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Department of Political Studies

University of Cape Town

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**Building Peace and Democracy in South Africa:
An Assessment of the “Peace Process” in Relation
to the “Truth Process” (1991-1998)**

by

Friederike Subklew

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A Minor Dissertation Submitted in Partial Fulfilment
of the Requirements for the Award of the Degree of
Master of Philosophy in Justice and Transformation

DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from work, or works, of other people has been attributed, and has been cited and referenced.

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Friederike Subklew

Cape Town, 13.04.2004

Place and Date

ABSTRACT

This study investigates the relation between the narrow “peace process” that followed from South Africa’s the National Peace Accord (NPA) and the “truth process” that followed from the Truth and Reconciliation Commission (TRC) during the country’s transition to democracy. The study narrows down these two highly complex processes so that they can be studied in relation to each other.

The NPA was instituted during the crucial transition period between 1990 and 1994 in order to contain the political violence that threatened to derail the negotiation process then under way. In contrast, the TRC was established in 1995, the later phase of the transition, as a means to deal with South Africa’s conflictual and violent past. It was mandated to uncover past human rights violations under the over-riding objective of promoting national unity and reconciliation. The contributions of both, the NPA structures and the TRC process, to building peace and democracy in South Africa are explored independent of each other before they are set in relation to each other. On the basis of guiding-question interviews conducted with individuals having been part of the NPA and the TRC respectively, preliminary conclusions regarding the historical question of whether a direct link between the NPA structures and the TRC process existed in South Africa are drawn. Departing from there, theoretical implications of the assessed relationship between the “peace process” and the “truth process” in South Africa are discussed.

Based on the South African experience the study suggests that conceptually a link between “processes of peace and truth” is desirable as it can provide a more sustainable basis for the building of peace and democracy but it also notes the difficulties of establishing such a link in practice. The study points out that a direct linkage between “processes of peace and truth” could connect the ‘negative’ task of peacebuilding – the reduction of direct violence – to the ‘positive’ task of peacebuilding – the rebuilding of relationships. It is argued that such a linkage would further promote democratic consolidation. Departing from there the study concludes that a substantial or direct linkage between the “processes of peace and truth” is worth considering if other transitional societies opt for managing their transition by means of a “peace process” and a “truth process”.

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List of Abbreviations

AC	Amnesty Committee
AWB	Afrikaner Weerstandsbeweging
ANC	African National Congress
CBM	Consultative Business Movement
CCR	Centre for Conflict Resolution
CODESA	Convention for a Democratic South Africa
COSAG	Concerned South Africa Group
CSVR	Centre for the Study of Violence and Reconciliation
GNU	Government of National Unity
HRVC	Human Rights Violations Committee
IFP	Inkatha Freedom Party
ISS	Institute for Safety and Security Studies
LPC	Local Peace Committee
MK	Umkhonto we Sizwe
MPNP	Mutli-Party Negotiation Process
NNP	New National Party
NP	National Party
NPA	National Peace Accord
NPC	National Peace Committee
NPS	National Peace Secretariat
PWV	Pretoria-Witwatersrand-Vereeniging
RPC	Regional Peace Committee
RRC	Reparations and Rehabilitation Committee
SACC	South African Council of Churches
SACP	South African Communist Party
SAIRR	South African Institute for Race Relations
TEC	Transitional Executive Council
TRC	Truth and Reconciliation Commission
UDF	United Democratic Front
UDM	United Democratic Movement
UN	United Nations

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INTRODUCTION

The transition from authoritarian rule to democracy in South Africa is widely considered to be one of the most remarkable cases of conflict resolution in the post-Cold War period. Compared to similar cases, South Africa was relatively successful in transforming its fundamental political conflicts and in facilitating the advent of a new democracy in 1994. Internationally, South Africa is often considered as having undergone a “miraculous” transition: at a point in time when an escalation of South Africa’s conflict was widely anticipated, a relatively peaceful transition to democracy by means of political negotiation suddenly became possible. However, it is often overlooked that at the time this transition was in fact threatened by a dramatic increase in political violence, following the release of political prisoners and the unbanning of liberation movements in February 1990. Political violence increased throughout the transition years and at various points in time threatened to derail the process of political-constitutional negotiations. So, far from being a divine intervention, the “miracle” of the South African transition actually involved specific processes of peacemaking and peacebuilding that are in need of further investigation.

The processes of peacemaking and peacebuilding in societies seeking to emerge from violent conflict have since the 1990s been termed as “peace processes”, since attempts to reach accommodation between opponents were increasingly based on formal peace accords that initiated structured and sustained ‘processes’. Most of them extended beyond strictly political and security matters to include issues of social and cultural inclusion and economic regeneration.¹ In contrast to this use of the term “peace process”, encompassing processes of peacemaking and peacebuilding, the term is in the current study applied in a narrow sense. It is used to refer to the process that followed from South Africa’s formal peace accord – the National Peace Accord (NPA). The wider “peace process” in South Africa is regarded as having been shaped by the narrow “peace process” and the process of multi-party political-constitutional negotiations that began after the signing of the formal peace accord. In addition, the study makes use of the term “truth process” and understands it as the process that followed from the South African Truth and Reconciliation Commission (TRC). The narrow “peace process”, the process of political-constitutional negotiations and the “truth process” are considered as having made up South Africa’s democratic transition. The term democratic

¹ Between 1988 and 1998 at least 38 formal peace accords were signed that initiated such comprehensive ‘peace processes’, with the earlier ones being negotiated with direct UN involvement, while the later ones were primarily negotiated by the parties engaged in the conflict itself. Darby, J. & Mac Ginty, R. 2001. “Series Preface” in du Toit, P. *South Africa’s Brittle Peace*. p. ix.

transition is thus here used to refer to the overall process of political change in South Africa spanning the period between 1991 and 1998.

The NPA was instituted during the crucial transition period between 1990 and 1994 in order to contain the political violence that threatened to derail the negotiation process then under way. The Accord was at the heart of the wider “peace process” in South Africa. The signing of the NPA in September 1991 represented the initial step towards the creation of democracy and laid the foundation for the formation of the Convention for a Democratic South Africa (CODESA) through its multi-party negotiation forum. It allowed pre-negotiations, which had started in the middle of the 1980s and were characterised by ‘talks about talks’, later on leading to bilateral ‘talks’ between individual representatives of the ANC and the NP government, to progress to yet another stage, eventually making formal multi-party political-constitutional negotiations possible. From December 1991 onwards, the NPA and the process of political-constitutional negotiations, symbolised in CODESA and the later Multi-Party Negotiation Process (MPNP), progressed concurrently and influenced each other, facilitating South Africa’s transition to democracy.

The wider “peace process”, made up by the narrow “peace process” and the process of political-constitutional negotiations, provided the foundation for a stable democratic order based on the recognition of human rights. It resulted in the first non-racial, democratic elections in April 1994 and the subsequent formation of a Government of National Unity (GNU). The mechanisms instituted during this earlier phase of the transition, including above all the (Interim) Constitution of 1993, were mainly forward-looking in establishing the legal ground for a future democratic culture.

In contrast to this, the Truth and Reconciliation Commission (TRC) was a backward-looking mechanism, established in 1995 as a means to deal with South Africa’s conflictual and violent past. The Commission was mandated to uncover past human rights violations with the objective of promoting national unity and reconciliation. Instituted in the later phase of South Africa’s transition, the TRC was intended to “deal with the past” in order to change the present and shape a different future in which peace and democracy brought about through the combined efforts of the NPA and the process of political-constitutional negotiations could be consolidated.

This brief description of the mechanisms used to facilitate the South African transition and to sustain the changes initiated during the negotiations serves to illustrate the analytical differentiation between the three interlinked and yet distinct processes made in this study: the “*peace process*”, driven by the NPA; the *process of political-constitutional negotiations*,

characterised by CODESA and the MPNP, later culminating into the establishment of the GNU; and the “*truth process*”, shaped by the work of the TRC. While all three processes are seen as having had significant importance in shaping South Africa’s transition, analytical accounts of South Africa’s democratisation process typically focus attention on the political-constitutional negotiation process. While the study recognises the very crucial contributions that this process made to the establishment of peace and democracy in South Africa and is aware of the difficulty linked to a separation of the narrow “peace process” from the wider “peace process”, as both of them happened concurrently and influenced each other, it places greater emphasis on the narrow “peace process” and sets it in relation to the “truth process”.

In this study, the “peace process” is understood narrowly as the process of building ‘negative’ peace through the containment of political violence promoted through the NPA. Similarly, the South African “truth process”, promoted by the TRC, is understood narrowly as the process of building ‘positive’ peace through the investigation of gross human rights violations committed in the past under the overall objective of promoting national unity and reconciliation.² The current study therefore uses the terms “peace process” and “truth process” interchangeably with the formal institutions of the NPA and the TRC, respectively. The “processes of peace and truth” in South Africa are considered as providing an opportunity to investigate: (1) the value of methods of conflict resolution and peacemaking as a way of building ‘negative’ peace between parties in conflicts and (2) the value of truth commissions as a way of building ‘positive’ peace through an investigation of crimes committed in the past under the objective of promoting reconciliation.

The NPA and the TRC, the formal institutions at the heart of South Africa’s “peace and truth processes”, stand out in international comparison. In terms of their mandate, depth and scope, both processes have been without precedent. In particular, the South African approach of dealing with the past through the TRC, aimed at reconciliation and national unity, is widely recognised as a remarkable undertaking in the global context of the early 1990s. Above all, the South African transition stands out as a nationally driven process, in that all three processes, which shaped it, were ‘home-grown’. The “peace process” gained its momentum through the commitment of local actors from diverse backgrounds willing to work with – rather than against – each other in the name of peace; the parties to the negotiations at

² The field of peace and conflict studies distinguishes between two distinct but related and complementary objectives of building peace, namely ‘negative’ and ‘positive’ peace, with ‘negative’ peace representing the cessation of direct violence and ‘positive’ peace implying the removal of structural and cultural violence. See section 1.1.1 b).

CODESA and the MPNP were exclusively South African; and all TRC commissioners were South Africans from different professional and communal backgrounds drawn together to address the legacy of the past. However, it needs to be acknowledged that at crucial junctures contributions from the international community helped to drive the South African transition process forward.

On the eve of the celebrations of ten years of democracy in South Africa and after the submission of the last two volumes of the TRC Report in March 2003, followed by the government's long standing announcement of its reparation measures, it is now a suitable point in time to look back at the key components of South Africa's transition process. The current study aims to provide such critical reflection on the role of the NPA and the TRC in promoting the transition to democracy and in laying the foundation for sustainable peace and democratic consolidation in the later transition phase. It will assess the role of the NPA in ending the political violence that threatened to derail South Africa's "peace process", as well as the role of the TRC in coming to terms with the legacy of political violence and in promoting national unity and reconciliation.

The motivation for this study lies in the realisation that there is an increased debate amongst scholars from the democratisation and the peacebuilding fields seeking to understand two particular phenomena. Firstly, they try to explain under what conditions conflict can be managed and peace be built through negotiated political transitions.³ Secondly, they are concerned with the question of how members of divided societies can be reconciled and how peace and democracy can be consolidated.⁴ While practitioners and theorists alike have focussed on the "truth process" and have studied the TRC⁵, the "peace process" has often been sidelined, with only a few scholar-practitioner accounts having been written on the NPA⁶. This signals the degree of importance attributed to the two processes, with the former being widely praised and at the same time harshly criticised, while the latter has rarely been the focus of debate. The contributions made by those involved in the "peace process" remain largely unacknowledged. The availability of different resource materials has, on the one hand, an impact on the assessment of the two processes undertaken in this study and is, on the other

³ Reference will be made to Galtung (1996, 1998), Miall et al. (1999), Ramsbotham (2000), O'Donnell and Schmitter (1986), Luckham et al. (2003) and Licklider (2001).

⁴ Reference will be made to Mani (2002), Lederach (1995, 2001), Hayner (2001), Baharona de Brito et al. (2001), Zalaquett (1994), Ignatieff (1996) and Mamdani (1998).

⁵ Out of the many accounts on the TRC, this study selectively focuses on those considered as most illuminating regarding the promotion of reconciliation in the TRC context. These are: Wilson (2001a and 2001b), du Toit (2003b), Hayner (2000 and 2001), Villa-Vicencio (2000) and Boraine (2000).

⁶ The scholar-practitioner accounts assessing the NPA are: Shaw (1993, 1997), Sisk (1993, 1994), Spies &

hand, already an indication that the “processes of peace and truth” represented two different processes that were not directly linked but functioned in the overall framework of South Africa’s democratic transition. While the “peace process” was studied less than the “truth process”, the relation between the two processes has not at all been the focus of investigations. This is where the current study directs its attention.

Raising questions about a linkage between the NPA structures, representing the “peace process”, and the TRC structures, representing the “truth process”, was motivated by the observation that the peace committees of the NPA: a) contributed immensely to the development of human potential at the grassroots level, b) popularised the idea of negotiation and mediation as a means of conflict resolution and c) had multi-party discussion forums that gained an enormous acceptance in the localities in which they operated.⁷ This observation raised for me the question of *whether the extensive networks of local peace committees, established through the NPA, could not have been a valuable resource for the TRC*. This is because the TRC is often criticised⁸ for having failed to relocate the exemplary interpersonal reconciliation processes that it initiated at national level into local community contexts in order to promote more comprehensive processes of social reconciliation or community reconciliation.

Apart from setting the “processes of peace and truth” in relation to each other this study also reflects on their individual contribution to peacebuilding and democratisation. It does this with the intention of extracting lessons that South Africa’s transition provides for democratisation specialists and peacebuilders, especially regarding the relationship between “peace processes” and “truth processes” that might be of theoretical and practical relevance to those in other transitional societies involved in building peace and democracy.

This study thus takes the form of a theoretical as well as practical case study based on a socio-political and historical account of the South African transition; more specifically, it provides an assessment of two distinct components of the South African transition with the intention of revealing possible theoretical and practical linkages. The following summary presents an outline of the chapters making up this study.

The first chapter provides the theoretical background of the study by outlining some relevant debates on peacebuilding that emerged from the field of peace and conflict studies as well as pertinent considerations regarding the process of democratisation from the compara-

Odendaal (1996), Tessendorf (1996), Ball & Spies (1997) and Camay & Gordon (n.d.).

⁷ See scholar-practitioner accounts mentioned in footnote 6.

⁸ See for example: van der Merwe (2002, 1999), Wilson (2001b), Walza (2000) and du Toit, F. (2003).

tive study of transitions from authoritarian rule. It further considers the new field of transitional justice as an area linking both these areas of inquiry. It introduces and differentiates the notions of peace and conflict as well as the concepts of democracy and democratisation. It highlights the characteristics of transitional societies and the necessary preconditions for the establishment and consolidation of peace and democracy. Finally, attention is directed at the truth commission model as a transitional justice mechanism and at the concept of reconciliation. This theoretical introduction is aimed at providing the conceptual framework into which the later assessment of the “peace process” (driven by the NPA) in relation to the “truth process” (shaped by the TRC) is located.

In the second chapter the origins of the South African conflict in the struggle against apartheid and ‘white’ minority rule is introduced, before the “new” democratic South Africa is studied as a transitional society. The problem of political violence, and more specifically the role of political violence under apartheid and during the transition to democracy, is posed as the necessary background to the accounts of peacemaking (the ‘negative’ task of peacebuilding) and of “dealing with the past” (the ‘positive’ task of peacebuilding) that are to follow in the subsequent chapters. Attention is specifically directed at the threats posed by the continuing political violence for the process of political-constitutional negotiations. This is done to provide the relevant context within which the NPA and the TRC had to shape South Africa’s “processes of peace and truth”.

The third chapter is concerned with the “peace process” in particular. It describes how the NPA, symbolising South Africa’s “peace process”, came into being and states its aims and objectives. Furthermore, it outlines the structures that were set up through the Accord and illustrates how the peace committees operated at national, regional and local level before it assesses the NPA’s contribution to the establishment of peace and democracy in South Africa.

In the fourth chapter attention is directed at the TRC, being characteristic of South Africa’s “truth process”. The motivation for the founding of the Commission is studied before the aims and objectives outlined in its mandate are introduced. Thereafter the Commission’s committees and their specific tasks are described and the work of the Commission is documented. Finally the TRC’s contribution to the consolidation of peace and democracy in South Africa is assessed.

The fifth chapter studies the “processes of peace and truth”, both of which profoundly shaped South Africa’s transition, in relation to each other. It researches what specific linkages did or did not obtain between these distinct components of the overall transition process; it

investigates to what extent their contributions in shaping post-apartheid South Africa were interrelated e.g. in terms of whether the same or different actors were involved in both processes. Moreover it investigates whether a linkage between the NPA structures and the TRC process would have been possible and/or useful. Thereafter it relocates the “peace process” and the “truth process” into the theoretical debate outlined in the first chapter and discusses the ways in which the South African example advocates a direct linkage between the processes involved in building peace and democracy. Finally, lessons are highlighted that the South African transition provides for democratisation specialists and peacebuilders, in terms of a conceptual linkage between “processes of peace and truth”.

Several sources of information have been utilised for the theoretical discussions and the assessments outlined in the current study. They include primary sources, such as government publications and interviews with selected scholar-practitioners involved in the work of the NPA or the TRC, as well as secondary sources, such as published books and journal articles. While the study accessed a variety of sources it was faced by a number of serious limitations. In terms of an assessment of the NPA’s role during the South African transition, this study was challenged by a lack of academic literature, especially of theoretical accounts, while in terms of an assessment of the TRC’s role, the challenge lay more in identifying the accounts most illuminating and relevant to this study. Overall, the current study was faced with the difficulty of having to narrow down two highly complex processes so that they could be studied in relation to each other and be relocated into a theoretical framework linking peacebuilding, democratisation and transitional justice. Regarding the selection of interview partners the study was constrained by having to focus exclusively on suitable candidates residing in the Cape Town metropolitan area. Time constraints further impacted on the author’s ability to follow up some of the questions that emerged during the later stages of the research project. They are highlighted in the study as objects being worth further consideration and investigation.

CHAPTER ONE

Legitimacy, acceptance and trust are integral to the functioning of any reasonably stable socio-political system, invisible and often taken for granted when differences are being settled relatively peacefully, but palpably lacking when they are not.

Miall, H. et.al. in *Contemporary Conflict Resolution*, 1999, p. 207.

1 THEORETICAL APPROACHES TO BUILDING PEACE AND DEMOCRACY

Since the 1970s many countries have undergone regime transitions from authoritarian rule to more democratic forms of governance. Priscilla Hayner points out that these transitions occurred in different ways, for example, at the end of civil strife, through the downfall of a military regime, or through popular revolt against an oppressive regime combined with increasing international support.⁹ Not to be confused with such democratic transitions are cases where change occurred in the aftermath of conflict but did not ultimately lead to democratisation. In recent decades, conflicts have occurred increasingly within rather than between states; such intra-state conflicts typically evolved around questions of communal identity rather than around disputes over territory, economic resources or East-West rivalries typical of the earlier inter-state conflicts.¹⁰ Societies emerging from such forms of 'protracted social conflict'¹¹ are usually termed 'post-conflict societies'.¹² However, the term 'post-conflict society' is somewhat problematic, as it does not give full recognition to the fact that insecurity and instability often continue to mark countries that have emerged from conflict by means of peace agreements.¹³

This distinction between *transitional* and *post-conflict societies* is in general useful and applicable in a number of cases. However, issues of concern in transitional societies are not

⁹ Hayner, P.B. 2001. *Unspeakable Truths: Confronting Past Terror and Atrocity*, p. 5.

