, those on the continent of Africa,⁷¹ “They [blacks] were divided by strong tribal differences which tended to merge into a strong sense of racial consciousness. The racial connotation was directed at the white man, the foreign oppressor” (Snyder, 1984:177). Pan-Africanism thus strove to promote the interests of blacks through the unity of blacks⁷² and the end of slavery and colonialism.

Already in the late nineteenth century, South African black intellectuals were engaged in a quest for black unity in order to campaign for black rights. At an early stage, South African blacks participated in the Pan-African Congresses. John L Dube,⁷³ for example, attended the Pan-African Congress of 1921 on behalf of the South African Native National Congress (later the ANC). Pro-black thinking in South Africa in the sense of “Africa for the Africans” soon found an international intellectual home and became a legitimate goal for its adherents (see Karis and Gerhart, 1997:16; Karis and Carter, 1973:409, 413, 424, 469; 514). Since its inception, Africanists who advocated an exclusive Africanism, formed an important group within the ANC (see Karis and Carter 1973:412).

Some of the Africanists within the ANC, objected to the ANC’s principle of multi-racialism and the role that Indians and whites played within the ANC (Karis and Carter, 1977a:17-18). The allegation was made that the ANC was communist controlled. In November 1958, under the leadership of Robert Sobukwe, a section of the Africanists broke away from the ANC and established the Pan Africanist Congress (PAC) in April 1959 (Karis and

⁷¹Initially, the term ‘African’ referred to the black people of Africa, but the term evolved to encompass a more geographical meaning. However, it remains a disputed term with no consensus on who is an African and who is not.

⁷²Within the South African context there was a tendency to regard whites as settlers and therefore as colonialists, excluded from the term “African.”

⁷³First President of the ANC (1912).

Carter, 1977b:147-149).⁷⁴ In October 1958, Albert Luthuli blamed the Afrikaner nationalists and the government for:

[I]njecting ‘the virus of prejudice and sectionalism’ into the African community. White ‘panderings to racialism’...were causing some Africans to try to ‘emulate’ the Nationalists in claiming exclusive control of South Africa...We have seen developing - even though it is in its embryonic stage - a dangerously narrow African nationalism, which itself tends to encourage us to go back to a tribalism mentality (Karis and Carter, 1977a:310).

Black consciousness was of particular importance in South Africa during the seventies and originated with the establishment of the South African Students’ Organisation (SASO) in 1969. It shared many characteristics with the earlier pro-black ideologies and the objective of its adherents was the preparation of the people for, “equal participation in a transformed society that would reflect the outlook of the black majority” (Adam and Moodley, 1993:110). SASO was influenced by the writings of, for example, Senghor, Césaire, Fanon, and Freire, as well as black radicalism in the USA, even though its leaders stated that it could not be equated with “Black Power” movements overseas (Adam and Moodley, 1993:109-110; Karis and Gerhart, 1997:107).

The emergence of black theology⁷⁵ provided an additional stimulus to black consciousness as “a moral and political alternative to the ideology of liberalism” (Karis and Gerhart, 1997:109). Like Afrikaner nationalism, black consciousness also embodies a “tapestry of attitudes, belief systems, cultural and political values” (Maphai, 1994:131). Maphai (1994:131) identifies six fundamental principles of black consciousness, namely: the need to develop self-pride among blacks and to reject the second-class status accorded to them by whites; self-reliance in the struggle against oppression; the revival of black culture to enable them to find their true selves; the psychological liberation of blacks to effect their complete emancipation; the rewriting of South African history that was primarily written from a white perspective; and the exclusion of whites from black organisations, to enable blacks to regain their self-esteem. Black consciousness in essence, rejected non-racialism and relegated whites

⁷⁴However, the PAC did later admit whites as members.

⁷⁵A theological way of thinking that interprets the Bible from the standpoint of the oppressed and questions the dominant character of traditional theology that interprets the Bible from a white perspective (Nel, 1994:138).

to an inconsequential position in a “post-revolutionary South Africa” based on their own interpretation of socialism (see Karis and Gerhart, 1997:89-155). The black consciousness movement, though important, never succeeded in mobilising significant support away from the older organisations such as the ANC.

Ethno-nationalism among the black population was a controversial phenomenon and formed part of the metaconflict. On the one hand, it was seen not only as a creation by the Afrikaner nationalist government with the purpose of “divide in order to rule” but also as a moral justification of apartheid. On the other hand, any form of ethnic pride was seen as playing into the hands of apartheid policy and was therefore opposed by those opposed to apartheid (both black and white). Inkatha yeNukululeko yeSizwe (later the Inkatha Freedom Party) was, for example seen as promoting a form of Zulu ethno-nationalism at the expense of a broader unity among blacks that could be more effective in the struggle against oppression.

Non-Racialism

Non-racialism and integrationism were the antithesis to exclusive nationalism such as Afrikaner nationalism and African nationalism.⁷⁶ In the context of the complicated and historically specific forms of racism found in South Africa, the forms of non-racialism (or anti-racism) were equally complex. A significant section of the ANC advocated non-racialism and believed that blacks should not merely beat on the door of white society and demand entry, they believed that the South African society belonged to everyone on a free and equal basis. Everyone should have free access to political power, to social life and to opportunities to better their lives. Although the ANC acknowledged cultural differences, it believed rather more in those elements that were common to all and in a communal life-style in the South Africa of the future. In other words, it believed in a society in which racism played no role (Collins, 1993:28-29).

These principles were included in the Freedom Charter that was adopted in 1955. Of particular importance is the adoption of the Charter by direct participation of the people

⁷⁶Pan Africanism is not a precise concept. International Pan-Africanism had several variations of which non-racialism and integrationism as espoused by for example Du Bois was indeed a variant. The more racist variant are often referred to as Garveyism (see Wilson, 1963).

in a “Congress of the People” in 1955 (Marx, 1992:35). The faction within the ANC that advocated an inclusive non-racialism is thus often referred to as the Charterists. Though some of the economic principles adopted by the Charter cannot be reconciled with liberal philosophy, the non-racialists within the ANC are often seen as adherents of a liberal tradition (Adam and Moodley, 1993:25; Leatt et al, 1986:58-59).

Non-racialism was also important among some whites and in particular among “liberal whites.” Within the South African context non-racialism became roughly synonymous with liberalism (Karis and Carter, 1973:73). A number of Afrikaner intellectuals and politicians, for example General Smuts and Jan Hofmeyr were regarded as liberals, but white followers of non-racialism and liberalism came mainly from English speaking whites (see Karis and Carter 1973:73-76). In 1938,⁷⁷ young liberals and progressives established the Libertas Bond in Johannesburg and the Libertas League of Action in Durban, the Institute of Race Relations and a new journal, *The Forum*, appeared as an organ for “Hofmeyrian liberalism” (Karis and Carter, 1973:73). Hofmeyr’s early death was a blow to liberalism, but it did survive as an ideology among whites and led to the establishment of several political parties, including the non-racial Liberal Party⁷⁸ and the Progressive Party.⁷⁹

Ordinary whites often had little knowledge of the conditions under which non-whites lived, but exposure, often by chance, brought them into what may be called a liberal frame of mind (Collins, 1993:28-29; see Giliomee and Schlemmer, 1993:96).

Non-racialism and liberalism fell well within the international political discourse and, within the international arena, liberalism was one of the intellectual grounds for the anti-apartheid movement.

THE CLASSICAL LEFT-RIGHT SPECTRUM

The ideologies within this spectrum do not, as already indicated exclude notions of racial inclusion and exclusion.

⁷⁷The year in which Afrikaner nationalists celebrated the centenary of the Great Trek.

⁷⁸Established in 1953 and disbanded in 1968 when multi-racial associations were prohibited.

⁷⁹Established 1959 and surviving today in the Democratic Alliance.

Communism

Communism's⁸⁰ roots can be traced back to the early working class in South Africa. Initially, it sought to further the interests of both white and black labour, but a series of directives from Moscow since 1927, had transformed local communism into an instrument in the Soviet Union's (USSR) campaign against British interests, by having as a goal, the establishment of an independent "native" republic as an interim stage on the way to becoming a workers' and peasants' republic (Carter, 1958:61). The Communist Party of South Africa (later the South African Communist Party) subsequently aligned itself with the struggle against white political domination and "white" capital. Communist ideology had its ups and downs and the party even disbanded for a period during the fifties. However, as the government's implementation of apartheid intensified, the government suddenly found vigorous resistance in the form of non-white opposition to the political system. Several factors contributed towards the appeal of communism to a section of the South African society. Poverty, widespread use of unskilled black labour with few rights and only limited access to trade unions, provided fertile soil for communism to take root in. Communist ideology, or scientific socialism, was important in a number of organisations, including a faction of the ANC (Karis and Gerhart, 1997:151).

Its non-racialist principles and Moscow's interference were, however, problematic to some African nationalists (see Carter, 1958:61-64; Karis and Gerhart, 1997:46-47;151). While the international status of communism provided, an important infrastructure for the struggle against apartheid, it nevertheless, also placed the struggle within the scope of the Cold War, which would in the end prove to be a major obstacle in bringing the various sides in the conflict, together. Thus, the significant support of communism placed apartheid and the struggle against apartheid firmly within the international arena.

The eventual demise of communism in the Soviet Union and Eastern Europe, as an ideology that promised a new dawn, undermined its ideological content within the liberation

⁸⁰Communism is indeed a variant of socialism and is often referred to as revolutionary socialism and scientific socialism. In South African literature, the term 'socialism' is often used to refer to communism. In this thesis, the term 'communism' is used to refer to the ideology of which the Soviet Union was the prime example. There were several variations of communism, such as Marxism and Trotskyism, but the differences are unimportant for the purposes of this discussion. Some Africanists favoured communism but others rejected it.

movements, thereby opening the door for a possible settlement of the conflict on terms other than pure communist principles. This was clearly demonstrated by the events that were to follow in the later phases of the transition as would be discussed in the chapters to follow. It is however necessary to briefly refer to these at this stage. It is unlikely that the South African government would have moved towards negotiations with the ANC as long as it was strongly backed by the Soviet Union. Even as late as September 1989, the government was of the opinion that the ANC could never have a role in the negotiations (Giliomee, 1995:88-92). From the government's point of view, the external environment improved dramatically with the fall of communism in 1989. For the first time, it considered negotiations a viable option. The severity of the internal problems experienced by the Soviet Union, prompted Moscow to tell the ANC that it was up to the South Africans themselves to reach a political settlement. At the same time, the South African government believed that it stood a better chance of containing a legalised ANC without Soviet backing (Giliomee, 1995:91-92).

Socialism

Various forms of socialism were adhered to by several organisations. Non-revolutionary socialism, African socialism, black communalism and social-democracy were all important in this regard. Even Afrikaner nationalism had some socialist principles in the sense that, even though private ownership was supported, it favoured an extensive role for the state, both in society, as well as in the economy. This fact would bring it closer to the anti-apartheid movements once the obstacle of racial exclusion was removed.

Due to the extent of poverty and the adverse living conditions of labourers, socialism provided an attractive alternative to both communism and liberalism. On the one hand, it was less extreme and less controlled by external forces than communism and on the other hand, it provided for the interests of the majority that lived in poverty. In the Mafikeng Manifesto, a policy document of the Black People's Convention (a black consciousness organisation) provision was made for a mixed economy even though the document was explicitly socialist (Karis and Gerhart, 1997:150-151).

Liberalism

The non-racial character of liberalism has already been discussed. Capitalism and individualism are two additional features of liberalism that are of importance. In this regard, it stood in opposition to both socialism and communism. Liberalism faced some economic obstacles within the South African context, in the sense that capitalism and apartheid were seen to be working together. Thus, liberalism concentrated on non-racialism and supported the idea of a welfare state. The support for capitalism and individualism came mainly from the white community and in particular those involved in “big business.” There were non-white organisations, such as Inkatha that supported capitalism, but they were in the minority.

Conservatism and Traditionalism

Though conservatism and traditionalism differ essentially (see Susser, 1995), they are similar in the sense that both emphasise respect for established customs and institutions, hierarchy, as well as the role and position of the authorities. The more rightist organisations of Afrikaner nationalism and ethnic traditionalism among blacks, shared characteristics with conservatism and traditionalism respectively. The support enjoyed by both ideologies was never significant and was often the subject of intense criticism. The government tried to mobilise ethnic traditionalism in support of apartheid, with the result that its supporters were often labelled as collaborators. Conservatism among whites was again regarded as outdated thinking that was not in touch with reality.

In conclusion, ideological cleavages are important for a number of reasons. Firstly, in terms of its ideological spectrum, South Africa could be regarded as a polarised society, as there was a continued wide gap in ideological orientation. The extremes of racially exclusive nationalism among whites and its antithesis of African nationalism were complicating factors. Likewise, were the extremes of communism and liberal capitalism. It was unlikely that the ideological gap created by these extremes, housing the major players in the political game, could be bridged without outside pressure. However, race exclusivity and “hard line” communism were probably the most important obstacles to overcome. Once these were out of the way,

the ideological gap would shrink considerably.

Secondly, ideological cleavages coincided largely with race and class cleavages. The supporters of communism came mainly from non-whites and particularly from the black working class - however, prominent and influential non-whites and whites were also members of these organisations.

Thirdly, Afrikaner nationalism largely existed in isolation from the rest of the world. All of the other contending ideologies had international equivalents from which support could be mobilised. Because of the internationalisation of the struggle against apartheid, Afrikaner nationalists enjoyed very little international support from a nationalist ideological perspective. It was therefore unlikely that Afrikaner nationalism could have survived in the long term in a globalising world.

3.2.4 CONFLICT, VIOLENCE AND CLEAVAGES

Conflict⁸¹ and violence⁸² have been part of the South African political scene throughout its history. From the discussion of racial, class and ideological cleavages it is obvious that these cleavages provided fertile ground for conflict and violence which were nurtured along the various lines of division. In turn, these cleavages were, nurtured by the very conflicts and violence that they had engendered.

The conflicts and violence that were present within the South African society were multi-faceted and complex dynamic entities. The purpose of this section is merely to draw attention to those aspects of conflict and violence that are relevant to an analysis of South Africa's transition to democracy. Conflict, as well as violence, is indicative of the extent of polarisation that exists between the "warring" parties involved in the conflict. Thus, part of the transition to democracy required a settlement of the conflict and an end to the violence present in the South African society.⁸³ However, the true nature and causes of the conflict

⁸¹For purposes of this discussion, the concept of "conflict" implies a state of opposition between ideas and interests that may involve a struggle, often violent, among opposing parties.

⁸²The term "violence" for purposes of this discussion, has two different, yet related meanings, both of which are important within the South African context. The more common meaning implies the use of physical force in order to cause harm such as injury and destruction. A second meaning is the unjust and unwarranted display of force in order to manipulate people into compliance.

⁸³It is again important to take note of the work of, for example, John Keane (1988) in which it is argued that violence is integral to democracy.

were issues of dispute. There was, for example, no consensus on whether conflict was the result of a class struggle, or of a struggle against apartheid only, or the consequence of a desire for equal rights including equal political rights, or whether it was indeed a complex manifestation of a combination of all of these aspects (Horowitz, 1991:27-32). Differences in how the conflict was viewed were important for it implied different interpretations of the real problems and their solutions. It could affect any future decisions on negotiations as well as the content of those negotiations, “For instance, South Africans who challenge racial discrimination argue that their success will be the first step toward ending national domination or class exploitation, which they view as outgrowths of discrimination” (Marx, 1992:6).

Within the South African context, there were two broad categories of violence, namely those that involved the state, either as perpetrators or as targets of violence, and communal violence (both inter- and intra-) that involved sections of society.

Various aspects of the socio-political context of South Africa were of particular importance with regard to conflict and violence in the pre-liberalisation phase. Firstly, the implementation and enforcement of apartheid were regarded by its opponents as violence perpetrated by the state. Secondly, the opposition to apartheid broadened, as the intensification of its struggle against apartheid eventually led to the commencement of the armed struggle itself. Thirdly, the eruption of the Soweto riots prepared the way for a more intense and sophisticated internal struggle. Fourthly, the emergence of black-on-black violence would prove to be a complicating factor in the transition, as will be discussed in the following chapters. Lastly, the attitudes of all parties to the various manifestations of the conflict, hardened.

VIOLENCE INVOLVING THE STATE

As mentioned before, the implementation and enforcement of the policy of apartheid were seen by its opponents as a form of violence perpetrated by the state. Thus, the state was seen as the initiator of violence. Opposition and reaction to apartheid took on many forms, moreover, becoming increasingly violent as part of the struggle against apartheid. Z K Matthews stated in 1964:

Being under the domination of another group is not exactly a pleasant thing for those who have to suffer it, and there is nothing else for the latter group to do but to continue to fight against domination until they overcome it (Karis and Gerhart, 1997:352).

Conceptually, the conflict between the apartheid state and the forces seeking an end to its rule, was portrayed as the antagonism between “the masses” and “the regime.” The opponents of apartheid did not make clear distinctions between the state, structures and departments within it, and the government, as they all seemed to be part of what they perceived as the same repressive machinery.

In the early history of the Union, civil disobedience, petitions and deputations, strikes and boycotts as well as demonstrations (marches) were often used in reaction to government policy. The Defiance Campaign⁸⁴ of the fifties signalled an intensification of the reaction by those that opposed apartheid and the apartheid government. In its aftermath, the success of a non-violent struggle began to be questioned:

[D]id not reliance on such tactics [the Defiance Campaign] impede the development of popular realization that the South African system was inherently violent and could be destroyed only by revolutionary violence⁸⁵ (Karis and Carter, 1977a:646).

Likewise, government clampdowns intensified and became more violent. A turning point in the history of violence came with the Sharpeville incident on 21 March 1960, when police opened fire on thousands of demonstrators that had participated in a march organised by the PAC. By the end of March, the South African government had called a state of emergency (Karis and Carter, 1977a:804). Criticism of non-violent resistance had grown among loyal members of the ANC and by the following year, the ANC had decided to “depart from its 50-year-old policy of non-violence...and agreed to the formation of a military wing” (Karis and Carter, 1977a:648).

The spiral of violence involving the state and its opponents continued and another critical point was the eruption of the Soweto Riots of 1976.⁸⁶ This was the beginning of the

⁸⁴Campaign for the Defiance of Unjust Laws.

⁸⁵In many instances, the term, “violence,” is used as a synonym for, “armed struggle,” or at least to “cause physical injury and damage.”

⁸⁶There was a long prelude to the Soweto Riots that eventually erupted in June 1976. It was fuelled by unhappiness about “Bantu” education, and in particular, the introduction of Afrikaans as the medium of

mobilisation of the masses, and in particular the youth, resulting in the intensification of the armed struggle, as well as intense and violent attempts by the government to suppress the uprising (see Karis and Gerhart, 1997:156-188; Race Relations Survey, 1976:51-87). According to the government-appointed Cillie Commission, 575 people died in the riots during the period 16 June 1976 and 28 February 1977, while the SAIRR estimate of deaths for the period between June 1976 and October 1977 was 700 (Guelke, 2000:240-241). The nationwide uprisings that were to follow, “brought momentous developments in popular awareness and...a new political consciousness and sophistication” (Karis and Gerhart, 1997:184).

Until the Soweto riots, the armed struggle had mainly been planned outside South Africa because the organisations involved had already been banned in the early sixties. It was easier for the government to deal with and contain the external armed struggle, than was the case with the internal uprisings that brought a new dimension to the conflict. Pressure was to be exerted on the government to such an extent that it became difficult to govern the country effectively. Violence involving the state brought increased international attention and intervention initiatives, to South Africa; put pressure on apartheid as a viable ideology; and also questioned the government’s ability to rule without force.

Furthermore, there were indications of disunity among the elite group, as signalled by the differences that existed between conservative (*verkrampste*) and more enlightened (*verligte*) members of the NP and the Broederbond.⁸⁷ The possibility of a regime breakdown was therefore not too far fetched. However, the capability of the state to retaliate with increasingly more violent and repressive means,⁸⁸ was underestimated by its opponents and signified clear limitations to the armed struggle (see Karis and Gerhart, 1997:24-25). The realisation soon came that a search for a political solution remained important, “Neither side could defeat the other, but each could prevent the other from ruling” (Adam and Moodley, 1993:21).

instruction in schools. Many left the country to join the armed struggle.

⁸⁷The breakaway of the *Herstigste Nasionale Party* (HNP) in 1968 from the NP, had already signalled regime disunity in its approach to apartheid and the socio-political position of non-whites.

⁸⁸In October 1977, the state security apparatus made a comprehensive crackdown on its opponents. Eighteen organisations were banned, several newspapers closed, banning orders served on several critics of the government and several others detained (see Karis and Gerhart, 1997:316; South African Survey, 1977:3). A complex security network was established and the political system was often referred to as a *securocracy* (see Grundy, 1983).

Events during the armed struggle, however, nurtured and exacerbated hostilities between the state and its opponents and hardened attitudes on both sides - casting doubt on the settlement of the conflict without outside intervention. The support for the armed struggle that came from communist states and particularly the Soviet Union, likewise made international involvement in any settlement likely. The threat of communism and the Soviet Union's support of the struggle against apartheid did however, prompt the white elite to rethink their strategies, "Fundamental to new government thinking was a comprehensive 'national strategy,' designed to unite black and white 'moderates' in a combined military and socio-economic assault on a common enemy: 'Marxism'" (Race Relations Survey, 1979:1).

COMMUNAL VIOLENCE

In the history of South Africa (even prior to 1910), most communal conflicts involved ethnicity and/or ideology. Conflicts among black ethnic groups prior to the coming of whites were a reality, as was the intense conflict between Afrikaners and the English. Conflicts involving blacks and whites (e.g. the Frontier Wars), other than in the struggle, were important and usually well documented. Since the seventies, black-on-black violence had begun to fuel divisions within the South African society. The Soweto riots and the uprisings that followed encouraged the elimination (often in brutal ways such as necklacing) of those blacks who were regarded as collaborators with the regime and enemies of the struggle. The problems the state faced as a result of black-on-black violence often seemed intractable and finding a solution would be extremely complicated. Furthermore, the government were often accused of manipulating black-on-black violence in an attempt to further its own agenda (see Guelke, 2000).

ETHNIC CONFLICT

A particular form of communal conflict was ethnic conflict. Ethnicity is, as has already been alluded to, a controversial concept within any analysis of South African politics and a society that involves cultural and linguistic differences. As such, it is part of the metaconflict in the sense that there are differences of opinion on how to interpret cultural differences that exist

among the population.

Some intellectuals such as the African nationalists, communists and some white liberals rejected ethnicity and therefore also tribalism and factionalism as a source of cleavage (see Adam and Moodley, 1993:21-22).⁸⁹ Ethnic divisions were seen as creations of colonialism, racism and capitalism in order to conquer and subjugate the peoples of Africa. Ethnicity played an important role in the conquest of southern Africa, because the lack of unity among tribal units made blacks vulnerable to conquest and exploitation. Thus, ethnicity had the potential of being exploited for oppressive strategies in the classic sense of “divide in order to rule” and could be politicised for this purpose. This viewpoint was inspired by the conquest, oppression and exploitation of black tribal communities, as well as the authorities’ obstruction of any attempt to forge a broader unity among the tribes (Thompson and Prior, 1982:218; Horowitz, 1991:47-50; Adam and Moodley, 1993:21-22).

The launching of Inkatha yeNkululeko yeSiswe⁹⁰ in 1975 as a primarily Zulu cultural organisation closely associated with the KwaZulu homeland, paved the way for conflict among blacks in Natal and other areas such as mining communities, where Zulu migrant labourers were common. Inkatha members and supporters played a pivotal role in the resulting conflicts, but whether these were essentially ethnic, or ideological in nature were heavily debated. Ethnic interpretations also fuelled debates of whether these were natural conflicts or the consequence of policies of “divide and rule.” Thus, conflicts involving ethnic groups and the emergence of cultural movements such as Inkatha could not be regarded as social developments with prime significance in themselves, but could be viewed as a reflection of more fundamental forces within the capitalist and racist power structures. Thus, according to these arguments, it is apartheid and the system of racial exploitation that have to be addressed, rather than their manifestations in the form of ethnic conflicts (see Horowitz, 1981:270; Thompson and Prior, 1982:217).

Inkatha, like the ANC, was opposed to apartheid, but the organisations differed fundamentally in their strategies and policy. While the ANC refused to co-operate with the structures of apartheid, Inkatha was prepared to function within those structures with the

⁸⁹Tribes are cultural units and factions are divisions within tribes.

⁹⁰A national cultural liberation movement. Later it evolved into the Inkatha Freedom Party.

purpose of undermining them, but Buthelezi's (the Inkatha leader) refusal to accept full independence for KwaZulu was a serious blow to the homeland policy. Whereas, the ANC was a proponent of the armed struggle, Inkatha favoured peaceful negotiations with the government. The ANC was a proponent of socialism, but Inkatha was a proponent of capitalism. Lastly, while the ANC pleaded for sanctions against South Africa, Inkatha did not because they felt that blacks would suffer the most (Venter, 1996:78).

In spite of these differences, friendly relations initially existed between the ANC and Inkatha. However, the turning point came, when an ANC delegation under the leadership of Oliver Tambo met an Inkatha delegation, led by Buthelezi, in London in 1979 during a three-day conference. The purpose was to discuss strategies against the apartheid government and to discuss closer co-operation between the two organisations. The high level of the delegations from both organisations confirmed that the conference was a show of power, symbolising that neither wanted to subject itself to the other (Venter, 1996:81-82; Karis and Gerhart, 1997:270-274), but "the two groups were discovering how wide was the chasm of disagreement and competition that divided them politically" (Karis and Gerhart, 1997:271). It seems likely that the two organisations each posited its own strategies for violent and non-violent resistance and that neither was prepared to make concessions.

Whether ethnicity and ethno-nationalism lay at the root of these differences is a matter of great debate and controversy. For some, ethnic or tribal divisions have structured South African society, culture and history, and tribalism should therefore be a fundamental consideration in any analysis of South African society. For others, ethnicity or tribalism is an invention of the oppressor, devised to divide the majority. Even the mere discussion of the concept gives it unwarranted recognition and status. Thus, the difficulties and obstacles in the way of any positive examination of ethnicity in South Africa, particularly with regard to conflict, are immense. Indeed, these difficulties are part of the problem itself (Horowitz, 1991:27-32).

The escalation of violence hardened attitudes, but ironically, at the same time, it also served to bring the message home that the conflict would not be resolved merely by force. The resistance to apartheid, and the system geared to fight it, were interlocked in an accelerating

cycle of revolution and repression. Obviously, conflict and violence would be complicating factors in South Africa's transition to democracy.

3.3 ADDITIONAL MACRO-STRUCTURAL FACTORS IN SOUTH AFRICA'S TRANSITION TO DEMOCRACY

Apart from the societal cleavages discussed above, there were a number of other macro-structural factors that could facilitate, or obstruct South Africa's movement towards a transition to democracy. A changing demographic profile was an important factor, but which was also closely linked to other factors such as the political culture, economic development and crisis, international pressure and regime disunity.

3.3.1 A CHANGING DEMOGRAPHIC PROFILE

The importance of a changing demographic profile as a factor in the democratisation of South Africa should be viewed against the backdrop of the main objectives of Afrikaner nationalism and apartheid, as well as the goals set for South Africa as a whole. As already discussed, economic development and the preservation of the dominant position of whites and white culture were important in this regard, but these became increasingly difficult to reconcile with one another. A weakening demographic base of whites, changes in the class composition and culture of the various race groups (including whites) and increased militancy among non-whites, facilitated and even forced the rethinking of the political principles underlying the South African political system among whites.

The demographic decline of whites was an important factor in the shift away from classic apartheid (Giliomee and Schlemmer, 1989:115; Giliomee, 1995:86-88). Until 1960, whites constituted twenty per cent of the total population, but since then, the white demographic base had begun to shrink. The proportion of whites to the total population, fell to fourteen per cent by 1987 (Table 3.2).

Rapid urbanisation brought changes in the distribution of the population and in particular this resulted in fewer whites in non-urban areas and more blacks in urban areas. Non-whites outnumbered whites in every major city and in white rural areas, non-whites

TABLE 3.2: Population by Statutory Group, 1951-1987

	1951	1970	1980	1987
Black	8,560,083 (67)	15,057,952 (70,5)	21,307,749 (73)	26,313,898 (74,5)
White	2,641,689 (21)	3,752,528 (17,5)	4,453,273 (15)	4,911,000 (14)
Coloured	1,103,016 (9)	2,018,453 (9)	2,554,039 (9)	3,069,000 (9)
Asian	366,664 (3)	620,436 (3)	794,639 (3)	913,000 (2,5)
Total	12,671,452	21,448,169	29,109,700	35,206,898

Percentage of total population (excluding Asians) appear in brackets.

Source: Race Relations Survey (in Giliomee and Schlemmer, 1989:115)

outnumbered whites by six to one (Duggan, 1973:11). Thus, proportionally white communities came increasingly under pressure from a black majority. The large number of urbanising non-whites furthermore led to the growth of huge squatter-camps. By the late seventies, half a million people were housed in informal settlements in greater Inanda, adjoining Durban, 250,000 in Edenvale-Zwartkops near Pietermaritzburg, 300,000 in Winterveld near Pretoria, 100,000 in Mdantsane near East London, and approximately the same number in Crossroads near Cape Town's airport (Giliomee and Schlemmer, 1989:115-116). The adverse conditions in these informal settlements posed several health and social risks, as Adam and Moodley (1993:12) put it, "what happens among the have-nots eventually affects the haves."

During the first half of the twentieth century, South African whites enjoyed economic self-sufficiency, but a growing economy began to require more unskilled and skilled labour than could be supplied by the white population group. As a result, there was an acute shortage of human resources in both the public and the private sectors (Giliomee and Schlemmer, 1989:115). The government greatly increased the number of whites employed in the civil service during the 1950s and 1960s. By the mid 1970s, the state had over-stretched itself and there were simply not enough whites to staff those positions in the private and public sectors that were traditionally reserved for them. Even the implementation of the myriad of apartheid laws came under pressure. The mammoth Department of Bantu Administration and Development⁹¹ simply found itself unable to curb the flow of blacks into the cities. Thus, out of necessity, more and more positions, traditionally reserved for whites, were opened to non-whites (Giliomee and Schlemmer, 1989:116).

⁹¹The name of this department was changed several times in order to "soften" its racial connotation.

Strategic concerns placed an additional burden on whites. Strategically, the state found itself increasingly in a hostile environment. The independence of Angola and Mozambique, an anti-South African struggle in South West Africa (Namibia) and military involvement in both Angola and Southern Rhodesia (Zimbabwe), overburdened a defence force consisting of mainly white males (see Race Relations Survey, 1976:1). Extensive compulsory military service by white males⁹² placed additional demands on a white workforce that was already unable to meet the demands of ordinary employment. Lengthy periods of military service disrupted the functioning of many sectors in the economy. Thus, as the military call-ups lengthened, they were seen increasingly as a burden (see Guise, 1993:21). Conscription for whites only, was in fact a form of discrimination against whites and hence a penalty on the white population.

Increased black militancy at home made even further demands on an over-extended police force. As President Botha expressed in a biography:

I realise that there are today tens of thousands and hundreds of thousands of brown people [coloureds] who are in all respects better than the weakest [swakste] whites. This is one of the burning questions of our population. We must give these people a say [inspraak], a greater share in the land - in the administration of the country, as civil servants, and in many other positions which you cannot fill with your weak whites...If we don't do this we will cause our own down-fall (De Villiers and De Villiers, 1984:89 in Giliomee and Schlemmer, 1989:116).

A further problem was the tax base that consisted mainly of whites. The relative decline of the white population, entailed a heavy tax burden on them to fund the administration of a growing, mainly non-white, population and a costly apartheid policy. Figure 3.2 provides an indication of the amount of tax paid by each population group in 1974.

Whites increasingly began to question the viability of a costly policy that was unacceptable to a proportionally growing majority. Moreover, specialists presented future scenarios and demographic data to cabinet that pointed to a steady weakening of the white demographic and political base (Giliomee, 1995:87; Thompson and Prior, 1982:218-219). A re-evaluation by the Afrikaner elite of apartheid as an instrument of Afrikaner self-determination

⁹²Conscription applied to white males only. Apart from a two year compulsory period of military service, there was an annual military service of usually three months' duration. In addition, volunteers were recruited from the other population groups, but were in the minority.

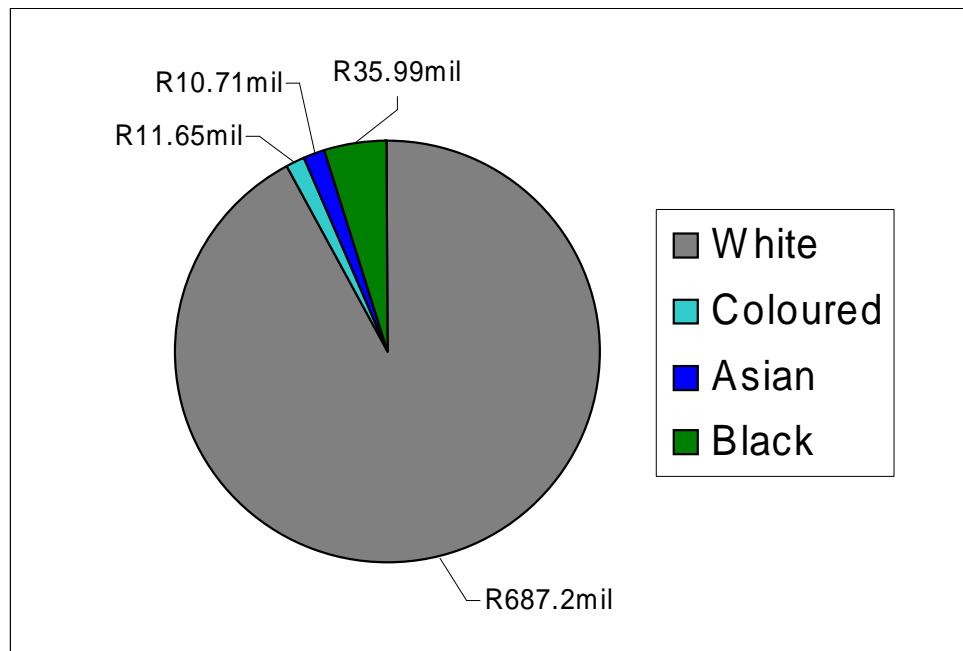


FIGURE 3.2: Tax According to Population Group: 1974

Source: Race Relations Survey, 1976:213

was inevitable. In a document titled, *Political Values for the Survival of the Afrikaner*, compiled by the Afrikaner Broederbond, it was argued that ultimately the most important prerequisite for Afrikaner survival was the acceptability of a new political dispensation to the majority of the population. In a concluding passage, the document stated bluntly: “The greatest risk that we are taking today is not taking any risks. The will to survive as Afrikaners and our faith and energy will serve as our greatest guarantee” (Giliomee, 1995:87).

Changes in the demography and in particular the declining demographic base of whites thus challenged the perception of apartheid as an instrument of white self-determination. This would become, together with the other challenges the government faced, a source of elite disunity.

3.3.2 POLITICAL CULTURE

In chapter two, the role and importance of the presence of democratic values within society as facilitators of democratisation, were discussed. Within the South African context, it is important to note that democracy was, as already mentioned, obtaining a firm hold on the South African society during the late nineteenth and the beginning of the twentieth

century. Whites became fully enfranchised when the vote was granted to white women in 1930. A white parliament was modelled on the Westminster system, the Rule of Law applied, regular elections were held, the executive was accountable to parliament and participation was unrestricted. Freedom of the press was largely respected by the authorities and the government refrained from interfering in the political activities of political parties and even of many of those organisations that campaigned for the rights of non-whites.

Even though non-whites initially enjoyed limited political rights, these were not extended in the same manner as democratic rights had been granted to the white population. The political rights of blacks were effectively frozen with the establishment of the Union in 1910. Thereafter, they faced an uphill and eventually futile battle to retain the limited rights they had previously enjoyed. Thus, liberal democratic values were already well established, not only among whites, but also among a number of non-whites. Part of the conflict was about extending political rights to all South Africans, irrespective of colour. Non-whites often worked closely with white liberals in their campaigns for political rights and had therefore been exposed to these values. Liberal values for example, played a role in the adoption of the Freedom Charter, which as mentioned before, had been adopted by the people. Liberal values were, as indicated in the section on ideological cleavages, not the only values that non-whites ascribed to. However, the importance of non-whites having been exposed to democratic values, within South Africa, should not be ignored. In this sense, the South African context for transition differed substantially from many other transitions to democracy.

For the greater part of the long history of non-whites' struggle against oppression, peaceful means, such as deputations, petitions, consultations, conferences and civil disobedience were the preferred methods of protest. The armed struggle was only adopted in 1961 and it was often justified by arguing that it was a reaction to state brutality. However, revolutionary solutions were advocated by the left-wing. Thus, preferences for solving issues through peaceful means should be seen as compatible with some of the fundamental values of liberal democracy, such as tolerance even though these competed with more revolutionary preferences.

It should, however, be noted that white “democracy” was to an extent, a liability, because the government often preferred to take decisions that would not endanger the power base of the ruling party, but which were not necessarily in the long term interests of South Africa as a whole. Thus, part of the reluctance to extend democratic rights, was the fear of losing power.

3.3.3 ECONOMIC DEVELOPMENT AND CRISIS

As discussed in chapter two, the economy has a double role in facilitating democracy. On the one hand, increased economic development and affluence will eventually lead to an increased demand for political rights, as well as a better chance to sustain democracy. On the other hand, research has shown that many transitions take place when the economy comes under pressure (see Haggard et al, 1995; Gill, 2000). Both economic development and economic difficulties were present in South Africa. An additional consequence of economic development, within the South African transitional process, was its integration of the South African society and the pressure it put on the viability of apartheid either as a goal in itself or as an instrument for Afrikaner self-determination.

It is difficult to correlate early democratisation in South Africa with economic development, since the economy was quite underdeveloped. However, after the unification, economic development clearly correlated with political participation and activism. Economic growth and modernisation were conducive to the organisation of labour in order to improve the underprivileged masses’ material benefits (see Marx, 1992:192). Attempts to limit the access of non-whites to a developing economy, in favour of whites, caused widespread dissatisfaction and was an additional factor that prompted non-whites to campaign for their rights. In spite of these limitations, the economic development of South Africa improved the economic situation of all race groups in general.

Since the discovery of diamonds and gold in South Africa in the second half of the nineteenth century, the South African economy underwent dramatic changes, which in turn, affected social patterns such as urbanisation. In spite of attempts to prescribe and proscribe the non-whites’ access to the economy, it was the economy that played a cementing role

in keeping the various “parts” of the population together. It was this fact that would prove to be the Achilles heel of apartheid. For as long as whites could supply the economy with its workforce, it was possible to preserve the colour-bar in employment (see Guise, 1993:22). This soon proved to be wishful thinking and non-whites increasingly became a source of labour in an expanding and diversifying economy, “industrialists were more effective in imposing their interests upon the day to day administration of influx control policy, than in its design and legislative promulgation” (Posel, 1989:199; Giliomee and Schlemmer, 1993:116; Giliomee, 1995:87).

Certain factors facilitated the entry of non-whites into the economy. As unskilled and even semi-skilled labourers, they received lower salaries than whites received and were therefore in demand in the various sectors of the economy (see Duggan, 1973:111-116). The early phase of industrialisation was characterised by the predominance of mining and agriculture as well as a reliance on uneducated and poorly-trained black workers, many of whom were migrants. Some employers preferred to make use of migrant labour. In fact, a migrant workforce of South Africans helped to integrate geographically widespread communities into the wider South African society and thus into South African politics as well. It had already been stated in 1964 by the then Minister of Bantu Affairs, that if apartheid were to fail it would be due to uncontrolled economic integration (Posel, 1989:214).

Increased economic development, and the rise of the manufacturing sector since World War II (Table 3.4) has increased the demand for a skilled and productive workforce.

TABLE 3.3: The Contribution in Percentage of Sectors to the GDP*

	Agriculture & Forestry	Mining & quarrying	Manufactu- ring etc.	Commerce & Cater- ing	General Govern- ment	Other
1950	14.5	15.1	16.5	11.3	11.2	31.4
1960	11.9	17.8	19.1	10.7	10.8	29.5
1970	8.3	18.3	21.2	12.2	9.5	30.5
1980	8.5	11.5	25.6	12.1	9.9	32.4

*At constant 1974 prices by type of economic activity.

Sources: Giliomee and Schlemmer (1993:117); Greenberg (1980:426); *South African Reserve Bank Quarterly Bulletin*, 1981

A shortage of skilled and semi-skilled labour opened up new avenues for non-whites

(Giliomee and Schlemmer, 1989:117; Posel, 1989: 204). The percentage of skilled and semi-skilled labourers in the black workforce in the manufacturing industry increased from 9,5 per cent to 16 per cent between 1936 and 1960 (Posel, 1989:205). There was likewise an increased demand for black skilled labour in the other sectors of the economy. The percentage growth in the employment of blacks soon exceeded that of whites and the trend was to continue. Between 1971 and 1977, whites comprised only a quarter of the increase in fully employed, skilled, blue-collar workers (15 600 out of 65 700). Employers increasingly wished to train blacks and employ them in more senior positions in spite of opposition from white trade unions and apartheid purists in the government. In 1977, at the end of a severe recession, forty-five per cent of a sample of leading manufacturers expressed the view that the lack of adequate skilled labour was compromising production and by 1980, this figure rose to eighty per cent. These shortages forced both the government and employers to open the labour market to non-whites (Giliomee and Schlemmer, 1989:117).

These developments effected major changes in the racial profile of the labour market. Middle-level human resources, for example, dropped from eighty-two per cent white at the beginning of the sixties, to sixty-five per cent in 1981. The entry into middle-level positions was spearheaded by coloureds and Indians, but the advance of blacks was not insignificant. The apartheid hierarchy remained intact, because as whites moved upwards, non-whites filled the positions that became vacant (Giliomee and Schlemmer, 1989:117).

A small yet important professional and capital class developed among non-whites. There was for example, a sharp increase in both white and black civil servants, particularly police, teachers, and nurses, as the state tried to cope with the administrative demands of the fast-growing black population.

Another important development was the narrowing of the gap between the remuneration of non-whites and whites. Between 1970 and 1975 the white-black wage gap fell by 3,6 per cent per annum and by 2,3 per cent per annum between 1975 and 1981 (Nattrass, 1990:118). Giliomee and Schlemmer (1989:117) quotes Merle Lipton (1988) as follows:

Increasing numbers of them [blacks] in many branches of industry...are doing the same jobs as whites, even though this may be done on different shop floors of the same factory, in different factories or in different areas. Moreover, many of these

blacks...are in superior jobs to those of some whites.

Even though non-whites and in particular, the black majority may have enjoyed equality in the workplace, and may have occupied positions superior to whites, socially and politically they still held inferior positions. It is understandable that this increasingly became an untenable situation that would result in the intensification of the onslaught on the “regime.” As indicated segregation caused the black elite to co-operate and mobilise the black working class, instead of co-operating with the white elite.

Mobilisation of the working class was aided by the growth in the number of black trade unions and their increased sophistication - all products of industrialisation and economic development. The growth of trade unions was facilitated by reforms in labour relations that emanated from the recommendations of the Wiehann Commission of 1979. Unions were established at shop-floor level and developed close links with various “struggle” organisations, such as civic associations in the black townships (Webster, 1991:54-55; De Villiers, 1993:331). Webster (1991:57), advanced the concept of social movement unionism, that is “union involvement in new urban social movements such as the civics and other organisations that are traditionally seen as outside the union movement” to explain the evolving form of trade unionism (De Villiers, 1993:331-332). This type of unionism is common where the working class is excluded from political participation. In other words, in addition to their “bread-and-butter” function, unions become involved in a broad range of political issues (De Villiers, 1993:331-332) as will be discussed later in this chapter and in chapters four and five.

The South African economy experienced significant growth and diversification, but also increasingly experienced pressure in a number of areas. Shortages in skilled labour, politicised industrial action, increased black militancy, the brain drain, government actions and apartheid policy all began to impact negatively on production, investor confidence and economic growth in general. Another source of pressure came from the international arena and international sanctions were important in this regard. International sanctions aggravated some of the weaknesses of the South African economy and curbed economic growth. The effect of sanctions must, however, not be over-emphasised. Foreign investment was partly influenced by perceptions of instability and poor investor confidence in South Africa (Giliomee

and Schlemmer, 1989:192).

Thus, sanctions worked in tandem with internal pressures to create a pervasive sense of business pessimism. Only by negotiating a stable political framework attractive to new investment, could the government hope to address the country's fundamental economic problems, particularly the grave crisis regarding unemployment among blacks and the over taxation of the taxpaying section of the population (Giliomee, 1995:89).

Economic development slowly undermined and eroded apartheid and fuelled demands for equal and democratic rights. The economic problems experienced because of a number of factors, prompted the government to pay attention to these, including the demand for a new political dispensation. Economic conditions could, therefore, be regarded as important within the South African transitional process.

3.3.4 INTERNATIONAL PRESSURE

The role of international or external factors in the process of democratisation was discussed in chapter two. As mentioned, the contribution of international factors is usually secondary to domestic factors, but these often enhance the effect of domestic (internal) factors. It has been noted that international pressure may be decisive in determining whether a state becomes a democracy or not (Huntington, 1984:205-7; 1991:85-100; Whitehead, 1986:3-46; Gill, 2000:105-106).

According to Sisk (1992:126), there is a clear link between international political action and the end of apartheid in South Africa. The government's eventual decision to negotiate was also influenced by economic pressures among which, foreign sanctions played a definite, if complex, role (Giliomee, 1995:88). Apartheid in South Africa became one of the most pressing issues troubling the international community in the twentieth century. No other issue has commanded more sustained attention from the UN than apartheid. The focus in this section is on the extent to which external factors might have determined South Africa's prospects for democratisation and which might have provided the needed incentives for the various elites and broader segments of the population to move towards regime transition (see Karl, 1990:4; Manning, 1990:94). In short, the focus is on the connection between the

domestic and international struggle against apartheid.

The breadth and depth of the international pressure exerted on South Africa, both formally through international organisations, governments, and international financial institutions as well as informally through the activities of non-governmental organisations such as the London-based Anti-Apartheid Movement, were phenomenal. South Africa was condemned for its apartheid policy in virtually every international forum (Sisk, 1992:127).

As discussed in chapter two, three types of international pressure are important, namely direct and conscious policy from outside the particular state concerned; pressures emanating from the structures of the international economy (Gill, 2000:18); and the persuasive effect of the example set by the democratisation of other states (Pridham, 1991:10, 18-20; Huntington, 1991:100-106).

MECHANISMS OF DIRECT PRESSURE

Mechanisms of direct pressure usually include penetration, intervention, isolation and mediation (Geldenhuys, 1989:272). All of these were employed in varying degrees by a number of international actors to exert pressure on the South African government to put an end to apartheid and to democratise itself.

Penetration

Penetration of the South African scene manifested itself in the presence and involvement of international diplomats, agents, agencies, non-governmental organisations (NGOs), business and private individuals in the political, economic, defence and socio-cultural affairs (see Geldenhuys, 1989:272-278). Through penetration, South Africans and the government in particular were exposed to different ideas and experiences concerning its political dispensation. The adversaries of the government (the ANC in particular) in turn, successfully penetrated the international community and were able to influence them. Thus, a complex network of interactions developed that would affect both sides to the conflict. A constant stream of foreign visitors came on official and unofficial “fact-finding” missions to South Africa, often criticising the government either in public or in private (Geldenhuys, 1989:273).

Pressure exerted by contact with Taiwan for example, directly improved the position of Chinese in South Africa and most discriminatory measures that affected them were abolished in the seventies.⁹³

Intervention

South Africa found itself in the unenviable position of being a target for international intervention through more coercive measures. A number of reasons prompted the international community to become more explicitly involved in the internal affairs of South Africa. Some of these reasons were: concerns over human rights; the fear that South Africa's problems could escalate into a civil war that might spread to the region; the strategic interests of the major players in the Cold War; and affinal ties of the population with other regions of the world - whites and Europe; blacks, Afro-Americans and Africa; Indians and India; Chinese, Taiwan and China; communists and the USSR (see Lijphart, 1985:1-2; Geldenhuys, 1989:278-281). There were a wide range of often diverse objectives with intervention - from for example the unbanning of banned organisations to a complete restructuring of society (Geldenhuys, 1989:280).

Up to South Africa's independence, Britain was the colonial power in South Africa and was therefore regarded by non-whites as having a moral duty to intervene in the internal affairs of South Africa and in particular with regard to discriminatory practices on the basis of race. Britain, however, regarded conflict between the English and Afrikaners as a greater threat to their interests than the quest of non-whites to secure their rights.⁹⁴

This interpretation of interests was further complicated by the intervention of the USSR when it targeted South Africa with the aim of encouraging a revolution amongst blacks targeted specifically against British interests (Carter, 1958:61). During the Cold War that followed, the West regarded the anti-communist white government as being on their side in

⁹³Though the number of Chinese was small, their incorporation into "white society" provided an important opportunity to learn from.

⁹⁴Some, like O'Dowd (1991:44-45) simply are of opinion that Britain did not regard it in their interest to grant non-whites in South Africa political rights, for it would create a precedent that they could not afford in the rest of the empire. It was only after 1948 and in particular after the wave of independence in Africa that Britain actively began to exert pressure on the South African government. South Africa also tried to intervene in the politics of Botswana, for example due to the fact that the likely President was married to a white lady.

the ideological struggle, but at the same time, they feared that should the conflict get out of hand, South Africa might end up on the side of the USSR. Thus, there was the realisation that a solution was necessary but that the solution should not jeopardise the interests of the West. Important, in this regard is the veto that was accorded to the three Western powers, namely the USA, Great Britain (GB) and France in the United Nations Security Council (UNSC). This was an important mechanism to influence South Africa's internal affairs.

As previously indicated, South Africa's treatment of Indians did not go unnoticed by the Indian government. It was indeed India that placed South Africa's racial policies firmly on the international agenda and in particular, the UN. The first expression of international disapproval of South Africa's race policies was raised in the UN in a motion brought by India pertaining to South Africa's then 280 000 strong Indian population (Sisk, 1992:127). This motion was approved by the General Assembly in 1946 (A/RES/44 (I) 8/12/1946).⁹⁵ Several more resolutions on the position of Indians would follow.

The ANC also approached the UN and a resolution dealing with South Africa's racial policies was adopted in 1952⁹⁶ and a Commission on the Racial Situation in the Union of South Africa was also appointed.⁹⁷ The Organisation of African Unity (OAU) that was established in 1961 had the explicit goal of ending colonialism within Africa. At best, South Africa was seen as a settler state in which the natural population were oppressed. With the wave of independence of African States, who had become members of the UN⁹⁸ since 1955, the UN's role would become more important.

The military, economic and cultural hegemony of the USA has spread over most parts of the globe. The role of the United States of America as a vanguard for democracy in the world, is important to the American people. The USA harmonised its foreign policy with democratic values, therefore, the promotion of democracy has historically been a part of

⁹⁵General Assembly resolution: Treatment of Indians in the Union of South Africa. A/RES/44 (I), 8 December 1946.

⁹⁶General Assembly resolution: The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa. A/RES/616 A (VII), 5 December 1952.

⁹⁷The Commission compiled several reports, such as: The United Nations Commission's First Report on The Racial Situation in the Union of South Africa, A/2505 and Add. 1, 1953; Second Report A/2719, 1954; and Third Report A/2953, 1955.

⁹⁸Egypt, Ethiopia, Liberia and South Africa were Charter Members of 1945. Libya became a member in 1955.

USA policy. Huntington (1991) elaborates on the nature of American society, by quoting Wiarda (1990:190):

The nature of the USA has left it little or no choice but to stand out among nations as the proponent of liberty and democracy. Clearly, the impact of no other country in world affairs has been as heavily weighed in favor of liberty and democracy as has that of the United States.

The Civil Rights Movement among Afro-Americans, as well as their political relevance within the USA was important in moulding the foreign policy of the USA regarding South Africa. Thus, a combination of liberal democracy, human rights and strategic interests prompted the USA to intervene systematically in South Africa's racial dispensation.

The Carter administration (1977-1980), made human rights a major theme of American foreign policy and placed it on the world agenda (Huntington, 1991:91-92). This progressively gained ground among mainstream political opinion in the USA to become political orthodoxy by the mid to late 1980s. Regarding Southern African issues, President Carter said:

We...believe that our overall conduct of foreign relations will be strengthened by the moral premise inherent in our stance on [Southern African] questions...We made it very clear that we oppose apartheid. We think that because the South African system is unjust, it may well lead to increasing violence over the years (Rothchild, 1973:307).

The Carter administration's method of handling of the problem of Southern Africa was through an intervention involving their openly identifying and siding with the aspirations of black Africa and other Third World states against South Africa. Moreover, Carter was determined to put even more pressure on South Africa. The USA government began to call for the introduction of the one-person-one-vote principle in South Africa (Geldenhuys, 1991:254-256; Jenkins, 1990:276-9).

The issue of military intervention was also raised and the theoretical grounds for such an intervention was expanded to include a range of human rights issues, such as humanitarian intervention in cases of crimes against humanity and the notion of precautionary intervention. South Africa's regional policies caused concern and calls for military intervention to counter South Africa's regional aggression were made (Geldenhuys, 1989:279-280).

Isolation and Sanctions

Enforced isolation could be linked with more radical forms of intervention. It has the objective to “quarantine” the target state to force it to submit to external demands and in the case of South Africa, these were demands with regard to its racially based political system and its aggressive policies in the region. A variety of sanctions such as diplomatic, political, economic, military and socio-cultural, were the usual *modus operandi* used to isolate and ostracise South Africa (see Geldenhuys, 1989:281).

After the Sharpeville incident in 1960, the regime experienced the effects of international exposure to apartheid and its associated economic, political and social costs. The denunciation in the UN, capital flight, and calls for international economic, social, and cultural boycotts that followed in its wake, were all instrumental in systematically isolating South Africa from the international community. The struggle against apartheid accelerated and became widespread, so too did the condemnation from the international community (Sisk, 1992:126). The bulk of the UN resolutions adopted on South Africa since the 1960s have been designed explicitly to isolate it from the international community (Geldenhuys, 1989:283).

Britain, the USA and in particular the UN, thus, changed their attitude, and approach to the struggle, dramatically after Sharpeville. Some Western states such as the USA and Britain, were hesitant about isolating South Africa completely, but even Britain agreed at that stage that South Africa’s race policies were exceptionally unique and required more drastic measures (Stultz, 1987:31). It is understandable that as UN membership of African states increased dramatically, that calls for coercive sanctions against South Africa would intensify. In 1961, the new African states joined forces in calling for diplomatic and trade sanctions against South Africa. Several resolutions were adopted concerning South Africa. In 1962, for example, the General Assembly adopted a resolution (1761: XVII)⁹⁹ by an overwhelming majority calling for sanctions against South Africa, which included a non-binding arms embargo¹⁰⁰ (Sisk, 1992:128). In 1963, the representative of the USA announced the decision of the USA to stop the sale of arms to South Africa in the Security Council.¹⁰¹

⁹⁹General Assembly resolution: The policies of apartheid of the Government of South Africa. A/RES/1761 (XVII), 6 November 1962.

¹⁰⁰The resolution was approved by a vote of 67 against 16 with 23 abstentions (Sisk, 1992:128).

¹⁰¹S/PV.1052. 2 August 1963.

Rejection of South Africa's policies grew steadily during the period 1960-1976, that is between Sharpeville and the Soweto uprising. Thus, in 1977, there was again a marked increase in the condemnation of South Africa, not only in the UN, but worldwide (Shin, 1997:182). The growing isolation at the UN was largely effected by the erosion of the number of "states prepared to openly oppose such resolutions" (Stultz, 1987:41). As the perception of the legitimacy of the regime was systematically being undermined within the international arena, actions against South Africa strengthened (Shin, 1997:182).

Worldwide, the campaigns for sanctions against South Africa gained momentum. Demands for sanctions were increasingly on the agenda of the USA Congress. This was, as mentioned, particularly the situation during the Carter Administration when the Democratic Party held the majority in the House of Representatives. The campaign for disinvestment continued on USA campuses and in government employee unions. Liberal lobbyists scored at the local level; twenty-six state governments and one hundred cities halted the investment of public money in companies dealing with South Africa (Geldenhuys, 1991:254-256; Jenkins, 1990:276-9; Shin, 1997:184). Economic and military sanctions can only have an effect if such relations actually exist. Therefore, sanctions imposed by its trading partners such as Belgium, Canada, Denmark, Japan, the Netherlands, Norway and Sweden which all had unilateral measures in place in addition to their commitments as members of international organisations, made it difficult for South Africa to realise its economic goals (Manby, 1992:198-199). South African law, however, made monitoring and enforcement of these sanctions very difficult.

The Protection of Businesses Act No. 99 of 1978 which barred firms from releasing information about their operations without government approval, prevented South African private firms or civilian parastatals from revealing the relevant information. Also, under the National Supplies Procurement Act No. 89 of 1970 (as amended) the South African government was able to commandeer any goods and services produced in South Africa regardless of a company's intentions or policies, and could have ordered that the transaction be kept secret (Maxwell et al, 1979:593). These laws called into question any commitment made by American firms to prevent the illegal end-use of their production. It also shielded the companies from legal liability, because they bore no responsibility for end-use unless they

knew of its destination beforehand (Raymond, 1987:144).

The debate on the economic sanctions against, and isolation of South Africa, was a long and bitter one (see Adam and Moodley, 1993:52-58). Most of the debate surrounding South African sanctions centred on the question of whether economic pressures were the most effective means of eliminating apartheid (Rodman, 1994:314). In general, it was difficult to control economic transactions and South Africa even traded clandestinely with the USSR and the majority of African States, for example (Geldenhuys, 1989:283).

Socio-cultural sanctions such as restrictions on travelling, access to data sources and attendance of conferences were disruptive and often experienced by ordinary people. In many instances, permission was granted by foreign governments for example, for the attendance of conferences, provided that the attendee signed a document stating that he/she did not support the policies of the South African government. The psychological impact of being an undesirable, an outcast, through one's support of the policy of apartheid was probably a factor in the changing attitudes of South Africans. Cultural sanctions also included bans placed on the screening of certain television programmes in South Africa. Sports isolation was extensive and South Africa was systematically prevented from participating in most international sporting events, such as the Olympic Games. Furthermore, international sporting administrations systematically curtailed participation in bilateral events such as in cricket and rugby. Individuals from South Africa were also prevented from participating in international events. Most ordinary white South Africans were probably affected by or were familiar with what was known as the sports boycott (see Karis and Gerhart, 1997:359-363).

Although the issue of sanctions was not the only factor in the South African government's decision to initiate a process of negotiation with the black liberation movements and to repeal the major apartheid legislation, such international economic isolation made it impossible to repress the internal demand for political change indefinitely (Manby, 1992:215-216).

Mediation

Throughout the history of apartheid, mediation and "good offices" were other techniques employed in an attempt to find a peaceful solution to the dispute between the contending

parties. An example, is the Group of Experts that were appointed by the UN Security Council in December 1963 “to examine methods of resolving the present situation in South Africa” and to advise on the UN’s role in that regard (Geldenhuys, 1989:286). Likewise, the Commonwealth appointed a Group of Eminent Persons to impose mediation from outside. The unilateral nature of these attempts made them largely ineffective. Mediation, however increasingly became important and especially towards the later stages of democratisation (Geldenhuys, 1989:286-288).

PRESSURE EMANATING FROM THE GLOBAL ECONOMY

Pressure emanating from the global economy was another factor of importance. As mentioned, the debate on the effect of economic sanctions remained unresolved. South Africa was undeniably experiencing economic difficulties, but the question was whether these were caused by sanctions per se, or merely by the realities of the international economy (see Gill, 2000:21-25). Most of the problems South Africa experienced were also experienced by other developing countries and some problems like escalating oil prices even affected developed economies. The internal cost of apartheid, as well as the cost of containing the spiral of discontent, was however, exacerbated by ordinary economic realities, both domestic and international. Disinvestment was often not a conscious decision to boycott, but rather the consequence of changes in calculated risk. Thus, risk increased as the spiral of discontent continued and gained momentum unabated. Economic pressure resulting from a global economy unquestionably made apartheid unaffordable and influenced decisions to liberalise.

DEMONSTRATION EFFECT OF SUCCESSFUL DEMOCRATISATION

The demonstration effect of the success of democracies and the successful transition to democracies is another aspect of the international context that played a role in South Africa’s eventual transition to democracy. Huntington (1991:100-1; Gill, 2000:20-21) is of the opinion that successful democratisation in one state encourages other states in a similar situation to democratise, because they might become aware of the advantages, possibilities, difficulties, and methods of successfully achieving a democratic transition. Successful democratic

transition in one state serves therefore as an example for other societies. Thus, it is difficult for any state to deviate from the dominant political and social trends in the world. Hence, the international demonstration effect is felt everywhere (Huntington, 1991:102). Through various communication media, South Africans were not only exposed to the events in the third wave of democratisation, but also to the consequences of the failure to act timeously, as was the case with the Iranian Revolution.

To summarise, the policies of apartheid and separate development went against the norm of the dominant post-war themes of liberalism, decolonisation and self-determination, and the principles of equality underlying the fundamental human rights doctrine. The resolutions of the UN reflected the international community's rejection of the South African government's defence of separate development as an instrument for the realisation of self-determination for all (Sisk, 1992:127).

Thus, what in the end made international factors influential in determining South Africa's path to democracy? Globalisation or contemporary internationalisation is usually regarded as an explanation for the importance of foreign or external influence in political change. Globalisation suggests that the political, economic, and social activity of human beings and governmental systems increasingly interact and foster growing interdependence. The interconnectedness of states and societies has intensified in the wake of globalisation, and international borders have been weakened by modern communication systems and the information revolution (Pridham, 1991:216-219). The emergence of a global socio-politico-economic system which reaches beyond the control of any single state, the growth in international organisations, and the intensification of multilateral diplomacy and trans-governmental interactions which can check and limit the scope of even the most powerful state, make most countries vulnerable to the effects of international factors.

The success of the apartheid policy of the NP in enfranchising Afrikaner South Africans and bringing them into the capitalist sector of the economy, brought with it the realisation that apartheid was inefficient in the long term and had a negative impact on the living standards of both whites and blacks alike. This realisation was reinforced powerfully by

South Africa's continued economic dependence on foreign capital for growth. In addition to the factors outlined above, there were the enormous costs, such as economic and sports isolation, imposed on the regime by the international community.

3.3.5 REGIME BREAKDOWN AND ELITE DISUNITY

The concept of regime breakdown implies the “deconstruction or disintegration” of a regime (Gill, 2000:8). The breakdown of a regime has been identified as an important stage in regime transition, by providing an opening that could facilitate the ushering in of a new government and regime - though it does not necessarily guarantee that the new regime will be democratic. Within an appropriate macro-structural environment, elites may utilise opportunities in the event of a regime breakdown and make the transition to a democracy, a reality. As demonstrated by studies of the third wave of democracy, “democracy could not be successful without the withdrawal or collapse of authoritarian power...the emergence of a democratic regime must be preceded by authoritarian breakdown” (Gill, 2000:8). Conflict and political mobilisation, economic crisis, and international pressures are, as discussed, all important in this regard. Likewise, elite disunity among the ruling elite, is important and could signify a loss of power and a weakening of the regime.

There were indications that elite disunity was already a reality among the ruling elite towards the end of the seventies. There were early differences among the ruling elite on whether apartheid ideology should be interpreted in a rigid and purist manner or in a more flexible and pragmatic manner. The breakaway of a number of more conservative followers from the NP over the latter's less dogmatic interpretation of apartheid resulted in the break-away of the Herstigte Nasionale Party (“Reconstituted National Party” - HNP) in 1969. In general the NP and in particular the Afrikaner Broederbond contained as already mentioned, more “verligte” (enlightened) and more “verkrampste” (conservative) factions, often resulting in conflicting statements concerning government policy (Race Relations Survey, 1979:7). Disunity gained momentum with the revelations and consequences of the information scandal that ushered in a more pragmatic and less conservative government under PW Botha in 1978 (Race Relations Survey, 1979:6).¹⁰² As will become clear in the following chapters,

¹⁰²Even though PW Botha is usually regarded as conservative, a more conservative Dr Mulder was also in

elite disunity in the face of increasing challenges brought about by conflict and mobilisation, economic and international pressure, would become a serious problem with which the ruling elite would have to deal. Within the South African context and unlike most other transitions to democracy, an added problem was the fact that the regime was dependent on the white electorate. Thus, loss of election support was a reality with which the governing party had to deal.¹⁰³

In conclusion, macro-structural factors were therefore, important in the South African transition to democracy. Certain factors proved to be serious obstacles to transition and in particular, the presence of deep cleavages and conflict and violence that were fomented and nurtured along the various lines of divisions. To a large extent there was a confluence of statutory race divisions, class structures and ideology. These were however mitigated by: a political culture that was experiencing the nurturing and growth of democratic values, the equalising effect of religion, and in particular, Christianity and a common, but expanding economy. While these macro-structural factors were advantageous for a transition to democracy, they would soon come under pressure and would in turn exert pressure on the regime. Thus, hardening attitudes in a political culture that became more hard line, economic stagnation, international pressure and elite disunity all pressurised the government into the realisation that apartheid had become a liability and was no longer an instrument for Afrikaner nationalism.

3.4 STATE - POLITICAL SOCIETY - CIVIL SOCIETY AND THE STRUGGLE AGAINST APARTHEID

From the discussion, thus far, it should be clear that the South African state had a peculiar and complex structure. A complex and expanding political society, as well as a civil society that could interact with and/or challenge the state, had already been in the making from an early stage in South African history, albeit along racial lines.

line for the then premiership.

¹⁰³A classic example of election support hampering policy decisions is the case of the British Labour Party and the trade unions (see Greenaway, et al, 1992:164-182).

As already alluded to, both political society and civil society played an important, yet complex role in the struggle against apartheid. Organised non-white opposition to white rule has a long history antedating apartheid. Facing a regime that had largely excluded them from political participation, three interrelated questions were of primary importance to organisations in the struggle (Horowitz, 1991:13): (1) Who belonged to South Africa? (2) Who should be included in the struggle against the regime? (3) What political dispensation would be appropriate for a future South Africa? The responses to these questions varied over time, as well as amongst organisations and they were not formulated in isolation, but as part of a reaction to white preconceived notions. These reactions, in turn, influenced white responses. Racial, ethnic, class and ideological cleavages were, therefore, important in the dynamics of the South African polity within the domains of state - political society - civil society. It is within these domains that the macro-structural factors impacted on South African society, in general and the elite, in particular (Horowitz, 1991:13).

It is at this stage necessary to provide a brief outline of the most important actors, issues and actions present in the domains of state - political society - civil society.¹⁰⁴

3.4.1 STATE

As mentioned before, the state had been controlled by whites and in particular by the NP since 1948.¹⁰⁵ A complex set of political structures had been created to safeguard the position of whites and to provide political outlets for the other race and/or ethnic groups.

Though all South Africans of all races, were “theoretically” citizens of the South African state, this was not the case in practice.¹⁰⁶ In the struggle, reference was made to first-class citizens (whites) and second-class citizens (non-whites). Only whites had a say in how the state should be governed and while the executive was indeed accountable for its actions, it was only to the white electorate. Furthermore, South Africa had, because of its parliamentary

¹⁰⁴It is not possible to give a full account of state - political society - civil society relations. Preference is therefore given to what would become important in the final stages of the transition.

¹⁰⁵A distinction has to be made between the NP as an ordinary party and the NP in “office.” The reality confronting a ruling party differs significantly from its interactions with its constituency as well as with the party bureaucracy (see Katz and Mair, 1994).

¹⁰⁶Citizenship was indeed a complex phenomenon and due to apartheid policy many non-whites were deprived of their citizenship.

executive system, an incomplete separation of executive and legislative functions. Thus, state and “white” political society overlapped to an extent.

As implied, separate political structures were created for the other race groups. Indians, coloureds and blacks, thus, were permitted a marginal degree of “input” with the establishment of a variety of political structures. The South African Indian Council (SAIC),¹⁰⁷ was established in 1964, but was a nominated institution for the greatest part of its existence. The coloureds had the Coloured Persons’ Representative Council¹⁰⁸ (CPRC) that was established in 1968 and consisted of forty elected and twenty nominated members (Karis and Gerhart, 1997:238-239).

Blacks had to be content with the homelands. Based on ethnic identity, the policy of homelands made provision for full republican status of a homeland, if desired. This had implications for an analysis of the state, because the state saw the homelands as potential separate states that would have no need for political participation in a “white” South Africa. By the end of the period under discussion, two homelands had already gained “independence” namely Transkei (1976) and Bophuthatswana (1977). They were soon to be followed by Venda (1979) and Ciskei (1981). However, their “statehood” was never endorsed by the international community and they remained largely dependent on the South African state for the conducting of their affairs (see Thompson and Prior, 1982:92-94). The government regarded apartheid as the only means of safeguarding both traditional culture and political structures. Thus, they erred in regarding a desire to cherish culture and ethnic political structures as the legitimation of apartheid.

All the structures for non-whites formed part of South Africa’s political dispensation, but all (including the homelands) remained subject to the white government and legislation passed by a white controlled parliament, thereby relegating them to the same level as that of the white provincial structures, except that the latter had far more political powers. In addition to extensive local government structures for whites, provision was made for quasi-political structures at local level for the other race groups, such as the Urban Bantu Councils and the Community Councils for urban blacks. Lack of financial means and strict

¹⁰⁷The abbreviation of the South African Indian Congress established in 1920, is also SAIC.

¹⁰⁸It is also known as the Coloured Representative Council (CRC).

subordination to white controlled political structures made them ineffective and therefore discredited within the struggle (see Venter, 1989:105-106; Thompson and Prior, 1982:95-98).

Although there were signs of a rethink of the policy of apartheid, the state became increasingly repressive in a spiral of opposition and suppression. As the state became more and more repressive, the security apparatus gained influence and importance within state structures as would be discussed in chapter four.

3.4.2 POLITICAL SOCIETY

As discussed in chapter two, political society consists of those groups that are specifically political in their outlook and aims, in order to promote and protect their constituents' interests within the political sphere. These usually include political parties, political movements and groups primarily organised to act within the political sphere, but it also includes institutions such as legislatures and other consultative fora (see Gill, 2000:6).

As implied above, political society¹⁰⁹ in South Africa was divided on the basis of race and these divisions were exacerbated by the statutory provision of separate political structures for the various race and ethnic groups. Even though some organisations allowed membership of all races and in particular, within the “non-white” category, non-racial political organisations were in reality, few in number and most were eventually banned.¹¹⁰ For an analysis of South African political society, it is important to mention its basic composition. Firstly, a variety of political parties and other groups functioned within the spheres of the system of state institutions and structures, either in support of, or in opposition to the basic principles underpinning South Africa's political dispensation. These institutions and structures included the white parliament, provincial and local legislatures, CRC, SAIC and a number of homeland “legislatures.” Secondly, a number of organisations functioned legally, but outside the institutions and structures of the system, often because they did not regard these as being legitimate. Thirdly, a variety of banned groups and organisations such as the ANC, SACP and PAC functioned outside the existing political order. It is also customary to distin-

¹⁰⁹Again not all the organisations in political society can be discussed, and the most prominent are mentioned here only.

¹¹⁰Note the Prohibition of Political Interference Act No. 51 of 1968 (later the Prohibition of Foreign Financing of Political Parties Act).

guish between parliamentary and extra-parliamentary political activity. The latter, included organisations from all three of the mentioned categories and will be used in combination with the above.

PARLIAMENTARY SUPPORT FOR APARTHEID

The NP was the main proponent and architect of apartheid even though racial and ethnic segregation was a fact long before it came to power.

National Party (NP)

It was originally founded in 1914 to promote the interests of Afrikaners in particular. It dominated the political scene during the second half of the twentieth century and was largely responsible for formalising apartheid. The NP who was the primary proponent of apartheid made every attempt from 1948 onwards to institutionalise and make a success of apartheid. During its uninterrupted rule from 1948, it was able to consolidate its support base among the white electorate and a section of civil society, and to weather challenges emanating from white politics. However, towards the end of the seventies, there were, clear indications of disunity among the elite of the ruling party as anti-apartheid activism increasingly gained ground. Disunity was evident in the conflicting statements regarding government policy made by the more liberal (verligte) and more conservative (verkrampte) members respectively of the cabinet.

EXTRA-PARLIAMENTARY SUPPORT FOR APARTHEID

There were a number of right-wing political groups that favoured segregation and a political dispensation based on race and the preservation of Afrikaner culture. Most of these were politically insignificant and only the HNP and AWB deserve to be mentioned. Furthermore, there was a belief that apartheid was supported by a significant section of non-whites.

Herstigte Nasionale Party (HNP)

The HNP was established in 1969 because of a perception that the NP was increasingly deviating from the central beliefs in apartheid ideology. Therefore, it advocated a “purist” interpretation of apartheid, however, it was unable to mobilise sufficient electoral support. In by-elections held after the Information Scandal in 1978, the HNP increased its support at the expense of the NP, but still failed to win any seats in Parliament. It also increased its support as a result of claims by the HNP that the government had betrayed the interests of the white workers by adopting the recommendations of the Wiehann Commission with regard to black labour (Race Relations Survey, 1979:10-11). However, for the most part of its history the HNP was, unrepresented in Parliament and of marginal political significance only (see Thompson and Prior, 1982:105).

Afrikaner Weerstandsbeweging (AWB)

The AWB was an Afrikaner cultural-political organisation founded in 1972. Its aim was to ensure the political freedom of Afrikaners. It never participated openly in elections, but was vocal on many political issues and was perceived to be a possible instigator of negative reactions to any departure from apartheid by the NP.

Support for apartheid among non-whites

It was extremely difficult to assess the support for apartheid among those non-whites who participated in the structures provided for them by the government. The ruling ideologues were inclined to interpret such participation in these structures as a legitimisation of the policy of apartheid. This was, as mentioned, important in the thinking of the government. For this very reason, most participants in the struggle objected to any form of participation in apartheid structures, as this was seen as a legitimisation of apartheid and of the government.

Those who participated argued, in turn, that these structures could be used to oppose the government and its policies peacefully, by maintaining dialogue and exerting pressure on them. In general, even though a minority might have supported separate political structures,

discrimination that went hand in hand with apartheid was universally condemned. The Freedom Party in the CRC was, for example, in favour of co-operating with the government but advocated a multi-racial parliament and rejected both black and white domination (Race Relations Survey, 1978:15-17).

A complex web of interactions developed between the system structures and the non-system opposition to apartheid. Though for very different reasons, both the government and those opposed to culture and traditionalism, viewed culture and traditionalism as being irreconcilable with a non-racial democratic dispensation (see Oomen 2005). It is, however, doubtful whether there was any significant support for apartheid among those that “co-operated” within these structures. Yet, as the history of South Africa’s transition unfolded, these structures were often targeted by the non-system opposition.

PARLIAMENTARY OPPOSITION TO APARTHEID

Parliamentary opposition to apartheid had a long and varied history, but towards the end of the 1970s, only the PFP and the NRP were of any significance.

Progressive Federal Party (PFP)

For the greatest part of NP rule, the United Party (UP)¹¹¹ was the dominant opposition in Parliament. The UP was unable to develop a viable alternative policy to apartheid that would be acceptable to the white electorate. This would eventually lead to its demise. The UP, however, gave life to a number of other political parties and the history of the PFP can also be traced to the UP when a liberal faction of Members of Parliament (MP) broke away from the UP in 1959 to form the Progressive Party (PP) - mainly as a result of unhappiness with the UP’s policy regarding non-whites. The PP favoured a qualified but non-racial franchise, arguing that the alternative was revolution. The formation of the party immediately preceded the peak period of confrontation between the NP and the ANC-led Congress Alliance, at the start of the 1960s (Williams and Hackland, 1988:210).

¹¹¹The UP was originally the United South African National Party, that emerged from the election pact between the South African Party and the National Party in 1934.

During the first general election that the PP contested, it lost twelve of its thirteen parliamentary seats and was left with only one MP, namely Helen Suzman, for the next thirteen years. In the 1974, elections, it won a total of seven seats. In 1975 it merged with the Reform Party (founded after another split from the UP after the 1974 general elections). At the merger congress, the party was renamed as the Progressive Reform Party (PRP) and the new party increased its representation to eleven MPs. The new name lasted only until 1977, when, after a further merger with yet another breakaway group from the UP, it became the Progressive Federal Party of South Africa (PFP) (Williams and Hackland, 1988:210).¹¹² In the general elections of that year, the PFP won seventeen seats and for the first time, became the official parliamentary opposition to the ruling NP (Williams and Hackland, 1988:210; Race Relations Survey, 1977:19-21).

The PFP advocated the idea of liberal democracy, which was based on individual participation in a multi-party, competitive system, albeit within some form of geographic federalism. It rejected the representation of defined racial or ethnic groups, but indicated that it would not oppose the right of the homelands to opt for independence, on condition that a majority of the people concerned expressed such a desire in a referendum (Race Relations Survey, 1977:20). The PFP policy did attempt to safeguard the white minority position through its federal provisions and a Bill of Rights. However, nothing in its policy guaranteed participation of minority parties in the executive. Opinion polls, conducted by Market and Opinion Surveys in the period 1974 to 1987, consistently showed minimal white support for a system in which they would no longer be in a position to choose their own white representatives (Giliomee and Schlemmer, 1989:158). Thus, in retrospect, it is clear that the PFP approach had little potential of winning significant electoral support at the expense of the NP.

The party argued, however, that increased support for a non-racial model would be the only effective means of demonstrating to the black majority and to the international community that increasing numbers of whites were prepared to break decisively with apartheid

¹¹²During the local government elections in Johannesburg, the new PRP obtained the most seats but not a majority. The UP then formed a governing "coalition" with the NP, that caused widespread dissatisfaction among members of the UP resulting in a breakaway. The UP was dissolved in June 1977, the remainder of its members forming the New Republic Party (NRP).

(Giliomee and Schlemmer, 1989:58).

New Republic party (NRP)

The NRP was created by the remaining UP members of parliament and supporters in 1977. It was of importance mainly because of its position as the official opposition for a brief period in 1977, until it lost this position to the PFP in the elections of November 1977. It championed a federal/confederal model with the maximum devolution of powers to local communities, as an alternative to the NP's apartheid and separate development and the PFP's liberal model respectively (Thompson and Prior, 1982:10).

EXTRA-PARLIAMENTARY OPPOSITION TO APARTHEID WITHIN THE SYSTEM

Opposition to the government, apartheid and the system itself, was rife within the political institutions established by the government to accommodate the political aspirations of non-whites. Of these, the Labour Party in the CRC, the Indian Reform Party (In the SAIC) and Inkatha (the KwaZulu homeland) were the most vocal in their opposition. Though these three political organisations joined forces in the South African Black Alliance, it was undoubtedly Inkatha that was the most prominent of the three.

Inkatha

Inkatha yeNkululeko yeSiswe (National Cultural Liberation Movement), was reestablished in 1975 by Chief Mangosuthu Buthelezi, a hereditary chief of the Buthelezi tribe and a Prince of the Zulu Royal House (Karis and Gerhart, 1997:251-252, 771).

Historically, "the party" of the Zulu had had strong support among Zulu migrants in the PWV¹¹³ and the Orange Free State¹¹⁴ goldmines. It was Buthelezi's role in the government of the KwaZulu homeland that reinforced the perception that Inkatha was primarily an organisation for Zulus. This also fostered criticism that Inkatha was collaborating with the apartheid regime, or at least as being too close to the government. Yet, Buthelezi was not

¹¹³Pretoria-Witwatersrand-Vereeniging - now Gauteng

¹¹⁴Now Free State

in favour of “independence” for KwaZulu and was opposed to apartheid in general (Sisk, 1995:144-145).

By later opening membership to non-Zulus and criticising the system, Buthelezi and Inkatha performed a balancing act between cultural traditionalism, working with the government, and the liberation of all non-whites in the spirit of “African humanism.” Buthelezi was thus one of the major critics of the South African system and he regarded South Africa as one country with “one economy and one destiny” (Prior and Thompson, 1982:206).

The South African Black Alliance (SABA)

In 1978 Inkatha, the coloured Labour Party and the Indian Reform Party joined forces to form the South African Black Alliance (Race Relations Survey, 1978:15). At its founding, the Labour Party expressed the belief that “if the coloured people wanted to survive in SA, they had to think in terms of a close alliance with all black people” (Race Relations Survey, 1978:31). The Reform party, in turn, expressed the hope that the Alliance would heal the rift between blacks and Indians (Race Relations Survey, 1978:31). They were later joined by the small Dikwankwetla Party of Qwaqwa and leaders from Gazankulu and KaNgwane - both small homelands. The SABA aimed for a just society, unity among organisations opposing apartheid, a common strategy in the struggle against apartheid and non-racialism (Race Relations Survey, 1978:31-32; Karis and Gerhart, 1997:227-230).

EXTRA-PARLIAMENTARY OPPOSITION TO APARTHEID OUTSIDE OF THE SYSTEM

As already indicated, non-whites and in particular blacks, have organised themselves politically since an early stage, in order to promote their interests and to secure their rights.¹¹⁵ Most of the relevant organisations and their members were banned, restricted or under surveillance for their opposition to the government and the prevailing political dispensation of South Africa. These organisations included both non-racial and pro-black organisations.

¹¹⁵As already mentioned in section 3.2.1, antecedents to the founding of the ANC, are Imbumba Yama Afrika (Union of Africans - 1882), and Mahatma Gandhi’s Natal Indian Congress (1894). Most of the founders of the ANC were middle class professionals who came together in a spirit of African nationalism in order to overcome divisive regional and tribal differences (Karis and Carter, 1972:61).

African National Congress (ANC)

As mentioned in section 3.2.1, resistance to the exclusion of blacks from political power on the basis of race, led to the founding of the ANC in 1912.¹¹⁶ By 1923, the organisation had adopted a “Bill of Rights,” that included an affirmation of the following rights: the right of blacks and coloureds to the principles of liberty, justice and equality in the eyes of the law; a right to the democratic principles of equality of treatment and equality of citizenship in the land irrespective of race, class, creed or origin; a right to an equal share in the management and direction of the affairs of the land; and the right to direct representation by members of their own race in all the legislative bodies of the land, otherwise there can be “no taxation without representation” (Leatt et al, 1986:90-91).

The following are of particular importance in the long history of the ANC: the presence of various factions within the ANC; its co-operation with the SACP; the adoption of the Freedom Charter; its banning by the government; the armed struggle; its underground and lastly, its exiled structures.

As discussed in section 3.2.3, the ANC housed both Africanist and non-racial factions. Already at an early stage of its history, some of its members and officials were simultaneously communists. In 1927, for example, the ANC elected as its Secretary-General one of South Africa’s first black communists, Eddie Khaile, who, a year later, was elected to the Central Committee of the Communist Party of South Africa - CPSA¹¹⁷ (Horwitz, 1993:46; Karis and Carter, 1977b:50). Thus, the ANC housed three main ideological strands and their adherents, namely the Africanists, non-racialists and communists. Africanists promoted African self-reliance and national pride. By 1944, an “Africanist” tendency was prominent in the ANC Youth League¹¹⁸ led by Anton M Lembede. A Youth League policy statement declared, for example, that Africa was the black man’s country. This statement had two important implications. Firstly, it implied that blacks had an exclusive or at least a prior right to

¹¹⁶Originally as the South African Native National Congress (SANNC). Its name changed in 1923.

¹¹⁷Later the South African Communist Party (SACP).

¹¹⁸Most of the founders of the Youth League were of middle class origins and professionals (Karis and Carter, 1973:98-100). Founding documents refer to a “need for vigilance against Communists and other groups which foster non-African interests” (Karis and Carter, 1973:100). An outstanding philosopher of African nationalism or Africanism and a founder of the ANC Youth League was Anton M Lembede (Karis and Carter 1977b:55-57).

South Africa. Secondly, it was critical of the ANC's co-operation with whites, particularly white communists.¹¹⁹ Non-racialists, in turn, saw the Africanists' thinking as a mirror image of Afrikaner nationalist ideology (Horowitz, 1991:12-19; Karis and Carter, 1977a:310). The communists within the ANC were important for they brought the working class into the fold of the ANC. After the World War II, the presence of communists would also firmly place the ANC and thus a significant section of the struggle, against apartheid, within the Cold War dynamics.

The adoption of the Freedom Charter was, as indicated in section 3.2.3, another milestone in the history of the ANC and the struggle. Non-racialism triumphed in the Charter but did not resolve all the differences with the Africanists. In opposition with the declaration in the Freedom Charter of 1955 that "South Africa belongs to all who live in it, black and white...", "the Africanists rejoined in their journal that '[t]he African people have an inalienable claim on every inch of the African soil...The non-Africans are guests of the Africans [and] have to adjust themselves to the interests of Africa, their new home'" (Sisk, 1992 :114).

The ANC succeeded in functioning mainly on a racially inclusive assumption in choosing its allies and in advancing plans for a future South Africa, "a racially exclusive orientation was a minor strand running throughout the history of African political thinking" (Karis and Carter, 1973:404). There were however, times that the ANC came under an Africanist influence, mainly as a result of the role of Youth League leaders such as Oliver Tambo, Walter Sisulu and Nelson Mandela. In December 1949, it adopted, for example, a more militant African nationalist Programme of Action advocating black self-reliance and opposing co-operation with other race groups (Karis and Carter, 1973:403-409; Sisk, 1992:113). However, they, soon shifted to the acceptance of non-racialism and by the time of the ANC's Defiance Campaign of 1952, the ANC had already returned to a policy of co-operating with the multiracial, but disproportionately white and Indian, CPSA, as well as with other whites who opposed apartheid. Opposition to the influence of other race groups within the organisation would remain but was often muted. The ANC thus succeeded in maintaining some liberal aims, even though it sometimes referred to the leading role Africans had to play in the

¹¹⁹Theoretically, the constitution of the Youth League was non-racial, for membership was also possible for "young members of the other sections of the community who live like and with Africans and whose general outlook on life is similar to that of Africans" (Karis and Carter, 1973:101).

liberation struggle, and some of the Charterists even spoke of “settlers,” thieves who have “come and stolen my land” (Sisk, 1992:113; Karis and Carter, 1973:403-409).

For most of its history, the ANC favoured peaceful, or what it termed constitutional, means of promoting the interests of blacks and other oppressed. Closer co-operation with the CPSA/SACP in the fifties gave a more revolutionary interpretation to the struggle (see Kotze, 1994).¹²⁰ NP policy and events following the Sharpeville incident such as the state of emergency and the banning of the ANC in 1960, led to the ANC taking up the armed struggle and creating Umkhonto we Sizwe (MK - Spear of the Nation) in 1961 as an armed organisation separate from the ANC.¹²¹ MK was essentially a guerrilla organisation formed to bring about change through violence. After the banning of the ANC, it subsequently went underground and many of its leaders went into exile, from where they would organise and conduct the struggle against the regime from a number of international platforms (Marx, 1992:37-38).

An important dimension of the ANC, was thus its ability to unite under one banner a variety of ideologies and strategies. It also managed to recruit members and supporters from other organisations in the liberation struggle successfully (see Marx, 1992:95-105). Thus, co-operation and co-optation as a means to achieving the noble goal of liberating the oppressed, including women, were important in the strategy of the ANC. This has, however, often led to claims that the ANC saw itself as the only organisation in the liberation of the masses and that it did not tolerate opposition (see Guise, 1993:48).

¹²⁰The fact that communists were members of the ANC did not imply an alliance between the CPSA and the ANC; such an alliance only came to fruition much later (see Kotze, 1994).

¹²¹It was banned on 8 April 1960, the policy of non-violence was abandoned in June 1961 and MK formed in November of 1961 (Karis and Carter, 1977a:804-805).

South African Communist Party (SACP)

The SACP was established in 1921 as the Communist Party of South Africa (CPSA).¹²² Of particular importance for purposes of this discussion are the CPSA/SACP's non-racial character; involvement in the labour unions; principle of equality; a quest for a "Native Republic;" co-operation with the ANC; its banning; and its involvement in the struggle.

As mentioned in section 3.2.3, the CPSA initially merely sought to promote the interests of labourers and the working class. However, a series of directives from Moscow since 1927 had as its aim "a Native Republic." The objections of local communists in this regard were defeated at the sixth World Congress of the Communist International in 1928 with the adoption of a resolution that stipulated as objective: "An independent South African Native Republic, as a first step towards a workers' and peasants' republic, with equality for races" (Kotze, 1994:43; see Carter, 1958:61). This became formal party policy.

The ANC and the CPSA/SACP have been closely linked for much of their existence even though there were initially considerable differences between them. The former was a national organisation dedicated to promoting black political and economic rights; the latter, an international organisation committed to the goal of a socialist "native" revolution in South Africa (Horwitz, 1993:46). The ANC and SACP have shared members since their earliest years as already mentioned and the roles of Eddie Khaile, Bransby Ndobe and Elliot Tonjeni in both the ANC and the CPSA are examples in this regard (Horwitz, 1993:46; Karis and Carter, 1977b:50, 110,154, 158). Under the leadership of JT Gumede, greater co-operation between the ANC and the CPSA was encouraged during the twenties (Karis and Carter, 1977b:34-36).

Moses Kotane was another widely respected and admired leader of both the ANC and the CPSA/SACP. A member of the CPSA since 1929, he was elected Secretary-General of the CPSA in 1939 (Karis and Carter, 1977b:50-52). He did much to foster trust and co-operation

¹²²Originally the Communist Party of South Africa (CPSA). It was formed by a number of socialist organisations such as the International Socialist League. These organisations were not allowed to join the Communist International (Comintern) because only one organisation per country was allowed. They subsequently joined forces to form the CPSA (Kotze, 1994:42-43). The CPSA was dissolved before the Suppression of Communism Act No. 44 of 1950 was passed. However, in 1953 it was decided to revive the party as the South African Communist Party as an underground party (Kotze, 1994:43-45). Kotze is of the opinion that it could in fact, be regarded as a new party.

between the two groups. Connections between the CPSA and the ANC, however, continued to rely primarily on common membership and individual personal ties. As mentioned previously, the ANC Youth League (which included members such as Oliver Tambo, Walter Sisulu and Nelson Mandela) increasingly agitated against communism while the CPSA, in turn, frequently criticised the ANC in public (Horwitz, 1993:46). There were several other unsuccessful attempts by some in the ANC to prevent dual membership and/or to curb the influence of the communists in the ANC. Once their common goals had been established, the two organisations began to co-operate even more closely.

Apart from its close association with the ANC, the CPSA had been important for many years for its role as an official South African political party that formally admitted blacks,¹²³ as well as its involvement with the working class and in particular, black labourers.

The CPSA disbanded itself on 20 June 1950, prior to the NP government's passing of the Suppression of Communism Act No. 44 of 1950. By that time, the majority of its members were blacks who would, after its disbandment, inevitably turn to the ANC.¹²⁴ Thus, with its re-establishment as the underground SACP in 1953, close co-operation between the ANC and SACP was certain (Everatt, 1992:20; Carter, 1958:69; Karis and Carter, 1973). After the banning of the SACP and ANC in 1960, they established even closer ties in exile. Members of both organisations, for example, jointly founded Umkhonto we Sizwe. SACP members now held so many high positions in the ANC that a journalist later wrote that, "[in] most respects...the Party came to dominate the ANC. So many prominent members of the ANC in exile were also members of the SACP that, at times, it became impossible to know on whose behalf they were speaking" (Horwitz, 1993:47). The collective leadership of the ANC is of help in explaining the influence of the communists despite their small numbers. The tightly knit and well-organised communists frequently caucused before ANC meetings and established platforms that enabled them to vote as a bloc. The devotion of its members to the then illegal party, as displayed in other organisations, was largely responsible for the survival of the SACP during its four decades of exile (Horwitz, 1993:47).

¹²³The CPSA did contest elections and in particular the election of white parliamentary representatives for blacks and at the local level. It was successful, on a number of occasions, but its members were later expelled in terms of the Suppression of Communism Act (see Carter, 1958:69-70, 356).

¹²⁴The communist J B Marks, (of mixed descent) was for example elected as President of the ANC in Transvaal in November 1950 (Karis and Carter, 1973: 408).

Pan Africanist Congress (PAC)

From the discussion above, it transpires that for a long time there had been concern among some Africanists about the influence of whites, Indians and communists within the ANC. In 1958, as some African countries had already received their independence, some Africanists under the leadership of Robert Sobukwe, advocated a breakaway from the ANC and founded the PAC in April 1959 (Karis and Carter, 1977b:147-149).¹²⁵ Important for purposes of this discussion are: the PAC's pro-African stance; the oscillating approach regarding the position of whites in South Africa; its militant nature; and its banning by the government.

The leadership of the PAC identified itself with the Pan-African Movement. At the inaugural convention of the PAC in April 1959, Sobukwe quoted George Padmore, "there is a growing feeling among politically conscious Africans throughout the continent that their destiny is one, that what happens in one part of Afrika [sic] to Africans must affect Africans living in other parts" (Karis and Carter, 1977a:513). He added that it is the sacred duty of "every African state to strive ceaselessly and energetically for the creation of a United States of Afrika [sic]" (Karis and Carter, 1977a:513). Only a United States of Africa would thus be able to solve the problems of the continent and more particularly, the problems associated with colonialism and white supremacy. At the same time, the PAC favoured African neutrality in the global struggle for power, or the Cold War (Karis and Carter, 1977a:510-512).

Furthermore, the PAC held that multi-racialism is inappropriate as it lacked the necessary emotional appeal to mobilise the black masses - only an exclusive "African nationalism" would (Karis and Carter, 1977a:318-320). Race and the position of whites would remain issues involving fundamental contradictions. In the same opening address, Sobukwe stated:

The Africanists take the view that there is only one race to which we all belong, and that is the human race...the freedom of the African means the freedom of all in South Africa, the European included, because only the African can guarantee the establishment of a genuine democracy...multi-racialism is in fact...a method of safeguarding white interests...We aim, politically, at government of the Africans by the Africans, for the Africans, with everybody who owes his only loyalty to

¹²⁵The influence of the ANC Youth League was important in the breakaway, but it is important to bear in mind that important members with Africanist sympathies such as Oliver Tambo, Walter Sisulu and Nelson Mandela remained with the ANC.

Afrika [sic] and who is prepared to accept the democratic rule of an African majority being regarded as an African (Karis and Carter, 1977a:514-516).

The Africanists thus did not quite resolve the oscillation in their pronouncements that implied at certain times that whites did not belong in South Africa at all (or only belonged there as mere guests) and at other times, that whites were only disqualified from playing a part in the struggle for a South Africa, that nevertheless, might ultimately include them on equal terms. In general, however, the PAC's view has been to refer to whites as colonial "settlers" in "occupied Azania" (Horowitz, 1991:12-19). The PAC's inability to resolve these contradictions and its rigid ideological approach, as opposed to the ANC's pragmatism, would prevent it from making significant inroads into the support base of the ANC (see Marx, 1992:36-39).

At a conference in December 1959, the leaders of the PAC made a generalised call for a dynamic decisive campaign to crush, once and for all, white domination (Karis and Gerhart, 1977:555-565). It was decided to embark on an anti-pass campaign. A few months later, this was translated into plans for a campaign to be launched on 21 March 1960, when Africans would be asked to go to police stations without their passes and surrender so that they could be arrested (Gurney, 2000:127-128; Marx, 1992:37; Karis and Carter, 1977b:564).

The PAC leaders were aware that confrontation could end in bloodshed. On several occasions, police had opened fire and killed demonstrators. In the build-up to 21 March, the PAC's President wrote to the Commissioner of Police in Cape Town, asking him to instruct his men not to allow themselves to be provoked into violence (Karis and Gerhart, 1977a:565-566). However, the march erupted into violence and the police killed several demonstrators at Sharpeville. The significance of the Sharpeville massacre was that it led to an international outcry and particularly in Britain (Gurney, 2000:127-128). The government reacted by banning the PAC in 1960.

After the PAC had been banned, it was forced into exile and had to go underground. Poqo¹²⁶ was a militant grass-roots "organisation" closely associated with the PAC and were responsible for violent attacks on police, whites and those blacks perceived as collaborating

¹²⁶Poqo means "independent" in Xhosa (Karis and Carter, 1977a:669). It was regarded as the internal armed wing of the PAC.

with the government. The Azanian Peoples' Liberation Army (APLA) was the armed wing in exile (Marx, 1992:38).

The PAC and its associated organisations executed a number of terrorist acts in South Africa. In general, the PAC was plagued with leadership and organisational problems, yet it would remain an important actor in the struggle against apartheid (see Leatt et al, 1986:103-104).

Black Consciousness Movement (BCM)

The Black Consciousness Movement (BCM) entered the organisational vacuum left by the banning of the ANC and PAC in 1960. Important at this stage are: its definition of the concept of black; its pro-black, yet elitist, ideology; the number of political and civil society organisations that were established in its wake; as well as its role in the Soweto riots.

Structural factors such as the rapid economic development experienced after the political turmoil of the 1950s and early 1960s, the rapid urbanisation, a surge in the number of educated blacks and contact with "black ideology" on the continent and among the African diaspora, led to an increased awareness of the effect of apartheid on the position and psyche of blacks. In section 3.2.3, reference was made to black consciousness as an important ideology among blacks that stressed the importance of changing values, self-image, self-help and psychology to undermine the idea of ascribed inferiority, dependency and white paternalism. Black solidarity and black pride were regarded as constituting the antithesis of white racism and superiority, with the synthesis lying somewhere between these two extremes. As implied, whites were excluded from the movement in order to encourage black self-reliance (Marx, 1992:11; Maphai, 1994:125-135). Like African nationalism and Pan-Africanism, black consciousness was ambiguous as to how they viewed the ultimate place of whites in South Africa. For some, such as Steve Biko, who advocated black solidarity in the struggle for liberation, whites could be included on equal terms once the struggle was over.¹²⁷ Biko also stressed the disadvantages of black/white co-operation and interaction and in particular, its divisive dimensions. According to Biko, involvement in white circles

¹²⁷ In the "SASO Policy Manifesto" of 1971, it is stated that black and white will continue to live together (Karis and Gerhart, 1997:481).

created, a false sense of optimism about the possibilities of change amongst those blacks “privileged” enough to be part of the liberal world. This state of affairs produced divisions and inequalities among blacks in general. He regarded those who were taken in by liberal discourse as “dull-witted, self-centered blacks” who, “in the ultimate analysis...[are] as guilty of the arrest of progress as their white friends, for it is from such groups that the theory of gradualism emanates and this is what keeps the black confused and always hoping that one day God will step down from heaven to solve their problems” (Howarth, 1997:45-46).

Black consciousness provided the ideological tenets for the BCM that had its origins at the black universities in particular, and among the clergy in the late 1960s. Having formulated its ideology, the BCM by using a variety of mechanisms began to spread a message of racial assertiveness that could, once in practice, challenge the established order through its very affirmation (Karis and Gerhart, 1997:89-219; Leatt et al, 1986:105-119; Maphai, 1994:125-135; Marx, 1992:39-60; Thompson and Prior, 1982:201-204;).

The BCM was born with the formal establishment of the South African Students’ Organisation (SASO) at Turfloop, (a university for blacks), in July 1969.¹²⁸ Though initially regarded as elitist and idealistic, it sought to unite all of the oppressed falling under the term “black.”¹²⁹ The BCM eventually did have emotional appeal beyond its intellectual roots, but its ideology retained an emphasis on changing the self-image of blacks and ideas about power rather than on directly attacking the physical manifestations of power (Marx, 1992:11). After its establishment, the number of organisations among non-whites proliferated (see Stanbridge, 1980:98) and many of these were established in the spirit of black consciousness.

The BCM was initially seen by the government as being aligned with the ideas underlying the apartheid policy. However, a more confrontational attitude among its leaders and organisations, as well as the role it played during the Soweto uprising and its aftermath, soon provoked the wrath of the government. Several organisations were banned and the most im-

¹²⁸The decision pertaining to the establishment of SASO took place at Marianhill (KwaZulu-Natal) in December of 1968 (Karis and Gerhart, 1997:95).

¹²⁹In terms of black consciousness, the concept of “black” was controversial. While it included all those oppressed among Africans, coloureds and Indians, it excluded whites and those Africans coloureds and Indians that could be associated with the oppressor. For purposes of this study, the term “black” will still be used to designate Africans.

portant leaders, including Steve Biko (who died in custody) detained (Marx, 1992:39-105). Apart from the negative impact of the state's clampdown on the BCM, there had been a gradual movement away from black consciousness towards a more inclusive ideology since the Soweto uprising. The "disenchantment" with some of the fundamental principles of the ideology, would open up space for the future non-racial United Democratic Front (UDF).¹³⁰

Though SASO was essentially a student organisation, it had explicit political aims and could therefore, be regarded as a part of political society. Several other political organisations were established, amongst which the Black People's Convention and the Azanian People's Organization (AZAPO) can be regarded as important for the purpose of this thesis.

Black People's Convention (BPC)

The BPC was established in 1972 to satisfy a need for an overt political organisation that was to seek economic justice for the oppressed in the spirit of black consciousness. It favoured an economy based on communalism. In addition, it opposed the homelands policy, campaigned against foreign investment, favoured sanctions, including a sports boycott, and established the Black Community Programmes (BCP). The latter addressed the material conditions of the oppressed, but also served to conscientise the masses. These programmes were controversial within the BCM and the other organisations of the struggle such as the ANC. It was alleged that the improvement of the material circumstances would impact negatively on the envisaged revolution, "that BCP would detract from enthusiasm for resistance to white domination" (Marx, 1992:56).

The BPC sought unity with the ANC and the PAC in an attempt to form one liberation group. These attempts brought it into confrontation with the state and shortly after Biko's death, the government clamped down on the BPC, banning it and other associated organisations towards the end of 1977.

¹³⁰Founded in 1983 as a unified front against the 1983-constitution.

Azanian People's Organisation (AZAPO)

After the banning of organisations in the BCM in 1977, AZAPO was founded in 1978¹³¹ in the tradition of black consciousness. It regarded itself both as a political party and a liberation movement, spoke of “repossessing the land”, repeatedly described Azania (South Africa) as belonging exclusively to blacks and took the position that the struggle had to proceed without the participation of whites (Horowitz, 1991:12-19; Maphai, 1994:126-127). It was essentially a black nationalist, anti-capitalist, and anti-liberal organisation. AZAPO adherents incorporated strong elements of class analysis into their thinking, but it was not the orthodox class analysis that excluded thinking along racial lines. Race and class were merged by referring to blacks as, “a race of workers” (Marx, 1992:86-94; Horowitz, 1991:12-19). Though non-violent in nature, it adopted a hard line against negotiations with the white government on a new constitution, because like the exiled PAC, it wanted power to be transferred to blacks (Horowitz, 1991:12-19).

For AZAPO, the struggle was not merely an anti-apartheid one, but a struggle by blacks to repossess the land. AZAPO was authoritarian in its outlook and intended imposing its beliefs on the whole of South Africa. It favoured a unitary socialist state and the nationalisation of the means of production, banks, insurance companies, communications, and all small businesses including those of shopkeepers in the black townships (Guise, 1993:20). However, AZAPO was regarded as being inflexible and having stagnated in its approach to the struggle and was thus unable to capitalise on the political turmoil that was inspired by black consciousness. Those that fled the country had no choice but to join either the ANC or the PAC and most joined the ANC (Marx, 1992:89-102).

In summary, South Africa had an extremely complex political society in which political rights were determined by race. In addition, political society was divided on the basis of race, class and ideology and these divisions often coincided. Non-racialism was, however, a prominent alternative to race as a fundamental principle within the political debates and it would gain important ground as the history of South Africa unfolded.

¹³¹Formally launched in May 1979.

3.4.3 CIVIL SOCIETY

An expanding civil society, as was alluded to in section 3.2.1, was a reality in South Africa. As will be discussed in chapter four, it gained importance during the liberalisation phase of South Africa's transition to democracy. The role of civil society is important in this analysis of South Africa's transition and a brief outline of civil society¹³² is, therefore, necessary at this stage.

The characteristics of the South African civil society that were important towards the end of the seventies are the spectrum of interests, the role of race, class and ideology in the political alignment of these organisations: as well as their political and international affiliation.

Civil society encompassed a wide spectrum of organised interests, each with their own constituencies. Because of South Africa's exclusory political dispensation and statutory interference in the private domain, there was often a need to pursue some of these interests within the public sphere, resulting in pressure being put on the state and/or support provided. However, there were clear divisions along racial, class, ideological and political lines. In the literature on the engagement of civil society with the state, there is a tendency to stress the "demands" made and pressure exerted on the state (see Gill, 2000:4-7; 58-62). Within the South African context, however, it was clear that segments within civil society, clearly provided support for the state and even made demands that conflicted with the interests of other sections of civil society.

The following organised interests are of particular importance for purposes of an analysis of South Africa's transition, but most of these gave rise to separate organisations based on race, class, ideology and political affiliation.

¹³²The concept of civil society is problematic but as indicated in chapter 2, a distinction is made in this thesis between civil society per se and political society. Many scholars however, regard political parties as part of civil society. For purposes of this discussion, a distinction is made between those organisations that are primarily and explicitly political in their objectives (political society) and those that are not (civil society).

CHURCHES AND RELIGIOUS ORGANISATIONS

Since an early stage in South African history, churches and religious organisations have played an important role in channelling the needs of society to the authorities and questioning the exercise of power over non-whites as well their rights in the political dispensation. This was a reality even before the Union was established in 1910 (see Karis and Carter, 1972:5-8, 349-355). Race, denomination and ideology were, however, important in the organisation of religion in South Africa. For example, attempts were, made to institutionalise inter-denominational and cross-racial co-operation among the various Christian churches, but some of the black churches favoured black self-reliance in the spirit of Pan-Africanism, while others even remained part of those churches deemed to be dominated by whites.

Churches became politicised, during the apartheid years, because of the actions of the government. As indicated, the white Dutch Reformed Churches (DRC) played an important role in the government, but even among these churches, there were differences in opinion with regard to the reconciliation of apartheid and discrimination with the Bible (Race Relations Survey, 1978:42-43). For example, at the Cottesloe Conference in 1960, eighty church leaders (including Afrikaans Dutch Reformed leaders of which Beyers Naude was one) rejected the government's policies (Storey, 1998:188). Other examples of the politicisation of religion were the restrictions on the worship of blacks in white areas and in churches for whites and schools operated by churches. Schools operated by various churches were important, but came into conflict with the authorities with regard to the admission of non-whites and "Bantu education" (Race Relations Survey, 1977:40-41). Churches, furthermore, played an important role in the agitation to end conscription and in providing moral support to those who refused to do military service (Race Relations Survey, 1977:42).

The South African Council of Churches (SACC), the Christian Institute (CI), the University Christian Movement (UCM) and the South African Catholic Bishops' Conference (SACBC) were of particular importance in the struggle against apartheid. They found emotional support in the World Council of Churches (WCC) that had been established in 1948. The WCC provided moral and financial support to the struggle against apartheid, ostracised those South African churches who did not take a stand against apartheid and mobilised the

international community against apartheid. Furthermore, most denominations had their own international communities, for example, the international Roman Catholic Church, the Lutheran World Federation and the World Methodist Council, “the church of God from around the world had come to stand with its brothers and sisters in South Africa” (Storey, 1998:188).

Church organisations also provided input with regard to political alternatives in South Africa. Even the Nederduits Gereformeerde Kerk (Dutch Reformed) warned the government against legislation that caused offence (Race Relations Survey. 1977:43). The anti-apartheid CI (Christian Institute) undertook important studies with regard to a just political dispensation for South Africa. The Study Project on Christianity in Apartheid South Africa (SPROCAS)¹³³ was important in this regard. Its final report was published in 1973 and was one of the earliest proposals that contained consociational elements (Lijphart, 1985: 47-51).

TRADE UNIONS

The nature and activities of trade unions were largely prescribed by government legislation pertaining to job reservation, the position and “rights” of labour organisations and segregatory legislation in general. Trade unions played an important role, in articulating the interests of workers, often including demands beyond the workplace and had contact with overseas and international workers’ organisations such as the British Trade Union Congress (TUC) World Federation of Trade Unions (WFTU) and the International Confederation of Free Trade Unions (ICFTU) (see Major, 2005).

Race as a factor in trade unions is clearly demonstrated by the early history of trade unions, after the Union came into being. The Rand Rebellion (Red Revolt) in 1922 was sparked by the reaction of white labourers to attempts to replace white workers with cheap black labour. Furthermore, the Industrial Conciliation Act No. 11 of 1924 placed limitations on the activities of black workers and their unions - only white, coloured and Asian workers’ unions were allowed to register officially. Even though black unions were not outlawed, they could not register and could not engage in collective bargaining. However, some registered

¹³³Launched in 1968.

unions did admit black workers on an individual basis (Major, 2005:478) and unregistered black unions did join umbrella organisations. Thus, job reservation and limitations placed on black unions resulted in the workers becoming organised along racial lines. Black unions were even further marginalised and radicalised, after the introduction of the policy of apartheid - even using security legislation to do so (Karis and Gerhart, 1997:189-191). Black unions, thus, increasingly became dependent on the CPSA and many union officials were removed as a result of its banning in 1950 (Major, 2005:478-480; Carter, 1958:66-74).

Largely because of job reservation and racial divisions among trade unions, successive white governments were able to curb the activities of black trade unions and prevent a united trade union front. In spite of this, and even though black unions were not officially recognised, they were nevertheless responsive to militant leadership and established or joined various umbrella organisations which managed to represent their interests and even mobilise illegal strike action amongst its members (Karis and Gerhart, 1997:192-196; Major, 2005:482; Marx, 192:190-192). Important in this regard were, for example, the Trade Union Council of South Africa (TUCSA) and the South African Congress of Trade Unions (SACTU) that were both founded in the fifties.¹³⁴ SACTU was allied with the ANC and suffered a severe blow with the banning of the ANC.¹³⁵

In the early 1970s, five groups became involved in building a progressive union movement, namely: SACTU and ANC activists; worker leaders recruited from emerging unions; white liberal university students and intellectuals; individuals and dissidents from the established unions, mainly TUCSA; and individuals from the black consciousness movement (Baskin, 1991:20; Karis and Gerhart, 1997:197-198). Many individuals in these groups were socialists with various leanings, but due to the nature of the repression at the time, a low profile was kept from the outset. Unions frequently started as advice offices and concentrated on building on the few legal rights black workers possessed.

Industrial action in the early seventies is generally regarded as a watershed in the history of trade unionism in South Africa and it led to the introduction of various reforms in an

¹³⁴Another example is the Council of Non-European Trade Unions that had already claimed an affiliation of 119 unions in the 1940s.

¹³⁵By the late sixties, the senior leaders of SACTU were almost all in exile. But the leadership cadre began to surface in new and often clandestine organisations (see Karis and Gerhart, 1997:197).

attempt to depoliticise the working class by bringing them “under the ambit of legislation” (Karis and Gerhart, 1997:211). As mentioned in section 3.2.2, both the Riekert and Wiehann Commissions were appointed in 1977 for this purpose.

Towards the end of the seventies, the Federation of South African Trade Unions (FOS-ATU) with 20 000 workers organised within ten industrial unions (Baskin, 1991:448), emerged as the main union federation advocating transformation of the polity.

Even though non-racialism was advocated by some activists, trade unions remained largely organised and politicised along racial lines and in the process, they were being groomed as future channels for political expression by the oppressed, or as has already been mentioned, social movement unionism (Webster, 1991:54-55). Trade unions were also an important area where demands made on the government, engendered conflict along racial lines. White unions favoured job reservation, while non-white unions opposed such practices. The international contacts of non-white trade unions would increasingly become important in mobilising international support against apartheid (see Major, 2005).

Politicised trade unions were thus a reality in South Africa prior to its transition to democracy. Interestingly, some unions supported government policy including that of the NP. Thus, there was no united front against the government (Carter, 1958: 72).

COMMERCE AND INDUSTRIES

Several organisations were established to protect and promote various interests, such as mining, agriculture, business, industry and employers in the economic sphere. Race once again, played a role and capital was in the hands of mainly whites. Some of these organisations supported the government, while others were opposed to the government. The Chamber of Mines (established in 1889), for example, influenced public policy on a number of issues, but in particular, on labour issues. Though initially adhering to government policy, including minimum wages, job reservation and migrant labour, the economic boom in the early seventies placed it in a position to make powerful demands on the government, such as the scrapping of conventional and statutory discrimination and thus providing economic upward

mobility to non-whites¹³⁶ (see Giliomee and Schlemmer, 1993:73-76). Agriculture was organised in terms of its own unions, examples of which included the South African Agricultural Union and the South African Sugar Association (see Natrass and Ardington, 1990). There were also organisations serving traditional farmers. Furthermore, the Afrikaanse Handelsinstituut (AHI)¹³⁷ and the National African Federated Chamber of Commerce (NAFCOC)¹³⁸ were examples of organisations among business leaders. Examples of organised industry and employers' associations were the National Textile Manufacturers' Association and the South African Motor Industry Employers' Association (see, Race Relations Survey, 1977; 1978:183-202). These organisations experienced at first hand, the impact of international sanctions.

STUDENTS, PARENTS AND TEACHERS ASSOCIATIONS

Students, parents and teachers associations formed part of another important set of organisations that interacted with government. Again, race and ideology played an important role. Of particular importance were: the conservative white Afrikaanse Studentebond (ASB), the liberal but predominantly white National Union of South African Students (NUSAS), the black consciousness' South African Students' Organisation (SASO), the ANC's Congress of South African Students (COSAS)¹³⁹ and AZAPO's Azanian Students' Organisation (AZASO). The Soweto uprising gave rise to organisations such as the Soweto Students' Representative Council, the Soweto Parents' Association and the Soweto Teachers' Action Committee (see Marx, 1992:90-96).

CIVIC ORGANISATIONS

The establishment of civic organisations, such as the Port-Elizabeth Black Civic Organisation (PEBCO) and the Soweto Civic Association, was an important development in the

¹³⁶Another indication of the role economic development played within the South African transitional process.

¹³⁷Translates as the Afrikaans Commerce Institute and it gave support to Afrikaans businesses. It provided support to the government but during the later stages of the transition favoured political changes.

¹³⁸It provided valuable support to small business enterprises but was also accused of being capitalist and opposed to the interests of the masses (see Karis and Gerhart, 1997:147).

¹³⁹COSAS was secretly aligned to the ANC but co-operated with AZAPO and AZASO (see Karis and Gerhart, 1997:326).

struggle against apartheid: “The basic structure common to all these civic organisations was to mobilize communities around concrete grievances or demands and to protest peacefully for redress until agreements could be negotiated” (Marx, 1992:111). These organisations became overtly political at the local level and became important for their success at “negotiations”; and succeeding in winning concessions through methods such as stayaways, as well as consumer and rent boycotts (see Marx, 1992:110-112; Karis and Gerhart, 1997:332-335; 764-765).

SPORTS ORGANISATIONS

There were numerous sports organisations but they were mostly race based as a result of the effect of apartheid policy on sport. International affiliation of the local organisations, was important in the struggle against apartheid. A number of international incidents pertaining to sport¹⁴⁰ resulted in international pressure calling for the isolation of South Africa in the area of international sport. Non-racial sporting organisations such as the South African Rugby Union (SARU), the South African Council of Sport (SACOS) and the South African Non-Racial Olympic Committee (SANROC) were involved in politics adhering to the principle that “there can be no normal sport in an abnormal society” (Karis and Gerhart, 1997:734). SANROC was able to exert considerable influence on the government and its first major success was the exclusion of South Africa from participating in the Tokyo Olympics of 1964 (Karis and Gerhart, 1997: 361).

THE MEDIA

It is important to note that the media is a vital part of civil society in a democratic regime and that freedom of the media should be a valued principle pertaining to the political culture in a democracy. As discussed in chapter two, the media plays a vital role in the dissemination of political information, ideas and values. In fact, it provides channels for the articulation of interests, demands and support, as well as for the exchange of ideas and the open discussion of issues of public interest. The media is also a useful tool in the mobilisation of the masses

¹⁴⁰For example, the Arthur Ashe (tennis) and Basil D’Oliviera (cricket) incidents.

against an authoritarian regime. All of these were important within the South African context because freedom of the press has been an established value in South Africa since 1828 (Wilson and Thompson, 1982:316-317). South Africa also had an extensive array of newspapers that were supplemented by radio and television, other publications and the film industry (see Diamond, 1994:71-72).

Some characteristics of the various types of media in South Africa impacted negatively on their role in the political domain. The press was often divided along party lines with the supporters of a particular political party usually reading only the party “mouthpieces.” Thus, Afrikaans newspapers almost exclusively supported the NP and supporters of the NP usually only read the newspapers that supported their own party alignment. English newspapers, in turn, supported the opposition parties and were instrumental in pressurising the government on the policy of apartheid. This led to the reinforcement of existing political ideas and hampered the exchange of ideas in an unbiased manner. Radio and television were controlled by the government and the content of their broadcasts monitored in order to protect the image of the government. Those in the struggle usually regarded radio and television as propaganda machines of the government. Censorship and an increased clampdown on several opposition newspapers, particularly those in support of struggle organisations, were obstacles with which the media had to deal.

In general, the media was extensive and the freedom it enjoyed probably unparalleled in authoritarian regimes. The media thus had the potential of becoming a vital instrument in a transition to democracy in South Africa (see Diamond, 1994:71-72).

OTHER ORGANISATIONS

In addition to all the above organisations, numerous local and foreign interest groups and non-governmental organisations (NGOs) such as the South African Institute for Race Relations, the Urban Foundation and the Black Sash were also operating in South Africa. They were often directly involved in political issues, did research and provided assistance to those affected by apartheid policies and the struggle.

The above summary of organisations discussed in the preceding pages, merely provides an outline of the nature and extent of a home-grown and prosperous civil society that was part of the South African scenario. Even though some sections of civil society supported the NP government, important inputs in favour of changing South Africa's political dispensation would in future come increasingly from the "white" but independent civil society. Though there were attempts to unite civil society into a unified front against apartheid, most of these organisations, though often co-operating with one another, had been functioning more or less independently of others up to that time. A broad unified front, as discussed in chapter four, would however materialise in the near future.

In summary, various aspects of civil society are important in a discussion on the role of civil society in South Africa's transition to democracy. Firstly, on the one hand, a section of civil society succeeded in challenging and pressurising the authorities and made demands on them, but on the other hand, a segment of civil society provided vital support to the government. Secondly, in addition to the demands made on the authorities, civil society channelled and even articulated some of the demands emanating from the excluded section of political society, thereby exercising influence over both the state and the masses. Thirdly, it played an important role in the mobilisation of the masses and provided much needed moral and material support to the masses during times of political turmoil. Fourthly, many organisations within civil society belonged to international organisations that provided both moral and material support to them, as well as being influential in the mobilisation of the international community against South Africa's political dispensation. Fifthly, many of the organisations of civil society had constitutions that laid down the rules in terms of which they could function, as well as the powers and roles of their officials and members, thereby providing valuable experience that could be of use in negotiations and a future democratic dispensation.¹⁴¹ Sixthly, important research was conducted by civil society organisations and political alternatives were devised for South Africa.

Civil society, thus, provided clear indications of groups that had a stake in the future dispensation of South Africa (see Gill. 2000: 95). How they would act in future would be

¹⁴¹The constitution of 1975 adopted by the Pimville/Klipspruit Residents' Committee is an example and appears in Karis and Gerhart (1997:736-738).

determined by what they perceived as being in their best interests.

3.4.4 STATE - POLITICAL SOCIETY - CIVIL SOCIETY INTERACTIONS

It is evident from the discussion thus far that the state, as well as political society and civil society, was structured along racial and ethnic lines which resulted in complex sets of interactions within and among the domains of state - political society - civil society, and across the existing divisions within each domain. At this stage, it is necessary to look briefly at the nature and consequences of some of these interactions in order to draw attention to the complex nature of the South African political scene, and how these interactions played a role in South Africa's transition to democracy.

Racial divisions that were a direct result of the policy of apartheid produced differentiated interactions between the state and, on the one hand, a politically empowered white political society, and on the other hand, an excluded, politically unempowered and disempowered non-white political society.¹⁴² However, there were interactions and co-operation across racial and ethnic divisions within political society. The government of the state reacted by legislating against co-operation across racial lines and by suppressing opposition to a political dispensation that denied meaningful political rights to the majority of the population. The excluded section reacted in turn, by exerting pressure of an increasingly violent nature on the state and the latter again retaliated by resorting to more violent means in its suppression of the opposition. After the banning of most of the important organisations championing the rights of non-whites, the excluded section of political society turned to the international community and to the internal civil society to further their aims. Important civil society organisations, both white and non-white, increasingly channelled political demands to the state and as a result, extended the sphere of opposition and increased the level of pressure to which the government was exposed. Religious organisations and trade unions are examples of organisations that played important roles in this regard.

Churches for example, played an important role in condemning apartheid and the govern-

¹⁴²The proponents of apartheid, however, did believe that apartheid empowered all on a racial and ethnic basis. However, this belief was not shared by many as was explained in the section on the opposition to apartheid.

ment on moral grounds (Duggan 1973:120-133). The deteriorating relations between church and state for example, led to crucial talks between the then Prime Minister, other cabinet ministers and church leaders in 1971 (see Duggan, 1973:130-132). The government aligned Dutch Reformed Churches, supported the government by insisting that its clergy and members withdrew from organisations opposing apartheid. Most of the religious organisations opposing apartheid, evoked scrutiny from the government and also provoked condemnation by the government for improperly opposing apartheid, receiving funds from abroad and thus allegedly acting as agents of foreign liberal agendas (Duggan, 1973:133). Nevertheless, church and other religious organisations would increasingly become important in the struggle for a new political dispensation.

In the battle between the trade unions and the state, some unions supported government policy, including the apartheid policy of the NP. Thus, there was no united front against the government (Carter, 1958: 72).

The Durban strike and other strikes of 1973 gave a lift to union membership and organisation but the state responded to these strikes with a strategy involving both repression and co-optation. It banned a number of individuals involved in the unions, but introduced a new legal structure for trade unions (Cooper, 1996:63-64).

Growing labour militancy and deepening township protests culminating in the Soweto Uprising of 1976 propelled the state into reforming labour law. The findings of the Wiehahn Commission of enquiry, led to labour law reforms allowing, the formal recognition of black trade unions within the official industrial relations system for the first time in South African history.

The recommendations of the Wiehann Commission resulted in the enormous growth in the new union movement¹⁴³ alongside the old union movement. The strategy of the Wiehann Commission of incorporating the new unions within the old movement failed, because of significant steps taken by the new union movement as early as 1979. The new unions applied for registration in terms of the new legislation and through further organising and mergers, these new unions grew into the mentioned national trade union body, the Federation of

¹⁴³From under 100 000 members in 1979, to well over 2 million in 1993 (Macun, 1983).

South African Trade Unions (FOSATU), with 20 000 workers organised into ten industrial unions (Baskin, 1991:448). Despite some disagreement among the new unions, the FOSATU federation was formed and this “united front” of union affiliates aimed at centralising and strengthening the new movement against co-optation by the state. This move, simultaneously, countered the parallel white-led unions that were known to be opposing reforms (Cooper, 1996:63-64). It was argued that official legality would bring a number of benefits, such as the right to organise / recruit in factories, to sign recognition agreements and to oppose the victimisation of union members. However, FOSATU’s policy was that unions would only apply for registration on a nonracial basis and members would be signed on, regardless of the new labour law which denied union membership to migrants and foreign workers (Cooper, 1996:64).

In their strategy of opposing the state, the unions focussed on important industries with large workforces and in particular in the metal, textile, and chemical industries. They found success especially with multinational corporations that were vulnerable to international pressure and sanctions.

In general the reaction of the state was, if possible, to co-opt and appease, but if not to condemn, ban, prosecute and repress those opposing the political dispensation. Miscalculations and attempts at appeasement by the state often gave more impetus to the struggle emanating from political society and civil society and often contributed to the creation of political space in which resistance could take root and grow. It became increasingly evident that parliamentary politics as the primary political locus was being challenged by extra-parliamentary activity that was becoming a formidable force to be taken into account.

Two important aspects concerning the state were however, important, namely the position of the judiciary and attempts at reform by the government. It should be noted that in the struggle against apartheid, the courts were still being regarded as a last resort for justice, but due to the absence of the principle of judicial review and a Bill of Rights, the judiciary was powerless to stem discriminatory and unfair legislation. The position of the judiciary was complex, but there was still a perception that, even though the judiciary had to adjudicate the laws of the land, a fair trial was still possible (see Duggan, 1973:131).¹⁴⁴

¹⁴⁴For example in late 1971 the dean of the Anglican Church, the very Reverend Gonville Aubie ffrench-

As is evident from the discussion above, there were several attempts such as the legalisation of black trade unions, to appease the non-whites at least, and to lessen the increasing internal and external pressures that were exerted on the government. There were some reforms with regard to the coloureds and Indians, as well as the abolishment of certain discriminatory legislation.¹⁴⁵ Thus, already at this stage, there were indications that the government had begun to rethink its apartheid policy. The labour reforms towards the end of the seventies could be interpreted as a sign of early reform and liberalisation.¹⁴⁶ An Inter-Cabinet Council composed of whites, coloureds and Indians, was created, at central level, in order to provide additional political accommodation to coloureds and Indians, but the council was, instead seen, like most other attempts at appeasement, as a perpetuation of apartheid. Thus, there were calls to boycott the Council in particular, because no provision had been made for the inclusion of blacks (Race Relations Survey, 1976:21). A process was also initiated to eliminate certain racial discriminatory practices, such as discriminatory notices in buildings and lifts, budgeting more money for black education and housing, and to narrow the wage gap.

In spite of a lack of legitimacy among the majority of the population, the government still tried to hold the initiative in any reforms, including those mentioned above. The white cabinet appointed a cabinet committee under the leadership of Mr PW Botha (the then Minister of Defence) towards the end of 1976, to investigate possible changes to the political dispensation concerning coloureds and Indians. A new constitutional plan, similar to that eventually adopted in 1983, was tabled towards the end of 1976. The lack of any provision for the incorporation of blacks was a factor in the heightened political activism that was to follow (see Race Relations Survey, 1977:7-11).

However, the government was still of the opinion that it could exert enough force on opposing elements to ensure that it will retain the initiative in reform as would be evident in chapter four. The ability of the state to counteract pressures coming from a variety of sources

Beytagh, was convicted on charges of terrorism. On appeal the Appeal Court ruled unanimously that “the mere intemperate expression of anti-government views could not be equated with terrorism or subversion” (Duggan, 1973:131).

¹⁴⁵Pressure by the Taiwanese government ended most discriminatory legislation pertaining to Chinese.

¹⁴⁶Some critics in the struggle saw it as an attempt by the government to control the labour movements. Yet, whatever the purpose, in reality this signalled a move away from purist interpretations of apartheid and is an indication of the realisation by the apartheid elite that the economy is a common reality?

was a factor that would influence the course of South Africa's transition to democracy.

3.5 SUMMARY AND CONCLUSIONS

The objective in this chapter was to provide an analytical description of the environment of the transition to democracy. For this reason, an analysis was made of the macro-structural factors that could hinder or facilitate a transition to democracy in South Africa. This was followed by a description of the actors and various interactions in the domains of state - political society - civil society and in particular, with regard to the struggle against South Africa's political dispensation and apartheid in particular.

Of importance is the discussion on the internal cleavages, which were structured along racial, ethnic, class and ideological dividing lines. It was argued that racial cleavages were often reinforced by ethnic, class and ideological divisions and that conflict was fomented and nurtured along these divisions. These cleavages were initially nurtured by legislation that sought the segregation of the various races and even ethnic groups, in a grand design of separate development, or apartheid, that had as its goal, the empowerment and eventual self-determination of the various groups within separate political spheres. In practice, apartheid resulted in discrimination based on race, the exclusion of non-whites from political rights enjoyed by whites, economic restrictions placed on non-whites and widespread dissatisfaction with the prevailing political dispensation. Reference was made to the importance of legislation that suppressed and proscribed opposition to the apartheid government's envisaged political dispensation. Thus, the policy of apartheid engineered a complex society characterised by white political domination, deep cleavages and conflict.

Thus, the cleavage structure of South African society and the conflicts fomented and nurtured along the lines of division, as well as the state's forceful implementation of the policy of apartheid and its suppression of any opposition, would be complicating factors in South Africa's transition. Apartheid could therefore be regarded as a factor that would prove to be an obstacle on the road to a transition to democracy. Just as it was difficult for Afrikaner nationalists to envisage their self-determination without apartheid, it was impossible for the majority of non-whites to think of their emancipation and political affirmation as equals

under apartheid.

Other macro-structural factors, such as culture, economic development, international intervention, elite disunity and pressure on the regime (regime breakdown), were found to be present and were discussed. Several points are important in this regard.

First, it was mentioned, that democratic values were present in the political culture. Whites enjoyed political rights associated with democracy and non-whites were exposed to these values. Likewise, most of the organisations in which blacks participated nurtured values and practices reconcilable with democratic values. As mentioned, the struggle was for many, essentially, about democracy and not about race.

Second, economic development provided a stimulus for societal development in general, which in turn, generated demands for a more inclusive economic and political dispensation. Racial interdependence following industrialisation, deepened and exposed the inner contradictions of the system - contradictions that would lead to a decline in the adherence to an ideology promoting white domination. The confluence of statutory race divisions, with class structures and ideology were thus mitigated by a political culture that saw the nurturing and growth of democratic values, the equalising effect of Christianity, as well as an expanding but shared economy that nurtured racial interdependence.

Third, because of internal pressure exerted by anti-regime forces, a declining demographic base of whites, the increased cost of repression, the demands of an expanding economy, together with external pressure by the international society on the policy of racial discrimination, the legitimacy and efficiency of the racial oligarchy faced a crisis. Initial economic development was later followed by economic stagnation that put further pressure on the government and became a factor in regime disunity and “breakdown.” International intervention became increasingly important and was a significant factor in the stagnation of the economy.

Thus, macro-structural factors that would complicate a transition to democracy were present, but these were mitigated by the presence of macro-structural factors generally associated with successful transitions to democracy. Furthermore, there were factors present that are usually associated with compelling an authoritarian regime to democratise. In spite

of the presence of macro-structural factors that are normally supportive of democracy, the multi-layered structure of the cleavages and the resultant conflicts that in fact, exacerbated these cleavages, would require a change in the mindset of the elites and in all likelihood, external intervention. Should apartheid no longer be a factor, the other cleavages would still pose obstacles on the road to democracy. There was thus clearly, to use the words of Pridham (1990:12) a “contending perimeter within which choices have to be made and solutions sought.” Unlike other cases of negotiated transition where the primary motivating factors were internal, Schmitter (1990) was doubtful whether South Africa’s transition would have taken place were it not for the imposition of sanctions and various external constraints upon domestic elites.

Other facets discussed were the expansion of a political society and civil society that emerged largely along the aforementioned racial, ethnic, class and ideological lines of division. Several important characteristics and dynamics of the domains of state - political society - civil society, were identified. In addition, several important aspects concerning these three domains, as well as the various inter- and intra-actions were also mentioned.

First, race played an important role in the institutions of the state. The state was complex and it was dominated and governed by whites. In spite of apartheid prescribing the dominant political values in the governing of the state, democratic values were also present, but for all practical purposes, non-whites were excluded from participating in the processes resulting from such democratic values. The state was powerful and was able to suppress opposition to the political dispensation over a long period of time, albeit at an ever increasing cost.

Second, political and civil society were divided into regime and anti-regime segments that were involved in a conflict in which race played a prominent, if not predominant, role. Only the white political society could participate in the political processes and the exercise of power. Both the white and non-white organisations of political society opposing the political dispensation, were often banned and had to operate underground, in exile, in detention or by channeling its activities through civil society. For these reasons, they sought to capture state power in order to put an end to apartheid based policies that were served by the existing state structures.

Third, the white civil society channelled its class and ideological interests in the domain of the state through the political establishment, but the non-white political society had little meaningful access to decision-making and the exercise of power. Thus, the non-white political society was isolated from the legitimate “white” political processes and was consequently unable to secure an institutional path to mediate its interests. For this reason, the non-white political society relied on civil society in its engagement with the state. Because the non-white civil society did not have access to political power, it confronted the state domain directly that was depriving it of its freedom, political participation, as well as competition and would eventually build (as discussed in chapter four) a broad based anti-regime bloc of resistance to dismantle the racial oligarchy.

Fourth, hardening attitudes in a political culture that became more hard line on both sides, economic stagnation, international intervention and pressure, the declining demographic base of whites, evidence of disunity among the ruling elite and the cost of repression all pressured the government into the realisation that apartheid was becoming a liability that could not serve Afrikaner nationalism indefinitely. This was evident in the attempts by the government to co-opt opposition and dissent and to initiate reforms such as labour relations and the creation of more forums for political expression by the excluded non-whites, as well as the appointment of a cabinet committee to investigate possible changes to South Africa’s political dispensation.

In this chapter, it was argued that the authoritarian rule generated its own contradictions and that macro-structural factors forced the authorities to adopt reformative liberalisation measures that would accelerate a democratic transition of South Africa, as would be discussed in chapter four. While the precise causes of each transition to democracy may vary (e.g. with regard to the severity of the underlying economic and/or legitimacy crises) from case to case, what is evident, is that these circumstances lead some members of the authoritarian regime to reassess their interests.

In summary, the context in which a democratic transition had to be effected, in South Africa, was discussed in this chapter. The importance of several macro-structural factors, as well as state - political society - civil society interactions, in bringing the government to

rethink the political dispensation, was analysed and these factors would remain important until the final transition. Thus, towards the end of the seventies, apartheid policy and the exclusion of non-whites from meaningful political participation were being reconsidered by the authorities. This would usher in a new era in the political history of South Africa. The importance of the initial phase of transition, namely the ameliorative liberation and confrontation phase (1978-1989) in South Africa's transition to democracy, will be analysed in the next chapter.

Chapter 4

THE INITIAL PHASE OF TRANSITION: AMELIORATIVE LIBERALISATION AND CONFRONTATION (1978-1989)

4.1 INTRODUCTION

This chapter covers the “initial phase of transition” between 1978-1989 during which Mr PW Botha,¹ was head of government, first as Prime Minister and later as an executive President.² This “initial phase of transition” was characterised, on the one hand, by ameliorative liberalisation initiated by the government in its bid to introduce reforms from above and, on the other hand, by mutual antagonism and confrontation between the government and the anti-regime opposition in a cycle of resistance and repression. Racial conflict still overshadowed the ideological or class conflict even though these, often overlapped as discussed in chapter three.

This timeframe provides an opportunity to analyse the interplay between macro-structural factors and elite behaviour in transitions to democracy because both were important during this phase of South Africa’s transition. The objective of this chapter is, therefore, to analyse the role and importance of the macro-structural factors in the government’s reform

¹Mr Botha became Prime Minister in September of 1978 on a reformist mandate after his predecessor, John Vorster was discredited by the Information Scandal pertaining to the mismanagement of state funds (often called Muldergate). It was a clear victory of the more liberal (verligte) faction within the NP over the more conservative (verkrampte) faction that supported Dr Connie Mulder who was generally regarded as the obvious successor to Vorster, but was also implicated in the scandal.

²South Africa initially had a parliamentary system of the executive with the head of government as prime minister. This was changed by the 1983-Constitution to a semi-presidential system with an executive president.

initiatives, as well as in the elite interaction in the domains of, state - political society - civil society, particularly in the absence of an anti-regime political society with access to state power. The relevance of both macro-structural and micro-behavioural theories of political transformation in an analysis of the transition to democracy in South Africa can therefore be evaluated.

Attention will therefore be paid to the importance of macro-structural factors in elite actions during the initial phase and in particular to the structure of internal cleavages such as racial, ethnic, class and ideological cleavages, including the conflict nurtured along these lines of division. Furthermore, the changing demographic profile, political culture, economic development and crisis, international pressure, regime breakdown and elite disunity will be examined. In addition, the interactions in the domains of, state - political society - civil society will be analysed. The government's reform initiatives, including the idea of power-sharing among the various races and ethnic groups, as a new guiding principle in the thinking of the policy-makers, will also receive attention. In addition attention will be paid to changes in apartheid legislation, particularly, the new constitutional dispensation enacted in 1983, increased security measures introduced by the state, and attempts to engage in talks with the ANC. Furthermore, the support of and opposition to the government's reform initiatives, the emergence of a united front between the anti-regime political society and civil society, as well as the antagonism between the state and the anti-regime civil society in the absence of a non-white political society with access to state power. The role of political society and civil society in the mobilisation of the masses and the eventual breakdown of the government's reform initiative will thus receive careful attention as well.

4.2 THE MACRO-STRUCTURAL CONTEXT OF THE LIBERALISATION PHASE

This study has already referred to the fact that there had been prior indications towards the end of the seventies that there was a pressing need for the political dispensation to be reformed in the interest of the future prosperity of South Africa. Reforms that preceded the initial phase of transition were mainly aimed at appeasing the increasingly restive masses

that were excluded from political power and to reduce international pressure on South Africa, in particular the pressure on white South Africans and their government. The initial phase of transition would however be characterised by more substantive attempts at reform of the political dispensation.

The macro-structural factors, which, pressurised the authoritarian regime, as discussed in chapter three, continued to be important in facilitating the transition to democracy, at the same time, they hampered the transitional process. The nature and role of both the positive and negative effects of the macro-structural factors on the prospects for democracy will thus be touched on briefly in this section.

4.2.1 THE STRUCTURE OF INTERNAL CLEAVAGES AND CONFLICT

There were no significant changes in the structure of the cleavages during the initial phase of transition apart from the fact that the conflict and violence fomented along cleavage lines, escalated and intensified. It is important to note that during this initial phase of transition; race still overshadowed class and ideology as a source of cleavage and conflict, even though they still overlapped significantly.

RACIAL AND ETHNIC CLEAVAGES

The government's reform initiatives favoured the interests of whites at the expense of blacks; mainly considered the interests of whites and acted mostly on their behalf. The exclusion of the black majority from the "reformed" political dispensation as set out in the Republic of South Africa Constitution Act No. 110 of 1983 (known as the 1983-Constitution), reinforced race as a divisive force in the South African society as will be discussed further on in this chapter. Thus, even though the government embarked on a road to liberalise the political dispensation, the net effect was that the excluded majority regarded these efforts merely as "reform apartheid" (see Guise, 1993:24-26; Lijphart, 1985:52-64; Sisk, 1995:67). However, the essential features of reform apartheid lay in the government's attempt to present its rule as being in the interest of all South Africans. Likewise, the government continued to

promote ethnic self-determination for blacks and therefore, according to the anti-apartheid forces, continued to exploit ethnic diversity within the South African context (see Guise, 1993:23-25). Differences among black ethnic groups, particularly with regard to the Zulu-people, intensified. However, this was often caused by disagreement over the objectives of the struggle, as well as the methods that would need to be employed to achieve those objectives.

It was therefore obvious that race and ethnicity would remain the prime sources of cleavage and conflict during this phase and would be an obstacle on the one hand, but on the other hand, it would fuel the search for an inclusive democratic political dispensation.

CLASS CLEAVAGES

As discussed in chapter three, class and race overlapped significantly in South Africa (see Table 3.1 of chapter 3). Protection of the white race group therefore implied protection of the dominant class, which consisted mainly of whites.

Power-sharing was presented by the government as a mechanism to protect the cultural integrity of all of the various ethnic groups, but cultural self-determination would coexist with the reality of material inequality. Inflating the political power of cultural minorities thus implied the entrenchment of the economic privileges of whites (MacDonald, 1992:720-722).

The overlap between class and race thus continued to further and promote Marxist interpretations of the South African political dispensation and made it vulnerable to Cold War tactics and strategies. Legalised trade unions for blacks provided a channel and mouthpiece for black worker demands but also provided channels for increased politicisation of the black workers (see Marx, 1992:222-226).

IDEOLOGICAL CLEAVAGES

There were a few changes in the basic ideological cleavages as discussed in chapter three. Under the leadership of PW Botha,³ the government displayed a more pragmatic attitude

³With more than a decade of experience as Minister of Defense (he took the post in 1966) after years of ideological policies Botha brought a new pragmatic orientation to the NP (Sisk, 1992:141-142), but his experience with the military sector would also affect his political style (Grundy, 1983:9-11) as will become evident in the discussion.

towards the political landscape in South Africa and important ideological shifts were, thus, mainly taking place within the government's "reformed" interpretation of apartheid. The principle of "power-sharing" (as discussed in section 4.3.1) was important in this regard. Developments in the government's approach were the idea of the "total onslaught," and its corollary "the total strategy."⁴ The idea of a "total onslaught" on South Africa by conspiratorial forces of communist aggression from abroad was elevated for all practical purposes, from military doctrine to state ideology during PW Botha's tenure as leader of the government (Swilling, 1988:5; Grundy, 1983:3-6).

The ideology of the "total onslaught" justified the government's repressive measures of civil unrest during the post-1985 state of emergency, but civil unrest, in turn, justified a programme of reform. The application of an intense counter-revolutionary strategy, as well as "a sophisticated hearts and minds approach" was, therefore, necessary (Swilling, 1988:5; Sisk, 1992:142).

The political advantages of such a new strategy were important in the sense that the government could promise reforms that departed from the strict ideological prescriptions of apartheid and separate development. However, they could promise law and order and continued white control simultaneously to the more conservative whites.

Not all nationalists embraced the government's more pragmatic approach to South Africa's political issues. Opposition from a more conservative interpretation of apartheid ideology culminated in the breaking away by a group under leadership of Dr Andries Treurnicht and the founding of the Conservative Party in 1982 (Sisk, 1995:60-61; Adam and Moodley, 1993:150-152).

An important development towards the end of Botha's tenure was the collapse of communism in Eastern Europe and the USSR. The loss of these international ideological partners

⁴The premises behind the doctrine are summarised in a passage from a White Paper on Defence tabled in 1973: "The RSA is a target for international communism and its cohorts - leftists, activists, exaggerated humanism, permissiveness, materialism, and related, ideologies. In addition, the RSA has been singled out as a special target for the by-products of their ideologies such as black radicalism, exaggerated individual freedom, one-man-one-vote, and a host of other slogans employed against us based on double standards. It is against this global background that the government is developing its policy" (Slabbert, 1987:23). The belief that South Africa was under siege was a theme that had long served to mobilise the white electorate behind the NP and it became a doctrinal imperative in South Africa's security establishment in the mid-1970s (Sisk, 1992:142).

would prove to be a major predicament for leftist political parties and organisations and in particular, the SACP. New political identities and alignments became necessities, but these in turn, caused dissent, for example, within the SACP and the ANC (see Adam and Moodley, 1993:82-95). There was a new search for democratic socialism, brought about by the liberalisation of Eastern Europe (Adam and Moodley, 1993:87).

Race and class thus remained important principles in the ideological spectrum of South Africa and would continue to dominate political goals and actions during this phase. However, increasingly the major players (most notably the NP, ANC and SACP) were moving away from radical interpretations of their ideological underpinnings towards more pragmatic interpretations.⁵ However, during this phase the hardening of attitudes along the lines of conflict would curtail the possibility of positive outcomes of this emerging pragmatism. Though pragmatism would yield few benefits during this phase, it would open the way for more normal discourse among contending groups during the phases that were to follow as will be discussed in chapters five and six.

CONFLICT VIOLENCE AND CLEAVAGES

Conflict continued to be fomented and as a result, it escalated and intensified along the cleavage lines. This is evident from the total number of deaths and arrests during the years 1985-1989 as indicated by Tables 4.1 and 4.2.

This phase also witnessed an increase in terrorist activities.⁶ In turn, the government also stepped up its repression of resistance both internally and externally within the region and a nationwide state of emergency was declared on 12 June 1986 (Marx, 1992:159-160). There was an increase in the number of persons that faced treason charges - some of whom were sentenced to death (Race Relations Survey, 1988/1989:xxx).

In its counter-insurgency strategy, the government in particular made use of the above-mentioned idea of a “total onslaught.” A vicious and intensifying cycle of resistance and oppression would be the result. The government’s counter-insurgency strategy led to the

⁵As indicated, this was the case with the ANC and SACP after the collapse of communism towards the end of this phase. Prior to these events, the SACP was often presumed to be following Stalinist communist ideology (see Adam and Moodley, 1993:82).

⁶In 1985 there were 136, 231 in 1986, 235 in 1987 and 291 in 1988 (Race Relations Survey, 1988/89:xxx).

TABLE 4.1: Monthly Totals of Political Fatalities in South Africa, 1985 to 1996

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1985	4	35	76	46	66	45	96	163	69	86	101	92	879
1986	105	112	179	145	221	212	122	76	40	16	37	33	1298
1987	40	22	40	40	33	36	39	35	73	93	89	121	661
1988	211	107	62	48	58	76	94	112	108	90	85	98	1149
1989	126	95	89	99	89	38	96	104	135	116	129	287	1403
1990	210	283	458	283	208	150	247	698	417	162	316	267	3699
1991	187	129	351	270	318	150	164	184	282	218	283	170	2706
1992	139	238	348	300	230	324	278	361	339	332	299	159	3347
1993	135	148	143	212	339	309	547	451	425	398	370	317	3794
1994	239	259	537	436	207	119	136	106	109	106	94	128	2476
1995	131	87	79	138	100	82	92	61	69	49	54	102	1044
1996	39	47	59	67	45	53	64	63	81	57	47	61	683

Source: South Africa Survey, 1997:600

TABLE 4.2: The Spiral of Discontent: Rising Revolutionary Conflict in South Africa, 1952, 1960, 1976-1977, 1984-1988

	Arrests	Related Deaths
Defiance Campaign (June 1952)	8,000	0
Sharpeville (1960)	18,000	67
Soweto (June 1976 B Feb. 1977)	5,980	575
1984-85 (Sept. 1984 - July 1985)	14,000	740
1985-88 (July 1985 - Dec. 1988)	31,000	3361

Sources: Sisk, 1995:65. For data from 1952 and Sharpeville, Lodge 1983; for Soweto and for 1984-85; and for 1984-88, IPSA 1989. South African Institute of Race Relations (SAIRR) estimate.

rise of the security establishment as a major locus of state power. In order to understand the spiralling cycle of conflict that increasingly destabilised the region, it is important to take note of the increasingly important role of the security establishment in decision-making in South Africa.