¹⁰ Azar, E. cited in Miall, H. et al. 1999. *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts*, p. 72.

¹¹ This phrase was introduced by Edward Azar. In the early 1990s he identified more than sixty examples of 'protracted social conflicts' in the world. See Azar, E. in *ibid*.

¹² Mani, R. 2002. *Beyond Retribution: Seeking Justice in the Shadows of War*, p. 12.

¹³ In the context of peacebuilding activities Oliver Ramsbotham introduced the term 'post-settlement peacebuilding' as opposed to 'post-conflict peacebuilding' arguing that peace agreements do not necessarily end the conflict but that they are meant to provide the means through which the parties will be able to resolve the 'unfinished business of war'. (Ramsbotham, O. 2000. "Reflections on UN Post-Settlement Peacebuilding" in *International Peacekeeping*, Vol. 7, No. 1, p. 173.) While 'post-settlement society' would thus be a more accurate term I will in the following make use of the more common version 'post-conflict society'. However, the term is used with the awareness that the possibility of relapse into violence remains very high in these societies in so far as they have not actually resolved the root causes of their conflict.

always separable from those in post-conflict societies; instead they often overlap. Central Eastern European countries such as Poland and the former German Democratic Republic (GDR)¹⁴ represent definite cases of democratic transitions. In contrast, many African countries such as Rwanda and the Democratic Republic of Congo are examples of post-conflict societies, which also underwent a change of regime. Yet, these processes of regime change did not ultimately lead to democratisation. In addition to those cases that can be categorised as belonging to the one category or the other, there are cases where the categories of transitional societies and post-conflict societies coincide. The broad object of this study – the South African transition – is, in my view, a case representing a transitional as well as a post-conflict society. South Africa is a deeply divided society that emerged from violent communal conflict in the early 1990s, as well as a newly democratic society that emerged from authoritarian rule. While some of the root causes of this conflict, like the deep social and economic inequalities created and sustained through the system of apartheid, could not be resolved immediately, the violent nature of the conflict was transformed through the transition to a constitutional democracy, which at least guaranteed equal rights to all citizens and provided the foundation for a new rule of law. Once peace and democracy had been established during the transition, South Africa decided to deal with its past by means of a Truth and Reconciliation Commission, aimed at uncovering the truth of past human rights violations and at acknowledging the pain and suffering of victims with the objective of promoting national unity and reconciliation. This can be considered as an attempt to consolidate the initiated democratic transition.

With an increasing number of countries undergoing transition or emerging from communal conflict, two sub-fields of political and social inquiry developed – that concerned with democratisation and that of peace and conflict studies. Debates in these two fields respectively centred, on the one hand, on the questions of how durable political settlements can best be constructed and, on the other hand, on what is required for a consolidation of peace and democracy.¹⁵ While scholars from the democratisation field usually study political regime changes and are in general concerned with constitution-making, elections, support of civil

¹⁴ Further distinctions amongst these democratic transitions are possible. The GDR (East Germany), for example, constitutes an exceptional case of democratic transitions as the civil movement's fight for a system change resulted in a breakdown of the old regime but did not lead to the advent of a new political system for the GDR but instead to the total absorption of the country into neighbouring the neighbouring Federal Republic of Germany (West Germany). Samuel Huntington therefore classifies the GDR as a case of 'Replacement'. (Huntington, S.P. 1991. *The Third Wave: Democratisation in the Late Twentieth Century*, p. 114.) This is discussed in more detail in section 1.2.

¹⁵ Hampson, F.O. 2001. "Parent, Midwife, or Accidental Executioner?" in Crocker, C.A. et al. (eds.) *Turbulent*

society initiatives and extensive state-or institution-building, scholars from the field of peace and conflict studies primarily focus on social change processes in post-conflict societies. They focus on two areas of concern: a) the ways in which former enemies can be kept away from going back to war and b) how the underlying causes of conflict (root causes) can be addressed.¹⁶ But just as the separation of transitional and post-conflict societies is in some cases artificial, so the two distinct literatures on democratisation and on peace and conflict can not always be separated unambiguously. Particular areas, such as the field of transitional justice, are of concern to both fields. However, it is not very clear how they relate to each other and in which areas they do overlap. This is where this chapter will focus its attention.

As highlighted in the Introduction two distinct components of the overall South African transition – which we have designated as the “peace process” and the “truth process” respectively – are the object of this study. It will be argued that these two processes characterised the South African transition as a case of democratic transition as well as a case of post-conflict peacebuilding. In order to be able to study how both processes contributed to the building of peace and democracy in South Africa I opted for a theoretical approach that links peace and conflict studies with democratisation theory. The following chapter undertakes a closer analysis of the characteristic contribution of the literature from the field of peace and conflict studies and places special emphasis on its concern with peacebuilding. It also outlines what is incorporated in the concept of democratisation as a distinct phase of the overall process of democratic transition. In addition, attention is directed at the way in which both literatures relate to the field of transitional justice. Having emerged as a sub-field of broader inquiries into democratic transitions, transitional justice is here considered as linking the two fields of academic inquiry – democratisation and peace and conflict studies. In addition to providing an introduction of the three fields, this chapter clarifies the concepts central to this study such as conflict, violence, democracy and peace.

The theoretical considerations presented have been selected according to their relevance for the South African case. A greater emphasis will thus be placed on theories that highlight the role of internal actors in peacebuilding enterprises as opposed to external third-party interventions, and on accounts relating to the specificity of African conflict constellations rather than to those typical of Western civil or intra-society conflicts.

Peace, p. 387.

¹⁶ Call, C.T. & Cook, S.E. 2003. “On Democratisation and Peacebuilding” in *Global Governance*, Vol. 9, No. 2, p. 233.

1.1 Peace and Conflict Studies

The academic field of peace and conflict studies was founded as a defined field of theory and practice in the 1950s. At that time, the Cold War was at its height and the increasing conflict between the superpowers led to the development of nuclear weapons, posing a threat to human survival.¹⁷ Kenneth Boulding laid the foundations of peace and conflict research when he initiated the *Journal of Conflict Resolution* in 1957 and established a Centre for Conflict Resolution Research in 1959. The field developed further in the 1960s and 1970s. At that time Johan Galtung set up peace research institutes in Europe and launched the *Journal of Peace Research* in 1964. He introduced the concept of the conflict triangle and distinguished between direct, structural and cultural violence.¹⁸ John Burton was another influential scholar who shaped the field of peace and conflict studies. He founded a distinct school of thought that rejected a realist, state-centric view of international politics in favour of a 'world society' approach and advocated conflict resolution interventions driven by a problem-solving approach.¹⁹ By the 1980s the field of peace and conflict studies spread worldwide and increasingly gained more practical significance. As conflict resolution ideas were implemented at local and governmental levels, the emerging lessons from such practical applications began to reinforce theory and consequently further differentiated the field of peace and conflict studies.²⁰

During the closing years of the Cold War the nature of political conflicts changed dramatically, which was evident in the declining East-West rivalries typical for the until then common inter-state conflicts and the increasing emergence of intra-state conflicts, particularly on the African continent, in the Balkans and along the borders of the former Soviet Union. In this 'new' political reality conflicts no longer constituted distant military or political phenomena but events that directly affected individuals and all aspects of social and economic life in a particular state.²¹ This context radically changed the climate for conflict resolution and ideas associated with conflict resolution and peace studies that had previously been marginalized now found greater receptivity. As debates around how violent internal conflicts could be ended and sustainable peace built emerged, the concept of peacebuilding gained major significance. But as the field of peace and conflict studies rapidly developed further over the last

¹⁷ Miall, H. et al. 1999. op.cit., p. 1.

¹⁸ The conflict triangle and the categorisation of different forms of violence are explained in section 1.1.1 c).

¹⁹ Miall, H. et al. 1999. op.cit., pp. 42-48. See also Burton, John. 1990. *Conflict: Resolution and Prevention*.

²⁰ Ibid., p. 56.

²¹ Mani, R. 2002. *Beyond Retribution*. p. 1.

15 years, the concept of peacebuilding lost conceptual preciseness in consequence. Charles Call and Susan Cook identified three strains of peacebuilding literature that use the concept in different ways. The first strain represents accounts of scholars that study peacebuilding based on the understanding of *the United Nations (UN)* framed by Boutros Boutros-Ghali's 'Agenda for Peace' (1992), mostly with reference to particular UN interventions. The second strain has its origins in the *peace research and conflict resolution literature* and focuses predominantly on peacebuilding activities undertaken from within a particular society. In contrast, the third strain understands peacebuilding as a *generic term*, which covers the full range of mechanisms aimed at reducing or preventing violence. It includes the issues of peacekeeping, peacemaking and conflict prevention.²² When used as a generic concept peacebuilding becomes a too broad concept making it difficult to distinguish peacebuilding from the larger literature on peacekeeping and civil war termination. It therefore loses its significance for this study.

The UN understanding of peacebuilding as outlined in the 1992 'Agenda for Peace' views peacebuilding as "action to identify and support structures, which tend to strengthen and solidify peace in order to avoid a relapse into war."²³ Peacebuilding is here distinguished from peacekeeping, peacemaking and preventative diplomacy.²⁴ This distinction suggests that at different times, and in diverse contexts, a variety of sequential response mechanisms and functions are needed to promote the resolution of conflict and the sustenance of peace. In 1995, Boutros Boutros-Ghali described peacebuilding in more detail as assistance in "rebuilding the institutions and infrastructures of nations torn by civil war and strife [...] and in the largest sense, to address the deepest causes of conflict: economic despair, social injustice and political oppression".²⁵ UN peacebuilding can thus be summarised as being aimed at state building as well as at socio-economic reconstruction in countries emerging from violent conflict. This strain of peacebuilding literature has thus far produced the greatest number of articles and books, but due to its primary focus on elite processes and on economic reconstruc-

²² Call, C.T. & Cook, S.E. 2003. op.cit., p. 235. Comparable to the generic understanding of peacebuilding is the generic understanding of the term conflict management, which when referred to in this way encompasses the full range of 'positive' conflict handling mechanisms. Miall, H. et al. 1999. op.cit., p. 21.

²³ Boutros-Ghali, B. 1992. *An Agenda for Peace: Preventative Diplomacy, Peacemaking and Peacekeeping*, Paragraph 21.

²⁴ *Peacekeeping* refers to the deployment of UN presence in the field and expands the possibilities of the prevention of conflict and the making of peace. *Peacemaking* is understood as action to bring hostile parties to agreement. *Preventative Diplomacy* refers to action aimed at preventing disputes arising between parties, preventing existing disputes from escalating into violence and limiting the spread of the latter when they occur. Boutros-Ghali, B. 1992. op.cit., Sections V, IV and III respectively.

²⁵ Boutros-Ghali, B. cited in Alden, C. 2001. *Mocambique and the Construction of the New African State*, p. xiv.

tion activities driven by external actors, such as the UN, the World Bank and International NGOs, it is not of major relevance for this study. Differentiated from external actors, who are usually only on a short-term basis involved in peacemaking and peacekeeping processes, are internal actors, who are more often involved in long-term orientated peacemaking and peacebuilding activities.

Scholars in the field of peace and conflict studies emphasises the role of internal actors in building sustainable ('positive') peace by highlighting the social, psychological and religious dimensions of conflict resolution processes that are of particular importance to the population at the local level and differentiate between conflict resolution initiatives at different levels of society. This understanding of peacebuilding is of greater relevance for this study. In an attempt to get more clarity on what the concept of peacebuilding in the context of peace and conflict studies incorporates, the following section takes a closer look at the literature that emerged from this field and defines how the concept will be used throughout this study.

1.1.1 Key Concepts of Peacebuilding

In the context of peace and conflict studies, the concept of peacebuilding has a long history, which will not be explored here. Instead, the work of the peace researcher Johan Galtung²⁶ is introduced as a point of departure because his ideas profoundly shaped the understanding of peacebuilding in the peace research and conflict studies literature. It was furthermore shaped by ideas of scholar-activists like John Paul Lederach.²⁷

While there are different strains of peacebuilding literature, as outlined above, the term peacebuilding generally refers to activities that reduce violent conflict and establish the foundation for sustainable peace. At the heart of peacebuilding is thus the intention to transform violent conflict situations in such a way that broken relationships are restored and the ground for non-violent, peaceful conflict resolution is prepared. The concept of peacebuilding is therefore intrinsically linked to the terms conflict, peace and transformation. Being consid-

²⁶ Out of Galtung's earlier work the German version of 'Structural Violence' (Galtung, Johan. 1975. *Strukturelle Gewalt. Beiträge zur Friedens- und Konfliktforschung*. Reinbek bei Hamburg: Rowohlt) is here regarded as most illuminating along with his later work 'Peace by Peaceful Means' (Galtung, Johan. 1996. *Peace by Peaceful Means: Peace and Conflict, Development and Civilisation*. International Peace Research Institute, Oslo. London: Sage Publications), which brings together his central arguments.

²⁷ With view to the questions raised in this study Lederach's popular work 'Building Peace' (Lederach, John Paul. 1995. *Building Peace: Sustainable Reconciliation in Divided Societies*. Tokyo: The United Nations University.) and his article 'Civil Society and Reconciliation' (Lederach, John Paul. 2001. "Civil Society and Reconciliation" in Crocker, Chester A. et al. (eds.) *Turbulent Peace: The Challenges of Managing International Conflict*. Washington DC: United States Institute of Peace Press, pp. 841-854.) are regarded as being of central importance.

ered as the terms most central to this work, the following section studies: a) Galtung's conflict triangle, b) the notions of 'negative' and 'positive' peace and c) the notion of conflict transformation.

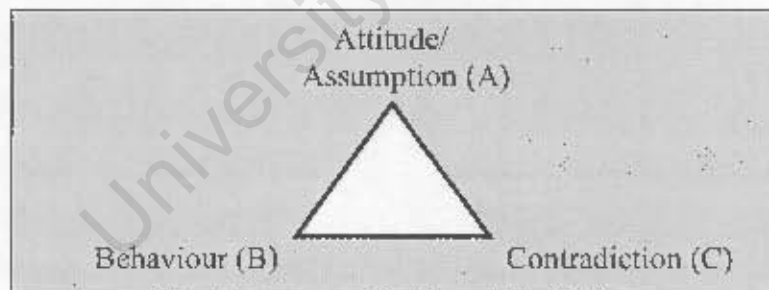
a) Conflict and the Conflict Triangle

The classical ideas of conflict present in the field of peace and conflict studies are articulated by Hugh Miall et al., when they state that

conflict is seen as an intrinsic and inevitable aspect of all human interaction and as a precondition for social change. It is an expression of the heterogeneity of interests, values and beliefs that arise as new formations generated by social change come up against inherited constraints. But the way we deal with conflict is a matter of habit and choice. It is possible to change habitual responses and exercise intelligent choices.²⁸

From this it is apparent that in itself conflict is not considered as problematic in the field of peace and conflict studies. Scholars and practitioners alike argue that conflicts do provide an opportunity for meaningful change processes if a violent outbreak is averted and they are dealt with constructively. The field of peace and conflict studies is thus concerned about identifying approaches that reduce the likeliness for an outbreak of violent conflict, which in turn requires understanding what characterises conflicts. In an attempt to gain such an understanding Galtung proposed in the 1960s that analytically conflict could be viewed as a triangle with contradiction, attitude/assumption and behaviour at its vertices (see figure 1).

Figure 1: The Conflict Triangle²⁹



The contradiction (C) refers to the underlying conflict situation, which includes the actual or perceived incompatibility of interests and goals between the parties in conflict as well as the issues at stake; attitude/assumption (A) refers to the parties' perceptions and misperceptions of each other and themselves and includes emotive (feeling), cognitive (belief) and conative (will) elements; whilst behaviour (B) refers to gestures signifying conciliation or hostility, co-

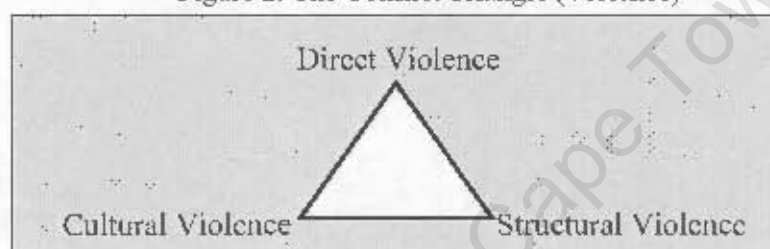
²⁸ Miall, H. et al. 1999, op.cit., p. 5.

²⁹ Galtung, J. 1996. *Peace by Peaceful Means: Peace and Conflict, Development and Civilisation*, p. 72.

operation or coercion.³⁰ Galtung argued that, once a conflict starts to escalate, the three components – contradiction, attitudes and behaviour – are constantly going to change and influence one another, leading to situations where the inner state of the parties can either be characterised by hatred or depression, and their behaviour by the use of direct physical and verbal violence, or by withdrawal and apathy. Galtung thus understood conflict as a complex and dynamic process in which the dimensions A, B and C in turn influence each other.

On the basis of the conflict triangle, Galtung furthermore distinguished between direct, structural and cultural violence, with *direct violence* referring to actual harm or hurt caused to others, *structural violence* representing suffering caused by underlying social structures and *cultural violence* being of symbolic nature and finding its expression in religion, ideology, language etc. (see figure 2).³¹

Figure 2: The Conflict Triangle (Violence)³²



Galtung noted that direct violence – visible behaviour – can take physical and/or verbal forms and is provoked through the often invisible roots of the conflict. These are identified as a culture of violence (heroic, patriotic, patriarchal etc.) and a structure that is in itself violent by being too repressive, exploitative or alienating.³³ From this point of departure he argued that direct violence can be ended through changing conflict behaviour, structural violence by removing contradictions and social injustices, and cultural violence by changing attitudes.³⁴ Miall et al. go a step further and use Galtung's conflict triangle to highlight that the conflict resolution tradition includes three different approaches to the resolution of conflict, with each of them attempting to address different vertices of the conflict triangle: a) the 'subjectivist' controlled communication and problem-solving approach (attempting to address 'attitude/assumption' or direct violence), b) the 'objectivist' rational negotiation and mediation approach (attempting to address 'behaviour' or cultural violence) and c) the 'structural' social

³⁰ Galtung, J. 1996. op.cit., p. 72.

³¹ Ibid., p. 2.

³² Galtung, J. 1998. "After Violence: 3R, Reconstruction, Reconciliation, Resolution" in *Transcend*, p. 4.

³³ Ibid.