In the implementation of the ideology of a “total onslaught”, PW Botha elevated the role of the security bureaucracy to the extent that these “securocrats” began to dominate government (Adam and Moodley, 1993:41; Giliomee and Schlemmer, 1993:133-136; Grundy, 1983; Sisk, 1992:143; Marx, 1992:159). Even the cabinet and the NP caucus became marginalised in the resulting decision-making process. The security superstructure of the total strategy was initiated in August 1979, when Mr Botha began to reorganise the structures of the cabinet and the bureaucracy (Grundy, 1983:10; Survey of Race Relations, 1979:6-7). Kenneth

Grundy (1983:11-17) lists the following key components of the security establishment: The Department of Defence and the South African Defence Force (SADF), the intelligence community, a segment of the intellectual community in the service of the security establishment, armaments and related industries such as Armscor, the South African Police (SAP) and the State Security Council (SSC).⁷

The National Security Management System (NSMS) was in place by the early 1980s and functioned below the SSC and parallel to other civilian structures of government (Giliomee and Schlemmer, 1989:134). Mr Botha managed the NSMS in a top-down well-coordinated bureaucratic machine aimed at monitoring revolutionary activity and developing short- and long-term strategies to defeat it (Sisk, 1992:143). It consisted of an intricate web of regional, sub-regional and local (municipal) centres. There were four committees at every level of the NSMS: one dealt with security, another with constitutional, economic and social affairs, a third with communication and local propaganda, while the fourth consisted of the chairs of the other committees (Giliomee and Schlemmer, 1989:134).⁸ The NSMS was thus able to permeate every corner of the country and all segments of the population and set the stage for the regime's capability to curtail the revolt in the mid-1980s. The NSMS thus allowed the government to challenge the threats emanating from the struggle effectively through the militarisation of governmental structures and their orientation towards a coordinated counter-insurgency strategy. It eventually developed into a parallel government; most of the officials were drawn from the security establishment. Even the moderating influence of the cabinet, parliament, civil service and interest groups was affected negatively (Sisk, 1992:143-144).

In addition to their repression of resistance, the military thinkers were also pressing for domestic political, economic and social reforms to defuse the conflict and to prevent further polarisation (Grundy, 1983:7-8). For a successful counter-insurgency strategy, alternative structures were required in order to provide participatory outlets for those excluded from

⁷The SSC was established by the Security Intelligence and State Security Act No. 64 of 1972, as one of the twenty cabinet advisory committees tasked to advise on national policy and strategy. With the assumption of power by Botha, the SSC became one of five cabinet committees with an enhanced role in policy-making (Grundy, 1983:15).

⁸The cornerstone of the securocracy built by PW Botha in the first years of his rule was the reinvigoration of the State Security Council - a round-table of the security establishment that was aided by interdepartmental committees, chaired by PW Botha and which met weekly to review security and intelligence matters.

the political system in order to undercut the socio-political base of the revolutionary organisations. This strategy required a careful balance between the creation of co-opting structures and a gradual relaxation of apartheid legislation (Sisk, 1992:143).

The level of violence decreased somewhat during the second half of 1986 although a rapidly spreading rent boycott continued unabated and the government closed down about 250 black schools (Arnold, 1992:43).

State repression was perceived as white against black and thus contributed to the racial polarisation of the South African society and the hardening of attitudes on all sides of the conflict. However, the conflict also began to draw more and more players and black-on-black violence began to escalate and thus complicated the nature of the conflict (see Race Relations Survey, 1988/1989:459-461, 597-631). This led to the internal displacement of an estimated 60 000 non-whites of whom many sheltered in white areas (Race Relations Survey, 1988/1989:625). The various dimensions of the conflict would therefore be of increasing importance throughout this phase.

4.2.2 CHANGING DEMOGRAPHIC PROFILE

The relative decline of whites would continue during this phase as is evident from Table 3.2 of chapter three.

On the other hand, the demands of a society growing in size posed several challenges to the authorities. This was exacerbated by the demands made on the economically active whites by a conflict that was escalating both internally and regionally. The demographic reality, thus, increasingly made apartheid impractical in the long term.

4.2.3 POLITICAL CULTURE

It was mentioned in chapter three that the political culture in South Africa displayed many traits that were conducive to democracy. The escalation of the conflict, however, nurtured growing intolerance and the hardening of unaccommodating attitudes. These posed serious threats to existing democratic cultural traits. The centralisation of the security machinery and decision-making, together with a more coordinated and often intimidating resistance,

posed additional threats in this regard (see Diamond, 1994:65-73). Several civil society organisations, such as the Institute for a Democratic Alternative for South Africa (IDASA), which was launched on 1 November 1986 made attempts to counteract these threats through, education programmes for example (Race Relations Survey, 1988/1989:675-676). These were helpful in spreading and nurturing democratic cultural traits in spite of the negative political climate (see Diamond, 1994:65-73). At the same time, these organisations increasingly pressed the government to democratise without any further delays.

4.2.4 ECONOMIC DEVELOPMENT AND CRISIS

The role of economic development and economic pressure as macro-structural factors facilitating the transition to democracy was discussed in chapters two and three. As mentioned, both factors were present in South Africa and played a role in the erosion of apartheid on the one hand and in the liberalisation of the political landscape, on the other hand. Likewise, economic difficulties required action by the authorities to improve the socio-political environment in an attempt to address the factors that had a negative effect on the economy (see Giliomee and Schlemmer, 1993:191-193).

In spite of the economic difficulties experienced, the material circumstances of the non-white population did improve overall during this phase. The revision of legislation pertaining to job reservation, housing, tertiary education and influx control, as will be discussed in section 4.3.1, were important to improve the material circumstances of non-whites. However, as discussed in chapter two, these would, provide the building blocks for increased demands for inclusion in the political process.

Economic expansion depended on skills that could no longer be provided by the white population alone, thereby paving the way for an open labour market. However, a shortage in skilled labour could not be overcome immediately and the lack of skills, together with increased sanctions, retarded growth and exacerbated the problem of unemployment in general and the non-white population in particular. International economic sanctions also played a definite, albeit complex role in bringing the economy under pressure (Giliomee, 1995:88) that contributed to the failure of the government's liberalisation strategy and reform from

above. Thus, the economic crisis of the 1980s weakened the authoritarian regime, increased the relative costs of repression and influenced the government's eventual decision to consider negotiations.

However, a number of economic difficulties during this "initial phase of transition" were of particular importance. Notwithstanding the fact that the investment rate experienced a sharp decline in the 1980s, government consumer spending rose sharply (fifteen percent in 1983 and twenty-one percent in 1991). Government spending as a proportion of the Gross Domestic Product (GDP) was twice that of comparable states such as Chile and Hungary (Giliomee, 1995:88-89). Two factors were important in this regard, the first was increased government spending on white employment in the public sector (an important part of the ruling party's constituency). The second factor was a sharp increase in the number of civil servants (both black and white) required by the state to cope with the administrative demands of the fast-growing black population and in particular the police, teachers and nurses. A sharp increase in employment in central government that rose by seventy-five percent between 1980 and 1991 (Giliomee, 1995:89) required an increase in tax revenue to finance the expanding public service. This placed an additional tax burden, on a narrow mainly white tax base (see Table 3.3 of chapter 3).

During 1985, GDP had declined by one per cent and the decline continued through 1986 while disinvestments grew. In 1985, the net capital outflow had reached R9.2 billion in the first half of 1986 it amounted to R2.6 billion, while US corporate investors decreased from 325 to 265 over a period of two years (Arnold, 1992:43).

A notable, but brief economic recovery that restored business confidence was experienced in 1987 and 1988. This confidence was bolstered by a fall in the inflation rate, an increase in the number of immigrants and tourists from abroad and a decline in the number of mass-based challenges to the state that resulted from the imposition of consistent, albeit highly unpopular, security management by the government. In addition, the overall black unemployment rate was slightly reduced (Giliomee and Schlemmer, 1993:191-193).

Adding to the emerging, cautious economic optimism was the realisation that the informal sector had more vitality than had previously been thought. Thus, South Africa's rate of real

growth was higher than official figures suggested. The informal sector was important in the economic development of the non-white population and as indicated in chapter two, economic development is an important catalyst of democratic political demands in an authoritarian political dispensation (Giliomee and Schlemmer, 1993: 192). Estimates of the size of the informal economy ranged between fifteen and forty per cent of the recorded economy - even the more probable lower figure was substantial (Giliomee and Schlemmer, 1993:192).

The downturn in the economy that occurred in 1989 was not as sharp as had originally been feared. Most estimates suggested a growth-rate slightly above two per cent in 1989. Favourable property prices and the first signs of renewed investor interest from abroad accompanied this general trend (Giliomee and Schlemmer, 1993: 192).

The realisation that the economic conditions were dependent on the socio-political situation that was influenced by the political dispensation, were important in changing the thinking and strategy of the government.

4.2.5 INTERNATIONAL PRESSURE

International factors as discussed in chapters two and three played an important role in bringing about the deterioration of the authoritarian regime in South Africa. Direct pressure and in particular, sanctions, increased both the international and economic costs of apartheid. The UN, the Commonwealth, the Organisation of African Unity (OAU), other international and regional organisations, the USA and other Western powers increasingly condemned racism and apartheid on a continuous basis and pressured both the South African government and black organisations to engage in a negotiated settlement (Schrire, 1991:133). The government's decision to reform the political system and to negotiate was partly influenced by international and in particular, economic pressures emanating from the international economy and sanctions. The South African economic elite realised that they were failing to use the opportunities offered by a globalising world and that these missed opportunities would weaken South Africa's competitiveness in a global context in future.

Several international events were important during this phase, namely the independence of Zimbabwe (1980), the escalation of South Africa's Border War and its involvement in the

Angolan Civil War, particularly the battle of Cuito Cuanavale and the subsequent withdrawal of South African troops and the settlement by negotiation of South Africa's control over Namibia (Adam and Moodley, 1993:45-50).⁹ The ascendancy of the Reagan Administration and its policy of "constructive engagement" towards South Africa, as well as a new British government under Margaret Thatcher were important. The fall of communism in Eastern Europe, the democratisation of the former communist states and the final stages of the Cold War were further developments towards the end of this phase, but the advantages of which would only have an effect during the next phase as discussed in chapter five.

The international community intensified its condemnation of Pretoria's internal policies both multilaterally and bilaterally (Sisk, 1992:141-142). It became increasingly difficult for the South African state to conduct bilateral and multilateral international relations. On the other hand, this phase saw the expansion of the ANC's international influence. The latter opened missions all over the world, but of particular importance are the missions in some of South Africa's important trading partners, such as France (1981), Japan (1988), Netherlands (1988), Washington, (1989) and West Germany (1984) (Pfister, 2003; Race Relations Survey, 1988/1989:641).¹⁰ On the other hand, in 1988 and 1989, the South African cabinet ministers insisted, in both public and private interviews that sanctions made it more difficult for the cabinet to break finally with apartheid, because the electorate perceived it as capitulating to foreign pressure (see Giliomee, 1995:88; Sisk, 1992:141-142).

The UN as the supreme international organisation, adopted resolutions pertaining to human rights, racism and apartheid on an annual basis, which condemned the South African political system both directly and indirectly. In 1981, the UN, in co-operation with the Organisation of African Unity (OAU) organised, "The International Conference on Sanc-

⁹This battle was fought during the period from October 1987 to June 1988 between the South African forces, Unita (of Jonas Savimbi) and the remnants of the FNLA on the one side and on the other side, Angolan and Cuban armed forces. The outcome was disputed since all sides claimed victory. Nevertheless, it ended in the Peace Accord for Southern Africa signed at the UN on 22 December 1988. This paved the way for Namibian independence and according to some scholars also for the South African transition because the South African militarists realised that the conflict was becoming too expensive and that they were not unbeatable. To their surprise, they also found the USSR flexible during negotiations (see Adam and Moodley, 1993:45-50).

¹⁰For a list of ANC missions see: Pfister, R. 2003. Gateway to International Victory: The Diplomacy of the African National Congress in Africa, 1960-1994. *Journal of Modern African Studies*. Vol 41(1). Important missions already existed in the UK and in New York.

tions Against South Africa,”¹¹ at which the ANC and PAC, together with the South West Africa People’s Organisation (SWAPO), became more vociferous in their appeal for sanctions against South Africa. In December 1983, the UN adopted a resolution¹² endorsing the armed struggle in South Africa against the “illegitimate racist minority regime” (Shin, 1997:182).

The Commonwealth, with its historic ties to South Africa, condemned apartheid and recommended a strong package of economic measures to its member states in the Lusaka Declaration in 1979¹³ and the Nassau Accord of 1985. It also appointed a group of “Eminent Persons” to investigate the situation in South Africa and promote political dialogue with the South African government (Manby, 1992:196-198). However, in August 1986 this group produced a report concluding that the government was not ready for negotiated reform and recommended the strict imposition and monitoring of sanctions. Britain disagreed with the findings pertaining to the effectiveness of sanctions. The Okanagan Statement and Programme of Action on Southern Africa, was adopted by the heads of government from the Commonwealth at the Vancouver summit meeting of October 1987. It made provision for a “wider, tighter and more intensified” application of economic sanctions, increased assistance to the victims of apartheid and to South Africa’s neighbours and greater coordination in the implementation of punitive measures, but once again, these were resisted by the UK (Manby, 1992:196-198).

During the 1980s, there were two opposing views in the USA with regard to foreign policy towards South Africa, namely the Reagan administration’s policy of “constructive engagement”¹⁴ and congressional advocates of economic sanctions. Constructive engagement endorsed co-operation rather than public pressure as the best way to encourage an evolu-

¹¹International Conference on Sanctions Against South Africa, UNESCO House, Paris, 20-27 May 1981. The Conference was attended by representatives of 122 governments, the United Nations organs, Organisation of African Unity, the Movement of Non-aligned Countries, specialised agencies of the United Nations, intergovernmental organisations, national liberation movements, international and national non-governmental organisations as well as a number of experts and leading statesmen. The national liberation movements of South Africa and Namibia - the African National Congress of South Africa, the Pan Africanist Congress of Azania and the South West Africa People’s Organisation - were represented by high-level delegations led by their respective Presidents (<http://www.anc.org.za/un/undocs2b.html>).

¹²A/RES/38/39 - “Policies of apartheid of the Government of South Africa” (5 December 1983)

¹³The Lusaka Declaration of the Commonwealth on Racism and Racial Prejudice issued at the Commonwealth Heads of Government meeting at Lusaka, Zambia in August 1979.

¹⁴In order to avert a looming loss on a key foreign policy issue, and to stave off opposition at home, President Reagan decreed a set of relatively mild economic and financial sanctions in September 1985.

tionary process of reform (Rodman, 1994:313-318). The strategy of constructive engagement regarded economic statecraft as important and saw the free market as an instrument that would increase foreign trade and investment that would help to expand the economy. In turn, this would improve economic opportunities for blacks, because whites would not be able to meet the additional demands for labour. At the same time, it would give the whites the security they required to begin to move away from apartheid. Sanctions, on the other hand, were rejected as part of this strategy because they would impose costs that would increase the likelihood of repression and revolutionary violence. Even modest sanctions would create a diplomatic climate of confrontation and impede the reform process (Crocker, 1981:323-351). Two concrete examples of this new approach were the relaxation of restrictions on strategic sales imposed by the Carter administration and support for a \$1.1 billion International Monetary Fund (IMF) loan in November 1982 (Coker, 1986:210-213).

The USA came under increased international pressure for its policy towards South Africa (see Magumbane, 1982) and the USA-Congress thus adopted the Comprehensive Anti-Apartheid Act in 1986 that had implications for all industrialised states (Giliomee, 1995:88). Changes in the priorities of the USSR, however, created opportunities for the USA government to pursue its own agenda in Southern Africa. From late 1986, the USA's strategy in Southern Africa involved getting the Cubans out of Angola, the South Africans out of Namibia and the launching of a democratisation process or at least a negotiation process involving the ANC, as well as a freed Nelson Mandela.

In October 1986, the USA Congress passed the abovementioned Comprehensive Anti-Apartheid Act that banned new investments in and bank loans to South Africa, ended air links with South Africa, prohibited a list of South African imports and threatened to cut off military aid to any ally breaching the UN arms embargo on South Africa (Arnold, 1992:43). Equally important was the shift within domestic South African politics following the military setbacks in Angola in 1988, previously mentioned, and the subsequent signing of the mentioned Peace Accord on Namibia and Angola on 22 December 1988. This was a major step in the realisation of the goals of the USA and it cleared the way for pressurising the South African government (Daniel, 1996:103).

George W Bush (Snr) continued with the policies of the Reagan administration in terms of the promotion of human rights and democratisation, after he became president in 1988. South Africa was seen as an important case for the global promotion of these ideals by the USA. The revolutions in Eastern Europe made the promotion of global democratisation possible under USA leadership and the transformation of its Cold War policies, which viewed South Africa as a bulwark against communist subversion in Southern Africa. These were thus transformed into more active policies promoting human rights and democratisation (Rich, 1993:104).

Individual European states and the European Community (later the European Union) increasingly pressured the South African government regarding the latter's domestic policies. In 1985, the then European Community adopted its first coordinated policy toward South Africa since the implementation in 1977 of its code of conduct for businesses. The 1985-policy made provision for a series of measures, including an embargo on arms, oil and sensitive equipment that could be used for security purposes (Manby, 1992:197-200). A year later, imports of iron and steel from South Africa were suspended, though coal and agricultural products (more significant items of trade) were left untouched because of opposition from Britain and West Germany. Although the Nordic countries intensified its move to implement more sanctions, they were economically less significant. The OAU, the Organisation of Petroleum Exporting Countries (OPEC), the Non-Aligned Movement (NAM) and the Southern African Development Co-operation Conference (SADCC) were important instigators of international pressure against South Africa (Manby, 1992:197-209).

Therefore, not only did the international environment bring pressure to bear on South Africa, but it was also a source of motivation. It is within this environment that the ruling elite initiated their reforms from above.

4.2.6 REGIME BREAKDOWN AND ELITE DISUNITY

The association of internal and external factors with the breakdown of authoritarian regimes is a dominant theme in the literature of democratic transitions. As argued in chapters two and three, its fundamental theoretical proposition postulates that the transformation

of social, cultural, and international conditions are basic causes of the liberalisation of an authoritarian society in a move towards a democratic political system.

In South Africa, demands from the excluded masses, mobilised by the anti-apartheid civil society, were maximised following the limited opening provided through liberalisation. A number of internal and external factors as discussed above thus facilitated the deterioration of the authoritarian regime in South Africa.

Deepening divisions between the various factions in the ruling party further weakened the regime. As discussed later in this chapter, internal dissension compromised the NP's future as a ruling party in the long term. This, in itself, prompted the reformists to speed-up the reform process, but the slow pace of the reforms hampered them during this phase. However, the liberalisation measures introduced by the government during this phase, deepened division between conservatives and reformists, which eventually resulted in the breakaway of a section of the conservatives. Internal divisions would eventually lead to a new political leadership and the replacement of President Botha by Mr FW de Klerk in 1989 and would lead to a new era in the transition process.

4.3 STATE - POLITICAL SOCIETY - CIVIL SOCIETY AND AMELIORATIVE LIBERALISATION

As already discussed, macro-structural factors, as well as the actions of the anti-regime political society and civil society, had forced the ruling elite to rethink the long-term viability of South Africa's political dispensation. Furthermore, Mr PW Botha, the Minister of Defence at the time, chaired a cabinet committee tasked to investigate possible changes to South Africa's constitutional system. The realisation that the old rules of the game were no longer viable and that reform was necessary for the future stability of South Africa prompted the ruling elite to initiate a debate over alternative political institutions that could replace those of apartheid - that is they engaged in the politics of institutional choice (see Sisk 1995:13-14; Arnold, 1992:45).

As mentioned previously, changes to some aspects of the political dispensation were, already underway, but mainly to appease dissent and opposition to South Africa's political

dispensation. Once in power, Mr Botha sought to move away from classical apartheid, yet aimed at remaining in control of the reform process (thus “reform from above“), while at the same time keeping the white rightwing in the fold (Sisk, 1992:142-144; Arnold, 1992:45). The government envisaged the establishment of a dispensation that would ensure effective participation in decision-making affecting their interests for all race groups, that is a “broadening of democracy” in order to allow non-whites more and better access to political power. Furthermore, there was a need to improve the quality of life for all by improving access to the economy and by addressing the conflict and violence (see Kotze, 1989:54; Taylor, 1990b:20). Thus, reform during the initial phase of transition also sought to address the dimensions of a “triple transition,” namely political and economic reforms, as well as a peace process.

The actions of the government in its “reform from above” agenda would affect the dynamics of both the political society and civil society, thus giving rise to a complex network of actions, reactions and interactions in the domains of state - political society - civil society, which will receive attention in this section.

4.3.1 THE STATE AND REFORM FROM ABOVE

Questions concerning the government’s reform initiatives that are important in this study are: How did the government understand the concept of reform? Why was the government committed to reform? What did the reform programme entail? What was the outcome of the government’s reform initiatives? (see Meyer, 1988).

According to Meyer (1988:162), the concept of “reform” implies far-reaching and fundamental evolutionary changes in contrast to revolutionary changes. Within the South African context, it referred to state initiated actions in order to change the political, economic and social dispensation.

As mentioned, a more “just” dispensation was regarded by the state security establishment as vital for addressing the escalation of conflict and violence (Sisk, 1992:143; Grundy, 1983:8), but the viability of any reforms by the state would depend on their acceptability to both whites and non-whites. Yet, the actions of the government during this phase gave no indication of a readiness to relinquish power. It is doubtful whether the government

interpreted the concept of reform as the beginning of a process that would eventually lead to a totally new power configuration in South Africa - except for a power-sharing model in which whites would remain in control (see Kotze, 1989:162; Arnold, 1992:45).

Thus, the government, embarked on a range of reforms that involved actions and strategies in a number of areas. Firstly, new ideas on which the political system could be based had to be developed. Secondly, several changes to the legislation underpinning apartheid were necessary to make “new” ideas and in particular, power-sharing acceptable to non-whites. Thirdly, part of the programme of “reform from above” required a strategy for dealing with a broad spectrum of opposition to the government’s intended reforms and the escalation in violence. Fourthly, of particular significance during this phase was the government’s exploration of negotiations with organisations in the struggle and most notably the ANC (Taylor, 1990b:20).

The government regarded control of the reform process as essential and this, in turn, necessitated the top-down approach and a “piecemeal” strategy to reform, as recommended by Samuel Huntington, as a way of “softening” the white opposition (see Rhodie, 1989:131-135). Thus, the intention was to reform the political dispensation slowly and deliberately, pausing at each stage to give the white electorate a chance to accustom itself to the changes (Giliomee and Schlemmer, 1989:133). The government was also acting increasingly independent of the NP as an organisation of political society as was seen in its movement away from the apartheid ideology the NP had implemented since 1948 (see Rhodie, 1989:130-131, 135 and Giliomee and Schlemmer, 1993:133).

THE IDEA OF POWER-SHARING

The idea of “power-sharing” became an attractive option in the government’s reconsideration of South Africa’s political dispensation. It was considered as a mechanism that could accommodate the political aspirations of both the excluded majority and of the already empowered whites. “Experimenting” with the idea of power-sharing eventually paved the way for the adoption of a new constitution in 1983. In order to accommodate “autonomous” groups in a power-sharing model, the government revived the idea of a “constellation” or

“commonwealth” of states (first proposed by Dr Verwoerd) that would result in close co-operation and links between “self-determining” race groups, regions and/or states (Giliomee and Schlemmer, 1989:114-115; 127; 223-229).

South Africa’s parliamentary system, prior to reform, was based on “the winner-takes-all” Westminster or majoritarian system, as well as apartheid in terms of which full political rights were accorded to whites only. This implied that the white political party that had a majority in Parliament (NP since 1948) was the ruling party. Since whites constituted a minority in racial terms, the liberalisation of the political system by extending the vote, not only posed the risk of the NP losing power but of whites in general (see MacDonald, 1992).

The NP and the government were in particular sceptical of a system of universal franchise and in particular, of a system of “one-person, one-vote” in their opinion that would have resulted in blacks permanently ruling whites (see Lijphart, 1985:5-7).¹⁵ Dr Gerrit Viljoen (1990:2 in MacDonald, 1992:714-715), an influential member of the Afrikaner and NP elite, said:

In divided societies such as South Africa, inter-ethnic parties are virtually unknown ... It follows that simple majority rule in divided societies will result in permanent rulers and in permanent opposition parties, which is a ‘sure recipe for disaster’. It is for this reason that the National Party sees democratic power-sharing, which ensures participation also for minorities, as the only viable form of democracy for our divided society.

The nationalists thus regarded the ethnic diversity of South Africa as an argument against democracy based on majoritarianism.¹⁶ They saw in power-sharing a way of securing self-determination for whites and they therefore favoured “political power-sharing for all substantial communities in our heterogeneous population” (MacDonald, 1992:714-715).

Consociationalists such as Lijphart (1985) echoed these sentiments.¹⁷ Proponents of conso-

¹⁵There was a tendency by political commentators and the government to equate universal franchise and “one-person, one-vote” (often termed “one-man, one-vote”) erroneously with majoritarianism. See Lijphart (1985:5-7; 25-26). Likewise, majority rule was treated synonymously with democracy (see Kotze, 2006: 107-108).

¹⁶For a discussion of the problems associated with majoritarianism in a non homogeneous society see Lijphart, 1985:6-7, 18-26.

¹⁷Though consociationalism includes principles of power-sharing these are in fact two distinct concepts that were often used synonymously within political debates on South Africa (for example, see MacDonald, 1992). Consociationalism is essentially a theory of elite accommodation and co-operation between deeply divided groups whose autonomy (segmental autonomy) is institutionally guaranteed and there is strong

ciationalism likewise argue that political stability in ethnically divided societies requires effective representation for the various groups and the ability to enshrine their interests with vetoes (MacDonald, 1992:714-715). For these reasons, power-sharing and consociationalism were considered as possible alternatives to the Westminster system (see Lijphart, 1985:6-7; Rhodie, 1989:140-170; Venter, 1989:313-316). Power-sharing was presented as a political mechanism for the safeguarding of the cultural integrity of the various ethnic groups. The nationalists, however, emphasised the feasibility of the mechanism as the strongest argument for power-sharing (MacDonald, 1992:720-722).

Thoughts on power-sharing were already evident in the proposals made by Mr Botha as chair of the said cabinet committee on possible changes to South Africa's constitutional system. In its thinking about "power-sharing", the government of Mr Botha ruled out the Westminster style of democracy where the winner takes all and minority parties are effectively excluded from power, at least until they win an election. Likewise, a class-based constitutional structure based on a qualified franchise, for example, which may bring about multi-racial middle-class rule was ruled out (Giliomee and Schlemmer, 1993:133).

Power-sharing thus became the new principle in terms of which the government sought to reform the political dispensation, while at the same time protecting the position of whites. This is evident in Mr Botha's remarks to his biographer: "The Nationalist Afrikaner has resolved never to be subordinate again in his own country" (De Villiers, 1984:34 in Giliomee and Schlemmer, 1989:132).

One of the first institutions that resulted from the government's reform and power-sharing initiatives was the President's Council. In 1980, the government gave constitutional recognition to a permanent presidential advisory council with white, coloured and Indian members as recommended by the Schibusch Commission of Inquiry.¹⁸ This became known as the President's Council and began operating in 1981 (Lijphart, 1985:53). It was meant to respect for principles of proportionality as well as veto rights (Taylor, 1990b:21). Lijphart (1985:6) defined the concept of power-sharing as "government by a broadly inclusive coalition." Because that is also the most important principle of consociational democracy he also uses the two terms as synonyms. For purposes of this study, these will be regarded as two separate though related concepts.

¹⁸Established in terms of the Republic of South Africa Constitution Fifth Amendment Act No. 101 of 1980. It consisted overwhelmingly of nominated members. Provision was made for a constitutional committee, a science committee, a planning committee, an economic affairs committee and a community relations committee (Thompson and Prior, 1982:96-97).

“deliberate” and provide advise on a number of policy issues including constitutional affairs and it continued to exist after the implementation of the 1983-Constitution. However, it was dominated by whites and blacks were again excluded, as Boule (1984b:173 in Lijphart, 1985:61) put it:

The government nominated a majority of whites to the council as a whole, as well as to each individual committee, and most of the white nominees, and all the committee chairmen, were in addition government supporters. These factors ensured that the preponderant views on the council would be compatible with, and supportive of, government policy.

Because it consisted mainly of nominated members, was dominated by whites and because blacks were excluded, it lacked legitimacy and was even boycotted by organisations for coloureds and Indians (Thompson and Prior, 1982:97).

Thus, the government remained committed to a political dispensation which would continue to be dominated by whites and continued to be organised in terms of relations between the four statutory apartheid race groups and the idea of political “autonomy” for race and ethnic groups as would become evident in the discussion on the 1983-Constitution.

THE AMELIORATION OF APARTHEID LEGISLATION

Changes to the legislation underpinning apartheid, particularly the legislation determining the socio-economic conditions of non-whites, were necessary to make power-sharing a viable option. Thus, in order to mobilise support for the government’s “power-sharing” dispensation among both whites and non-whites, it became necessary to amend some of the most insensitive and discriminatory apartheid legislation (Taylor, 1990b:20).

Subsequent amendments to apartheid legislation (both prior and after the adoption of the 1983-Constitution) thus aimed at putting an end to “hurtful” legislation, the granting of political rights to the coloureds and Indians in the 1983-Constitution, as well as dealing with an increasingly violent opposition (Giliomee and Schlemmer, 1989:123-129).

The government subsequently introduced several initiatives to liberalise the political dispensation in order to improve the position of non-whites. The following are important

reforms in this regard:¹⁹

- The Labour Relations Amendment Act No. 57 of 1981 provided for the freedom of labour organisations and associations, as well as the abolition of discrimination based on race in labour relations.
- The Group Areas Amendment Act No. 62 of 1982 opened the door for racial integration in sport, while the Group Areas Amendment Act No. 101 of 1984 provided for the establishment of integrated business areas.
- The Universities, National Education Policy, and Technikons Amendment Act No. 75 of 1984 provided access to tertiary education for non-whites on a quota basis.
- The Immorality and Prohibition of Mixed Marriages Amendment Act No. 72 of 1985 scrapped the sections prohibiting “mixed” or interracial marriages and sex, but it ostracised whites who had married across the colour line by forcing them to live either in one of the black residential areas or in one of the open or “grey” residential areas it had sanctioned.
- New institutions were created at provincial and local levels. In an attempt to reform from above, multi-racial provincial executive bodies (and Regional Services Councils) were established in the hope that in this way, black leaders could be persuaded to co-operate with and operate in white controlled institutions.
- The Black Local Authorities Act No. 102 of 1982 and No. 58 of 1986, the Black Communities Development Act No. 4 of 1984 and No. 74 of 1986, the Local Government Bodies Franchise Act No. 117 of 1984 and the Laws on Co-operation and Development Amendment Act No. 91 of 1985, acknowledged the rights of urban blacks, provided participation in own affairs structures, provided for leasehold rights and ownership of fixed property. Likewise, the Regional Services Councils Act No. 109 of 1985 created multi-racial and integrated provincial administrative institutions.

¹⁹See in this regard Giliomee and Schlemmer, 1989:123-129; Sisk, 1995:70; Taylor, 1990b:20; Thomashausen, 1987:14-24; Chronology of Apartheid legislation.

- The Constitutional Affairs Amendment Act No. 104 of 1985 repealed the prohibition on multiracial political parties.
- The Abolition of Influx Control Act No. 68 of 1986 granted freedom of movement to all people.
- The Identification Act No. 72 of 1986 introduced uniform identity documents.
- The Restoration of South African Citizenship Act No. 73 of 1986 restored South African citizenship to blacks living and working permanently outside the independent homelands or TBVC states.
- Several proclamations provided access to hotels, public recreational facilities, and demarcated certain residential areas as “grey areas”, thus acknowledging that certain neighbourhoods could be legally integrated.

In 1989, the government raised the possibility of changes to the Population Registration Act for the first time. Senior cabinet ministers declared that the “group character” of society remained the foundation of government policy. However, the NP was prepared to allow groups to form voluntarily and to entertain the possibility of an “open group” (Sisk, 1995:70).

CONSTITUTIONAL REFORM

At the centre of the reform programme was a new constitution that would accommodate the political aspirations of coloureds and Indians in a new political dispensation and would enact the government’s “experiment” with power-sharing. This was intended to bring coloureds and Indians into the fold of central government (Sisk, 1995:68).

Thus, in February 1983 PW Botha unveiled a new political dispensation, which was approved by sixty-six per cent of the white electorate in a referendum held on 2 November 1983 (Sisk, 1995:68).

The Republic of South Africa Constitution Act No. 110 of 1983 enacted the new political dispensation and was based on the viewpoint that whites, coloureds and Indians have

sets of mutually exclusive interests that could only be accommodated separately (Venter, 1989:45). For this reason, each of these three population groups had an “own” house or chamber in Parliament catering for these exclusive interests. What came to be known as the tricameral parliament subsequently came into being in 1984. Based on the racial classification of the Population Registration Act, it made provision for the House of Assembly (whites: 178 members), House of Representatives (coloureds: 85 members) and a House of Delegates (Indians: 45 members). Members for each house were elected on a separate voters’ roll (Arnold, 1992:37-38; Guise, 1993:24; Sisk, 1995:68; Taylor, 1990b:20; Venter, 1989:46-48). For the first time, Coloureds and Indians were incorporated into the definition of the “nation” formally (Taylor, 1990b:21), while Africans remained aliens in South Africa with their citizenship tied to the “homelands”.

In addition to the above, the following important changes in the structure of central government were made:

- The parliamentary prime minister of the Westminster system was replaced by an executive president with broad legislative and executive powers, but was elected indirectly by the three houses of Parliament. He was elected by an electoral college of 50 whites, 25 coloureds, and 13 Indians (4:2:1 ratio). In effect, the party with a simple majority in the white, House of Assembly, elected its candidate to the position. The State President served a five-year term as head of state and chief executive concurrent with the term of Parliament. He chaired a cabinet of his own choice, and was the only source through which legislation could be introduced for consideration by the Parliament (Sisk, 1995:68; Guise, 1993:24; Venter, 1989:46-48).
- A distinction was made between the “own” affairs of each population group and the “general” affairs of all population groups. It was the prerogative of the State President to determine which were “own” and which were “general” affairs. It is important to note that own affairs were based on culture and identity in order to further the “way of life” of that particular group (Venter, 1989:62). Legislation on own affairs required approval in the relevant house. General affairs on the other hand, required joint passage of legislation by all three houses (Sisk, 1995:68; Guise, 1993:24; Venter, 1989:46-48).

- Apart from the State President, the executive consisted of a cabinet composed of a flexible number of ministers appointed by the State President for as long as they enjoyed his approval. There was no specification concerning the composition of the cabinet in terms of race and/or political affiliation - a shortcoming in terms of the principles of consociationalism (Lijphart, 1985:56, 61). In addition, each one of the houses had a Ministers' Council consisting of members appointed by the State President to administer departments dealing with own affairs (Venter, 1989:56-58, 61-62).²⁰

The President's Council was retained and given a legislative role in approving disputed bills, a deadlock breaking mechanism if all houses did not pass bills on general affairs (Marx, 1992:114-115). The President's Council remained loaded in favour of the white majority through the 4:2:1 ratio - that is twenty were appointed by the House of Assembly, ten by the House of Representatives, five by the House of Delegates and twenty-five by the State President - of which ten were appointed proportionally (6:3:1) following the recommendations of the opposition parties in the different houses (Venter, 1989:54).

The President's Council functioned as a second or upper house but only partially so. If there was a dispute in the passing of a bill in all the houses, it could be referred to the President's Council that could make either a recommendation or a decision. A recommendation was not binding on the houses, but a decision was (Venter, 1989:54; Sisk, 1995:69). In the latter case, the President could subsequently sign the bill, enacting it into law, notwithstanding the objection of one or two of the Houses.²¹ Thus, as long as the President enjoyed a majority in the white House of Assembly, he enjoyed a majority in the President's Council, which for all practical purposes, guaranteed the enactment of a bill as required by the State President (Sisk, 1995:69).

The 1983-Constitution thus provided little effective input for coloureds and Indians and no representation or participation for blacks.²² The strategy behind the tricameral parlia-

²⁰An amendment in 1987 provided for ministers' representatives to assist ministers of the Ministers' Councils with regard to duties taken over from the provincial councils (Venter, 1989:63).

²¹The Indian and Coloured Houses enjoyed no effective veto (Giliomee and Schlemmer, 1989:131-132). Consociationalism requires that all groups have guaranteed effective representation and are able to enforce their interests with vetoes (MacDonald, 1992:714-715).

²²For comments on the 1983-Constitution in general, see Welsh (1984). For in-depth critiques of the tricameral system as a perversion of the consociational ideal, see Boule (1984a), and Lijphart (1985). See Taylor (1989) for a discussion of the system as an attempt to create a corporatist, co-optive system.

ment was to co-opt coloureds and Indians into a system dominated by whites. Whether this constituted a form of power-sharing is debatable (see Lijphart, 1985:56-63).²³ The exclusion of blacks constituted a serious disqualifier from being true consociationalism (see Lijphart, 1985:83-117). Furthermore, segmental divisions were imposed statutorily and the segmental authorities lacked the required “autonomy” since they were constitutionally and economically subordinate to the policies of the NP government, for under the 1983-Constitution, the House of Assembly was the only site of effective political control (Boulle, 1984b:98).

The 1983-Constitution displayed some consociational elements with regard to the political position of whites, coloureds and Indians. Overall, the 1983-Constitution incorporated only symbolic forms of power-sharing and also retained the unilateral conflict-regulation character of its predecessor (Boulle, 1984b:218). According to Dr. Van Zyl Slabbert,²⁴ it represented “the crudest bastardisation imaginable of the logic of consociational democracy” (Slabbert, 1983:43). Lijphart (1985:63), however, implied that the 1983-Constitution was, at best, a “quasi-consociational” constitution. It had more in common with apartheid than with democracy - a result of the NP’s continuing adherence to its particular interpretation of ethnicity. A number of international scholars such as Hanf, Weiland and Vierdag (1981:419) were concerned that the government’s “corruption” of consociationalism would result in the association of consociationalism with apartheid and would prevent blacks from looking favourably at consociationalism as a possible future political dispensation for South Africa (Lijphart, 1985:63).

However, the tricameral parliament was not intended as the only part in the government’s power-sharing strategy. Alternative but separate accommodation for blacks was also pursued in an overall plan that foresaw the eventual co-optation of the black community in what Schlemmer (1988:13) termed, a “non-territorial race federation biased towards white power.”

As mentioned in the previous section, some changes were made at local and provincial government level in order to address some of the opposition to, and criticism of the political dispensation. Of particular importance was the multi-racial (including blacks) Regional

²³Some officials claimed it was not the sharing of power but the sharing of responsibility (Lijphart, 1985:54).

²⁴A former opposition leader in the House of Assembly.

Services Councils (RSC) whose aim was to provide forums of joint decision-making at the metropolitan level of local government (Guise, 1993:27; Venter, 1989:103).²⁵ However, the voting power of blacks on these councils was insufficient for black local authorities to have any meaningful input in decision-making. The CP also succeeded in dominating some of the RSCs and in frustrating the aims of the NP (Race Relations Survey, 1988/1989:511-512).

The Promotion of Constitutional Development Act No. 86 of 1988 that provided for a negotiating forum set to draft a constitution that would make provision for all South Africans, was another step in the government's envisaged complex constitutional scheme to include all race groups (Race Relations Survey, 1988/1989:505). The forum would have included blacks but the government found few who were willing to participate in, or co-operate with the forum. The government also made attempts to include black ministers in the cabinet and to provide for "own affairs" type regional councils for blacks, but the response was negative once again (Race Relations Survey, 1988/9:505-6).

Thus, the government under the leadership of Mr PW Botha, tried to reform from above without affecting the pillars of apartheid (Taylor, 1990b:20), namely racial classification, group areas, segregated and "bantus" education, as well as the racial organisation of political life. The perception remained among non-whites that the government's reform initiatives were still driven by the need for whites to remain in control - hence, the label of reform-apartheid. Thus, the statutory groups remained the government's point of departure in its attempted constitutional reform from above.

SECURITY ARRANGEMENTS

The idea of power-sharing was built into the new constitution and provision was made for reform institutions at the regional and local levels to coincide with the security management structures referred to previously that were already in place. This resulted in a well-coordinated bureaucratic machine with the purpose of monitoring revolutionary activity and developing short-and long-term strategies to defeat it (Sisk, 1992:143; Marx, 1992:159).

Opponents of the new political dispensation realised that the government was prepared to

²⁵The government's attempts to restructure the second and third tiers of government had resulted in a further concentration of power in the government's hands (Giliomee and Schlemmer. 1989: 131-132).

adjust white minority domination but not abolish it (Sisk, 1995:70; Hirschmann, 1998:230-235). The new constitution thus provided fertile grounds for uprisings against the South African government in the mid-1980s and the subsequent political conflict assumed an increasingly violent nature shortly after the inauguration of the tricameral parliament in September 1984 (Sisk, 1995:70; Hirschmann, 1998:230-235).

Not only were confrontations between the security forces of the apartheid state and the anti-apartheid civic and political organisations escalating, but also those at community level between anti-apartheid organisations and those perceived as constitutional co-optees such as Inkatha (Hirschmann, 1998:230-235; Race Relations Survey, 1988/1989:459-461,597-631). The government retaliated with a partial state of emergency in July 1985 and a full state of emergency in June 1986 to counteract township violence (Marx, 1992:159-160). Repression thus remained an important instrument of the government in pursuit of its policies. The spiralling cycle of revolt and repression that accompanied the government's reform initiative, which lacked real change, widened the base of anti-apartheid opposition in society. Churches, white liberals, and the press were newly targeted as enemies of the state, leading to a polarisation of politics both across the political spectrum and within both the system and the struggle (Sisk, 1995:71).

Thus, the popular struggle that reached new heights nation-wide in 1985, began to achieve its aim of ungovernability, which in turn undermined white confidence, but raised the morale of the militant black youth (Lawrence, 1994:5; Beinart, 1994:241; Marx, 1992:167). This promoted a premature belief among black people that the minority regime was on the verge of collapse. As a result, mass mobilisation was accelerated and it challenged state control of the townships, creating a crisis for the authorities.

During 1987, the government continued with its policy of "business as usual no matter what happened and what the cost". Therefore, the state of emergency continued; the police, military and black militants used repression and violence as a matter of course; the rent boycott involved 650,000 supporting households and, for example, had already cost the provincial authorities of the Transvaal R720 million (Arnold, 1992:43). The government continued to harass trade unions and black political organisations and maintained its censorship

of the media. White liberals were accused of being the friends of terrorists and communists in the service of Moscow (Arnold, 1992:43). Despite the rigid repression, it was announced in parliament that political prisoners would no longer have to renounce violence (as was previously required) as a pre-condition for their release and on 5 November 1987 Govan Mbeki, a senior figure in the ANC who had been on Robben Island with Mandela, was released unconditionally - though he was later restricted. This was seen as a test for the release of Nelson Mandela (Arnold, 1992:44).

The government appeared to be more repressive in its actions against anti-apartheid organisations in 1988. In February, it banned the United Democratic Front (UDF) and 16 other organisations and placed restrictions on the Congress of South African trade Unions (COSATU).²⁶ The press was restricted and for some time, three newspapers were banned, namely the *New Nation*, *South* and the *Weekly Mail*. In March, an international outcry followed the conviction of the “Sharpeville Six”²⁷ for murder because they had participated in a demonstration in 1984 during which the Mayor of Lekoa Township was killed (Arnold, 1992:44). It was not the kind of publicity the government wanted (Arnold, 1992:44).

State security and repression thus remained an integral part of the government’s reform process. Ironically, repression strengthened solidarity among anti-apartheid forces and broadened co-operation among the affected and disillusioned segments of society in challenging a “common enemy“, and even alienated some former supporters of the government (Marx, 1992: 253). Dissent among those who had to enforce security also became problematic and weakened the state further (Marx, 1992: 253). For example, in July 1987 David Bruce, a young white conscientious objector, was sentenced to six years imprisonment for refusing to do military service, because he felt that to do so would imply support for racism. The trial, which made international headlines, focussed attention on dissident young whites protesting against conscription as a new group of protesters (Arnold, 1992:44).

²⁶See sections 4.3.2 and 4.3.3.

²⁷Six black youths.

INITIATION OF NEGOTIATIONS WITH THE ANC

As mentioned, the government also began to realise that it needed to “involve” dissenting voices in its agenda for reform. Thus of particular significance during this phase was the government’s exploration of negotiations with organisations in the struggle and most notably the ANC (Taylor, 1990b:20).

As early as the early eighties, there had been indications that in some circles of the governing elite there was support for the idea of engaging the struggle forces in the search for a solution to South Africa’s political problems. The government saw negotiations as a possible way to arrest economic decline, domestic unrest, and increased international pressure in the late 1980s. Stein (1989:239-240) considers the move toward negotiations to have been triggered by the need to avoid an impending crisis (Lodge, 1989:45).

Secret discussions were initiated with political prisoners, including Mr Nelson Mandela of the ANC. Leading members of the Broederbond met secretly with members of the ANC outside of South Africa (Adam and Moodley, 1993:41-42; Marais, 1994:2-5). In spite of the official denunciation of dialogue until 1989 (Adam and Moodley, 1993:42), in 1986 President Botha, stated:

We believe that a democratic system of government which must accommodate all legitimate political aspirations of all South Africa’s communities, must be negotiated. All South Africans must be placed in a position where they can participate in government through their elected representatives (Kotze, 1989:54).

Likewise, there was a willingness on the part of the ANC to make contact with the government. The ANC’s willingness for a negotiated settlement was rooted in the realisation that it would not be able to achieve its strategic aim of promoting a generalised insurrection (Lodge, 1989:45). Shortly before his resignation, President Botha met with Nelson Mandela at Tuynhuys in July 1989. This was regarded as a step towards the future release of Mr Mandela and future negotiations (Race Relations Survey, 1988/1989:xxviii).

However, such efforts also caused divisions and intense rivalry among the ruling elite and in particular; the security elite (see Adam and Moodley, 1993:39-45). The National Intelligence Service (NIS) favoured a more diplomatic approach to an end to the conflict,

while the Department of Military Intelligence (DMI) followed a more hard line approach of suppression within the context of a global Cold War (Adam and Moodley, 1993:41).

The above efforts by the state in its reform programme from above perhaps give some indication that at one stage, members of the government began to give serious consideration to the extension of political institutions to facilitate political participation. However, it was also clear that the government was not yet ready to relinquish control. The pillars of apartheid remained largely intact, thus fuelling discontent instead of quelling it. Thus, the state's attempts at reform "from above" were seriously compromised by a backlash from those who felt they were not part of the process.

4.3.2 POLITICAL SOCIETY

Though there were few changes in the basic structure of political society as analysed in chapter three, a number of new actors emerged and there were a number of changes in the role and prominence of other actors. The most important events within the political sphere were new legislatures for coloureds and Indians provided for in the 1983-Constitution; the split of the conservatives from the NP; the emergence of the United Democratic Front (UDF) and the gains made by the ANC at the expense of other anti-apartheid organisations and in particular, the Black Consciousness Movement (BCM).

PARLIAMENTARY SUPPORT FOR AND OPPOSITION TO APARTHEID

The NP remained the most important protagonist of apartheid - albeit in a revised form - in Parliament. Under the leadership of PW Botha, decision-making in the NP became centralised and as a result, grassroots NP branches and congresses lost power and influence. As a result, the party structures became marginalised. The NP also saw its fortunes declining in terms of electoral support. From an all time high of sixty-five per cent of the vote in 1977, its support base among the electorate declined significantly to fifty-eight per cent in 1981, fifty-three per cent in 1987 and forty-eight per cent in 1989 (Botha, 1996:107). The NP suffered losses to political parties on both the right (pro-apartheid) and the left (anti-apartheid). However, indications were that the NP's remaining support base was in favour

of change.

At a federal congress held in Pretoria in June 1989, the NP adopted a five-year plan of action in which the NP tasked itself to create “a new South Africa in which every South African can live in safety, prosperity and dignity, as an individual and as a member of a group” (Race Relations Survey, 1988/1989:690-695)

To the right, the CP became an important factor. It was established in March 1982 by a breakaway faction of the NP who became disillusioned by the NP’s new racial policies and by its marginalisation of grassroots party structures (Bekker and Grobbelaar, 1987:72). During the 1987 elections, it gained enough support to become the official opposition, a position traditionally held since 1948 by political parties that opposed apartheid. The CP opposed racial integration and full political rights for non-whites (Race Relations Survey, 1988/1989:653-658). Thus, a more radical pro-apartheid voice became important in the white House of Assembly. Divisions and elite disunity among the supporters of apartheid was evident in political society.

Among the political parties in parliament that opposed apartheid, the PFP remained the most important even though it lost its position as official opposition to the right wing CP in the election of 1987. In the decade before 1987, the PFP sought to win sufficient electoral backing to enable it to participate in the “politics of power” rather than the “politics of protest.”

In 1981, the PFP increased its total of seats to twenty-six, winning eighteen per cent of the vote (Williams and Hackland, 1988:210). In 1983 the PFP suffered a setback when it campaigned for a “No” vote in the whites-only referendum on the 1983-Constitution and thus found itself in the same camp as the right wing during the referendum campaign. The constitution was however approved by a large majority (66,3%). The PFP suffered yet another setback in 1986, when its effective and charismatic leader, Frederik van Zyl Slabbert, resigned because the party had little chance of becoming the government and because parliamentary politics were no longer the primary political locus. He was replaced by a previous leader, Colin Eglin (Williams and Hackland, 1988:210-211).

The 1987 elections caused problems for whites left of the government (Giliomee and

Schlemmer, 1989:158). In the 1987 elections, the PFP only managed to win twenty seats and fourteen per cent of the vote and lost its position as official opposition (Williams and Hackland, 1988:210). The losses suffered by the PFP in the 1987 election were ascribed to the fact that the electorate considered the jump from apartheid to a non-racial political dispensation as far too big. Even if whites were prepared to move towards such an outcome in stages, they were not prepared to accept a sweeping transformation over which they had no control (Giliomee and Schlemmer, 1989:158). However, it should be borne in mind that the NP's policies moved slightly to the left and in the process; it made gains among the traditional PFP constituents (Schlemmer, 1987:310-324)

Few in the PFP were prepared to go back to the politics of protest of the early 1970s, when they had only Helen Suzman in Parliament to campaign for the liberal cause. Yet while the PFP examined its leadership and electoral strategies critically, it rarely questioned the form its liberal democratic stance had assumed (Giliomee and Schlemmer, 1989:158). However, the formation of the National Democratic Movement (NDM) and the Independent Party (IP), as well as the setbacks experienced by the PFP, saw the launching of the Democratic Party (DP) in April 1989, and with a triumvirate leadership (Race Relations Survey, 1988/1989:xxix). This new grouping clearly inherited the PFP's liberal democratic approach. One of the leaders, Zach de Beer, declared: "In two words, we believe in Western democracy." He added: "that democracy [understood as majority rule] cannot succeed in diverse societies is a myth. Clearly the Democratic Party has come just at the time democracy is most needed" (Giliomee and Schlemmer, 1989:158). The DP favoured inclusive politics and tried to bridge the gap between parliamentary and extra-parliamentary groups (Race Relations Survey, 1988/1989:659).

The new legislatures for coloureds and Indians provided for in the 1983-Constitution, brought a new dimension to political society and parliament in particular even though the effect was limited. Voter participation in the 1984 elections for the House of Representatives and the House of Delegates were thirty-one and twenty percent respectively. During the 1989 election campaigns, participation was an issue once again (participation would eventually be twenty and twenty-three per cent respectively) (Botha, 1996:108). In reality, due to low voter registration among the coloureds and Indians, participation was significantly lower.

Most of the parties represented in these two houses saw participation as a way to undermine the existing political dispensation and to set the agenda for even further reforms. The leader of the Labour Party in the House of Representatives for example, stated that the aim is “reconciliation of all groups on the basis of equality” (Race Relations Survey, 1988/1989:677).

EXTRA-PARLIAMENTARY SUPPORT FOR APARTHEID

Extra-parliamentary support for apartheid continued to receive media attention and in particular, on the AWB. Most conservative groups among whites functioned outside of Parliament and increased militancy, though still isolated, became a factor.²⁸ The 1989-election campaigns brought a feud and further division among the conservatist and pro-apartheid groups to the fore (see chapter 5). The CP rejected a call for an election pact among conservative groups namely the HNP, AWB, Boerestaat Party, and the restricted Blanke Bevrydingsbeweging (BBB). Such a pact was seen by the right wing as a last attempt to defeat the ruling NP who was seen to be moving away increasingly from the basic tenets of apartheid (Race Relations Survey, 1988/1989:xxix).

EXTRA-PARLIAMENTARY OPPOSITION WITHIN AND OUTSIDE OF THE SYSTEM

Inkatha remained an important organisation opposing apartheid within the system and regarded itself as, “the strongest and most visible black advocate of the politics of negotiation and nonviolent change” (Race Relations Survey, 1988/1989:667-675). Of particular significance in this regard, was Inkatha’s involvement in 1986 in the establishment of the Joint Executive Authority for KwaZulu and Natal. It provided for joint administration at the request of both the KwaZulu legislative authority and the Natal provincial council (Race Relations Survey, 1986:99-104; 1987/1988:117; 1988/1989:509). Inkatha was also an important participant in the KwaZulu/Natal Indaba that was looking into an alternative political dispensation for KwaZulu/Natal. It submitted a report in January 1987 to the minister of constitutional development, who promised to consider its proposals. However, little came

²⁸There were bombings of offices of white academics who supported change, disruptions of meetings and the killing of blacks by Barend Strijdom of the “White Wolves.”

of it but at least it demonstrated an accommodating attitude among various groups in that region (Race Relations Survey, 1988/1989:509; Ottaway, 1993:95-97).

Inkatha also found itself in a state of “Cold War” with the ANC for all practical purposes because of its refusal to support violence and disinvestment (Guise, 1993:37-38).

Though still a banned organisation, the ANC led the extra-parliamentary opposition to apartheid. Even though the ANC admitted to suffering some setbacks mainly because of government action, in general, it was able to broaden its support base and authority inside South Africa at the expense of state authority and even other anti-apartheid movements and most notably Black Consciousness organisations (Race Relations Survey, 1988/89:636). Important in this regard was the document released by the ANC that spelled out its vision of a future South Africa. The following was proposed (Race Relations Survey, 1988/89:637):

- A multiparty democracy in a unitary state.
- Universal suffrage based on the principle of one person one vote.
- A bill of rights that would be enforceable by an independent judiciary.
- Protection of cultural and language rights, freedom of association, press and religion.
- Independent trade unions.
- Land redistribution coupled with the recognition of private property rights.
- A ban on racism and tribalism.
- A mixed economy.
- Declaring South Africa as a non-aligned state.

The ANC also held talks with a number of political, religious and sporting organisations, such as Inkatha, South African Council of Churches and the South African Rugby Board (Race Relations Survey, 1988/1989:639-641). This clearly demonstrated the ANC’s willingness to seek a political solution to South Africa’s problems, even though it refused to renounce the armed struggle. Internationally the ANC won influence by broadening its

international standing and for example, it was invited to send representatives to a number of states. Together with the gains it made through the UDF it was clearly positioning itself as a future key political actor. However, membership of the ANC and the SACP continued to overlap.

Of particular importance among the extra-parliamentary opposition was the UDF, which came into existence in Cape Town in August 1983, following a call by Reverend Allan Boesak for the creation of an internally based anti-apartheid movement. Subsequently, 600 delegates from 320 organisations met to constitute a loose federation of anti-apartheid organisations (Sisk, 1995:71). The immediate impetus for the formation of the UDF was the government's 1983 constitutional proposals (Seekings, 1992:93-94). Anti-apartheid, organisations and in particular, the Charterists in the ANC feared that the apartheid government might co-opt coloureds and Indians successfully into an alliance with whites. This had to be prevented through the rapid deployment of political machinery capable of winning over coloureds and Indians, but also the search for improved coordination between the growing numbers of civil society organisations with little access to political power (Seekings, 1992:93-99). The struggle for coordination of these organisations was particularly intense because there was competition not only between these organisations and the state, but also amongst these organisations (Seekings, 1992:93-99).

Even though the UDF was a broad based movement consisting of mainly civil society organisations, it was founded specifically as a political movement aimed at changing the political dispensation in South Africa by exerting pressure on the government and it was instrumental in the mobilisation of a significant section of civil society against the state.

The UDF was thus a popular alliance, which eventually spanned approximately 700 organisations; including civic organisations, youth and student organisations, women's groups, trade unions, religious groupings and sport organisations (Lodge, 1991:53).²⁹ At its peak, the UDF claimed a membership of 2,5 million (Donaldson, 1989:1)³⁰ and resembled the Polish

²⁹Lodge and Nasson (1991:51) reveal that by the mid-1980s, out of a total of 565 UDF affiliated organisations, only 24 were explicitly political in nature. Others included were 313 youth, 47 student, 82 "civic", 32 women's, 18 worker, and 17 religious organisations (Hirschmann, 1998:230-235).

³⁰It is, however, difficult to estimate the correctness of the UDF claims of 1,5 million and later 2,5 million members.

Solidarity movement. It was a multi-class, multi-cultural popular (or peoples') front based on the acceptance of the ANC's Charterist principles. It put a great deal of emphasis on popular grassroots democracy both as an organising principle and as an important part of its ideological call for a future non-racial democracy (Louw, 1989:52-53).

The principles of the UDF were kept as few as possible, in order to facilitate a broad alliance of groups and organisations opposed to apartheid and minority rule. The UDF pledged allegiance to the Freedom Charter and was openly sympathetic towards the ANC, placed itself in line as the internal successor to the banned organisation and subsequently became an ANC front organisation. The UDF was, thus above all, a Charterist organisation (Sisk, 1992:156; Sisk, 1995:71-72).

The UDF had little chance of gaining support from coloureds and Indians (and later from whites) if it used the discourse of black African nationalism and therefore a key principle of the UDF, as with the Charterists, was non-racialism.³¹ Non-racialism was more than UDF rhetoric; it offered a practical focus around which an alliance of different interests could be built. The UDF thus sought a single common non-racial nation founded upon the Freedom Charter's preamble, which states: "South Africa belongs to all who live in it, black and white" (Davies et al, 1984:314; Seekings, 1992:93-99). The UDF Charterists maintained that: "All those who love South Africa, who consider it their home, who have contributed to building it and are prepared to continue to develop the country as a democratic non-racial state, are part of South Africa" (Suttner and Cronin, 1986:133). The UDF, thus, rejected both the NP's apartheid policy and the PAC's Africanism, which implied that South Africa belonged to blacks only (Davies et al, 1984:297). This does not mean that black nationalism was not present in the UDF but it was made subservient to non-racialism (Louw, 1994:30).

Any organisation could affiliate provided it supported non-racialism, a united South Africa and did not collaborate with apartheid institutions. The UDF recognised that class and cultural differences existed in South Africa, but the more influential leaders, consistently stressed the importance of cross-class unity, of promoting the cult of charismatic leadership

³¹Non-racialism should not be confused with multi-racialism. In the former, race is to be ignored as a social-organising principle, whereas multi-racialism incorporates an acceptance of race groups and ethnicity into its vision of social organisation.

around Nelson Mandela and of avoiding anti-capitalist rhetoric that might alienate middle-class allies (Lodge, 1983:213). However, the UDF believed that a common South Africanness could be built (Seekings, 1992:96-99).

Mobilisation by the UDF focussed on non-collaboration and ungovernability in the internal struggle throughout the cycle of revolt and repression. Both led to a surge in township violence aimed at countering the reforms, which Friedman (1986:20) called a “rising spiral of random militancy and repression.” Non-collaboration, galvanised the UDF’s leadership position in the struggle (Sisk, 1992:156).

The UDF was a multi-dimensional movement and contained numerous strands of overlapping and intersecting policy fragments such as non-racialism, socialism, nationalism, non-sexism and egalitarianism (Louw, 1994:30).

Importantly, the UDF emerged as the most important legal opposition political movement until it was banned in 1988 (Marx, 1993:148-149). It blossomed in the “open space” created by the government in 1983 to allow those who might openly speak in favour of the new constitution, to do so. It was thus in the paradigm of the liberalisation phase that the regime provided an opening for its critics, yet maintained strict control over the rules of the state (Sisk, 1992:155).

After it had been restricted, the UDF continued its activities under the banner of the Mass Democratic Movement (MDM)³² which in effect was the UDF operating under another name. Its successful co-ordination and mobilisation of civil society organisations meant that the ANC profited at the expense of other black consciousness and pro-black organisations (see Marx, 1993:97-98).

The ANC benefited from the political turmoil mobilised by the UDF, but black consciousness was unable to move beyond initial conscientisation, because it was regarded as being too elitist and ideological, as well as short on pragmatism (see Marx, 1993:93-105). Black consciousness was seen as being “all talk and no action...” unable to answer day to day problems in the community and workplace. It could not be translated into practice while a theory that presented a program for action” was required (Marx, 1993:101).

³²There was however some controversy regarding the precise affiliations within the MDM (see Race Relations Survey, 1988/1989:681).

Likewise, other pro-black organisations such as the PAC and AZAPO were struggling to broaden their support base. In 1989, Africanists within South Africa decided to organise themselves and form the Pan Africanist Movement (PAM). It was not meant to replace the PAC but to serve as its “aboveground” unit within South Africa (New York Times, December 27, 1989).

On the other hand, the UDF also succeeded in frustrating the government’s strategy of co-optation (see Sisk, 1995:73)

Thus, important changes were taking place in political society. These would clearly pave the way for a negotiated settlement as will become evident in chapters five and six.

4.3.3 THE RISE OF CIVIL SOCIETY

In chapter three, it was mentioned that South African civil society consisted of numerous organisations, but that it was also divided along racial and ideological lines. During the liberalisation phase, the following features were important: the emergence of COSATU and the aforementioned UDF, as well as criticism of the government emanating from civil society organisations normally regarded as being within the influence sphere of the state and/or had access to political power.

The rise of civil society, or what O’Donnell and Schmitter (1986:27-28, 48-56) terms the “resurrection of civil society” and which they define as generalised politicisation and popular activation, became increasingly important during this phase in challenging the authoritarian regime of South Africa.³³ Thus, in this section it is necessary to pay some attention to the position and role of civil society in South Africa during the liberalisation phase of transition, particularly, with regard to the political dispensation and the undermining of the regime by mass mobilisation.

In chapter two, it was argued that transitions to democracy partly result from concerted

³³The state-civil society distinction is useful in the study of the process of transition to democracy of authoritarian regimes where certain spheres of civil society have existed separate from the state. The study of the resurrection of civil society becomes more significant after authoritarian regimes have destroyed autonomous civic organisations and political spaces, substituting them with state-controlled organs. However, this was not the case within the South African context as civil society remained vibrant in its growth - both in number and strength. (O’Donnell & Schmitter, 1986:48-50; Adam & Moodley, 1993:31). Thus the “rise of civil society” and the mobilisation of the masses are more relevant within the South African case.

challenges posed to the authorities by a powerful and well-organised civil society, and of which the mobilisation of large numbers of individuals is “a crucial component.” Popular movements involving mass mobilisation play an important role in political liberalisation and the retreat of authoritarianism. Price (1994:181-191) is of the opinion that South Africa was one of a few countries, undergoing transition to democracy which actually possessed a vibrant civil society.

The importance of civil society in a transition to democracy in terms of O’Donnell and Schmitter’s analysis (1986:48, 50), is that civil society requires the corrosion of the normative and intellectual base of a regime (Adam and Moodley, 1993:31). Challenges from below, which result in ongoing conflicts in the socio-political realm of authoritarian regimes, have often contributed to or determined the pace of transition. This makes a reversion to authoritarian rule at the peak of popular mobilisation difficult. Those resisting change (hardliners) begin to realise that a return to repression will be extremely costly (O’Donnell and Schmitter, 1986:27; Stepan, 1990:46). Huntington (1991:108-109) also maintains that some form of mass mobilisation increases the pressure on the authoritarian incumbents, and raises the costs of repression (Gillespie, 1990:57).

In South Africa, the political pressure civil society, in combination with international economic sanctions, was able to exert through mass mobilisation, and in stimulating a spirit of ungovernability, forced the state to adopt measures of political liberalisation and to consider negotiations as an option to ending endemic political strife (see Marx, 1992:159-163). Civil society, furthermore, contributed to the development of the basic, but vital preconditions for democratic pluralism. Swilling’s (1990:156) opinion is that civil society is the crucial repository of democratic values and a rallying point for democratic forces. Thus, the presence of a vibrant civil society and the appropriate structural conditions such as political culture, economic development and international involvement, provided a favourable environment for political liberalisation and the breakdown of the apartheid system.

As discussed in the previous section, the UDF³⁴ played a particularly important but complex role as a political movement in co-ordinating the influence of a significant section

³⁴Discussed as part of political society in section 4.3.2.

of civil society within the South African context. Thus, it is important to keep the UDF in mind in this discussion of civil society.

Religious based organisations of civil society and in particular, the South African Council of Churches (SACC) continued to play an important role in opposing the ideological foundations of the state and the exclusion of the majority from the political process.

Of particular importance during this phase is the criticism that began to emerge from the government's traditional religious support base, namely the Dutch Reformed Churches. In 1986 the Dutch Reformed Church (NGK) to which two-thirds of Afrikaners and ninety per cent of cabinet members belonged, adopted a document called, "Church and Society," in which apartheid was declared a mistake, racism condemned as a sin, the withholding of political rights regarded as an affront to human dignity, and the authorities asked to pay "ongoing and sympathetic attention" to regulations which people found offensive. By an overwhelming majority, the NGK voted in favour of opening the church to all races (Guise, 1993:57). This constituted an important step in the "corrosion of the normative and intellectual basis of the regime" (see O'Donnell and Schmitter, 1986:48, 50; Adam and Moodley, 1993:31).

Trade unions, in turn, affirmed their role and place within civil society after changes were made to the laws governing labour and thus positioned themselves as important players in the process of democratisation. In a comparative study of Southern Europe and Latin America, Valenzuela (1989) argues that labour movements occupied a special place during the transition from authoritarianism, especially because the organised network of the labour movement gives it greater capacity for effective and extensive mass mobilisation at critical moments than other social groups. The labour movement in South Africa occupied a similar place as that of its counterparts in the two countries mentioned above. Valenzuela (1989:446-467) posits that South African trade unions possessed "a widespread base and the ability to interfere with the economy", and therefore he regards it as the antagonist that posed the greatest threat to the apartheid regime.

In South Africa, economic growth and industrialisation led to an increase in the number of semi-skilled workers to the point where they provided an organisational basis for trade

unions. The growth of trade unions during this phase was facilitated by the labour relations reforms, which resulted from the Wiehahn recommendations (mentioned in chapter 3) of 1977-1979 (see Webster, 1991:50). For the first time, these labour law reforms, allowed the formal recognition of trade unions for blacks within the official industrial relations system in South Africa. This provided an important boost to civil society. Trade unions had a strong base at the lowest structures with strong shop-floor structures that could be used, as argued by Valenzuela, to mobilise the labour force against the state. Furthermore, trade unions developed close links with civic organisations in the black townships (see Webster, 1991:54-55). Towards the end of this phase (1989), 2 150 000 workers belonged to unions and forty-one per cent of the workforce was unionised (Webster, 1991:50).

The unions focussed on important industries with large workforces. They met with particular success at multinational corporations that were vulnerable to international pressure and especially the metal, textile, and chemical industries. As discussed in chapter three, these were soon linked together into a trade union centre, which grew through mergers and further organisation in 1979 into a national trade union body, namely FOSATU. With, forty-five thousand members (Karis and Gerhart, 1997:217; Marx, 1992:195,198; Friedman, 1987:180-187)³⁵ it emerged as the main union federation advocating transformation of the polity, but maintained a strong non-racial position (Marx, 1992:195). This constituted an important first strategic step against the government's new labour policy that emerged after the Wiehann Commission's report (Cooper, 1996:63-64). Once black workers were granted statutory trade union rights under the Labour Relations Act, FOSATU's membership rocketed to 95 000 by 1981 (Baskin, 1991:448). This de facto "united front" of union affiliates sought to centralise and strengthen the new movement against the dangers inherent in government's new strategy for labour, and it was an important move in countering the parallel, white-led unions (Cooper, 1996:63-64).

Union membership doubled between 1979 and 1982, but the period between 1982 and 1985 experienced a slower, yet still substantial, growth in membership (Macun, 1983:48-53; Marx, 1992:196). This was subsequently also accompanied by an increase in strike action, demonstrations, stay-aways and mass actions to win union demands during this

³⁵According to Baskin (1991:448), the figure is 20 000 workers organised within ten industrial unions.

period (Cooper, 1996:65-66). In November 1984 FOSATU also formed an alliance with community organisations in certain areas in order to organise a successful two day stay-away in support of a wide set of student and community demands (Friedman, 1987:447); yet it tried not to form alliances with political movements (Marx, 1992:196-197).

FOSATU made the strategic decision that its affiliated unions would apply for registration in terms of the new labour legislation, albeit on a non-racial basis. They could also sign on members regardless of the law, which denied union membership to migrants and foreign workers. FOSATU's decision to apply for registration thus opened up new possibilities. Furthermore, official legality - that is the right to exist and bargain as a union - would bring a number of benefits, such as the right to organise and recruit in factories, to sign recognition agreements and to oppose victimisation of union members (Cooper, 1996:64-65). The negotiation of recognition agreements, which set out the rights and duties of shop stewards and trade unions in the workplace, was an important step in establishing the "rule of law" on the shop floor - thereby contributing towards a culture of democracy. The new unions organised themselves through signed-on membership and by elected workers' committees, which in turn, was linked with the negotiation of union recognition agreements at plant level (Cooper, 1996:65).

The legalisation of trade unions provided an important and eventually powerful grassroots basis for the organisation and mobilisation of workers, not only on work related issues, but also on societal and political issues. Most workers were exposed to the injustices and violence of apartheid in their homes and their children's schools and the FOSATU leadership gradually adopted a sympathetic view towards the pressures experienced by their members, particularly, in the townships (Cooper, 1996:65-67). Trade unions consequently engaged in mobilisation and protest actions - such as community campaigns, strikes and general stay-aways - in support of political demands, which both weakened the authoritarian regime and broadened the scope of liberalisation (Seidman, 1990:12). The call for national liberation, particularly by the ANC, yielded a positive response from many workers (Cooper, 1996:65-67).

In addition to providing a framework for politicisation and mobilisation, unions also

provided practical “education” in democratic principles in the structures and processes of the relevant organisations. FOSATU, for example, provided educational programmes to teach “democratic organisational procedures” (Marx, 1992:195).

A further consequence of the legalisation of trade unions was the creation of super-federations, such as COSATU, which became a powerful bloc on the South African political landscape. The mushrooming of new unions in the 1980s saw attempts to build unity within one large federation. FOSATU became one of the central advocates of building a broad unity among the emerging unions and helped in 1985 to engineer the creation of a “super-federation,” the Congress of South African Trade Unions (COSATU), the largest trade union centre in South African history (Baskin, 1991:448; Innes, 1992:342).³⁶ COSATU was born in the fight against apartheid but its formation was a difficult process that highlighted the struggle for leadership of the internal anti-apartheid movement. The principles on which it was based and in particular dominance over civil society and control of the trade union movement was important in this regard.

The Council of Unions of South Africa (CUSA) was formed in 1980 by a group of black consciousness unions in opposition to FOSATU (Baskin, 1991:289). FOSATU accused CUSA of using race to protect incompetent blacks, while CUSA accused FOSATU of using non-racialism to protect white privileges (Marx, 1992:200). However, FOSATU and COSATU’s adherence to non-racialism would eventually bring it in line with the principles of the ANC Charter. CUSA used a top-down approach in the establishment of unions in contrast to FOSATU’s approach of building unions “from a strong base of member participation” (Marx, 1992:195). However, most of the problems FOSATU encountered in constructing COSATU, emanated from the “community unions” such as the South African Allied Workers Union (SAAWU), and the General and Allied Worker Union (Cooper, 1996:66-67; Marx, 1992:199). Community unions rejected registration and their organising style depended more on mass rallies and mass action, than on a slow war of position in which workers’ committee structures in each factory are built. Importantly, in 1983, these unions also affiliated with the national coordinating political organisation, the UDF, which was linked to the ANC as stated infor-

³⁶COSATU is by far South Africa’s largest trade union federation, with more than 1,2 million members in the early nineties (Innes, 1992: 342). COSATU is to this day in alliance with the ANC and the SACP and the leadership of these three organisations also overlaps to a considerable extent (Innes, 1992: 346).

mally and these “community unions” increasingly clashed with FOSATU over the latter’s rejection of overt alliances with political organisations (Baskin, 1991:289).

A solution began to emerge at the March 1984 meeting of progressive unions (Friedman, 1987:409) and by the time COSATU had been established in 1985, a strategic compromise was already in the making between a significant group within the FOSATU union leadership, and the UDF/ANC leaders (Cooper, 1996:67-68; Marx, 1992:201-203). An important role in this regard was played by Cyril Ramaphosa of the National Union of Mineworkers (NUM) who later became a negotiator during the negotiations as discussed in chapters five and six (Marx, 1992:201). This compromise set the scene for the growing alliance between COSATU, the ANC and the SACP, which was subsequently consolidated in March 1986 and constituted an important victory for non-racialism and Charterism (Marx, 1992:201-204). Thus, a significant proportion of the unions accepted the leading role of the ANC at the political level, and the need for unions to enter into broad-front political alliances and actions. At the same time, the ANC recognised the vital role of the unions in organising workers and respected their strategies in the struggle to some degree (Adler and Webster, 1994:8; Cooper, 1996:67-68). COSATU was also successful in canvassing vast foreign donations that amounted up to seventy-five per cent of its budget (Marx, 1992:202).