³⁴ Galtung, J. cited in Miall, H. et al. 1999. op.cit., p. 15.

justice approach (attempting to address 'contradiction' or structural violence).³⁵

b) 'Negative' and 'Positive' Peace

With the question of how conflict can be transformed or resolved constructively being a core concern of peace and conflict studies, the field distinguishes between two distinct but related and complementary objectives of building peace, namely 'negative' and 'positive' peace. These objectives are linked to Galtung's analytical framework with '*negative*' peace representing the cessation of direct violence such as the cessation of hostilities and '*positive*' peace implying the removal of structural and cultural violence, the manifest underlying conditions that can provide the breeding ground for direct violence.³⁶ Expressed in terms of the arguments above, 'negative' peace stands for the resolution of the visible conflict, and 'positive' peace represents the removal of the often invisible root causes of the conflict.

c) Conflict Transformation

As indicated by Miall et al. peace is not necessarily to be equated with an absence of conflict. Instead, the idea of conflict transformation, proposed by sociologists like Louis Kriesberg and scholar-activists in the peace studies field, such as Adam Curle and John Paul Lederach, suggests that conflicts cannot simply be eliminated but that the underlying structures, social relationships and social organisation as well as individual attitudes can be transformed constructively as conflicts progress from violent forms to peaceful social change.³⁷ Kriesberg points out that

conflict transformation refers to a fundamental and enduring change, away from a protracted, destructive struggle between adversaries towards a constructive accommodation between them. That changed relationship may be a mutually satisfactory resolution of their conflict and may lead to reconciliation between them; or the new relationship may be embodied in an ongoing conflict, but one that is conducted more constructively.³⁸

The notion of conflict transformation is often used interchangeably with that of peacebuilding. Lederach, for example, emphasises that just as conflict evolves through different stages, peace is also not a constant condition, but instead a dynamic social construct. From there he concludes that the building of peace represents a process of conflict transformation that requires long-term planning.³⁹

³⁵ Galtung, J. cited in Miall, H. et al. 1999. op.cit., p. 63.

³⁶ Galtung, J. referred to in Ramsbotham, O. 2000. op.cit., p. 171.

³⁷ Lederach, J.P. 1995. *Building Peace: Sustainable Reconciliation in Divided Societies*, p. 35.

³⁸ Kriesberg, L. 1999. "Conflict Transformation" in *Encyclopedia of Violence, Peace, and Conflict*, Vol. 1, p. 413.

³⁹ Lederach, J.P. 1995. op.cit., p. 40.

1.1.2 Defining Peacebuilding

The field of peace and conflict studies conceptualises different response mechanisms to violent conflict which relate to the above mentioned understanding of peace creation dominant in the UN literature on peacebuilding. Within the peace studies and conflict resolution framework, the possible responses to conflict – peacekeeping, peacemaking and peacebuilding – are differentiated from each other on the basis of Galtung's distinction between direct and structural violence. Galtung distinguishes *peacebuilding* from peacemaking and peacekeeping, and describes it as being aimed at dealing with the structural causes of conflict.⁴⁰ He views it as the “practical implementation of peaceful social change through socio-economic reconstruction and development”⁴¹ and concluded that sustainable (‘positive’) peace is present when direct, structural and cultural peace persists.⁴² In contrast, he understands *peacemaking* as an attempt to reduce direct violence through activities “directed at reconciling political and strategical attitudes by means of mediation, negotiation, arbitration and conciliation”⁴³, mainly at an elite level. Galtung defines *peacekeeping* as the least comprehensive form of peace creation, which merely aim “to halt and reduce manifest violence through the intervention of military forces in an interpository role”.⁴⁴

While Galtung's differentiation between possible mechanisms of peace creation is based on his classification of different forms of violence made in figure 2, one can also relate it to the conflict triangle illustrated in figure 1. When studied in relation to conflict, peacekeeping refers to activities aimed at reducing violent conflict behaviour, peacemaking aims at changing the attitudes of the main protagonists and peacebuilding at overcoming the contradictions which lie at the root of the conflict.⁴⁵

Galtung's understanding of peacebuilding as activities aimed at building structural and cultural peace⁴⁶, representing the absence of structural and cultural violence is also promoted by John Paul Lederach. As indicated above, his conception of peacebuilding relates more generally to conflict rather than to violence in particular, and focuses strongly on conflict transformation. He views peacebuilding as an attempt to address the underlying structural, relational and cultural roots of conflict and suggests that “peacebuilding be understood as a

⁴⁰ Galtung, J. cited in Fetherston, A.B. 2000. “Peacekeeping, Conflict Resolution and Peacebuilding.” in *International Peacekeeping*, Vol. 7, No. 1, p. 202.

⁴¹ Galtung, J. cited in Ramsbotham, O. 2000. op.cit., p. 170.

⁴² Galtung, J. 1996. op.cit., p. 265.

⁴³ Galtung, J. cited in Ramsbotham, O. 2000. op.cit., p. 170.

⁴⁴ Ibid.

⁴⁵ Galtung, J. cited in Miall, H. et al. 1999. op.cit., p. 22.

comprehensive term that encompasses the full array of stages and approaches needed to transform conflict towards sustainable, peaceful relationships and outcomes”⁴⁷.

Against the background of the earlier distinction between ‘negative’ and ‘positive’ peace two different political aims of peacebuilding can now be distinguished: (1) reducing the risk of resumption of conflict and (2) contributing to the creation of conditions more conducive to reconciliation, reconstruction and recovery. Accordingly, Ramsbotham differentiates between the *‘negative’ task of peacebuilding* that is aimed at *“preventing a relapse into war”* and the *‘positive’ task of peacebuilding* that is aimed at *“aiding national recovery and expediting the eventual removal of the underlying causes of internal war”*.⁴⁸ While the two tasks of peacebuilding can be differentiated, they are however interlinked. Due to the danger of a relapse into war that persists in post-conflict societies, the goal of the ‘positive’ task of peacebuilding is not understood as the mere ending of hostilities but as *“moving a given population from a condition of extreme vulnerability and dependency to one of self-sufficiency and well-being.”*⁴⁹ Considering the distinction between the three mechanisms of peace creation, made above, the ‘negative’ task of peacebuilding can be equated with peacemaking while the ‘positive’ tasks of peacebuilding represents peacebuilding. Rama Mani argues that peacebuilding has to achieve its objectives of ‘negative’ and ‘positive’ peace simultaneously – not consecutively – in order to be sustainable. She argues that, in the short run, political imperatives often force peacemakers to prioritise ‘negative peace’, such as obtaining or maintaining a cease-fire agreement. The subsequent challenge for them is to ensure that the parallel task of building ‘positive’ peace is not overlooked or marginalised.⁵⁰

In addition to differentiating between the objectives of building ‘positive’ and ‘negative’ peace, Rama Mani also points to different dimensions of building peace. She states that apart from the often-acknowledged socio-economic and political dimensions; building peace also has a social dimension.⁵¹ As the different dimensions of peacebuilding are of importance for a location of the South African “peace process” and “truth process” into a conceptual framework of peacebuilding these dimensions are studied in the following section. The section will further consider the actors involved in, and the levels of peacebuilding.

⁴⁶ Galtung, J. 1996. op.cit., p. 271.

⁴⁷ Lederach, J.P. 1995. op.cit., p. 14.

⁴⁸ Ramsbotham, O. 2000. op.cit., p. 172.

⁴⁹ Ibid., p. 174.

⁵⁰ Mani, R. 2002. op.cit., p. 13.

⁵¹ Ibid., pp. 4, 13, 17.

a) Different Dimensions of Peacebuilding

With the socio-economic dimension being less of a concern to her, Mani argues that peacebuilding should involve the dual functions of building both *political peace*, between opposed leaders, and *social peace*, between hostile and estranged citizens.⁵² Referring to the political function of peacebuilding, she argues that peacebuilding does not merely require technical assistance (in terms of building and reconstructing state institutions) but that it “should bolster the possibility of vibrant, responsive political life in societies where politics has been supplanted by military contest and violence”⁵³. In Mani’s view, peacebuilding has to fulfil a social function in addition to the political function, because of the immeasurable trauma and psychological damage that populations suffer during or after conflict and the hostility between citizens that often develops as a consequence of conflict. Its function is thus to rebuild fractured relationships between people and to focus on trauma work, particularly with the survivors of violent conflict or war.⁵⁴ Lederach also points to the link between political and social peace when he states that building peace in conflict-ridden and deeply-divided societies is not “merely a matter of political accommodation at the highest level, but rather involves the restoration and reconciliation of interdependent relationships that are part of the everyday lives of the masses”⁵⁵.

Linked to Mani’s differentiation between socio-economic, political and social peace is the conceptual framework for post-conflict peacebuilding proposed by Oliver Ramsbotham and Hugh Miall et al. They identify four interlinked deficit areas that peacebuilding aims to address: (1) *political-constitutional incapacity*; (2) *economic-social debilitation*; (3) *psycho-social trauma*; and (4) *military-security instability*.⁵⁶ They point out that the *political-constitutional dimension* is generally aimed at promoting democratisation. In the short-term it is concerned with managing problems regarding the establishment of a ‘transitional government and achieving constitutional reforms’. On a long-term basis, however, it is concerned with ‘establishing a tradition of good governance, including respect for democracy, human rights and the rule of law’ as well as the ‘development of civil society within a genuine political community’. The *military-security dimension* involves short-term orientated tasks such as ‘disarmament, the demobilisation of factions as well as the separation of the army and the

⁵² Mani, R. 2002. op.cit., p. 17.

⁵³ Ibid., p. 14.

⁵⁴ Ibid., p. 15.

⁵⁵ Lederach, J.P. 1995. op.cit., p. 29.

⁵⁶ Ramsbotham, O. 2000. op.cit., p. 182 as well as Miall, H. et al. 1999. op.cit., p. 203. (The framework published in these two sources is the same.)

police' while long-term measures include the 'demilitarisation of politics', providing 'societal security and the transformation of cultures of violence'. Regarding the *economic-social dimension* the recent trend has been to promote market orientated economies.⁵⁷ Short-term measures in this dimension include providing 'humanitarian relief and essential services', while long-term measures aim at 'establishing stable macro-economic policies and economic management' as well as 'locally sustainable community development and distributive justice' measures. Ramsbotham and Miall et al. highlight that the *psycho-social dimension* is on a short-term basis concerned with 'overcoming initial distrust' between parties and with 'managing conflicting priorities of peace and justice'. In the long-term perspective it aims at 'healing psychological wounds and promoting reconciliation'.⁵⁸

Of these dimensions, the political-constitutional and the psycho-social dimension, which relate to Mani's categories of political and social peace, will be the main foci of this study. While this does not mean that the socio-economic and the military-security dimensions are of less importance in peacebuilding endeavours, they are here considered as being less relevant for internal and locally rooted peacebuilding endeavours.

b) Levels of, and Actors in, Peacebuilding

It was indicated above that the peacebuilding literature emerging from the field of peace and conflict studies focuses on internal rather than external actors in peacebuilding. Yet, internal actors of peacebuilding do not represent a homogenous group but can instead be further differentiated. Lederach's distinction between the level of *top leadership* (including national political leaders as well as leaders of rebel factions); the level of *middle-range leadership* (representing ethnic, religious and regional leaders); and the level of *grassroots leadership* (characterised by representatives from local groups and communities) is a helpful tool for analysing the different levels of agency that play a role in internally driven peace processes.

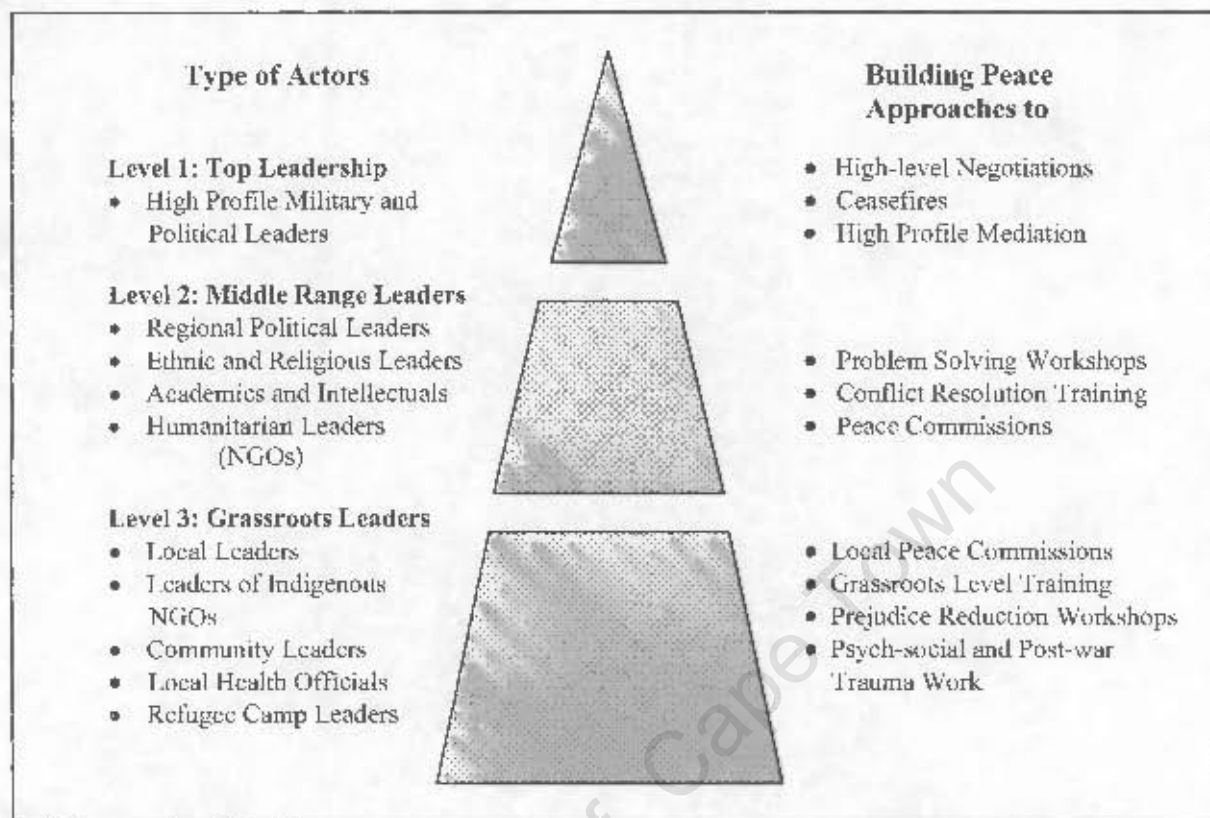
In figure 3 below Lederach uses a triangle, representing the number of people within a population at each of these three levels, to take a closer look at the characteristics of the leaders at the top, the middle and the grassroots levels, and at their respective approaches to build-

⁵⁷ While market orientated economies have been promoted by international actors such as the World Bank and the IMF as a means to advance democracy in post-conflict societies, scholars like Roland Paris are critical of peacebuilding enterprises that are driven by a promotion of market economy in line with the paradigm of "liberal internationalism". He questions the appropriateness of the assumption that "liberalising" states through the (re)introduction of democratic structures and of a market orientated economy would necessarily promote domestic peace and decrease the chances that war-torn societies relapse into conflict. Paris, R. 2001. "Wilson's Ghost: The Faulty Assumptions of Post-Conflict Peacebuilding" in Crocker, C.A. et al. (eds.) *Turbulent Peace*. p. 766

⁵⁸ Ramsbotham, O. 2000. op.cit., p. 182. See also Miall, H. et al. 1999. op.cit., p. 203.

ing peace.

Figure 3: Actors and Approaches to Peacebuilding⁵⁹



Top-level leaders – representing government and military circles or parts of the opposition – are perceived and characterised as having significant, if not exclusive power and influence.⁶⁰ They are concerned with building political peace at the elite level, which is often pursued through official ‘table talks’. Actors on the middle-level have contact with top-level leaders, but are not bound by the political implications that govern every decision taken at the top level. Similarly, they know the context and experience of people living at grassroots level, yet they are not impeded by the survival demands facing many at that level.⁶¹ Peacebuilding activities on the middle level can include training in conflict resolution skills, the establishment of networks and institutions that can actively intervene in conflict situations by taking on a conciliatory role as well as efforts directed at changing perceptions of those involved in peacebuilding at the top level in terms of what is needed to build peace at the local level.⁶²

Local leaders include people engaged in NGOs and community structures who are directly faced with the harsh reality of life that confronts the base of society. These leaders are crucial

⁵⁹ Adapted from Lederach, J. P. 1995. *op.cit.*, p. 19.

⁶⁰ *Ibid.*, p. 18.

⁶¹ *Ibid.*, p. 20.

⁶² *Ibid.*, pp. 26-27.

for bottom-up peacebuilding processes by making use of the indigenous practices and resources present in these communities.⁶³ Through their predominant focus on the immediate needs of the population at grassroots level, they contribute greatly to the building of social peace.

Looking at the different actors of peacebuilding and their approaches to building peace Lederach points to two contrary relationships. (1) While leaders at the grassroots level have a deeper understanding of the conditions under which people live and the community context in which conflicts happen, they are often less able to see the bigger picture of society and have no access to decision making power. (2) On the contrary, top-level leaders have a broad access to information and the capacity to make decisions that affect the entire population but they are less able to see the day-to-day consequences of their decisions at the local level. On the basis of these observations Lederach suggests that middle-range actors should be the focus of peacebuilding initiatives, because they represent a strategic link to the other levels, which allows them to build relationships across social divisions and create extensive networks.⁶⁴

1.1.3 Peace and Justice

Commencing from the distinction between 'positive' and 'negative' peace a further concept needs to be added to the discussion of what constitutes peacebuilding. When studied in 'negative' terms, Galtung defines 'positive' peace as the absence of direct, structural and cultural violence, while when focussing on 'positive' terms he defines it as the presence of *social justice*.⁶⁵ Mani strongly argues for an understanding of peacebuilding that incorporates the concept of justice and refers to the Guatemalan Nobel Prize laureate Rigoberta Menchu, who stated that "peace without justice is only a symbolic peace".⁶⁶ In an attempt to grasp the concept of justice and to make it applicable to the practice context, Mani conceptualised the relevant senses of justice for post-conflict societies in terms of three dimensions: (1) *legal justice*, which refers to the establishment of a new rule of law; (2) *rectificatory justice*, which addresses the direct human consequences of conflict, e.g. in the form of human rights abuses; and (3) *distributive or social justice*, which is concerned with the structural and systemic in-

⁶³ Lederach, J.P. 1995. op.cit., p. 27.

⁶⁴ Ibid., pp. 26, 34.

⁶⁵ Galtung, J. 1975. *Strukturelle Gewalt*. p. 32.

⁶⁶ Mani, R. 2002. op.cit., p. 4.

justices, such as underlying political and economic causes of conflict.⁶⁷ According to Mani, including the concept of justice in a peacebuilding framework is important as injustice is not only a *consequence* of conflict but also a *symptom* and *cause* of conflict.⁶⁸

The importance of the concept of justice has often been stressed particularly in the context of peacebuilding endeavours in southern Africa. When speaking about the social and historical context of southern Africa, Jacklyn Cock emphasises that, as part of the battle against apartheid and colonialism in the region, the notion of peace as non-violence and demilitarisation became linked to social justice and sustainable development.⁶⁹ Sharon Brown, formerly a programme manager of the Quaker Peace Centre, argued that to talk about peace during apartheid time with only making reference to reconciliation was superficial and simplistic. She said, “real peace comes with justice and a transformation of society”⁷⁰. On a similar note, Hendrik van der Merwe, the founder of the Centre for Conflict Resolution in Cape Town, argued that the fight for fundamental social change in South Africa implied the pursuit of justice and peace. He emphasised that the promotion of justice and peace must involve the removal of fundamental disparities in social, economic and political matters.⁷¹ Instead of using the terms ‘negative’ and ‘positive’ peace, he made a distinction between *apparent* peace, where there is law and order without real justice, and *stable* peace, where there is fairness and justice.⁷² However, the dimension of justice as a component of peacebuilding did not only shape the struggle against apartheid but also the democratic transition, and continues to be of importance during the consolidation of peace and democracy in South Africa.

1.1.4 Summary

When considering the different perspectives on peacebuilding that emerged from the field of peace and conflict studies and were presented above, the following points can be identified as being central to the understanding of peacebuilding on which this study is based:

- a) Peacebuilding represents a dynamic and continuous process with the interlinked aims of: (1) transforming (potentially) violent social relations, so as to prevent a relapse into violent conflict (building ‘negative’ peace) and (2) eliminating the structural and

⁶⁷ Ibid., pp. 5-6.

⁶⁸ Mani, R. 2002. op.cit., p. 5

⁶⁹ Cock, J. 2001. “Butterfly Wings and Green Shoots” in *Track Two*, Vol. 10, No. 1, pp. 4-5.

⁷⁰ Brown, S. interviewed on 9.10.2001. (Subklew, F. 2002. *Local Peace Work in a Transforming Society as a Challenge for Social Work*, p. iv.)

⁷¹ van der Merwe, H. W. 1989. *Pursuing Justice and Peace in South Africa*, p. 2.

⁷² Ibid., p. 1.

cultural roots of conflict, so that peace can be consolidating and become self-sustaining (building 'positive' peace).

- b) 'Positive' peace is regarded as being present when direct, structural and cultural peace persist.
- c) While having a socio-economic and a military-security dimension peacebuilding is in the current study primarily considered in terms of its political-constitutional and psycho-social dimensions. Peacebuilding is understood as a process aimed at building political peace between opposed leaders and social peace between estranged citizens.
- d) Finally, peacebuilding is regarded as a domestically rooted process that is 'owned' by the local population and that includes both elite and non-elite approaches.

Departing from the outlined discussions on how former enemies can be kept away from going back to war and how the root causes of conflict can be transformed so that the recurrence of war can be prevented in the longer run, the following section focuses attention on the process of democratisation and on what is required for the consolidation of peace and democracy.

1.2 Democratic Transitions

The debates centring on democratisation and democratic consolidation processes presented in the following are considered in the overall field of comparative studies of democratic transitions, which emerged as a distinct field of inquiry when scholars started to analyse the beginnings of the "third wave" of transitions from authoritarian rule that occurred in the late 1970s in Southern Europe (Spain, Portugal and Greece), followed by the democratisation of military dictatorships in Latin America (like Argentina and Chile) in the 1980s. The study of democratic transitions or transitions from authoritarian rule has over the last decades become a firm sub-field of political and sociological inquiry. This sub-field is not so much concerned with the contested concept of democracy, which derives from different conceptions, having shaped political systems from Athenians to modern liberal and social democracies. Instead it focuses on the differences regarding the relevance and application of the different notions of liberal and/or social democracy, which are related to the analytically distinct processes of "liberalisation", "democratisation" and "socialisation"⁷³ in the course of transitions from authoritarian rule. Contrasting to the idea of 'liberal or political democracy' Huber et al., for example, appeal to the idea of 'social democracy', which covers economic, social and political entitle-

⁷³ O'Donnell, G. & Schmitter, P.C. 1986. *Transitions from Authoritarian Rule*, Vol. 4, pp. 9-14.

ments, not as an alternative system of rule to liberal representative democracy, but more in an attempt to ensure that demands for social justice are included in the concept of democracy.⁷⁴

Before paying more specific attention to the distinct phases making up transitions from authoritarian rule and their characteristics, the following section introduces the concept transition and distinguishes between different types of transitions. The section further considers democratisation as a distinct phase of democratisation processes and links it to peacebuilding. The importance of transitional justice in the context of building peace and democracy is finally highlighted.

1.2.1 Transitions from Authoritarian Rule

Within the many 'transitions' of recent decades a distinction can be made between societies emerging from communal conflict and those emerging from authoritarian rule. While the term 'transition' in itself is applicable to both processes, as the word merely refers to a process of change from one state of affairs to another, it is predominantly considered as referring to transitions from authoritarian rule to more democratic forms of governance. Alexandra Baharona de Brito et al. argue that the concept 'transition' implies a "shift from a non-democratic regime type to a democratic one, not merely a change of government or a process of liberalisation *within* an authoritarian regime"⁷⁵. Guillermo O'Donnell and Philippe Schmitter, who, (in an attempt to draw out possible generalisations about the nature and features of transitions from authoritarian rule) undertook a series of case studies in Southern Europe and Latin America point out that transitions from authoritarian rule are distinct from revolutions, which are characterised by a direct "overthrow of power".⁷⁶ In contrast to revolutions, they describe transitions as representing a gradual process of change, which provides a more promising foundation for the installation and consolidation of democracy. O'Donnell and Schmitter further propose that transitions proceed from a (controlled) "transfer of power" to a (negotiated) "surrender of power" and the eventual consolidation of democratic government.⁷⁷ In their view, a transition represent a complex process during which the rules of the political game are no longer clear and rigidly fixed as they were during outright authoritarian rule, but in which the rules themselves are continually contested, defined and redefined, until the former au-

⁷⁴ Huber et al. cited in Luckham, R. et al. 2003. "Democratic Institutions and Democratic Politics" in Luckham, R. & Bastian, S. *Can Democracy be Designed?*, p. 16.

⁷⁵ Barahona de Brito, A. et al. 2001. *The Politics of Memory: Transitional Justice in Democratising Societies*, p. 11.

⁷⁶ O'Donnell, G. & Schmitter, P.C. 1986. op.cit., p. 11.

⁷⁷ Ibid.

thoritarian rulers and their political opponents reach general agreement on new rules that will provide for a more stable and consolidated democratic future.⁷⁸

On the basis of O'Donnell's and Schmitter's distinction between revolutions and transitions and the earlier outlined considerations regarding violence and conflict, it can be argued that revolutions necessarily represent a violent change process while transitions classify a process of relatively peaceful conflict transformation. This does not mean that transitions are entirely non-violent but that they are significantly less violent than revolutions. South Africa is a case that exactly illustrates this point. If the main parties in conflict had not realised that their interests might best be met through a negotiated settlement, then violence would most probably have escalated so dramatically that it would have taken on the form of civil war. But even though a transitional process was effected by means of negotiation, it was not entirely non-violent but instead accompanied by a drastic increase in political violence that threatened to derail the whole transition process.⁷⁹

Building on this it can be concluded that transitions represent a gradual and relatively peaceful change process. This, however, does not in itself say something about the particular nature transitional processes can take and the different processes that in the end make up the overall process of democratic transition. The following section thus introduces: a) different transition types and b) distinguishes the processes of liberalisation, democratisation and socialisation from the overall transition process. It defines the concept of transition and differentiates between different types of transitions to democracy, such as revolutionary transitions and 'pacted' transitions. The particular issues that this section focuses on are selected due to their relevance for the later analysis of the South African "peace and truth processes".

a) Types of Transition

Within the overall framework of democratic transitions three different types of transitions are commonly differentiated. Samuel Huntington bases his distinctions on the balance of power during the transition and on the party that takes the lead in driving the transition. He terms the three different types: 'transformations', 'replacements' and 'transplacements'. '*Transformations*' represent a top-down change process of liberalisation, where those in power in the authoritarian regime take the lead in reforming the authoritarian regime and changing it into a

⁷⁸ O'Donnell, G. & Schmitter, P.C. 1986. op.cit., p. 6 and du Toit, A. 1991. *Towards Democracy: Building a Culture of Accountability in South Africa*, p. 9.

⁷⁹ This point is further elaborated in Chapter 2.

more democratic one.⁸⁰ 'Replacements' occur in regimes where reformers within the authoritarian regime are weak or non-existent. In such cases democratisation results from the opposition gaining strength and the ruling regime losing strength. This process continues until the balance of power changes and the regime collapses or is overthrown. In such transitions the former resistance groups usually come to power, which often does not provide the best foundation for democracy but instead marks the beginning of a new phase of conflict.⁸¹ The notion of 'transplacement' refers to a democratisation process that is produced by the combined actions of the ruling regime and resistance groups, with the latter being willing to negotiate a change of regime but unwilling to initiate it. It thus needs to be pushed into a negotiated settlement through internal or external forces.⁸²

Other scholars also distinguish these three transition types, especially those concerned with transitional justice. Yet, they termed these transition types differently than Huntington. Carlos Nino termed Huntington's 'transformation' *coercion*, his 'replacement' *collapse* and referred to 'transplacements' as negotiations aimed at *building consensus*.⁸³ Barahona de Brito et al. do not focus on Huntington's 'transformations'. They classify 'replacements' as *ruptures* and argue that in addition to being driven by bottom-up processes this transition type can also be provoked by external actors. They categorise 'transplacements' as *negotiated*, *'pacted'*, *reform-orientated transitions*.⁸⁴

The differentiation between these transition types is of importance for the later study of the field of transitional justice, as scholars in this sub-field argue that the transition type is among the key factors shaping the possible options that are available to successor regimes in terms of how to deal with past abuses. The section on transitional justice will thus refer to the distinctions made here.

b) Different Transitional Processes

In the prevailing literature democratic transitions are predominantly associated with the distinct processes of democratisation, referring to a move away from authoritarian rule to more democratic forms of governance through the formation of democratic institutions, and democratic consolidation, implying the promotion of democratic politics on the basis of the established institutions. However the process of democratisation, forming a part of the overall pro-

⁸⁰ Huntington, J.P. 1995. "The Third Wave: Democratisation in the Late Twentieth Century" in Kritz, Neil J. (ed.) *Transitional Justice*, p. 65.

⁸¹ Huntington, J.P. 1995. op.cit., pp. 65-66.

⁸² Ibid., p. 66.

⁸³ Carlos, N. 1996. *Radical Evil on Trial*, pp. 118-119.

process of democratic transition can again be differentiated from the process of liberalisation and socialisation.

O'Donnell and Schmitter highlight that transitional processes are made up of at least three complementary and interactive but yet distinct transition processes: 'liberalisation', 'democratisation' and 'socialisation' or social transformation. *Liberalisation* is concerned with a (re)definition and extension of rights and *democratisation* with the extension of citizenship, of participation and representation in political processes and collective choices. While liberalisation can exist without democratisation the two processes tend to interact, complement and strengthen each other. The former typically precedes the latter opening up political spaces by, for example, the recognition of the rights to freedom of speech and freedom of association and organisation making democratic mobilisation possible. This most often leads to the establishment of democratic rights, averting unilateral control by the rulers. While liberalisation and democratisation can thus be considered as being necessary for the establishment of peace and democracy, socialisation is in their view a distinct phase that shapes the consolidation phase of the transition process, as *socialisation* or social transformation is not merely concerned with the extension of liberal and political rights, but with social and economic equality.⁸⁵ It is considered as forming part of the consolidation phase of democracy.

O'Donnell and Schmitter's understanding of socialisation as a distinct phase and their argument that in practice liberalisation and democratisation tend to make the further process of socialisation more difficult, if not impossible, is, in my view an illustration of the limitations of liberal democracy. I suggest that even though liberalisation and democratisation provide for the establishment of political democracy they do not in themselves lead to a comprehensive process of conflict transformation and thus do not provide the basis for sustainable peace and democracy. The process of social transformation that is concerned about extending the processes of political peacebuilding to the social sphere is in this study regarded as being a necessary precondition for the advancement of political change processes, particularly in deeply divided societies with a long history of inequality, like South Africa. While South Africa shows that the process of socialisation is difficult to achieve once democracy has been established, it does, in my view, also show, that democracy is less likely to be sustainable if the social and the economic sphere remain excluded. The question of whether democracy only refers to the political sphere or also the social sphere is illustrative of the difficulty of

⁸⁴ Barahona de Brito, A. et al. 2001. op.cit., pp. 11-12.

⁸⁵ O'Donnell, G. & Schmitter, P.C. 1986. op.cit., pp. 9-14 and du Toit, A. 1991. op.cit., p. 10.

drawing a clear line between the 'positive' task of peacebuilding and activities aimed at democratic consolidation. When considered with reference to the social dimension, then the process of democratic consolidation is here seen to have overlapping concerns with 'positive' peacebuilding processes, i.e. the elimination of the structural causes of violence.

Out of these three phases the democratisation phase is most relevant to the current study. The following section therefore focuses attention on the process of democratisation and distinguishes it from the process of democratic consolidation to which the section thereafter turns.

1.2.2 Democratisation in a Democratic Transition Framework

Commencing from the distinctions made above this section takes a closer at the concept of democratisation and outlines how it is understood in the context of this study. The section does not outline the specific ideas dominating the *rational choice approach* to democratisation, which focus on calculated collective and individual decision making; ideas shaping the *institutional analysis approach*, which reflect a concern for the rules, norms, and structures that regulate human interaction; nor the *institutional choice approach*, which links the former two approaches and explains why political actors make the institutional choices they make during the transition and for the new political order.⁸⁶ Instead, the following discussion focuses more specifically on issues of concern in democratic transitions.

a) Democracy

The concept of democracy derives from classical Greek and means rule (kratos) by the people (demos) and arose historically from struggles against oppressive rule and social injustice.⁸⁷ The modern understanding of democracy is based on liberal representative models, which are distinguished from the popular or direct models of democracy. The model of liberal democracy emerged at the end of the 18th century and placed emphasis on political contestation, on rational discussion, and on avoiding tyranny through the separation of powers and an emphasis on individual rights.⁸⁸ The notion of citizenship is a guiding principle of liberal democracy and provides citizens generally with electoral choices and asks the elected representative rulers to make policy choices in the interest of all members of the polity.⁸⁹ Democracy, being based on the notion of citizenship includes the principles of freedom, justice, liberty and a

⁸⁶ Sisk, T.D. with reference to Ostrom. 1995. *Democratisation in South Africa*, p. 17.

⁸⁷ Luckham, R. et al. 2003. op.cit., p. 15.

⁸⁸ Ibid., p. 16.

The section 1.2.3 will therefore study its significance more closely.

Moving on from the distinction between democratic institutions and political culture the former is now considered in the context of peacebuilding. As was indicated earlier the building of democratic institutions is not only the focus of scholars studying democratic transitions but is also discussed by peacebuilding scholar, particularly by those focussing on UN peacebuilding. The importance of political institution-building during transitions to democracy is, for example, expressed by Boutros-Ghali's himself who states that "aside from stopping the killing, the most important function of the transition is to establish a set of political institutions through which societal conflicts may be pursued without large-scale violence"⁹⁴. This is an indication of the interconnectedness between the two fields of inquiry.

In sum, transitional societies are for the purpose of this study understood as societies undergoing a gradual change process from authoritarian rule to democracy. As the South African transition became possible at a point in time when a further escalation of violence was widely expected, the next section pays brief attention to the question of when negotiated settlements become possible and what the necessary preconditions are for them to be successful. So as to provide the background to the South African transition, the following section refers particularly to the process of democratisation in 'transplacements'.

c) Democratisation in 'Transplacements'

By looking at questions of how negotiated settlements are established this study enters a terrain where overlaps with the field of peace and conflict studies are evident. This is because negotiated democratic pacts are a form of non-violent conflict transformation. Adam Michnik, for example, expresses that link by noting that democratic transitions can be achieved "by means of negotiation, compromise and mutual concessions, not by revolution or violence"⁹⁵. Peacemaking aimed at the reduction of direct violence is thus a precondition for negotiations to take place. Consequently after negotiated settlements are reached a more comprehensive form of peacebuilding becomes possible.

Being concerned with the question when democratisation in 'transplacements' becomes possible Roy Licklider uses the phrase 'ripe for resolution', termed by William Zartman.⁹⁶ He highlights that violent conflicts become amenable for resolution when a mutually hurting

⁹⁴ Boutros-Ghali, B. cited in Licklider, R. 2001. "Obstacles to Peace Settlements" in Crocker, C. A. et al. (eds.) *Turbulent Peace*, p. 707.

⁹⁵ Michnik, A. 1994. "Why Deal with the Past?" in Boraine, A. et al. (eds.) *Dealing with the Past: Truth and Reconciliation in South Africa*, p. 32.

⁹⁶ Zartman, I.W. 1989. *Ripe for Resolution*, p. 263 and Zartman, I.W. 1997. "Toward the Resolution of Internal

stalemate is reached, that is when a significant shift occurs in the way the conflict issues are perceived by conflict parties so that each side believes the continuation of fighting would serve their interests less than a negotiated settlement. Simultaneously there is also a change in the internal politics of the conflict parties themselves leading to a situation where 'peace constituencies' come to predominate over 'war constituencies'.⁹⁷ He argues that in the absence of the prospect of a clear victory all parties have to compromise on their objectives allowing for the establishment of a negotiated settlement. In addition, he points out that if negotiated agreements are to be sustainable they need to involve all the major parties in the conflict – the more moderate members of the elite from both sides as well as those who have the power to disrupt the process, the so-called spoilers.⁹⁸

It was pointed out before that transitions represent a gradual process of change. As 'transplacements' constitute a particular form of transitions the same applies for them. However, while proceeding gradually it was also emphasised that the passage to democracy is rarely smooth and uninterrupted.⁹⁹ Further the phases making up democratic transitions are intertwined, while being distinct. This is illustrated in the distinction between *democratic politics* and *democratic institutions* made by Luckham et al. They suggest that the process of democratic transition does not merely refer to a process of setting up the formal institutions of liberal democracy but also to a process aimed at creating political and social norms as well as promoting a change in political culture. As the process of institution-building was above described as being central to the democratisation process the establishment of democratic politics, such as the development of a tradition of good governance, including respect for democracy, human rights and the rule of law, as well as the development of civil society within a genuine political community, are considered as being central tasks of the consolidation phase.

However, there is no common agreement on what defines democratic politics. Instead different schools of thought highlight different aspects. Some refer to political contestation as the essence of democratic politics while others emphasise inclusion and participation.¹⁰⁰ On the basis of these differing viewpoints, Luckham et al. argue that a distinction between the '*high politics of the state*' and the '*deep politics of society*' can be made. This distinction re-

Conflicts" in Zartman, I.W. & Rasmussen, J.L. (ed.) *Peacemaking in International Conflict*, p. 16.

⁹⁷ Licklider, R. 2001. op.cit., p. 702; Louis Kriesberg defines a hurting stalemate as a situation where "none of the primary adversaries in a struggle is winning and none expects that the situation will change so as to enable it to triumph, and the situation is unsatisfactory and even painful". Kriesberg, L. 1999. op.cit., p. 413.

⁹⁸ Licklider, R. 2001. op.cit., p. 702.

⁹⁹ Kriesberg, L. 1999. op.cit., p. 414. The South African case represents exactly that - a gradual, yet interrupted democratisation process. See Chapter 2.

¹⁰⁰ Luckham, R. et al. 2003. op.cit., p. 20.

lates back to the debate on whether democratisation should be understood merely leading to liberal democracy or as indicating a political change process that also has a social and economic dimension. According to Luckham et al. the term 'high politics of the state' refers to elite driven democratisation processes, while the 'deep politics of society' focus on social relations and contestations at the grassroots level. They base this distinction on the argument that it is possible to have accountability on the elite level, honest rulers and free elections and still have profound injustice or irresponsibility in society.¹⁰¹ This understanding of democracy again links the processes of democratisation and democratic consolidation to peacebuilding and conflict resolution as it is concerned with how democracy can encourage participation as well as non-violent problem solving and the overcoming of enmities in society. Opening up democracy so that it includes the 'deep politics of society' represents, in my view, a process that can be equated with the 'positive' task of peacebuilding. The distinction between 'high politics of the state' and 'deep politics of society' further illustrates the interconnectedness of the two processes making up democratic transitions as well as of the different peacebuilding processes. By involving local actors and by being concerned about establishing social peace, 'deep politics of society' are distinguishable from the 'high politics of the state', which are more directed at building political peace at the top-level of society.