After the suppression of the UDF, COSATU, was drawn into the forefront of resistance to authoritarian rule and the late 1980s saw successful mass action campaigns against the Separate Amenities Act, and the Labour Relations Amendment Act, and many protest actions (Innes, 1992:339-343).

Trade unions within the sphere of black consciousness and black African nationalism tried to counteract the growing influence of COSATU by forming another super federation namely the National Council of Trade Unions (NACTU) in October 1986 (Marx, 1992:206-208). Likewise, some white trade unions continued to exist. Thus, rifts, which would deepen around the issue of “non-racialism,” remained in the trade union movement.

From the above follows that trade unions became increasingly important in South Africa’s transition to democracy. Apart from its usual function of looking after the interests of the workers, their role had even wider ramifications. Economic and political factors were closely

intertwined in the trade union movement of South Africa even at shop-floor level (Marx, 1992:194). Thus, the trade union movement became an important factor in mobilising the masses, putting pressure on the government, educating the people and recruiting political leaders. At the same time, it provided much needed opportunities for coordinating and consolidating similar interests, thereby reducing the number of possible players in any future political settlement.

Organised business and industry put pressure increasingly on the government to reconsider South Africa's political dispensation as they were bearing the brunt of sanctions, trade union activism, strikes and consumer boycotts (see Race Relations Survey, 1988/1989:382-400; 590-592). Furthermore, they felt that they were missing opportunities within the global economy. Commerce and industry, thus, began to explore making contact with banned organisations and in 1985, Mr Gavin Relly, at the time the chairperson of the giant Anglo-America Corporation, led a delegation of business people on a visit to the ANC in Lusaka, Zambia (Arnold 1992:189). This resulted in better understanding between the two sides and helped to liberalise some conservative business perceptions. However, on their return to South Africa, the government branded them as traitors.

There were also splits between conservative and liberal members of the Afrikaanse Handelsinstituut (AHI) and some joined the more liberal Association of Chambers of Commerce and Industry of South Africa (ASSOCOM) (see Race Relations Survey, 1988/1989:590-592)

In addition to the above, commerce and industry introduced a changing phase in apartheid in South Africa by recruiting more non-white workers for positions other than unskilled labour, sponsoring education and presenting shares to workers (see Race Relations Survey, 1988/1989:382-400; Arnold, 1992).

With regard to students, parents, teachers and civic associations, seething discontent persisted through the 1980s. Consequently, school and consumer boycotts, strikes and stay-aways, challenged the attempt at co-option, encouraging the rise of civic associations as well as student and youth movements, which sought to mobilise dissent (Lawrence, 1994:4). Most of the civic associations were aligned to the UDF, although their establishment seemed to have been the outcome of a fairly spontaneous reaction to repression.

The government also began to experience rebelliousness from Afrikaner nationalist student leaders. In 1985, a number of Afrikaans students from the University of Stellenbosch planned to visit the ANC in Lusaka, but the government acted by withdrawing their passports (Van der Merwe, HW). In March 1987, twenty-seven Afrikaans speaking academics, from Stellenbosch, called on the government to abolish all apartheid laws (Race Relations Survey, 1988/1989:688-689). This was particularly significant since President Botha was the Chancellor of that university. Internally black and white student leaders were beginning to make contact.

In addition, sporting organisations continued to be an important factor in the political arena. Those traditionally falling within the influence sphere of the state began to criticise government policy and some such as the South African Rugby Board, met with the ANC in exile (Race Relations Survey, 1988/1989:639-641).

Non-governmental organisations, such as IDASA, and other professional organisations, increasingly pressurised government regarding its apartheid policies. IDASA organised a meeting of mainly Afrikaners with the ANC in Dakar, Senegal in 1987. This event stimulated much public debate in South Africa and probably contributed towards a new orientation in white thinking in favour of talks with the ANC. The government again condemned such “adventures” which were in fact, challenging apartheid policy (Van der Merwe, H W).³⁷

In March 1989, the South African Law Commission published a 491-page working paper, which called for a negotiated bill of rights and urged the government to put an end to all discriminatory legislation (Race Relations Survey, 1988/1989:xxviii).

The mass media played a supportive role in the actions of civil society, but were also important, as they had to provide the ordinary public with information. Although the media was split between the pro-government and anti-government groups, both had the important task of keeping its readers informed. Relative to the situation in other developing societies, South Africa’s press has maintained a strong tradition of critical independence. In that, way they have contributed to a value balance in the society and have served to generate and sustain an environment that encourages the continued autonomy of civil society

³⁷It should be noted that the government itself was meeting with members of the ANC in secret (Marais, 1994:2-4).

(Price, 1994:189; Adam and Moodley, 1993:16, 35; Giliomee et al., 1994:196). Even the pro-government media interviewed “rebels” within the camp of the ruling party and also met with members of the ANC. Furthermore, Price (1994:191) was of the opinion that autonomous media provided the social base for the maintenance of electoral competition and in this sense the tradition of independent media would be invaluable in nurturing a culture of democracy.

Though civil society has the potential in a plural society to “crosscut” cleavages and to moderate attitudes through crosscutting interactions and by inhibiting the formation of “permanent allies and permanent enemies” (see Miller, 1983:735), this was not the situation in South Africa. Civil society remained divided along racial lines and in terms of those that supported the government and those that opposed it. However, there were indications of shifts in those civil organisations supporting government because some organisations such as the Dutch Reformed Church increasingly began to pressurise the government to address the political aspirations of the politically excluded masses and to begin negotiations with stakeholders in the struggle (see Guise, 1993: 57).

As discussed in the previous section, the anti-apartheid resistance exercised by civil society in the 1980s was centred in the UDF. However, both pro-government and anti-government civil society organisations pressurised the government. The government’s traditional support base began to either criticise the government’s reforms for being too much too soon (hardliners) or being too little too late (the reformers). Thus, the government found itself in an increasingly precarious position.

4.3.4 STATE - POLITICAL SOCIETY - CIVIL SOCIETY INTERACTIONS AND THE BREAKDOWN OF REFORM

In the previous section, each domain of state - political society - civil society was analysed separately. It is however, necessary to pay attention to how these domains interacted with one another and how events in a particular domain affected the other domains, as well as what impact these interactions had on the South African political landscape. Thus, it is important to take note of the strategic choices and interactions of organisations in political and civil society, as well as the white minority government, and mass mobilisation in the

light of the process perspective. “Elite-driven” or “from above” actions versus “mass-driven” or “from below” actions are therefore important in this regard.

At this stage of South Africa’s transition, there were already two main contending plans for a “just” political dispensation. On the one hand, the government contemplated a gradual and slow ruling elite-driven evolution (i.e. reform from above) on the way towards an open society in which power and wealth would be shared more equitably, but without endangering the material interests and identity needs of the white community, particularly the Afrikaners (Giliomee and Schlemmer, 1989:223). As mentioned in section 4.3.1, the government initiated a pragmatic reform programme in which it tried to reconcile apartheid with democratic principles based mainly on the “consociational” principles of power-sharing and cultural pluralism in an attempt to build broader consensus for NP rule (Taylor, 1990b:20). Although the 1983-Constitution with its three chambers (the tricameral parliament) was the primary act of reform, the government also identified the need to address the more obvious discriminatory aspects of apartheid by repealing those laws that highlighted the inequalities that resulted from race classification (Taylor, 1990b:20).

However, the government’s reform programme was initiated in the context of near universal condemnation by the majority-based opposition movements from both political and civil society. Many academics and journalists, on the other hand, believed in the viability and future stability of an apartheid-free South Africa and therefore demanded the removal of the government from its party-political agenda - by either force or moral persuasion (Giliomee and Schlemmer, 1989:223). These mass driven sentiments clearly questioned the government’s legitimacy, not only to rule but also to be in “control” of any reform or transition (i.e. transition from below). However, there were also indications of moderation coming from the opposition forces. In the words of Heribert Adam: “Shared languages, Christian religious culture and consumerism...should impart...faith and optimism for the future” (1989 in Giliomee and Schlemmer, 1989:223). This implied that power politics and security anxieties would not override shared values between whites and blacks.

There was however, a further emerging third stream embodied in those voices, for example of Giliomee and Schlemmer (1989:222-235) who advocated a transitional, or “buffer” period

of a government of national unity as a preferred alternative to either a long reform process, or a sudden transition. Such a government of national unity obviously required “pact-making“.

At this stage in the process of transition, in spite of widespread criticism and serious difficulties it encountered, the government remained committed to a political dispensation, which would continue to be organised in terms of relations between the four statutory apartheid race groups and the idea of political “autonomy” for each race and ethnic group. In its justification of the 1983-Constitution, the NP relied heavily on consociational theory, because it was believed that a deeply divided society such as the one found in South Africa, could become stable and democratic through “pluralist” leadership (Taylor, 1990b:21). However, the new dispensation rested more on co-optation than on consensus (Taylor, 1990a:157-166). Despite the further alienation of the blacks, the government believed it had no alternative but to co-opt Indians and coloureds into the parliamentary system while excluding blacks (Giliomee and Schlemmer, 1989:133).

A consequence of the government’s reforms was the fomenting of opposition among, on the one hand conservatives, particularly whites, and on the other hand, liberals and those who were part of the struggle. In future, both sides who opposed the government’s reform agenda would contribute considerably to compromising the legitimacy of the government, as well as to regime breakdown.

Divisions between the hardliners and the reformers among the ruling elite became increasingly important. These divisions became evident among those that exercised power, but also among those sections of political society and civil society, that had traditionally supported the government. Committed to reversing the limited reforms and re-establishing the principle of partition for each South African group and race, the CP captured twenty-two seats in the 1987-election (Taylor, 1990a:158). White extremism was a further source of growing alarm. The extremist Afrikaner movement in the form of the AWB, for example, had grown from a membership of 50,000 to 100,000 and disrupted several NP meetings (Arnold, 1992:43). At this stage, the ruling elite, still had the option of a complete withdrawal of liberalisation, but events emanating from the anti-apartheid struggle would make this too costly and therefore unlikely.

On the other hand, the demands on and threats made towards the state were maximised among civil society organisations in the anti-apartheid struggle. This was largely due to the limited liberalisation and extension of participation in the government's reforms in a political society where many citizens had no access to power that would allow them to mediate their interests. The liberalisation initiatives, together with the limited nature of the government's reforms, particularly the exclusion of blacks from the franchise and parliamentary representation, thus created both the space and incentive for greater opposition to the regime (Anstey, 1992:2). Those from the anti-apartheid struggle looked beyond the limited liberalisation and extension of participation in the government's reforms. They recognised the fact that the institutional weaknesses of the reformed political dispensation during the 1980s, had been built into it by political leaders who were simply not willing to jeopardise continued white minority domination and who knew that the design of the institutions would allow them to retain control indefinitely without jeopardising the core of apartheid (Sisk, 1992:151). By moving away from the grand apartheid project of ethnic groups and segregation and by introducing concepts of power-sharing, cultural pluralism and consociationalism, the government under PW Botha sought to build a broader consensus for NP rule through a "pragmatic" reform programme (Taylor, 1990b:20). Thus, many saw reforms as an attempt to safeguard white minority rule, and as an attempt to entrench NP rule. As a result, the incremental reforms brought new impetus to the struggle.

As discussed, the UDF was established to oppose the 1983-Constitution and civil society blossomed in the "open space" created by the government's "liberalisation" measures. Liberalising reforms thus stimulated demands for more far-reaching reforms and thus precipitated widespread domestic revolt, and subsequently, international opposition against the South African regime in the mid-1980s. In September 1984, protests resulted in violence, and the government-deployed troops in the townships (see Huntington, 1991:136). Discontent persisted throughout the 1980s in the form of school and consumer boycotts, strikes and stay-aways - all of which challenged the attempt at co-optation and encouraged the rise of civic associations as well as student and youth movements, which sought to mobilise dissent (Lawrence, 1994:4). Protests and violence against the state escalated and the government ultimately responded with a state of emergency and mass detentions. The spiralling cycle

of revolt and repression that accompanied reform without real change, in turn, broadened the base of anti-apartheid opposition.

Sisk (1992:153) argues that PW Botha's reform programme stopped at incremental reform, termed by critics "neo-apartheid", in an effort to forestall greater change. According to Adam and Moodley (1992:40), PW Botha merely continued the reluctant liberalisation of the conservative Prime Minister Vorster without being able to break with the racial paradigm and anti-communist rhetoric.

Behind the government's continued insistence on reform from above, was the belief that the total strategy would work and that the ANC and the broad forces of the struggle would be defeated. However, throughout the initial phase of transition, the leadership of both the NP and the ANC made a unilateral attempt to impose their respective models of what the political dispensation ought to be. This was demonstrated by their respective strategies in describing their role in the conflict, namely "total onslaught" versus "people's war" (Slabbert, 1990b:5-6). It was a classic zero-sum view of the conflict, one in which the main contenders, namely the NP and the ANC, believed that it could determine the parameters of institutional choice and the future political dispensation unilaterally (Sisk, 1992:151; Sisk, 1995:70). However, neither side was able to impose its will on the other. The inability of the challengers to overthrow the incumbents was countered by the incumbents' inability to eliminate the opposition or generate the necessary legitimacy. Thus, while neither side could impose its will on the other, each was strong enough to frustrate the intentions of the other (Slabbert, 1990a and b) and by the end of the 1980s, a perception of stalemate between the main contenders, had developed (Marx, 1992:264; Anstey, 1992:3-4; and Welsh, 1992:15).

Seen historically, the ruling elite's reform of the political dispensation was a failure. Its fundamental flaw was the continued reliance on the basic criterion of race, and the exclusion of blacks. It appeared as if the government's reforms were designed to improve and moderate, but also to bolster the existing system by making it more acceptable to South Africans. It thus seemed probable that the government did not want fundamental changes to the existing political dispensation and did not intend to end white power. As reformer, the government wanted to change but also to preserve the existing system (see Huntington, 1991:597-598).

In addition, by adopting a policy of cautious reform of the apartheid system “from above,” the government of PW Botha unintentionally destroyed any “claim” to the legitimacy of white rule and the certainty that white supremacy would continue (Gutteridge, 1995:3).

As the failure of the apartheid policy and the ruling elite’s attempts at reform became more and more apparent, the government’s perseverance with co-option and repression in the face of growing black resistance became increasingly problematic (Giliomee, 1992b:112; Sisk, 1992:68). Reform and revolt became locked into a vicious cycle of escalating mass mobilisation and repression. At the same time, the government and PW Botha, in particular, tried to deal with the conservative camp among whites by slowing reforms. This was clearly evident from Mr Botha’s much anticipated “rubicon speech” on 15 August 1985. Prior to the speech, the government hinted at radical policy shifts in the apartheid dispensation. However, Mr Botha merely indicated that the government would continue with its reform programme and that it would not be pressurised by the outside world and extremists. This was widely interpreted as a confirmation of the fact that the NP had tried to consolidate its power through “reform apartheid.”

On the other hand, the government clamped down on the internal mass mobilisation against apartheid and the government’s reform programme. Unable to justify its repressive actions in terms of liberal democratic principles, the policy of the NP with regard to a just political dispensation was rendered more or less bankrupt (Taylor, 1990a:158-159). In the 1987 election it received a mandate for a proposed multiracial statutory National Council, but no serious black leaders were prepared to become involved in this body and it came to nothing (Taylor, 1990a:158-159). Thus, increasingly, the government became more and more isolated both internally and internationally.

The ANC, on the other hand, was clearly gaining a strong footing in spite of it being banned. Unlike most of the other organisations in the struggle against apartheid, together with its associates, such as the UDF the ANC was able to strengthen its position both internally and internationally. Internally the stand-off between the ANC and Inkatha also intensified and it was clear that even though Inkatha was able to mobilise much needed support, it was unable to do so outside of its Zulu support base.

At this point, a zero-sum confrontational situation between the regime and anti-regime camps seemed inevitable. However, the political unrest made the government realise that it would not be able to impose its will unilaterally on the majority of South Africans and that it would possibly have to negotiate a future political dispensation for South Africa. On the other hand, the government's ability to clampdown on unrest also brought the realisation that an end to apartheid would have to be negotiated. A number of factors appear to have driven this political and philosophical change in the ANC. The gradual liberalisation of the political language and programme of the ANC and its ally, the SACP, over the second half of the 1980s, was important in this regard. Up to that point, these organisations had not, been noteworthy advocates of multi-party democracy (Hirschmann, 1998:230-235). However, during this phase any attempt to bring the various parties to the negotiating table could merely be considered as exploratory.

The political problems were no comfort as the NP prepared itself for an election in September 1989 in which it faced the tough challenge; of reformulating a position somewhere between apartheid and democracy that would generate new hopes and expectations to all (Taylor, 1990a:158-159).

Thus, towards the end of this phase, the reform process had slowed down and to some it had even stalled, but it would gain new impetus after Mr PW Botha's resignation and replacement by Mr F W de Klerk (who had already been appointed leader of the NP in January 1989) in August 1989. In addition, there were serious differences of opinion among NP members and the Broederbond regarding the weakening support base of the government and the importance of maintaining the initiative in any transition.

The various interactions in the domains of state - political society - civil society served to level the playing fields between the government and the anti-apartheid struggle. The position of the government was weakened, while civil society became a force, which the government could not ignore.

The outcome of the dynamics of the initial phase of transition was a "mutual hurting stalemate" between the incumbents and the challengers. Both sides realised that they were unable to impose their will on the other. At the same time both sides experienced an internal

power struggle between on the one hand the reformers versus the hardliners, and on the other hand the moderates versus the radicals. Neither was thus in a position to “travel the final road” (see Adam and Moodley, 1992:41).

4.4 CONCLUSION

Challenges emanating from the macro-structural environment eventually induced the power elite to liberalise the political landscape - and thus initiating the dynamics of system change. The initial phase of transition of the period 1978-1989 was thus characterised, on the one hand, by the government’s attempt at liberalisation and reform from above and, on the other hand, by mass mobilisation through civil society organisations - a volatile balance between improved liberalisation and mutually hostile confrontation. All of this took place within the context of a macro-structural environment in which socio-economic, cultural, international factors and a deepening of interdependence between the various race groups had an important impact, while racial divisions continued to overshadow other societal divisions.

The ruling elite’s reforms from above failed to increase its legitimacy, but the government’s reforms provided an important opening for democratisation. Thus this period saw the necessary opportunity for democratic changes and the weakening of the authoritarian regime became evident.

The driving force behind the government’s reforms came from internal factors, which could be linked to external factors. Both sets of factors played a significant role in undermining the legitimacy of the authoritarian regime, as follows:

- The incumbents experienced increasing divisions between the hardliners and the reformers, as well as in the pro-government political society and civil society.
- There was a weakening of the power base of the ruling elite.
- Maintaining the existing and increasingly complex political dispensation was becoming too costly.
- The regime’s position deteriorated in general and it became necessary to contemplate

a new era of democratisation that would see the eventual demise of apartheid through negotiation.

A second focus of this chapter was thus the key actors that were involved in this liberalisation phase and who would determine how the movement for democracy developed, as well as their strategies and contribution to the development of democracy over time. Hence, the strategic choices of political and civil society organisations, and the white minority government were analysed. Two strategies were important, namely the government's "elite-driven" or "from above" strategy and the mass movement's "mass-driven" or "from below" strategy - both in line with the micro-behavioural approach.

The information contained in the preceding paragraphs forms part of the argument that both the structural and the behavioural approaches are important in an understanding of the transition to democracy in South Africa. It was already clear at this stage that a number of macro-structural factors could not be ignored as some proponents of the micro-behavioural or process approach such as O'Donnell and Schmitter (1986) advocate. The actions of the actors that were already involved and those that later became involved did not take place in a vacuum - they were influenced by several macro-structural conditions in the environment. There were factors that had a "push," "pull" and "restraining" effect respectively, on the actions of the various actors. In some instances, the same conditions had all three effects. International sanctions, for example had a "push" effect, instances of successful democratic transitions had a "pull" effect, while the Cold War had a "restraining effect."

Likewise, an understanding of the South African transition cannot be reduced to a single theory within these broader approaches. For example, theories focussing on culture are important but not to the exclusion of theories focussing on economic development and international pressure. Similarly, the transition should also be analysed within the wider context of actions and interactions within the domains of state - political society - civil society.

In the case of South Africa, the domains of state - political society - civil society were complex and had an extremely problematic profile. Whites still had a monopoly on state power; political society was racially divided and was for all practical purposes, open to the white segment of the population only, or at best dominated by them. Civil society was

racially divided and the anti-regime segment of civil society consisted mainly of non-whites. Thus, the dualism of white - non-white remained important, because non-whites had very little access to state power to mediate their interests systematically since these routes were for all practical purposes blocked. Even though the government tried to reform access to state power, such as in the 1983- Constitution, the new structures were still dominated by the whites in general and by the NP in particular. An unintended consequence of these events would be that consociationalism would become discredited as a viable option in future negotiations for a democratic political dispensation.

Because of several factors that played a role in the creation and nurturing of groups in civil society, South African civil society flourished in the pluralism and robustness of autonomous organisations, institutions, academic centres and the media in both white and non-white communities. These organisations contributed to a value balance in the society and they have served to generate and sustain an environment that encouraged the continued autonomy of civil society. During the 1980s, the role of civil society, through mass-mobilisation, was crucial in the struggle for a democratic political dispensation. It is questionable whether, without persistent pressure from a powerful and well-organised civil society, transition to democracy in South Africa would have continued. Civil society thus became an important counter locus of power within the South African society. However, the actions of these actors within the domains of the state - political society - civil society should, as said, not be isolated from their macro-structural context. The actions and strategies of the various actors during this phase therefore brought important changes to the political landscape and the ground was laid for the next phase.

The transition from authoritarianism, thus, began as a process of liberalisation which was initiated by the authoritarian rulers as is often the case in a process of liberalisation. This period in the history of South Africa's transition also provides important information on the dilemmas a regime faces when liberalising. Important is the initiation of the democratisation process by the authoritarian rulers, which provides the opening that could lead to further regime breakdown - as was experienced by the government under Mr PW Botha. The ruling elite still had the option of a complete withdrawal of liberalisation, but the actions coming from civil society made such an option too costly. At this point, a zero-sum "mutually

antagonistic confrontation” stage between the regime and anti-regime camps was reached. Nevertheless, PW Botha’s government took an important step towards eventually changing the situation from a zero-sum game to a non-zero-sum game between the white ruling elite and the mainly non-white anti-regime movement in South Africa.

The era of reform “from above” under the leadership of PW Botha ended in deadlock and to a large extent, the reform process slowed down and to some even stalled, towards the end of his tenure. However, the reform process would gain new momentum after Mr FW de Klerk replaced Botha as president in August 1989 amidst dramatic changes within the international environment.

In chapter five an overview and analysis will therefore be provided of the structural factors, the strategic choices of the various actors and mass mobilisation during the second phase of transition.

Chapter 5

THE CRUCIAL PHASE OF TRANSITION: DEMOCRACY THROUGH PRELIMINARY NEGOTIATIONS (1989-1991)

5.1 INTRODUCTION

In this chapter the “crucial phase of transition” (1989-1991), which was a critical phase in South Africa’s transition to democracy, is analysed. During this phase, the threshold of democracy was crossed and the attitude of the main actors changed from mutual antagonism and confrontation to that of mutual benefit and negotiation. It was a period characterised by attempts by the main political actors to normalise the political landscape through pre-negotiation - that is the first tentative “talks” exploring a transition through negotiation and setting the stage for such negotiations. The process of pre-negotiation and its political implications will thus be analysed and assessed within the context of the internal dynamics and changes in the domains of, the state - political society - civil society.

The crucial phase of transition commenced when, Mr FW de Klerk became president after PW Botha’s resignation in August 1989.¹ De Klerk’s new leadership position created possibilities for new initiatives and the process of political change gained new momentum under his leadership. During this phase, De Klerk delivered his path breaking speech of 2 February 1990, which would put South Africa firmly on the road to negotiation. This phase

¹President Botha, who was at the same time leader of the NP, had resigned as leader of the NP in January 1989. Mr FW de Klerk, who had been in Parliament for 17 years and had held a number of ministerial portfolios as well as being chairman of the Transvaal NP, was elected leader of the ruling NP. Botha initially remained president and tried to maintain the initiative for reform, but resigned as president in August 1989. Mr de Klerk first became acting president and was later inaugurated as president.

ended with the conclusion of the National Peace Accord (the Accord) in September 1991.

In this chapter, the evolution of the process of pre-negotiation from the first important steps taken since August 1989 up to the Accord is discussed. Tracing this process reveals how negotiations facilitated the institutionalisation of the newfound commitment to peaceful, co-operative change in new rule structures through a series of transitional pacts, in a slow but steady movement towards the Accord. The road to the Accord was by no means smooth as would become clear in the discussion. Through gains, setbacks, breakdowns, unprecedented levels of violence, mutual recrimination and blame, there was slow progress beyond the preliminaries.

As explained in chapter two, in the body of literature that has emerged on transitions to democracy and in which a number of case studies around the world was documented (see O'Donnell and Schmitter, 1986), transitions from authoritarian rule has been found to involve mainly three phases, namely the liberalisation, democratisation and consolidation phases.² South Africa continued to be in the liberalisation phase during the period 1989-1991. As discussed, towards the end of the previous timeframe, a stalemate or deadlock was reached and it was realised that negotiations were desirable if not a necessity, and an era of pre-negotiation subsequently emerged.

5.2 THE IMPORTANCE OF PRE-NEGOTIATIONS

The importance of pre-negotiations for negotiated transitions to democracy has been recognised by a number of scholars, such as Karl (1991:175), Karl and Schmitter (1991:281), Huntington (1991:160), Gillespie (1991:171-174), Sisk (1992:4; 1995:75-81) and De Villiers (1993:231-235). A process of pre-negotiation³ can be important in bringing about a re-assessment of a conflict and, particularly, a conflict that has become deadlocked as was the

²The liberalisation phase is the “process of redefining and extending rights” and is characterised by the opening up of political space, allowing former opponents of the regime to operate legally and without harassment from the government of the day. The democratisation is the “processes whereby the rules and procedures of citizenship are applied or expanded” and is characterised by the holding of democratic elections based on a mutually agreed constitution. (see O'Donnell and Schmitter, 1986:7-8, Gill 2000:235).

³Also referred to as “negotiation about negotiation” or “bargaining about bargaining” or “talks about talks” (see Du Toit and Gagiano, 1988), or the “diagnostic phase” (see Sisk, 1995:75; 85). A distinction is sometimes made between “talks” to get the opposing actors to consider negotiations and then “talks” to determine the conditions and rules for negotiations prior to the actual substantive negotiations - the first two stages are both regarded as part of pre-negotiations for purposes of this study.

case in South Africa (Saunders, 1985:255-260; Stein, 1989:263-264; Welsh, 1994:81-98; Sisk, 1995:75). This is possible because pre-negotiation facilitates a “re-imaging” of the opponent as a party that is to some extent reasonable and trustworthy - that is the actors learn about themselves and about each other and thus facilitate “nascent elite co-operation” (Sisk, 1995:87). This stage in the process of negotiation usually involves: a shared understanding of what the problem is, a commitment to a fair (“good-faith”) negotiated settlement, arrangement of the negotiations and the commencement of the actual substantive negotiations (see Zartman, 1989; Saunders, 1985, Sisk, 1995:75, 82, 85-87). This is the stage where participation, agendas, rules and tactics for negotiation are “negotiated”. Alliances are often important during negotiations, thus, the various participants try to position them by exploring the possibility of forming alliances during the phase of pre-negotiation.

Pre-negotiation provides an opportunity for reassessing the stakes in the conflict. This may bring the realisation that the potential benefits outweigh the risks and costs involved in the negotiation process, as well as the cost of continuing with a conflict (Fisher, 1989:213; De Villiers, 1993:231). Pre-negotiations may narrow the differences between the various adversaries and may construct a “contract zone” or a middle ground (Price, 1991:10; Du Toit, 1992:2). Thus, both the incumbents and the contenders may develop a better understanding of the adverse consequences of a continued stalemate and the likelihood of an impending crisis if agreement is not reached. Finally, it enables the contenders to assess the conjunction of threat and opportunity affecting the framing of the problem and the salience of negotiation as a viable option for transforming the nature of the conflict (Stein, 1989:245; Anstey, 1991a:121-123; De Villiers, 1993:231-232).

Pre-negotiation is the first and most important stage in the process of compromise. This is of particular importance when some form of power-sharing and consensual governance is envisaged - only after all contending forces have agreed to bargain over their differences, is power-sharing possible.⁴ Pre-negotiations can thus lay the basis for mutual trust by creating familiarity among opposing groups and encourage the development of a more accommodating political style among the contenders during the process of transition (Karl, 1991:175-176 in

⁴The possibility of a transitional government in which power would be shared was already an option early in the pre-negotiation stage.

De Villiers, 1993:232).

The following are factors often regarded as necessary for a successful outcome in negotiations and which require attention during the phase of pre-negotiation (see Anstey, 1991a:124; Price, 1991:10; Du Toit, 1990:1-3; De Villiers, 1993:233):

- A clear understanding of what issue/issues is/are to be negotiated;
- An intention by all parties to achieve a settlement;
- A willingness to reconsider a stated position;
- Resources of power which are sufficient to persuade, but insufficient to force a particular standpoint on the others;
- A clear mandate from a coherent constituency;
- Mutual recognition or accreditation as negotiating partners;
- Agreement on and adherence to the “rules of the game”;
- Acknowledgment of both the legitimacy of differences, and the existence of common ground in the relationship - i.e. interdependence among the different parties must be established;
- A belief that negotiation is the best option available for the purpose of resolving differences; and
- Sufficient resources to allow outcomes that do not discredit the use of the negotiation process or those parties seeking to use it.

From the discussions further in this chapter, it would follow how the main actors dealt with the above during the phase of pre-negotiation. In South Africa, this phase of the negotiation process was characterised by (Sisk, 1992; Gastrow, 1995):

- Increasing, rather than decreasing political violence. It was often alleged that political violence was fomented in a bid to enhance bargaining power prior to the onset of the actual negotiation process;

- The gradual compliance by the government of the preconditions set by the ANC in particular, such as the unbanning of banned organisations, the release of political prisoners, the return of exiles, and the ending of the state of emergency (see Harare Declaration later in chapter);
- The further repeal of apartheid laws by the government (with the exception of the 1983-Constitution) with the aim of manoeuvring for competition in the new political game;
- The intervention of domestic and foreign mediators, such as church and business groups, as well as the OAU and other international actors. This was to resolve various deadlocks in bringing the various parties to the negotiation table and to eventually facilitate the conclusion and signing of the Accord;
- Intensive debates and planning over the central questions of institutional choice such as that new political rules should replace the old ones.

Thus, the initial stage of De Klerk's presidency was characterised by the formalisation of pre-negotiation as a first step in the process of negotiation.⁵ The onset of a process of pre-negotiation signalled a change in the zero sum view of the conflict that had existed until then, to the potential for a positive sum outcome (Sisk, 1995:85).

5.3 PRE-NEGOTIATIONS: THE MACRO-STRUCTURAL CONTEXT

During late 1989 and early 1990, a combination of domestic and international, political, economic, and social factors all converged at a critical time, setting the conditions for the move from a stalemate to negotiations (Sisk, 1995:85). Most of the factors as discussed in chapters three and four remained similar, but a few events had a significant impact on the environment of transition, as well as the position and actions of the main actors. These were the fall of communism, the end of the Cold War and the democratisation of Eastern

⁵This is not to say that De Klerk came to power as a reformer. In fact, De Klerk was from the more conservative wing of the NP, and there was little in his background as an almost classic Afrikaner politician and as the son of a leading NP politician to make one believe that he would quickly move to dismantle apartheid. However, the leadership change at least opened up the possibility of a different white negotiating stance (see Herbst, 1998).

Europe and Namibia; the Harare Declaration; the election of 1989; the release of Nelson Mandela and the unbanning of banned organisations and people; as well as the escalation of the conflict and violence.

5.3.1 THE FALL OF COMMUNISM, THE END OF THE COLD WAR AND THE DEMOCRATISATION OF EASTERN EUROPE AND NAMIBIA

Important international developments were the worldwide collapse of communism as symbolised, particularly, by the fall of the Berlin Wall in November 1989, the subsequent end of the Cold War and the democratisation of Eastern Europe and Namibia (see Herbst, 1998:201).

The government under De Klerk understood that the failure of communism would have a profound effect on the ANC's future plans as already alluded to in chapter four (see Arnold, 1992:1-5; Adam and Moodley, 1993:45-52). In his famous speech of 2 February 1990, De Klerk for example analysed the changes in the world before turning to events in South Africa:

The collapse, particularly of the economic system in Eastern Europe, also serves as a warning to those who insist on persisting with it in Africa. Those who seek to force this failure of a system on South Africa should engage in a total revision of their point of view. Southern Africa now has a historical opportunity to set aside its conflicts and ideological differences and draw up a joint programme of reconstruction (De Klerk, 1990, 1991:162; Herbst, 1998: 601).

He emphasised that the fall of communism created "a new scenario" which provided a window of opportunity for South Africa and that it would be a major blunder not to take such an opportunity. Indeed, the failure of communism gave De Klerk considerable confidence that the radicals had, in his words, been "castrated" (Herbst, 1998:602; see Arnold, 1992; Race Relations Survey, 1989/1990:xl). The ANC, as a result, would be prevented from engaging in some of the more radical policies with which it had always been associated, such as nationalisation and radical redistribution - the latter would be moderated significantly in light of the new realities of the international economy, in which sanctions might not continue (Friedman, 1993:11). In fact, while the commitment to socialism among ANC members varied, there is according to Herbst (1998:602) no doubt that the fall of communism left the ANC without a set of first principles. Likewise, it also left the government without the

necessary motivation for its ideology of “total onslaught,” while the USA and other Western governments could no longer use the Cold War as an excuse for not exercising more pressure on the South African government. Even the USSR favoured a negotiated settlement as a mark of its commitment to end Cold War conflicts (see Arnold, 1992:126-131; Adam and Moodley, 1993:45-52).

Furthermore, the democratisation of Eastern Europe after the collapse of communism and the successful negotiation of Namibian⁶ independence from South Africa, were on the one hand sources of encouragement, but on the other also sources of pressure and in particular by the international community as discussed in chapters two, three and four.

5.3.2 THE HARARE DECLARATION

Due to the changing international environment and the government’s counter-revolutionary strategy, there was a change in the strategy of the ANC as the main challenger. The ANC realised that its previous notion of a revolutionary seizure of power was simply not possible. This was evident from the changing international environment and the government’s continued ability to clampdown on the ANC’s actions. It was increasingly difficult to conduct a guerrilla war against the government (Shubane, 1992:203). A “people’s war” to destroy the “apartheid state”, could not succeed in the short term.

The ANC realised that changes in the political environment made the possibility of negotiating a transition both possible and feasible and negotiations was thus adopted as a strategy for transition. This was demonstrated in the “Declaration of the OAU Ad-hoc Committee on Southern Africa on the Question of South Africa: Harare, Zimbabwe: August 21, 1989” (Harare Declaration) (De Villiers, 1993 :341).⁷ Paragraph 14 for example states:

We believe that a conjuncture of circumstances exists which, if there is a demon-

⁶Elections for a constituent assembly was held in November 1989 and the principles adopted in the constitution were similar to those adopted in the Harare Declaration (see next section). Namibia became officially independent on 21 March 1990 (Race Relations Survey, 1989/1990:222).

⁷The Ad Hoc Committee on Southern Africa of the OAU - consisting of several Heads of State - adopted a Declaration at its meeting in Harare on 21 August 1989, at the suggestion of the ANC. It then laid down a statement of principles and modalities for negotiations. The Declaration was endorsed by the Movement of Non-aligned States at its summit meeting in Belgrade, and formed the basis for the “Declaration on Apartheid and its Destructive Consequences in Southern Africa” adopted by the United Nations General Assembly on 14 December 1989 - Resolution A/Res/S-16/1. The UN however also committed the PAC and other black consciousness organisations to its democratic principles (see Harare Declaration).

strable readiness on the part of the Pretoria regime to engage in negotiations genuinely and seriously, could create the possibility to end apartheid through negotiations. Such an eventuality would be an expression of the long-standing preference of the people of South Africa to arrive at a political settlement.

There was therefore a realisation and an acceptance that a change in the political dispensation will have to be negotiated.

Paragraph 19 of the Harare Declaration, however, stipulated core preconditions for such negotiations which included:

- The release and unbanning of all political prisoners without placing restrictions on them;
- Lifting of restrictions and bans on organisations and people;
- Removing the army from the townships;
- The lifting of the state of emergency and the repeal of legislation restricting political activity;
- Cease all political executions.

While the Harare Declaration (Sisk, 1992:278-279; Sisk, 1995:151-152) was primarily aimed at setting the stage for negotiations, it also contained a brief section outlining the ANC's view of a future state. There was the acceptance that the transition will have to be a change to a democratic political order. The document is important in the evolution of the ANC's thinking on constitutional issues because of the subsequent adoption of this language in Resolution A/Res/S-16/1 by the UN General Assembly. The Harare Declaration called for a process of negotiation, albeit tempered by the view that the bottom line of such negotiations would be the final dismantling of apartheid and the creation of a nonracial democracy (Sisk, 1995:152).⁸ The outcome should not merely be the reform of apartheid but a new constitutional order based on the following attributes (Harare Declaration, paragraph 16; see also Resolution A/Res/S-16/1):

⁸The principles adopted reflected those adopted by the ANC in July 1988 in the "Constitutional Guidelines for a democratic South Africa", which was the product of two years of intensive debate (Race Relations Survey, 1988/89:635-637).

- South Africa shall become a united, democratic and nonracial state.
- All its people shall enjoy common and equal citizenship and nationality, regardless of race, colour, sex or creed.
- All its people shall have the right to participate in government and administration of the country on the basis of universal suffrage, exercised through one person, one vote, under a common voters roll.
- All people have the right to form and join any political party of their choice, provided that it is not in the furtherance of racism.
- All shall enjoy universally recognised human rights, freedoms and civil liberties, protected under an entrenched bill of rights.
- South Africa shall have a new legal system, which shall guarantee equality of all before the law.
- South Africa shall have an independent and nonracial judiciary.
- There shall be created an economic order, which shall provide the advance and well-being of all South Africans.
- A democratic South Africa shall respect the rights, sovereignty, and territorial integrity of all countries and pursue a policy of peace, friendship and mutually beneficial co-operation with all people.

The principles of the Harare Declaration, though vaguely drafted, indicated a shift in the ANC's position. It should be noted that the inclusion of a controversial clause on the potential banning of parties pushing for an ethnic platform was dropped, but was applied to parties that promoted racism (Sisk, 1995:152).

The Harare Declaration was furthermore important because it gave a boost to the ANC's moral standing internationally. This was at the expense of both the government and the pro-black organisations such as the PAC, which all included racial principles in their political strategies.

These changes in the strategy and position of the ANC as opposition reflected an underlying change in the balance of power within South African society (Price, 1991). Furthermore, the perceived weakening of the power of the authoritarian regime made negotiations more attractive to the ANC because it made the realisation of their goals through negotiation, possible (see Adam and Moodley, 1993:46). Negotiations would thus require a re-organisation of power relations in South African politics and society. Thus, both the NP's failed attempt to impose the terms of change, and the ANC's failed attempt at insurrection and revolutionary struggle (as discussed in chapter four) provided the opportunities for negotiations, but unfortunately also left legacies which would be difficult to deal with in future negotiations (De Villiers, 1993 :340; Slabbert, 1992a:72-77; Adam and Moodley, 1993:39-52).

5.3.3 THE ELECTION OF 1989

Prior to becoming President, Mr de Klerk was as leader of the NP already involved in the election campaigns for the September 1989 election of Parliament. Yet, after Mr Botha's resignation De Klerk faced an election that would raise concerns about the constituency of the NP. It was also the first election which involved all three chambers of Parliament simultaneously and the nationalists had to deal with calls to boycott the election and in particular among coloureds and Indians (Race Relations Survey, 1989/1990:225).

The NP fought the 1989 elections under difficult circumstances. The white electorate had to deal with P W Botha's resignation from the presidency and his televised attack on his successor; the emergence of a new Democratic Party (DP) after the merging of the PFP and the Independent Party; inflation that was running at over fifteen percent per annum; real white incomes which were static or declining; the possibility of having to pay school fees; the government's discussions with Nelson Mandela and other exiled members of the ANC; and confusing statements with regard to the NP's plans for the future (partly because of confusion resulting from the PW Botha-Mandela meeting in July). Furthermore, the state-run radio and television service adopted a more objective approach to the campaign than in the past. This shift gave more exposure to the NP's election opponents on both the right and the left (Schrire, 1991:127). Debates on the place of blacks within the political dispensation however placed the issue of "negotiation" firmly on the agenda (Guise, 1993:77).

Thus the Nationalists waged their least confident campaign in decades and De Klerk had difficulty finding a theme somewhere between white concerns and black expectations (Schrire, 1991:127).

An interesting feature of the election for the House of Assembly was the presence of a large pre-election bloc of uncommitted voters who made up their minds only during the campaign. All the opinion polls taken prior to the election showed an unusual fluidity within the white electorate (Schrire, 1991:127). The results are shown in Table 5.1, and the distribution of voters among the parties is presented in Table 5.2.

TABLE 5.1: 1989-Election Results for the House of Assembly

POLITICAL PARTY	NUMBER OF SEATS BY PROVINCE					Total
	Cape	Transvaal	Natal	Orange Free	Sate	
National Party	42(47)	34(45)	10(14)		7(14)	93(120)
Conservative Party	2(0)	31(22)	-(-)		6(0)	39(22)
Democratic Party	12(8)	11(6)	10(5)		0(0)	33(19)
Herstigte Nasionale Party	0(0)	0(0)	0(0)		0(0)	0(0)
Other		1(0)	(1)		0(0)	0(1)
Vacant	0(1)	0(2)	0(0)		1(0)	1(3)
Total	56	76	20		14	166

Source: Schrire, 1991:128; Race Relations Survey, 1989/90:547-550)

From the 1989 election results, it can be concluded that the NP began to weaken under President Botha, and that President De Klerk reaped the harvest in the election. This was interpreted as the consequences of President Botha's reform policies, despite their limited impact - see Table 5.2. The breakaway by the Conservative Party in 1982 gave conservative Afrikaners a respectable political home to the right of the NP. Although the 1983-Constitution did not entail genuine power-sharing or in any real way dilute Afrikaner power, the uncertainties created by a softening of white domination, provided opportunities to the CP to make gains on the NP. Furthermore, the political unrest that had prevailed since 1984 - ironically because of the liberalisation of the political scene - created fears, which strengthened the support of the rightwing (Schrire, 1991:128).

Even though the NP had steadily lost support during the 1980s from 58 per cent of the total electorate in 1981 to 48 percent in 1989, they remained in power due to an elec-

TABLE 5.2: Voter Support by Party - 1987 and 1989

	1987		1989	
	Votes obtained	Seats won	Votes obtained	Seats won
Natioal Party	1,083,575 (53%)	123	1,053,523 (48%)	93
Conservative Party	549,916 (27%)	22	685,250 (31%)	39
Democratic Party	343,017 (17%)	19	451,544 (21%)	33
Herstigte Nasionale Party	62,888 (3%)	0	5,536 (0.25%)	0
Total	2,039,396		2,195,853	

Source: Schrire, 1991:128; Race Relations Survey, 1988/89:xxiv; 1989/90:547-550.

toral system that did not make provision for proportionality (Schrire, 1991:127-128; Botha, 1996:113). Furthermore, support for the DP on the left and the CP on the right appeared to have reached according to Schrire (1991:127-128) a plateau.

Thus the ruling party's support base among Afrikaners shrank. Economic adversity was an additional factor in the alienation of the white working class, farmers and officials in the government. The reform policies, apart from its direct costs, also produced a considerable redistribution of benefits from whites to blacks. Expenditure on black education increased significantly at a time when the government had announced its intention to introduce fees in white schools (see Race Relations Survey, 1989/1990:808-809). The substantial increase in expenditure on the improvement of the infrastructure for urban blacks, although marginal in comparison with the size of South Africa's gross national product, did not go unnoticed by the white electorate (Schrire, 1991:130).

The NP was furthermore unable to make gains among the English speaking electorate (Schrire, 1991:130). A sizable number of them voted for the NP in the election of 1987. However, in the 1989 election, most of them returned to the liberal fold by voting for the new DP. A major reason for this switch was to protest the economic hardships imposed by higher taxation (necessary in part to finance the costly reforms), the erosion in the value of the currency, high inflation, and declining real standards of living (Schrire, 1991:130).

It was more difficult to assess the gains made by the CP. Although widely regarded as a "winner" in 1989, the party failed to make a decisive breakthrough among Afrikaners, of which the majority continued to back the NP. The CP clearly stated its opposition to

negotiations, power-sharing and the liberalisation politics of the NP (see Race Relations Survey, 1989/1990:698-703). The CP's short-term prospects for growth appeared to be poor for its appeal to non-Afrikaners was limited and most die-hard conservative voters were already in their camp. However, there was the long term prospect that a failure of De Klerk's initiatives, an increase in black-led protests and violence, and renewed international pressure could benefit the CP (see Nelan, 1992:34).

Thus, those among the ruling elite who were in favour of a negotiated settlement saw the need to seize the opportunities provided by changes in the environment, while they still had a majority in Parliament.

5.3.4 LIBERALISATION AND THE UNBANNING OF ORGANISATIONS AND PEOPLE

With a new mandate from its supporters, the NP and De Klerk realised the danger of falling behind the ANC in taking the initiative in negotiations. The ANC made important gains with the Harare Declaration and De Klerk saw the need for the government to accept change and to act sooner rather than later - "The time for reconstruction and reconciliation has arrived" (De Klerk, 1990).

Since the 1989 election, the dynamics created by De Klerk's public statements decisively shifted towards a nonracial South Africa and seemed to start closing the curtains on white politics. He stated that the country would never again hold an election without black participation, although he promised whites a referendum on the new constitution when it would emerge (see Nelan, 1992:34).

The government subsequently released eight long-term political prisoners, including Walter Sizulu and Ahmed Kathadra in October 1989. The unconditional release of the Rivonia prisoners and the tolerance that followed their open political activity, provided an indication that the new NP-government headed by President De Klerk, was ready to accept the ANC in some form as a negotiating partner, in discussions about the future of South Africa. In a statement issued on 2 December 1989, De Klerk indicated that Mandela would be released. A meeting between De Klerk and Mandela followed on December 13. This led to heightened

anticipation of how and when the government would finally release Mandela and permit him to resume open political activity (Johns and Davis, 1991:309).

However, it was in his famous speech of 2 February 1990, delivered at the opening of the first parliamentary session as head of the South African government, that De Klerk firmly placed South Africa on the road to a negotiated settlement (Race Relations Survey, 1989/1990:728). Indeed, De Klerk began this critical speech to parliament on a strikingly different note from PW Botha's talk of a total onslaught seventeen months before. His words were: "[there is] the growing realization by an increasing number of South Africans that only a negotiated understanding among the representative leaders of the entire population is able to ensure lasting peace" (De Klerk, 1990; 1991:160; Herbst, 1998:601).

The announcements made in President De Klerk's landmark speech accelerated the process of liberalisation. By taking the "leap of reform" that so many had advised for so long, he made a move that went beyond most public expectations, including those of the ANC. De Klerk announced far-reaching decisions with regard to the most important obstacles in the way of negotiation and he made significant concessions to the demands made in the Harare Declaration (De Klerk, 1990; Sisk, 1992:179; Sisk, 1995:83; Race relations Survey, 1989/1990:215-216). In order to normalise the political process in South Africa without jeopardising the maintenance of the good order, he announced inter alia:

- The lifting of bans on proscribed and restricted organisations and most notably the ANC, PAC and the SACP.
- The indemnification of returning exiles unless common law crimes against them were pending.
- His intention to release political prisoners.
- The suspension of executions for both political and criminal offences until Parliament has taken a decision on new proposals regarding the death penalty.
- Eighty- three political prisoners on death row might be freed, and restrictions on 374 former detainees were lifted.

- The lifting of bans on 110 listed communists and sixty-five ANC members (including members of MK).
- The lifting of restrictions on the UDF, COSATU, and thirty other anti-apartheid organisations (and one white right-wing group, the Blanke Bevrydingsbeweging).
- The repeal of emergency regulations on education and the press although some television controls remained.
- The state of emergency would be lifted as soon as circumstances justify it.
- Nelson Mandela would be released unconditionally (no date set).
- The Reservation of Separate Amenities Act No. 40 of 1953 would be repealed during the parliamentary session of 1990 (by Act No. 100 of 1990) and other apartheid laws, which were said to be “obstacles.”
- Negotiations would be accorded the “highest priority,” with the aim being a “totally new dispensation in which every inhabitant will enjoy equal rights, treatment and opportunity.”⁹

De Klerk’s speech was the turning point in the transition to democracy in South Africa. His key messages in the speech outlined his views of the new rules to govern South Africa’s transition, namely that the government was prepared to talk with leaders of all political groups, even those involved in the struggle. The political playing field was now open to all potential contenders, and from the perspective of the NP, the justification for the armed struggle no longer existed and the stage for Mandela’s release on February 11 was set. Thus, a new chapter in the seventy-eight-year struggle of the ANC to obtain full democratic rights for blacks in the land of their birth was opened (Johns and Davis, 1991:309). The most momentous quote from the speech summarised De Klerk’s new strategy for negotiation which would replace the “total onslaught” paradigm (De Klerk, 1990; Sisk, 1992:179-180; Sisk, 1995:84):

⁹Speech by the State President Mr De Klerk, at the Opening of the Second Session of the National Parliament of the Republic of South Africa, Cape Town, 2 Feb. 1990 (De Klerk, 1990; Sisk, 1992:179-180).

Walk through the open door, take your place at the negotiating table together with the Government and other leaders who have important power bases inside and outside of Parliament. Henceforth, everybody's political points of view will be tested against their realism, their workability and their fairness. The time has arrived.

This new era of liberalisation was most notable by the release of Nelson Mandela who was imprisoned for twenty-seven years because of his political activities (Race Relations Survey, 1989/1990:xli). Nelson Mandela, speaking before tens of thousands of supporters within hours of his release, reaffirmed the aims and goals of the ANC emphasising its unchanging commitment to majority rule, universal suffrage, and democratic rights in a unitary South African state in which major economic reforms, including nationalisation, would be required to redress the legacy of apartheid. He also reiterated the willingness of the ANC to enter into negotiations with the NP-government, listing the conditions set in the Harare Declaration while at the same time, repeating that the armed struggle and sanctions remained appropriate as additional weapons to challenge the government to end apartheid (Race Relations Survey, 1989/1990:xlii, 729).

Additional liberalisation measures also followed. The state of emergency was eventually lifted. In 1990 and 1991, many of the remaining apartheid laws were scrapped. The Separate Amenities Act, the Group Areas Act, the Land Acts and the Population Registration Act¹⁰ were scrapped (Schrire, 1991:134). The passing of the Indemnity Act, No. 35 of 1990 in May which could be applied to both those in jail or in exile, signalled another important step in normalising the political scene and paving the way for negotiations (Race Relations Survey, 1989/1990:xli).

The importance of these liberalisation steps initiated by the government under De Klerk could best be captured by the words of O'Donnell and Schmitter (1986:10):

[O]nce some individual and collective rights have been granted, it becomes increasingly difficult to withhold others. Moreover, as liberalization advances so does the strength of demands for democratization.

The mentioned changes meant that significant liberalisation preceded democratisation in

¹⁰Discriminatory Legislation Regarding Public Amenities Repeal Act No 100 of 1990; Abolition of Racially Based Land Measures Act No. 108 of 1991; Population Registration Act Repeal Act No. 114 of 1991.

South Africa. Van Zyl Slabbert (1992a:87) pointed out that: “Since 2 February 1990, the process of transition in South Africa has largely been driven by the regime. The fact that the “transfer of power to the majority” was not on the agenda is evidenced in the opposition’s very commitment to negotiated transition”.

5.3.5 THE ESCALATION OF VIOLENCE

This phase of the transition was characterised by the proliferation and intensification of violence. This was partly due to the new political space that was opened without access to political power, but also due to the need for various organisations to position themselves on the road to negotiation and to form alliances, or to prevent their adversaries from strengthening their positions.¹¹ The two most prominent role players to emerge at this stage of the transition were the NP-government and the ANC. Unfortunately, this was a source of uncertainty and fears among organisations such as the IFP, PAC and CP. Thus, political aspirations played an important role in violence (Race Relations Survey, 1991/1992:42). Violence, in turn, would become an important obstacle in bringing the various political groups to the negotiating table.

Although 1990 began in a state of optimism, the new era was compromised by the year’s end due to the escalation of violence. After De Klerk’s 2 February opening of political space, a wave of factional violence erupted in the townships among supporters of the ANC and members of the Zulu-based Inkatha (Sisk, 1995:89). The months following De Klerk’s speech were in fact the bloodiest in South Africa’s conflict up to that point.

Within weeks of Mandela’s release intense fighting broke out in Natal between supporters of the ANC/UDF and Inkatha and in particular in the volatile Edendale valley (Cooper, et al. 1990:250). The violence was initially limited to Natal (IFP stronghold), but by midyear, it had spread to the Pretoria-Witwatersrand-Vereeniging-region (PWV) (Sisk, 1992:191; 1995:89).

Nevertheless, Mandela sought to bring peace to Natal (Sisk, 1992:192). Addressing an estimated crowd of 100,000 in Durban in late February, shortly after his release, he said

¹¹There were incidents of inter-racial as well as intra-racial conflict (see Race Relations Survey, 1989/1990:235-258; 1991/1992:485-507).

(Sisk, 1992:192; 1995:89; Star, 26 February 1990):

My message to those of you involved in this battle of brother against brother is this: take your guns, knives and pangas [hatchets] and throw them into the sea. If we do not bring a halt to this conflict, we will be in grave danger of corrupting the proud legacy of our struggle. We endanger the peace process in the whole of the country (Sisk, 1995:97).¹²

Mandela's calls were however ignored and in March, the Edendale Valley erupted. Observers described the fighting as a full-scale civil war and despite De Klerk's attempts to separate the role of the police from political objectives, elements in the security forces did not comply (Sunday Times, 28 January 1990; Sisk, 1995:97:90).

According to the Race Relations Survey (1989/1990:238), between January and March, 695 people lost their lives in clashes in Natal alone. Overall, there was an increase of more than 207 percent for the same period of the previous year (Race Relations Survey, 1989/1990:238). Murder and bloodshed claimed nearly one thousand victims between early August and early September and undercut the possibility of mutual security formally agreed to. During the course of 1990, more than ten people per day were killed in political violence - the highest annual average death rate since the township rebellion in 1984. Even though progress was made, the negotiation process began to unravel amidst mutual accusations and mistrust as a direct consequence of an increase in the incidence of violence (Sisk, 1995:98). There were allegations of hit or death-squads operated by the security establishment, the ANC's Operation Vula¹³ and the establishment of self-defence units in the townships (Race Relations Survey, 1989/1990:242-243; 1991/1992:484, 495; Adam and Moodley, 1992:130-132; Guise, 1993:91-92).¹⁴ Racial intolerance seemed to be increasing as well; white-on-black violence - in part the result of organised ultra-right-wing attacks on blacks - reportedly rose thirty percent in 1990 (see Race Relations Survey, 1991/1992:487-489). Reporter Patrick

¹²In January he had allegedly told a gathering of top police commanders, "We will not use you any longer as instruments to attain political goals...This is the responsibility of the politicians" (Sisk, 1995:90).

¹³Senior ANC operatives were infiltrating the country to establish a political and military presence, and to facilitate efficient and direct lines of communication between Mandela and Tambo. The operation had been treated with such sensitivity that not even the NEC was aware of it; it was directly accountable only to Oliver Tambo and, in his absence, Alfred Nzo, the ANC's Secretary-General (Ebrahim, 1998).

¹⁴The existence of a covert organisation, the Civil Co-operation Bureau (CCB), which operated under the South African Defence Force, was a source of contention (Race Relations Survey, 1989/1990:244).

Laurence (in Sisk, 1995:98), sums up the cause of the violence and its political fallout in 1990 in the following way:

A major generator of the violence...appears to have been a sense that power was within the grasp of the black majority, it acted as a catalyst, bringing rivalries to the surface and the rival forces into an arena where the stakes were the highest on offer: power (Star, 18 December 1990).

Thus, there was a perception that the apparent close relationship that developed between the NP politicians and the ANC, left others who feared for their interests, such as elements within the security forces and the IFP, with the perceived need to foment violence in order to prevent their exclusion from the negotiations. To them, the newly developing cooperation between the ANC and the NP meant the real possibility of being sidelined (Sisk, 1995:95). Despite efforts by Mandela to arrange a personal meeting with Inkatha leaders and the KwaZulu chief minister, Mangosuthu Buthelezi, to quell the fighting between their constituents - and forge a common African negotiating position vis-à-vis the white minority government - outrage by ANC regional officials, particularly the Natal Midlands leader, Harry Gwala, prevented him from carrying it through. During April 1990, the ANC was working through the details of a first round of talks, but the ANC suspended a proposed meeting with the government in protest against police action in the township of Sebokeng (PWV). At least eleven people were killed in Sebokeng when security forces opened fire on a crowd of demonstrators protesting against the high rent and poor living conditions in the township (Sisk, 1995:90). The ANC reacted in a statement:

The ANC once again reiterates that the people of South Africa have a right to assemble and demonstrate in support of their just demands as an inalienable right, not as a favor conceded by the regime at its discretion (Sisk, 1995:90).

Despite the government and the ANC's ability to work together, clashes between IFP and ANC supporters, allegedly exacerbated by the role of the security forces, flared up from time to time. A major incident of violence extending beyond Natal was, once again, in the volatile township of Sebokeng where on 22 July 1990, about 4,300 hostel-dwellers, who were IFP supporters, raided a rival ANC-supporting hostel following an IFP rally at the local stadium. Twenty-four people were killed in the ensuing violence, including nineteen

members of the National Union of Mineworkers (NUM) - a COSATU affiliate (Contreras, 1990:43). NUM officials blamed the attack on the IFP, the police and employers, noting that those attacked were on strike at the time. Yet another cycle of attacks and counter attacks left scores dead and injured (Sisk, 1992:197; 1995:93). Again, on Thursday, 26 August 1990, hundreds of Zulus wearing distinctive red headbands stormed a Soweto train platform in a gruesome attack on innocent commuters (Sisk, 1992:200). More than three hundred died as IFP and ANC supporters clashed in the townships over that weekend. Alarming, the violence had apparently taken on an ethnic dimension (Newsweek, 27 August 1990 in Sisk, 1995:95).

Political violence spoiled the emerging mutual trust that had developed between the ANC and the government in 1990. The climate for negotiation, stifled instead of improving and the De Klerk-Mandela rapport that had worked to resolve a negotiation crisis in April, apparently weakened (Sisk, 1995:96). Mandela pointed to the possibility of conspiracies to disrupt negotiations and weaken the ANC's position (Sisk, 1995:96-97):

The aims of those planning and directing this scourge of destruction are very clearly to destroy the prospects of peace and derail our march to freedom....The government's aim is to reform apartheid out of existence while carrying over into the future accumulated privileges and advantages of white monopoly on power. The ANC on the other hand, seeks to attain the total eradication of apartheid and overcome as quickly as possible its ravages on our people. These basic distinctions account for the different directions in which we are pulling.

The conflict was thus becoming more complex. Not only was violence partially a consequence of the liberalisation measures of the government, but it also became a part of the pre-negotiation agenda.

5.4 PRE-NEGOTIATIONS AND THE TRANSITION STRATEGY: THE DYNAMICS IN THE DOMAINS OF THE STATE - POLITICAL SOCIETY - CIVIL SOCIETY

5.4.1 THE MAJOR PARTICIPANTS

As stated the two most prominent role players to emerge at this stage of the transition were the NP-government and the ANC. They would dominate the events during pre-negotiations

and it was largely as a result of their actions that South Africa arrived at the negotiation table. This dominance and the favoured, but not always cordial, status that they accorded each other clearly affected the actions of others that held a stake in a future political dispensation. In October 1989 Inkatha-leader, Mangosutho Buthelezi, for example claimed that the MDM (see chapter 4) was established “to ensure that the ANC had the sole right to determine the direction of negotiations” (Race Relations Survey, 1989/1990:714). However, he indicated that all those that can mobilise support should be included in the negotiations.

The two major actors judged that their fundamental interests could be accommodated through negotiations and that they would not do better through unilateral action. The ANC noted for example in its critical *Strategic Perspective* document:

The leaders understood that their interests would best be served by co-operating with one another and since this strategic evaluation came from the top, the leaders would always be ahead of their followers during the transition.¹⁵ As a result, both leaders would be ‘in continual, dual negotiations both with their followers and also with the other side’ (Herbst, 1998:603).

The transformation of the rules of the political game started by De Klerk’s opening move in February, also entailed a realignment of South Africa’s political parties (Sisk, 1992:197; 1995:93). The same was true of black politics. The various actors on the political scene during this phase could be grouped together in terms of their position on race. There was the pro-white right, which claimed to represent the interests of whites and included mainly the CP, HNP and AWB. A second grouping was those that mainly envisaged some form of multi-racial or non-racial political dispensation and included the NP-government, the DP, ANC, SACP and Inkatha Freedom Party (IFP). A third grouping was the pro-black political organisations¹⁶ which favoured the surrender of power by the white government of which the PAC, AZAPO and other BCM organisations were most notable (Race Relations Survey, 1989/1990:675-718; 1991/1992:14-59). Furthermore, several other political organisations on the right and the left as well as those among homeland populations, coloureds and Indians, played a varying role. All political organisations held various positions on whether negotia-

¹⁵ Both Mandela’s letter to PW Botha and De Klerk’s initial address to parliament unbanning the ANC came as a surprise even to their close associates.

¹⁶As discussed in chapter 3 the issue of race was controversial within the ideologies of these pro-black organizations.

tions should be an option, what the preconditions for negotiations should be, and what the format and the agenda of the negotiations should be.¹⁷ Opposition and scepticism towards negotiations came mainly from the pro-white and the pro-black political organisations.

For purposes of this chapter the focus in this section would be mainly on the NP-government and the ANC with some attention to the SACP and the IFP. It was mainly through the actions of the NP-government and the ANC that a successful pre-negotiation phase unfolded. The context in which the NP and the ANC adopted strategies of negotiation, the factors that brought the ANC and the NP to the table and to involve other organisations, as well as their views on a future political dispensation are of particular importance. In addition to the factors that influenced the two dominant participants the following factors were instrumental in the actions of both (Sisk, 1992:182-184):¹⁸

- A “shared perception of stalemate.”
- Behind the scenes mediation and diplomacy that facilitated a process of communication.
- The realisation by both sides that the alternatives were too costly.

THE NATIONAL PARTY AND THE GOVERNMENT

The position of the NP during pre-negotiations was not only that of a political party, but also that of a government with an extensive institutional power network controlled by the NP. Ottaway (1993:24) stated that the NP “had become the state as well”, for it not only controlled Parliament and the cabinet, but also all public institutions (civil service), parastatals, the education system, radio and television, Afrikaner churches and, with the help of the Broederbond, some institutions outside of the public sector (Ottaway, 1993:24). This

¹⁷For example some organisations such as Inkatha refused to negotiate with the government, while leaders like Mandela were still in jail, and the liberation movements were still banned. Furthermore, black leaders who were prepared to negotiate with Pretoria usually lacked popular support (De Villiers, 1993:339). The PAC, which had earlier been thought to be edging toward negotiation, rejected talks with Pretoria. Negotiation could be held only on the modalities of an immediate transfer of power, and the PAC’s armed struggle (which, since the days of POQO had consisted more out of rhetoric than facts) would remain (Sisk, 1995:97). AZAPO, at its national conference, rejected any negotiations with the De Klerk government whatsoever (Sisk, 1995:97).

¹⁸The fact that the leaders of both had for several years waited for the correct timing (Sisk, 1992:182-184).

control became even more extensive through the National Security Management System (NSMS) (Ottaway, 1993:24). Thus, it was only natural for the NP to assume a key role in negotiating a transition.

As stated, two events in 1989 caused a fundamental change in the perception of some whites of a minimally acceptable future, namely De Klerk's succession of PW Botha and the fall of communism (see Herbst, 1998:601). There was an important shift in the strategy of the NP-government under De Klerk's Presidency¹⁹ (Van Vuuren, 1992:6; De Villiers, 1993:340) and after nearly eighty years as the voice of exclusive Afrikaner (and white) nationalism, the NP opened its membership to all races in 1990 (Sisk, 1992:197; 1995:93).

The government was in a position to enforce its rule, but it was unable to find a formula conferring legitimacy on that rule. These are precisely the circumstances under which a negotiated transition to democracy becomes possible. If, for a variety of reasons, the authoritarian regime becomes too weak and the incumbents too divided to maintain the status quo while the challengers are not powerful enough to replace the incumbents by force, negotiations become an option. Thus, if a situation of stalemate ensues the authoritarian government and their challengers will eventually decide to negotiate (De Villiers, 1993:339). Incumbents may decide to negotiate because they believe that their position will deteriorate further as the authoritarian regime weakens. In addition, they may believe that by initiating negotiations they can exercise a considerable degree of control over the process of transition - thus using their position as government to obtain guarantees which protect their vital interests, for example by means of pacts. Agreeing to negotiate thus ensures them a role in determining the outcome of the process of transition. Generally, the challengers agree to participate in a transitional process, because they realise that they cannot defeat the authoritarian regime in a head-on confrontation. The challengers at the same time hope, that after winning the first free elections, they will be able to gain control of the process of transition (De Villiers, 1993:340).

¹⁹De Klerk carried none of the baggage associated with PW Botha: he was from a later generation of Afrikaners confident of their position and not scarred by the long battles with the English. Apparently, he took a dim view of the security forces that PW Botha (a former minister of defence) had integrated into the highest levels of government; and he was not so personally associated with the defence of apartheid and the State of Emergency.

What brought the NP to consider negotiations? Sisk (1992:182-184) focussed on the following reasons:

Domestic factors

- Apartheid had failed for practical, demographic and economic reasons, and therefore dramatic action was necessary.
- The continuation and intensification of the struggle compelled the regime to negotiate.
- The government faced a worsening economic scenario, and negotiations were seen as a way to arrest the economic decline.
- Strains on the resources/performance of the SADF required the regime to change strategies.
- The personal leadership characteristics of President De Klerk allowed negotiations to take place.
- The moral condemnation of apartheid had taken its toll: psychological and moral changes among the ruling elite were part of the reason for a change in strategy (Sisk, 1992:182).

International factors

- International pressure: sanctions had taken their toll on the government by creating worsening economic conditions, which were exacerbated by government expenditure and particularly a need for a steady supply of resources to the security establishment.
- International pressure: conservative western governments, particularly the UK Prime Minister, Margaret Thatcher, and the US President, George W Bush, relayed to the government that they would no longer be able to hold the line against demands for further sanctions.

- The end of the Cold War made external conflict less relevant, especially in the light of co-operation between superpowers to end regional conflicts in Africa, particularly Southern Africa.
- The Soviet Union was no longer perceived as a threat, allowing the NP to point to the decline in the superpower's involvement in regional conflicts in Africa - thus easing the perceived total onslaught against South Africa.
- The successful resolution of the Namibian conflict served as a precedent for the potential resolution of the conflict in South Africa, because it demonstrated that black enfranchisement would not necessarily lead to a winner-take-all outcome.
- The impact of the collapse of Eastern European communist governments in 1989 on the regime was, "You could be next".

In addition to the above, De Villiers (1993:343) lists township resistance, the "intra-state" conflict between the securocrats and the NP, changes in the world balance of power and the military setbacks in Angola as direct reasons for the changes in the strategy of the NP.

The NP leaders thus realised that it would be better to negotiate with the ANC from a position of strength, before they were forced to do so by further deterioration of their situation (Southall, 1990:496). President de Klerk acknowledged this when he remarked in a speech in March 1990 (in De Villiers, 1993:344):

We have not waited until the position of power dominance turned against us before we decided to negotiate a peaceful settlement. The initiative is in our hands. We have the means to ensure that the process develops peacefully and in an orderly way

The then head of National Intelligence, Niel Barnard, regarded the decision to start negotiations as an act of volition on the part of the government - that is the government decided to take the political initiative without being with its back to the wall (De Villiers, 1993:345).

The NP favoured a three phased approach to negotiations: a first phase that involved the removing of obstacles to negotiations; a second phase that dealt with the "how" of negotia-

tions and who should be involved; and the actual substantive negotiations as a third phase (see Race Relations Survey, 1989/1990:561). The NP had long insisted that a precondition for negotiations with the opposition forces was the renouncement of the armed struggle and the commitment to a peaceful solution (Race Relations Survey, 1989/1990:730). However, the ANC was not yet ready to abandon the armed struggle and this would increasingly become an obstacle and a source of disagreement between the main players. In well-publicised visits elsewhere in Africa and in Europe and North America, Mandela, in spite of exploratory talks, made repeated appeals for the retention of sanctions until the full dismantling of apartheid had been achieved.²⁰

However, the Harare Declaration and the ANC's proposals for a democratic non-racial dispensation reduced the risks of negotiation for the NP (De Villiers, 1993:346).

Nevertheless, in the context of the above domestic and international realities, De Klerk grabbed the initiative and since he aimed at negotiating from a position of strength established a bottom line of minimum requirements:

- The establishment of strong and entrenched regional governments with adequate budgets and “vested with wide and meaningful powers and functions”.
- Entrenched power sharing within the executive, including the cabinet.
- The right to private property.
- A senate to guard regional interests and a Bill of Rights enforced by a special constitutional court (Herbst, 1998:602).

De Klerk also indicated very early in the negotiating process, that proportional representation was the only acceptable voting system, given that the white presence in parliament would disappear if there were no arithmetical connection between votes and seats. Furthermore, De Klerk said, “I want to say here and now that this government will not be frightened or threatened into making any concessions on principle with regard to these fundamental matters” (Herbst, 1998:602).

²⁰The ANC eventually suspended the armed struggle in April 1991.

De Klerk was under pressure to inform whites in general, and his constituency in particular, of the detail on what the future would hold for them. While he was of the opinion that the end of the Cold War presented whites with the opportunity for a soft landing, the average white citizen (Herbst, 1998:602) did not necessarily share this view. Instead, the end of the Cold War could have been viewed as an opportunity to crush the ANC, not negotiate with it (Herbst, 1998:603). Indeed, De Klerk had a problem with his constituency when his party lost several by-elections in late 1991. Thus, the government would have to negotiate on two fronts namely with the challengers, as well as with the government's traditional electoral support base and the wider white constituency. This reality would become clear during the unfolding of the pre-negotiation process.

The decision to launch the transition was thus a strategic choice made by De Klerk, as leader of the NP and head of state and government. At this stage of the transition, the exercise of a strategic choice, which entailed the adoption of a new policy of liberalisation initiated by the incumbent government, became important. Another important aspect is that challengers usually use the space and dynamics generated by such liberalisation to push beyond the regime's intended limits. However, there are limits as to what the challengers can achieve. It is argued, for example by Przeworski (1986:63; 1988:80), that liberal democracy would protect the economic order and may block any subsequent transition to socialism (Du Toit 1990:2). Thus, negotiated transitions are "self-limiting" (Karl and Schmitter, 1991:274).

In his year-end address in 1990, De Klerk - perhaps playing to his own fearful constituency alarmed by escalating violence - however sounded a hard line: "The time has come for the ANC to decide what it wants. Is it really prepared to accept its leaders' commitment to peaceful and negotiated solutions, or does it want to return to the confrontations and conflicts of the past?" (Sisk, 1995:98). Nevertheless, by the end of 1991, the government had met most of the original preconditions for negotiation set by the ANC in the Harare Declaration. Many of these issues were dealt within bilateral negotiations and accords or pacts between the NP and the ANC (De Villiers, 1993:346) as would be discussed further on.

THE ANC, SACP AND COSATU

As discussed in chapter three, the ANC was not established as a political party and until its unbanning it did not function as such. Thus the unbanning of the ANC and the prospect of a possible transition to democracy required of the ANC to transform itself from a mainly liberation movement (in fact *the* liberation movement) to a political party which would be one of a number competing for a share of the vote among the electorate (Ottaway, 1993:44). This would prove to be a difficult process and like the government, the ANC leaders would have to negotiate on two fronts, namely with the government as their opposition and with the other members and supporters who were indoctrinated with the ideals of the struggle (Ottaway, 1993:43-45). The SACP, in turn, was relaunched as a political party in July 1990 (Race Relations Survey, 1989/1990:xlii). Though the SACP was an important ally, the relationship with the ANC during pre-negotiations would often become strained and gave rise to many predictions of an eminent break-up.²¹ Furthermore, the ANC was also dependent on COSATU for support and being able to organise itself within South Africa.

In the changed setting of freedom and legality for the ANC, Mandela, Sisulu and other ANC leaders worked simultaneously to broaden the anti-apartheid movement linked with the ANC and to pressurise the government to release political prisoners, give amnesty to exiled ANC members, and end the state of emergency. Thus, what brought the ANC²² to consider negotiations? According to Sisk (1992:182-184) the following was important in this regard:

Domestic factors

- The armed struggle had failed to bring the result that was intended; the ANC could not win in the military arena.
- The human costs of the struggle became too high.

²¹It is not clear how these predictions fuelled the government's willingness to negotiate.

²²The Mass Democratic Movement (MDM), which included the UDF and COSATU continued to cooperate with the ANC, but the latter was clearly making its own mark on the political events (De Villiers, 1993:339).

- ANC cadres in exile were becoming weary of conditions there, and were urging a change in strategy.
- The ANC had a historic desire for a peaceful settlement (Sisk, 1992:183).

International factors

- International pressure from allies: the Frontline states were unable to withstand South Africa's destabilising policies and put pressure on the ANC to seek a negotiated settlement.
- International pressure: withdrawal of political, psychological and material support from the Soviet Union to liberation struggles in Africa.
- The likely absence of future support from Eastern Europe in the liberation struggle indicated a further decline in its international resource base.
- Co-operation between superpowers to end regional conflicts in Africa, particularly Southern Africa.

De Villiers (1993:346) also indicated that the government's liberalisation initiative reduced the risks of negotiation for the ANC.

The jailed ANC leader, Nelson Mandela, reportedly initiated a meeting with De Klerk which took place on Wednesday, December 13 - just four days after the Conference for a Democratic Future - representing the internal players in the struggle - had adopted the guidelines of the Harare Declaration (Sisk, 1992:176).

Despite the mounting violence and the still unmet demands of the Harare Declaration, the ANC agreed to the establishment of one of the many joint committees that would serve as one of the new institutions of the negotiation process, namely the Steering Committee that included government and ANC representatives. Its main function was to steer the "talks about talks",²³ and it was thus tasked to prepare for a formal meeting between the government and the ANC. The preparations were held under a veil of secrecy (Ebrahim, 1998:39;

²³It dealt for example with all the preparations for both the Groote Schuur and Pretoria Minutes.

Sisk, 1995:89-90). The committee was set up in behind-the-scenes talks in the weeks following De Klerk's speech and consisted of government and ANC representatives. ANC members Jacob Zuma (ANC head of intelligence), Matthews Phosa, and Penuel Maduna were secretly allowed to enter the country from exile to prepare for talks (Waldmeir, 1997:158; Ebrahim, 1998:39). Together with Curnick Ndlovu, Ahmed Kathrada, and other ANC members they were the ANC members on the Steering Committee (Ebrahim, 1999:39).

With the support of the National Executive Committee, Mandela led an ANC delegation, comprised of long-time exiles (including military leaders and communists), former prisoners, representatives of the UDF, trade unions, and churches - representing all of South Africa's racial groups - in a meeting from 2-4 May with President de Klerk and cabinet ministers at the presidential residence, Groote Schuur. This was the first formal meeting between the ANC and the head of the white government (see next section).

In this volatile environment, the ANC held its first party conference inside South Africa since it had been banned in 1960 (Sisk, 1995:97)²⁴ on 16 December 1990. Due to readjustment difficulties, it was dubbed not as a full national conference, but a consultative conference. At the conference, deep divisions emerged within ANC ranks over whether to continue negotiations with the regime - a debate strongly fuelled by the mistrust generated by violence. Differences emerged between the older generation of recently released internal leaders and the younger and exile-based leaders. Many of the latter sought an immediate end to the process of negotiations and a return to the armed struggle. At the end of the internal wrangling, the old guard emerged with its negotiation policies somewhat tarnished but still intact. A resolution passed at the conference stated, "Our patience with the regime is running out" (Sisk, 1995:97).

The conference resolved the following (Sisk, 1995:97-98):

- A deadline of 30 April 1991 was set at which time talks would be suspended if the agreements made concerning exiles and political prisoners had not yet been met.
- There would be no more secret meetings between the ANC and the government leaders.

²⁴The PAC and AZAPO held their first party conferences inside the country since their unbanning during this period (Sisk, 1995:97).

News reports, alleged that De Klerk and Mandela had met secretly in the previous weeks.

- Other aspects of the resistance, such as international sanctions, the creation of parallel institutions, and mass action, or peaceful protest, would continue.
- Further efforts would be made to re-establish the organisation's internal structures. The organisation would step up efforts to work with other liberation forces such as the PAC and AZAPO, in a Patriotic Front.
- The MK would be used to defend ANC supporters in the townships (Declaration of the 1990 ANC Consultative Conference, ANC Representative).

However, Mandela confirmed that confidential meetings would continue. In his closing address he said that ANC members who opposed them "did not understand the nature of negotiations" (Star, 22 December 1990; Sisk, 1995:98). In fact, De Klerk, Mandela and a number of aides met again soon after the ANC's Consultative Conference.

INKATHA FREEDOM PARTY

Inkatha (see chapter three) already indicated in February 1990 that it was ready for negotiations (Race Relations Survey, 1989/1990:714). Inkatha functioned as a Zulu-based cultural movement until July 1990 when its leader, Mangosutho Buthelezi, announced that the movement would become a national political party, the Inkatha Freedom Party (IFP). Buthelezi was posturing for a role in the quickly changing political environment. The IFP's influence immediately began to extend its constituency beyond KwaZulu and Natal, into the PWV. It aimed at mobilising hostel dwellers and gaining white supporters. The ANC viewed this as a threat to its perceived strongholds - adding fuel to the existing rivalry between the IFP and the ANC (Sisk, 1992:197; 1995:93).

In March 1990 Buthelezi unveiled "The 1990 Inkatha Declaration" as an alternative to the Harare Declaration. In the declaration, attention was paid to basic principles for a democratic system, the economic system, protection of minorities and negotiations (Race Relations Survey, 1989/1990:715-718).

THE DEMOCRATIC PARTY

The DP was the third most important party represented in Parliament. Though there were differences among its members with regard to its place in the political spectrum and though its aims overlapped with both the NP and the ANC, the party did manage to establish a separate identity as a liberal centrist party that could mediate between the ANC and the NP (Ottaway, 1992:81-82). The DP favoured a federation with no special “niche” for whites and an economy based on capitalism (Race Relations Survey, 1989/1990:705).

5.4.2 PRE-NEGOTIATIONS: KEY EVENTS

During the course of 1989 several meetings took place between the NP-government and the ANC which prepared the way for the pre-negotiation process. An important meeting was held between De Klerk and Mandela during December 1989 (Race Relations Survey, 1989/1990:731). After Mandela’s release in February 1990, the scene was set for further “talks”, - initially behind the scenes. Friedman, (1993:14) states that initially the main actors realised that there was no alternative to a negotiated settlement, but compromise was seen as a “new means” of “achieving old goals” and not a “preferred option”. This introduced a volatile period in the history of South Africa’s transition to democracy. Rivalry, mistrust, mediation, breakdowns and intensification of the conflict was characteristic of this period. However, there were major accomplishments in terms of co-operation among the dominant actors which eventually set the stage for the next phase of substantive negotiations. In this section, the focus will be on these milestones and the dynamics involved.

THE TUYNHUYS MEETING OF APRIL 1990

The government and the ANC reached agreement at the end of March 1990 to hold formal discussions. The Steering Committee (see section 5.4.1) was tasked with the arrangement of the first round of direct discussions and it dealt with the details of possible agreements that would clear the remaining obstacles in the way of negotiation. Some of the issues that required immediate attention included the definition of the term “political prisoners” and the basis for granting indemnities to returning exiles. In these preliminary talks, held beyond the

eyes of the press, the details of public talks - the agenda, location, size and composition of the delegations, security and related procedural issues - were dealt with. The government's top constitutional adviser, Fanie van der Merwe, and the ANC's Jacob Zuma (Sisk, 1995:90), led these preliminary talks.²⁵ The date was set for 11 April but with a secret venue (Sisk, 1995:90).

Following the disagreement on the continuation of violence, particularly, in Sebokeng, the scheduled meeting was cancelled and De Klerk, Mandela and three senior ANC officials met on 5 April at the presidential residence in Cape Town, Tuynhuys,²⁶ to try to establish common ground. De Klerk assured Mandela that the Sebokeng events would be investigated and the police would be restrained. Agreement was reached on a new date for the talks, namely 2-4 May 1990. In this initial period, De Klerk and Mandela emerged as the two personalities that would dominate the pre-negotiation phase. The De Klerk-Mandela rapport, based on the personal trust between them, would on various occasions turn crises into breakthroughs (Sisk, 1995:90).

THE GROOTE SCHUUR MINUTE OF MAY 1990

The first formal meeting between the government and the ANC was thus held on May 2-4 at Groote Schuur, Cape Town. The return of the exiled leadership was widely perceived as a remarkable historical breakthrough. At the opening of the meeting, De Klerk and Mandela, appeared together before a crowd of two hundred local and international media teams, both speaking confidently of the ability to reach agreement through dialogue. The talks were surprisingly cordial; the spirit at Groote Schuur reflected the general euphoria of South Africans and the world that fundamental peace is on the horizon in South Africa (Sisk, 1995:91; Ottaway, 1993:173-174).²⁷

²⁵Even after the first round of formal pre-negotiations, the Steering Committee continued to serve as a mechanism for resolving deadlocks in other negotiating forums.

²⁶Where Mandela and PW Botha had met some nine months earlier.

²⁷The delegations at Groote Schuur were for the government: President FW de Klerk, Foreign Minister "Pik" Botha, Minister of Constitutional Development Gerrit Viljoen, Minister of Energy and Water Affairs Dawie de Villiers, Justice Minister Kobie Coetsee, Finance Minister Barend du Plessis, Law and Order Minister Adriaan Vlok, Education and Training (black education) Minister Stoffel van der Merwe, and Deputy Constitutional Development Minister Roelf Meyer. For the ANC: Nelson Mandela, Alfred Nzo (head of ANC mission in exile), SACP Secretary General Joe Slovo, MK Commander Joe Modise, Director of International Affairs Thabo Mbeki, UDF leader Natal Archie Gumede, Beyers Naude (theologian), national

After three days of bargaining, the delegations again appeared before the press. Mandela summed up the mood of the talks as “a realization of a dream” for the ANC, but said, “at the end not only are we, the government and the ANC, closer together, but we are all victors - South Africa is the victor” (Sisk, 1992:195; 1995:91). Both signed a joint document, the Groote Schuur Minute, in which it was agreed that the commitments contained in the document should be achieved as early as possible (Race Relations Survey, 1991/1992:512).

Following a commitment to the resolution of the climate of violence, as well as a peaceful process of negotiations, the government and the ANC agreed to (Groote Schuur Minute, Race Relations Survey, 1989/1990:731-732; 1991/1992:512; Sisk, 1995:92):

- Establish a Working Group on Political Offences²⁸ (the proceedings of which would be confidential) to work out an operational definition of political offences and the mechanisms and time frames for the release and indemnification of prisoners or those in exile convicted or accused of political crimes; 21 May 1990 was set as deadline.
- Grant temporary immunity for political offences to key ANC officials to enable them to return to South Africa to assist in the establishment and management of political negotiations.
- Review existing security legislation in order to ensure normal and free political activities.
- Work towards the lifting of the state of emergency.
- Establish channels of communication between the Government and the ANC in order to curb the violence and intimidation from whatever quarter effectively.

The government thus agreed to meet the central demands of the Harare Declaration, namely the release of all political prisoners, the return of exiles under conditions of immunity, a review of security legislation and the state of emergency. While not explicitly pledging to

executive members Ahmed Kathrada and Ruth Mompati. Intelligence chief Jacob Zuma, UDF members Cheryl Carolus and Curnick Ndlovu, and attorneys Penuel Maduna and Matthews Phosa (Sisk, 1992 :194).

²⁸The ANC nominated as its representatives on the working group, Messrs Zuma, Maduna, Nhlanhla, Pahad, Phosa and Ndlovu (its members on the Steering Committee). The Government nominated as its representatives Minister Coetsee, Deputy Minister Meyer and Messrs Van der Merwe, Swanepoel, Louw and Viall, Major General Knipe and Brigadier Kok.

end the armed struggle, the ANC agreed to conditions that effectively limited its ability to take up armed action while the negotiation process was in place (Sisk, 1992:195; 1995:91). Mr Slovo of the SACP also tried to assure the government during the talks that the SACP had no “hidden agenda” (Adam and Moodley, 1993:97).

The Groote Schuur Minute was the first in a series of agreements between the government and the ANC, in the run-up to the Accord. It is thus understandable that its aims were modest and consisted mainly of a set of promises. It was however during this stage that the Steering Committee would evolve as an institution that would guide the transition (Sisk, 1995:92). This was where the regularised rules for the transition originated and new institutions evolved out of the need to escape common problems.

The most important result of the Groote Schuur meeting was the belief by both the regime and the opposition that concessions would be reciprocated by the opponent - resulting in a very successful initial pact from the government’s point of view, namely one that justified tolerance of the opposition (Marks, 1992:413; Sisk, 1995:92). However, organisations such as AZAPO condemned the talks as merely legitimising the government (Guise, 1993:91). The CP, in turn, later indicated that it would not participate in negotiations for it would legitimise the ANC (Guise, 1993:92)!

While the first round of formal talks was successful, the ANC continued to press its demands publicly for the return of the exiles and the immediate release of political prisoners. Later in May, Mandela, addressing a crowd of 60,000, threatened to stop negotiations unless the government facilitated the immediate release of political prisoners, the ending of political trials, lifting of the state of emergency and the withdrawal of the SADF troops from the townships. In the end, the Groote Schuur process brought about concrete results for the ANC. Shortly following the talks, thirty-eight top ANC exiles were indemnified, including the commander of MK, Chris Hani and the then Director of Intelligence, Jacob Zuma (Sisk, 1992:196; 1995:92). By late May, Parliament had passed an Indemnity Bill for political offenders (although the responsibility for defining such offences fell upon the working group), and in June, De Klerk lifted the state of emergency in all parts of the country except for the strife-ridden Natal (Sisk, 1992:196; 1995:92).

PRETORIA MINUTE OF 6 AUGUST 1990 AND ITS AFTERMATH

The Pretoria Minute, which was entered into on 6 August 1990, was the second important agreement between the government and the ANC. Delegations from both sides met at the Presidensie in Pretoria, for a fifteen-hour marathon session of hard bargaining that started at nine o'clock in the morning and which gave birth to the Pretoria Minute, an agreement that all the obstacles identified by the ANC as obstructing negotiations would be removed or addressed (Ebrahim, 1998:61). Despite more difficult negotiations than at Groote Schuur, concessions were made, and once again, a joint declaration signed by both parties emerged from the closed-door discussions. At a news conference, at one o'clock in the morning, on 7 August 1990, a joint statement, the Pretoria Minute, was released (Sisk, 1995:93). Key points in the Minute were (Pretoria Minute; Race Relations Survey, 1991/1992:513-515):

- A commitment by both government and the ANC to the Groote Schuur Minute.
- The acceptance of the final report of the working group on political offences.
- The suspension of armed action by the ANC - with immediate effect.
- An undertaking by the government to release all political prisoners by the 30th April 1991 and allow all exiles to return home.
- The intention to form national, regional and local structures to address situations of conflict.
- The establishment of a Working Group to deal with all outstanding issues and the implementation of the suspension of armed action.
- The expression of concern about the violence in Natal by both parties, noting that “problems can and should be solved through negotiations”.
- The creation of mechanisms at both the local regional and national levels to enable the communication of public grievances to the appropriate authorities.

As mentioned the parties accepted the report by the Working Group on Political Offences established at Groote Schuur and which formulated an operational definition of a “political

offence” and a “political prisoner” in order to facilitate the release of such prisoners and the indemnification of those charged with political crimes. The provisions for the release and indemnification extended not only to the ANC, but to “all organisations, groupings or institutions, governmental or otherwise, who committed offences on the assumption that a particular cause was being served or opposed” (Pretoria Minute; Race Relations Survey, 1991/1992:513; *The Argus*, 7 August 1990 in Sisk, 1995:94).

Both the government and the ANC, thus again, committed themselves to do everything in their power to bring about a peaceful solution as soon as possible. The Pretoria Minute further established the institutional structures for the transitional process, which would eventually satisfactorily resolve the conditions for substantive constitutional talks. Both sides made major concessions and committed themselves to the normalisation and stabilisation of the socio-political situation in South Africa (Pretoria Minute; Race Relations Survey, 1991/1992:514). The government on the one hand, agreed to an ongoing review of security legislation in order to promote free political activity by the ANC and its allies. The government also made a commitment to consider lifting the state of emergency in Natal as soon as circumstances permit. The ANC, on the other hand, announced that it would suspend all armed action with immediate effect (Sisk, 1995:94). To give effect to the way in which such armed action was to be “suspended,” the Minute established another working group,²⁹ the Armed Action Working Committee, headed by Law and Order Minister Adriaan Vlok for the government and MK Chief of Staff Chris Hani for the ANC (Sisk, 1995:94).

The Pretoria Minute was an important pact concluded between the government and the ANC to pave the way for a negotiated transition during which both would respect each other’s role as indispensable. The pact however did not signal a political alliance between the two players for at the press conference announcing the signing of the Minute, Mandela and De Klerk clashed over alleged police violence with Mandela saying, “Until the government has tamed the police, we will continue to be dissatisfied” (*The Argus*, 7 August 1990 in Sisk, 1995:95).

²⁹Its activities led to the D F Malan Accord.

However, murder and bloodshed claimed about one thousand lives between early August and early September and undercut the possibility of mutual security formally agreed to in the above pacts and strained the cordial relations between De Klerk and Mandela (Sisk, 1995:96).

De Klerk and Mandela met again at the Union Buildings in Pretoria on 27 November 1990, but the meeting was inconclusive and a brief joint statement released afterwards simply noted a vague commitment to the process of peaceful negotiations.³⁰ No mention was made of the burning issue of violence and the implementation of the agreement on exiles and political prisoners as stated in the Pretoria Minute (Star, 29 November 1990; Sisk, 1995:96).

There was a growing concern among ANC supporters that an aged Mandela was being trumped by a younger De Klerk and particularly on the questions of violence and political prisoners. At a meeting on 8 December 1990 to discuss the issue of violence specifically, they only decided on the activation of the Armed Action Working Group (Sisk, 1995:96). A few days later, at a rally in Johannesburg, a disillusioned Mandela announced that the ANC would suspend its participation in the Working Group on Political Offences and set unilateral deadlines for the implementation of the agreement on exiles and political prisoners. He also pointed to conspiracies to disrupt negotiations and weaken the ANC (Sisk, 1995:96-97).

THE ANC-IFP AGREEMENT OF JANUARY 1991

Violence continued and remained a threat to the aim of engaging the various stakeholders in negotiations, but the ANC took serious steps during 1991 to address the continuing violence and to pay attention to its relations with other organisations and in particular the IFP. They called for an all-party conference on constitutional negotiations (which the government welcomed), formed a joint liaison committee with the PAC, held a joint rally for peace at Bekkersdal³¹ where attendees were addressed by the leaders of the PAC, AZAPO and the IFP (see Sisk, 1995:99; Hari, 1994:75; Race Relations Survey, 1991/1992:72-73,35).

³⁰Unlike other 1990 meetings, De Klerk and Mandela did not appear together to issue the statement. (Sisk, 1995:96).

³¹Top officials from the ANC, AZAPO, the PAC and IFP appeared at a joint rally to appeal to the warring factions in Bekkersdal to make peace. (In the area at least 11 people have died in political violence in the preceding days.)

Of particular significance was the meeting on 29 January 1991 between delegations of the National Executive Committee of the ANC and the IFP, led respectively by Mandela and Buthelezi (see Race Relations Survey, 1991/1992:519). This was a historic³² meeting and the situation was extremely tense when they met at the Royal Hotel in Durban amidst tight security (Sisk, 1992:206; 1995:99-100). Many in the ANC had come to regard Buthelezi as a “sell-out”, because of his “collaboration” with the government in the discredited apartheid homeland system. They suspected him of fomenting violence to prevent the IFP from being marginalised (see Hari, 1994:75; Race Relations Survey, 1991/1992:482-484). Despite a long history of hostility between the two organisations, which eventually changed into personal hostility between Mandela and Buthelezi, the seven-hour meeting was described as good-natured and the two delegations managed to reach an agreement to end the violence between their respective organisations (see Sisk, 1992:206; 1995:100; Race Relations Survey, 1991/1992:519-521).

The purpose of that meeting was to bring the violence to an end. The joint peace strategy, which emerged, was seen as a positive development and is regarded by Sisk (1995:100) as an “archetypical elite pact”. A positive sign was the agreement by the two leaders that the two groups could co-exist peacefully, as Mandela said, the two organisations “had no choice but to coexist” (Hari, 1994:75).

Both organisations called upon their members to end the violence, promote the quest for peace and undertake to commit themselves to political tolerance and freedom of political activity free of intimidation, recognising each side’s right to exist “with its own policies and programmes”. They stressed the importance of the security forces in peace-keeping and called upon the security force to act without political bias (Race Relations Survey, 1991/1992:520). Significantly, it was agreed that the two leaders would jointly tour the violence-affected areas and that structures would be set up to convey the strategy at the grassroots level and to work towards the rehabilitation of stricken families (Hari, 1994:76).

³²It was the first meeting between them in 28 years. The ANC and IFP senior members had met a couple of times before, but there was pressure from both inside and outside of South Africa for Buthelezi and Mandela to meet (Sisk, 1992:206). Buthelezi for his part had frequently called for such a meeting, insisting on meeting Mandela on an equal footing, not as the Chief Minister of the KwaZulu Government, but as the President of the IFP.

It was furthermore agreed that a reconstruction and development programme should simultaneously be undertaken to reduce the potential for violence, particularly in Natal and around the hostels in the Pretoria-Witwatersrand-Vereeniging (PWV) region (Hari, 1994:76; Race Relations Survey, 1991/1992:519-521). The development programme should be above partisan considerations and be designed to meet the needs of all people irrespective of their affiliations. Perhaps the most important aspect of this strategy was Principle 3 of the agreement which stipulated that the resources available to any single organisation for reconstruction work should be made available to a trust fund to be jointly administered (see Race Relations Survey, 1991/1992:521). Thus the two leaders had vowed to “fight for peace”.

Buthelezi praised the agreement as the most significant political event since February 2, 1990 and he said that it represented “a triumph of ANC moderation and political decency”. The IFP leader was full of praise for Mandela, whom, he said, “attempted to, in some measure, match the boldness of De Klerk’s leadership in tackling a thorny issue” (Hari, 1994:76).

The ANC and the IFP moved fast after the meeting. A peace committee, consisting of twenty-four persons from each organisation, was established to analyse the violence crises and to delegate authority to smaller groups to establish regional reconciliation committees. The peace committee held several meetings, while Mandela and Buthelezi began to speak to each other on the telephone, which resulted in another summit on 30 March 1991.

Despite these important developments, the Mandela-Buthelezi rapport did not bring the expected decrease in violence and peace continued to elude the violence-ridden regions. On 31 January 1991 ten people were killed in Umgababa in Natal, followed by the massacre of seventeen people on February 10 (Hari, 1994:76).

These two clashes were said to have occurred between IFP and ANC supporters. A shocked Mandela met the chairman of the IFP, Dr Frank Mdlalose, who was unhappy that the ANC had accused the security forces and the IFP of conspiring to kill ANC supporters. He accused the ANC of bringing the country to the brink of civil war and of aiming to wreck the negotiation process and of setting the stage for seizing power. Once again, relations

between the ANC and the IFP were strained (Hari, 1994:76). While politically motivated fatalities declined from 169 in January to 93 in February it rose to 277 in March and remained high throughout the year (Hari, 1994:77). The situation seemed to be deteriorating fast and on 13 April, it was reported that the ANC was forming self-defence units in the townships (Race Relations Survey, 1991/1992:484). A spokesperson for the South African Police was quoted, the same day, as saying that the establishment of private armies was “a recipe for civil war.” A few days later, it was alleged that MK was seen providing advice on community defence tactics (Hari, 1994:76-77).

In spite of the agreement between the ANC and the IFP, violence involving supporters of the ANC and of the IFP thus remained a challenge and a hurdle in bringing all relevant parties to the negotiation table. However, the deteriorating conditions on the ground made negotiations a necessity and provided many opportunities for “pact making”, but the slow pace of progress in this regard would soon necessitate the involvement of actors from civil society.

THE DF MALAN ACCORD OF FEBRUARY 1991

After the Groote Schuur Minute and the Pretoria Minute, the government and the ANC deadlocked on security issues in the Armed Action Working Committee and progress in this regard was delayed. The government and the ANC met secretly at DF Malan airport, Cape Town, on 12 February 1991 and finalised the report resulting in the DF Malan Accord regarding the ANC’s suspension of the armed struggle. There was again a commitment to the content of the Groote Schuur and Pretoria Minutes (Sisk, 1995:102; Race Relations Survey, 1991/92:xxxiv, 27, 516-518).³³

There were several main features of the DF Malan Accord (Relations Survey, 1991/1992:516-518). There was an undertaking by the ANC to stop:

- attacks by means of armaments, firearms, explosives or incendiary devices;
- infiltration of men and material;

³³The working group was initially tasked to bring out a final report by 15 September 1990. Having been unable to do so an interim report was released on 13 September 1990.

- creating underground structures;
- inciting violence;
- threatening with armed action; and
- military training inside the country.

It was also agreed that (Relations Survey, 1991/1992:516-518):

- All political parties and movements have to participate in the process peacefully.
- Private armies of political parties would not be allowed.
- MK is no longer an illegal organisation and membership of MK is not in violation of the Pretoria Minute.
- It would be noted that it is a historical fact that MK placed arms and caches within our country.
- A phased process of demobilising cadres would be initiated.
- Weapons will be licensed in terms of existing legislation.
- The security forces will take cognisance of the suspension of armed action and related activities and all unauthorised activities by them will be addressed.

It was furthermore agreed that the population has the right to peaceful demonstrations as a legitimate form of protest, but that violence accompanying mass action should be eliminated.

In addition, a liaison committee was established to deal with the implementation of the DF Malan Accord. Though the Liaison Committee met on several occasions, progress was slow. Again, the actors involved, were limited to the government and the ANC, but this should still be seen as an important step on South Africa's road to substantive negotiations.

THE ANC ULTIMATUM, DEADLOCK AND CIVIL SOCIETY INTERVENTION

The Pretoria Minute set 30 April 1991 as a deadline for the release of political prisoners. The ANC was however unhappy with the government's progress in this regard and in reducing

violence. The ANC became of the opinion that the government had no intension to relinquish power and decided to adopt a hard line stance against the government. On 5 April 1991, the ANC announced that, unless the government met a seven-point ultimatum before 9 May 1991, it would suspend all negotiations with the government about an all-party conference and a new constitution. The ultimatum demanded (see Sisk, 1992:213; 1995:104; New Nation, April 12, 1991; Race Relations Survey, 1991/1992:68):

- The dismissal of Defence Minister Magnus Malan and Law and Order Minister Adriaan Vlok, as well as action against the allegedly still functioning Civil Co-operation Bureau (CCB) hit-squads.³⁴
- The visible public dismantling and disarming of counter-revolutionary units in the SADF, such as Battalion 32 (mercenaries) and Koevoet (formerly used in Namibia).
- The suspension of all police who were involved in the March 1990 Sebokeng shootings and an investigation into police shootings reported in Daveyton (PWV) on 24 March 1991.
- Assurances that the SADF would use civilised methods of crowd control.
- Action by the government to outlaw the carrying of cultural weapons such as spears, shields and knives that were often used in township violence.
- The establishment of an independent commission to hear complaints about security related issues.
- The phasing out of single-sex hostels and their transformation into family unit housing.

At a press conference, Mandela blamed the government and security forces of apathy or even complicity in the deaths of thousands in the factional strife of the previous years. The ANC believed that if the government met the demands of its ultimatum, violence would be significantly curbed. The ANC also refused to participate in any further meetings of the working group on the procedural issues relating to an all-party conference. Other working

³⁴A unit within the South African Defense Force, which allegedly eliminated and assassinated anti-apartheid activists.

groups, however, would continue to function. Perhaps more important than its withdrawal from the working group (which had not made much progress), was the call for a two-day general strike, mass protests on 15 June (the day prior to the commemoration of the 1975 Soweto-uprising), a consumer boycott, and a day of fasting in support of political prisoners on 22 May. If these demands were not met, the ANC warned that it would act on its threats by May, 9. Other groups, notably the PAC and COSATU, backed the ANC's move (Sisk, 1992:213; 1995:104).

All eyes were now on President de Klerk to see whether and how he would respond. His response to the ANC ultimatum was slow, and in the final analysis, was completely inadequate. In Parliament, the DP urged President de Klerk to intervene decisively by calling a peace summit of leaders reflecting all interests and sectors in South Africa. However, De Klerk refused to dismiss the said ministers and, instead, on April 18, announced in the whites-only chamber of Parliament the creation of a Standing Commission of Inquiry into the violence and the holding of a summit on violence in Pretoria on 24-25 May - well after the ANC deadline (Citizen, April 19, 1991; Sisk, 1992:213-214; 1995:105; Race Relations Survey, 1991/1992:68). It was obvious that the ongoing political violence could wreck the chances of constitutional negotiations unless an effective intervention took place.

Political, church, and community leaders would be invited to discuss the violence and intimidation that had taken place. With the exception of the white CP, parliamentary parties as well as the IFP welcomed the initiative (Sisk, 1992:213-214).

Two points concerning De Klerk's initial reaction to the ultimatum are important. Firstly, he did not address the principle concerns of the ANC, namely the role of the police and security forces in the continued violence. On the contrary, he called for an enhanced role for the police and SADF in the townships. At best, he said, allegations of police misconduct should be channelled through the judicial commission and through the normal institutions of the state (Gastrow, 1995:19-20). Secondly, the measures were announced unilaterally and with little consultation with the ANC - De Klerk had informed Mandela beforehand of the plans (Sisk, 1992:214; 1995:105). The ANC argued that an independent party should convene such a summit and they viewed national initiatives undertaken unilaterally by De

Klerk with great caution and suspicion. He was, after all, their main political opponent. The ANC was, particularly, suspicious of the planned peace summit, regarding it as inappropriate for De Klerk, as one of those responsible for political violence, to convene and host such an important event (Gastrow, 1995:19-20).

The ANC, not surprisingly, rejected participation in both the commission and the proposed summit for neither went far enough (Sisk, 1992:214; 1995:105). Opposition to De Klerk's planned peace summit was more widespread than many had anticipated. At May Day rallies throughout South Africa, leaders of COSATU, as well as ANC leaders, reiterated their rejection of the government's peace summit. Speakers described De Klerk as partisan on the issue of violence and said that he should not have called such a summit (Gastrow, 1995:19-20).

The ANC demanded in their ultimatum the outlawing of "cultural" or "traditional" weapons such as spears of various kinds, axes and ceremonial clubs, particularly the carrying of such weapons by the Zulus in general, and IFP members in particular. Furthermore, the police ought to be empowered to confiscate them. The issue was important, not just because of the damage that could be meted out with these weapons, but also for their symbolic value (Sisk, 1995:105). The IFP and Buthelezi fiercely defended their stance on the issue and argued that the carrying of cultural weapons was a part of Zulu national heritage. They claimed that more people had died in the townships from "sophisticated weapons" like AK47s, than from traditional weapons (Sisk, 1995:105).

De Klerk tried to persuade the IFP to accept restrictions on cultural weapons and, following several shuttle diplomacy meetings and a direct meeting at Tuynhuys, he secured a deal with Buthelezi hours before the ANC deadline. It was a compromise deal, which called for Zulu traditional weapons to be carried only at "cultural" functions. However, the issue, together with the issue of Zulu-dominated single-sex hostels, was finally resolved at a meeting between De Klerk and the IFP leaders in KwaZulu (Sisk, 1992:215-217; 1995:106-107).

The deadline of the ultimatum was rapidly approaching and public anxiety grew as it became obvious that President de Klerk had no intention of meeting all the conditions the ANC had set, and that the ANC opposed the peace summit proposed by the government

(Gastrow, 1995:20). Due to a flood of indemnity applications, just prior to the April 30 cut-off date, it was clear that the government would be unable to meet the deadlines set by the ANC, as well as in the Pretoria Minute (Sisk, 1992:215; 1995:106).

De Klerk argued that he felt compelled to call the summit because he and the government had the ultimate responsibility for maintaining law and order and he asked the ANC to reconsider its position (Gastrow, 1995:20). Many outside the ANC found its stance unreasonable and actively mobilised public support for the peace summit. The IFP in turn continued to be concerned about its own position. While this standoff among the major players continued, political violence took its toll in many townships. During the last weekend of April alone, fifty persons were reportedly killed in Natal and in the PWV-region, with close to two hundred injured (Gastrow, 1995:19).

It was against this background that organisations from civil society and most notably religious and business organisations began to intervene and tried to mediate between the various actors. Significant was the emerging co-operation between the historically pro-government organisations and “opposition” organisations.³⁵ These organisations had already begun to explore a basis for co-operation prior to the crisis caused by the ANC’s ultimatum. To understand the unfolding involvement of civil society in pre-negotiations it is important to have a brief look at how this evolved.

The way for church involvement in the process of negotiations had been paved during the previous months. Significant strides towards unity were made at the inter-denominational National Conference of Church Leaders in South Africa (Rustenburg Conference) which was held at the town of Rustenburg, during November 1990.³⁶ All South African churches and Christian religious groups and a number of individuals were invited.³⁷ Only two, churches

³⁵For example, during the previous six decades, Afrikaner churches had provided theological justification for apartheid until, in 1986; they rejected apartheid and finally, in 1990, declared it a sin. Before 1990, deep theological and political differences among churches kept them from taking a united stand on many important social and political issues. During the apartheid years, deep differences existed between the Afrikaner churches and those represented by the SACC, such as the Methodist and Anglican Churches. The latter had been strong critics of apartheid. Between 70 and 80 percent of South Africans profess to be Christians. Thus the potential influence of the churches, if they could act together, was therefore not to be underestimated (Gastrow, 1995:15-16).

³⁶In December 1989, President de Klerk called for such a meeting but the involvement of the state in such a meeting was opposed and the idea was thus shelved (Race Relations Survey, 1991/1992:95).

³⁷About 300 attendees from 80 denominations and 40 organisations (Race Relations Survey, 1991/1992:96).

(both whites-only), refused the invitation (Race Relations Survey 1991/1992:96). The conference was historic because representatives from the major Afrikaner church, the Nederduitse Gereformeerde Kerk (NGK), publicly confessed guilt about apartheid and its own involvement and participation in a system of discrimination. A mood of reconciliation was reflected in the statement issued by the conference, entitled the Rustenburg Declaration (Gastrow, 1995:19; Race Relations Survey 1991/1992:96-97). The declaration denounced apartheid, called for a democratic constitution and a more equitable distribution of wealth, and urged churches to condemn all forms of violence. Among the many other provisions of the Rustenburg Declaration was the establishment of a committee that would coordinate church strategies and organise a peace conference to bring together leaders who could assist in ending violence, as well as facilitate communication between the churches and encourage them to support the implementation of the Rustenburg Declaration. It was headed by the Reverend Frank Chikane, the general secretary of the SACC, and Louw Alberts, a natural scientist with interdenominational experience and direct access to the white Afrikaner power establishment (Gastrow, 1995:19; Race Relations Survey 1991/1992:96-97). Both Chikane and Alberts later played key roles in the peace process. For the first time in decades, the churches were collectively addressing important socio-political issues in South Africa (Gastrow, 1995:19).

At the time of the SACC's call for church intervention, Archbishop Desmond Tutu of Cape Town (a winner of the Nobel Peace Prize), made a passionate appeal to black politicians for renewed realism in their fight against violence (Sunday Times, March 31, 1991; Gastrow, 1995:16). This happened a few days before Mandela and Buthelezi met for an "Easter crisis summit." The calls from the churches did not seem to affect either side at the meeting and Buthelezi launched an attack on "naive" churchmen, referring specifically to Chikane. He said that the call for peace by some churchmen, unfortunately suggested that leading churchmen were actually busybodies who tried to be important in the eyes of the world by stepping in and trying to take charge of the peace process (Gastrow, 1995:16).

Buthelezi had regarded the SACC as favouring the ANC and its supporting organisations (see Race Relations Survey, 1991/1992:99). His attack on Chikane and others was, therefore, nothing new. It was important because it sent a clear message to the churches that not all

political groups found them acceptable as facilitators in the peace process. There were also those who believed that some churches actually contributed to the escalation of the violence by sanctifying the struggle against apartheid (see Race Relations Survey, 1991/1992:100). This raised the question that if the churches were not acceptable facilitators, who else would be? Who else would be able to bring together opposing political groups such as the governing NP, the PAC, the ANC and the IFP in order to address the issue of political violence and the future of South Africa jointly? (Gastrow, 1995:17). The Rustenburg Committee therefore went out of their way to promote an image of representing a broad spectrum of ideas and religious interests and that they were politically neutral (see Race Relations Survey, 1991/1992:99).

In March, the SACC stated that there was an urgent need for the church to intervene in an attempt to stop the violence that was escalating despite peace talks between rival political parties (Gastrow, 1995:17). Members of the committee met on 14 March 1991 with the government to discuss the Rustenburg Declaration and it was found to be constructive (Race Relations Survey, 1991/1992:97-98). In April 1991 a meeting took also place between the ANC's National Executive Committee and a Rustenburg Conference delegation of church leaders under the leadership of Chikane and Alberts. It briefed the ANC on the Rustenburg Declaration and listened to an ANC presentation on violence. At the close of the meeting, the ANC rejected the government's call for a multi-party conference and told a press conference that it was a "propaganda ploy" in preparation of De Klerk's planned visit to Europe (Gastrow, 1995:19). The committee also met with the IFP and the former was informed that the violence was more complex than spelled out by the Rustenburg Declaration.

In addition to the involvement of the churches, a section of the business sector also started moving in the direction of involvement in the negotiation process. The Consultative Business Movement (CBM), which was a voluntary organisation of more progressive senior South African business leaders who acknowledged and supported the need for the constructive transformation of the country's political economy, was exploring ways to deal with the ongoing political violence during this period (Gastrow, 1995:17). CBM concluded that the violence was destructive to the negotiation process, the economy, and people's personal lives and that it ought to investigate the violence to formulate an informed response

from business leaders. CBM foresaw the possibility that it would act as a facilitator and therefore proceeded with a lengthy process of consultations with political and labour groups and individuals who were either involved in or relevant to the political violence (Gastrow, 1995:18).

By March 1991, CBM had prepared a memorandum on the violence, focusing mainly on the PWV region. By this time, political violence had moved to the top of the country's agenda, and as business was also viewing the violence as a major concern, CBM decided that its memorandum and its concerns should be taken directly to the major players. It held meetings with a delegation of senior cabinet ministers in Cape Town on March 26, 1991, and the ANC, SACP and COSATU on March 27, while a third meeting took place on May 7, with Buthelezi and the Central Executive Committee of the IFP. Although nothing concrete emerged from these meetings, CBM had placed itself on the map as an organisation deeply concerned about the violence and prepared to play a facilitating role in dealing with it (Gastrow, 1995:18).

The much larger and more representative umbrella organisation representing commerce and industry nationwide, the South African Chamber of Business (SACOB), followed a more conventional approach, focusing on the narrower interests of the business establishment. It tried to avoid controversy from either the government or its membership (Gastrow, 1995:17).

Thus, as the deadline of the ultimatum approached, the talks faltered and the violence flared up, groups from civil society stepped in. Organised commerce and industry called for a nation-wide support of De Klerk's proposed peace summit and SACOB placed a prominent press advertisement to this effect (Business Day, May 7, 1991; Gastrow, 1995:19). Likewise, a group of religious leaders, which included clerics from the Anglican, Roman Catholic and Dutch Reformed Churches, as well as Jewish and Muslim organisations, under the leadership of Dr Frank Chikane, intervened in a final attempt to break the deadlock.³⁸ They feared that the violence would escalate if the ANC deadline were allowed to lapse (Sisk, 1992:215-

³⁸he church delegation consisted of: the Rev Dr Frank Chikane, the SACC; Dr Khoza Mgojo, President of the SACC; Prof Johan Kleynhans, Deputy Moderator of the NGK (Dutch Reformed Church); Sheik Nazeem Mohammed, President of the Muslim Judicial Council; Bishop Reginald Orsmond, Deputy President of the South Africa Catholic Bishops Conference; Archbishop Laurence Henry of the Catholic Church; and Rabbi Arthur Seltzer of the Cape Town Hebrew Congregation.

216; 1995:106). They embarked on low-key confidential meetings with both Mandela and De Klerk, hoping to avoid a serious confrontation between the parties and to discuss the political violence in the country (Sisk, 1992:216). The church delegation first met with Mandela on May 3, and the following day with De Klerk, against the backdrop of a bloody week on the Witwatersrand, where ninety-seven people had been killed in clashes between rival groups. Dr Chikane said:

We do not pretend to be mediators. Our duty is to encourage the different parties...to come together and talk so that we do not land up in a tragic situation. Once the threatened deadlock is resolved, then the politicians should meet to work on the details of how to go into the future. It is not our role to determine how they should do this. We have come in because of the crisis that we feel has serious implications for the country and all South Africans (Sisk, 1992:216; 1995:106).

Thus, at this point South African religious leaders intervened in what seemed to be a scenario of worsening political violence and instability. While the SACC did not represent all the churches in South Africa, they intervened at a time when the country's churches as a whole, were closer to each other on the issue of violence than they had been for many decades (Gastrow, 1995:15).

The mission of the church leaders gained a heightened sense of urgency as violence continued unabated in many townships. By the end of the first week in May, over a hundred had died in the violence, eighteen on May 5 alone (Sisk, 1992:216). The bishops of the Methodist Church of Southern Africa released a statement, which summed up the dire mood (Sisk, 1995:107):

[The violence] is an indictment of the government, political movements, and the churches... people are not convinced that all leaders are utterly committed to ending violence... people are not satisfied that political leaders or security forces are impartial (The Argus, 6 May 1991 in Sisk, 1995:107).

Violence between ANC and IFP supporters continued and to make matters worse, on May 6, an IFP spokesperson in Johannesburg, Muza Myeni, threatened that it would deploy 250 000 armed fighters from rural Natal in the townships in order to protect the Zulu hostel dwellers (Cape times, 6 May 1991; Sisk, 1995:107). The church leaders continued their

shuttle diplomacy in a bid to break the impasse and suggested that a neutral party convene a national peace conference. By mid-week, with the deadline looming, De Klerk's cabinet and the ANC's National Executive, along with COSATU and SACP leaders, were locked in tense meetings trying to develop a response to the crisis (Sisk, 1995:107).

Some successes were achieved. Just in time to avert a crisis, the ANC and the government met in top-level talks on the day of the deadline May 9. After a gruelling six-hour session in which De Klerk and Mandela conferred on a broad range of issues, a draft agreement was reached (Sisk, 1992:217; 1995:107). The government agreed to act legislatively on the issue of cultural weapons and to step up the specific measures to curb violence in the townships. Most importantly, it was agreed to continue talking - through the working groups - about the issues regarding the return of exiles and political prisoners, and armed action (Natal Mercury, 21 May 1991; Sisk, 1992 :217; 1995:107). Despite reports that the ANC had taken a hard line in the discussions, De Klerk refused the remaining demands, particularly, the call for the resignation of the two cabinet ministers. The ANC announced on May 20 that it would pull out of the constitutional talks (they had, after all, not yet started), but the mechanisms through which the talks could go forward, remained in place (Sisk, 1992 :217; 1995:107).

Although the joint statement released after the discussion made no mention of the government's plan to hold a conference on violence, it was quietly understood that the ANC would boycott such a conference. The idea was to hold a conference by neutral players at a later stage - in which religious leaders would play a facilitating role (see Gastrow, 1995:20). Chikane, general secretary of the SACC, announced on the day the ultimatum expired that church leaders were planning a national peace conference, that is if all parties did not attend President de Klerk's "peace summit" later in the month. He said that a conference of "affected communities" would not include the government and that an attempt would be made to establish a code of conduct and violence-monitoring mechanisms - "We hope that out of that we will engage government" (Gastrow, 1995:20). Mandela welcomed the abovementioned peace summit proposed by the SACC when he addressed 107 of South Africa's most prominent business people in Johannesburg on May 16 at a meeting, held under the auspices of the CBM (Gastrow, 1995:21). He urged the business people to help end political violence

and appealed to De Klerk not to go ahead with the government's proposed multi-party conference on violence, but business was not persuaded to exert pressure on De Klerk to cancel the conference on violence (Gastrow, 1995:21). CBM immediately took up this challenge and decided at an emergency meeting held the next morning that the critical situation made it necessary for the business community (CBM and SACOB) and the churches to explore jointly how to keep the negotiation process on track (Gastrow, 1995:21).

On May 21, President de Klerk met a delegation of church and business leaders. De Klerk was rather unaccommodating and stressed that the government did not need the help of facilitators, because it was in direct communication with all the relevant parties. He did not regard the churches and business sectors as having a mandate from the government to convene a peace conference; this remained the government's responsibility. The meeting left no doubt that De Klerk's "peace summit" would proceed as planned (Gastrow, 1995:24).

However, the shuttle diplomacy involving church, political, and business leaders appeared to have won the day, for to the relief of many, none of the major political parties made an issue of the ultimatum after May 9 (Sisk, 1995:107). Thus, civil society began to play an important role in ensuring that the process of change would continue. It is particularly important to note the emerging role of business as a facilitator - a role often ignored in transitions (see Charney, 1999:182-184).

THE CONFERENCE ON VIOLENCE OF 24-25 MAY 1991

The two-day peace conference called by the government and scheduled for 24-25 May 1991 remained an issue. However, about two hundred delegates attended. There were representatives from the government, business, churches, trade unions, the IFP, homeland leaders, parliamentary parties and independent institutes, but important players such as the ANC, SACP, COSATU, AZAPO, PAC and the SACC did not attend (Race Relations Survey, 1991/1992:68-69, 467). Representatives from SACOB and CBM also attended (Gastrow, 1995:24). The explanation provided by most of those who did not attend, was that someone nonpartisan should call such a summit.

On the first day of the conference, delegations delivered opening addresses to spell out

their positions on political violence and to suggest possible solutions. Buthelezi, for example, called for peace and stressed that the peace process in South Africa would remain flawed unless relations between the IFP and the ANC were normalised. He proposed a national campaign for peace and the establishment of a peace secretariat that should set up regional and local peace action groups throughout the country. These “peace action groups” should bring peace to troubled areas, counter rumours, provide channels of communication, and consult local leaders to facilitate peace moves (Gastrow, 1995:24).

At the conference, it was agreed that there should be a code of conduct for the security forces, restrictions on the carrying of traditional weapons and programmes for general social upliftment (Race Relations Survey, 1991/1992:68-69). At the end of the conference, Dr Louw Alberts, co-chairman of the Rustenburg Conference, was appointed to act as a one-man facilitating committee with a mandate to include other members with the purpose of convening a second and more representative peace conference. He was appointed because he was not an official church leader and because he was acceptable to De Klerk. The appointment of Alberts received widespread support from most of the organisations that had not attended (Gastrow, 1995:25). The facilitating committee subsequently met with various organisations, including the ANC, PAC and IFP (Race Relations Survey, 1991/1992:467). The ANC welcomed these developments and said it regarded the peace process as being back on track. It stated that the process envisaged by the summit was in line with what the ANC had proposed (Business Day, 25 May, 1991; Gastrow, 1995:25).

As a venture in peace making, it was a start, not much more, but it was a success in the sense that it laid the basis for a further conference on violence, involving a greater range of participants (Gastrow, 1995:25).

The dynamics of the ANC’s ultimatum and the government’s peace summit demonstrated attempts by both the ANC and the government to dominate the process of transition, while the IFP tried to get greater acknowledgment as a key actor in any negotiations for a future political dispensation. It thus became obvious that no single actor would be in a position to determine South Africa’s future.

5.5 THE NATIONAL PEACE ACCORD AS A PACT WITH MUTUAL GUARANTEES

The National Peace Accord (the Accord) of 14 September 1991 was a multi-party and multi-faceted pact, which constituted the beginning of a transition from purely exploratory talks to the actual negotiations as will be discussed in chapter six. It represented a move, from convincing the key actors of the necessity of negotiations and the necessary preconditions, towards agreement on a basic structure and principles for substantive negotiations. With its main aim to bring an end to politically motivated violence, it included mechanisms for dispute resolution, a new set of judicial procedures and measures to ensure compliance (Sisk, 1994:50-51).

An increase in violence, which was, as discussed, nurtured by the process of liberalisation, played an important role in the dynamics of the run-up to the Accord. Violence often took the form of ethnic conflict, mainly between the supporters of the ANC and the IFP. In order to address this problem, a behind the scenes conference, led by Dr Alberts, was held in June 1991³⁹ at which occasion religious and business groups and various organisations from civil and political society met to arrange a national peace conference which all parties would attend. Religious organisations and business thus again played a “stabilising” role in South Africa’s transition largely because they interacted with a large section of the population and were not seeking power for themselves (see Charney, 1999:182-184; Race Relations Survey, 1991/1992:69-70). The Preparatory Committee on which three members each of the NP, ANC and IFP, as well religious and business leaders served, was formed. This became known as the National Peace Initiative and constituted the beginning of the process that would lead to the Accord (Sisk, 1995:108-109).

The Preparatory Committee of the National Peace Initiative met two days later, on 24 June and elected a business leader, John Hall, as chairperson⁴⁰ (Charney, 1999:182; Ball, 1997:2-3). It was also decided to establish five working groups that would look at the following issues that were identified as important in ending the violence (Gastrow, 1995:32):

³⁹It was attended by representatives from parliamentary parties, the ANC, SACP, AZAPO, IFP and trade unions, including COSATU (see Race Relations Survey, 1991/1992:70).

⁴⁰In mid-1991 it was co-chaired by Bishop Desmond Tutu of the Anglican Church.

- Group 1: Code of conduct for political parties.
- Group 2: Code of conduct for security forces.
- Group 3: Socioeconomic development.
- Group 4: Implementation and monitoring.
- Group 5: Process, secretariat, and media

Each working group was to consist of three members from the NP-government, three members from the IFP, three members from the ANC-led alliance, one religious leader, and one business representative from the Preparatory Committee. During the weeks that followed, each working group met on several occasions in an effort to produce a consensus document on the issues assigned to it (Gastrow, 1995:32).

The secretarial backup and coordination of this process was assigned to the CBM, while the government department responsible for constitutional development provided the financial resources. Each working group produced draft documents that were referred to the various principals for approval, before being returned to the negotiators to seek further consensus for a next draft. It was decided that an inclusive peace agreement, specifically designed to stabilise the turbulent environment would be “negotiated” at a proposed National Peace Convention (Sisk, 1992:226). Taking into account the progress made, the Preparatory Committee set Saturday, 14 September 1991, as the due date for the reports from the five working groups, as well as the date for the National Peace Convention (Gastrow, 1995:32).

The National Peace Convention was planned as a high-profile leadership and media event to be held in the Carlton Hotel, Johannesburg. Leaders from government, political and civil society were invited (Gastrow, 1995:32). Bilateral meetings between the three main protagonists, namely the government, ANC and IFP were arranged to iron out last minute disputes over procedures and the draft text (Sisk, 1995:113).

The days before the National Peace Convention, however, were characterised by some of the bloodiest violence of the year in the townships of the troubled East Rand. Forty-two died and at least fifty were wounded in a single day - “Bloody Sunday” (the second day

to earn such a name that year) (Sisk, 1994:53). On 8 September IFP-loyal, hostel dwellers from Thokoza, on the East Rand, were sprayed with gunfire from unknown assailants while marching to a “peace rally” at a local stadium (Sisk, 1992:226; 1995:113). Eighteen were killed, and fourteen wounded, but retaliatory attacks and pitched street battles spread to the nearby townships of Katlehong and Tembisa and into the Johannesburg city centre (Sisk, 1992:226; 1995:113). By week’s end, 121 had died and some 550 had been wounded in what the press called “random, senseless terror attacks” (Weekend Argus, 14 September 1991; Sisk, 1995:113). Furthermore, problems between the ANC and the IFP arose on the still problematic issues of “cultural weapons” and “private armies.” The IFP was fighting a ban on the former, the ANC a ban on the latter (Sisk, 1992:226; 1995:113).

In spite of the violence, the facilitators of the National Peace Initiative continued with their work and aimed at settling the remaining disputes. Under great pressure, and with only a few hours left before the National Peace Convention were to commence, consensus was reached on the reports from the working groups and collated to form what was from then on referred to as the National Peace Accord. Last minute problems relating to the issues of cultural weapons, private armies (including Umkhonto we Sizwe -MK), and a code of conduct for security forces could not be resolved and were therefore left vague or out of the Accord (Gastrow, 1995:32-33).

The National Peace Convention was a remarkable occasion, which was attended by almost all of the national leaders of political groups except for the CP and HNP.⁴¹ The leaders of self-governing and independent states were there. So were leaders from various religious denominations, trade unions, and the business community, as well as the diplomatic corps, Zulu king Goodwill Zwelithini, traditional chiefs, and newspaper editors. The symbolic significance of such a gathering was powerful, something that the media conveyed with full fanfare (Gastrow, 1995:33). This had never happened before and the National Peace Convention represented a major breakthrough for South Africa (Sisk, 1994:53-54). It clearly demonstrated that the deep-seated differences that existed would not prevent the various

⁴¹The CP, HNP and AWB boycotted the peace process altogether. They had been invited to attend, but declined because they saw the meeting as a capitulation to the ANC and its allies. They regarded the ANC and the SACP as terrorist organisations that were responsible for the violence and with whom one should deal, therefore, by means of tough law-and-order methods (Gastrow, 1995: 33). The occasion was so overwhelming that little thought was given to these three right-wing groups which were absent.

parties from speaking to each other about common interests.

The conference was, however, a tense affair that appeared at risk when the three hundred delegates found, on their arrival, thousands of armed IFP supporters staging mock battles in the streets outside the venue. Only after a direct appeal by President de Klerk to the IFP leader, Buthelezi, did the *impis* (warriors) reluctantly disperse. However, Buthelezi's uncertainty about the Accord was evident throughout the daylong proceedings. The IFP expressed a series of reservations about the contents of the Accord, raised objections to, Archbishop Desmond Tutu, chairing the proceedings, and asserted that cultural weapons were not dangerous, but were "traditional accoutrements" of Zulus (Sisk, 1992:229; 1994:53; 1995:114; *Argus*, 16 September 1991). Mandela, too, had words that signalled the limitations of the Accord when he announced that MK would not be disbanded, nor considered a "private army."

After numerous speeches in which various organisations pledged themselves to the Accord, and a reserved press conference by De Klerk, Mandela and Buthelezi (the "big three" leaders), who were obviously uncomfortable with sharing a common platform, the day ended with the Accord intact and signed in a highly publicised ceremony. Delegations from twenty-seven⁴² political, trade union and government organisations eventually signed the agreement.⁴³ The PAC and AZAPO attended the conference but refused to sign the document. They however declared their support for the spirit and objectives of the Accord, but declined to sign it because their strong non-collaborationist stance prevented them from being part of any structure in which the government was represented. They did declare themselves in favour of peace and undertook to promote it (see Gastrow, 1995:32-33; Sisk, 1992:229; 1994:53; 1995:114).

The Accord was a comprehensive document, divided into ten short chapters, which set

⁴²According to some sources 26, others 29 (see Camay and Gordon, 2000:7; Sisk,1995:115; but Sisk, 1994:53 states 27).

⁴³Some of the signatories were: ANC, Amalgamated Union of Building Trade Workers of South Africa, Confederation of Metal and Building Unions, Congress of Traditional Leaders of South Africa (Contralesa), COSATU, DP, Dikwankwetla Party / QwaQwa government, Federation of Independent Trade Unions, Ximoko Progressive Party / Gazankulu government, IFP, Intando ye Sizwe Party, Inyandza National Movement / KaNgwane government, KwaNdebele government, KwaZulu government, Labour Party of South Africa, Lebowa government, United People's Front, Merit Peoples' Party, National Forum, NP / Government of South Africa, National Peoples' Party of South Africa, Solidarity Party, SACP, United Workers' Union of South Africa (Camay and Gordon, 2000:7)

out a vision for a new democracy, peace and stability and provided for the establishment of a nationwide network of peace committees and other structures to realise these objectives (Gastrow, 1995:43-44). In addition to the Preamble, the Accord contained a set of democratic based principles, codes of conduct for both political parties and the security forces (the police in particular), measures for socio-economic development, the affirmation of the Goldstone Commission which was appointed to investigate political violence, mechanisms for peace which included a national peace committee and secretariat, as well as regional and local dispute resolution committees. Furthermore, provision was made for the enforcement of the agreement (see Haysom, 1992:33-34; National Peace Accord; Race Relations Survey, 1991/1992:522-556).

There are a number of important stipulations of the Accord, which are discussed in the various chapters of the Accord and which should briefly be noted. ⁴⁴

PREAMBLE

In the preamble the Accord was linked with the overall process of democratisation, socio-economic reconstruction and development, codes of conduct for political organisations and the police, as well as mechanisms to deal with political violence and the implementation of the provisions of the Accord (Sisk, 1994:54).

PRINCIPLES

In the chapter on basic principles (chapter 1) it was implied that the common goal of a multi-party democracy would be impossible to attain in a climate of violence, intimidation, and fear and that certain fundamental rights needed to be recognised and upheld to ensure democratic political activity. Universally accepted fundamental rights such as freedom of conscience, speech, association, and assembly and free participation in peaceful political activity were spelled out and endorsed (Gastrow, 1995:43-44). This largely constituted a pact on some fundamental and substantive principles that would guide a future political dispensation. By signing the Accord, the NP and the government confirmed the end of an

⁴⁴It should be noted that these apply to the content as adopted at the signing of the Accord.

apartheid based political dispensation. For these reasons, the Accord could be regarded as a watershed in South Africa's transition to democracy.

CODE OF CONDUCT FOR POLITICAL PARTIES AND ORGANISATIONS

Political intolerance was regarded by many as one of the prime underlying causes of the violence. South Africa had never experienced free political activity and a code of conduct for political parties was therefore not a mere nicety, but was regarded as absolutely essential for setting norms and standards where none existed. The code promoted political tolerance and called on all parties to condemn political violence publicly and to conduct themselves in accordance with the principles of democracy (chapter 2). Detailed instructions were provided to regulate the relations between political groups at national, regional and local level, as well as those between political groups and various authorities such as the police or local authorities (Gastrow, 1995:43-44; Sisk, 1994:54).

SECURITY FORCES: GENERAL PROVISIONS, AND A CODE OF CONDUCT FOR POLICE

The security forces in general were dealt with in chapter three and a ban was also placed on weapons at political rallies, while private armies were outlawed. Chapter four contained a code of conduct for the police (Race Relations Survey, 1991/1992:528-539).

The security forces, particularly the South African Police, had become a controversial factor in the violence that plagued South Africa over many years. A record of suspicion and distrust, primarily from black South Africans, had built up and severely damaged relations between black communities and the police. This distrust undermined the ability of the police to maintain law and order and to deal effectively with political violence. The police were seen by many as the implementers of apartheid and therefore biased (Gastrow, 1995:44; Charney, 1999:187-188).

Despite this history, the signatories to the Accord envisaged a key role for the police in peacekeeping efforts and in maintaining law and order. The aim of the code of conduct for the police was to promote sound policing practices and establish a co-operative relationship

between the police and communities, “We protect and we serve” (Race Relations Survey, 1991/1992:539). Concepts such as the minimum use of force and the equal treatment of all citizens were elaborated on in the code of conduct. Political neutrality was stressed and guidelines were provided for police involvement in the structures to be set up under the accord. A similar code of conduct for the South African Defence Forces was attempted but could not be finalised and therefore did not form part of the accord (Gastrow, 1995:44).

In chapter three (paragraph 3.3) provision was also made for the establishment of a Police Board consisting of equal representation by civilian and police representatives to look, in particular, into the issues of police training and community policing (National Peace Accord, 1991:12-13; Sisk, 1994:54). The main objective of the Police Board was to promote more effective policing and better relations between the police and communities and it was therefore composed of members of the public and police officers in equal numbers. It had no executive powers and made recommendations to the minister of law and order on policy issues. The members of the public were nominated by the National Peace Committee (NPC) to ensure broad political representation (Gastrow, 1995:46).

MEASURES TO FACILITATE SOCIO-ECONOMIC RECONSTRUCTION AND DEVELOPMENT

To contribute to peace building, provision was made in chapter five for the socioeconomic reconstruction and development at grassroots level, particularly, of communities detrimentally affected by political violence. It also aimed at potential flashpoints such as squatter settlements, to defuse tensions and prevent violence. In many areas afflicted by political violence, homes were damaged or destroyed, and fleeing residents became refugees. The premise of the Accord was that assistance with the reconstruction of homes and basic facilities in such cases would contribute to peace building. Communities became involved in development tasks through subcommittees that linked with the Regional Dispute Resolution Committees (RDRCs) and Local Dispute Resolution Committees (LDRCs) in the area (see chapter 7 of the Accord; Race Relations Survey, 1991/1992:540-542). The Accord envisaged that socioeconomic development with community involvement would lead to a measure of sta-

bility. Normal developmental work would remain the government's responsibility (Gastrow, 1995:46).

COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION (THE COMMISSION)

Popularly known as the Goldstone Commission after its chairman, Justice Richard Goldstone, this commission was established by an act of Parliament, namely the Prevention of Public Violence and Intimidation Act No. 139 of 1991. Reference to this Commission in chapter six of the Accord is significant because the signatories thereby endorsed the nature, terms of reference, and composition of the Commission, but it was mentioned that the said act could require amendment (Race Relations Survey, 1992/1992:543-547). Wide consultation with political and other interest groups took place before the members of the Goldstone Commission were appointed.

The function of the Commission was to inquire into incidents of political violence, their nature and causes and to establish who were behind the violence, as well as to make its findings and recommendations public (Sisk, 1994:55). The Commission was also tasked to recommend steps that would prevent public violence and intimidation and it indeed undertook a series of important investigations and findings into security force activity. It was equipped with legal powers such as the power to subpoena witnesses and to enter premises (Gastrow, 1995:46). The Goldstone Commission also succeeded in preparing a set of guidelines for public demonstrations, which became the standard document on the basis of which the various parties jointly planned the control and security of public marches and rallies (National Peace Accord, 1991:12-13; Sisk, 1994:54; Race Relations Survey, 1992/1992:543-547).

NATIONAL PEACE SECRETARIAT, REGIONAL AND LOCAL DISPUTE RESOLUTION COMMITTEES

Chapter seven of the Accord made provision for the establishment of a National Peace Secretariat, Regional Dispute Resolution Committees (RDRC) and Local Dispute Resolution

Committees.

The National Peace Secretariat

The National Peace Secretariat was a permanent and full-time institution, but was smaller than the National Peace Committee (chapter 8 of the Accord). It consisted of at least four representatives⁴⁵ nominated by the National Peace Committee, and one representative of the Department of Justice (see Camay and Gordon, 2000:11). The National Peace Secretariat, as opposed to the National Peace Committee, became the actual workhorse at this level and the Secretariat was responsible for the establishment and co-ordination of the RDRCs and the LDRCs (National Peace Accord, 1991:26; Camay and Gordon, 2000:11; Race Relations Survey, 1991/1992:548).

Regional Dispute Resolution Committees (RDRCs)

The aim was to divide the country into regions with a RDRC (later known as regional peace committee) established by the National Peace Secretariat within each region (chapter 7 of the Accord). The legitimacy of these committees was vital and therefore it was stipulated that these committees should be composed of regional representatives from political organisations, the church, trade unions, commerce and industry as well as representatives from local and tribal authorities, the police and the defence forces (National Peace Accord, 26-27). The task of the RDRCs, in turn, was to establish and maintain LDRCs (later known as Local Peace Committees) in communities throughout the area they served, and to intervene and peacefully resolve disputes and conflicts (Gastrow, 1995:45). The role played by representatives from civil society and in particular religious organisations and business was important.

⁴⁵The four representatives later appointed were from the ANC, NP, IFP and DP respectively with the Secretariat being chaired by Dr Anthonie Gildenhuys.

Local Dispute Resolution Committees (LDRCs)

The Accord made, as mentioned above, provision for the establishment of LDRCs to resolve local conflicts, build trust, reconcile different sectors of the community, and mediate agreements between local role-players in respect of marches and rallies (National Peace Accord:27). In addition, provision was made for Justices of the Peace to promote the peace process at grassroots level (National Peace Accord) and the LDRCs were also tasked to assist with the appointment of these Justices of the Peace (National Peace Accord, 1991:28; Race Relations Survey, 1991/1992:550).

NATIONAL PEACE COMMITTEE (NPC)

In chapter eight of the Accord provision was made for the establishment of the NPC which was tasked to monitor its implementation. At the national level, the political organisations and parties represented on the Preparatory Committee were to constitute the NPC together with representatives from the other signatory parties. It was, interestingly, stipulated that its chairperson and vice-chairperson should come from the religious and business community and it was thus subsequently chaired by John Hall (business) and Bishop Stanley Magoba (Camay and Gordon, 2000:11).

In practice, the NPC consisted of approximately sixty individuals. It had the task of monitoring the implementation of the Accord, resolving disputes over interpretation, as well as contraventions of the code of conduct for political parties.

Decisions were made by consensus, a requirement that made it difficult to deal with contentious issues, but encouraged smaller parties to remain part of the committee. These issues frequently revolved around political differences and were only resolved through lengthy discussions and compromises (Gastrow, 1995:44-45). The NPC was thus charged with handling alleged breaches of the code of conduct for political parties. Matters that the NPC could not resolve had to be referred to an arbitrator with legal skills, appointed by the relevant parties by consensus, failing which the arbitrator had to be appointed by the NPC within twenty-one days (paragraph 9.4). The arbitrator could order an organisation to remedy the breach.

ENFORCING THE PEACE AGREEMENT BETWEEN PARTIES

In chapter nine of the Accord, provision is made for the appointment of justices of the peace and for mechanisms to deal with breaches of the Accord. Where possible, disputes had to be settled at grassroots level where breaches of the provisions of the Accord were to be dealt with by the parties themselves through “mediation, arbitration and adjudication” (Gastrow, 1995:47). Disputes that could not be resolved had to be referred to an arbitrator as discussed above and who would submit a report to the NPC.

SPECIAL CRIMINAL COURTS

In chapter ten, provision was made for the establishment of special criminal courts by the Department of Justice and the Law Society to expedite the investigation into, and prosecution of persons suspected of performing acts of political violence (National Peace Accord:33; Sisk, 1994:55). Preference had to be given to such courts in areas where their services were most urgently needed. Special procedural and evidential rules had to be applied if these courts were to be successful (Race Relations Survey, 1991/1992:556).

Logistical support to the peace structures on all levels were to be provided by the Directorate: Internal Peace Institutions, which consisted of staff, seconded from the Department of Justice. It was initially headed by Advocate Deon Rudman and later by Advocate Nic Grobler (Camay and Gordon, 2000:19).

The Accord was the product of intense pre-negotiations stretching over eighteen months. The critical issues revolved around matters of security and the conclusion of, what could be regarded in Dahl’s terminology (1970:13-16), a “mutual security agreement” (Sisk, 1992:242). The contents of the Accord were quite remarkable, not only for the breadth of issues covered, but also for the binding mechanisms for arbitration of disputes to which the parties agreed (Gastrow, 1995:43-44). Of great significance was the acknowledgement of the important role that organisations from civil society had to play in South Africa’s transition to democracy.

A number of reasons have been put forward in an attempt to explain the successful negotiations that led to the establishment of the Accord. One argument is that the ongoing

violence of the period was threatening the viability of the wider process of constitutional negotiations and that it was an attempt by the negotiating parties to show their supporters that this process would bear fruit. The general feeling amongst people, who later became involved with the peace structures, was that the Accord's purpose was to show their constituencies that the negotiators were sensitive to their suffering and expectations. Cawthra (1994) on the other hand argues that the reason for the ANC's endorsement of this conflict management process was a desire on the part of its leaders to restrain the South African Police by bringing them under multi-party control. Significantly, this was a time when allegations and evidence indicating police involvement in the violence were on the increase.

The signing of the Accord was significant in many respects. Sisk (1992:239-240) for example writes that the signing of the Accord was an acknowledgement on the part of the various political elites that the South African conflict needed to be transformed from one of ongoing violence into one which saw them accepting responsibility for its joint management. The Accord not only set the rules of the game, but also legitimised the creation of grassroots structures and third party intervention as a means of ensuring that community conflict did not escalate into violence. In this sense, Sisk (1992:237) regards the Accord as an example of a security pact reached between the contending political elite. It was thus a deliberate attempt to create a non-aggression pact between South Africa's political heavyweights and can be seen as an example of a partial security or military accord (Sisk in Du Toit, 1992:5).

Likewise, Gastrow (1995:33-34) is of the opinion that, with the signing of the Accord, an important stage had been reached in the process that aimed at creating peace. South Africa's leaders, with the exception of elements on the extreme right and left, thus signed a contract to pursue this objective jointly. The document was at that stage one of the few consensual documents to have emerged in South Africa and therefore had the potential of effectively addressing the violence (Gastrow, 1995:33-34).

The signatories thus recognised that political violence was threatening democratisation in South Africa. They committed themselves to end the political violence and to make the country one in which all could live, work, and play together in peace and harmony (Gastrow, 1995:43-44). Thus, the Accord was significant in that it showed for the first time that South

Africans from across the political divide, were capable of agreeing to a set of common values to guide their interactions with one another. The working sessions, which culminated in the document, were also characterised by a problem-solving orientation between the parties, rather than the positional bargaining that characterised the CODESA process (see chapter 6). The document reinforced the national negotiations at a regional and local level by involving the constituencies of all the negotiating parties.

The fact that the Accord was an agreement entered into by the signatories and not a document that could be enforced by law, had rendered the enforcement provisions of the Accord ineffective as a sanction, something that had continuously hampered the NPC in acting against transgressors of the code of conduct (Gastrow, 1995:47).

Unfortunately, violence continued. The first weeks after the signing of the Accord in fact saw an increase in the rate of political violence. Researchers participating in a project seeking to determine the causes and nature of community conflict in South Africa, overheard residents saying: "This is not a Peace Accord, it's a killing accord" (Bremner, 2001:396). However, the ground was prepared for co-operation between white and non-white in a quest for a mutually acceptable future political dispensation. This co-operation was markedly easier to achieve in civil society among business, religious, intellectual, cultural leaders than among the political and military elites, where government and opposition supporters remained locked in confrontation (Charney, 1999:188).

5.6 CONCLUSION

In this chapter the discussion focussed on the crucial phase of South Africa's transition during which pre-negotiations was important in providing an appropriate setting for the next phase of substantive negotiations which will be discussed in chapter six. The threshold for a negotiated transition was crossed during this phase. The crucial breakthrough came with President de Klerk's speech on 2 February 1990 and the unbanning of the ANC, PAC, SACP and thirty-three other organisations, as well as the release of Nelson Mandela. This bold step indicated that the NP-government was willing to move away from apartheid and all that it implied. A new phase in the history of South Africa's transition was thus entered.

The events were analysed against the background of the politics of liberalisation and in the context of a transitional opening, where the various contenders began to position themselves and determine their strategies, while the transition process began to develop its own dynamics. The behaviour of the elites were also analysed within the context of several macro-structural factors, which influenced their behaviour. Furthermore, it was indicated how the choices made by the various contenders, impacted on the strategies adopted by each within the context of the domains of, state - political society - civil society. Important strategies in this regard were the formation of alliances, mass mobilisation and peaceful strategies, such as compromise. Unfortunately, violence, or the threat thereof, was often used by the various role players to position themselves strategically. However, at the same time this necessitated the need for co-operation and compromise as was clearly demonstrated by the series of pacts, which culminated in the adoption of the National Peace Accord.

Initially, the main actors to emerge were the government and the ANC in which President de Klerk and Nelson Mandela initially dominated the scene and even tried to out manoeuvre each other. However, as a deadlock was reached between the main actors, the possibility of a single actor dominating the transition became highly unlikely. As discussed, the deadlock required the intervention of non-political actors coming from civil society and in the ensuing events the playing field became enlarged and included all willing actors from political society, as well as several from civil society and particularly from religious and business organisations. Thus, the government and leaders from, for example the NP, the ANC, the SACP, the IFP, as well as from church, trade union and grassroots democratic movements, were willing to work towards a new negotiated dispensation, for they shared the common goal of creating a “new South Africa”. At this stage, the reform process still ran the risk of being jeopardised by a minority of right-wing extremist whites and radical left wing black organisations, as well as a lack of tolerance. Neither could a peaceful development of a political, economic and social order towards a democratic post-apartheid stage, be guaranteed.

Apart from the government, state institutions such as the security forces also emerged as important actors. However, there were divisions among members of the security forces with rogue or hardliner elements often blamed for fomenting violence and even endangering the pre-negotiation process - talks were for example suspended by the ANC as a consequence of

the continuing violence which it blamed on security force actions or inaction. The actions of the security forces would in future require negotiated concessions on amnesty for human rights abuses.

Nevertheless, the mutual changes regarding the traditional perceptions of threat on the part of both the white minority and the black majority and, as a consequence, the end of institutionalised racial segregation and the common will to engage in political co-operation were important milestones accomplished during this phase of the transition.