While the democratisation phase was here introduced as the first transitional phase in the overall process of democratic transition and distinguished from the consolidation phase the following section considers the process of democratisation as a "transformation process" in societies emerging from authoritarian rule as well as in societies emerging from conflict.

1.2.3 Democratisation after Conflict

While the sources of protracted social conflicts and the processes of establishing peace and democracy are different in each country, the experience of prolonged internal strife produces similarities in the nature and function of civil society institutions and political life, the economy and the security sector in post-conflict environments. Building on the understanding that democratisation processes are not only occurring in transitions from authoritarian rule but also in societies emerging from conflict this section departs from O'Donnell's and Schmitter's more comparative analysis and theoretical conceptualisation of democratisation as a distinct phase of the overall transition process and considers the more practical policy-orientated understanding of democratisation. This move is undertaken to illustrate the link between

¹⁰¹ Luckham, R. et al. 2003. op.cit., p. 21.

building peace and democracy. However, it needs to be pointed out that such an understanding of peacebuilding corresponds to the 'UN strain' of peacebuilding literature rather than to the more theoretical literature that emerged from the peace of conflict studies. It is only in the context of the transitional justice dimension that a closer link to peace and conflict studies is evident.

Nicole Ball states that countries emerging from conflict face the challenge to turn weakened economies into rejuvenated economies capable of satisfying the basic needs of citizens and to transform highly polarised political and social relations into political systems that offer all social groups meaningful participation in the decisions shaping their future.¹⁰² This similarly applies for societies emerging from authoritarian rule.

When considering the dimensions that societies need to address to best meet the challenge of building democracy and furthering peace after a settlement is reached some scholars, like Charles-Philippe David, refer to three dimensions, while others, like Licklider, speak about four dimensions. David refers to the need for a democratic transition, a security transition and a socio-economic transition.¹⁰³ Licklider notes that the *security dilemma* needs to be resolved; a *working government* has to be established; a *working economy* needs to be created; and *transitional justice mechanisms* have to be found.¹⁰⁴ He points out that resolving the security dilemma is crucial for the creation of internal security as negotiated settlements often leave both sides with enough military power to defend themselves. The establishment of a working government as well as comprehensive reforms in the political, economic, social and security sectors are crucial to enable states to deal with the multi-faceted social problems they are facing when emerging from conflict.

Licklider's four dimensions correlate with those brought forward by Ramsbotham in the context of peacebuilding (see section 1.1.2) and relate back to Mani's distinction between the establishment of political and social peace. It is therefore argued that the central question which unites practical and policy-orientated considerations from the field of democratic transitions and peacebuilding literature is how to establish and consolidate peace and democracy in societies emerging from conflict.

While David does not mention transitional justice as a dimension that needs to be addressed in transitions from war to peace this is more due to the fact that he makes use of a

¹⁰² Ball, N. 2001. "The Challenge of Rebuilding War-Torn Societies" in Crocker, C.A. et al. (eds.) *Turbulent Peace*. pp. 719-720.

¹⁰³ David, C.-P. 1999. "Does Peacebuilding Build Peace?" in *Security Dialogue* Vol. 30, No. 1. pp. 28-29.

¹⁰⁴ Licklider, R. 2001. op.cit., pp. 703-713.

narrow definition of peacebuilding. He highlights that as a broader concept peacebuilding requires an engagement with the conditions that led to conflict between parties indicating the need for reconciliation and relationship building.¹⁰⁵ His narrow understanding of peacebuilding is typical of arguments stemming from scholars in the democratisation field. They often question the importance of transitional justice mechanisms in the immediate transition, given the numerous other problems that societies face at that point in time. However, they do emphasise that the transitional justice dimension needs to be addressed in addition to the political, security and socio-economic dimensions, if peace in transitional societies is to be consolidated.¹⁰⁶

The transitional justice dimension is here considered as, amongst other things, addressing the psycho-social dimension referred to in section 1.1.2. A number of scholars from the field of peace and conflict studies emphasise the importance of the psycho-social dimension. Hugh Miall et al., for example, note that the psycho-social dimension should not be regarded as an optional extra or an idealistic aspiration separate from the other three more pragmatic aspects of peacebuilding but instead as an equally important and integral task of building peace and democracy.¹⁰⁷ Similarly, Winrich Kühne argues that “there will be no lasting peace and no stable democracy in war-torn societies without truth, justice and reconciliation”¹⁰⁸. He says that even though reconciliation is a long-term process it has to be started as soon as the peace operation and peacebuilding mechanisms are initiated. Similarly, Mani argued that the three dimensions of justice should be addressed simultaneously in the aftermath of conflict.¹⁰⁹ Among all these scholars Lederach most strongly highlights the importance of the psycho-social dimension and argues that it provides the theoretical backbone of an integrated framework for peacebuilding.¹¹⁰

All four dimensions, stated above, are important parts in a comprehensive framework for building peace and democracy. However, with reference to the “processes of peace and truth” in South Africa the mechanisms promoting democratisation and those promoting transitional justice are considered as being of greater importance. The latter is in the current study considered as addressing the psycho-social dimension of peacebuilding.

While there is no empirical evidence that it is necessary for countries to focus on the psy-

¹⁰⁵ David, C.-P. 1999. op.cit., pp. 26-27.

¹⁰⁶ See for example: Licklider, R. 2001. op.cit., p. 713.

¹⁰⁷ Miall, H. et.al. 1999. op.cit., pp. 206-207.

¹⁰⁸ Kühne, W. 2001. “From Peacekeeping to Postconflict Peacebuilding” in Reyckler, L. & Pfaffenholz, T. *Peacebuilding: A Field Guide*, p. 386. The notion of reconciliation is defined under section 1.3.4.

¹⁰⁹ Mani, R. 2002. op.cit., p. 11.

cho-social working area and to deal with crimes committed in the past in order to consolidate peace and democracy, there are, a number of cases, which illustrate that suffering and trauma experienced in the past, will return to the surface one day, if the past is not dealt with. Spain, for example, often considered as a case of democratic transition where the national policy of amnesia did not threaten the consolidation of democracy, is still not free from new conflicts originating from the unsettled past. This is most evident in the continuing conflict in the Basque province. Similarly, Namibia twice in its history decided not to deal with its past. The human rights violations that occurred in the country in the context of South Africa's apartheid system were not investigated and a common way into the future not sought and this has led to a situation where more and more voices from civil society demand truth and justice mechanisms for Namibia.¹¹¹ In its earlier history the German colonial administration of Namibia committed immense human rights violations in the aftermath of the Herero uprising of 1904. The genocide war against the Herero people took them to the brink of extinction, with more than 50,000 Hereros dying. Today, 100 years later relatives of the few survivors are suing the German government for reparations.

This study does thus not question whether the dimension of transitional justice should form part of the process of building peace and democracy or not but instead promotes a comprehensive understanding of peacebuilding and argues that dealing with the past and addressing the psycho-social dimension is a necessary pre-requisite for the shaping of a different future that provides for sustainable peace and popularly-based democracy.

1.2.4 Summary

This study considers the process of building peace and democracy as being made up of four different dimensions of transitions: the political-constitutional, the military-security, the socio-economic and the psycho-social. Out of these dimensions, making up a comprehensive framework for building peace and democracy, this study is primarily concerned with the political-constitutional and the psycho-social dimension (the transitional justice dimension). The current study focuses on the NPA, forming the heart of the narrow "peace process", and the concurrently running process of political-constitutional negotiations, which are both considered as making up the wider South African "peace process" and characterising the political-

¹¹⁰ Lederach, J.P. cited in Fetherston, A.B. 2001. op.cit., p. 204.

¹¹¹ See for example: Conway, P. 2003. "Truth and Reconciliation: The Road not Taken in Namibia" in *The Online Journal of Peace and Conflict Resolution*, Vol. 5, No. 1, pp. 66-76 and Mühr, S. 2002. *Ethics and Economics of Reconciliation: The Namibian Case*. Unpublished Conference Paper.

constitutional dimension. In particular the study focuses on the 'negative' task of peacebuilding by means of peace accords aimed at ending direct violence and preventing a relapse into violent conflict thereby laying the foundation for future democratic rule in South Africa.

The process of democratisation is, in this study, understood as being a distinct phase of the overall transition process and as initiating the move of a society from authoritarian rule to democratic forms of governance. In that process, institutions are designed on the basis of past experiences and along the lines of the expectations that a society holds for the future. But apart from the institution-building process, the overall transition process is furthermore understood to consist of a consolidation phase, which refers to the process of establishing a new political culture based on the political and social norms promoted through a new set of laws outlined in the constitution. In addition, the transition process is not only seen as an elite-driven process but instead regarded as a process that also requires focussing on social relations and problems at grassroots level. As transitional justice belongs to the theoretical considerations emerging from the fields of peace and conflict studies and democratisation, this study argues that even though political negotiations (often characterised by complex trade-offs between the major military and political leaders) are necessary to establish direct ('negative') peace, such political agreements do not in themselves meet the long-term requirements of sustainable ('positive') peace and popularly-based democracy. It suggests that building sustainable peace and democracy requires more than agreements and political power sharing at the top level and regards the psych-social dimension as an integral part of a comprehensive framework linking peacebuilding and democratisation. The psycho-social dimension is understood to contribute to the construction of a self-sustaining peace through a striving for justice and a concern for the promotion of reconciliation.

However, moving from a negotiated settlement to a genuine process of reconciliation requires that societies make a number of important choices; among those are questions of how to address repression and crimes committed in the past, and how to constitute diverse cultural communities into a single political community based on broad consent and on inclusive notions of common citizenship. Continuing with the issue at hand the following section looks at the issues shaping the transitional justice debate and at the concept of reconciliation.

1.3 Truth and Justice in Times of Political Change

When a period of authoritarian rule ends and a new democracy is initiated, a state and its people stand at the crossroads having to decide what to do about the victims and perpetrators

of human rights violations in its recent history and how to deal with the legacies of pervasive fear and official denial. Finding appropriate ways of dealing with past political atrocities and repression is not an easy task for regimes in transition but, as Priscilla Hayner argues, no matter how difficult it may be, newly elected leaders cannot avoid it.¹¹² This is the case because, in the changing political climate of the last decades of the twentieth century, respect for human rights has often been placed at the forefront of the national and international political agendas: policies of truth and justice have been morally and politically demanded by both those who suffered under the previous regime and by the international community. When making choices on how to address the legacies of an authoritarian past, new democratic leaders have to deal with the difficult tension between the desire to bury the past and the ethical and political demands to confront the crimes of the previous regime. While decisions to bury the past can possibly calm the fears and apprehension of retribution by the wrongdoers of the previous regime, they do not heal open wounds of the victims and do not serve the purpose of justice, especially in the case of former military regimes. Confronting the past through criminal prosecution and punishment can relieve the families of the victims but also create anxiety and fear among those responsible for human rights abuses.¹¹³ Aryeh Neier argues that there are three crucial reasons for confronting the past: (1) to recognise the worth and dignity of those victimised by abuses of the past; (2) to establish and uphold the rule of law; and (3) to deter future abuses.¹¹⁴ The Chilean human rights activist Jose Zalaquett illustrates the last point further, arguing that from an ethical standpoint dealing systematically with a legacy of atrocities means moral reconstruction, which entails the building of a political culture and the setting in place of values, institutions and policies that will guard against the recurrence of similar abuses in the future.¹¹⁵ The arguments brought forward highlight the necessity to deal with the past on two different levels: on the individual level as well as on a societal level. While individual survivors in societies emerging from repression have to rebuild their shattered lives, society as a whole has to find a way to move on to create a liveable public space of national peace through some form of reconciliation between former enemies and a commitment to remembrance of past atrocities so as to prevent their recurrence.¹¹⁶

Based on the above discussion it can be concluded that there are moral imperatives for addressing past crimes after conflict. In addition, there are *psycho-social imperatives* – stem-

¹¹² Hayner, P.B. 2001. op.cit., p. 10.

¹¹³ Pion-Berlin, D. 1995. "To Prosecute or to Pardon?" in Kritz, N.J. *Transitional Justice*, pp. 82-83.

¹¹⁴ Neier, A. 1994. "Why Deal with the Past?" in Boraine, A. et al. (eds.) *Dealing with the Past*, p. 3.

¹¹⁵ Zalaquett, J. 1994. "Why Deal with the Past?" in Boraine, A. et al. (eds.) *Dealing with the Past*, pp. 9-10.

ming from the need to understand and heal the trauma of victims and survivors of conflict – and *political imperatives* – which include combating impunity, deterring future abuses, establishing the legitimacy and credibility of the new regime, stabilising peace and strengthening democracy and the rule of law. The moral, political and psycho-social imperatives underlie the more specific *legal imperative*, which is based on three arguments: (1) that under international treaty and customary law states have a responsibility to deal with past abuses; (2) that states have to respect fundamental human rights, even during states of emergency; and (3) that victims have a right to redress.¹¹⁷

While these moral, legal, political and psycho-social imperatives for addressing past abuses exist they still leave open the specifics of how societies emerging from authoritarian rule can and should go about addressing their past. The following section therefore outlines some of the main options for transitional justice available to successor regimes in dealing with the past. It places a major emphasis on the truth commission model, as it was the mechanism chosen by South Africa and furthermore; pays particular attention to the notion of reconciliation.

1.3.1 Transitional Justice

Transitional justice is often regarded as a form of retroactive justice or rectificatory justice. Jon Elster defines retroactive justice as “political decisions made in the immediate aftermath of the transition that are directed towards individuals on the basis of what they did or what was done to them under the earlier regime.”¹¹⁸ As argued before, Rama Mani differentiates between three forms of justice of which rectificatory justice is concerned with injustices in terms of the direct violence that were suffered by people during conflict or under authoritarian rule. These include gross violations of human rights, crimes against humanity and war crimes.¹¹⁹ Baharona de Brito et al. understand transitional justice in a wider context as the ‘politics of memory’ and argue that it also includes unofficial social initiatives transcending the official efforts of transitional justice and extending beyond the initial transitional period.¹²⁰

Political justice in transition from one regime to another is not an invention of the twentieth century. Yet, new and distinctive legal as well as non-judicial forms of responses to pre-

¹¹⁶ Hayner, P.B. 2001. op.cit., p. 4.

¹¹⁷ Mani, R. 2002. op.cit., p. 7.

¹¹⁸ Elster, J. 1998. “Coming to Terms with the Past” in *Archives Européenne Sociologique*, Vol. 39, p. 16.

¹¹⁹ Mani, R. 2002. op.cit., p. 7.

vious repression have been invented since the Second World War, with three waves of transitional truth and justice processes having occurred since then. The first was shaped by the International Military Tribunals set in Nuremberg and Tokyo as well as by the concurrent domestic trials in countries that had been overrun by the Nazi regime, such as Austria, Belgium, France and the Netherlands.¹²¹ The second wave occurred in the later 1970s in the southern part of Europe, in Greece, Portugal and Spain, where each country dealt very differently with past repression.¹²² The third wave of transitional justice began in Latin America in the mid-1980s and extended throughout Eastern Europe at the end of the 1980s before reaching Africa and Asia in the early 1990s.¹²³

These waves of transitional justice correlate with the earlier mentioned waves of democratisation, as different transitional justice mechanisms are chosen in the process of democratisation. Each wave illustrated different ways of dealing with the past: Nuremberg set out the fundamental principle of holding individuals accountable for crimes against humanity through the criminal prosecution of twenty-four top war criminals; Southern Europe was representative of the fact that each country has to find its own way of dealing with the past including resort to amnesty and amnesia; Latin America gave rise to the 'truth commission' model; Eastern Europe opted for lustrations, purges and the uncovering of truth through the opening of police files; while countries in Africa and Asia primarily established commissions of inquiry into past human rights abuses. In this regard South Africa constituted a complex combination of different approaches. It developed the truth commission model further to include the objective of promoting reconciliation while also leaving open the possibility of holding trials, seeking to combine individual accountability for gross human rights violations with the promotion of national unity and reconciliation.

Being considered as providing the necessary background to South Africa's approach to transitional justice the following section studies: a) different transitional justice mechanisms and b) explanatory variables influencing countries decisions in terms of its approach to transitional justice.

¹²⁰ Baharona de Brito, A. et al. 2001. op.cit., p. 2.

¹²¹ Barahona de Brito, A. et al. 2001. op.cit., p. 3.

¹²² In Greece, those that had led the 1967 coup were tried and convicted in 1975. Portugal initiated widespread purges, disabling the former dictatorship from taking up office again. Spain in contrast stands out as the most remarkable case of amnesia, as it opted for the granting of amnesty in 1977 to those having been part of the Franco dictatorship and almost institutionalised 'forgetting' with regard to the Civil War. Ibid., pp. 3-4.

¹²³ Barahona de Brito, A. et al. 2001. op.cit., p. 4.

a) Transitional Justice Mechanisms

The three waves of transitional justice showed that there are three substantially different ways in which the past of political atrocities can be dealt with: amnesties/amnesia, trials or purges and truth commissions. Apart from these three main options available to successor regimes, trials in international courts, official apologies, the opening of secret police files to victims, affirmative action and civic education programmes, as well as reforms of the former state institutions are strategies that have been used as means to address the legacies of periods of repressive rule.¹²⁴ Further financial compensation and symbolic gestures such as the building of monuments or the proclamation of commemorative days of remembering also present options for dealing with legacies of repression in transitional periods.¹²⁵

The granting of general amnesties or a nation wide policy of amnesia represent the opposite end to trials or purges on a continuum of transitional justice mechanisms, while truth commissions can be regarded as a compromise between these two options. The model of *amnesties/amnesia* ("forgive and forget") is based on the argument that the only way that people can live together in one country after the traumas suffered in open and violent conflict is to forget the things that divided them. It is furthermore based on the belief that justice cannot, and will not, be administered without substantial social and political costs. Supporters of *trials and purges* as a way of dealing with the past proclaim that justice and the principles of international humanitarian law require that individuals who committed crimes or ordered them done should be punished.¹²⁶ Hayner illustrates that over the last 30 years *truth commissions* have become an accepted means for balancing the tensions between the two schools of thought – i.e. of "forgive and forget" on the one hand, and of criminal prosecution of the guilty on the other hand.¹²⁷

Even though, in theory, a clear distinction between these models can be made, they can not always be unambiguously distinguished in practice. South Africa serves as a good example, as it represents a cross-over between all three models. It has already been pointed out that South Africa established a truth commission model that was based on the granting of individual and conditional amnesty while leaving the possibility for prosecution open. This is illustrative of the fact that, as intermediaries between amnesia and trials, truth commissions can make use of the other mechanisms at the opposing ends of the continuum. South Africa in-

¹²⁴ Rosenberg, T. 1999. "Confronting the Painful Past" Afterword in Meredith, M. *Coming to Terms*, p. 327.

¹²⁵ Baharona de Brito, A. et al. 2001. op.cit., p. 1.

¹²⁶ Huyse, L. 1995. "Justice in Transition: On the Choices Successor Elites Make in Dealing with the Past" in *Law & Social Inquiry*, Vol. 20, pp. 52-53.

corporated several mechanisms into one commission and a number of other countries have recently also opted for a combination of mechanisms. Sierra Leone, for example, sought to pave its way into the future through a truth commission as well as the holding of trials. A similar model is being discussed for post-war Iraq.¹²⁸

Attention is now directed at the question why some of the available transitional justice mechanisms have a greater relevance in some countries and are of less importance in others. The section considers selected factors that determine the choices that leaders make.

b) Explanatory Variables

Licklider emphasises that, apart from the often morally driven considerations regarding what should be done about human rights abuses of the prior regime, there are often practical limitations on the options that governments are able to pursue. For example, when the conflict is ended through a negotiated settlement, as in South Africa, the likeliness that there will be trials for crimes committed is relatively low, as especially the leaders of the former regime that sign a peace agreement will try to ensure that amnesty provisions for them and their followers are part of the settlement.¹²⁹ Peacebuilding and accountability processes are thus intimately interrelated with the type of transition that occurred and with the previous regime type. Scholars, including Carlos Nino, Jon Elster and Alexandra Baharona de Brito, study specific variables that promote or hinder transitional justice of different kinds.