During pre-negotiations, the commitment to compromise soon emerged. As discussed, a series of important pacts were made in this regard, namely the Groote Schuur Minute which was a bilateral agreement signed in May 1990; the Pretoria Minute, where the ANC agreed to the suspension of the armed struggle, and where the release of political prisoners and the granting of indemnity to affected persons were settled; the D F Malan Accord of early 1991 further strengthened these agreements; and a multi-lateral attempt at trust building culminated in the signing of the National Peace Accord in September 1991 following a multi-party conference. Major non-signatories were the PAC and the AWB. The Accord was according to Sisk (1995) up to that point the most comprehensive attempt to construct a non-aggression pact between the major national political players inside South Africa.

The dynamics of pre-negotiations during this phase demonstrated how conflicting interests of various stakeholders and particularly those from political society can converge in a process of negotiation with the aim of changing an existing but discredited political dispensation. Thus, the major actors, who perceived themselves to be in a mutually damaging stalemate, began to realise that the benefits of a positive sum outcome to the conflict were greater than the costs of continued confrontation in an environment not governed by common rules. Understandably, the main stakeholders followed different agendas and strategies, yet these were all aimed at achieving a common goal. The immediate purpose was to end a stalemate in an intractable social conflict, which at the time prevented movement towards a just and legitimate political dispensation (that is the creation of a jointly determined set of institutions to govern a future common society). This was the ultimate goal and the agreement reached in the Accord laid the ground rules for the outcome of this process to be

a democratic dispensation.

The South African experience during the crucial phase of transition thus provides some clues to the important question of how democratic institutions can emerge in a deeply divided society, even when the conditions for democratic development are not regarded to be favourable. This is important not only for South Africa, but for all those divided societies around the globe that wish to democratise. It was for example believed in the mid-1980s that only a miracle could save South Africa from civil war, but by late 1991 it was said that only a civil war could prevent a miracle.

However, it is important to take note of the particular macro-structural conditions that existed for pre-negotiation within the South African context. Thus, what applied within the South African case may be valid in the case of other societies with similar contexts, but not necessarily of those with different contexts. Of particular importance in this regard was the role that a multitude of organisations from both political society and civil society played during pre-negotiation. The mediating role of civil society, particularly, those from religious and business groups, as well as how this was embedded in the Accord, was significant.

Thus during this phase the process of democratic transition in South Africa made significant progress in terms of redefining the rules of the political game. The NP-government could no longer dominate the process of transition. It became one of several stakeholders who would jointly determine South Africa's transition to a democracy.

Chapter 6

THE MATURITY PHASE OF TRANSITION: DEMOCRACY THROUGH MULTI-PARTY NEGOTIATIONS (1991-1994)

6.1 INTRODUCTION

The focus of this chapter is the “maturity phase of transition” (1991-1994) which covers the period from the signing of the Accord in September 1991 up until the inauguration of South Africa’s first black president on 10 May 1994. It was during this last phase that South Africa’s “small miracle”¹ was negotiated through multi-party negotiations.

The successful outcome of this phase eventually led to an interim constitution, South Africa’s first nonracial elections and the inauguration of Nelson Mandela as the first non-white President of the Republic of South Africa, merely days after De Klerk, addressed the NP, urging it to accept an election result that would relegate him to a lesser position. Thus, this was a transition where a ruling racial minority peacefully handed over power to a new order - and with both vowing to work together (see Guise, 1993:541; Adam and Moodley, 1993:40; Waldmeir, 1997:xiv).

As mentioned in chapter five, the year 1991 was a precarious period during which the two major players, namely the NP-government and the ANC sized each other up against a background of continuing unrest. On 20-21 December 1991, in fulfilment of the Mandela-De Klerk proposals, several stakeholders met at the World Trade Centre in Kempton Park in

¹Mr Mandela had earlier described South Africa’s transition as a “small miracle”.

what came to be known as the Convention for a Democratic South Africa (CODESA) (Davenport, 1998:10; Race Relations Survey, 1991/1992:xlviii). It was attended by a delegation from the government, representatives of eight mainstream political parties, including the NP and IFP (without Buthelezi), and by most homeland administrations, but by none of the white ultranationalists, such as the CP and HNP, or by black ultranationalists, such as the PAC. The CP and HNP, thus, claimed that a minority of whites was represented at the convention (Race Relations Survey, 1991/1992:il-1). The multi-racial character of the event was notable. The white chief justice, Michael Corbett, opened the occasion and two other judges, from different cultural backgrounds, namely Piet Schabort and Ismail Mohamed (first non-white judge) presided over the events (Friedman, 1993:21). Christian, Jewish, and Muslim religious leaders offered prayers, after which the parties and other public figures present made formal statements in an agreed sequence (Davenport, 1998:10).

President de Klerk gave CODESA a positive endorsement during the opening of Parliament on 24 January 1992, but stressed that any major changeover would require a referendum - thus, acting as if the NP would remain in power. However, the divide between the incumbents and the challengers was wider than suggested by the events at CODESA (see Davenport, 1998:11). Walter Sisulu of the ANC was addressing a "Parliament of the People" in Cape Town, while De Klerk was speaking to Parliament. Sisulu urged the crowd to avoid co-optation into a "Parliament of the Boers". Furthermore, the leader of the PAC, Clarence Makwetu, insisted that a simple democratic election to establish a constituent assembly was the only alternative to the "monster" CODESA (Davenport, 1998:11).

Early 1992 also witnessed a partial realignment of political forces. The Labour Party lost control of the House of Representatives (coloured) to the NP after a number of defections. The NP thus gained control over the tricameral parliament (see Race Relations Survey, 1992/1993:34; Guise, 1993:341; Ottaway, 1993:341). On 28 February 1992, De Klerk issued a special proclamation for "the last exclusively white referendum" to be held on 17 March 1992 (Race Relations Survey, 1992/1993:418).

At the time, the referendum seemed to be a risk, but in the end proved a major watershed in the process of transition - despite the hostility it aroused among some blacks. The more

than two-thirds majority in favour of the continuation of the reform process, without any clear definition of what was involved nor what the outcome would be, provided a clear indication to the incumbents that whites would support a negotiated change of South Africa's political dispensation. The result gave the government an opportunity to press its own agenda with greater confidence, while the lack of support the hardliners was able to mobilise reassured the moderates among the challengers. The events surrounding the referendum underscored the political skill of both De Klerk and Mandela (see Davenport, 1998:11-12; Sarakinsky, 1995:73).

However, negotiations and particularly compromises were not easy. There was often a lack of trust amid continuing violence and allegations of hidden agendas. Furthermore, in the negotiation forums premature attention was paid to detail before the willingness to compromise existed (Ottaway 1993:153, 175-178). This resulted, in repeated breakthroughs and deadlocks, but in spite of the breakdown of negotiations at CODESA, compromises and negotiation through the Multi-Party Negotiating Process (MPNP) led to consensus on democratic transition and a package of agreements, which included an interim constitution (Sisk, 1995:200-248; Davenport, 1998:50-64). The interim constitution that was produced at a plenary session of the Negotiating Council on 17 November 1993 was formally adopted by Parliament as the Constitution of the Republic of South Africa Act No. 200 of 1993. A final constitution would have to comply with the constitutional principles contained in schedule 4 of the act (see, Kotze, 1996:37-42).

In this chapter, the focus is, thus, on the negotiation process that eventually led to the transition, the position and role of the major actors in the negotiations, and the ideological orientation and interest base of the major stakeholders with reference to their preferences regarding the institutions of a post-apartheid political dispensation. An analysis of the politics of institutional choice, particularly the power relationships, is also made. An understanding of the various institutions that were preferred to guide the transition - that is whether for example a "constituent assembly" or a "multi-party negotiating forum" would draft the new constitution - requires a prior understanding of the preferences of each stakeholder. The ideologies, interests, strategies and institutional choice preferences of the political actors therefore must be considered prior to their preferences for the institutions to guide the for-

mal negotiations and final transition, as well as the content and institutionalisation of the new political dispensation. The chronological trail leading to formal constitutional negotiations will be followed in order to demonstrate the linkages between the process of negotiation and its outcomes and to map the concessions that led to the democratisation pact in late 1993. Thus, the strategy of transition of the various South African political actors and the logic of negotiation during the maturity phase of transition will be described and analysed.

The macro-structural factors remained important during this phase, particularly the continuing violence, and the international environment. There was conflict between black and white, as well as black-on-black violence. These conflicts often became obstacles in the negotiation process as would become evident in the discussion. However, the lifting of some sanctions and the readmission of South Africa to international sport served as encouragement to the incumbents and their constituents by exposing them to some benefits of political change. Furthermore, international actors played an important role in facilitating progress in the transition process. However, in the discussion, these macro-structural factors will not be discussed separately but will be integrated in the analysis of the actions of the major actors as the process of the transition unfolded.

6.2 LOGIC OF THE MAIN POLITICAL ACTORS WITH REGARD TO INSTITUTIONAL CHOICES FOR A NEW POLITICAL SYSTEM

A characteristic of the maturity phase is the role that political society played in the process of negotiation that eventually led to the actual transition to a democratic dispensation. Furthermore, the unbanning of various, mainly non-white, political organisations during the crucial phase of the transition, together with the lifting of important prescriptions with regard to membership, gave political society a more nonracial character and openness - there was no longer the need for secrecy and covertness. However, the former banned liberation organisations faced the problem of having to adapt to the new environment and transforming themselves from liberation movements (often with military wings) to political parties. Likewise, the mainstream political parties associated with the apartheid dispensation had to adapt to an environment with multiple role players (see Schrire, 1991:142). Thus, the road

to negotiations was not always easy.

The Accord, discussed in chapter five, was a watershed between the pre-negotiations of the crucial phase and the substantive negotiations of the maturity phase. It was here that the foundations for multi-party talks were laid (Friedman, 1993:16). To move from the initial stages of substantive negotiations to the actual writing of a post-apartheid constitution, the various participants had to solve the problem of how to get to the constitution-writing phase and how to legitimise and implement the rules of the process (Sisk, 1995:166). This is a critical stage in negotiated settlements, for as Friedman (in Sisk, 1995:166) notes, an important aspect of transition is that there is no real distinction between the forum that enacts a new constitution and the nature of the new constitution. Thus, the distinction between the choice over the rules to arrive at the new political dispensation and the nature thereof is a non-issue.

If you have a constituent assembly that is elected on a universal franchise and [it] takes decisions by simple majority rule, then you have a majority rule constitution...On the other hand, if you have a negotiating forum that has ten ethnic blocks, each of which has a veto over the outcome, then you have group rights. So the point...[is] that it is virtually impossible to negotiate the forum without negotiating the broad principles behind that forum (Friedman in Sisk, 1995:166).

Furthermore, the process is also critical to the ultimate viability of the new political dispensation and if the process is not perceived as legitimate, its outcome will lack legitimacy - thus, the process is critical if a settlement is to be reached.

As mentioned above, the "formal" inclusion in political society of various political organisations, that were previously proscribed, resulted in several changes in the configuration of political society and the actors had to position themselves within the new political environment. Also important in this regard are the interactions among various organisations of political society as well as political society's relations with the domains of state and civil society.

In her analysis of South Africa's party system, Botha (1995:106) writes that the party system in South Africa in the past was multi-faceted. She identifies at least three different types of "party systems". Firstly, a dominant party-system (the incumbents) organised and

represented the white electorate for parliamentary purposes. It established its hegemony over the other “party systems”. Secondly, a number of party subsystems catered exclusively and legally, but within an arena prescribed by the dominant party-system, for the “quasi-enfranchised” (e.g. homeland legislatures). Thirdly, a quasi-party system, associated with the struggle (the challengers), catered for the majority of the unenfranchised separately, and existed parallel to the dominant party-system. These various “party systems” interacted with one another and influenced the development of a new party system during the maturity phase of the transition, as well as the development of, and within the political system as a whole (see Botha, 1995:111).

Each “party system” had its own ideological differences. As discussed in chapter three, race was important in party ideology and particularly in the dominant party-system, as well as to some extent in the “quasi-party system”. Overall, the ideological divisions centred on the pro-apartheid ideology and its opposites, the liberal pro-integration ideology, as well as the pro-black ideologies. When the party system as a whole is considered, it is clear that race was an important factor, but that the classic divide between socialist and more liberal-capitalist ideologies was less pronounced. NP ideology however reflected strong socialist, though anti-communist, tendencies (Botha, 1995: 111).

In the quasi-party system the most important differences centred on the place and role of whites after liberation. The ANC favoured non-racialism, while organisations like AZAPO had a pro-black standing and the PAC adopted an anti-settler (i.e. an anti-white) position. Ideological differences regarding the economy centred on various models of socialism and communism (Botha, 1995:111).

Though political parties were often classified on a left-right scale, this in reality reflected the various parties’ position on racialism. Thus, with the advent of negotiations, the left (AZAPO, PAC) was pro-black, the ANC and DP (and its predecessors) occupied the centre with its non-racial standing, the right was occupied by the pro-white parties with the NP as the most moderate followed by the less moderate CP and the HNP (Botha, 1995:111-112).

In dividing the actors of political society into “incumbents” and “challengers”, the above configuration has to be considered. For this reason, some refer to the actors associated with

the dominant party-system and subsystems as “system” actors, while those of the quasi-party system are regarded as “non-system” actors that are usually associated with “the struggle”. For purposes of the analysis in this chapter, the former will be referred to as the “regime camp”² and the latter as the “anti-regime camp”.

During the negotiation process, trust was not automatic and often was hard earned. Mattes and Gouws (1998:126) are of the opinion that even though it is difficult to portray the world view of any group, it seems fairly certain that many whites would have had at least a fairly conservative view of political change, seeing moves toward racial equality as a threat to their interests.

Media depictions of the principal proponents of the struggle against apartheid, the ANC and the PAC, often created a negative perception among whites. They saw these organisations as communist-aligned and bent on achieving black domination through a combination of international sanctions and a terrorist war of violence - the classic total onslaught mindset. Furthermore, it was believed that these organisations favoured the radical redistribution of wealth. Thus, it is understandable that whites, even though, they supported change would demand certain safeguards. The IFP, the nominally governing party of the KwaZulu homeland, was in turn portrayed as being more capitalist, with a conservative interest in maintaining traditional values, and thus more likely to co-operate and engage in negotiations with the government (Mattes and Gouws, 1998:126). However, the IFP felt itself a major player that was often marginalised and this severely affected its strategy (see Sarakinsky, 1995:70).

On the other hand, the ANC and the PAC was convinced of their support base, but at the same time resented the possibility of the NP being a player and a referee at the same time and thus favoured a process with a more equal playing field (see Sarakinsky, 1995:70).

Most political parties and organisations articulated well-defined institutional choices for a post-apartheid political dispensation (Sarakinsky, 1995:69). Each party based its choices on a thorough assessment of its ideological orientation and interests, its review of alternatives, and its perceived power vis-à-vis other parties. The differences in the models outlined by

²They are also sometimes referred to as the “establishment”.

the parties were substantial, particularly considering that a significant minority - the white right wing - did not accept the basic premise that South Africans shared a common political future (Sisk, 1995:127).

At this point, it is necessary to consider the positions and preferences of each of the major political actors and the criteria on which these choices were based at the time. Thus, the following is important in this regard (see Sisk, 1995:127):

- The ideological orientation of the party;
- The interests the party represented, the forces in civil society with which it was allied and the support it enjoyed;
- Its goals, position and strategy in the negotiations; and
- The party's institutional choice preferences for the transition and post-apartheid political structures, as well as changes in its position in this regard.

Towards the end of this phase the various parties to the negotiations were faced with the dilemma that as, the reality of elections appeared on the horizon, they had to negotiate on the one hand, while on the other hand they also had to run an election campaign. This also affected negotiations because of uncertainties concerning the reaction of their supporters to compromises that were necessary during negotiations. Thus, political parties had to settle the negotiations through compromises, retain their supporters while canvassing for new support.

Classifying the various actors in terms of their position to transition was not straightforward. For purposes of this discussion the NP, DP and ANC were found to be in favour of reaching a new dispensation through multi-party negotiation. They continued to form the centre of the negotiations, particularly the NP and ANC, but the DP often acted as a mediator between the two. The IFP for a very long time had followed a "reform" position between the NP-government and the ANC. However, as the transition unfolded its position often became more hard line and it chose to align itself - perhaps more out of necessity than conviction - with the more hard line actors such as the CP in for example the Concerned

South Africans Group (COSAG).³ Thus, the softliners and moderates were those who carried the process of reform forward and together constituted the centre forces of the transition; the hardliners (CP, HNP and IFP) were those that preferred some elements of the status quo or at least tried to delay the process of transition. On the other hand, the radicals (PAC and AZAPO) opposed a negotiated transition and demanded a transfer of power to the majority. In this section, attention will be paid mainly to those actors who dominated, for whatever reason, this phase. Thus, smaller parties such as the HNP of the white right and AZAPO on the black left will not be discussed since their actual role in the transition was rather small. Likewise, at the time of the elections in 1994 several new parties saw the light and even participated in the elections even though they did not participate in the negotiations.

6.2.1 SOFTLINERS OF THE REGIME CAMP

NATIONAL PARTY

The role of the NP during negotiations should be seen within the context of it also being the ruling party that was in control of the state apparatus and Parliament - both of which would continue to function and facilitate the transition. Furthermore, De Klerk was both leader of the NP and State President. During the negotiations, both the government and the NP, with separate delegations, were present (Marais, 1994:9), but the dividing lines on policy, were often vague.

The influence of the reform faction (*verligtes*) of the NP, under De Klerk's leadership, continued to grow and it was realised that the status quo was no longer an option (see Schrire, 1991:141-142). This resulted in the transformation of NP ideology, particularly, its emphasis on statutory defined race groups. The initial and crucial phases of the transition already witnessed a paradigmatic shift (but not a break) in the NP's ideology and of particular importance in this regard were the end of the principle of racial classification and the idea of total onslaught (see Schrire, 1991:131-133; Davenport, 1998:7-10). Instead, the principles of common citizenship, self-defining groups (and an open group), an "own community life",

³On 7 October 1993 COSAG formalised its co-operation with regulat and structured meetings and re-named it, the Freedom Alliance (FA). It consisted of the Afrikaner Volkfront (Afrikaner People's Front - AVF), CP, IFP, Afrikaner Volksumie (Afrikaner People's Union - AVU), and the governments of Bophuthatswana and Ciskei (Sisk, 1995:237; Van Rooyen, 1994:90; Sarakinsky, 1994:81).

and power-sharing, as well as the idea of a New South Africa were embraced. Thus, the ideological underpinnings of the tricameral parliament were compromised and it became obvious that the NP was beginning to think beyond the tricameral parliament (see Sisk, 1995:134).

These were critical changes in the ideological position of the NP. As Dahl (1989:124; Sisk, 1995:134) notes, voting rights in a democracy follow from citizenship rights and the “logic of political equality”. However, the NP tried on the one hand to move away from a group based (whether race or ethnic) dispensation, but on the other hand accepted that the desire of others to retain such a dispensation must be respected. The NP stated that, “If groups are no longer to be essential building blocks of the constitution, of the whole system as such, it should nevertheless remain available as one option for those requiring its protection” (Sisk, 1995:135). This was a problematic position and the question arose as to how groups should be defined if some want it while others do not. Thus, the viability of the principle of group rights and of “own affairs” and “general affairs”, in the long term was questionable (see Sisk, 1995:135; Ottaway, 1993:93-99; Giliomee, 1994:46; Guise, 1993:104).

Based on a shift in expectations and strategy, the NP made a more important shift when it replaced the idea of group rights with a more proactive “nation-building” approach that would stretch across the racial divide (Sisk, 1995:135). The NP saw an opportunity in the ANC’s difficulty in transforming itself from a revolutionary liberation movement in exile to an effective, streamlined domestic political organisation that was sufficiently coherent to negotiate difficult compromises while the government remained in control of power (see Friedman, 1993:13). The NP nurtured the idea that although it would not win an outright majority in an election, it would be able to mobilise sufficient support as a multi-racial political party and do well enough in an election to be a credible power-sharing partner through alliance building across the racial divide. It was aware that this would not be possible if it restricted itself to defined groups and particularly minority groups (Sisk, 1995:135-136; Greenwald, 1991:56). Instead of talking about groups, it now stated:

We commit ourselves to the creation of a free and democratic political system...in which ...the rights of all individuals and minorities defined on a non-racial basis shall be adequately protected in the constitution and in a constitutionally

guaranteed and justiciable bill of rights (Kotze, 1995:9).

Although the NP, because of its changed ideology, aspired to broaden its constituency to cut across racial divides, it continued to represent the interest of mainly whites and particularly Afrikaners (see Davenport, 1998:39-40). Its ideological shift moved the NP into the support base of the DP and it was thus able to draw support from English speaking South Africans as well (see Guise, 1993:102; Sisk, 1995:137). However, as its performance in the 1989-election indicated it faced a shrinking constituency among whites, but its policy was not to divulge membership figures (Race Relations Survey, 1992/1993:482). Its support came mainly from the middle and lower income white sections of the population - only twenty per cent of its support came from the upper-middle income groups (see Schrire, 1991:91). It furthermore enjoyed support from civil society organisations sympathetic to the cause of the Afrikaner, but these were increasingly exercising pressure for change, as was the civil society organisations aligned to the English speaking population.

The NP portrayed itself through the media as the only party able to safeguard the interests and values of whites, and resist attempts at a violent takeover by communist-aligned black power proponents, while simultaneously steering the country towards a new political dispensation (Mattes and Gouws, 1998:127-128). Opinion polls towards the 1994-election indicated that the NP was quite successful in portraying itself as a transformed multi-racial party (Giliomee, 1994:53-54; Lodge, 1994:29). In its election strategy it was looking towards the future, "We're builders not destroyers" (Barnard, 1994:131), but its campaign relied heavily on the person of De Klerk and it was difficult to campaign among black voters (Barnard, 1994:131).

The changes in NP thinking had important implications for their constitutional model of which some of the components were already spelt out in September 1991. The goal of the NP remained the protection of minorities through minority parties - no longer statutory defined groups. For this purpose, it favoured the diversification and diffusion of power through a complex set of regional and local authorities with each tier enjoying original and entrenched powers with which the other tiers may not interfere (Giliomee, 1994:47; Sisk, 1995:139). There were several important elements concerning its initial preferences. Firstly, on the

first tier, it favoured a unitary state with strong federal characteristics (which required the reintegration of the TBVC states). Secondly, on the second tier, nine regions each with its own government - each region would have autonomy over certain matters and have its own tax base, but would have no racial or ethnic base. Thirdly, the third level would consist of municipalities with strongly devolved powers with legislative, executive and fiscal powers (Kotze, 1995:9). Fourthly, a bicameral legislature in which the first house would be elected on a proportional basis and the second house would be composed of representatives from parties in the regional legislatures (Sisk, 1995:140). Fifthly, an “executive college” in which the leaders of three or four of the strongest parties would take decisions based on consensus. Other elements included proportional representation, a bill of rights, the principle of judicial review, and judicial independence (Sisk, 1995:140). This proposed model of the NP was clearly a mixture of federal and consociational elements (Kotze, 1995:9). Although the NP did not initially use the concept of federalism, it was openly acknowledged by late 1992 that this was the regime model they were advocating. It should be noted that although the NP favoured proportional representation, it was not regarded as sufficient to guarantee the political influence of minorities (Adam and Moodley, 1993:67)

This model was approved by the provincial congresses of the NP, but the party leadership would steadily, as the need for compromises unfolded, move away from some of these preferences (Giliomee, 1994:47).

At CODESA the NP-government continued insisting on strong regional powers because this was seen as protection against a simple majority government. Furthermore, they argued that the powers granted to the various levels of government could only be performed with the “necessary financial capability” or “fiscal competency” (Friedman, 1993:66). However, differences of interpretation, especially between the government and the ANC, created the impression that the government did not defend regional autonomy strongly enough (Kotze, 1995:9-10).

In response to a growing concern among its own supporters and homeland allies that it was indeed abandoning its preference for a policy of regionalism, the NP organised a conference in September 1992 on various aspects of federalism. Although it was part of the

NP's negotiating agenda at CODESA, the party had not properly given any real content to its policy of regionalism (Kotze, 1995:9-10). In fact after ruling a highly centralised state for more than four decades, it seemed as if it did not know what the concept of federalism entailed (Waldmeir, 1997:242). It seemed that the NP, on the advice of Mr Roelf Meyer, Minister of Constitutional Development at the time, was in favour of adopting a system of "unitary federalism". In such a system, the federal government still has greater powers than in classic federal systems (Kotze, 1995:9-10). Thus, the NP failed to "fight" for devolution to the regions when it was still in a position to do so (Waldmeir, 1997:242).

For the actual transition, the NP favoured a one-phase but a slower and much lengthier transition process (Ottaway, 1993:172). It favoured decisions by an all-party forum where it would retain influence. All interested parties should agree on a constitution (Sarakinsky, 1995:70; Marais, 1994:15).

The NP's strategy for negotiation was often questioned (see Friedman, 1998:74-76). Although the government was increasingly acting independently of the NP, there was no clear dividing line between the government and the NP with the result that the government dominated the NP during negotiations. Furthermore, the government and NP steered clear from forming any overt alliances, which could have strengthened its position at the negotiation table. Jeremy Cronin of the SACP mentioned that the NP's potential allies were seldom quite sure where the government stood on certain issues (Friedman, 1998:75).⁴ However, there were various allegations of assistance that were covertly provided to the IFP and even to some right-wing groups.⁵

The NP clearly felt confident about its own ability to "go it alone" and preferred not to compromise its own position by forming alliances that could restrict its options and room for compromise.

⁴Whether this was a deliberate strategy is not clear for some strategic choice models focus on decision-making in the absence of knowing what the opponent is planning.

⁵Direct government involvement remain contested and renegade members of the security forces are usually blamed for the actions that came to light.

DEMOCRATIC PARTY

The DP was the youngest of the major white political parties on the South African scene as it was launched only in April 1989 as a united front of NP-opposed white liberals (see section 4.3.2) in time to contest the 1989 elections. Parliamentary politics was not the sole aim of the DP. Indeed, one of its primary goals was to bridge the divide between the system and the struggle and for this purpose, the DP pledged to work toward direct negotiation between the ANC and the NP-government by bringing their thinking closer to each other - that is “convergence” (Welsh, 1994:109; Sisk, 1992:261; Sisk, 1995:141).

The DP did not divulge membership, but as discussed in chapter five captured only twenty percent of the vote in the 1989-election (Taylor, 1990a:163-166). It mainly enjoyed support from English-speaking whites (Mattes and Gouws, 1998:128). Of the traditional white parties, it enjoyed the most support among upper-middle class whites - thirty-eight per cent of its supporters (see Schrire, 1991:91). However, it experienced NP encroachment into its traditional support base, and in April 1992 saw the defection of five of its Member’s of Parliament to the ANC. This was followed by an increased drive to recruit members and supporters from all races (Race Relations Survey, 1992/1993:478-479).

The DP’s need to choose a direction to reach out for constituency support led to factionalism within its ranks. Three important factions could be identified. First, because of the realignment of South African politics in the De Klerk era, conservative DP members, urged the party to form an alliance with the NP or at least to create a political party to the right of the ANC. Second, other members favoured an alliance with the ANC (Sisk, 1995:142-143; Race Relations Survey, 1992/1993:479). The third faction perceived an independent role for the party as a facilitator between the ANC and the NP in the short term. It would form temporary alliances in order to pursue particular political goals, provided that it will not effect the independence of the party (Race Relations Survey, 1992/1993:479-480). In the longer term, it could form a liberal opposition to an NP-ANC coalition and the core of a future black-led liberal party. The DP found itself on the “knife edge of the centre of South Africa’s party spectrum, a precarious position, given South Africa’s polarized past” (Sisk, 1995:143).

The guiding ideology of the Democratic Party was liberalism, an ideology that has a strong tradition in South African culture as was discussed in the previous chapters. Thus, the DP favoured individualism, universal franchise exercised in free and open elections, limitations on the power of government, the rule of law and demanding the protection of minorities, individuals, and nongovernmental entities like the press (Butler, Elphick, and Welsh, 1987:3; Sisk, 1995:141). It also identified a need for national reconciliation and nation building. To give political expression to these ideas, the DP focussed on federalism in its constitutional platform.

Zach de Beer explains the link between the DP's ideological orientation and its constitutional proposals:

The purpose of a constitution is to limit the powers of government over and above the individual. The aim is the creation of procedures with a view toward protecting the freedom of individuals. That is why we so strongly favour federalism - not just because of its administrative efficiency, but because it better protects the dignity of the individual (Sisk, 1995:142).

In the initial stages of the transition, only the DP proposed a federation as a constitutional model (Kotze, 1995:10-11). The DP's proposals for a federation consisted of a united South African territory into which the TBVC states would be reintegrated. It favoured eight to twelve (later it decided on 10) federal states, each with its own government and with the powers of the constituent states defined explicitly in the constitution, "The powers must be clear, fixed, and constitutionally entrenched" (Sisk, 1995:143). This required a bicameral parliament with equal powers for both houses except in respect of appropriation and fiscal issues (Race Relations Survey, 1992/1993:479). It also called for disproportional representation of the constituent states in the second chamber (Sisk, 1995:143). A key aspect of the DP's regime model was the call for proportional representation at all levels of government

Furthermore, the DP's model included a directly elected president,⁶ and a cabinet drawn from all parties that have received more than ten per cent of the vote, but in October 1992, it called for a cabinet that would represent all political parties that have obtained at least

⁶The DP was the only party that specifically called for a directly elected president.

five per cent of the vote. This should be for a period of four years. Amendments to the constitution should require a two-thirds majority in both houses and a simple majority in three-quarters of the regional legislatures (Race Relations Survey, 1992/1993:479).

Its strategy to bridge the divide between the NP-government and the ANC affected its own identity and position in a post-apartheid South Africa.

6.2.2 MODERATES OF THE ANTI-REGIME CAMP

AFRICAN NATIONAL CONGRESS

The ANC was the oldest of the political organisations and in October 1992 it claimed a membership of at least 868 000 members (Race Relations Survey, 1992/1993:474). The key to understanding the ANC's institutional choice is to recognise its emphasis on populism. Furthermore, it believed that it enjoyed the support of the majority - thus it had nothing to fear from democracy. Its support was confirmed by several opinion polls. A June 1991 Markinor poll revealed that seventy-one percent of blacks supported the ANC, and another study reported that sixty-two percent of township blacks in the PWV-region supported the movement (Sunday Times, 16 June 1991 in Sisk, 1995:153).⁷ Thus, the ANC outbid its rival, the PAC, in establishing a public reputation for fighting and winning the struggle against apartheid. This was due to its long history of campaigning for the rights of non-whites, its ability to maintain a continued physical presence in black townships and its strong links with internal allies such as the UDF and allied labour unions (Mattes and Gouws, 1998:129). However, its support came overwhelmingly from blacks even though it enjoyed some support amongst coloureds, Indians and a few whites (see Mattes and Gouws, 1998:131, 133; Adam and Moodley, 1993:76).

As discussed in the previous chapters the ANC had a long-standing association with the SACP and a nearly decade-long co-operative working relationship with the emerging trade unions and COSATU through the UDF. Even though COSATU formally adopted an

⁷A July 1990 poll by Market Research Africa also found that sixty-two percent of the overall black community lined up behind the ANC (Sisk, 1995:153). The ANC also commissioned extensive surveys during 1992 and 1993 that confirmed its support, yet cautioned against taking an overwhelming majority for granted (Lodge, 1994:28).

alliance with the ANC and the SACP in April 1990, it maintained a somewhat independent stance. However, COSATU's tight national, regional, and industry-based organisational structure, with some 1,5 million members, was one of the ANC's most important assets (see Sisk, 1995:153; Race Relations Survey, 1992/1993:331, 487). Likewise, the SACP was an important partner and even though the two organisations were integrated, the SACP functioned quite independent from the ANC and there were even speculation that after the ANC comes to power the SACP would go it alone (Sisk, 1995:154; Race Relations Survey, 1992/1993:487). However, in April 1993 the SACP suffered a setback when white right-wingers assassinated its general secretary, Chris Hani (Sarakinsky, 1995:79).

Thus, co-operation in the alliance also involved negotiation and compromise - providing the ANC with important experience in this regard. The Natal Indian Congress (NIC) and the Transvaal Indian Congress (TIC) also aligned themselves with the ANC (Friedman, 1998:39). In February 1992, the Patriotic Front (PF) consisting of anti-apartheid organisations (excluding the IFP) was launched under the leadership of the ANC, but it was not effective (Hamilton and Maré, 1994:79). In spite of its long association and co-operation with the formal alliance partners, most actions were under the banner of the ANC only (see Lodge, 1994:30).

For decades, the ANC focussed on its primary task of fighting apartheid and paid little attention to the specific constitutional model that would be created after the end of white minority rule (Sisk, 1995:149). However, as the prospect of direct negotiations with the South African government loomed it paid more attention to proposals in this regard and an internal debate on constitutional issues was launched. Its proposals, was simplicity itself and though it could be traced to the Freedom Charter of 1955⁸ little changed in terms of its basic principles (Ottaway, 1993:99-100). Its basic principles and particularly its commitment to the principles of a unitary state, majoritarianism, non-racialism and inclusive democracy were well rooted in Western democracies (see Ottaway, 1993:99-101; Sisk, 1995:150).⁹ Later this was followed by a bill of rights with wide ranging provisions (Race Relations Survey,

⁸Officially adopted by the ANC in 1956 (see Sisk, 1995:62).

⁹Reflecting the diversity of opinion of those who drafted the Freedom Charter, in addition to the protection of individual rights the document contains elements of socialism, with its call for nationalisation and redistribution of wealth; and Africanism, with its observation that the people "have been robbed of their birthright" (Sisk, 1995:150).

1991/1992:81). Special emphasis was placed on the bill of rights, to be protected by an independent judiciary, guaranteeing equal treatment through the law. In the development of its proposals the ANC realised the importance of addressing “white fears” and a bill of rights was important in this regard (Mufson, 1991:120-122). Mandela for example said:

In the document I sent to President P. W. Botha in March 1989 I specifically raised the question of allaying the fears of the whites; this was one of the questions the ANC and the government would have to address because that fear is genuine. It is mistaken but it is genuine We are not in favour of black majority rule. We are in favour of majority rule... But it may well be that we have to consider very carefully how the principle of one person, one vote should be applied in the light of our situation, especially in the first few years of a democratic government (Star, 18 July 1991; Sisk, 1992:279; Sisk, 1995:152).

Mandela consistently emphasised this theme, to the consternation of many radicals within the ANC. (Sisk, 1992:279). However, exclusiveness based on race, ethnicity or region was not allowed (Sisk, 1992:277), but in August 1992 it indicated that it would be prepared to consider proposals for a “Volkstaat” for whites provided that it would not be accompanied by discrimination or forced removals (Race Relations Survey, 1992/1993:476).

In essence, the ANC called for a non-racial democracy in a unitary state. Fearing that federalism could be used as an excuse for homelands, it was rejected, but the importance of decentralisation and elected regional governments were acknowledged - thus also opting for a three tiered, but unitary structure (Ottaway, 1993:100; Race Relations Survey, 1992/1993:476). Its strong support for a unitary form of government must be read in conjunction with its opposition to group rights. To the ANC federalism was reminiscent of four decades of apartheid. It feared that a federal form of state would negatively affect its ability to control government at the centre (Waldmeir, 1997:241). Although the ANC welcomed cultural diversity, the organisation did not want an emphasis on ethnic differences to become the motivation for a form of government with strong regional powers. It believed that to transform South Africa radically a strong centralised state was required. A single nation had to be built at all costs (Kotze, 1995:8; Kotze and Greyling, 1994:56).

Furthermore, it stood firm on the issue of one person, one vote in a non-racial franchise, and majoritarianism. It is important to note that the ANC did not support a statutorily de-

fined one-party state so typical of post-independence African regimes. Instead, the guidelines demonstrated the ANC's support for multi-party democracy, guaranteed in a bill of rights, and a system of democratic accountability that would apply at all levels (Sisk, 1992:276-277; Ottaway, 1993:100; Race Relations Survey, 1992/1993:476). Furthermore, preference was given to a presidential system of government, preferably elected by the National Assembly, a bicameral parliament and proportional representation (Sisk, 1995:158; Race Relations Survey, 1992/1993:476).

The economic policies of the ANC and a future economic dispensation were a dilemma for the ANC. On the one hand, the SACP had an important influence on the ideological thinking of the ANC. On the other hand, the collapse of communism and the end of the Cold War left the ANC with a dilemma concerning a future economic policy (Adam and Moodley, 1993:71-103). The reconstruction of South Africa would require capital and extreme socialism would be an obstacle. However, a moderate policy could alienate some of its more radical supporters. It chose to publicly continue its socialist rhetoric, but at the same time it was courting more capitalist economic principles (Adam and Moodley, 1993:71-103).

The guidelines reflect the ANC's first preferences, not yet mitigated by the dynamics of direct negotiations. There were however problems within the ANC, such as competing internal agendas and objectives, and competition within its ranks for positions, but the most basic problem was the need to transform itself into a political party that had to deal with the practicalities of "horse-trading" in the negotiations (Schlemmer, 1991d:9). It was therefore understandable that the ANC had operated at two levels, that is in a negotiation mode on the one hand, and in a pressure mode on the other. While this dual strategy continued, it was understandably difficult for it to achieve and maintain strategic unity and coherence within its own ranks (Schlemmer, 1991d:9). Thus, the ANC felt a need for a transition sooner rather than later in order to curb the power of the NP-government (Ottaway, 1993:173). For the actual transition it favoured early elections for a constituent assembly and the establishment of an interim government in which the ANC would be a major player.

The logic was simply that as a major player it would be able to strip the NP of the credit it was getting for successive socio-economic reforms and because De Klerk had no mandate

to hand over power, he was most unlikely to do so while the NP was becoming stronger (Schlemmer, 1991d:9). Thus, the ANC favoured a two-phased transition. It proposed that a constituent assembly be elected as soon as possible; that an interim government be instituted to rule until elections were held for a legitimate government; and that the elected constituent assembly be tasked with the writing of a constitution (Sarakinsky, 1995:70; Marais, 1994:13). It was not in favour of the NP's proposal of a co-opted all-party forum, fearing that the NP would try to dominate such a forum.

In terms of strategy, it kept close relations with its allies and was sensitive to the position of its constituency, and took care not to alienate potential supporters (see Lodge, 1994:35-37). It also ran a well-planned election campaign in which Mandela played a pivotal role (see Barnard, 1994:120-122; Lodge, 1994:29).¹⁰

6.2.3 HARDLINERS OF THE REGIME CAMP

CONSERVATIVE PARTY

The CP, as a breakaway from the NP and as official opposition in the white House of Assembly was accustomed in dealing with the NP and was familiar with some of the internal debates of the NP - thus, challenging its choice for negotiation and its call for power-sharing and nation-building (Sisk, 1992:305).

Initially it was a fast growing political party, but it soon reached its ceiling as was demonstrated by the outcome of the whites' only referendum - thus finally shelving the idea of the CP as a "government-in-waiting" (Van Rooyen, 1994:90; Adam and Moodley, 1993:152). It also did not reveal its membership, but a Human Sciences Research Council (HSRC) poll put the support for the CP among white respondents at only twenty-one percent overall (Kotze and Sisk, 1991).

Its support base was among whites who believed in the benefits of Verwoerdian grand apartheid. Although the CP tried to draw support from English speaking whites, its constituency was mainly among the more traditional, rural and conservative members of the

¹⁰It enlisted two of the architects of former President Bill Clinton's election, namely Stanley Greenberg and Frank Greer (Lodge, 1994:29).

white population and particularly the Afrikaners (Sisk, 1995:131; Schrire, 1991:90-92). Its support base came mainly from middle and lower class whites, with less than ten per cent of its supporters coming from the upper-middle income group (see Schrire, 1991:91). Uneasiness about the prospects of employment under majority rule pushed some members of the civil service, SADF and SAP into CP ranks (Sisk, 1995:131). The CP also garnered support among white immigrants, including Portuguese speakers who fled to South Africa following independence in Angola and Mozambique. The party enjoyed virtually no backing from two important pillars of the white society, namely big business and the established media - and even the party mouthpiece, *Die Patriot*, had limited circulation (Sisk, 1995:131).

The CP held the most advanced view of all the “white” parties and organisations on the establishment of an ethnic state for Afrikaners (Adam and Moodley, 1993:151-152). They believed that to be free each “nation” had to be sovereign. A CP Member of Parliament commented for example on the CP’s choice for a separate Afrikaner state:

... it is the interest of my people. The other side of the coin, it’s the genocide of my people that will be at stake One could say we are looking to protect interests, and these interests in the final analysis one could only protect amongst your own (Sisk, 1995:130).

Those who do not wish to be free and sovereign, can get together through power-sharing or integration if they want someone to oppress them (Sisk, 1995:129). The CP further believed that blacks are not a coherent phenomenon, instead they consist of various peoples, or nations, of which the three largest are the Zulus, the Xhosas and the Tswanas. These “nations” were in the CP’s view, fundamentally irreconcilable in a single state (Sisk, 1992:306; Sisk, 1995:129).

The breakup of the former Soviet Union and Yugoslavia into “ethnic” states provided new justification for the beliefs of the CP. Prior to the end of the Cold War, the international political tide did not favour the ideological position of the CP. However, it perceived the tide to be changing in its favour in the post-Cold War era and the resurgence of ethnic nationalism bolstered arguments for Afrikaners to assert national self-determination. It was thus of the opinion that an Afrikaner state was possible and feasible (Sisk, 1995:128-129). However, it was debatable whether its supporters would favour a white ethnic state, if conditions within a

new political dispensation would provide positive outcomes for whites. Thus, support for an ethnic state was often the manifestation of fear and not the result of ideological preferences (Adam and Moodley, 1993:149-165).

The CP's worldview thus, was one of organic nationhood for themselves and for all others:

In the CP, we see the nucleus of our nation as Afrikaners. But what is the basis for a common nationhood? A nation has the same values, same ideas, and a common past. We accept as members of our nation all of those that have the same values, and choose to associate with us (Hartzenberg, in Sisk, 1995:129).

Thus, in principle, the CP did not regard "its nation" as necessarily white, but in practice, it favoured white racial exclusivity in all the important spheres of life. Some respected scholars claimed that the white right was motivated by ethnic survivalism, not by racism, "We believe...that the label racist captures neither the fundamental nature nor the underlying intention of the rightwing movement" (Sisk, 1995:130). However, its focus on "white fear" in the mobilisation of its supporters was not in line with the intellectual discourse on the concept of nation and the right to self-determination. CP leadership became even more hardline when Dr Ferdi Hartzenberg became its leader following the death of Dr Andries Treurnicht.

The CP perceived the trends in the negotiation process as not in the interest of whites in general, and the Afrikaner in particular. It was therefore a reluctant participant in the negotiation process and eventually boycotted the elections of 1994. The CP sought allies among the more conservative and traditional groups and was a member of the multi-racial COSAG and FA,¹¹ but also of the AVF. The latter was established in May 1993 under the leadership of Constand Viljoen, to provide a united front for the white right (Van Rooyen, 1994:90). However, co-operation between the various members in both alliances were complex and difficult. In the AVF the hardliners and the more pragmatic factions within the alliance found it difficult to agree on common goals and a common strategy (see Adam and Moodley, 1993:152-154). Eventually these differences led to the breakaway of the pragmatists under Viljoen and the formation of the Freedom Front (FF) only weeks before the 1994-election (Van Rooyen, 1994:90-98).

¹¹This gave justification for its stance that it did not follow racial policies but sought cultural self-determination.

Thus, the boycotting stance and reluctant participation of the CP in negotiations gave life to the FF. The FF subsequently became the most appropriate defender of the values and interests of conservative Afrikaners, who favoured self-determination (see Mattes and Gouws, 1998:127-128). Thus, the CP was not very successful at the negotiation tables and in the final stages of the transition it had little importance.

INKATHA FREEDOM PARTY

As already mentioned the IFP had an enigmatic character and portrayed a contradictory image during negotiations. It was in control of the KwaZulu homeland government and earned the label of “collaborator” for its participation in the apartheid dispensation. However, it also opposed the apartheid system and consistently refused independence for KwaZulu and was thus an important obstacle to the success of apartheid. There were serious disagreements with the ANC, yet, for most of its history, the IFP was unwilling to negotiate with the government until it released Nelson Mandela and legalised the ANC (Sisk, 1995:144).

The size of the IFP’s constituency was a largely unknown factor in South African politics. Its support came mainly from the Zulu-speaking rural areas, but it also had a foothold in the populous PWV region. It had support among members of the African petit bourgeoisie, including traders, members of the business community, administrators, and teachers. It also had the United Workers’ Union of South Africa (UWUSA) as its trade union arm (Sisk, 1995:146).

It, however, aspired to become a non-racial and national party and its anti-communist stance gave it increasing appeal among white South Africans.¹² Behind the declared, non-racial, national political party was a long history of a Zulu-based cultural organisation and a distinct set of beliefs that focused on “liberation through culture” - which it shared with the white right and the CP in particular.¹³ There was evidence that Zulu tribal chiefs, who were automatic members of the KwaZulu Legislative Assembly, used their coercive powers to entrench the IFP in their territory. A common allegation of the ANC was that IFP dues

¹²It was claimed that the IFP had some 40,000 white members in the Transvaal alone. This paralleled considerable sympathy for Inkatha from the NP and DP rank-and-file (Schlemmer, 1991d: 8-9).

¹³In COSAG the only vision shared by the IFP and the white right-wing groups was that of strong regional autonomy (Kotze, 1995:11).

had long been a form of tribal levy in many rural areas of KwaZulu. It was also alleged that membership of the Inkatha Youth Brigade was compulsory in many schools in KwaZulu (McCaul, 1988:150; Sisk, 1995:146). The IFP thus also had to reform itself from a culturally based organisation to a modern political party.¹⁴ It claimed to have the largest paid-up membership of any political party, yet consistently registered surprisingly low in sample surveys (Brewer, 1985; Sisk, 1995:144).¹⁵

The IFP, like its predecessor, Inkatha, always endorsed negotiations, but the focus on cultural liberation was prominent during the process of negotiation. Though the IFP participated in negotiations, its leader Buthelezi initially refused to participate because King Goodwill Zwelithini of the Zulus was not invited to represent the Zulu people (Race Relations Survey, 1992/1993:480-481). For a period after the unbanning of the ANC, PAC and the SACP, it seemed as if the IFP was losing political ground. Some observers suggested at that stage that the IFP might be sidelined by the major players (Schlemmer, 1991d:8). Thus, Buthelezi as a skilful politician alternately used the promise of participation and the threat of non-participation to win concessions during negotiations (Sisk, 1995:145).

The possibility of being marginalised is often perceived as a reason for the IFP's alleged involvement in inter-factional violence in KwaZulu and the PWV region. On the one hand, the mobilisation of the masses by the ANC, created a threatening climate of political competition in black communities. On the other hand, there is ample evidence that the reaction of IFP-linked groups were so intense, destructive of life and property and threatening to local formations of the ANC, that further counter-reaction were unavoidable (Schlemmer, 1991d:8). The actions of the IFP demonstrated an important principle of conflict-resolution

¹⁴The party's own behaviour reinforced the view that it was, above all else, a Zulu ethno-nationalist entity. Buthelezi, less than a month after declaring that the IFP would be a national, non-racial political party, told a gathering of tribal chiefs that calls for the dissolution of the KwaZulu homeland "do not understand the depth of the commitment that we have to each other as Zulu brothers born out of Zulu warrior stock" (Sisk, 1995:148). Again, two weeks later, he told a group of ten thousand Zulus that those criticising him "know that there is something in the Zulu character which is beginning to show now as Zulus draw together and say enough is enough" (New York Times Magazine, 17 February 1991; Sisk, 1995:148).

¹⁵The director of the Inkatha Institute, Gavin Woods in an interview with Timothy Sisk, outlined the party's expectations regarding its core Zulu support base and its perceived ability to mobilise support along ethnic lines: "Inkatha accepts that its support is not 51 percent of the population[it] has around 2 million members - it signs up 100,000 per year... If we were to have a very intense and competitive election, then Inkatha will probably monopolize the [Zulu] ethnic vote, which is the biggest ethnic group; it will get its chunk of Sothos and whites. [The IFP] knows it has a base to rely on, a base big enough to always make it a serious and effective player" (Sisk, 1995:146).

in deeply divided societies, namely that in addition to size and scope, intensity of interests had to be taken into account. The intensity of the IFP's interaction in the political process clearly signalled the potential costs of excluding it, or reducing its leverage in negotiations (Schlemmer, 1991d: 8-9).

Due to its control of the KwaZulu homeland administration, and its proven support base, it was an important actor, but its participation in the negotiation process was, as alluded to above, difficult and it often was expected to rubber stamp "agreements" reached between the government and the ANC (see Hamilton and Maré, 1994:81). Both the government and the ANC's reaction to the IFP's publication in October 1992, of the "Constitution of the State of KwaZulu/Natal", which provided for a federal republic, was to acknowledge the IFP's right to put forward constitutional proposals, but criticised the fact that the draft constitution had been released as a *fait accompli* (Kotze, 1995:11). Thus, it is not surprising that the IFP's performance at CODESA was often erratic and its role in negotiations characterised by on-off bilateral talks with the government and the ANC (Kotze, 1995:11).

The IFP clearly was in favour of a well-defined federal form of government (with a suggested ten regions) and in the early stages of the transition process, Buthelezi adopted the view that KwaZulu had to be part of any new government as a region with veto powers (Kotze, 1995:11).¹⁶ Thus, the IFP wanted a federal state where the regions would have strong powers, similar or even stronger than the constituent states in the USA (Waldmeir, 1997:241). Furthermore, the IFP was in favour of universal suffrage, proportional representation, a bicameral parliament at national level, the retention of cultural rights, with the qualification that group domination should not be possible in such a system (Race Relations Survey, 1992/1993:480-481). For the actual transition, like the NP it preferred a one-phase transition.

The IFP continued with its participating and non-participating strategy. Its participation in the elections was secured after mediation and its name was placed on the ballot papers just in time for the election (Hamilton and Maré, 1994:82).

¹⁶As discussed in chapter four, the most notable proposals about regional autonomy as an option for South Africa were undoubtedly those thrashed out in the Natal/KwaZulu region in the 1980s. In terms of its proposals, Natal would assume special autonomous status in relation to the rest of the country and it was suggested that it should be the first unit of a South African federation (Kotze, 1995:11).

6.2.4 RADICALS OF THE ANTI-REGIME CAMP

PAN AFRICANIST CONGRESS

The UN recognised the PAC and the ANC as the legitimate representatives of the black majority in South Africa.¹⁷ However, the PAC was a liberation movement that was plagued by factionalism, leadership difficulties, lack of funds and complex, if not ambiguous, ideological formulations as was discussed in chapter three (see Cooper, 1994:117-118). According to the PAC, only “Africans” had a right to South Africa, “Those who are not Africans are settlers, [who ‘stole’ the land from the indigenous people] and who do not belong in a future South Africa, to be renamed Azania” (Sisk, 1995:159). All those who considered themselves to be Africans in terms of loyalties, cultural habits, and attitudes were regarded as Africans.¹⁸ The question was however whether whites could be regarded as “African” in this sense particularly in the PAC’s emphasis on “Africanness”, which it claimed was neither racial nor ethnic, but cultural. Its slogan, “one settler, one bullet” created the impression that it fostered racism - at best it could be regarded as being pro-black without being anti-white (see Sisk, 1995:159). Return of the land to the indigenous African people, landownership and African-socialism were central to the PAC’s ideology (Sisk, 1992:294; Sisk, 1995:159).

In contrast to the ANC, the PAC never had the chance to organise effectively within South Africa (see Mattes and Gouws, 1998:129) and after it was unbanned, it struggled to relate to the masses. Estimates of membership figures varied widely. The PAC claimed a membership of 750 000,¹⁹ but some observers (Kotze and Greyling 1991:167; Sisk, 1995:160) put the figure closer to 25,000, but it was difficult to confirm or dispute either figure. Nevertheless, several basic support groups were behind the organisation. It claimed strong support in the Western Cape, Transvaal, Free State and the Eastern Cape, as well as among the youth and particularly in Soweto - the youth wing (Azanian National Youth Unity) was an important constituency for the party (Sisk, 1992:295). It also enjoyed some support among community

¹⁷When the ANC crafted the 1989 Harare Declaration, which was adopted by the OAU and referred to the UN General Assembly for its approval, the UN insisted that its resolution should reflect the united views of both organisations.

¹⁸It e.g. supported the democratic principle through political and constitutional participation by all Africans,

¹⁹This figure differs from that of its spokesman, Benny Alexander who put the membership at 200 000 in 1991 (Race Relations Survey, 1992/1993:44), but at 500 000 in 1992 (Race Relations Survey, 1992/1993:494).

based organisations and trade unions. The PAC's primary trade union base was the National Council of Trade Unions (NACTU), a federation with 250,000 mainly black members who divided their loyalties between black consciousness and Africanism (Sisk, 1992:296). Furthermore, the Pan-Africanist Students' Organisation (PASO) was an allied organisation, while its women's league, African Women's Organisation, provided an additional source of support (Sisk, 1995:160).

Despite these core constituencies, surveys indicated that the PAC did not enjoy a broad support base - support was estimated to be as low as three per cent, and even the most positive estimates limited it to twenty per cent of the population (Schlemmer, 1991c:10; Sisk, 1995:161). However, the organisation claimed that it was growing strongly since its unbanning, but it also had to compete with the other black consciousness organisations to the left of the ANC (such as AZAPO) for support.

The PAC positioned itself to the left of the ANC. It favoured a populist, majoritarian political system; universal franchise on a common voters' role, an executive president voted for by the ruling party, a unicameral legislature²⁰ and regarded proportional representation as "the most democratic framework", but it opposed power-sharing, devolution and any form of protection of minorities - thus its model was even more majoritarian than that of the ANC (see Sisk, 1995:161; Race Relations Survey, 1991/1992:81). The Harare Declaration committed the PAC to generally defined democratic principles, qualified multi-partyism and a bill of rights (Sisk, 1992:298). PAC spokespersons appeared to commit themselves, at least nominally, to these principles.

The PAC initially opposed negotiations for in its opinion power should be handed over to Africans. However, in 1992 it held bilateral meetings with the government and agreed to a new multi-party forum to determine the creation of a constituent assembly, a transitional authority and to the role of the international community in facilitating the transition (Race Relations Survey, 1992/1993:495).

The PAC was a viable alternative to the ANC for the black majority, but its actual and potential support was unknown. Its leftist position created the dilemma that, should

²⁰It regarded multiple chambers as a mechanism to divide society.

it negotiate with the government, it could lose the advantage of outbidding on the ANC's left, but if it refused to participate in talks, it risked being sidelined and excluded in the post-apartheid order.

In conclusion, as the elections became a certainty, the main political parties had to negotiate and campaign simultaneously. At the same time a number of new national and regional (provincial) political parties, such as the African Christian Democratic Party (ACDP) emerged - each with their own ideas for a new political dispensation to be decided after the elections of 1994.

6.3 NEGOTIATIONS FOR A NEW POLITICAL DISPENSATION

South Africa's transition to democracy was the outcome of effective negotiations. Of particular importance in this regard are the multi-party negotiations namely CODESA I and II, and the Multi-Party Negotiating Process (MPNP). However, there were numerous bilateral negotiations involving most of the main and even some of the minor stakeholders. Both types of negotiations were vital to the eventual transition and provided parallel forums for negotiations. Differences and disagreements were often dealt with at a bilateral level, while multi-party negotiations were important to establish wider agreement on, and legitimacy to the proposals that resulted from negotiations. Thus, this section will focus on the process of negotiations, with a particular emphasis on multi-party negotiations. However, these substantive negotiations should be seen as a continuation of the process of negotiations started with the pre-negotiations that led to the Accord, as discussed in chapter five.

6.3.1 MULTI-PARTY NEGOTIATIONS: CODESA

South Africa entered a crucial stage in the process of a transition to a new and democratic political and constitutional dispensation with the commencement of CODESA on 20 December 1991. The leader of the DP, Dr Zach de Beer, chaired the steering committee tasked with the final arrangements for CODESA.²¹ It was decided that each delegation could send twelve

²¹The parties who attended the preparatory meeting that was held in Johannesburg on 29-30 November 1991, included: the administrations of Bophuthatswana, Ciskei, KanNgwane, KwaNdebele, Lebowa, Qwaqwa, Transkei and Venda; the ANC; the NP; the DP; the Labour Party; the IFP; the National People's Party; the PAC; the SACP; Solidarity; a joint delegation of the Transvaal and Natal Indian Congresses

representatives and that the agenda would include: how the decisions at CODESA would be implemented; the creation of a mechanism for constitution making; an interim government; the future of the homelands; and the role of the international community (Marais, 1994:9).

CODESA was a gathering of the broadest ever cross-section of leaders and organisations from political society and it signalled a widely published spirit of hope and optimism (Ottaway, 1993:157; Friedman, 1993:22-23). However, not everything was perfect. The opening of CODESA witnessed the altercation between De Klerk and Mandela.²² Furthermore, it witnessed the absence of Dr Buthelezi,²³ the CP as the official opposition party, and the PAC²⁴ as a prominent liberation organisation, as well as AZAPO (Ottaway, 1993:157; Marais, 1994:9-11; Relations Survey 1991/1992, 1992:xlvi). Despite these obstacles, and the apparent deterioration in the personal relationship between Mandela and De Klerk, the negotiation process gathered momentum and was set to continue (Devenish, 1997:612).

Considering the differences in beliefs and strategies discussed in section 6.2, it was to be expected that the principal players would approach the process of negotiations embodied in CODESA with widely diverging views of what the outcomes should be. There were profound differences concerning the form of state, the question of executive power sharing, the extent of government involvement in the economy, and the protection of private property (Devenish, 1997:612). In essence, the ANC was committed to majority rule within a unitary state, whereas some of the other parties, particularly more culturally and ethnic based parties, were determined to secure protection against simple majoritarianism. Such protection could be secured by a variety of mechanisms such as a geographical federation, a bill of rights and elements of consociational democracy (Devenish, 1997:612). However, the various parties managed to reach an agreement on formal broad principles, which were encapsulated in the Declaration of Intent issued by CODESA on 21 December 1991.

Seventeen of the nineteen delegations signed the Declaration of Intent. Some of the (TIC) and (NIC), and the South African Government (SAG). The parties which declined the invitation were: The PAC AZAPO; the AWB; the Herstigte National party, and the CP (Marais, 1994:9; Relations Survey 1991/1992, 1992: xlvi). Both the SAG and the NP sent delegations.

²²De Klerk "accused" the ANC of not honouring an earlier undertaking to end the armed struggle and disband MK (Friedman, 1993:24).

²³The IFP attended, but Buthelezi was of the opinion that the Zulu-monarchy was also entitled to a delegation (Race Relations Survey, 1991/1992:il).

²⁴The PAC requested a conference outside of South Africa under a neutral chair (Marais, 1994:9-10).

key points that were endorsed are (see Race Relations Survey, 1991/1992:xlviil-il, 557-558; Marais, 1994:11-12):

- an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty;
- a constitution that would be the “supreme law” which would be guarded over by an independent judiciary;
- an entrenched bill of rights and equality before the law to protect universally accepted civil liberties;
- a multi-party democracy based on universal suffrage on a common voters’ roll and an electoral system based on proportional representation;
- the separation of powers between the legislature, executive and judiciary with appropriate checks and balances;
- the healing of the divisions of the past;
- the improvement of the quality of life of the people through economic growth and human development;
- the acknowledgement of the diversity of languages, cultures and religions of the people of South Africa; and
- the elimination of violence in order to create a climate conducive to free political activity and peaceful constitutional change.

The signatories also undertook to “take all such steps as are within our power and authority” to realise the implementation of the agreements reached, as well as to establish a mechanism that would, in co-operation with government, draft all legislation required in this regard (Race Relations Survey, 1991/1992:il). Important was the acceptance that Parliament would remain sovereign for as long as CODESA continued (Friedman, 1993:26). CODESA’s Declaration of Intent thus suggested that the principal political contenders in South Africa were already committed to a negotiated transition to democracy (De Villiers, 1993:351).

The delegation from Bophuthatswana refused to sign fearing that the homeland would be abolished. Likewise, the IFP objected fearing that it did not provide for a federal option, but later signed on condition that it was not committed to a unitary form of state (Race Relations Survey, 1991/1992:il).

The hardliners and the radicals both condemned CODESA and predicted that it is doomed to failure. The CP said that it was unrepresentative of the interests of whites, while the PAC claimed that it was stage-managed by the ANC and the government. AZAPO also claimed that it did not represent all the blacks (Race Relations Survey, 1991/1992:l-li).

CODESA further established five working groups to further the negotiation process until the next plenary session (CODESA II). A working group consisted of two delegates and two advisers from each negotiating party. They were responsible for reaching agreement on the issues assigned to them and compile a report to the next plenary session, since they needed to be ratified by the full convention (Friedman, 1993:32). The working groups, most of which consisted of several subgroups, were (Friedman, 1993:34-135; Marais, 1994:16-27):

- Working group 1 (WG1): Tasked to create a climate for free political participation and to determine the role of the international community.
- Working group 2 (WG2): Tasked to reach agreement on a set of constitutional principles and a mechanism for arriving at a constitution.
- Working group 3 (WG3): Tasked to reach agreement on transitional arrangements.
- Working group 4 (WG4): Tasked to determine the future of the TBVC-states (i.e. independent homelands).
- Working group 5 (WG5): Tasked with the formulation of a working plan and time frames which would ensure the implementation of all agreements.

Due to complaints that women constituted a majority, but was underrepresented, a Gender Advisory Committee was also established (Friedman, 1993:129-137). In addition a daily management committee was established to manage the convention as a whole, while

the working groups selected steering committees. The widely criticised principle of sufficient consensus applied to decision-making in the working groups (Marais, 1994:12-13).²⁵

The activities of the working groups began in earnest in the beginning of 1992. Thus, the process of substantive negotiations began with the convening of CODESA's five working groups at the World Trade Centre at Kempton Park (Marais, 1994:14). These working groups were to report their agreements at the plenary session of CODESA II scheduled for 15 and 16 May (Cachalia, 1992:249). Initially significant progress was made, but varied in the various working groups. Optimism was boosted by the outcome of the whites-only referendum of 17 March 1992. Whites voted overwhelmingly (69%) in favour of continuing on the path of constitutional and political negotiation and reform (Race Relations Survey, 1992/1993:418-419).

Though progress was made, it soon became obvious that profound differences complicated and slowed down progress. Eventually the obstacles encountered would lead to the collapse of CODESA. From its inception, the central difficulty, which CODESA had to address, was the NP's model of the way forward as opposed to the ANC's model of the way forward. Initially, the main difference was between the NP's insistence on a multi-party conference, as the appropriate forum for drawing up a new constitution, versus the ANC's demand for an interim government to rule the country while an elected constituent assembly drafted a new constitution (De Villiers, 1993:351; Sarakinsky, 1995). These differences eventually led to the collapse of CODESA.

A brief look at these working groups gives some clues with regard to the enormity of the task the negotiators faced. Although the successes seemed small, it should be born in mind that within the context of South Africa at the time, they were major steps in the process of transition through negotiation.

²⁵The principle was never satisfactorily defined and created the impression that whatever the ANC and the government agreed on implied sufficient consensus. This created the impression of an elite pact, i.e. if the ANC and government did not agree there was not progress (Friedman, 1993:39).

PROGRESS: WORKING GROUP 1

The terms of reference of this working group included a variety of issues, which it allocated to three subgroups (Friedman, 1993:36). Firstly, a subgroup that had to “finalise reconciliation” and had to pay attention to political prisoners, the return of exiles and remaining laws that were discriminatory and/or preventing free political activity. Secondly, a subgroup that was tasked with “continuing the security and socio-economic process”, and had to focus on political intimidation, the promotion of political tolerance, the implementation of the Accord, the prevention of violence, the role and future of the security forces, and improving the socio-economic conditions. Thirdly, a subgroup tasked with the creation of a climate conducive to free political participation, particularly the state-controlled media,²⁶ issues relating to the free flow of information, particularly the South African Broadcasting Corporation (SABC), and the funding of political parties (Friedman, 1993:36; Cachalia, 1992:249).

The dynamics during negotiations were often complex and there were often agreement on the problems they faced and the virtues of solving those problems, but agreement on what had to be done was not always that easy (Friedman, 1993:37). The issues of political prisoners and exiles, as well as the future of MK, remained unresolved until well after CODESA collapsed. Thus, little progress was made on the issues pertaining to violence and intimidation (Marais, 1994:18). Personalities also played an important role and there was often a deadlock between the ANC and government delegates. WG1 in essence lacked someone that could take the process forward by playing a mediating role, as was often the case in some of the other working groups (Friedman, 1993:37).

Agreements were, however, reached on some points, particularly, with regard to the liberalisation of security laws, the institutionalisation of democratic politics, and the transformation of significant state institutions. Particular attention was paid to the Accord and recommendations were made with regard to its funding and the organisation of the conflict resolution structures (Friedman, 1993:53). Thus, WG1 agreed on a number of mechanisms to ensure the effective implementation of the Accord, including the imposition of harsh sentences for the possession of illegal arms or public display of dangerous weapons (Marais,

²⁶The argument was that there could not be free and fair political activity for as long as the state (controlled by the NP-government) controlled radio and television.

1994:17-18). In short, the agreements reached in WG1 made the reorganisation of both state and society possible. Although the working group agreed to place controls over the declaration and implementation of states of emergency, it was agreed that special measures were necessary to deal with the threats to public peace and order during the process of transition (Devenish, 1997:618). Its understanding of the role news reporting should play in the creation of a climate of free political participation, was reflected in the agreement on the establishment of an independent body to regulate the broadcasting media.

On the issue of the funding of political parties, WG1 agreed to the suspension of the Prohibition of Foreign Financing of Political Parties Act No. 51 of 1968, until six months after the first non-racial election. Finally, the working group agreed that during the transition period the security forces should be placed under the control of a transitional executive authority (Devenish, 1997:618).

This group dealt with very important and even foundational problems and the strategies followed by the main negotiators were important. Both the ANC and the government tried to maximise their gains on the issues they deemed vital for their own interests. The government therefore favoured the retention of security legislation and was clearly in no hurry to reach agreement in this regard. On the other hand, the ANC favoured the normalisation of an environment conducive to free and fair political participation. “The ANC’s chief goal appeared to be to sweep aside the restrictions - security laws, control of broadcasting - which in its view gave the NP an unfair advantage” (Friedman, 1993:57).

PROGRESS: WORKING GROUP 2

Working Group 2 was tasked with finding agreement on acceptable proposals for the political and constitutional transformation of South Africa. These included the central issues on which a settlement depended and, not surprisingly, it was responsible for the fate of CODESA (Friedman, 1993:61). Initially this working group sought to establish a set of constitutional principles, which would be binding on a future elected constitution-making body. Secondly, the working group had to decide upon a method of drafting and adopting the new constitution (Marais, 1994:20).

The various parties sent their most senior negotiators to WG2 and thus, strong differences of opinion were to emerge (Friedman, 1993:60).²⁷ The government and its allies argued for a broad definition of constitutional principles to ensure that the substance of the future constitution would be negotiated within CODESA. On the other hand, the ANC and its allies argued equally convincingly for a separate and elected constitution-making body. They thus favoured a more limited conception of constitutional principles in order not to encroach upon the jurisdiction of such an elected constituent assembly (Devenish, 1997:618).

It was the very issue of where, how and by whom a new constitution should be written - a constituent assembly versus a multi-party forum - that was fundamental to the problems encountered in WG2 (see Friedman, 1993:61-65). On the one hand, the ANC and its allies considered an elected constituent assembly as the only politically legitimate means of producing a new and credible constitution, that is, the representatives of the majority should mould it. On the other hand, the government and the IFP, wished to resolve all uncertainty about a future constitutional order at CODESA, that is, a multi-party forum (Devenish, 1997:618). The government was however prepared to agree on the establishment of an interim constitution and a seventy-five per cent threshold for the adoption of a new constitution in an elected constituent assembly, but the ANC was not willing to agree to a threshold exceeding two-thirds (De Villiers, 1993:352). The government rejected a late offer by the ANC to compromise on seventy per cent (Friedman, 1993:80)

The IFP went even further, objected in principle to an elected body, and insisted that federalism be constitutionally guaranteed prior to any election. Throughout the period of deliberations in WG2, the IFP indicated its deep concern and rejection of a constituent assembly. It wanted a final constitution to be drawn up by CODESA itself on the basis of consensus and then approved by a referendum (Devenish, 1997:619).

Although CODESA was closer to an agreement than is often admitted, WG2 unfortunately failed to reach an overall agreement and this was to precipitate CODESA's deadlock (see Cachalia, 1992:259). There was a lack of debate on principles and the procedures followed were time-consuming and inefficient (Friedman, 1993:63). A lack of trust further

²⁷The government later withdrew some of its senior members who were replaced by juniors that had to negotiate with seniors from the other parties (Friedman, 1993:80-82).

hampered progress and it was this lack of trust, as well as the hardening of attitudes and the inability and maladroitness of the negotiators that led to the collapse of CODESA (Devenish, 1997:619). It was also here that the government's strategy of a piecemeal and lengthy transition clashed with the ANC's desire for a speedy transition (Friedman, 1993:83-84).

However, successes were achieved on proposals for a bill of rights, the role of traditional leaders, economic freedom and cultural diversity (Friedman, 1993:65). Thus, there seems to have been an agreement on the inclusion of principles guaranteeing individual rights and democratic processes, but there were differences in opinion on principles relating to the composition of the government, the distribution of power between central regional and local government, as well as meaningful participation by minorities. Furthermore, the ANC required a speedy replacement of the existing parliament, while the government required the tricameral parliament to remain the final authority in order to provide for the continuation of "constitutional government" (Friedman, 1993:65, 71). These differences proved to be irreconcilable and resulted in a deadlock on the opening day of the plenary session of CODESA II. The latter's management committee tried to resolve the deadlock, but was unable to do so and the ANC and its allies withdrew on 2 June 1992 (Marais, 1994:22).

PROGRESS: WORKING GROUP 3

Working Group 3 was tasked with transitional arrangements until a new constitution was in place. The main debates concerned the form of the interim structures, the relationship between them and the existing state, and their relationship to a constitution-making structure (Friedman, 1993:90). Due to streamlined procedures and the co-opting of experts, it achieved a considerable measure of consensus on how South Africa should be governed during the transition to democracy (Friedman, 1993:86-88). The agreement on a two-phase process was largely a compromise between the ideas of the ANC and those of the government. The first phase concerned the establishment of a multi-party transitional executive authority, to be called the Transitional Executive Council (TEC), and which would function in conjunction with existing legislative and executive structures (Cachalia, 1992:259). The TEC would facilitate the transition to a democratic constitution and preparations for a free and fair

election (Marais, 1994:38). However, provision was made for the possible consolidation of the tricameral parliament into a single chamber and the scrapping of the distinction between own and general affairs (Cachalia, 1992:259).²⁸

The second stage was the period from the holding of elections for a “national assembly” to the adoption of a new democratic constitution and the instatement of a new government in accordance with its provisions (Devenish, 1997:619). During this stage, the national assembly would combine the functions of “ordinary” law making and a “higher” form of law making, namely constitution-making (Cachalia, 1992:259). In addition, it was agreed that an “independent electoral commission” would be established to ensure a free and fair election and that there should be an “independent media commission”.²⁹ Working Group 3 therefore made good progress on the issue of an interim government (Devenish, 1997:619). However, not everybody was happy and the IFP in particular felt that it was being “steamrolled” and accused the ANC and the government of behind the scenes caucusing and behaving as if CODESA was a “two-sided table” (Friedman, 1993:100-101). However, in its negotiating strategy, the ANC optimised the use of its allies for testing the position of the government, while it often played the role of conciliator between extreme positions (Friedman, 1993:102).

PROGRESS: WORKING GROUP 4

Working Group 4 concentrated on the future of the nominally independent black states namely the TBVC-states. However, its brief was formulated in such a way that reincorporation was not a necessary outcome. Thus, the issue was whether they should be incorporated, and if so, when and how. After lengthy deliberations, their reincorporation was agreed to in principle (Devenish, 1997:619). There was agreement on the principle of reincorporation, but some delegations reserved their position or proposed certain conditions. The South African government, Ciskei and Bophuthatswana insisted that reincorporation should be with the consent of the people within these states. However, the ANC and its allies on the other hand, would not agree to any procedure, which would in effect amount to recognition of

²⁸By 1993 the latter was implemented but not the former (Friedman, 1993: 95).

²⁹Much of WG3’s responsibilities were delegated to these commissions, thus exaggerating its actual success.

the sovereignty of the TBVC states or allow small sections of the population to determine national options (Cachalia, 1992:261).

Except for the Bophuthatswana administration, which reserved its position, WG4 agreed that the TBVC-states would first take part in transitional arrangements as well as in constitution making. Then their participation in a national election would be arranged in such a way that their votes would signify support for, or rejection of reincorporation, followed by the restoration of citizenship (Marais, 1994:19). It was agreed that the results of such an election would constitute a sufficient test of the will of the people in those territories³⁰ (Cachalia, 1992:261). Furthermore, it was agreed that no additional land would be allocated for incorporation into the homelands (Marais, 1994:19).

It was agreed that the transition should occur with the minimum of disruption. Existing structures in education, health, employment insurance would continue functioning in the transition period. It was also agreed that the TBVC administrations should come under the supervision of the TEC during the first phase of transition and that the existing administrations should continue to function until they were absorbed into new non-racial national and regional administrations. Civil servants would retain their existing salaries, benefits, and conditions of service and would not be retrenched as a result of reincorporation (Marais, 1994:19).

There were clearly sharp differences among the delegates, but again the government and the ANC dominated the negotiations. Although, agreements were reached, several issues were referred to two expert commissions (Friedman, 1993:127).

PROGRESS: WORKING GROUP 5

Working Group 5, was tasked to determine the time frame for the implementation of the CODESA agreements, but was dependent on the progress in the other groups (Devenish, 1997:619). As a result it failed to function effectively and the agreements reached in the other working groups arrived too late for WG5 (Marais, 1994:20). However, it scrutinised a list of sixty-eight acts for gender and racially discriminatory provisions. Furthermore, it

³⁰Ciskei later disputed its recorded agreement on this issue (Cachalia, 1992:261).

examined the electoral acts of several other countries (Cachalia, 1992:262).

In summary, the various working groups had to submit their reports to a second plenary at CODESA II scheduled for 15-16 May 1992. In retrospect, commendable progress was made but WG 2 was unable to make significant progress and there were important outstanding issues and an impasse was reached (Sisk, 1995:210). Of particular importance was the lack of agreement on the mechanism for adopting the final constitution (Sarakinsky, 1995:73). The government rejected any “monopoly of power” and insisted on an “entrenched constitution which can only be amended by a special majority in parliament” (Friedman, 1993:81).

CODESA demonstrated the “fundamental discord over the nature of the new South African state, with the three paradigms of majority rule, minority power, and federal devolution competing for predominance” (Waldmeir, 1997:194). On the eve of CODESA II, Mandela and De Klerk tried to resolve the impasse, but were unable to do so (Sisk, 1995:211). Nevertheless, they managed to save the discussions temporarily. Regrettably, the apparent progress of the working groups and the achievement of substantial agreement on a series of issues central to the important process of transition to democracy, failed to avert the deadlock and the eventual breakdown of the negotiations at CODESA II (Devenish, 1997:620).

Various reasons are provided for the breakdown. One of these is the replacement of the South African government’s chief negotiator, Dr Gerrit Viljoen, by an inexperienced and junior Dr Tertius Delport. Furthermore, unrealistic expectations; trying to achieve the impossible in too short a time; unnecessary delays that caused frustration; internal and external pressures; attempts by the ANC and the government to out manoeuvre the other; overestimation of their power bases; the side-lining of other parties by the two main players; bad strategies and procedures; and the parties rethinking their position. However, there is agreement that the lack of trust between the two dominant players and the often polarised positions during “negotiations” were of particular importance (Sisk, 1995:211-212; Ottaway, 1993:175-178; Welsh, 1994:92-87-93; Friedman, 1993; Guise, 1993:553-557; Devenish, 1997:620; Sarakinsky, 1995:71-74). On many issues, the divide remained wide.

Although negotiations were interrupted as a result of the impasse, CODESA was, in retrospect, not a complete failure and significant compromises were indeed reached, compro-

mises that would prove valuable in further negotiations. Although the ANC was planning mass action, it nevertheless welcomed the progress made at CODESA (Friedman, 1993:80).

Despite the unfortunate collapse of CODESA, the parties involved acknowledged that negotiations remained the only viable option for political transformation and change; public debates relating to crucial issues pertaining to South Africa's transition, were opened (Welsh, 1994:93). The relationship between Mandela and De Klerk was acrimonious at this time, but the ANC and government's main negotiators, Ramaphosa and Meyer respectively, maintained a personal relationship that was to become important (Welsh, 1994:93).

Thus, the formal and informal negotiations that took place formed an important basis for subsequent constitutional discussions and political development. Although important groundwork was done at CODESA, this could not be brought to completion, but through the intervention of civil society and international actors, the process would continue (Devenish, 1997:620; Welsh, 1994:90).

6.3.2 THE RECORD OF UNDERSTANDING OF 26 SEPTEMBER 1992

Even prior to the breakdown of CODESA, the ANC and its partners decided on the mobilisation of popular power and a campaign of mass action was started (Friedman, 1993:139). The dismantling of international sanctions against South Africa and the suspension of the armed struggle left the ANC with popular power as its only strategic weapon to apply pressure on the government (Du Pisani, 1994:28; Waldmeir, 1997:197). The ANC's participation in CODESA caused suspicion among their followers that an elitist pact was being negotiated and it was decided at a summit meeting on 13 May 1992 to launch a joint mass action campaign as a means to reassure their followers of their continued commitment to the people (Du Pisani, 1994:28).

Thus, the impasse reached provided additional motivation for a campaign of mass action and after the collapse of CODESA, the ANC engaged the government in a test of strength with its campaign of mass action spearheaded by COSATU. The campaign, which officially

commenced on 16 June 1992,³¹ included strikes, stay-aways, sit-ins, protest marches, and rent and consumer boycotts. At an ANC policy-conference, the proposed campaign was approved as the most effective strategy available to break the deadlock in the negotiating process (Financial Mail, 5 June 1992 in Du Pisani, 1994:29). Mass action was seen as a middle ground between armed action and negotiation (Waldmeir, 1997:207). It was code-named Operation Exit, because of its objective to force the NP-government to hand over power to a joint interim government and calling elections for a constituent assembly before the end of that year.³² The intention was to maintain mass action until democracy was won (Sunday Times, 14 June 1992; Du Pisani, 1994:29; Devenish, 1997:620). The suspension of the ongoing negotiations with the government and the adoption of mass action represented a temporary victory for the radicals in the ranks of the ANC alliance (Du Pisani, 1994:30).

The campaign of mass mobilisation, however, was soon overshadowed by the massacre of several people at Boipatong, an ANC stronghold in the south of Johannesburg, by IFP-aligned hostel dwellers, on the night of 17 June 1992 (Ottaway, 1993:177-178). There were allegations in the ANC-SACP-COSATU alliance of police complicity, or at best that the police had deliberately failed to prevent the massacre despite early warnings. The IFP leadership and the government, however, dissociated themselves from the massacre, condemned the attack and President de Klerk promised that everything possible would be done to trace the perpetrators and prosecute them (Du Pisani, 1994:31).³³

A few days later on 23 June, the ANC announced its withdrawal from CODESA and stipulated fourteen conditions that the government has to meet, if it wishes for the ANC to return to negotiations. These included steps to end the violence, an interim constitution, an elected constituent assembly, an interim government of national unity, the release of political prisoners and the phasing out of the hostel system (Ottaway, 1993:177-178; Du Pisani, 1994:33). Furthermore, the ANC called for international intervention, an international inquiry into Boipatong and vowed to continue with its campaign of mass mobilisation (Sisk,

³¹The anniversary of the Soweto uprising in 1976.

³²This was often referred to as the “Leipzig option”, referring to the sudden collapse of the East German government in response to mass protest (Sarakinsky, 1994:74; Adam and Moodley, 1993:101-103).

³³Investigations by the police and the Goldstone Commission into the massacre and the allegations of police complicity were launched, which confirmed that Zulu-speaking migrant hostel dwellers were responsible for the killings, but there was no proof of government or police complicity (Race Relations Survey 1992/1993:462; Du Pisani, 1994:32).

1995:214).³⁴

The campaign received mixed reaction. Mandela justified the campaign by arguing that, in light of the government's refusal to accept the ANC's compromises, mass action was the only option left (Du Pisani, 1994:30). It was condemned by the government and business circles and white-dominated political parties had serious misgivings about the expected negative economic consequences, as well as the possibility of an escalation in violence and a culture of intolerance. It was also referred to, by Adam and Moodley (1993:101-103), as the "fallacy of the Leipzig option". In the latter case, the capitalist West supported anti-communist demonstrators, but in the case of South Africa the government was capitalist and the demonstrators were communist - thus there was no reason why radical mass mobilisation would receive any support from the West. The government vowed resistance to what it regarded as blackmail and an economic civil war orchestrated by the radicals who had succeeded in forcing their will upon the moderates. The IFP, in turn, warned of the possibility of bloodshed and called upon their supporters not to participate in any mass action activities (Du Pisani, 1994:30). The IFP and its supporters also harboured feelings of being marginalised during negotiations and the competition between IFP and ANC supporters were intensifying in the townships as was demonstrated by the Boipatong incident (Sisk, 1995:213).

The government reaffirmed its commitment to the negotiation process and following a cabinet meeting on 24 June De Klerk, offered the ANC a two-day summit to deal with the impasse, but these attempts were unsuccessful (Sunday Times, 28 June 1992 in Du Pisani, 1994:33).

The ANC's mass action programme continued in July and August 1992, but did not have the collective impact anticipated by the ANC alliance. More than half of Cosatu's 1,3 million members participated in different forms of mass action, but marches through major cities succeeded in drawing the support of no more than 30,000 people and the occupation of government offices was unsuccessful. The lack of enthusiasm was blamed on weak co-ordination and the failure of the civic, education and youth structures to mobilise their

³⁴An independent enquiry into the massacre was headed by a British police expert, who found no evidence of police complicity (Waldmeir, 1997:206).

constituencies (Du Pisani, 1994:34).

In addition, a school boycott supported by ANC affiliated bodies was opposed by teacher, student and parent organisations affiliated to the PAC, AZAPO and the IFP. Complaints were raised about the detrimental effect of the loss of school days on students (Du Pisani, 1994:34). Likewise, the PAC and the IFP opposed the week-long strike planned for the climax of the mass action campaign in early August. Negotiations between COSATU and the South African Employers Consultative Committee on Labour Affairs (SACCOLA) resulted in a downscaling of the strike to a two-day national stay-away (Du Pisani, 1994:34). COSATU's claim that 4 million workers observed the stay-away, was disputed by organised industry (Race Relations Survey 1992/1993:342-343).

Involvement by the international community became important and ongoing in easing the impasse after the breakdown of CODESA (Sarakinsky, 1995:75). The UN Security Council convened a two-day special meeting on 15 July 1992 to discuss the continuing violence and the breakdown of negotiations in South Africa. The minister of Foreign Affairs, Pik Botha, Mr Mandela and Dr Buthelezi were among the South Africans that addressed the UN Security Council. A resolution was adopted expressing concern at the breakdown and calling on the ANC to resume negotiations and on the government to accept an appointed UN special representative to investigate the violence (Friedman, 1993:157). The UN sent, Cyrus Vance, a former American secretary of state, as its special envoy. He was mandated to recommend measures to end the violence and to promote negotiations (Race Relations Survey 1992/1993:25-26). Following his wide consultations, several UN officials were sent to monitor the mass action campaign (Sisk, 1996:216).

There were already as early as July 1992 indications that the ANC leaders were preparing to return to the negotiating table. Its National Working Committee recognised negotiations as the preferred route to the democratisation of South African society. In a conciliatory address during the ANC's week of action at the Union Buildings on 5 August 1992, Nelson Mandela said he would like to heal wounds. De Klerk responded positively and invited the ANC leaders to a private bilateral summit. Thus, the stage was set for the resumption of bilateral talks and both sides expressed a willingness to make concessions in order to resume

negotiations (Du Pisani, 1994:35). However, the old issues, such as the release of political prisoners remained an obstacle. The ANC insisted on the unconditional release of political prisoners, but the government sought a package deal that would provide for a general amnesty for all political offenders, including state officials and SAP and SADF members (Du Pisani, 1994:35).

The Bisho incident in the “independent state” of Ciskei became a turning point for a commitment to a negotiated transition. On 7 September 1992, South Africans and the world were again shocked by yet another incident that led to a large scale loss of life. The ANC lost control of a march on Bisho, capital of the Ciskei, which it organised as part of its mass action campaign.³⁵ Twenty-nine people were killed when the Ciskeian police opened fire on the marchers. The ANC and the government of Ciskei held each other responsible for the massacre (Race Relations Survey 1992/1993:29-30). Locally and internationally, the ANC’s image was tarnished by the Bisho incident and the organisation’s revolutionary agenda was criticised. In a bid to restore its image as a peaceful organisation, the ANC reconfirmed its commitment to the Accord and the Goldstone guidelines for demonstrations. The various political leaders were more aware than ever that, the resumption of negotiations was urgently needed to address the problem of violence (Du Pisani, 1994:36; Sisk, 1995:218-219). The Bisho incident finally brought the message home that the ANC would not succeed in a transition from below (see Friedman, 1993:154).

Table 4.1 (chapter 4) gives an indication of the unacceptable high number of fatalities that resulted from political violence. After the Bisho incident, De Klerk called for a summit on violence, to which Mandela responded positively, but later set the release of three political prisoners as a precondition. After some discussions, these prisoners were released. Arrangements for the proposed summit were made at meetings between Roelf Meyer and Cyril Ramaphosa.³⁶ The summit, which was attended by high level delegations of the government and the ANC, was headed by De Klerk and Mandela and took place at the World Trade Centre in Kempton Park on 26 September 1992. The agenda included violence, free political participation, mass action, security legislation, secret operations, amnesty, reconciliation and

³⁵There were claims that the strategy of the march was aimed at toppling the Ciskeian government - which was an ally of the government (see Sisk, 1995:218).

³⁶They have met regularly in secret (see Sisk, 1995:219).

the forthcoming parliamentary session (Du Pisani, 1994:36). Thus, three weeks after Bisho, the government and the ANC signed the Record of Understanding at the conclusion of the summit (Sarakinsky, 1995:75).

The four-page document included the following important agreements (Record of Understanding, 26 September 1992; Du Pisani, 1994:37; Sisk, 1995:219; Sarakinsky, 1995:75):

- A democratically-elected constituent assembly with a fixed time frame and which would also serve as an interim parliament.
- The constituent assembly would draft a new constitution and special majorities would apply to decisions.
- An interim constitution, which would include a bill of human rights, would guide an interim Government of National Unity (GNU).
- The constituent assembly would be bound by those principles agreed upon in the negotiated interim constitution.
- There would be adequate deadlock-breaking mechanisms.
- There would be legal continuity.

The Record also dealt with the phased release of political prisoners,³⁷ the problems concerning hostels and restrictions on the carrying and display of dangerous weapons. Government acknowledgement of the right to participate in mass action in accordance with the provisions of the Accord and the Goldstone guidelines was noted. Furthermore, the ANC reconfirmed its commitment to the code of conduct for political parties (Record of Understanding, 26 September 1992; Du Pisani, 1994:37).

³⁷In a press statement after the meeting Mandela declared that 150 political prisoners had already been released in September, including Robert McBride of MK and Barend Strydom of the Wit Wolwe (White Wolves), who had both been convicted for the killing of several people in politically inspired attacks (Race Relations Survey 1992/1993:36). However, despite fierce opposition, the Further Indemnity Act No. 151 of 1992 was passed in October. It made provision for the release of prisoners who had committed politically motivated offences and whose release could promote reconciliation and peace. A National Council on Indemnity was established for this purpose to consider each individual application for indemnity on merit. Between February 1992 and May 1993, 1477 prisoners who were deemed to have committed political offences, were released (Race Relations Survey 1993/1994:616-617).

These broad principles at once removed most of the obstacles, which caused CODESA to fail. In addition it was agreed that the details of the agreement would be the subject of further negotiations (Record of Understanding, 26 September 1992; Du Pisani, 1994:37). The agreement was a turning point in the struggle between the two sides (Waldmeir, 1997:216-217). It is important to note the compromise nature of the agreements in the Record of Understanding, particularly, concerning the elected constituent assembly and the drafting of a new constitution. The compromise met the ANC's demand for such an elected constituent assembly, but at the same time, it would be bound by "constitutional principles" which would be negotiated at a negotiating forum. Thus, the interests of minorities would be safeguarded against dominant majoritarianism, through these negotiated constitutional principles (Sarakinsky, 1995:75). However, some perceived the compromise as a desperate measure by the government to resume negotiations (see Waldmeir, 1997:216).

The nature of the Record of Understanding as a bilateral agreement between the government and the ANC (more specific a De Klerk/Mandela agreement) was problematic. Dr Buthelezi was furious, felt that there was a conspiracy against him, objected and stated that the Record of Understanding would not bind the IFP and the KwaZulu government. He subsequently announced the IFP's withdrawal from the negotiations (Race Relations Survey, 1992/1993:36; Waldmeir, 1997:218). Subsequently, Lucas Mangope of Bophuthatswana, Gqozo of the Ciskei and Buthelezi of Kwazulu convened a conference in October 1992 as a counter to the bilateral, Record of Understanding. Among the delegates were representatives of the Afrikaner Freedom Foundation, the Afrikaner Volksunie, the CP and the IFP (Du Pisani, 1994:38).³⁸ The conference called for a halt to the implementation of the Record of Understanding, the disbandment of Umkhonto we Sizwe and the replacement of CODESA by a more representative forum. They persistently refused to rejoin negotiations until their demands on federalism were met. Although the Record of Understanding was an important step towards a settlement, its overall success in bridging divides was questioned by, for example Friedman, (1993:166-167).

Both the government and the ANC were eager to speed up the process towards the resumption of constitutional negotiations. The government had suffered a number of setbacks

³⁸See footnote 3.

in previous months and De Klerk realised that he could not dictate to Parliament. In October, he had to use the President's Council to force the enactment of the unpopular Further Indemnity Bill, after it had been rejected by Parliament. Furthermore, government negotiators failed to bring the IFP and the right wing into the negotiation fold (Negotiation News, 23 November 1992 in Du Pisani, 1994:39). Most problematic was the confirmation in the report of the Goldstone Commission that the security forces supported a third force responsible for the fomenting of violence (Ebrahim, 1998:144).

The ANC also encountered problems. Differences over strategies surfaced in its ranks and it experienced the erosion of its four pillars of struggle - mass action, international support, underground structures and the armed struggle. Fear was expressed that an alignment of the security forces with the reactionary right wing might pose a threat to hopes of a negotiated settlement (Du Pisani, 1994:39). However, the major concessions made by the government in the Record of Understanding gave the ANC a vital psychological boost. However, it was not a victory for the ANC, but "a triumph of negotiation over conflict" (Waldmeir, 1997:218).

In October 1992, President de Klerk "promised", universal franchise and an election for all South Africans before his mandate came to an end within two years. However, before such an election could take place, a transitional constitution would have to be negotiated. Thus, a timetable was proposed for bilateral discussions on the resumption of negotiations. This was to be followed by the reconvening of such a multi-lateral negotiating forum before the end of March 1993. Furthermore, the establishment of a transitional executive council and an election commission before the end of June 1993 was proposed, as well as the enactment of a transitional constitution by the end of September 1993 and elections for a democratic government of national unity by March or April 1994 (Du Pisani, 1994:39).

6.3.3 THE FEBRUARY 1993 "AGREEMENT"

To prepare for the resumption of negotiations, a series of bilateral talks between the government and the ANC took place in December 1992, January 1993 and February 1993 (Ebrahim, 1998:145-147). Despite criticism from the IFP in particular, as well as from the international community, the government and the ANC continued with their bilateral discussions in an at-

tempt to approach new multi-party negotiations with as few differences as possible (Ebrahim, 1998:149-150).

These bilateral meetings dealt with the status of bilateral discussions, multi-lateral negotiations, time-frames, elections, an independent media commission, transitional arrangements, drafting of a constitution, free political activity and violence (Ebrahim, 1998:145). The issue of power-sharing was also raised (Friedman, 1993:161). De Klerk used this term to pacify his constituency by implying that power-sharing was a form of coalition rule in which minorities would continue to have control over their own destinies. However, for Mandela power-sharing implied that he had to settle for something less than majority rule in which the white minority might be able to block real change (The Star, 17 February 1993 in Du Pisani, 1994:40). Thus, both were walking a tightrope because a mutually acceptable pact might lead to the loss of support among their followers (Du Pisani, 1994:40).

The “agreement” reached in the February 1993 discussions were particularly significant because it represented a pledge, by the two major contending protagonists of a negotiated settlement, on the essential path of the transition (Sisk, 1995:223-224). The following were of particular importance (Sisk, 1995:223-224):

- The existing parliament would enact an interim constitution and bill of rights, to be drafted by a new multi-party forum.
- A multi-party cabinet (TEC) would be responsible for governing and would oversee broadcasting, finance and the security forces until a constituent assembly has been elected.
- An independent electoral commission would be established.
- A multi-party demarcation commission would be established to make recommendations on regions (“provinces”).
- Elections to a constituent assembly would make use of the system of proportional representation.
- A multi-party interim government based on the results of the elections.

- A two-thirds decision-rule would apply to the constituent assembly.
- The bicameral constituent assembly would function as an interim parliament.
- A five-year sunset clause for a government of national unity would apply.
- There will be new elections no later than five years after the elections for a constituent assembly.

This was not a formal agreement, but it would be an important point of departure, since the two parties pledged that its contents would be binding. Again, concern was expressed over the bilateral nature of agreement. The IFP, AZAPO and the CP were particularly upset by the “package deal”, but both De Klerk and Mandela assured them that no final agreements had been reached and that final agreements would be left to a multi-party conference (Du Pisani, 1994:40). However, the international community closely monitored these bilateral negotiations and they were concerned about the marginalisation of the other actors, particularly, the IFP (Ebrahim, 1998:146). Thus, both the government and the ANC held bilateral talks with some of the other actors and most notably the PAC, IFP, CP and other members of COSAG in general (Ebrahim, 1998:149-150).

Thus, South Africa has reached the stage where most parties either regarded multi-party negotiations as inevitable or as necessary. The government had realised that it would not be able to impose its will on the other parties, particularly the ANC, while the ANC realised that it will not be able to force the government to capitulate. The playing field was levelled, but the ANC was clearly in an ascending position. It was more successful than the NP to mobilise its constituents behind its actions. In this way, South Africa entered the final rounds of its transition.

6.3.4 COMPROMISE AND REOPENING OF NEGOTIATIONS THROUGH THE MULTI-PARTY NEGOTIATING PROCESS

Important groundwork was done at CODESA, and important common ground reached between the two main contenders, namely the government and the ANC, in the Record of Understanding and in the February agreement. However, the negotiations could not be

brought to completion there and this goal was only achieved during the Multi-Party Negotiating Process (MPNP)³⁹ at the World Trade Centre, Kempton Park (Devenish, 1997:620; Welsh, 1994:90).

The planning conference for a new multi-party negotiating forum took place on 5-6 March 1993 and was attended by representatives of twenty-six organisations and observers of eleven other organisations. Thus, it was more inclusive than CODESA and included the CP, the KwaZulu administration, the PAC and delegations of traditional leaders. AZAPO decided not to attend (Du Pisani, 1994:44).⁴⁰

The dissimilar goals of the main parties threatened the success of the planning conference. The NP wanted a date for a new "CODESA", the ANC a commitment to an election date, the PAC a commitment to a constituent assembly, the IFP a commitment to a federal system and the CP a commitment to cultural self-determination. Some parties even participated to slow the negotiating process (Du Pisani, 1994:44). Nevertheless, the planning conference was successful and delegates agreed to resume multi-party negotiations by April 1993. It was resolved that decisions in the proposed multi-party forum would be taken by, the mentioned, controversial principle of sufficient consensus (see Race Relations Survey, 1993/1994:549). This would prevent smaller parties from obstructing the negotiating process and would thus ensure progress in the absence of unanimity. All participants committed themselves to work towards the termination of violence. Mechanisms and procedures to be used, were left to the multi-party forum (Du Pisani, 1994:44-45).

Multi-party negotiations resumed on 1 April 1993, when the MPNP met for the first time at the World Trade Centre in Kempton Park. The planning committees had not been able to agree on another name for the forum (Sisk, 1995:225).⁴¹ The dynamics at MPNP were

³⁹It also became known as the Multi-Party Negotiating Forum (MPNF) with reference to its negotiating forum, (see Du Pisani, 1994; Sarakinsky, 1994).

⁴⁰CODESA parties that participated were: the ANC, the Ciskei administration, the DP, the Dikwankwetla Party, the IFP, the Inyando ye Sizwe Party, the Inyandza National Movement, the Labour Party, the Natal and Transvaal Indian Congresses, the NP, the National People's Party, Solidarity, the SACP, the South African government, the Transkei administration, the United People's Front, the Venda administration and Ximoko xa Rixaka. New participants were: the AVU, CP, PAC, a delegation of traditional leaders and a separate delegation from KwaZulu administration - thus solving the problem of representation of the Zulu-monarch (Race Relations Survey, 1993/1994:543).

⁴¹Sometimes it was referred to as the Multi-Party Negotiating Forum (MPNF - see Sarakinsky, 1994; Du Pisani, 1994).

complex and comprehensive decisions had to be taken on a wide range of issues. In this section attention will be paid to those most relevant to South Africa's transition.

Unlike CODESA, the MPNP ultimately proved to be a success. Miraculously it survived the political crises caused by the assassination of Chris Hani of the SACP,⁴² as well as a SADF raid on a PAC house in Umtata. It also survived the storming of the World Trade Centre by members of the AWB and their occupation of the Negotiating Council's chambers on 25 June 1993 (Devenish, 1997b:623; Sarakinsky, 1995:82). Furthermore, it survived serious threats posed by continued township, and inter-party violence involving ANC and IFP supporters, as well as allegations of police involvement in third force activities, which caused tension between the three main political actors. Sporadic APLA attacks on soft targets caused additional tensions (Du Pisani, 1994:46). Further threats were the IFP's unsuccessful challenge in the courts of the principle of "sufficient consensus",⁴³ as well as walkouts staged by various members of COSAG (Sisk, 1995:230-232). Finally, the IFP only participated in the elections through international mediation (Sarakinsky, 1995:81; Kotze, 1996:46-55).

Thus, the negotiation process had to overcome several difficulties and there were a variety of factors which could have caused it to collapse. ANC negotiator, Vali Moosa, for example said, "There are two aspects of negotiation - negotiating with the enemy, and negotiating with ourselves. The latter is ten times more difficult (Waldmeir, 1997:227).

STRUCTURES, PROCEDURES FOR, AND DYNAMICS OF NEGOTIATION

The structures for negotiations in the MPNP, was more effective than at CODESA. A five-tier structure for constitutional negotiations, was established. Instead of Working Committees, a Negotiating Council became a vehicle for negotiations. The formal adoption of agreements

⁴²His death led to violent demonstrations and a massive national stay-away. This threatened the new-found spirit of co-operation at the MPNP, it also threatened the security of the country as emotions reached fever pitch and negotiations were delayed for one week (Sarakinsky, 1995:79). In reaction to Hani's death, some ANC leaders proposed that negotiations should be suspended, but the official view of the ANC-alliance was that such a step would be a betrayal of what Hani had stood for and would play into the hands of the murderers (Du Pisani, 1994:47). The ANC-alliance resolved that decisive action was needed to speed up a political settlement (Race Relations Survey 1993/94, 1994:619-623, 626-632).

⁴³The judge ruled that it would not be correct for the courts to interfere in the political process (Du Pisani, 1994:52).

was the task of the plenary, which consisted of the party leader plus nine delegates (at least one should be a woman),⁴⁴ as well as two advisors per party. The Negotiating Forum, which received and confirmed, with or without amendments, reports from the Negotiating Council, consisted of four delegates (at least one woman) plus two advisers per party. The Negotiating Council was the most important structure for negotiations and decision-making. It consisted of two delegates (at least one woman) and two advisers per party. The Planning Committee, which set the agenda, consisted of ten members of the Negotiating Council, each appointed in a personal capacity. The Technical Committees consisted of experts in particular fields, appointed by the Negotiating Council. Furthermore, there were also two non-partisan commissions, which dealt with the demarcation of the regions (established on 28 May 1993) and national symbols (August 1993).⁴⁵ Administrative support was provided by the CBM (Ebrahim, 1998:151-152, 158; Sisk, 1995:227; Race Relations Survey, 1993/1994:545).

The MPNP picked up where CODESA and other talks left off and at its first meeting, the Negotiating Forum resolved that the Negotiating Council had to consider matters arising from the CODESA negotiations (Sisk, 1995:226). The Negotiating Forum instructed the Negotiating Council to consider and report on the consolidated report containing material from CODESA (Race Relations Survey, 1993/1994:544). In addition, several constitutional issues for transitional arrangements and a future political dispensation had to be considered. These were the form of state and its basic constitutional principles, a transitional or interim constitution, the form of transitional regional government, fundamental human rights during the transition, a transitional executive council (TEC), an independent election committee, an independent media committee and the future of the independent homelands (Race Relations Survey, 1993/1994:544). The parties agreed to treat the agreements reached at CODESA as points of reference and not as binding (Sisk, 1995:226).

At the end of April, the Negotiating Council established eight technical committees to develop documentation on specified issues, which would be tabled at the Negotiating Council, but no negotiations would take place in these committees (Race Relations Survey, 1993/1994:547). These committees were requested to investigate the following areas: the es-

⁴⁴In March several women's groups threatened to take action if women were not included (Race Relations Survey, 1993/1994:544).

⁴⁵The commission was mandated to submit designs for a new flag and coat of arms to the Council.

establishment of a TEC; an independent media commission and telecommunications authority; an independent electoral commission; an interim constitution and constitutional principles; the repeal of legislation which inhibited free political activity or was racially discriminatory; a bill of fundamental rights; violence; and the strengthening of the Accord (Sarakinsky, 1995:79-80; Race Relations Survey, 1993/1994:547).

In spite of the multi-party forum, confidential and bilateral negotiations at which differences were bridged continued. In many instances, the compromises reached were presented to the technical committee, which was instructed not to change any of the clauses or phrases (Sarakinsky, 1995:84). Initially, progress was slow due to the delaying tactics of COSAG, which demanded that debate around the future form of the state should precede debate on all other matters (Du Pisani, 1994:47-48). A deadlock was reached at the end of June 1993, because of the IFP and COSAG's refusal to accept a proposal by the technical committee on constitutional affairs regarding the constitution-making procedure. The committee proposed a two-phase process in which the Negotiating Council would draft an interim constitution, after which an elected constitution-making body would write the final constitution, based on entrenched constitutional principles (Race Relations Survey, 1993/1994:547-548).

There were differences between the ANC and COSAG in general over the writing of a "final" constitution. The ANC was opposed to COSAG's insistence that the Negotiating Council, which was an unelected body, should draft the constitution in a single-phase process (Du Pisani, 1994:49). The IFP wanted the MPNP to decide on a federal or unitary form of state, after which a constitutional panel of experts could draft a constitution, submit it to the multi-party forum for approval, after which the electorate had to decide its fate (Du Pisani, 1994:52).

During August and September 1993, both the government and the ANC were involved in a number of bilateral meetings with the IFP, after its withdrawal from the MPNP, to try to resolve its criticisms and again involve it in the MPNP. However, the IFP refused to return to negotiations until crucial decisions taken without its approval had been set aside. Buthelezi proposed that a national convention of party leaders should review the constitutional chaos in which the country found itself (Sarakinsky, 1995:81). Nevertheless, the negotiations went

ahead in order to resolve, with or without “disgruntled” parties, outstanding issues.

The dynamics at the MPNP clearly demonstrated the domination of the negotiations by the government and the ANC. Thus, other participants were often left with obstructive and “blackmailing” tactics in order to feel that they had a contribution to make - this would eventually lead to foreign “mediation” to resolve some issues, particularly on federalism. Thus, the two dominant participants were in fact developing a middle ground in order to take the transition forward.

CONSTITUTIONAL PRINCIPLES FOR A FINAL CONSTITUTION

After numerous bilateral and multi-lateral meetings at the World Trade Centre, the Negotiating Council passed a resolution instructing the technical committee on constitutional affairs to draft a transitional, or interim, constitution. This was a compromise position between the government and the ANC’s main position regarding a one- or a two-phase transition and a constitution for a future political dispensation (Sarakinsky, 1995:82-90).

In order to accommodate the concerns of minority parties that a two-phase transition would jeopardise their interests, the Negotiating Council approved on 1 July 1993, a set of thirty-four constitutional principles on which a final constitution was to be based. These principles were fully entrenched, thus they could not be amended or repealed (Kotze, 1996:38; Van Tonder, 1996:16-20; Du Pisani, 1994:50; Race Relations Survey 1993/1994:765-769). Thus, the authors of the final constitution in an elected constituent assembly were bound by these principles and a constitutional court had to certify the compliance of the final constitution with these principles (Kotze, 1996:38).

Kotze (1996:39-40) groups the content of these principles into the following five categories:

- The transition period. Provision is made for an entrenched national executive. Unless a vote of no confidence in the cabinet was passed, no further national elections would be held before 30 April 1999 and the transitional constitution would apply until that date.
- The position of the constitution. It confirmed the constitution as the supreme law of

the land. This entails the establishment of constitutional sovereignty. Amendments to the constitution would require special procedures and special majorities.

- Fundamental rights. The interim constitution introduced a bill of rights and a number of constitutional principles entrenched, for example racial and gender equality, freedoms and civil liberties, as well as equality of all before the law. Diversity of culture, religion and language are also acknowledged and protected. Collective rights of self-determination would be acknowledged and protected. Fair labour practises would be protected.
- Democratic principles. These, inter alia, made provision for a democratic and representative system of government on the national, provincial and local levels.
- The form of state and government. The principles provided for one sovereign state in South Africa, a common South African citizenship and national unity. Legislative, executive and judicial powers would be separated - the judiciary would be independent - with the necessary checks and balances to prevent the abuse of power. The powers of the national and provincial governments would be defined and entrenched in the constitution according to specified criteria. A framework for local government powers would also be set out in the constitution. Traditional leadership and indigenous law would be accommodated. State revenue would be equitably distributed among the different levels of government. Furthermore, the public service would be non-partisan and broadly representative of the South African community. The security forces would be utilised in the national interest and would not be allowed to get involved in party politics. (Race Relations Survey 1993/1994:765-769).

The constitutional principles embodied the bridge, or compromise, between a one-phase versus a two-phase transition - this divide was one of the reasons for the collapse of CODESA - "it was a creative solution to what was initially an intractable problem" (Sarakinsky, 1995:80-81).

DATE FOR INCLUSIVE ELECTIONS

Following the approval of the constitutional principles, the Negotiating Forum adopted on 2 July 1993 a recommendation by the Negotiating Council that an election for a transitional parliament be held on 27 April 1994. The transitional parliament would also be a constitution-making body responsible for drafting a “final” constitution, but subject to the abovementioned principles. However, before such an election could be held, a transitional constitution would have to be finalised, as well as a number of other issues settled (Race Relations Survey, 1993/1994:548).

COSAG argued against the adoption of the election date, because before an election could be held, there should first be agreement on the constitution. The PAC, though it did not have a problem with the date, it also objected because it wanted the resolution to stipulate explicitly that the election would be for a constituent assembly (Race Relations Survey, 1993/1994:548).

Despite the opposition of seven of the twenty-six participants, the chair ruled that sufficient consensus existed for the adoption of the election date.⁴⁶ In protest, the delegations of the CP, and the governments of KwaZulu, Bophuthatswana and Ciskei claimed that the ANC and the government had manipulated the talks and that Mandela and De Klerk had agreed to the election date secretly. They subsequently walked out of the negotiating chamber (Du Pisani, 1994:51).⁴⁷ However, the withdrawal of some delegations did not stop the negotiating process. The Negotiating Council continued with its work (Du Pisani, 1994:52).

The announcement of the election date saw an escalation in violence and in the four days that followed, 130 died in violence between the IFP and the ANC (Sisk, 1995:232). This was followed by a threat of secession by the Zulu-monarch and a warning by the CP that South Africa could turn into another Bosnia. There was also an upsurge of violent attacks by the PAC and its military wing (Sisk, 1995:232).

⁴⁶This led to the IFP’s challenge in court of the principle of sufficient consensus (Race Relations Survey, 1993/1994:549).

⁴⁷COSAG continued to exist despite the fact that from time to time some of its members found themselves outside and others inside the Negotiating Council. Through ongoing bilateral talks with members of COSAG that were dissatisfied, both the government and the ANC attempted to re-include them through bilateral negotiations (Sarakinsky, 1995:81).

The finalisation of the election date gave both direction and urgency to the negotiation process. After all, before an election could take place, several outstanding issues had to be dealt with satisfactorily. However, this would also be a major criticism against the workings of the MPNP, for this created the context for hasty compromises and rushing decisions through. The government in particular often gave in to deadlines in order not to lose face (see Waldmeir, 1997:228-234).

REGIONS WITHIN SOUTH AFRICA

The boundaries, functions and powers of the regions in a future South Africa was one of the contentious issues to be addressed before elections could take place. This was not only required to determine the nature and powers of the regions, but also for electoral purposes. There were already calls for two ballot papers - one for national elections and another for regional elections.

Already, steps were taken towards the reincorporation of the non-independent homelands. The six non-independent homelands and the four provinces had agreed in February 1993 on the amalgamation of their administrations and two acts, gazetted in July 1993, were particularly important in providing for the joint administration of the homelands and the adjoining provinces (Race Relations Survey 1993/1994:503-504).⁴⁸ However, there were differences among the stakeholders on how South Africa should be divided into regions.

The Commission on the Demarcation/Delimitation of States/Provinces/Regions, tabled its first report in the Negotiating Council in August 1993.⁴⁹ It recommended a division into nine regions, namely the Eastern Cape/Kei, the Eastern Transvaal, KwaZulu/Natal, Northern Cape, Northern Transvaal, the Northwest Province, Orange Free State, Pretoria/Witwatersrand/Vereeniging (PWV) and the Western Cape. Although there was remarkable agreement, there was not consensus on the report. One member of the commission was concerned that there was insufficient consultation at grassroots level while another was of

⁴⁸The Joint Administration of Certain Matters Act No. 99 of 1993 and the Revocation and Assignment of Powers of Self-governing Territories Act No. 107 of 1993,

⁴⁹The report stated that the most important concerns pertaining to the demarcation of regions were the promotion of a democratic culture by bringing the government closer to the people, the creation of an environment conducive to economic development and nation-building through the acknowledgement of diversity and the reduction of conflict (Du Pisani, 1994:53).

the opinion that the issue of a Volkstaat should also be addressed. The Negotiating Council mandated the commission to consult further with interested parties and to submit another report with further recommendations. The commission had to bear in mind the abovementioned constitutional principles, as well as oral and written submissions by interest groups and the public (Race Relations Survey, 1993/1994:545-546).

A final report was accepted and the interim constitution subsequently made provision for nine provinces as proposed above and a schedule to the constitution defined the boundaries of each (Race Relations Survey, 1993/1994:553).⁵⁰

THE TRANSITIONAL PERIOD AND THE TRANSITIONAL EXECUTIVE COUNCIL

During August and September 1993, the Negotiating Council approved a package of legislation for the transitional period. These bills were enacted by the existing parliament⁵¹ in September 1993 as the Independent Media Commission Act No. 148 of 1993, the Independent Electoral Commission Act No. 150 of 1993, the Independent Broadcasting Authority Act No. 153 of 1993 and the Transitional Executive Council Act No. 151 of 1993 (Race Relations Survey, 1993/1994:497-498). These acts were aimed at giving statutory status to power-sharing in the interim period before the elections set for April 1994.

The Independent Media Act⁵² provided for the establishment of an Independent Media Commission (IMC). Its purpose was to promote and create a climate favourable to political participation and free and fair elections by ensuring the equal treatment of all political parties by the broadcasting services and that state financed publications would not favour any political party (Race Relations Survey, 1993/1994:510).

The Independent Electoral Commission Act established the Independent Electoral Commission (IEC), which was to ensure free and fair elections for a transitional government. A sub-council, the Election Administration Directorate was charged with arranging and overseeing the elections, provision of voter education and enforcing the electoral code of conduct

⁵⁰Eastern Cape/Kei was to be Eastern Cape.

⁵¹Note, however, that the President's Council was dissolved on 17 June 1993 (Race Relations Survey, 1993/1994:497).

⁵²The CP voted against the bill in Parliament for it believed that it would provide control of the media by the ANC (Race Relations Survey, 1993/1994:510).

(Race Relations Survey, 1993/1994:511).

The Independent Broadcasting Authority Act, established the Independent Broadcasting Authority (IBA), was tasked with the regulating of broadcasting in the public interest (Race Relations Survey, 1993/1994:512).

The purpose of the Transitional Executive Council Act (TEC)⁵³ was to “facilitate, in conjunction with all legislative and governmental structures at national, regional and local levels the transition to and preparation for the implementation of a democratic order in South Africa” (Race Relations Survey, 1993/1994:504). This was for the interim period until free and fair elections were held. Each negotiating party, which renounced violence and undertook in writing to be bound by TEC decisions would be entitled to one representative on the council. The TEC could include additional members from parties not involved in the negotiations and from the administrations and political parties in the independent homelands (Du Pisani, 1994:57-58). In the latter case subject to appropriate legislation in the independent states (Race Relations Survey, 1993/1994:505). The legislation pertaining to the TEC, was to apply to South Africa and the non-independent homelands (Du Pisani, 1994:58).

It was a statutory body with powers to keep the present and still ruling NP-government in legal check, and was intended to level the playing field in the run-up to the elections, by ensuring an environment conducive to free and fair elections. On 26 November 1993, State President de Klerk signed a proclamation establishing the TEC and its first meeting was held on 8 December 1993. Sixteen delegates attended, but the PAC, the AVF and the FA did not participate (Du Pisani, 1994:67).⁵⁴

The TEC would have several sub-councils. The following are important (Du Pisani, 1994:57-58; Race Relations Survey, 1993/1994:505-508):

⁵³The USA responded favourably to the passing of the act by lifting government sanctions against South Africa (Race Relations Survey, 1993/1994:510).

⁵⁴When the TEC Bill was tabled in Parliament in September 1993, the CP and the IFP opposed it. The CP leader, Dr Ferdi Hartzenberg, viewed the legislation as the judicial transfer of power to the ANC/SACP alliance. His party favoured elections among Afrikaners only and a separate government for Afrikaners. The CP registered its disapproval of the bill by walking out of Parliament and giving notice that it would not participate in proceedings for the rest of the parliamentary session (Du Pisani, 1994:60). Other COSAG members also rejected the legislation. There were threats of a possible civil war in right-wing ranks (Du Pisani, 1994:61). The Bophuthatswana administration said that it was not bound by the act (Du Pisani, 1994:61).

- A sub-council on regional and local government and traditional authorities would monitor and direct all developments pertaining to these authorities.
- A sub-council on law and order, stability and security would control policing. It had to draw up and enforce a code of conduct applicable to policing agencies. It also had to investigate all aspects of policing and complaints of police misconduct and evaluate steps to prevent political violence.
- Military affairs were to be regulated by a sub-council on defence. It was tasked to monitor the activities of any military force likely to have an adverse effect on the object of the TEC. A national peacekeeping force, composed of members of all military forces in South Africa, was to be established.
- A finance sub-council would have to monitor economic policy objectives and targets for the 1994/1995 fiscal year and would have to be consulted on all budgetary affairs. This sub-council would be empowered to initiate disciplinary investigations into the conduct of public servants.
- An intelligence sub-council would constitute a joint coordinating intelligence committee to monitor and regulate intelligence matters.
- A sub-council on foreign affairs would make recommendations on foreign policy. Its objectives would be to achieve consensus on foreign policy, to promote international relations and to secure international assistance and contributions to the peaceful transition to democracy in South Africa.
- A sub-council on the status of women would ensure the full participation of women in the transitional phase.

The TEC was to be provided by copies of all proposed legislation and if it was of the opinion that any legislation could have a negative effect on the transition, request that it not be implemented (Race Relations Survey, 1993/1994:508). Decisions of the TEC were to be based on consensus, but in the absence of consensus the agreement of seventy-five per cent of the members were sufficient for a decision. In the case of the other sub-councils, a two-thirds majority was deemed sufficient (Race Relations Survey, 1993/1994:508).

The establishment of the TEC signalled the loosening of the NP-government's grip on political power. Although the TEC was not an alternative government, it was perceived as signalling the dawn of a new dispensation - "from this point onwards, the NP lost its sole authority as the governing party" (Ebrahim, 1998:162).

Unfortunately, its rejection by several parties, such as the CP, IFP, PAC and the AVF, indicated that South Africa had not yet solved all concerns pertaining to a future political dispensation. The AVF and CP rejected the TEC and said that it would establish its own transitional government to protect Afrikaner interests. After bilateral talks between the AVF and the ANC, an agreement was drawn up, which provided for a joint working group to investigate the feasibility of an Afrikaner volkstaat.

THE INTERIM CONSTITUTION

As mentioned the technical committee was instructed to draft an interim constitution, which would make provision for (Race Relations Survey, 1993/1994:548):

- The election of a constitution-making body, a legislature and a government for the transitional phase and which would include national and regional components.
- The election of regional legislatures and the establishment of regional governments for the transition period;
- The definition of the powers, functions and structures of regions for the transitional period;
- The definition of fundamental human rights during the transition period; and
- The establishment of a constitutional court or tribunal to ensure the justiciability of the constitutional principles, fundamental rights and the constitution itself.

During the final weeks, the discussions in the Negotiating Council developed into a race to finalise the constitutional package in time for ratification by the plenary session before the start of the parliamentary session. The decision-making style at these marathon sessions

of the Negotiating Council and its technical committees was often referred to as “consensus by exhaustion” (Du Pisani, 1994:63; Ebrahim, 1997:168)

On 17 November 1993, the plenary session of the multi-party negotiations began in order to approve the transitional package negotiated over a period of eight months and after almost two years of formal negotiations. The plenary session continued past midnight and endorsed (without the presence of the FA) the complete transitional package, including the four acts passed by Parliament in September and the draft transitional constitution, as well as other agreements made in the Negotiating Council and the Negotiating Forum. The plenary session mandated the Negotiating Council to make technical amendments to the transitional legislation, to resolve outstanding issues in the interim constitution, to complete the work of the multi-party negotiating process and to establish the TEC as its own successor (Du Pisani, 1994:64-65; Ebrahim, 1997:171-172). The adoption of the transitional package was hailed both nationally and internationally as a milestone on the way to democracy in South Africa.

The final interim constitution, which was passed in Parliament on 22 December 1993, by 273 votes to 45, as the Constitution of the Republic of South Africa, Act No. 200 of 1993, was the product of a complex and extensive negotiation process. Several drafts were tabled in the Negotiating Council. The first, as part of a progress report, was tabled on 23 July 1993, while the final text was produced on 18 November 1993 (Van Tonder, 1996:12; Du Pisani, 1994:56; Ebrahim, 1998:170; Race Relations Survey, 1993/1994:551-560; Wessels, 1994:141).⁵⁵ The result was a cumbersome constitutional document that miraculously satisfied each of the main parties at the MPNP (Sarakinsky, 1995:84). The inability of the main parties to reach a settlement with the FA delayed the enactment of the interim constitution and during its submission in Parliament the CP and the IFP voted against it (Du Pisani, 1994:68).

The TEC decided to extend the deadline for amendments to the constitution to 24 January 1994 in order to leave the door open for the FA to join the political process. Apart from the TEC the other transitional structures also came into operation. Thus, by the end of 1993 the bulk of the negotiating process to create a new non-racial democratic political

⁵⁵It was promulgated in the Government Gazette No. 15466 of 28 January, 1994 (Wessels, 1994:141).

dispensation in South Africa had been completed (Du Pisani, 1994:68).

The following are important stipulations and provisions of the constitution as approved by Parliament (Act 200 of 1993).

- The constitution defines the Republic of South Africa as one sovereign state. It furthermore made provision for national symbols, eleven official languages, and for the constitution as the supreme law of the Republic.
- The rights and duties of citizens are spelt out and the voting age is set at eighteen years and older.
- A wide range of fundamental rights is dealt with. The principle of equality is of particular importance and provides protection against discrimination. However, it made provision for affirmative action in order to address historic disadvantages.
- Provision is made for a bicameral parliament as the legislative authority, and it would consist of the National Assembly (lower house) and the Senate (upper house). The National Assembly would consist of 400 members elected by voters in accordance with the system of proportional representation as provided for in the Electoral Act No. 202 of 1993. It furthermore specified the criteria for membership of Parliament. The Senate would be composed of ten senators for each province, nominated by the parties represented in a provincial legislature within ten days of the first sitting of such legislature after an election of a provincial legislature, or an election of the National Assembly. Furthermore, each party represented in a provincial legislature shall be entitled to nominate a senator or senators for the relevant province in accordance with the principle of proportional representation. Provision was also made for joint sittings of the National Assembly and the Senate and the President of the Republic may request, by a message to the Speaker and the President of the Senate, that a joint sitting of the National Assembly and the Senate be convened.
- It was specified that the National Assembly and the Senate, sitting jointly for the purposes of drafting a new constitution, would be the Constitutional Assembly. It was further specified that the text of the new constitution should comply with the constitu-

tional principles contained in Schedule 4 of the constitution (as discussed above); and the text of the new constitution should be passed by the Constitutional Assembly in accordance with specified rules and procedures within two years of its first sitting. A two-thirds majority would apply. It was also specified that the new constitutional text passed by the Constitutional Assembly, or any provision thereof, shall not be of any force and effect unless the Constitutional Court has certified that all the provisions of such text comply with the said constitutional principles. Furthermore, the decision of the Constitutional Court shall be final and binding, and no court of law shall have jurisdiction to enquire into or pronounce upon the validity of such text or any provision thereof. During the proceedings of the Constitutional Assembly, the Constitutional Court may be approached for an opinion.

- Provision is made for an executive president indirectly elected by a majority vote in the National Assembly; or the National Assembly and the Senate shall thereafter, as often as it becomes necessary to elect a President, elect at a joint sitting one of the members of the National Assembly as the President. Provision is also made for Executive Deputy Presidents and each party that holds at least eighty seats in the National Assembly shall be entitled to designate an Executive Deputy President from among the members of the National Assembly. If no party, or only one party hold eighty or more seats in the National Assembly, the party holding the largest number of seats and the party holding the second largest number of seats shall each be entitled to designate one Executive Deputy President from among the members of the National Assembly. The Cabinet shall consist of the President, the Executive Deputy Presidents and not more than twenty-seven Ministers who are members of Parliament. Not more than one Minister who is not a member of Parliament can be appointed in consultation with the Executive Deputy Presidents and the leaders of the participating parties. Furthermore, a party holding at least twenty seats in the National Assembly and which has decided to participate in the government of national unity, shall be entitled to be allocated proportionally one or more of the Cabinet portfolios. Provision is also made for Deputy Ministers on a similar basis.

- Provision is made for an independent judiciary and the Constitutional Court and its jurisdiction, as well as the appointment of judges to the court.
- Provision is also made for the public protector, human rights commission, commission on gender issues and the restitution of land rights.
- The constitution makes provision for the abovementioned nine provinces, each with its own legislative authority, premier, executive council and constitution. The size of each legislature would vary with not less than thirty and not more than one hundred members. The provincial premiers will be appointed by the provincial legislature from its own ranks. Furthermore, a party holding at least ten per cent of the seats in a provincial legislature and which has decided to participate in the Executive Council, shall be entitled to be allocated one or more of the Executive Council portfolios on a proportional basis. Provisions are also made for the finances of provinces. Each province should also adopt its own constitution.
- Provision is also made for an elaborate system of local government.
- Chapter eleven of the constitution makes provision for the role of traditional leaders and each province in which there are traditional authorities and communities, shall establish a House of Traditional Leaders consisting of representatives elected or nominated by such authorities in the province. Provision is also made for a Council of Traditional Leaders. The same chapter also makes provision for a Volkstaat Council consisting of twenty members elected by members of Parliament who support the establishment of a Volkstaat for those who want it. The Council will be a constitutional mechanism to enable proponents of the idea of a Volkstaat to pursue constitutionally the establishment of such a Volkstaat.
- Provision is also made for the finance, the public service and provincial public services, police service and the establishment of a National Defence Force.
- Chapter fifteen of the constitution deals with general and transitional arrangements which provides for the continuation and repeal of laws and the rationalisation of the public service as well as a quest for national unity.

There are several characteristics to the interim constitution. Firstly, it entrenched the principle of constitutional instead of parliamentary sovereignty, as was the case with the previous constitutions in South Africa (Sarakinsky, 1995:84). Secondly, it complied with the idea that a constitutional state was only possible if there was a clear separation of powers between the executive, legislature and judiciary (Sarakinsky, 1995:84). Thirdly, power-sharing was made possible by the government of national unity as provided for by the principle of “proportionality” in the various executives.⁵⁶ Some were of the opinion that this was an attempt to make provision for the NP leader, FW de Klerk, to hold a high-profile position as it was estimated by numerous opinion polls prior to the election that the NP would win around twenty per cent of the vote (Sarakinsky, 1995:84). Providing for the old in the new, had the added advantage of securing continuity in the administration of South Africa. However, the ANC accepted the parameters of multi-party rule, but rejected provisions that might allow smaller parties to obstruct the majority party from implementing its policies (Sarakinsky, 1995:86).

Fourthly, the ANC made significant compromises to address the concerns of minorities (contrary to IFP claims). As a result, elected provincial governments were created with wide-ranging powers in specified areas, limited by the constraint of the national legislature that had concurrent powers regarding certain matters (Sarakinsky, 1995:85). Provincial interests were also protected in the Senate. The Council of Traditional Leaders, as well as the Volkstaat Council, was of additional importance in this regard. Thus, to the ANC the constitution was less unitary than it would have liked, while to others it was less federal than what they would have liked. This is clearly an indication of the nature of compromises that were made during negotiations. However, the controversy over provincial powers led to the IFP walking out of the MPNP even though it is an area of ambiguity in most federal constitutions walking (Sarakinsky, 1995:85). International mediation, however, managed to secure the IFP’s participation in the elections at the very last moment.

⁵⁶The PAC opposed the idea of power-sharing. This would however, be the situation until 1999.

EVALUATION OF THE MULTI-PARTY NEGOTIATION PROCESS

The legitimacy of the negotiating process was beyond doubt. It was accepted internationally, it was backed by the media and it had the support of the majority of all South Africans. According to estimates, the participating parties in the multi-party negotiations represented more than eighty per cent of the electorate. These estimates were borne out by the election results. Therefore, the negotiating process can be regarded as inclusive (Du Pisani, 1994:69). It was also for all practical purposes an indigenous process, which led to an indigenous constitution and set of transitional arrangements.

However, some criticism was levelled against the nature and outcomes of the negotiating process. Firstly, the whole process was dominated from start to finish by the NP and the ANC, thus making it a two-party affair in which crucial decisions depended on secret deals struck between a party with state power and one enjoying the legitimacy of mass support (Du Pisani, 1994:68). The government and the ANC were often locked in intensive bilateral talks to thrash out unresolved matters such as official languages, local and regional government, a future police force, the integration of the defence force, the constitutional court, the protection of property rights, the right of employers to lock out striking workers, deadlock-breaking mechanisms in the constitution-making process and executive decision-making (Du Pisani, 1994:63). The ruling NP was, in fact, negotiating the conditions of its surrender to its successor. The smaller parties' primary role, with some exceptions, was limited to giving the process legitimacy (Du Pisani, 1994:68).

Secondly, instrumental in the two-party affair, was the principle of "sufficient consensus". Some of the important deals on the interim constitution were reached by means of sufficient consensus or simply pushed through the Negotiating Council (Sarakinsky, 1995:86). One example of this occurred when the issue of the powers and functions of central and regional government were debated. The ANC/government deal on these matters was introduced minutes before the scheduled dinner break and the document was passed by sufficient consensus just before the MPNP adjourned (Sarakinsky, 1995:86).

Thirdly, although progress was necessary, feelings by "lesser parties" of having been marginalised, lingered on and could have had dire consequences for the rest of the transition.

However, some of these demands were irreconcilable and a strategy for progress thus often made it necessary to by-pass opposing views.

Fourthly, the process was basically elitist and undemocratic. Criticism came from radical quarters regarding the fact that the general population of South Africa had elected none of the delegates at the negotiations. Therefore, it was not a democratic expression of the will of the people. However, given the deep divisions in the South African society, an amicable settlement at grass roots level was impossible (Du Pisani, 1994:69). The two-phase transition strategy addressed some of these issues in the sense that the Constitutional Assembly responsible for the final constitution was an elected body.

Fifthly, it was claimed that the negotiating process was not transparent enough. Major decisions were made behind closed doors without the opportunity for wide-ranging public debate (Du Pisani, 1994:69). In essence, most agreements were, as said, forged through confidential bilateral meetings between the ANC and the NP government, although smaller parties clarified some of the details, for example in the case on the procedure for appointing the Constitutional Court, the DP ensured that a Judicial Commission in addition to the majority party would veto candidates (Sarakinsky, 1995:86). Observers were, however, of the opinion that the process had been more transparent than other negotiations under comparable circumstances (Du Pisani, 1994:69).

Sixthly, criticism against the negotiating process was that in the end it was concluded in an unseemly rush to meet deadlines and later “consensus through exhaustion” (Du Pisani, 1994:63). The result was an untidy, inelegant and flawed transitional package. In the light of the ongoing violence and the impatience of the black majority this was, however, unavoidable (Du Pisani, 1994:69-70). Again, the two-phase strategy, provided opportunities for addressing some of the most serious concerns.

Seventhly, although the ANC and the South African government produced a constitutional deal that guaranteed minority protection through constitutional rule, a multi-party cabinet and the offices of deputy presidents, there were no agreements on the procedures that would govern the interactions of the parties and individuals who held these positions (Sarakinsky, 1995:86).

Eighthly, although the interim constitution declared that the cabinet strove for consensus, no conditions were stipulated to institutionalise this consensus. As a result, the conventions that developed at the MPNP, coupled with the experience of the statutory provisions in the TEC would allow cabinet members to settle matters of disagreement through conventions and informal and personal relationships (Sarakinsky, 1995:86).

6.4 THE TRANSITION AND THE OUTCOME OF THE 1994-ELECTIONS

As mentioned transitions to democratic rule usually take place with the event of the first free, fair and competitive elections. Thus, the period being researched in this study, ends with the first democratic elections and the inauguration of a new set of incumbents and the activation of the new democratic institutions. It is therefore necessary to have a look at this final stage of the transition process in South Africa.

The time that lapsed after the approval of the transition package and the elections, was taken up by last attempts to involve the FA, particularly the IFP, and on election campaigns (Ebrahim, 1997:175-176). Amendments were made to enhance the powers of the provinces and the Electoral Act was amended to extend the deadline for the registration of political parties. After successful mediation, the IFP decided to participate in the elections but the CP did not. It was left to the newly founded Freedom Front to represent the interests of the more conservative and traditional Afrikaners (Ebrahim, 1997:175-176).

The interim Constitution came into force on 27 April 1994 with voting taking place as scheduled. However, a number of logistical difficulties (which were compounded by the IFP's late decision to contest the elections) and a shortage of voting materials were reported, and widespread delays occurred. An estimated 22.7 million voters had the opportunity to participate in the country's first-ever open and free election. The electoral system that applied was proportional representation with party-lists. On 28 April, voting was extended by one day in KwaZulu/Natal and other regions affected by administrative problems. There were reports of electoral malpractice, which were apparently due to the organisational difficulties. Nevertheless, the IEC declared that the elections were free and fair (Europa, 1998:3067).

The official election results was delayed, owing, in part to disputed ballots in KwaZulu/Natal, which necessitated negotiations between the IFP and the ANC. De Klerk conceded defeat, on 2 May, after partial results indicated a substantial majority in favour of the ANC. Shortly afterwards it was announced that the ANC had secured a majority of votes. The National Assembly elected on 9 May 1994, Mr Nelson Mandela as President and he was inaugurated on 10 May in a ceremony attended by several foreign dignitaries.

ELECTION RESULTS: PARLIAMENT

Table 6.1 provide a summary of the election results per party for both the National Assembly and the Senate.

TABLE 6.1: Election Results National Assembly and Senate

Party	Votes in Million	Percentage	Seats National Assembly	Seats Senate
ANC	122,376	62.6	252	60
NP	39,837	20.4	82	17
IFP	20,583	10.5	43	5
FF	424 600	2.2	9	5
DP	338 400	1.7	7	3
PAC	243 500	1.3	5	-
ACDP	88 100	0.5	2	-
Remaining 12	169 300	0.7	-	-
Spoilt papers	147 800	0.7	-	-
TOTAL	196,814	100	400	90

Note. Totals not exact due to rounding off.

Source: Faure, 1996:95.

RESULTS FOR THE NATIONAL ASSEMBLY

The National Assembly consisted of four hundred members, of which two hundred were elected from a national list and two hundred from provincial lists by a system of proportional representation. Each party thus had a number of seats based on the share of the votes gained by that party in the elections.

Table 6.1 shows that the three largest parties netted more than ninety per cent of the votes cast for the National Assembly. The ANC thus obtained 62.6 percent of the votes

cast and 252 seats in the National Assembly and consequently, the ANC failed to obtain a parliamentary majority of two-thirds, which, under the terms of the interim constitution, would have allowed the ANC to draft and adopt the new constitution without consulting other parties.

The Chief Justice swore in the members of the National Assembly on Monday 9 May at the Houses of Parliament in Cape Town (Kotze H, 1996:254). A significant number of seats were filled by women.⁵⁷ There were 101 women out of 400 in the National Assembly, particularly among ANC members. Dr Frene Ginwala, of the ANC (a woman) became the Speaker of the National Assembly. Seventy-nine per cent of the members were new to Parliament and this provides an indication of the challenges that transitions bring with them (see Kotze H, 1996:255). It is not clear how representative the members of the National Assembly were of the general population. This is particularly a problem that is encountered with party lists where there often is little contact between the representatives and the electorate.

THE SENATE

The Senate consisted of ninety members, that is, ten senators for each of the nine provinces, irrespective of differences in population, size and economic power. Thus, there is over representation in the Senate of provinces with smaller populations, but the equal representation of provinces in the Senate supposedly reflects a feature that is typical of federal arrangements (Faure, 1996:96).

Each provincial legislature elected senators in proportion to the party's support in that province. The ANC again obtained a majority with sixty out of the ninety seats. Chief Justice Corbet swore in the senators, of which sixteen were women, on 20 May 1994 in Cape Town (Kotze, 1996:258).

Kobie Coetzee of the NP and a former Minister of Justice, was the presiding officer (president) of the Senate and he was assisted by the deputy president of the Senate, Govan

⁵⁷These figures placed South Africa seventh on the list of representativeness of women in Parliament - exceptional in developing states (Davis, 1995:17 in Kotze H, 1996:255). It was the determination of the ANC Women's League, which had more than 700 branches countrywide, to fill at least one-third of the ANC election list with women that was to a large extent responsible for this high percentage of women in Parliament (Kotze and Greyling, 1994:82-83; in Kotze H, 1996:255).

Mbeki of the ANC. The members of Senate elected both officials unopposed, because the two strongest parties, the ANC and the NP, concluded agreements in advance on the election of office-bearers - this was also the case with the officials in the National Assembly (Kotze H, 1996:258).

THE EXECUTIVE

President Nelson Mandela's first cabinet put the principle of power-sharing enunciated by South Africa's interim Constitution into practice, namely the Government of National Unity (GNU). The cabinet included ministers from three parties, namely the ANC, the NP and IFP in accordance with the provisions of the interim Constitution, which entitled any party with twenty or more of the four hundred seats in the National Assembly to a proportional representation in the cabinet (Reynolds, 1999:3-4). A Cabinet of National Unity, comprising eighteen representatives of the ANC, six of the NP and three of the IFP, was subsequently formed (Kotze, 1995:262).

Three of the twenty-seven ministers were women. Joe Slovo was appointed Minister of Housing and Welfare, while a former Commander of the MK, Joe Modise, became Minister of Defence (Europa, 2000:1002). The NP retained a number of portfolios, including that of finance. Despite speculation that he would refuse a cabinet post, Buthelezi accepted the portfolio of home affairs. The appointment of Winnie Mandela as a deputy minister was widely interpreted as an attempt to prevent her from criticising the new administration (Europa, 1998:3067).

In addition, the interim constitution also permitted the President to appoint one minister from outside the membership of the National Assembly. As a gesture to the markets, and to instill economic confidence generally, the ANC agreed to the appointment of Derek Keyes, who stepped aside not long afterwards to allow another banker, Chris Liebenberg, to take over in October 1994⁵⁸ (Reynolds, 1999:4).

The NP, which secured a majority in the province of Western Cape, received the stipu-

⁵⁸It was only in the cabinet reshuffle that followed the departure of the NP from the GNU in May 1996, that an elected politician took control of the country's financial management, namely ANC Minister Trevor Manuel (Reynolds, 1999:4).

lated percentage of the national vote entitling it to nominate a Deputy President. Mandela subsequently appointed a senior official of the ANC, Thabo Mbeki, as the First Deputy President, while De Klerk, as expected, was nominated as the Second Deputy President (Europa, 1998:3067).

The GNU did not survive five years. In May 1996 De Klerk told a packed Good Hope Chamber press conference at parliament that he was taking the NP out of cabinet. It was clear that the NP, used to wielding power for almost five decades, found it difficult to make a transition to being minors in the executive. De Klerk had found this hardest of all, he was still in cabinet, but no longer in power. It was not a unanimous decision because many NP leaders would have preferred to remain in power, despite the difficulties that this presented as far as electoral strategy was concerned (Reynolds, 1999:6).

Meanwhile, the IFP not only remained a part of the GNU but also played its part in the growing sense of rapprochement between the two parties which shared such a bitter contested past, especially in KwaZulu-Natal. This co-operation outlived the interim Constitution, after the 1999 election, in the newly formed Mbeki government the IFP retained its three cabinet seats even though the final constitution brought an end to the power-sharing requirement (Reynolds, 1999:6).

CONSTITUTIONAL ASSEMBLY

The National Assembly and the Senate jointly constituted the Constitutional Assembly. The ANC consequently held a slightly higher majority in the Constitutional Assembly (312 out of 490) than in the National Assembly, but failed, nevertheless, to obtain a majority of two-thirds. The Secretary-General of the ANC and chief negotiators during CODESA and the MPNP, Cyril Ramaphosa, was subsequently elected chair of the Constitutional Assembly (Europa, 1998:3067).

In drafting the constitution the Constitutional Assembly had to take note of the constitutional principles and other stipulations in the interim constitution, thus it was tasked to produce a constitution that would be both legitimate and enduring (Ebrahim, 1997:177). Thus, it would function under different conditions than the MPNP.

Negotiations within the Constitutional Assembly intensified in late April 1996, prior to the adoption of the new Constitution in early May. There were major disagreements between the ANC and the NP in the areas of labour relations, because of the NP's wish to enshrine the right of employers to exclude striking workers from their premises. There were also differences with regard to language and education because the NP advocated that Afrikaans should be protected as a principal language used in some schools and universities. Property rights, cultural rights and self-determination were further issues. At the end of April, COSATU organised a general strike to demonstrate its opposition to any ANC compromise on these issues (Ebrahim, 1997:203-212). The IFP, in turn, argued for a greater role for traditional leaders in regional and local government than the other parties would accept (Europa, 2000:1004).

On 8 May 1996, Parliament approved the final version of the Constitution, with the NP voting in favour in spite of its reservations over some provisions, including those on labour relations, which omitted the clause permitting employers to exclude striking workers from their premises. It was reported that the NP decided to endorse the constitution's adoption in order to avoid a referendum in which a version of the constitution excluding concessions made by the ANC might have been presented to the electorate (Europa, 2000:1004).

The new constitution incorporated an extensive Bill of Rights and provided for the establishment of a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, which was in part intended to guarantee the rights of the white minority. A National Council of Provinces was to replace the existing Senate, and was designed to increase the influence of the provinces on the policy of the central government, but it still fell short of the provincial powers demanded by the IFP (Reynolds, 1999:8-9).

On 6 September 1996, the Constitutional Court ruled that the new constitution, which had been approved in May, failed to comply with the constitutional principles entrenched in the interim constitution in eight respects, notably with regard to the powers of the provinces, which the Court deemed insufficient (Ebrahim, 1997:225, 229). The Constitutional Assembly was to amend the document accordingly within a period of ninety days.⁵⁹

⁵⁹In a separate ruling, the Court rejected an alternative constitution that had been drafted by Buthelezi,

The amended Constitution was approved by both chambers of Parliament on 11 October, with the ANC and the NP having negotiated a slight increase in the powers of the provinces. The new Constitution was returned to the Constitutional Court for final endorsement, and was promulgated by the President at a ceremony in Sharpeville on 10 December 1996 (Ebrahim, 1997:236).

The adoption of the final constitution was significant in the sense that it signalled the continuation of the democratic principles negotiated and adopted as a pact at the MPNP. However, it did not yet imply the end of the transitional period. Nevertheless, this was a milestone in the democratisation of South Africa.

PROVINCIAL ELECTION RESULTS

Table 6.2 provides an indication of the electoral support of the first four parties in each of the provinces.

TABLE 6.2: First Four Parties per Province

Province	Parties and Ballot Percentage			
	1	2	3	4
Western Cape	NP (53.2)	ANC (33.0)	DP(6.6)	FF (2.1)
Eastern Cape	ANC (84.8)	NP (9.8)	DP(2.1)	PAC(2.0)
Northern Cape	ANC (49.7)	NP (40.5)	FF(6.0)	DP (1.9)
KwaZulu-Natal	IFP (50.3)	ANC(32.2)	NP(11.2)	DP (2.2)
Orange Free State	ANC (76.6)	NP (12.6)	FF(6.0)	PAC(1.8)
North West	ANC (83.3)	NP (8.8)	FF(4.6)	PAC(1.7)
Northern Transvaal	ANC (91.6)	NP (3.3)	FF(2.1)	PAC(1.3)
Eastern Transvaal	ANC (80.7)	NP(9.0)	FF(5.7)	PAC(1.6)
Gauteng	ANC (57.6)	NP(23.8)	FF(6.2)	DP (5.3)

Source: Faure, 1996:96

The ANC had the majority support in all the provinces except for the Western Cape and KwaZulu-Natal. In the latter, there was a dispute with regard to the results, but it was finally agreed that the IFP would be allocated 50.3% of the vote in the province, thereby allowing it a majority of one seat in the regional legislature (Europa, 1998:3067).

stating that the proposed constitution attempted to encroach on the powers of national government (Ingram, 1996:410).

There was a measure of over representation in the sparsely populated provinces, particularly the Northern Cape, where the minimum size of provincial legislatures is set at thirty members (Faure, 1996:96).

An interesting point that is reflected by Table 6.3, is the measure of differentiation in the ballot for the national and the provincial levels. Larger parties drew more votes at the central level, while smaller parties drew significantly more votes at the regional level.

TABLE 6.3: National versus Provincial Votes

Party	National Totals	Provincial Totals	Difference
ANC	12,237,655	12,137,307	-100,348
NP	3,983,690	3,492,467	-491,223
IFP	2,058,294	2,047,083	-11,211
FF	424,555	639,643	215,088
DP	338,426	386,55	200,229

Source: Faure, 1996:96.

At a provincial level, the principle of GNU was sometimes extended further, with some premiers offering posts to members of parties that did not get even the minimum portion of votes.

INTERPRETATION OF ELECTION RESULTS

A more detailed analysis of voting in South Africa could give some indication of the role identities such as race and ethnicity plays in a divided society like South Africa, particularly, because the very essence of apartheid meant that life chances differed fundamentally according to race and ethnicity (Mattes and Gouws, 1998:129-130).

Coloured and Indian voters stood to gain considerably from the removal of apartheid, they also perceived a significant political and economic threat from the numerically much larger black majority represented mainly by the ANC (Mattes and Gouws, 1998:129-130).

Five of the parties that eventually won parliamentary seats could be labeled “racial parties” because more than two-thirds of their support base is from a particular racial group. In this sense, the ANC, the IFP, and the PAC were “black” parties, while the FF and the DP were “white”. Ironically, only the NP, the progenitor of apartheid, had a non-racial support

base nationally. As indicated by Table 6.4 just over one-half of its identifiers were white, forty percent were coloured and Indian, and 8.7 percent were black.

TABLE 6.4: Racial Breakdown of Party Support Bases

	ANC	NP	IFP	FF	DP	PAC	Independent	Total
Black	94.3	7.8	88.1	-	3.1	93	68.7	72.2
White	0.2	52.2	11.8	100	87.5	-	24.1	16.2
Coloured	4.3	31.1	0.3	-	9.4	6.1	6	8.8
Indian	1	8.9	-	-	-	-	1.2	2.8

Source: Mattes and Gouws, 1998:132.

A good indicator of ethnicity, as distinct from race, is home language. The most ethnically based parties were the IFP, the FF, and, perhaps surprisingly, the liberal DP. The IFP derived 85.7 per cent of its support from Zulu-speakers. Also of interest, it received three quarters of its white support from English-speakers as opposed to Afrikaans-speakers. Hundred per cent of the FF support came from whites - 82.9 per cent from white Afrikaans as opposed to English-speakers. In contrast, 68.8 per cent of the DP's support base was English-speaking (Mattes and Gouws, 1998:131,133).

TABLE 6.5: Ethnic Breakdown of Party Support Bases (Home Language)

	ANC	NP	IFP	FF	DP	PAC	Independent	Total
Zulu	22.4	1.4	85.7	-	3.1	25	26	23
Afrikaans	3.8	59.9	3	82.9	28.7	4.3	14.4	16.6
Xhosa	24.1	0.8	0.8	-	-	28.1	1.2	15.4
English	1.7	32	8.7	17	68.8	-	18.7	10.8
Tswana	13.1	1.7	-	-	14.2	-	1.2	8.4
Sepedi	10.1	1.4	-	-	-	12.5	4.7	7.5
Seswati	4	1.1	0.8	-	-	9.4	9.4	3.3
Venda	3.6	0.6	-	-	-	6.3	-	3.1
Shangaan	4.1	-	-	-	-	-	-	3
	100	100	100	100	100	100	100	100

Source: Mattes and Gouws, 1998:132.