Carlos Nino considers the *type of transition* and the impact thereof on the balance of power as one of the key variables shaping the decision that leaders make during transitions.¹³⁰ Barahona de Brita et al. argue that, amongst other things, the degree to which the *general political and social context* favours the implementation of truth and justice policies, both nationally and internationally, shapes transitional justice processes. Looking at the international context they refer to the important role of the 'Zeitgeist' regarding issues of justice, rights and the nature of truth. They also take into consideration the capacity of international organisations or transitional groups to act and the contagion-learning effect, which implies that the elite in any given country will base its actions on the knowledge or know-how generated by the example

¹²⁷ Hayner, P.B. 2001. op.cit.

¹²⁸ See Policy Paper for Transitional Justice in Iraq by the International Centre for Transitional Justice, under www.ictj.org.

¹²⁹ Licklider, R. 2001. op.cit., pp. 711-712.

¹³⁰ He argues that the prospect for retroactive justice is greatest where coercive transitions occurred and, while they are least likely when democratisation is achieved through negotiations and consensus building. Ninos, C. 1996. op.cit., pp. 118-119.

of other transitional societies.¹³¹

In addition to the type of transition and the immediate transitional context, be it national or international, the *nature of the prior repressive regime*, which shaped the form of violence committed and which victimised people in particular ways, also influences transitional justice mechanisms. Tina Rosenberg differentiates between right wing military dictatorships, typical of Latin America, and communist dictatorships, typical for Eastern Europe, and distinguishes these from ethnic, tribal or religious wars, for example, in Bosnia, Rwanda and Northern Ireland. She defines the Latin-American military dictatorships as *regimes of criminals*, because illegal acts of repression were perpetrated by the agents of a small group at the top level, and communist dictatorships as *criminal regimes*, because repression is here perpetrated by a whole bureaucracy. The violence that characterises criminal regimes takes on a more subtle form and is often legitimised under the existing legislation, making the distinction between the categories of victims, perpetrators and bystanders much more difficult.¹³² The differentiation between these regime types is made because they shaped the transitional justice mechanisms that these countries opted for. While truth commissions were more suitable for the dealing with the atrocities of the Latin American regimes of criminals they were less appropriate for dealing with the more complex legacies of the Eastern European criminal regimes. Instead in Eastern Europe lustration laws were most often chosen to call to account the bureaucracy of the criminal regime. As apartheid South Africa displayed some characteristics of a criminal regime as well as some of those typical for regimes of criminals it was more difficult for the country to find appropriate means to address the political atrocities committed by the death squads of Vlakplaas etc. and to simultaneously deal with the more subtle violence and repression characterising the system of apartheid.

Based on these accounts and analyses it can be concluded that the legacy of the past regime, the international context at the time of the passage to democracy, and the mode of transition and its impact on the balance of power between the old and the new order are among the most influential factors determining the decisions on how to deal with the past.¹³³ By drawing out these explanatory variables scholars highlight the difficult tension between ethical demands or normative considerations and political imperatives that new leaders have to balance when

¹³¹ The spread of government-sponsored truth commissions throughout Latin America following the Chilean example and the adaptation of the German lustration law model in other Eastern European countries are examples for of such learning experiences. Baharona de Brito, A. 2001. op.cit., pp. 307-308.

¹³² Rosenberg, T. 1999. op.cit., pp. 330-339.

¹³³ Huyse, L. 1995. op.cit., p. 51.

attempting to build peace and democracy in the aftermath of repressive rule. These scholars illustrate that the best moral option is often not a possibility when the factors shaping the political reality are considered.¹³⁴ This implies that decisions on truth and justice policies are made in the contested terrain between what “human rights idealists desire and what hard-core realists predict”.¹³⁵

1.3.2 The Truth Commission Model

Hayner argues that the generic term ‘truth commission’ is generally understood as referring to broad inquiries into widespread abuses by state forces, sometimes also looking into abuses by the armed opposition, undertaken by the successor regime. Even though there is no commonly accepted definition of what a truth commission is, or what it should do, Hayner outlines the following characteristics as being common to truth commissions: (1) truth commissions focus on the past; (2) they investigate a pattern of abuses, rather than a specific event; (3) a truth commission is a temporary body, typically in operation for six months to two years and completing its work with the submission of a report; and (4) the commissions are officially sanctioned, authorised or empowered by the state.¹³⁶ Their official status, as opposed to commissions of inquiry that are not established by the government, gives them better access to official sources of information, greater security to undertake sensitive investigations and a greater likeliness that their report will be seriously considered by the authorities.¹³⁷ In addition, truth commissions look into recent events, as opposed to historical injustices of the distant past, usually at a point of political transition and they investigate politically motivated or politically targeted repression by the previous regime, in particular the irregular and extra-judicial means used to maintain or obtain power and to weaken the political opponents.¹³⁸

Hayner argues that the development of the truth commission model from mere commissions of inquiry to multi-mandated commissions, covering some or all of these five basic aims: to discover, clarify and formally acknowledge past abuses; to respond to the specific needs of victims; to contribute to justice and accountability; to outline institutional responsi-

¹³⁴ David Pion-Berlin, speaking about Latin American cases points out that, while in all cases unquestionable moral justifications existed for the investigation and prosecution of human rights crimes, political realities finally dictated that policy makers carefully consider the costs, benefits and risks associated with their decisions. (Pion-Berlin, D. 1995. op.cit., p. 82.) In Latin America these considerations led to a vote against trials as transitional justice mechanisms.

¹³⁵ Pion-Berlin, D. 1995. op.cit., p. 103.

¹³⁶ Hayner, P.B. 2001. op.cit., p. 14.

¹³⁷ Ibid.

¹³⁸ Ibid., p. 17.

bility and recommend reforms; and to promote reconciliation and reduce conflicting interpretations of the past¹³⁹, was driven by an increasing concern for human rights in transitional justice contexts. Wilson argues that by promoting the human rights discourse, truth commissions came to be understood as the antithesis of nationalist modes of nation-building.¹⁴⁰ The concern for human rights arose from the understanding that nations should not be constituted on the basis of race, ethnicity, language or religion but should instead be founded on a “community of equal, rights bearing citizens united in patriotic attachment to a shared set of political practices and values”¹⁴¹.

While truth commissions’ ambitious mandates often present a promising alternative to punishment and amnesia, Ignatieff reminds us to be cautious about our expectations of what truth commissions can actually achieve. He argues that

truth commissions can and do change the frame of public discourse and public memory. But they cannot be judged a failure because they fail to change behaviour and institutions. That is not their function.¹⁴²

He furthermore says that truth commissions cannot overcome a society’s divisions but that they can purify the arguments about the past and narrow the range of permissible lies. Since the past is not fixed and stable like a document, truth processes cannot bring the arguments about the past to a conclusion but instead highlight that the past remains disputable.¹⁴³

When linked to the distinction made earlier between the ‘negative’ task of peacebuilding (preventing a relapse into war) and the ‘positive’ task of peacebuilding (aiding national recovery and expediting the eventual removal of the underlying causes of internal war), truth processes can be seen as contributing to the fulfilment of the ‘positive’ task of peacebuilding through their focus on the psycho-social dimension and their concern for the provision of Mani’s rectificatory justice.

While this study understands truth commissions as generally contributing to the fulfilment of the ‘positive’ task of peacebuilding, the degree to which truth commissions are able to fulfil that task in any particular case depends on the many explanatory factors outlined above, such as the balance of political forces which also shapes the role, the mandate and the impact of

¹³⁹ Hayner, P.B. 2001. op.cit., p. 24.

¹⁴⁰ Wilson, R.A. 2001a. “The Politics of Truth and Reconciliation in South Africa: Legitimising the Post-Apartheid State” in Baharona de Brito, A. et al. 2001. op.cit., p. 1.

¹⁴¹ Ignatieff, M. cited in Wilson, Richard A. 2001b. *The Politics of Truth and Reconciliation in South Africa: Legitimising the Post-Apartheid State*, p. 1.

¹⁴² Ignatieff, M. 1996. “Articles of Faith” in *Index on Censorship*, Vol. 25, No. 5, p. 113.

¹⁴³ Ibid.

truth commissions at the time when they are established.¹⁴⁴

The South African Truth and Reconciliation Commission (TRC) which shaped South Africa's "truth process" focused more than any other previous truth commission on promoting reconciliation. However, reconciliation as a concept is widely debated and various ideas have been brought forward regarding the components that make up reconciliation. While there is a general agreement that reconciliation is about people and their relationships such an understanding does not in itself indicate who is to be reconciled, for what purpose and on whose terms. Due to its importance for the South African case, the concept is briefly introduced in the following section. Just as peace was linked to the concept of justice, reconciliation is also studied in relationship to justice.

1.3.3 Understanding Reconciliation

Dictionaries define the term "reconcile" as the act or process of bringing two people or countries into friendly relations again after estrangement or disagreement.¹⁴⁵ Lederach derives the meaning of reconciliation from its stem 'conciliare', which describes an ongoing process in which people from different backgrounds search for solutions that will enable them to live together in peace and justice. He understands reconciliation as a "dynamic, adaptive process aimed at building and healing the torn fabric of interpersonal and community lives and relationships"¹⁴⁶. Lederach emphasises that reconciliation is not about returning to a former state, even though the 're' in the prefix of the word might suggest this, rather it is about finding a way forward together. Lederach's understanding of reconciliation is holistic, including not only consensus-building mechanisms and the restoration of justice, but also the acknowledgement of humanity and the reconstruction of people's identities.¹⁴⁷ The latter aspect is also emphasised by Jose Zalaquett, who states that

a society cannot reconcile itself on the grounds of a divided memory. Since memory is identity, this would result in a divided identity. [...] It would thus be important to reveal the truth and so build a moral order.¹⁴⁸

In contrast to these comprehensive understandings of reconciliation, other scholars use the concept in a minimal sense. Kriesberg argues that, in the context of political conflict or violence, reconciliation is sometimes merely understood as "developing a mutual conciliatory

¹⁴⁴ Hamber, B. & Kibble, S. 1999. *From Truth to Transformation: South Africa's Truth and Reconciliation Commission*, p. 2.

¹⁴⁵ See "reconciliation" in *Collins Cobuild English Dictionary*. 1995, pp. 1379-1380.

¹⁴⁶ Lederach, J.P. 2001. op.cit., p. 842.

¹⁴⁷ Ibid., p. 842.

¹⁴⁸ Zalaquett, J. 1994. op.cit., p. 13.

accommodation between antagonistic or formerly antagonistic persons or groups”¹⁴⁹. This definition requires that there is a willingness of the parties in conflict not to resort to violence, to built ‘negative’ peace, but it does not imply that psychological processes aimed at the reconstruction of identities, making up part of the process of establishing ‘positive’ peace, should take place. This kind of minimal reconciliation is often termed the reaching of a *modus vivendi*. Similarly Villa-Vicencio distinguishes between two forms of co-existence. Co-existence at a lower level, which refers to the establishment of social order, and co-existence at a higher level, that additionally involves a commitment from the parties to work together to put in place those things that make for co-existence, such as an appropriate legislative structure, a civil structure and legitimate policing.¹⁵⁰

Commencing from there it can be concluded that Lederach, Villa-Vicencio and Zalaquett recognise that there are minimal definitions of the concept of reconciliation. Yet, they advocate for understanding reconciliation in a stronger sense as rebuilding a moral community.¹⁵¹ In the South African context that includes the building of a non-racial society, in which all members are committed to a common nationhood that is based on shared values, trust and respect for others.

While the differentiation between a minimal and a stronger sense of reconciliation sheds light onto the nature of the concept it does not yet indicate what in particular classifies it. In an attempt to understand the concept more clearly, the following sections study: a) the different dimensions that make up reconciliation and b) the concept as representing a process and a product.

a) Different Dimensions of Reconciliation

De Gruchy refers to four interrelated ways in which one can speak about reconciliation, each of which refers to the overcoming of enmity and alienation in a different sphere: (1) the *theological* – referring to reconciliation between God and humanity in the form of personal religion or in communities of faith; (2) the *interpersonal* – referring to relationships between individuals, e.g. a victim and a perpetrator of a crime; (3) the *social* – referring to processes of relationship-building between alienated communities and groups at local level, such as the healing of race relations at a school; and (4) the *political* – referring to projects such as the

¹⁴⁹ Kriesberg, L. cited in Hayner, P.B. 2001. op.cit., p. 155.

¹⁵⁰ Lederach, J.P. 2001. op.cit., p. 842, Villa-Vicencio, C. 2000. “Getting on With Life: A Move Towards Reconciliation” in Villa-Vicencio, C. & Verwoerd, W. *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, p. 208 and Zalaquett, J. 1994. op.cit., p. 9.

¹⁵¹ Villa-Vicencio, C. 2000. op.cit., p. 208.

process of national reconciliation in South Africa.¹⁵²

While these distinctions are helpful for thinking about reconciliation it needs to be borne in mind that they cannot be distinguished unambiguously as they overlap in reality due to their interrelatedness. The latter three ways of understanding reconciliation do relate to the different levels of society at which they take place – the national, the community and the individual levels. However, when considered in terms of spheres then all four can be attributed to different spheres of society. Apart from acknowledging that reconciliation can happen at the individual, community or national level, debates about reconciliation centre around the questions of whether one level should take precedence over another and of whether focussing on one level may in fact undermine the processes at others. The difficulty of promoting reconciliation at all levels is, for example, illustrated in the case of the TRC, which opted for an emphasis on national reconciliation subsequently, but unintentionally, sidelining community reconciliation.

b) Process versus Product

Scholars further discuss whether reconciliation should be understood as referring to a product or a process. While some scholars understand reconciliation as merely meaning a social order of peaceful co-existence or the absence of violence, others, like Lederach and de Gruchy, strongly argue for the recognition of reconciliation as a sequential process, irrespective of whether reconciliation is understood theologically, interpersonally, socially or politically. De Gruchy says,

reconciliation is not only a way of dealing with and overcoming past alienation, enmity and hurt but also a way of relating to the 'other' in the present, and a goal that is always ahead of us in the future.¹⁵³

When understood as the absence of violence or as peaceful coexistence, reconciliation needs to be regarded as a product and as a concept that does not have a strong future orientation. It is related to the concept of 'negative' peace and expresses a minimal sense of reconciliation. In contrast, when understood as a process, reconciliation links backward- with forward-looking mechanisms of dealing with the past and symbolises a process aimed at creating 'positive' peace the rebuilding of relationships often on the basis of forgiveness. Reconciliation is then understood in a stronger or maximal sense.

The current study understands reconciliation in its stronger sense as referring to a process and

¹⁵² de Gruchy, J.W. 2002. *Reconciliation. Restoring Justice*. p. 26.

¹⁵³ Ibid., p. 27.

as contributing to the establishment of 'positive' peace by means of relationship building. However, understanding reconciliation as a process does not yet say much about the components making up reconciliation. In addition to the mentioned dimensions of reconciliation various components can be highlighted as making up the concept of reconciliation.

1.3.4 Reconciliation and Justice

As mentioned earlier, Lederach understands the concept of reconciliation as being linked to peacebuilding, to conflict transformation and to dealing with the past. He says,

reconciliation as a concept and a practice endeavours to reframe the conflict so that the parties are no longer preoccupied with focussing on the issues in a direct cognitive manner. Its primary goal and key contribution is to seek innovative ways to create a time and place, within various levels of the affected population, to address, integrate and embrace the painful past and the necessary shared future as a means of dealing with the present.¹⁵⁴

Commencing from here debates around reconciliation can be related to those around peace. In the same way in which peace was linked to the concept of justice, reconciliation is here also linked to justice. Ignatieff notes that the essential function of justice in the dialogue between truth and reconciliation is to disaggregate the individual from the collective or nation; to disassemble the fiction that nations are responsible like individuals for the crimes committed in their name. He says that nations properly speaking cannot be reconciled to other nations, only individuals to individuals. Nonetheless, individuals can be helped to heal and to reconcile by public rituals of acknowledgement and retribution.¹⁵⁵

On the basis of such an individualised understanding of reconciliation Lederach argues that reconciliation and justice are complementary – the one cannot be achieved without the other. He points out that reconciliation can be understood as a social space where the traditionally paradoxical concepts of justice, peace, mercy and truth intersect. He understands truth as the longing for acknowledgement of wrong and the validation of painful loss and experiences. It is coupled with mercy, which articulates the need for acceptance, letting go and a new beginning. Justice represents the search for individual and group rights, for social restructuring and restitution. It is linked with peace, which underscores the need for interdependence, well-being and security.¹⁵⁶ Lederach stresses that the difficulty lays not so much in recognising the role of these four elements but instead in creating the social space where they can meet and are held together as different and interdependent social energies. He points to

¹⁵⁴ Lederach, J.P. cited in Miall, H. et al. 1999. op.cit., p. 215.

¹⁵⁵ Ignatieff, M. 1996. op.cit., p. 116.

¹⁵⁶ Lederach, J.P. 1995. op.cit., pp. 52-53.

their interdependence when he states that truth at the expense of mercy or peace will lead to repetitive cycles of criticism and hatred, leaving no hope for a different future, while mercy at the expense of truth will lead to manipulation, impunity and a complete lack of accountability. Justice without mercy gives exclusive power to the victor and peace without justice is a betrayal, as it does not require change.¹⁵⁷

Shriver refers to a model of reconciliation that leaves out the concept of mercy and depicts the process of reconciliation as relying on justice, memory and hope for community. He argues:

No 'new integration' will ever be possible between enemies in a struggle over social justice without their mutual achievement of a new memory of the past, a new justice in the present and a new hope for community in the still-to-be-achieved future.¹⁵⁸

Hugo van der Merwe uses Shriver's and Lederach's ideas and combines them with components from the field of victim-offender mediation. He identifies justice, truth, healing and security as the essential social needs that are to be addressed and changed in the process of promoting reconciliation. He states:

First, parties need a sense of justice being fulfilled and/or re-established, and that injustices are being corrected. Second, they need a sense that the truth about the past is being revealed and recognised. This truth must then also be remembered rather than banished to the past. Third, they need a sense that their vulnerability is decreasing, and that their mutual security is assured. Fourth, they need a sense that healing is taking place through the acknowledgement of victimisation, the restoration of dignity and the management of trauma.¹⁵⁹

Just as Rama Mani links peace with justice when she points out that peace without justice is only symbolic peace¹⁶⁰, the scholars studying reconciliation also link reconciliation to justice. Mamdani uses the term justice by distinguishing between two categories of justice – criminal and social justice – and consequently talks about two forms of reconciliation – political and social reconciliation. He understands the former as a narrow form limited to a political elite and the latter as a broader one reaching out to ordinary members of society. Both, as Mamdani argues, are interdependent, with political reconciliation being a *pre-requisite* to social reconciliation and political reconciliation *not being durable without* social reconciliation.¹⁶¹ Mamdani argues that making reconciliation durable

¹⁵⁷ Lederach, J.P. 2001. op.cit., p. 854.

¹⁵⁸ Shriver cited in van der Merwe, H. 1999. *The Truth and Reconciliation Commission and Community Reconciliation: An Analysis of Competing Strategies and Conceptualisations*, pp. 55-56.

¹⁵⁹ Ibid., p. 58-59.

¹⁶⁰ Mani, R. 2002. op.cit., p. 4 as well as section 1.1.1.

¹⁶¹ Mamdani, M. 1998. *When does Reconciliation turn into a Denial of Justice?*, p. 14.

requires moving from a narrow recognition of rights that individualise and dehistoricise it [...] to a broad recognition that underlines the need to right historical wrongs, and thus provide a measure of justice to the previously excluded groups.¹⁶²

Mamdani concludes that reconciliation is not just a political but also a social construct and justice not just criminal and individual but also social and systemic one.¹⁶³

1.3.5 Summary

On the basis of these accounts, reconciliation, is in the current study understood as a complex, long-term process involving various activities that are aimed at building relationships:

- a) on various levels of society, ranging from the direct relationship between victims and perpetrators to much broader conceptions that include the whole society and which are aimed at reconciling the nation and
- b) along a continuum from conditions of 'negative' peace (characterised by an absence of direct violence) to those symbolising 'positive' peace (characterised by the absence of structural and cultural violence).

Building on this understanding the goals of "truth processes" aimed at a comprehensive understanding of reconciliation can be defined as remembering the past and as breaking with a previous regime. These two goals represent the ambivalent relationship between a desire for closure and the need to remember. The tension represented in this ambivalent relationship is linked to the essential problem characterising transitional justice processes, that is, how to balance peace and justice, forgetting and forgiving, healing and punishment, truth and reconciliation.¹⁶⁴ Balancing the twin objectives of peace and justice is problematic as they represent opposing ways of dealing with the past. As argued above, decisions to bury the past may cause less obvious conflict and bring 'peace' to the wrongdoers of the previous regime but they will not serve victims' right for redress and cause continuous dissatisfaction. On the other hand confrontations with the past through criminal prosecution and punishment may bring justice to the families of the victims but do not contribute to the reconstruction of a national identity and can in consequence create an 'us versus them' mentality perpetuating further divisions and social conflict, in the end decreasing the prospects of peace and stability rather than increasing them. Miall et.al. therefore highlight the importance of a redefinition of the self and the other in post-conflict situations, so that an identity can be constructed that

¹⁶² Mamdani, M. 1998. op.cit., p. 16.

¹⁶³ Ibid., p. 19.

¹⁶⁴ Ignatieff, M. 2001. "Introduction" in Edelstein, J. *Truth and Lies: Stories from the Truth and Reconciliation*

replaces the 'us' versus 'them' identities with a sense of 'we'.¹⁶⁵ In addition, Baharona de Brito et al. argue that trials as well as truth commissions can only offer a partial picture of the crimes committed by previous repressive regimes. They only partially do justice due to the political, financial, personnel and time constraints, as well as due to the difficulties of gaining access to information and 'hard evidence' that criminal justice systems face in times of transition.¹⁶⁶ The different ways available to successor regimes for dealing with the past thus always leave room for the emergence of renewed conflicts over the past. Baharona de Brito therefore concludes that the question of how to deal with legacies of repression constitutes the problem that has the greatest potential to destabilise transitional processes.¹⁶⁷

Accordingly, while I argued in the previous section that transitional justice mechanisms constitute a precondition for the consolidation of peace and democracy, it should be added that they also need to be context-specific and concerned with balancing the opposing forces of peace and justice to meet their objective, as they may otherwise endanger the transitional processes instead of facilitating them.

1.4 Overall Summary

In an attempt to understand under what conditions peace and democracy can be built through negotiated settlements and how divided societies can be reconciled and democracy be consolidated, this chapter studied relevant considerations that emerged from the respective fields of peace and conflict studies, the democratisation field as well as the field of transitional justice. The chapter identified four dimensions (military-security instability; economic-social debilitation; political-constitutional incapacity; and psycho-social trauma) that democratisation and peacebuilding processes need to address to meet their objective of building sustainable peace and democracy in societies emerging from conflict and authoritarian rule. It was further pointed out that, while all four these dimensions are important parts of a comprehensive framework linking democratisation, peacebuilding and transitional justice, this study is primarily concerned with the political-constitutional dimension and the psycho-social dimension. The political-constitutional dimension is understood as being decisive for laying the foundation for peace and democracy in South Africa. The South African "peace process" and the process of political-constitutional negotiations are in this study understood as making up

Commission in South Africa, p. 15.

¹⁶⁵ Miall, H. et al. 1999. op.cit., p. 207.

¹⁶⁶ Baharona de Brito, A. et al. 2001. op.cit., p. 36.

¹⁶⁷ Ibid., p. 1.

the 'negative' task of peacebuilding, the prevention of a relapse into violent conflict through the containment of violence and the establishment of the foundation for future democratic rule. The social-psychological dimension is seen as contributing to the construction of a self-sustaining peace through a drive for justice and a concern for the promotion of reconciliation. The South African "truth process" is understood as an attempt to move South Africa from a negotiated settlement to achieving national unity and reconciliation. The "truth process", characterised by the tension between peace and justice, forgetting and forgiving, healing and punishment, truth and reconciliation, will be studied as a part of South Africa's approach to building 'positive' peace.

University of Cape Town

CHAPTER TWO

It is hard to imagine an issue more central to the South African transition – or closer to the concerns of our citizenry – than violence and the search for peace.

Mark Shaw in *Crying for Peace where there is None?*, 1993, p. 1.

2 SOUTH AFRICA IN TRANSITION

South Africa emerged from apartheid and authoritarian rule still as a deeply divided society in the early 1990s. Having been relatively successful in dealing with its fundamental conflicts through a negotiated political settlement, South Africa represents one of the few successful large-scale conflict transformations in the world, eventually leading to the inauguration of a new democratic order in 1994.

The South African transition will in this study be understood widely as the period between 1991 and 1998 and as having been made up of two different phases. As indicated in the introduction earlier transition phase (the democratisation phase) falls into a timeframe between February 1990, when Nelson Mandela and other political prisoners were released and the liberation movements unbanned and April 1994 when the Government of National Unity was formed and Nelson Mandela inaugurated as the first president of a democratic South Africa. February 1990 is here chosen as the starting point of the transition because it was the moment when the National Party (NP) government recognised that the system of 'white' minority rule over a poor and disenfranchised majority could no longer be upheld in the face of the escalating conflict, the proliferating political violence, the increasing impact of social, economic and diplomatic isolation and international sanctions. With this realisation the political terrain changed irreversibly in the early 1990s and questions of how to share power and privilege, how to manage the transition and how to shape the future emerged on the immediate political agenda. The 'negative' task of peacebuilding began.

Even though South Africa stands out as a noteworthy case of democratic transition, the democratisation phase of the country's transition has not been without its own problems, one of the most crucial ones being the continuation and, indeed, the dramatic increase in concurrent political violence. The non-violent nature of the elite interaction, marked by a sustained attempt to reach a negotiated settlement and an agreed new constitutional order, came as a major surprise to many observers and commentators. The world had anticipated the outbreak

of a violent power struggle from the side of the liberation movements aimed at taking power in the face of fierce resistance from the 'white' minority. "Miraculously" this violent confrontation and possible civil war did not take place. Yet, this very process of negotiating a settlement was at the same time threatened by a dramatic increase in political violence.¹⁶⁸ Even though the occurrence of violence was in itself not a new or an uncommon phenomenon in South Africa, as it had over centuries of repression and resistance shaped society, the political violence of the transition to democracy took on a different form and threatened to derail the whole negotiation process. As such it was a direct challenge to the prospects of achieving even a 'negative' peace.

However, South Africa did manage to establish sufficient ('negative') peace in the political realm by 1994 to proceed with its founding democratic election and the new Government of National Unity subsequently went ahead to begin to address the country's past legacies of gross human rights violations and injustices. The truth commission model was chosen as a way to deal with the past side-lining both blanket or general amnesty as well as any direct accounting of those responsible for human rights violations by means of holding criminal trials. The later phase (the consolidation phase) of South Africa's democratic transition falls into a timeframe between 1995 and 1998 when the building of 'positive' peace and the consolidation of democracy began, characterised by the aim for the establishment of social peace through the promotion of national unity and reconciliation. While having begun in 1995 with the establishment of the TRC, the process of dealing with the past did in South Africa neither end with the handing over of the Commission's Interim Report nor with its final Report. It instead continues until today. This is evident, for example, in the fact that the "Jubilee 2000 Campaign", Advocate Dumisa Ntsebeza, a former TRC commissioner, and other representatives of apartheid victims are taking international companies to American courts for their complicity in supporting apartheid demanding reparations for South Africa's apartheid victims. This initiative to deal with 'apartheid's unfinished business' is now also supported by Archbishop Desmond Tutu, former chair of the TRC, but it is harshly rejected by the South African government.¹⁶⁹ It is moreover evident in the renewed debate that started when it was announced that Colonel Gideon Niewoudt, former head of the security branch in the Eastern Cape, was to be prosecuted by the National Prosecuting Authority.¹⁷⁰

¹⁶⁸ du Toit, A. 1993. *Understanding South African Political Violence: A New Problematic?*, pp. 2-3.

¹⁶⁹ Terreblanche, C. 11.02.2004. "Churches back Tutu's Court Appeal" in *Cape Argus*.

¹⁷⁰ See for example Krog, A. 29.02.2004. "Embarrassed by Forgiveness" in *Sunday Times* or Matthewson, S. 24.03.2004. "Amnesty Bid Fails to Get Going: Motherwell Bomber Objects to Presence of Former TRC Offi-

While the process of dealing with the past continues to the present day, the specific focus of this study is directed at the period between December 1995 when the TRC commissioners were sworn in and October 1998 when the Interim Report of the TRC was handed over to President Mandela. This timeframe is chosen because the study directs its attention primarily at the victims' hearings and the TRC's promotion of reconciliation, which formed the earlier part of the Commission's work. However, where necessary, reference will also be made to subsequent events up to March 2003 when the books of the TRC were finally closed.

This chapter provides some background to the South African conflict and an overview of the process of political-constitutional negotiations, otherwise largely sidelined in this study. The context of the wider "peace process" into which the narrow "peace process", represented by the NPA, and the "truth process", characterised by the TRC, need to be located is illustrated. Further the historic role of political violence in apartheid South Africa is briefly introduced, as this is of relevance for the "truth process", before particular attention is paid to the impact of political violence on the process of political-constitutional negotiations, which was of relevance for the narrow "peace process".

2.1 The South African Conflict and the Problem of Political Violence

South Africa ranks as one of the most deeply divided societies of the twentieth century. The South African conflict, for many decades well known for its protracted nature was in different ways prone to violence, with structural violence and social injustices inherent in the system of apartheid and direct violence evident in the implementation of apartheid's policies. These overt and more covert forms of violence provoked resistance against apartheid eventually leading to the 'armed struggle'. As an understanding of the origin of the conflict is important for studying South Africa's emergence from violence, the following section pays brief attention to the history of violence underlying the more recent struggle against apartheid and considers the concept of political violence more specifically. It then distinguishes the political violence of apartheid from the political violence of the earlier transition phase giving special attention to the impact of the ongoing and concurrent violence on the process of political-constitutional negotiations.

cial" in *This Day*.

2.1.1 The South African Conflict

While the origins of the forces that shaped South African politics and society over many decades can be traced back to the colonial period, they increased dramatically in magnitude when racial categories were systematically and explicitly incorporated into government legislation in 1948. The increasing legal restrictions denied the 'black'¹⁷¹ majority the prospect of gaining the right to citizenship and human development. Apartheid permeated every aspect of private and public life in South Africa and engendered especially gross inequalities between the country's 'white' and 'black' populations. It allowed the five million 'whites' living in the country to control 87% of the land and most other economic assets, while the 'black' majority, which consisted of twenty-nine million Africans, three million Coloureds and one million Indians, remained largely disenfranchised and very poor.¹⁷² Apartheid legislation determined where and under which conditions people should live, restricted access to facilities, education and employment, hence alienating the 'black' majority from all levels of economic and political power, with the exception of the so-called homelands that enjoyed some degree of local autonomy. However, the primary motivation of the apartheid regime to grant this autonomy was to sow perceptions of difference among the 'black' population groups so as to fragment the 'black' majority and to unify the 'white' minority of different ethnic backgrounds.¹⁷³

In sum, it can be argued that it was the denial of human rights to the majority of the South African population, the deep inequalities, the social injustices and the structural violence present in the system of apartheid that spawned the anti-apartheid struggle in South Africa.

2.1.2 Defining Political Violence

As illustrated in Johan Galtung's conflict triangle, violence can take on many forms. While Galtung differentiated between direct, structural and cultural violence, violence in its most literal sense is usually understood as physical or direct violence, that is, to cause physical harm or hurt to others.¹⁷⁴ Direct violence thus has, as Galtung puts it, a sender and receiver or when expressed differently a perpetrator and a victim. It can occur between individuals or

¹⁷¹ For ease of reference the historical apartheid terms will be used in this thesis. Yet, this does not express any acceptance of these racial categorisations. Instead, in order to acknowledge that there is a need to continue problematising and interrogating the terms and their associated dangers and shortcomings, inverted commas will be placed around them. The term 'black' is used to include all those who were previously oppressed and not classified 'white.' Where necessary the term 'black' is further differentiated.

¹⁷² Ottaway, M. 1993. *South Africa: The Struggle for a New Order*, pp. 9-10.

¹⁷³ Moodley, K. & Adam, H. 2000. "Race and Nation in Post-Apartheid South Africa" in *Current Sociology*, Vol. 48, No. 3. p. 51.

¹⁷⁴ Galtung, J. 1996. op.cit., p. 2. See section 1.1.1.

groups of people, in family contexts or in the form of criminal violence. While often used in the literal sense of direct harm or hurt, violence is also used to refer to broader issues of structural violence, such as that involved in the violation of individual rights and personal integrity.¹⁷⁵

When considering what makes violence political, André du Toit and Chabani Manganyi argue that it is the claim to a special moral or public legitimation for the injury and harm done to others.¹⁷⁶ In addition, they point to the representative character of the agents and targets of such acts of violence as differentiating political violence from other forms of violence. This means that in some sense political violence is not aimed at particular individuals as such, but at representatives of an oppressive order or, conversely, of a subversive group or a revolutionary movement. The targets of political violence are chosen with the intention to raise basic and complex questions about the very legitimacy of the political order itself, and its significance that far transcend the actual injuries or harms as such.¹⁷⁷ Du Toit argues that if such acts of violence do not occur randomly with only individual or local significance, but are taken up by a group or a movement, then violence becomes a discourse – a political historical factor in its own right.¹⁷⁸ From this perspective, the political violence in South Africa during apartheid times increasingly involved two discourse communities, with the discourse community of the state standing against the discourse community of the liberation movement.

The current study is not concerned with analysing political violence as a discourse but will understand political violence in instrumental terms as “violent behaviour which is intended in some way to influence the political process”¹⁷⁹. The difference between political violence that is instrumental in nature and political violence that takes the form of a discourse committed by a discourse community is understood as lying in the options available to deal with such violence. While instrumental violence could in various ways still be compatible with bringing about a ‘negative’ peace, the proliferation of non-instrumental violence, or violence as a discourse, poses a challenge to peacebuilding as such.

2.1.3 Political Violence during Apartheid

The political violence present in the system of apartheid and during the struggle against

¹⁷⁵ Degenaar, J. 1990. “The Concept of Violence” in Manganyi, C. & du Toit, A. *Political Violence and the Struggle in South Africa*, p. 71.

¹⁷⁶ Manganyi, C. & du Toit, A. 1990. “Editorial Introduction” in *ibid.*, p. 6.

¹⁷⁷ *Ibid.*

¹⁷⁸ du Toit, A. 2003. *The (Un)expected Democracy: (Re)reading the Narrative of Political Violence in South Africa*, pp. 8-9.

apartheid continually increased in scope and intensity from 1948 to 1990. De Kock argues that the political and socio-economic inequalities as well as the many injustices, which were the outcome of the discriminatory policies of the apartheid government, provided the breeding ground for the liberation movement's turn from a non-violent resistance movement that merely made use of political protests to the 'armed struggle' against apartheid.¹⁸⁰ While the system of apartheid was maintained through the use of oppression and social control, after the Sharpeville massacre in 1960 violence was also used by the liberation movement as a means to fight apartheid. Political violence took the form of sabotage campaigns, popular uprisings and the perpetration of acts of violence directed against the state and or symbols/individuals seen to represent the state.¹⁸¹ The changing strategies used in the struggle against apartheid were regarded as justifying the increasing counter violence, brutality and repression on the part of the South African Defence Force and the security forces. In turn the liberation struggle against apartheid and the maintenance of the system of apartheid were indicators of the continuous increase in political violence between 1948 and 1990.¹⁸²

While the structural origins of South Africa's conflict can be traced to the imposition of apartheid after 1948, the political violence on both sides manifested itself especially in the years following the Sharpeville massacre in 1960. The state responded to the violence committed in the struggle against apartheid with the imposition of a national state of emergency, the banning of the main African political organisations and an increase in powers given to the security forces. The later 1970s saw yet another qualitative increase in political violence. This became apparent in the political activity and protests initiated by the Black Consciousness movement and the student revolts in Soweto in 1976, which prompted more than a year of nationwide uprisings and militant youth resistance against the NP government. A renewed cycle of activism in the early 1980s that led to the formation of the United Democratic Front (UDF) and country-wide uprisings between 1984 and 1987 outweighed the political violence even of the later 1970s in scale and intensity.¹⁸³

The South African Institute for Race Relations (SAIRR) estimated 700 deaths for the period between June 1976 and October 1977 and noted monthly death tolls of 86 between Sep-

¹⁷⁹ Gastrow, P. 1995. *Bargaining for Peace: South Africa and the National Peace Accord*, p. 10.

¹⁸⁰ de Kock, C. 1992. *The Dynamics of Public Violence in South Africa and Possible Solutions. Socio-political Monitoring and Analysis*. Unpublished Conference Paper, p 1.

¹⁸¹ Olivier, J. 1994. "Political Violence" in Brewer, John, D. (ed.) *Restructuring South Africa*, p. 18.

¹⁸² du Toit, A. 1993. op.cit., p. 4.

¹⁸³ Ibid., pp. 4, 36.

tember 1984 and the end of 1989, which was nearly twice as high.¹⁸⁴ From 1989 to 1990 violence increased with more than 250%, peaking in March 1990 with a monthly death toll of 458. Even after the release of Nelson Mandela, the return of the exiles, the suspension of the 'armed struggle' and the lifting of states of emergency, political violence did not decrease. Instead political violence reached even higher levels than during the worst years of 1985/1986 and continued to cause high fatality rates throughout the whole transition (see Table 2). A slight decline occurred in 1991, before fatalities from political violence steadily rose again in 1992 and 1993 only slowly subsiding in 1994.¹⁸⁵ South Africa's transition thus turned out to be one of the most politically violent period in the country's history.¹⁸⁶

Table 1: Political Fatalities in South Africa (1985-1997)¹⁸⁷

Year	Total
1984	149
1985	879
1986	1298
1987	661
1988	1149
1989	1403
1990	3699
1991	2706
1992	3347
1993	3794
1994	2476
1995	1044
1996	683
1997	470
Cumulative Total: September 1984 – December 1997	23 609

Du Toit, analysing the significance of political violence, argues that understanding the violence during apartheid was not in itself problematic. This is because the main narrative of South Africa's conflict, as outlined above, understood political violence to be the result of the implementation of apartheid policies and of the liberation struggle against apartheid. Within this narrative democratic inclusion was understood as the opposite of violence and projected as the solution to the history of conflict and political violence.¹⁸⁸ Political violence during apartheid did in general follow a particular pattern and was at least in principle understand-

¹⁸⁴ Kane-Berman, J. 1993. *Political Violence in South Africa*, p. 29.