The ANC drew support from across a range of language groups. The NP came close to qualifying as an ethnic party. Just fewer than sixty per cent of its supporters were Afrikaans-speaking people - both white and coloured. Parties that had explicitly parochial, ethnic, or racial programmes, such as the FF, the IFP and the PAC, as well as other very small parties such as the African Muslim Party, the Islamic Party, the Minority Front, and the Luso-South

African Party, did not do well in their intended “target” groups or constituencies (Mattes and Gouws, 1998:133).

Thus, the above could hold some clues to the prospect for the consolidation of South Africa’s democracy. Deep racial and ethnic divides could become a source of future conflict and instability. However, there are good signs that South Africans may be able to bridge historic divides in this regard.

TRUTH AND RECONCILIATION COMMISSION

The pact negotiated at the MPNP is not complete unless note is taken of attempts at reconciliation. Part of South Africa’s transition was to deal with human rights violations of the past. For this purpose the Truth and Reconciliation Commission (TRC) was established in 1995 in terms of the Promotion of National Unity and Reconciliation Act No. 34 of 1995, and was based in Cape Town. The mandate of the TRC was to bear witness to, record and in some cases grant amnesty to the perpetrators of crimes relating to human rights violations, reparation and rehabilitation. Archbishop Desmond Tutu, former head of the Anglican Church in South Africa, was one of several high profile members.

The TRC, sitting in Cape Town from 21-22 August 1996, heard statements from ex-president FW de Klerk and Deputy President Thabo Mbeki. De Klerk refused to accept personal blame for human rights abuses under white rule but expressed his regret at the suffering inflicted by apartheid on the non-white population. He said, “We have gone on our knees before God Almighty for His forgiveness.” Another white leader, General Constant Viljoen, former chief of the defence force, accepted that there had been a “gross violation of human rights” (Ingram, 1996:411).

Mbeki, in turn, apologised for atrocities committed during the struggle, but defended the ANC’s “just war” against apartheid. ANC documents named thirty-four people who were executed on the orders of an ANC tribunal in Angola between 1980 and 1989. Details of torture methods used in a detention camp were also provided. Mbeki acknowledged that the ANC could have acted more firmly to stop abuses. The ANC documents contrasted with the NP’s evidence by giving details of individual incidents (Ingram, 1996:411).

The work of the TRC was complex, long drawn out and controversial. Nevertheless it served an important purpose in trying to bring closure on many dark parts of South African history.

6.5 THE PROSPECTS FOR DEMOCRATIC CONSOLIDATION

As indicated, this research does not include the consolidation of democracy. However, there are aspects to the transition that could be of importance for the consolidation of democracy in general, but within South Africa in particular.⁶⁰

The first of these is the advantages of negotiated transitions, or pacts, over both transitions from above and transitions from below. Negotiated transitions to democracy are characterised by compromises reached between the authoritarian incumbents and the challengers. As indicated negotiated transitions are usually characterised by a “power deadlock” where neither party is able to force its will on the other - thus levelling the playing field. This implies that a transition will depend on both crafting skills as well as the mutual willingness to accept the terms laid down by each of the dominant contenders. Thus, negotiated settlements are furthermore dependent on the mutual acceptance of accepting others as legitimate negotiating partners, as well as tolerance of the views held by others, as well as a willingness to compromise. The similarities negotiated transitions share with democratic processes, thus, could lay the groundwork for the consolidation of democracy.

Therefore, transitions through negotiations need to be contrasted with negotiations where the will of the one is imposed on the other, which is the case in both transitions from above and from below. Both these modes of transition imply a lack of tolerance for other parties involved in the transition.

Negotiated transitions usually imply greater inclusiveness, which is vital in securing legitimacy for the process as well as the negotiated pact. However, it is necessary for the process to be as inclusive as possible. Part of the negotiations is about which parties should

⁶⁰For purposes of this discussion consolidation of democracy basically refers to the effective functioning of democracy (Valenzuela, 1992:58). He further stresses that the modalities assumed by the transition, the institutions that emerge could make a difference to the long-term viability of newly democratised regimes (1992:57). Samuel Huntington (1968:34) points out that, to develop a consolidated democracy the rationalisation of authority, the differentiation of new political functions, the development of specialised structures to perform these functions, and the increased participation in politics by social groups are required.

be included and which not, as well as what to do with those that could derail the negotiation process or the outcomes - for example explicitly undemocratic actors. Although South Africa's transition was inclusive, the manner in which compromises were forged, often led to complaints that the two main contenders, namely the NP-government and the ANC, were imposing their will on the others and in this regard the transition process displayed some shortcomings. Thus, securing further legitimacy during democratisation is critically dependent on the nature of the process, which is followed (see Slabbert, 1992a:61; De Villiers, 1993:280).

During negotiations, concessions are usually "extracted", particularly with regard to the granting of amnesty and specifically securing the positions of security forces and other public employees (see O'Donnell and Schmitter, 1986:58-59). This could facilitate acceptance of the transition among hardliners and radicals who opposed the transition because they feared retaliation and/or losing their positions. In a newly established democracy, pacts thus provide additional guarantees for various elite groups and their interests, both during and after the transition to democracy. If this was not the case, they might have been unwilling to concede to democracy (Karl and Schmitter, 1991:274). It is these types of concessions that could provide greater legitimacy to the process, but at the same time care should be taken to prevent a perception among supporters of capitulation.

This was also the case with the pact negotiated during the MPNP. The position of public servants and their benefits were secured and in the event of them losing their positions because of planned rationalisation, they would receive the necessary compensation. The amalgamation of the formal military force with the various military units of the liberation movements, were of similar importance. Thus, the threat of the continuing role of the formal military institutions as a guarantor of elite interests, as well as the threat of the liberation militaries as guardians of popular revolutionary ideas, was addressed. Even more significant was the establishment of the mentioned Truth and Reconciliation Commission, which functioned in the spirit of restorative justice.⁶¹ Thus, "winning over" opposition to

⁶¹South Africa had to decide how to address past human rights abuses while facilitating national reconciliation. South Africans spent more than a year studying the experiences of nations in Latin America and Europe, particularly Chile and Germany after reunification. Parliament subsequently and only after a long, difficult and emotional debate, passed legislation creating a Truth and Reconciliation Commission. (Princeton, 1996: 116).

transition could remove important obstacles in the way of democratic consolidation.

According to Rustow (1970) an important precondition for successful democratic consolidation is the existence of a national identity amongst the vast majority of citizens. Rustow argues that the consolidation of democracy, what he terms habituation, is facilitated by the success of the “first grand compromise (which should demonstrate) the efficacy of the principle of conciliation and accommodation” (Habib, 1995:66). Within the South African context, the emergence of a national political consciousness in which the majority of citizens perceive their overall political identity in South African terms, which subsumes narrower ethnic and racial identities, is important (Habib, 1995:66-68). Thus, this also implies a need to address the racial character of ownership relations in the South African economy (Habib, 1995:68). The mentioned concessions, as well as the GNU were important steps in this regard.

Negotiated transitions are characterised by controlled mass mobilisation. Thus, the consensual nature of negotiated transitions negates the use of violence. Huntington (1991) is of the opinion that opposition parties need to mobilise their supporters in demonstrations, but their leaders need to appear moderate and statesmanlike in order to secure a pact. This means compromising and making concessions on all issues except the holding of free and fair elections. Thus, in this way, democratic culture could be promoted, which in turn, might facilitate democratic consolidation. This is in line with what Dahl (1971:126-155) referred to as the “beliefs of political activists”. In this instance, it is important to take note that Mattes, Davids and Africa, (2000:1) also asserts that political institutions are the “hardware” of a democratic system, while what people think about democracy and those institutions, constitute the “software” of that system. Thus, a constitution, relatively well run elections, and stable elected representative institutions do not complete the democratic picture and a sustainable and consolidated democracy requires people who are willing to support, defend and sustain democratic practices (Mattes, Davids and Africa, 2000:1).

Transition through compromise, therefore, provides a means of change which is peaceful and often rapid. A significant achievement of the transition from apartheid has been the dramatic drop in political violence except for the KwaZulu-Natal Province. In the Gauteng Province (which includes both Johannesburg and Pretoria), politically related homicides

dropped nearly ninety percent in the first year after the election. More than half of the “political” violence that continued after the elections related to rivalries among taxi associations and not to political parties (Princeton, 1996:109). Thus, the significant drop in violence also provided a positive indication for the prospects of consolidation.

The outcome of negotiated transitions to democracy may vary, but often is a liberal democracy, in which procedural aspects of democracy are emphasised. In the case of South Africa’s transition, there were clear liberal characteristics. Transitions through compromise indicate that when a liberal democracy is founded, there is a trade-off between the economic policies of the left and the extension of political rights. The left receives political rights only if it moderates its socio-economic demands. For example, in South Africa the ANC, particularly, the SACP as its alliance partner, have moderated their preference for socialist policies. However, ignoring severe inequalities particularly, in a material sense, could be problematic because of implications for the consolidation of democracy. Robert Dahl (1976:81) and Adam Habib (1995:68) also stress the issues of inequality and socio-economic development. Dahl is of the opinion that the chances of a stable system of public contestation developing, is reduced in a context of extreme inequality. Thus, there is a need for an expanding economic system within which resources are made available for redistribution. Huntington also points to the fact that democratic consolidation is facilitated under conditions of an expanding economic system (Habib, 1995:67).

In the case of South Africa, the transition pact made provision for affirmative action and the restoration of land rights in which the focus was on establishing racial representativeness in the work place or land ownership, but not primarily through economic development. These appeared as concessions by the incumbents to enhance the legitimacy of a process that often appeared elitist. Thus, these provisions would not necessarily address inequalities per se, although they could imply changing the face, or racial profile, of inequalities. Hence, continued poverty, particularly among the new poor may be a source of future challenges against the new democratic order and thus democratic consolidation.

It is also important to take note of Tatu Vanhanen’s (1990:50) ideas on “power resources” in this regard. He defines the concept of “power resources,” as any resource that could be used

to change and affect others' behaviour. An even distribution of power resources would result in a democracy, whereas, a concentration of power resources would lead to an authoritarian regime. Thus, democracy is consolidated under the condition of a wide distribution of power resources among various political actors. This is also in line with Dahl's notion on the importance of a pluralistic social order (Dahl, 1971:48). The question arises whether this would be the case in future in South Africa.

The party system, which emerges, could be of importance in this regard and could facilitate the dispersion of power within society. The holding of elections usually encourages the establishment of political parties, which was also the case during the run-up to South Africa's first elections. However, it is important for the party system, which emerges, to be competitive and stable if democracy is to be consolidated. A multiparty system is preferable in this regard, provided that centrist parties hold the balance of power. In cases of negotiated transition, the left must moderate itself and transform itself into a social democratic party. An incremental process of democratisation could follow. As the democratic government begins to address socioeconomic issues, new political parties may emerge and the party system may become more competitive. The successful consolidation of democracy is suggested when the alternation of power becomes a characteristic of the political dispensation.

The nature of the party system that emerged after the transitional elections in South Africa, is somewhat complex. On the one hand, the ANC received an overwhelming majority and, on the other hand, it was in a formal alliance with the SACP and COSATU. Thus, the concentration of power under the umbrella "ANC" was diluted because of the dispersion of power among the Alliance partners. The compromise on a GNU provided additional avenues for the dispersion of socio-political power, which could be beneficial to the long-term prospects for the consolidation of democracy in South Africa.

Related to the above is the phenomenon of subcultural pluralism, which is extremely complex. In studies of democratisation it has often been argued that among the impediments to democratic consolidation, is a high degree of subcultural pluralism (see Dahl 1989; Bollen and Jackman 1985). As extensively discussed, South Africa is deeply divided along a variety of racial, ethnic, and linguistic lines and thus is an extreme example of such plu-

ralism (Smootha and Hanf 1992; Horowitz, 1991). Race is certainly central to South African politics, but intra-racial (or ethnic) divisions are extremely significant as well. However, “subcultural pluralism”, as suggested by the Indian experience, may provide the sources for multi-partyism, and may not necessarily be an impediment to successful democratisation. According to both Lijphart (1977; 1985) and Dahl (1971; 1989) such cleavages need not be impediments. Both imply that it is important not to exclude any subculture indefinitely from participation in government and political parties should play an integrating instead of a dividing role in society. Thus, the rules should favour the democratic settlement of disputes.

To Linz and Stepan (1996:14) the existence of a functioning state is of vital importance for the consolidation of democracy, “In some parts of the world, conflicts about the authority and domain of the polis and the identities and loyalties of the demos are so intense that no state exists. No state, no democracy”. They (1996:15-16; 22-23) identify, in addition to a functioning state, five other interconnected and mutually reinforcing conditions that must be present, or established, in order for a democracy to be consolidated. These five conditions provide a systematic measurement of the degree of democratic consolidation and help us to project the prospects for democratisation (Linz and Stepan, 1996:23).

Firstly, the conditions necessary for the development of a free and lively civil society must exist (Linz and Stepan, 1996:17). Various groups, such as trade unions, professional organisations, business chambers, religious groups, and neighbourhood associations, can be formed freely and become engaged in articulating their interests actively with minimal constraints. A robust civil society should therefore have the capacity to generate political alternatives and to monitor the government. In that case, civil society can help to consolidate and deepen democracy. As discussed, South Africa was fortunate in having a vibrant and home-grown civil society that in fact played a very important role in the transition and could in future play a similar role in the consolidation of democracy.

Secondly, there must be a relatively autonomous political society, “Civil society by itself can destroy a nondemocratic regime, but democratic consolidation must involve political society” (Linz and Stepan, 1996:18). Democratic consolidation requires that political actors,

including political leaders and citizens, develop a democratic political society with a representative legislature, open and fair elections, and an effective party system. A primary task of political parties is precisely to aggregate and represent differences between democrats, consolidation thus requires that habituation to the norms, and procedures of democratic conflict regulation are developed (Linz and Stepan, 1996:18).

Furthermore, there should be political rules for acquiring, distributing, and exercising power in a democratic manner. Otherwise, consolidation of democracy will not be possible. South Africa was particularly fortunate concerning the existence of a functional political society. It should be noted that during the mature phase of the transition, negotiations mainly involved on the one hand, state structures, such as the government and homeland-governments, and political parties on the other hand. There was also some overlap between state structures and political society, for example government/NP and the KwaZulu-government/IFP. The main political parties involved in the negotiations among the incumbents, as well as the challengers had long histories dating back to the early twentieth century. Notable in this regard was the ANC, NP and the SACP. This is a feature that should be considered when applying the South African experience to other contexts.

Thirdly, all major political actors, especially the government and the state apparatus, must be effectively subjected to a rule of law that protects individual freedoms and associational life. The incorporation of these principles in the interim, as well as the final constitution is important within the South African transition. The establishment of the Constitutional Court and an independent judiciary are particularly important.

Fourthly, a functioning state bureaucracy that can be utilised by the new democratic government must be present. In addition to providing greater legitimacy to the new dispensation, as discussed above, the retention of former bureaucrats and security personnel could provide the core of a functioning bureaucracy. In many parts of the world, particularly in parts of the former Soviet Union, there is insufficient taxing capacity and a weak bureaucratic "presence". Thus, citizens are unable to effectively demand their rights or receive basic entitlements (Linz and Stepan, 1996:20-21). At the same time, depending on their attitudes, the "old" bureaucrats, used to the authoritarian way of doing things might place

limitations or restraints on the policies of a new democratic government, but the retention of useful skills could provide continuity, which could in turn, assist “delivery” of democratically determined goods and services. Thus, transitions to, and consolidation of democracy would largely depend on the professionalism of an effective bureaucracy.

It is in this regard that many transitions experience difficulties, and South Africa was no exception. At the time of its elections, South Africa moved from four provinces and ten homelands (the latter with varying degrees of autonomy) to nine provinces, of which only two had more or less the same boundaries as before, namely the Free State and KwaZulu-Natal. At national level, due to the concessions made with regard to the public service, services continued more or less normal after the elections. The new provinces, however, faced enormous difficulties. They had to consolidate the remnants of provincial and homeland structures into new structures. In addition, they had to confront vast redundancy, corruption (especially in the former homelands), and bureaucratic resistance. Not surprisingly, the provinces had difficulty furthering the new developmental policies and even administering those programmes that already existed (Princeton, 1996: 110).

At the national level, other problems slowed progress. Ministers of education, health, and welfare had to integrate numerous race-based ministries and policies. The new minister of education inherited nineteen previous ministries of education. The minister of health, faced similar challenges.

Another significant problem was establishing trust between the new ministers and new public servants, on the one hand, with members of the “old” bureaucracy on the other hand. Ministers therefore, brought in many political appointees as advisers and consultants, aggravating tensions between the new leaders and the bureaucrats.

Fifthly, there must be an institutionalised economic society, based on the principles of the free-market and private ownership. However, Linz and Stepan (1996:20-22) are also of the opinion that the state has an important role to play in such an economy:

If a democracy never produced policies that generated government-mandated public goods in the areas of education, health, and transportation, and never provided some economic safety net for its citizens and some alleviation of gross economic inequality, democracy would not be sustainable (Linz and Stepan, 1996:22)

Most discussions on the consolidation of democracy do not delve into the appropriateness of any particular constitutional design, particularly because this debate has not proved conclusively that any of the options is more appropriate for the consolidation of democracy (Habib, 1995:65). A number of states, with differing constitutional designs, have consolidated democracy successfully. It thus seems that the particular constitutional design adopted is less relevant to the issue of consolidating democracy, than it is for facilitating compromise between the major political players in the negotiation forums (Habib, 1995:66). There is also not consensus on which institutions are best for what circumstances.

However, several aspects are important with regard to the institutions included in the pact. The principle of proportional representation would help to increase the inclusiveness of the dispensation. However, party-list systems are inclined to promote elitism, but this would depend on the procedures that particular political parties follow in drawing-up their party lists. The initial GNU was also important, but no formal provision for power-sharing was made in the final constitution. Bicameral legislative authorities usually provide additional points of power and could thus promote the dispersion of power. Though federal characteristics are present, these are not well developed. This may in future become a source of differences, if not conflict. Whether a parliamentary system of the executive is preferable to a presidential system of the executive is highly controversial. Likewise, whether the head of the executive should be directly elected or indirectly elected, or obtain his/her position by virtue of being the leader of the political party that has a majority in parliament - as is this case in the Westminster system. What is important though is that the success of these institutional choices need to be monitored in order to determine what role they played in the consolidation, or non-consolidation of South Africa's democracy.

South Africa is still at the beginning stages of its transition, thus, care must; be taken not to insinuate the inevitability of an outcome in this regard. Arguments that conclude that the consolidation of democracy is doomed or realisable because of the absence or presence of one or other cultural or socio-economic structural condition are extremely unhelpful in determining the prospects for the consolidation of democracy in South Africa (Habib, 1995:65).

It should be noted that the success would only be determined in the medium term. Often, newly established democracies are granted a honeymoon period during which the populace waits to see whether the new political system delivers on its promises. Thus, powerful social forces in civil society, like the unemployed, organised workers, or a combination of these and others, may conclude that the “first compromise” did not facilitate the delivery of promises made to the wider populace (Habib, 1995:66). Such social forces may then embark on widespread extra-institutional action that could, but need not, lead elements within the GNU and ANC to adopt an authoritarian, repressive response that would ultimately threaten the fragile foundations of the democratic order (Habib, 1995:66).

Thus, the key question for the consolidation of South Africa’s young democracy is, whether the country possesses a sufficiently critical mass of citizens sufficient to support, sustain, and defend the institutions of democracy. However, it should be borne in mind that democratisation is an ongoing process. After an initial transition to limited democracy, further incremental democratisation usually takes place. If a stable party system emerges, this would enable the consolidation of democracy.

6.6 CONCLUSION

In chapter six, the theoretical analysis of South Africa’s negotiated transition is concluded. It was argued that a transition is effected with the election of a new democratic government, which was the case in April-May 1994.

Several aspects of this phase are important, particularly the role of macro-structural factors, as well as the role of political society in the negotiations, which culminated in the pact that signalled South Africa’s transition.

The role of international actors and the escalating violence were of particular importance with regard to the macro-structural context of this last phase of the transition. International actors played mainly a mediating role in bringing parties together, as well as to provide support in forging agreement on various issues. Most notable was the last minute mediation in order to bring the IFP into the elections of April 1994. International society however continued exercising pressure on both the incumbents and the challengers to work out a

negotiated settlement, but rewards were also provided for the successes achieved. Notable in this regard was (to the incumbents) the readmission of South Africa into the world of international sport, as well as (to the challengers) of support to the new dispensation - it should be noted that the ANC was funded mainly from abroad.

The need to settle the violence, together with the international condemnation of those fomenting violence put additional pressure on the various parties to reach a settlement. The Bisho-incident as well as allegations of government-IFP collusions in fomenting violence, led to the realisation that hidden agendas, which involve violence, could derail the negotiation process. Thus, there was a need to come in the open and negotiate in good faith.

The second important aspect was the role of political society in the negotiations. Political society was sufficiently strong to effect the settlement without the direct intervention of external forces, which is often the case in other transitions. Three of the most important organisations of political society, namely the NP, the ANC and the SACP have histories dating back to the early twentieth century. Furthermore, the PAC had a history spanning three decades, while the DP and the IFP had antecedents which provided it with experience of several decades.

Of significance was the fact that political society was supported by civil society as is preferred by Linz and Stepan (1996). Facilitators and technical support often came from civil society. Thus, the “organisational” conditions existed for a negotiated transition.

Furthermore, the state was sufficiently developed in order to provide the necessary infrastructure for transition, once control of the state was placed in the hands of a democratically elected government. Debates about the legitimacy of the state was, fortunately, limited to the inclusion/exclusion of the independent homelands, the possibility of a Volkstaat for Afrikaners and the distribution of power between the national government and the regions. Fortunately all of these were successfully negotiated with acceptable outcomes reached - although in the case of KwaZulu at the last moment.

Concessions and compromises were made by all the major parties but notably the government/NP, the ANC and its partners and the IFP. Although other parties often felt excluded, these parties had insufficient influence to derail the negotiations.

An aspect that needs to be noted is the quality of leadership that made the settlement possible. Although it would not be defensible to limit the negotiated settlement to a number of individuals, note should be taken of the role that was played by individuals from the government, NP, ANC and IFP, in addition to the role of individuals from civil society. Although the behaviour of some was sometimes labelled as obstructionist, it was also part of a process through which acceptance of the pact could be cemented at grassroots level. Without the willingness of ordinary citizens to accept the outcome of the negotiations, a peaceful transition to democracy was unlikely.

South Africa was fortunate in having talented and charismatic leaders in the major political parties who were committed to human rights, democracy and a peaceful settlement. Mandela, De Klerk and Buthelezi contributed largely towards the success of the negotiations, keeping it on track and in securing the environment for elections. De Klerk and Mandela in particular kept the process of negotiations on track through their complementary roles.

Former President de Klerk made a valuable contribution to the process of transition as a reformer, knowing that he would not retain his position. He was willing to curb the role of the security establishment in decision-making and to eventually place checks on their actions. He particularly set a good example in the spirit of democracy by stepping down gracefully and allowing Mr Mandela to take over the reins of government.

The leadership qualities that Mr Mandela displayed, were vital in the democratic transition and the realisation of human rights in South Africa. He proved himself a man of vision, charismatic with strong leadership abilities with a willingness to compromise and reconcile in the interests of all citizens of South Africa. Of particular importance was his ability to be both pragmatic and moral in his approach. Internationally, he enjoyed respect and esteem and his moral and political stature was often likened to that of the legendary Mahatma Gandhi. He was likewise, universally revered for his wisdom, humility and the personal sacrifices he had made in the cause of both liberation and reconciliation.

Dr Buthelezi of the IFP played an important, albeit controversial, yet successful role in bringing about the democratic transition. Likewise, the appearance at the last moment of Constand Viljoen to organise the more conservative whites and lead them into the elections,

should also not be underestimated.

However, the mutual respect that these leaders were able to command, as well as among their supporters, was commendable and played an important role in the successful and peaceful outcome of South Africa's transition. This was also applicable to the main negotiators such as Mr Roelf Meyer and Mr Cyril Ramaphosa. Thus, the role these leaders played is important, and the question arises whether a successful transition would have been possible without them.

A transition through compromise, therefore, provides a means for change, which is both peaceful and rapid. The interim constitution, which was the outcome of a comprehensive process of political negotiation and compromise, was a historic political settlement. The interim constitution provided an important basis for future political and constitutional development.

South Africa's negotiated political dispensation qualifies as a democracy. However, the end of the crucial phase of the transition has ushered in the phase for the consolidation of democracy in South Africa. From the brief analysis that was provided on the implications of the mode of transition, as well as the contents of the pact and the institutional framework chosen, on the prospects for consolidation, the indications are that the prospects for consolidation are good.

In the next and final chapter, attention will be paid to conclusions on a framework for analysing the democratic transition in South Africa, as well as the theoretical significance of the research findings.

Chapter 7

CONCLUSION: THE THEORETICAL IMPLICATIONS OF THIS THESIS

7.1 INTRODUCTION

As stated in chapter one, the objectives of this study are twofold, namely to analyse the dynamics of the transition to democracy in South Africa during the period 1978-1994, as well as to establish a more integrative theoretical approach that could provide a framework for a better understanding of liberalisation processes and transitions to democracy.

The focus in this chapter, therefore, is on the findings and implications of the analysis of South Africa's transition to democracy and on the theoretical framework developed in this regard. Although alternative theoretical approaches could be used to explain the dynamics of the transition in South Africa, the interactive approach to democratisation, which provides a synthesis of the macro-structural and the micro-behavioural approaches, is used. The interactive approach could contribute towards an understanding of South Africa's transition in particular and transitions to democracy in general. Thus, theoretically generated propositions about transitions through compromise could be further extended in ways that enhance their theoretical importance and comparative value.

Furthermore, the external validity, or transferability, of the research results - that is whether the conclusions would hold in explanations of other transitions - will receive attention. This is important bearing in mind that inferences based on the findings of a single case are often problematic. However, valuable information could be obtained that could guide

research in other cases.

Lastly, additional findings that are not directly linked to the main objectives of the thesis, as well as areas for future research that could improve the proposed framework, will be identified.

7.2 A FRAMEWORK FOR THE ANALYSIS OF SOUTH AFRICA'S TRANSITION TO DEMOCRACY

The analysis of the transition has been guided by the hypothesis that the democratisation of South Africa was accomplished through a compromise that was negotiated between the major political actors and which reflected the intra-, as well as the inter-dynamics in the domains of, state - political society - civil society.

Thus, for analytical purposes a basic framework was developed in which the domains of, state - political society - civil society are the areas where structural variables (such as culture, economic development, class structures, increased education and the international environment) and behavioural variables (such as major political actors, elite factions, organisations from civil society) interact - thus the interactive approach (see also Giliomee and Schlemmer, 1994). At the same time, the framework makes provision for the process of compromise by strategic interaction and negotiation between the major political actors, as well as for a new “institutional alternative” which is the outcome of the negotiation process.

7.2.1 PHASES IN THE PROCESS OF TRANSITION

The process of transition in South Africa unfolded chronologically and the following three phases can be identified in this regard: The “initial phase of transition” (1978-1989) → the “crucial phase of transition” (1989-1991) → the “maturity phase of transition” (1991-1994).¹ The nature of each phase was determined by the presence of various macro-structural factors as well as complex and continuous interactions among a variety of actors in and among the domains of, state - political society - civil society.

¹Thus, the analysis ends with the transition to democracy (democratisation) - that is prior to the socialisation and consolidation phases as discussed in chapters 1 and 2, as well as in O'Donnell and Schmitter, 1986.

THE INITIAL PHASE OF TRANSITION

This phase was characterised by liberalisation measures undertaken by the reformists among the ruling elite. The space or “opening” that resulted from these measures typically provided the incentives for the rise (or resurrection in O’Donnell and Schmitter’s (1986) words) and mobilisation of the anti-regime civil society. This led to a mutually hostile phase of confrontation that ended in a mutually hurting stalemate. As is often the situation, the stalemate set the stage for the negotiation of a transition to democracy.

THE CRUCIAL PHASE OF TRANSITION

Through further liberalisation, the threshold of democratisation was crossed and through a process of pre-negotiation the environment for negotiation was prepared. It was during this phase that the government knew that neither maintaining the status quo, nor a reversion of the liberalisation process, was any longer an option and that there would have to be a clear break with the past (see Schrire, 1991:141, Davenport, 1998:51). Likewise, the ANC as a prominent actor among the challengers realised that, even though a clear break with the past was required, it would be neither possible nor wise to overthrow the government (see Davenport, 1998:51). In an attempt to retain control of the transition process, the incumbents took the initiative and liberalised the political landscape further by announcing several changes in February 1990. Thus, both sides were unable to impose their will on the other and it would have been too costly for the incumbents to retreat from its liberalisation measures. Thus, the stalemate and the mutually antagonistic confrontation, was transformed into a mutually beneficial phase through a process of pre-negotiation.

THE MATURITY PHASE OF TRANSITION

This phase was characterised by the process of democratisation. An agreement on regime transition was concluded during multi-party negotiations over the choice of alternative institutions for a new political dispensation including the enactment of a new constitution and the formation of a transitional government. The transition to a democratic dispensation was effected after elections based on universal franchise were held during April 1994 and a

new President,² Mr Nelson Mandela, which enjoyed the support of the majority of South Africans, was inaugurated on 10 May 1994. As mentioned, the compromises made during this phase also laid the groundwork for the consolidation of democracy.

7.2.2 STRUCTURAL FACTORS IN THE INTERACTIVE APPROACH

As discussed in chapters one and two, the proponents of the macro-structural approach focus on the presence of particular macro-structural conditions that could facilitate or obstruct a transition to democracy. However, theories on transition in this approach are criticised for underplaying the importance of human agency in a transition to democracy. On the other hand, proponents of the micro-behavioural approach, in turn, downplay the macro-structural conditions in which human agents effect a transition to democracy.³

How do structural factors interact with the various actors (human agents) in order to shape their actions that would effect a transition to democracy? From the analysis of the interaction between macro-structural variables and micro-behavioural variables within the South African context, the following have been found to be important in this regard:

- Firstly, political actors have goals they wish to realise. These goals, as well as their realisation, are partly shaped by the macro-structural conditions that prevail in a particular society. For example within the South African context, the segregated nature of the political dispensation, as well as of society and economic life, made it very difficult for non-white actors to realise their goals. Likewise, the limitations placed on economic development seriously affected the ability of white entrepreneurs to realise their economic goals - which were partly determined by the opportunities provided by economic development.
- Secondly, macro-structural factors may determine the relative power of the various actors and in particular the incumbents versus the challengers, as well as the stand-patters versus the reformers among the regime bloc and the moderates versus the

²First non-white in control of the state.

³One of the problems of the micro-behavioural approach is that a change in regime effected by human agency may not necessarily be a democratic dispensation. However, for purposes of this discussion attention will only be paid to a transition to democracy as an outcome.

radicals among the anti-regime bloc. Transitions from above usually take place when the incumbents are more powerful than the challengers are, and the reformers are more powerful than the standpatters. On the other hand, transitions from below can only take place when the challengers are more powerful than the incumbents and usually when radicals are more powerful than moderates are. Transitions through negotiations are more likely to take place within the context of a stalemate where neither the incumbents, nor the challengers can on their own effect a transition to democracy - or consider it wise to do so.

- Thirdly, macro-structural factors may influence the options that are available to the various actors. In this regard, such factors may have a push, pull or status quo effect on the actions of the actors. A push effect is where conditions within the environment make certain actions necessary - thus may force the actors to take certain actions. A pull effect is the result of conditions in the environment that have a more persuasive effect considering the advantages of certain actions - for example the snowball effect of transitions to democracy. If conditions within the environment make the continuation of the status quo possible or in some situations preferable, it is called a status quo effect.
- Fourthly, within the context of negotiated transitions macro-structural factors may determine the deterioration of the regime and even regime breakdown, as well as the ascendancy of the challengers. However, complete regime breakdown would probably result in a transition from below. In South Africa, the authoritarian regime deteriorated because of both internal and external factors, but it remained in a position to play an influential role in the eventual transaction that was reached through negotiation. Macro-structural factors played an important role in the position of the authoritarian regime and both internal and external factors played an important role in the following: economic crisis, legitimacy crisis, divisions among the incumbents, mobilisation against the regime, and increasing costs of repression. On the other hand economic development, social structures and international sympathy led to the ascendancy of the challengers. Together, these factors contributed towards a sense of stalemate between

the incumbents and the main challengers.

The research confirms that the macro-structural “environment of transition” facilitated and even “forced” democratic transition in South Africa. It is however important to provide more detail on the effects of structural variables on the actions of political actors within the South African context.

THE STRUCTURE OF SOCIETY

As discussed, and particularly in chapter three, the policy of apartheid shaped an extremely complex societal and political landscape based on statutory dividing lines among the various races. Under apartheid, the state was controlled only by the whites; albeit with a complex set of state institutions that were supposed to, at least nominally, provide access to political power to the other race groups. Instead, the perception among the challengers was that these institutions merely provided the mechanisms through which whites, particularly, the NP government sought to perpetuate control of the state - hence the label of a racial oligarchy.

Furthermore, South African society was since an early stage characterised by a home-grown and expanding civil society and political society, but these were also characterised by divisions along racial lines. Only the white political society⁴ had sufficient access to political power to mediate its political interests. As a result, the majority non-white sub-society, without being able to secure an institutional path to mediate its political interests, was isolated from legitimate access to state power. This was further exacerbated by the proscriptions placed on organisations of a significant segment of the non-white political society. Thus, the non-white political society channelled their interests through civil society. This was initially done through mainly the non-white civil society, but as pressure began to mount, white civil society became involved - this was in particular the situation during the crucial and maturity phases of the transition.

Unlike the white civil society, that was able to channel its interests to the state area through the medium of a white political society, the non-white civil society directly con-

⁴As indicated civil society support for the government came mainly from the white civil society. However, there were white organizations that opposed the government and the political dispensation and some organisations such as the SACC were multi-racial.

fronted the state that deprived it of its freedom, political participation and competition. This resulted in the building of a broad anti-regime resistance bloc with the goal of dismantling the racial oligarchy.

Racial divisions and the allocation, on the basis of race, of privileges, such as economic and employment activity, the right to urbanisation and the possession of property provided important fault lines along which an extremely complex, enduring and escalating conflict was fomented. The conflict particularly involved the domains of, state - political society - civil society. Internal pressure exerted by the challengers, often through the means of violence, together with the pressure from the international society, led to crises of legitimacy and efficiency for the incumbents. However, the state's ability to clampdown on activism was important in facilitating a negotiated settlement instead of a transition from below -which research has shown has a greater chance of failure.

Throughout the abovementioned phases of the transition, conflict remained important and there were allegations by most actors that the other actors were fomenting violence in order to improve their standing during negotiations and in order to extract concessions from the others. Thus, South Africa's transition was particularly violent, but various negotiated peace structures such as the Accord, as well as the societal cost of violence, were important in facilitating an eventual peaceful transition.

There were also important unifying forces that cut across cleavage lines and of particular importance were a shared economy and shared religions. Following industrialisation, racial interdependence in the economic sphere deepened and this highlighted the inner contradictions of the apartheid system. These contradictions would eventually be important in providing the incentives for moving away from the apartheid ideology and the quest for a race based political dispensation.

Originally, the presence of various races provided the NP and eventually the NP government in control of the state, with the incentive to devise a race based political dispensation, namely apartheid. The position of non-whites within society and particularly as prescribed by the apartheid dispensation provided the incentives to those excluded, to develop political and civil organisations that could channel their interests. This led to pressures emanating

from the non-white civil and political society that forced the incumbents to reconsider their position. However, the presence of moderating forces among the non-white civil and political society, together with a declining demographic base of the whites, provided the incentives for the incumbents to provide concessions and eventually to attempt to reform the political dispensation. Ironically, these, in turn, provided the necessary “opening” and incentives for exerting increased pressure on the state, particularly through the mobilisation of civil society. The state’s ability to clampdown on those exerting pressure, as well as support from the pro-government civil and political society, and from moderates among the other races, together with the lack of sufficient power by the challengers, initially provided the incumbents with the option to retain the status quo or to delay a transition.

Thus, societal structures were important in shaping the actions, strategies and decisions of both the incumbents and the challengers that manifested in the inter- and intra-actions within the domains of, state - political society - civil society.

POLITICAL CULTURE

As was discussed in chapter two, the presence of cultural traits and values supportive of democracy is important and is often considered a precondition for democratisation. In the history of South Africa, its people had a long history and tradition of exposure to democratic values. Though not equally applicable to all individuals and races, freedom of the press, representative and later participatory government, and the rule of law developed and survived throughout the history of South Africa and through the transition. These values were also adopted by the ANC (e.g. in the Freedom Charter). It was often the threats posed to these values by the escalating conflict, hardening of attitudes, intolerance and ideas about exclusion among both the hardliners and the radicals that motivated reformers and moderates to take pro-active action to protect these values.

Furthermore, it should be borne in mind that one of the goals of the moderates among the challengers was to extend democratic practices, such as the franchise, participation in decision-making and the right to property to those excluded from these “rights” which are normally associated with liberal democracy and which whites often took for granted.

Civil society and political society also provided fertile training ground in democratic values. The organisations involved usually functioned in terms of a constitution, elected their leaders and had some form of accountability for leaders and members.

Thus, the presence of these values among the challengers made it easier for the incumbents to move away from apartheid and it provided important common ground - as highlighted by the various manifestos of political parties - for negotiation. It is interesting to note that compromises were mainly reached among those who subscribed to these values. Within the international context, subscribing to democratic values by the challengers was regarded in a positive light, while the incumbents were often accused of not holding these values - as was evident in the reaction of the UN on the Harare Declaration.

ECONOMIC DEVELOPMENT

Economic development, and its societal and cultural spin-offs, is probably the most researched of the preconditions for democracy, but also probably the most controversial. While advocates of the macro-structural approach regard economic development as a precondition for democracy, proponents of the micro-behavioural approach propose that, for a transition to democracy, an economic crisis should preferably follow an extended period of economic development (see Gill, 2000).

Economic growth and development to a large extent provide a pull effect, while an economic crisis provide a push effect. However research, on for example the oil rich states, has indicated that a narrow base for economic growth and the concentration of the fruits of economic growth in the hands of a few and, particularly those in charge of an authoritarian dispensation, will act to maintain the status quo (see Landman, 2003; Giliomee and Schlemmer, 1994:175). This was also an acquisition made by the challengers, particularly concerning education for blacks. It was alleged that the ruling elite wished to maintain the status quo in order to further enrich themselves and that non-whites were merely seen as sources of labour.

South Africa experienced a long history of economic growth, particularly after the discovery of diamonds and gold. There is little evidence that the democratisation of “white

society” was accompanied by extensive economic growth and development. However, economic growth and development together with discriminatory measures based on race, such as job reservation and allocation, influx control, limitations on property rights and the concentration of economic power in the hands of whites, contributed to the political awareness of the non-white population. These restrictions provided ample ground for the mobilisation of the non-white population. Newspapers, interest organisations such as workers groups and later trade unions, as well as political organisations such as the ANC were established.

The economic environment and the limitations it placed on the self-realisation of non-whites provided important motivation for action by the politically excluded majority. Though economic crisis was important in the pro-reform actions of the incumbents, it was largely the racially integrated economy, the inability of the whites to provide sufficient skilled labour for an expanding economy, as well as the limitations that apartheid placed on the economic activities of white entrepreneurs that motivated the latter to exert pressure for change on the incumbents. Thus, business (together with religious organisations) played a vital role in the transition and particularly during the crucial phase of transition.

Except for the economic crisis, most economic conditions had a pull effect on the actions of both the incumbents and the challengers. However, Marxist interpretations of the situation and a quest for a political dispensation reflecting Marxist values, were important deterrents of change and liberalisation among the incumbents, particularly within a Cold War context, and in the end helped to prolong the status quo.

INTERNATIONAL ENVIRONMENT

The international environment was important in both pressurising as well as persuading the incumbents to reform the political dispensation, and to convince the challengers to negotiate a settlement. However, the incumbents claimed that international pressure made it difficult to make political changes because of allegations by the white population that they were capitulating to international demands - thus promoting the status quo. The collapse of communism and the end of the Cold War, which were accompanied by a wave of democratisation in Eastern Europe had important pull effects and prompted the incumbents to seize the new

opportunities provided by the international environment. Likewise, it had a push effect on the challengers who faced the possibility, however remote, of being marginalised within a changed international environment.

In summary, macro-structural factors was thus important in forcing the ruling elite to liberalise and reform the political dispensation and eventually to accelerate the democratic transition of South Africa through negotiated compromise. Macro-structural factors also affected the position and role of the challengers in the transition process and were important in persuading the challengers to opt for a negotiated transition.

7.2.3 BEHAVIOURAL FACTORS IN THE INTERACTIVE APPROACH

The inner dynamics and mutual dynamic relations in the domains of, state - political society - civil society and which involved both structure and behaviour provide a good basis for the analysis of the actions, strategies and decisions of the main actors and particularly concerning decisions pertaining to the replacement, or substitution, of existing institutions. At the same time, the chronological phases discussed above are useful for the analysis of how the transition to democracy evolved.

The existence of a political society as a mediator between the domains of the state and of civil society is important in analysing the dynamics of a transition to democracy through compromise. The structure of political confrontation between the state and civil society is important in the political strategies and changes involved in a transition. On the one hand, the actors from the state prefer to stay in command and effect a transition on their terms or even decide to maintain the status quo. On the other hand, civil society (or a significant section thereof) and the population could be mobilised to effect a transition from below. Both these outcomes result in a zero-sum confrontational outcome. However, in the case of a negotiated transition through compromise, the zero-sum confrontational nature of the interactions between the state and civil society is rearranged to a non-zero-sum (or win-win) outcome. It is in this regard that political society plays an important role. Thus, political society as a mediator provides a buffer zone between the state and civil society and has, as a result, considerable advantages for analytical purposes.

In the analysis of the South African transition, it is important to take note of the most important actors, as well as their position with regard to changing the political dispensation. As indicated of particular importance are the state, political society and civil society.

STATE

The government was the face of the state and significantly overlapped with the NP (from political society), but during De Klerk's tenure actions that were less dependent on NP approval, were undertaken. The government was thus able to separate increasingly the interests of the state from those of the NP and its constituency. Other events that played a role in the government's actions were the declining number of hardliners in the NP constituency and the mobilisation of support across traditional party lines. After a significant section of the hardliners left to form and later join the CP, it was easier for the reformers to set an agenda for change - the softliners and reformers among the incumbents thus gained the upper hand over the hardliners and standpatters. The 1992 whites' only referendum that gave an overwhelming mandate for change across traditional party lines, further boosted the endeavours of the government to facilitate political change.

Another aspect that was important was the role accorded to the security forces during the initial phase of the transition. However, the crucial and maturity phases were characterised by, officially, a diminishing role for the security forces in policy-making, but to this day there are differences in opinion whether the security forces were mandated to continue their actions covertly and whether there were members who were involved in fomenting political violence - particularly among blacks and white right-wingers.

Throughout the three phases of the transition, the ruling elite remained powerful enough to avert a transition from below, but its power eroded to such an extent that it was unable to force a transition from above.

POLITICAL SOCIETY

White political society enjoyed the upper hand over most other political formations for the greater part of South Africa's history. During the maturity phase of the transition, with the

consent of at least the ANC, the existing parliament and other legislatures continued to exist and indeed helped to formalise the transition by passing the necessary legislation for change. Examples of important legislation in this regard are the Independent Media Commission Act, No. 148 of 1993, Internal Peace Institutions Act, No. 149 of 1993, Independent Electoral Commission Act, No.150 of 1993, and Transitional Executive Council Act, No. 151 of 1993. The “white” parliament also remained responsible for legislation pertaining to the day to day administration of South Africa and in total 210 acts were passed during 1993 for this purpose as well as to effect a transition - thus parliament acted as an important stabilising force.

Among non-whites, as discussed, civil society played an important role in channelling the interests of those excluded from the political dispensation. After the unbanning of various important political organisations such as the ANC, PAC and SACP, during the crucial phase of the transition, the playing fields became more equal and political society thus became more inclusive. Through the more accommodating attitude of the government, non-white political society was able to resume its normal role within society and particularly without racial restrictions.

Thus, the maturity phase of the transition mainly involved organisations from political society and the state, while civil society mainly played a supportive and mediating role. It would therefore be possible to speak of the “rise or resurrection” of political society during the third or maturity phase of the transition. There were those organisations, such as AZAPO that excluded themselves from the new role entrusted to organisations from political society by refusing to participate in the negotiation process.

Overall, political society was divided between those who were associated with the incumbents (often referred to as the regime camp and which included those favouring the continuation of the apartheid dispensation, such as the CP and the white right-wing) and the challengers (anti-regime camp that included various organisations such as the ANC, SACP, PAC and AZAPO).⁵ Neither the regime camp nor the anti-regime camp was homogeneous in ideas, positions, strategies and support bases. Among the regime camp, there

⁵As indicated in chapter 6 the position of the IFP was somewhat problematic.

were clear divisions between the hardliners, standpatters, softliners and reformers. On the other hand, the anti-regime camp displayed typical divisions between radicals and reformers. The transition through negotiation was accomplished due to the strength of the reformers and moderates over the standpatters and radicals respectively.

The NP and ANC, together with their respective leaders and chief negotiators, emerged as the dominant forces of political society during the maturity phase of the transition - though, as indicated above, in the case of the NP the dividing lines between state and party were blurred. The dominant role of the NP and ANC was probably a consequence of strategic calculations by them, but it was a source of unhappiness among other actors and particularly the IFP. This posed a threat to the transition, but fortunately, this was averted and often through the intervention of international actors as well as prominent individuals and organisations from civil society. Nevertheless, even those who participated in the negotiations were often marginalised through the principle of “sufficient consensus”. In the short term, it was probably unavoidable in order to be able to move forward in the negotiation and transition process, but in the long term, it could still have an effect on the consolidation of democracy in South Africa.

CIVIL SOCIETY

South Africa was fortunate to have a vibrant civil society that had exercised pressure on various governments even prior to the creation of the Union of South Africa. As discussed in chapters five and six, civil society played a vital role during the crucial phase of the transition and an important supportive role during the maturity phase. However, particularly at grass-roots level, there were “civil society organisations” that were obstructionist and even objected to the role of the government in the transition process. These organisations often fuelled violence that resulted in further counter-action from the state.

STATE - POLITICAL SOCIETY - CIVIL SOCIETY INTERACTIONS

A transition through compromise is the outcome of successful negotiations and it is necessary to pay attention to the characteristics and key events of the transition, as well as the role of

the main political actors in this regard.

The liberalisation measures introduced by the government of PW Botha during the initial phase of the transition, led to the deepening of divisions between hardliners and reformers and at the same time it created the opening or space for increased threats and demands from the anti-regime civil society directed at the state. This led to an increase in the power of the radicals.

During the initial phase of the transition, the anti-regime civil society, in order to foil what it perceived as the power bloc's strategy to maintain the status quo, commanded a non-compromising strategy demanding nothing but the end to the racial oligarchy. Under the leadership of the exiled ANC, the anti-regime civil society centred on the UDF and other civil organisations from predominantly the non-white population. Its rapid growth was enough to make the challengers think in terms of an overthrow of the racial oligarchy. However, the power bloc was not going to capitulate and announced a nationwide state of emergency. Its ability to resist the rise of civil society posed a threat to the continuation of the process of liberalisation. As a result, the confrontational standoff between the two camps resulted in a tight balance of power and a mutually hardening of hostilities - thus at that time a zero-sum situation.

There were fortunately important changes in the political landscape during the crucial and maturity phases of the transition that would take South Africa over the threshold of a democratic transition.

During the "crucial phase of transition" the interaction between the incumbents and the challengers in the domains of, state - political society - civil society was transformed from a zero-sum to a non-zero-sum confrontation. Several characteristics of the transition and events were important in this regard. Firstly, the covert negotiations (e.g. the Dakar meeting, 1987) between the reform faction of the white civil society and the moderates among the ANC - the latter being important in the anti-regime camp (see Marais, 1994). The Harare declaration led by the ANC, paved the way by setting preconditions for negotiation and stipulating basic requirements for a new political dispensation. However, a decisive watershed in the transition was the actions of 2 February 1990 by the reform orientated faction among

the incumbents. The incumbents, faced with a stalemate but a favourable international environment, chose to launch the transition through De Klerk's unilateral announcement of the liberalisation measures on that day. With these, and subsequent liberalisation measures, as well as repeated commitments to a democratic outcome, the incumbents demonstrated their willingness to initiate the transition. This provided an opening of political space to the challengers and the mutually hostile phase of confrontation was as a result transformed into a mutually beneficial phase of negotiation.

Secondly, the incumbents and particularly De Klerk illustrated considerable skill in crafting the transition by establishing trust in the process, and by facilitating progress often under dire circumstances.

Thirdly, South Africa's transition was, as already said, exceptionally violent for a negotiated transition. The incumbents had to deal with this problematic aspect during the transition process. Thus, ending political violence was an important dimension of the transition. The need to address the social cost of the conflict was important in the establishment of common ground among some of the incumbents and the challengers. The conflict was, however, complex and there were various allegations that some actors were not acting in good faith. Not only was there a split between the radicals and the moderates concerning the negotiations, but ethnic conflict among blacks erupted in full force. The phenomenon of so-called black-on-black violence was an obstacle in the democratic transition. Moreover, the incumbents had to deal with allegations that the state was manipulating such black-on-black violence. It was alleged that the government followed a two-pronged strategy, namely while engaging in preliminary talks with its main challenger the ANC, it was also covertly supporting the IFP.⁶ The IFP caused a tentative stalemate by deserting the process of pre-negotiation which was regarded by some as a strategy (perhaps even with the blessing of the state) to weaken the ANC. In order to safeguard their ethnic interests in the changing political arena, black and white organisations based on ethnic ideology tried to maximise their position - even through cross-racial co-operation in for example COSAG. Thus, eth-

⁶As noted the position of the IFP with its support mainly from Zulus from northern Natal and some townships in the PWV-region, was rather complex. Though historically favouring a transition to democracy through negotiation, its playing of the ethnic card and co-operation with the hardliners among the regime camp (such as in COSAG) often gave it a label of being part of the hardliners.

nic conflict became an important structural variable that would affect the strategies of the actors.

Fourthly, the willingness of the challengers to accept the position and role of the incumbents varied. Some challengers, such as the ANC accorded the incumbents considerable authority while others, such as AZAPO and the PAC repeatedly questioned the incumbents' control over the process of transition. Likewise, actors such as the white right wing criticised the incumbents for entering into negotiations with the challengers. The reformers of the regime camp (particularly the NP government) and the moderates of the anti-regime camp (particularly the ANC) were able to check the hardliners and the radicals among the regime and anti-regime camps respectively. This was important in moving forward in the transition process and in preventing a return to racial oligarchy or its demise through an armed uprising. Thus, the favourable position of the reformers, together with the moderates, was important in facilitating the necessary pre-negotiations to bring the much needed political shift that would take South Africa over the threshold of democratisation.

Fifthly, civil society played a particularly important role during the transition and apart from its role in extensive mass mobilisation during the initial phase of transition, it was important in resolving stalemates. Stalemates were often brokered by the exemplary mediation of civil society and particularly the SACC and the business sector. Civil society played an important role in facilitating joint control of the conflict by adopting procedures that would curtail the actions of the state security agencies.

On the other hand, when the transition entered the maturity phase, political society played a dominant role and the politics of compromise was of particular importance in the political shift that was achieved during this phase. Political society, as the buffer zone between the domains of state and civil society, now moved into the stage where a positive outcome seemed possible, because of the successes achieved in the process of negotiation.

7.2.4 THE DYNAMICS OF INSTITUTIONAL CHOICES

Because of the successes achieved in the negotiations during the maturity phase, the major political actors of South Africa recognised the inevitability of a changed political dispensa-

tion. However, there are many institutional options for a democratic dispensation and the process of negotiation at the time revolved around choices concerning such institutions that would replace the racial oligarchy with democracy, as well as how to implement a transition to democracy.

Political actors from the state and political society thus considered the institutional alternatives for the new dispensation that would best reflect their political ideologies and best serve the interests of their support base. The position of most political parties concerning a democratic political dispensation was known at the start of the negotiation process.

The reformists among the regime camp, particularly the government, NP and DP favoured some form of power-sharing model to provide statutory guarantees for the rights of minorities, while the hardliners in the regime camp such as the IFP and CP favoured federalism and some form of self-determination respectively in order to protect the interests of at least some cultural groups. Moderates in the anti-regime camp, such as the ANC favoured majority rule as the best model, but the anti-regime radicals such as the PAC favoured black domination. These were the first preferences of the various actors, which, at the time, had not been exposed to the dynamics of negotiation.

Multi-party negotiation at CODESA and the MPNP moved the process to the stage where the various political actors were engaged in serious strategic interaction pertaining to the new political dispensation, its rules and institutions. The reformers and moderates of the regime and anti-regime camps respectively, formed a centre on the political spectrum that appeared to represent the majority and they therefore led and dominated the negotiation process. They succeeded in transcending the partisan interests of tribe and race by mobilising broad based political support. They combined soft tactics aimed at mutual benefits, with hard tactics that involved threats in order to further their respective goals and interests. On the other hand, the power bases of the CP and IFP were mainly concentrated in particular cultural groups. They often resorted to tactics that tried to prolong the negotiation process and did not participate in all negotiations. The PAC as radicals in the anti-regime camp had a relatively weak power base and therefore repeatedly joined and left the negotiation structure as a tactic to limit the influence of the moderates and increase its own impact on the transition

process. Thus, the hardliners and the radicals were largely of secondary importance as the more “centrist” reformers and moderates with larger support bases, succeeded in dominating the negotiations.

However, it was neither the hardliners, nor the radicals that were responsible for the breakdown of CODESA. The reason was the deadlock between the two dominant actors, namely the government and the ANC, over transitional arrangements and the basic principles of a new constitutional dispensation. In addition to the two centrist actors’ inability to reach a compromise on how the transition should be effected, that is a single stage versus a two-stage transition; there were also uncompromising positions with regard to the basic principles underpinning any new political institutions and in particular “power-sharing” versus “majoritarianism”.

The strategies of the two thus revolved around two conflicting aims, namely the NP’s preference for a form of power-sharing, and the ANC’s preference for majoritarianism. The uncompromising strategies of the two main actors, at that stage, actually displayed on the one hand an over-estimation of their relative power and on the other hand, a deep mistrust of each other for both regarded the preferences and strategies of the other as attempts to obstruct the aims of the other party and to maximise control over, and even seize power. There was a need for intervention to break the deadlock in negotiations and the international community stepped up its mediation efforts. However, to preserve the ensuing multi-party negotiations and to prevent the further escalation of violence, the reformers and moderates demonstrated considerable commitment against the threat posed by the hardliners and the radicals, particularly after the events in Bisho of September 1992. The NP and the ANC, reached an accord termed the “Record of Understanding”, characterised by compromises in which both made concessions. Important was the agreement on a two-stage transition and an interim government of national unity. These successes led to renewed negotiations that involved more actors.

The reformers and moderates’ strategy of transition was successful during the second stage of multi-party negotiation at the MPNP. The compromise between the reformers of the NP and the moderates of the ANC at the MPNP was swiftly reached but excluded the

far-right conservative COSAG camp. It was agreed that a transitional government would be based on the model of temporary power-sharing and it was decided that an independent institution, the TEC was to manage the transition. A compromise between consociationalism and majoritarianism was thus reached. At this stage, the hard line tactics of the conservatives in the regime camp and the radicals in the anti-regime camp were not powerful enough to derail the transition process and they were either incorporated into the multi-party negotiations, or isolated. The formal ratification of the transitional constitution effected an important shift in the political dispensation and through temporary power-sharing it also provided an accommodating response to some of the concerns of some members of COSAG and particularly the IFP. The transition to the new institutions came into effect with the inauguration of the first non-white head of government and head of state after successful elections based on the principle of universal franchise.

Whether the new political system, which emerged from the negotiations, was the best alternative for South African society was a debatable issue at the time and remains an issue in theories on democracy. Crucial in this regard is the debate whether the principle of power-sharing is in fact conducive of democracy. Adherents of majoritarianism and the Westminster system argue that true democracy depends on rule by the majority and on a viable, institutionalised opposition. According to them, power-sharing systems of government do not allow for such an opposition.

Jung and Shapiro (1995: 269-308) for example argue that South Africa's interim constitution was a serious impediment to any progress towards a true democracy. They are of the opinion that the hard-won compromise on power-sharing between the ANC and the NP and to some extent the IFP, was the feature of the interim constitution which was the most worrisome. The authors feared that opposition forces would be marginalised and eventually completely displaced from political discourse and participation. However, advocates of power-sharing, in turn, argue that majoritarianism could lead to the permanent marginalisation of minorities and tyranny of the majority. With hindsight, it could be argued that power-sharing was not a fundamental principle of the final constitution adopted for South Africa, but it would be difficult to determine how the transition would have been made without some form of power-sharing. The hegemonic strategies employed by the contenders

exacerbated tensions, increased violence and made a constitutional settlement more difficult to reach. The violence, the lack of toleration, and hegemonic strategies all pointed to a need for a power-sharing pact between the main contenders. One way - if not the only way - of achieving this was through an interim government of national unity.

The South African case clearly demonstrates that institutions decided on need not be permanent. Thus, an assessment of the suitability of institutions for a transition to democracy should take into consideration the immediate “institutional needs” of the transition as well as the long-term consolidation of democracy.

7.3 EXTERNAL VALIDITY OF THE FINDINGS

An important question is to what extent can the findings, as well as the framework for South Africa’s transition, be applied to analyses of other transitions or potential transitions to democracy. It is important to note that the theories in the macro-structural approach largely are concerned with establishing almost law-like generalisations that identify prerequisites (necessary and sufficient conditions) and thresholds for democracy. On the other hand, proponents of the micro-behavioural approach are inclined to accept the possibility that each transition is a unique event and that even though patterns may be identified there may indeed “be many roads to democracy” (see Rustow, 1970:345). As can be deduced from the discussion above, even within a particular transition, attitudes among the key actors will differ and different groups may propel the transition at different times and under different conditions. For example, the relative power of hardliners and radicals versus reformers and moderates, as well as of the incumbents versus the challengers is important in this regard. Thus, it is important to take into account the unique characteristics of a particular transition. Even though transitions may be unique, it is still possible to identify trends that could be relevant to other transitions or to the understanding of transitions in general. It is therefore important to pay attention to the unique features of the South African transition as well as the “conclusions” that could be useful in other settings.

There are various characteristics of the South African case that need to be considered. South Africa is a heterogeneous society and was at the time of the transition characterised

by a unique set of divisions of which the statutory based racial divisions was of particular importance. Two aspects are of particular importance in this regard. The transition may not be comparable to transitions in homogeneous societies that experience national unity.⁷ Furthermore, the transition was characterised by an enduring conflict between the mutually exclusive sub-societies that gave a particular dynamic to the transition. South Africa, in fact, experienced an extremely violent negotiated transition. The transition, as a result, may differ significantly from transitions that are without violent conflict. As was indicated, the need to end the conflict was a factor in the compromises that were reached, but the conflict was also exploited to further particular goals. Thus, an important consequence of these divisions has been the increase in violence which followed liberalisation. Accepting that South Africa was a deeply divided society meant that constitutional choices had to be made, which would help overcome these divisions along which violence was fomented. In these contexts, this thesis bears the character of an “experimental theory” in which the political change in a society without national unity and homogeneity, but with high levels of violent conflict is analysed.

The structure of South African society is thus a characteristic that should be taken into account and particularly the nature of the societal divisions. A notable point in the case of South Africa is the fact that racial cleavages, particularly between white and non-white rather than class cleavages between capital and labour were of particular importance. There was a significant overlap between these two divisions and even though Marxist interpretations tried to emphasise the importance of class, race and ethnicity were more important and were important socio-economic variables of political change. Thus, there is a possibility that culturally homogeneous societies undergoing a transition may have to deal with class divisions to a greater extent than culturally (and racially where applicable) heterogeneous societies like South Africa. Given this fact, the class oriented methodology focussing on the dynamic relations between state, capital and labour provides a relatively weak framework for the analysis of political change in South Africa as a deeply divided society. In fact, the class-oriented methodology, by restricting its analysis of political change to the question

⁷It should be noted that some proponents of the micro-behavioural approach, such as Rustow emphasise the importance of national unity in a transition.

of class politics, has the risk of over-simplifying the political change in a society deeply divided along various dividing lines that could nurture conflict. In order to attain a more comprehensive understanding of the phenomenon of political change in a deeply divided society, it is important to take into account not only power relations between classes, but also non-class power relations spread in the domains of, state - political society - civil society.

Furthermore, the nature and presence of various structural factors, which are often regarded as preconditions for democracy, need to be assessed for each transition. In the case of South Africa, these factors - as were discussed at length in the thesis - need to be considered in conclusions pertaining to transitions. It is doubtful whether any two transitions will experience an identical set of macro-structural conditions and therefore care should be taken when “transferring” findings of the South Africa case to other cases of transitions. Of particular importance in the South African context is the already mentioned structure of society, but note should also be taken of the declining demographic base of the ruling elite which was an important factor in the actions of the incumbents. Other macro-structural conditions are the long exposure to democratic values (though not enjoyed by all) and the development of a home-grown civil society and political society with a long history of interacting with the state - though often in a conflicting nature. The two dominant actors in political society, namely the NP and the ANC could both draw on experiences and loyalties accumulated over a period of eighty years. The absence of such actors in other transitions needs to be considered.

Furthermore, the shared economy and shared religions that gave birth to a number of important civil society organisations is an important factor within the South African context. These organisations played a very important role in breaking deadlocks during the crucial phase of the transition and played a supportive role in reaching compromises during the maturity phase. Unfortunately, authoritarian regimes and particularly totalitarian regimes are often characterised by the absence of a functioning civil society. Transitions in such cases, for example in other developing countries, are often characterised by attempts to establish such organisations from “outside” by for example foreign-based non-governmental organisations. Again, great care should be taken in transferring findings from the South African experience to cases where these organisations were not present.

As was discussed the international environment was important within the South African context. The breakthrough in the transition came at the end of the Cold War and at a time when East European states democratised. Thus, the international environment was conducive to democracy. International actors also played an important mediating role in the transition. It would be risky to generalise the findings on South Africa's transition without considering the international context. The changing international environment also brought an element of uncertainty as both the incumbents and the challengers had to realign themselves internationally. Uncertainty, together with the possibility of a weakening position, could prompt the actors to favour a compromise sooner rather than later.

A further characteristic that deserves attention is the quality of leadership that prevailed in South Africa during the transition. The micro-behavioural approach emphasises the role of human actors in a transition. South Africa was blessed with a number of exemplary leaders on both sides (incumbents and challengers), as well as from civil society. South Africa's long history of political and civil activism probably played a role in the quality of its leaders.

The transition in South Africa also raises a number of dilemmas. To start with, the deeply divided nature of South African society raises questions, which are not as salient in other cases of negotiated transitions. One dilemma that the negotiators faced in this regard is the constitutional choices that had to be made in order to overcome the mentioned divisions. There were various options that could be considered for the choices in this regard and which needed to form part of the democratic bargain. These included: consociational-type power-sharing; federalism (regional autonomy); an electoral system based on proportional representation; and a bill of rights.

A second characteristic dilemma of South Africa's transition stems from the way in which political contenders advanced their sectional interests at the expense of the overall political and economic systems. The main problem here is that at the time of the transition, South Africa had been in a long-term economic decline. The accompanying problems such as the scarcity of resources, unemployment and inequality, raised the stakes of the conflict. It should in particular be noted that the business community felt confident about its ability within the global economic environment and desired to pursue the opportunities offered in

this regard and thus pressured for a bigger picture featuring “overall” interests. Again, other cases may substantially differ in this regard.

However, the study has theoretical implications that are relevant to other transitions to democracy. Firstly, in the analysis of transitions to democracy, or potential transitions to democracy, it is not valid to make an either/or choice between structural and behavioural theories. This thesis has clearly demonstrated that there is a need to integrate, for analytic purposes, structural and behavioural variables in an analysis of transitions to democracy. It is argued that a synthesis of the two approaches, in an interactive approach, provides a more reliable theoretical framework that could consistently be used to analyse the dynamic process of a transition to democracy. Although this alternative theoretical approach has been used in this thesis to explain the case of the democratic transition in South Africa, the interactive approach, which combines macro-structural conditions with micro-behavioural factors, contribute to a more comprehensive understanding of the complex nature of the process of transition to democracy and the relevant theories involved. Democracies are complex phenomena, and they are caused by many different forces and synthesising these two theoretical approaches to political change provides a more cogent and comprehensive explanation of democratic transition.

Secondly, when considering the macro-structural factors it is important to pay attention to all factors and not to reduce the explanation of the actions of the various actors to a single factor. There is a tendency to focus on a particular set of structural preconditions and not to consider a synthesis of the various structural factors in theories on democratisation in the macro-structural approach. Thus, culture, economic development, societal structures and the international environment, has to be included in an analysis of transitions to democracy.

Thirdly, in the interactive approach to democratisation an analysis making use of the domains of, state - political society - civil society is useful to synthesise structural variables and behavioural variables. The inner dynamics and mutual dynamic relations in the domains of, state - political society - civil society, together with the chronologically sequential dynamics (initial phase, crucial phase and maturity phase) of a transition, provide a good point of departure for the analysis of choices with regard to strategies and alternative institutions that

need to be developed for a new political dispensation. Thus, in this thesis it is argued that the dynamics of democratic transition cannot be explained fully by focussing on the strategic choices of the political actors only. The micro-behavioural approach is useful in determining and predicting the transition strategy and tactics chosen by the political actors at a specific point in the chronological sequence, but has difficulty in explaining the background that enforced the choice and the character of political change calculated as the outcome of such choice. Thus, at various points in the unfolding transition, the active variables are limited by the structural variables. In order to analyse the dynamics of a transition effectively, the defining force of the structural variables working in the domains of, state - political society - civil society, as well as the transition strategy of the political actors selected under such limitations, must be considered simultaneously.

Fourthly, the importance of political society has to be considered in transitions to democracy. By establishing a middle category of political society as a buffer zone between the state and civil society, the unique dynamics of a transition through compromise, could be highlighted. Even though the structure of political confrontation between the domains of state and civil society is important in a transition, it should be noted that political society plays an important role in transitions through compromise, particularly in rearranging the zero-sum confrontational structure between the state and civil society to a non-zero-sum situation. Thus, in transitions through compromise, both the confrontational structure between the state and civil society, as well as the political society mediating between them, should be considered. Furthermore, political society has considerable advantages for analytic purposes and, as indicated, the question arises whether a long term transition to democracy can be made in the absence of a well developed political society.

Fourthly, the importance of civil society in transitions to democracy has already been alluded to above. It should however be noted that the existence, nature and role of civil society need to be systematically considered in the analysis of actual and potential transitions to democracy.

Fifthly, as already indicated above, it is important to make an analytical distinction between the various phases of the transition process. Particularly, in the case of a democratic

transition through compromise, the crucial phase and the maturity phase each has unique principles at work. It is during these phases that the threshold of democratisation is crossed. Prior to reaching the threshold, the “crucial phase of transition”, is the period of preliminary negotiation, where the mutually hostile stage of confrontation turns to a mutually beneficial stage of negotiation. On the other hand, after the crossing of the threshold, the “maturity phase of transition”, involves the dynamics of a transition during the period of grand compromise where the institutional alternatives for a new political dispensation are worked out. Thus, it seems that in the context of a democratic transition by compromise, the various phases in the process of transition are required for analytical purposes.

Sixthly, it is important to pay attention to the correct institutional alternatives for a new democratic political dispensation. Thus, the analysis of a negotiated transition should not stop at the compromises reached, but should examine the “institutional alternatives” for the newborn political system. It is argued that the strategy for transition, as well as the new political dispensation favoured as the most suitable by the individual political actors during the “maturity phase of transition”, is moulded by structural factors that determine the relative power between the incumbents and the challengers - thus limiting the actions of the key actors. Thus, there should be an attempt to avoid the propensity of the micro-behavioural approach to emphasise only the analysis of the chronologically sequential game of negotiation, while ignoring the structural context of the actors’ choices that may affect their original intentions.

In conclusion, all of the above findings imply that, in spite of several unique characteristics of the South African transition to democracy, the basic analytic framework discussed above would be suitable for the analysis of other actual and potential transitions to democracy. The unique characteristics mainly involve variations in the structural conditions present during transitions. By providing for variations in this regard, the framework could be used for analytical purposes in other contexts.

7.4 ADDITIONAL FINDINGS AND RECOMMENDATIONS FOR FURTHER RESEARCH

There were a number of additional findings that do not form part of the objectives of this study, but that could be considered for future research.

A problem that was encountered in the research is the fact that many of the key concepts are in fact contested concepts within the political sciences. Most notable with regard to this research are the concepts of democracy, regime, state, transition, civil society (even political society) and consolidation. The concept of democracy was particularly problematic because transitions to democracy is often minimally interpreted as the adoption of some procedural dimensions associated with democracy. On the other hand, as was indicated, the choice of institutional alternatives are often determined by a particular interpretation of what the concept of democracy entails. This is most notable in the debates between consociationalists and majoritarianists. Thus, there is a definite need for greater consensus on some of the key concepts involved in studies of transitions to democracy. At least, attempts should be made to analyse how various interpretations of these concepts affect research on democratisation and particularly with regard to institutional alternatives favoured, or even concerning the actions of various actors. A related problem, partially addressed in chapter two, is the fact that a number of different terms are used to refer to the same concept and that the same term is used to refer to different concepts. Of particular importance are the terms such as transformation, replacement, and transplacement versus reforma, reptura and reptforma (see section 2.3); and the various terms used to refer to the position of various actors during the transition process, such as hardliners, standpatters, reformers and liberalisers. Though individual authors usually try to explain their use of these terms, there is a need for a more structured convention on the use of all these terms.

Though the interactive approach was used to establish a framework in which structural conditions and behavioural factors were combined, there is a definite need for further research to determine in more accurate terms the symbiotic relationship that exist between, on the one hand particular structural conditions and the actions of particular actors, and on the other hand the outcome of the process of transition. The outcome could refer to whether

it is a transition from above, a transition from below or a negotiated transition, but it should also pay attention to the institutional outcomes. The presence of violence and how its exploitation could be avoided, is of particular importance in this regard.

The problem of causality within the social and political sciences is another issue that requires further attention. The issue of causality is hotly debated in most sciences and even though it is often referred to in studies on democratisation, a systematic account of precisely how causality is understood in the field, is lacking. Various theories are often criticised for, on the one hand jumping prematurely to causal conclusions and, on the other hand, avoiding decisions on causality. Even though advocates of the micro-behavioural approach claim that they have restored causality to its rightful position (see Rustow, 1970), there is in fact very little evidence as to precisely how causality is determined or manifests itself in these studies. These studies concentrate on the “mechanistic rituals” of decision-making by the key actors. Micro-behaviouralists thus fail to address the issue of why different actors pursue different goals, or why even within the same camp they may follow different ideologies and strategies. Thus, why do the goals of the incumbents differ from those of the challengers, and why do the strategies of for example the moderates differ from those of the radicals within the same camp. In contemporary studies, there is a preference for the principles of causality developed by Hume, but during the research it was found that pre-Humeian causality could in fact be relevant within the context of studies of democratisation, particularly, regarding the behaviour of the various actors. For example, the actions of various actors are often caused by the positions they occupy within society as well as the goals they pursue. Thus, a definite need for more systematic research on the issue of causality within the context of studies on democratisation has been identified.

The problem of consolidation is another issue that requires further research and particularly how it could be affected by the mode of transition or the outcome of the choices made by the key actors and particularly with regard to the best institutional alternatives within the prevailing conditions. Though the final phase of consolidation was not part of this study, some comments have been made in chapter six. However, a number of observations were made in this regard. The macro-structural approach, in setting its preconditions for democracy, is more inclined to address “indirectly” the issue of consolidation. That is precisely

the source of a criticism levelled against it, namely that it determines factors that would contribute to the maintenance of democracy and then regard it as a precondition for democracy. On the other hand, the micro-behavioural approach is more concerned with the rituals of the transition process and largely ignores whether the transition will be successful in the sense that it would become consolidated and would thus survive in the long term. Thus, in the choices and strategies of the various actors the effect of the structural conditions on the possible consolidation of democracy should be considered more systematically. Transitions to democracy are therefore too often regarded as an end in itself (often merely to replace a regime) and not as a means to an end - that is the consolidation of democracy and its long-term survival. Of particular importance in this regard is the suitability, as well as the correct combination, of the institutions for the new dispensation. With hindsight it should be noted that even though the NP was a staunch advocate of power-sharing it was unable to function in such an environment and decided to quit the government of national unity. Various reasons could be provided for the actions of the NP, but it is precisely these issues that require more systematic research.

7.5 IN CONCLUSION

Transitions to democracy are complex phenomena that require continued systematic research. The South African transition was likewise complex, but a framework that makes use of an interactive approach that deals with both structural and behavioural variables within the domains of state - political society - civil society, which makes provision for the various phases, as well as the choices of actors and the institutional outcomes, was found to be useful in the analysis of South Africa's transition. It was also found that there are sufficient reasons why this framework could also be used in other transitions.

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