¹⁸⁵ Ibid.

¹⁸⁶ The TRC Report placed the human rights violations committed during apartheid in the context of other violations of South Africa's history and states that some 20,000 people died during the South African War of 1899-1902. TRC. 1998. *TRC Report*, Vol. 1, Ch. 2, p. 26.

¹⁸⁷ Sidiropoulos, F. et al. 1998. *South Africa Survey 1997/1998*, pp. 51-52.

able in terms of the overall narrative. This was the case, even though the main narrative of political violence during apartheid had to contend with a number of other conceptions held by groups participating in the struggle¹⁸⁹ and with local conflicts, in rural or squatter communities especially between the ANC and the IFP (for example in the Natal Midlands),¹⁹⁰ that existed alongside the major conflict and tended to generate their own dynamics, which were not always compatible with the imperatives of the national liberation movement.¹⁹¹

Following the introduction of the protracted nature of South Africa's conflict and the form of political violence present in the system of apartheid, the next section direct attention to the informal and wider transition process with a primary focus on the political-constitutional negotiations and the increasing political violence that posed a constant threat to the advancement of the negotiation process.

2.2 The South African Transition Process

Conflict resolution scholars, such as Zartman, argue that conflicts are prone to change towards resolution when a mutually hurting stalemate occurs, that is when the conflict parties believe a continuation of fighting would serve their interests less than a negotiated settlement.¹⁹² By the late 1980s South Africa had reached a situation where neither the 'white' minority regime nor the forces of the liberation movement could unilaterally defeat the other and where neither of them could unilaterally succeed in constructing an alternative political order.¹⁹³ In the absence of a revolutionary overthrow of the NP government, South Africa's democratic transition evolved through incremental change. It was a transition that was mainly forged by internal actors, with minimal, albeit crucial, contributions from the international community. There was no instant imposition of a new system and there was also no forceful

¹⁸⁸ du Toit, A. 1993. op.cit., p. 1 and du Toit, A. 2003. op.cit., p. 1.

¹⁸⁹ Du Toit classified the other groupings as the vanguard Marxists demanding a "two stage-revolution" that was hoped to result in a socialist future; the hardline Africanists, who focussed on the long legacy of violent conquest and colonisation and radicalised the ANC in the 1940s; the Black Consciousness movement, which on the one hand implied a certain withdrawal from overt violent resistance and on the other hand a radicalisation of resistance through a comprehensive political conscientisation. Du Toit, A. 1993. op.cit., pp. 38-39.

¹⁹⁰ But community violence did not only occur between factions of the ANC and the IFP in the Natal Midlands. In the Western Cape, for example, it occurred between "witdoeke" (generally conservative or traditionalist older men that received this name for the white scarves they wore) and "comrades" in Crossroads in May 1986, which claimed at least 44 lives, injured hundreds and left over 35.000 people homeless. Staff Reporters. 28.05.1986. "Bulldozers move in after Battles" in *Cape Times*.

¹⁹¹ du Toit, A. 1993. op.cit., p. 39.

¹⁹² See section 1.2.2 c).

¹⁹³ Sisk, T.D. 1993. "The Violence-Negotiation Nexus: South Africa in Transition and the Politics of Uncertainty" in *Negotiation Journal* Vol. 9, No.1, p. 78.

intervention by external actors. Instead, South Africa experienced a negotiated transition in which the acting regime and the resistance movements together created a new set of rules for the future.¹⁹⁴ However, this transition was not as smooth as many had hoped and South Africa was to illustrate the fact that transitions to democracy are rarely uninterrupted but instead very fragile processes.¹⁹⁵

The following section draws attention to the factors that provided the incentives for South Africa's primary political actors to move to the negotiation table and explores how the negotiation process developed and which role political violence played in it. This is done to provide the contextual framework into which South Africa's "peace and truth processes" will be located.

2.2.1 Incentives for Negotiation

It was a combination of internal and external factors that created the conditions that made both the ANC and the NP government realise that their aims might best be met through political negotiations. Daryl Glaser states that different structural factors "framed the choices that 'white' and 'black' leaders had to make, determining the trade-offs, and influencing the perceptions of potential risk and gain, entailed in competing options".¹⁹⁶ There is no agreed definition of these structural factors; instead authors emphasise different aspects as a result of their particular viewpoint on the local and global context in the late 1980s and the early 1990s. Heribert Adam et al., for example, refer to "intense international support for a negotiated settlement and a non-racial outcome, as well as the ideological retreat and the confusion of communism internationally and within the ANC."¹⁹⁷ Neville Alexander highlights the importance of the overt and covert internal struggle of the oppressed people of South Africa against the economic and social deprivations of the system of racial capitalism. He further points to South Africa's diplomatic isolation and the burden of economic stagnation.¹⁹⁸ Above all, Alexander argues that the actual timing for the transition from apartheid to democratic rule was determined by the strategic shift in the politics of the former Soviet Union under Gorbachev.¹⁹⁹ Glaser explains in further detail how the end of the Cold War impacted on the South African transition. He highlights that as a result of the easing of the Cold War con-

¹⁹⁴ Sisk, T.D. 1995. *Democratisation in South Africa*, p. 201.

¹⁹⁵ See section 1.2.2 c).

¹⁹⁶ Glaser, D. 2001. *Politics and Society in South Africa*, p. 202.

¹⁹⁷ Adam, H. et al. 1997. *Comrades in Business: Post-Liberation Politics in South Africa*, p. 60.

¹⁹⁸ Alexander, N. 2002. *An Ordinary Country*, p. 44.

¹⁹⁹ Alexander, N. 2002. op.cit., p. 45.

frontation and the collapse of the communist governments in Eastern Europe, Western allies began to pressure the government to initiate reforms while the Soviet Union and many African governments put increasing pressure on the ANC to negotiate a political resolution to the conflict.²⁰⁰

From the above it can be concluded that negotiation became an attractive option, because of the international context of the early 1990s as well as the existence of an economical and political crisis sufficient for the NP government to lose confidence in its capacity to continue to rule in its old way in combination with the ANC's realisation that an overthrow of the NP government was not possible. These factors together moved the South African conflict from a hard confrontation to conditions of a conflict "ripe" for resolution and provided the climate for negotiations. However, while structural factors opened up the possibility for alternative solutions to South Africa's long standing conflict, one should not overlook the fact that it was the individual choices that political leaders made, which allowed for direct exchanges at the negotiation table initiating the negotiation process between the NP government and its formerly strongest enemy – the ANC.

Even though the incentives were there at the end of the 1980s, change in South Africa came incrementally. South Africa's negotiation process can be divided into two phases: (1) the establishment of the pre-conditions for political negotiations and (2) the initiation and the maintenance of the negotiation process.²⁰¹ The determining features of both phases are outlined in the following sections. In addition the threats to the advancement of the process of political-constitutional negotiations are outlined.

2.2.2 Establishing the Pre-conditions for Negotiations

The groundwork for the first phase of negotiation was laid during the 1980s, when a number of quiet initiatives were started by civil society intermediaries to open up lines of communication between influential people in the ANC leadership and the NP government. These initial pre-negotiation contacts are commonly known as exploratory 'talks about talks'. They facilitated the development of personal relationships between representatives from both the NP government and the ANC leadership and helped to build confidence in the potential for a negotiated settlement by the later 1980s. Specific options for such a settlement were explored in

²⁰⁰ Glaser, D. 2001. op.cit., pp. 210-211.

²⁰¹ Haysom, N. 2002. Negotiating the Political Settlement in South Africa. *Track Two* Vol. 11, No. 3, p. 17.

a series of secret exchanges between the ANC and the NP government.²⁰² In 1987 the ANC proposed negotiation, not revolution as the route to a post-apartheid order and in 1988 Mandela extended an invitation to the NP government to negotiate a political settlement.²⁰³ While these initiatives in themselves were not fruitful, the preconditions for negotiations were established in early 1990 when F.W. De Klerk, who had succeeded P.W. Botha as president in 1989, began to drive a reformist agenda and facilitated a shift from rule by coercive force to the search for a political solution to the South African conflict. His speech on 2 February 1990 in which he announced major measures of liberalisation, like the unbanning of the liberation movements such as the ANC, the PAC and SACP and the release of political prisoners including Nelson Mandela, paved the way for political transition from minority rule and apartheid to a non-racial democratic 'new' South Africa.²⁰⁴

Throughout 1990 the talks between the NP government and the ANC focussed more on the pre-conditions for negotiations than on political negotiation per se. Nicholas Haysom refers to three issues that political leaders discussed: (1) how the pre-conditions for political normalisation could be established; (2) how the negotiation process could be protected from the violence occurring around it and (3) how the actual process of constitution making could take place.²⁰⁵ In that process both sides set out demands as a pre-condition for entering into negotiations, for example in the Groote Schuur Minute of May 1990 and the Pretoria Minute of August 1990. Amongst other things the ANC demanded the lifting of apartheid legislation, the return of those living in exile and the recognition of the rights to public protest and demonstrations. The NP government in contrast, demanded that the ANC declare a cease-fire, make provision for the handing over of weapons and to support the lifting of international sanctions.²⁰⁶ While indicating a first commitment from the political leaders on both sides not to resort to violence the Groote Schuur Minute and the Pretoria Minute failed to stem the tide of violence and negotiations began to stagnate.

At that time, it first became evident that violence had the potential to halt the negotiation process. While having been evident in the pre-negotiation phase political violence continued to constitute a threat to South Africa's negotiation process throughout the transition. The danger that it posed to the process of political change was most evident in June 1992 (after the

²⁰² de Klerk, E. 2002. "South Africa's Negotiated Transition" in *Accord*, Issue 13: Owning the Process. Public Participation in Peacemaking, p. 18.

²⁰³ Friedman, S. 1993. *The Long Journey*, pp. 12, 9.

²⁰⁴ Worden, N. 1995. *The Making of Modern South Africa: Conquest, Segregation and Apartheid*, p. 137.

²⁰⁵ Haysom, N. 2002. *op.cit.*, p. 17.

²⁰⁶ *Ibid.*

Boipatong massacre), when negotiations collapsed altogether. The fact that violence was one of the central issues throughout the negotiation process is seen to illustrate the link between the 'negative' task of peacebuilding and the process of democratisation. It is here suggested that South Africa demonstrates that violence needs to be contained at the very least, if it cannot be stopped altogether, for political negotiations to take place. The following section pays some attention to the political violence of the transition before the focus is redirected at the process of political-constitutional negotiations.

2.2.3 Political Violence as a Threat to the Negotiation Process

As South Africa entered the process of political-constitutional negotiations violence transformed itself from a primarily overt confrontation between the regime and the liberation movement to a more multifaceted and complicated conflict that began to threaten the advancement of the negotiation process. The political violence of the transition – in contrast to the earlier political violence – did not affect all regions of the country in the same way but instead varied considerably, with Natal being the worst-affected region. In the two months following the unbanning of the African National Congress (ANC) and Mandela's release from prison in February 1990, the virtual civil war between IFP (Inkatha Freedom Party) and UDF/ANC supporters, which had existed in the region since 1987, increased sharply and began to have an increasing impact on areas outside of Natal.²⁰⁷ In July 1990 the escalation of Natal's violence led to a spill-over to the Pretoria-Witwatersrand-Vereeniging (PWV) area with fighting first erupting in the Vaal Triangle before spreading to the East Rand. The violent confrontations between township residents and mainly Zulu-speaking migrant workers from Natal living in hostels led to approximately 3.000 deaths between 1990 and 1994.²⁰⁸

Following an increase in fighting, the ANC sent an ultimatum to the government in April 1991 to which De Klerk responded by setting up a multi-party conference on violence on 24 and 25 May 1991. Even though de Klerk's conference on violence was boycotted by the ANC as well as the PAC and AZAPO it paved the way negotiations on a peace agreement that eventually resulted in the signing of the National Peace Accord (NPA) on 14 September by the NP government, the ANC, the IFP and 24 other organisations.²⁰⁹

While the peace structures established through the NPA made sustained efforts to monitor,

²⁰⁷ Guelke, A. 1994. "The Development of External Mediation" in Brewer, John D. (ed.) *Restructuring South Africa*, p. 133.

²⁰⁸ Hudson, J. 1997. "Riding the Tiger: Urban Warfare on the East Rand" in Gutteridge, W. & Spence, J.E. *Violence in Southern Africa*, p. 109.

mediate or settle the escalating violence the pattern of violence continued, particularly in the early transition years. In addition, political violence did not remain restricted to the areas of Natal and PWV, but also reached the Western Cape in early 1992, where it erupted in the form of deadly "taxi wars".²¹⁰

Apart from the general increase in the number of political fatalities, the nature of the political violence had also been transformed. The absence of a legitimate government and of a legitimate police force in the transitional process had heightened the possibility for continuous chains of revenge and retaliation so that political violence eventually became self-perpetuating. Timothy Sisk argues that at that stage virtually any event – ranging from political rallies, mass demonstrations, strikes and stayaways, political and criminal assassinations to inexplicable random attacks on rail commuters or personal vendettas – could trigger a new cycle of violence.²¹¹ As social rules were eroding in the country, alternative social structures such as gangs and warlords came to the forefront, relating the violence much closer to criminal violence and gang wars than to the political violence used in the struggle against apartheid.²¹²

In addition, the perpetration of massacres²¹³, until then having been a rare form of political violence, began to impact hugely on the negotiation process. Among the most crucial massacres in terms of their impact on the negotiation process are the Sebokeng massacre of 26 March 1990; the Boipatong massacre of 17 June 1992; and the Bisho massacre of 7 September 1992.²¹⁴ In addition to these massacres the assassination of Chris Hani, the popular South African Communist Party (SACP) and Umkhonto we Sizwe (MK) leader, on 10 April 1993; the murder of five 'whites' in East London on 1 May 1993; and the St. James Church massacre of 25 July 1993 represented incidents of political violence that came closest to derailing the negotiation process.²¹⁵

When analysing the political violence during the process of political-constitutional negotiations du Toit points out that it could no longer be located in the main narrative that understood the occurrence of political violence to be the result of the implementation of apartheid

²⁰⁹ Guelke, A. 1994. op.cit., p. 134. The National Peace Accord is discussed in greater detail in Chapter 2.

²¹⁰ du Toit, A. 1993. op.cit., p. 7.

²¹¹ Sisk, T.D. 1993. "The Violence-Negotiation Nexus: South Africa in Transition and the Politics of Uncertainty" in *Negotiation Journal* Vol. 9, No.1, p. 83.

²¹² Ibid., p. 82.

²¹³ An episode of violence in which 10 or more people are killed has been classified as a massacre by South African monitoring agencies.

²¹⁴ See Table 4 in Guelke, A. 2000. op.cit., p. 243.

²¹⁵ Commonwealth Secretariat. 1993. *Violence in South Africa: The Report of the Commonwealth Observer Mission to South Africa. Phase II: February to May 1993*, p. 7.

policies and the liberation struggle against apartheid that aimed at democratic inclusion. Instead the political violence of the 1990s became a central problem in its own right in stark contrast to the politics of negotiation and had an enormously negative impact on the economic, social and political realm.²¹⁶ While the irrationality of the violence was acknowledged no political group at the leadership level wanted to take responsibility for it. Instead the responsibility for the violence was shifted to political opponents: The NP government insisted that the 'black-on-black' violence was not its responsibility. The ANC blamed it on the IFP and additionally blamed the government for not making use of its resources to bring an end to the violence. It furthermore suggested that a 'third force'²¹⁷, in the form of covert state agents, might be responsible for much of the violence. The IFP in return put the blame on the ANC.²¹⁸

Different scholars investigated in depth what the possible causes for the dramatic increase in political violence during the transition period might have been. Guelke, for example, identified five different explanations of the violence of the transition: (1) the 'third force' acted from within the state throughout the transition to weaken and destabilise the ANC; (2) the violence of the transition was a product of the strength of racial and ethnic antagonisms within the country; (3) the violence was the result of a legacy of structural inequality set in place by the policy of apartheid; (4) the violence was primarily generated by local factors that were not related to the dynamics of the transition; and (5) the violence was a product of political competition among the parties for power in post-apartheid South Africa.²¹⁹ In addition, Chris de Kock mentions factors from the social context of the transitional South Africa, such as repeated cycles of rising expectations regarding promised changes in the country and their non-realisation leading to frustration and aggression; a lack of democratic values and a strong entrenchment of a culture of violence in South African society; feelings of insecurity, fear and a lack of trust stimulated by political instability and uncertainty; and finally a real or perceived lack of central social control, as having directly promoted violence after 1990.²²⁰

In sum, it can be stated that the violence was fuelled by political and social tensions at different levels: at the national level over the distribution of power after apartheid, at the regional level as political rivals fought for ascendancy to power and at the community level,

²¹⁶ du Toit, A. 1993. op.cit., p. 10.

²¹⁷ The term 'third force' was used during the transition period to refer to covert operations carried out by government agents against their political opponents.

²¹⁸ du Toit, A. 1993. op.cit., p. 9.

²¹⁹ Guelke, A. 2000. op.cit., p. 244.

²²⁰ de Kock, C. 1991. op.cit., p. 4.

where social factors considerably shaped the conflict situation and where competition for scarce resources and political influence was most acute. The causes of the violence were both structural and more immediate. The deep-rooted poverty and highly unequal distribution of wealth and income, produced by the legacy of apartheid as well as by the absence of a legitimate government and police force belong to the more long-term structural causes of the violence.

However, while causal explanations of South Africa's political violence are important for understanding its occurrence, a discussion of such accounts is not the primary focus of this study. Instead this study departs from the premise that political violence constituted an enormous problem for, and a serious threat to, democratisation and peacebuilding in South Africa. Particularly, the activities of the 'third force' are considered as having had a seriously destabilising effect on the country and as having threatened even the process of 'negative' peacebuilding.²²¹

Apart from the earlier disagreements over how to deal with the threat of political violence, which had a major impact on the prospect of reaching a negotiated settlement the uncontrollability of local constituencies by the national political elite later on constituted a major problem for containing political violence in South Africa. Du Toit argues that while at an abstract conceptual level and in the context of national politics the political breakthrough initiated in February 1990 made a reconciliation process with former political enemies and oppressors possible, it did not make the same kind of historical and political sense at grassroots level. The peace agreements such as the Groote Schuur Minute and the Pretoria Minute of 1990 as well as the NPA signed at the political level did not make sense to local cadres trained as freedom fighters, who expected a change through revolution rather than through negotiation.²²² The challenge for the ANC consequently lay in convincing its constituency base that the road forward is through negotiation rather than violence, which also implied transforming itself from a liberation movement to an organised political party.²²³ This was an especially difficult task as neither leaders at national level nor at local level had the institutional means through which to enforce control over their supporters. Additionally, instructions from politicians often do not reach people in actual life and death situations where self-interest becomes

²²¹ Particularly through the 'black-on-black' violence initiated via the third force, relationships between members of neighbouring communities were destroyed and distrust amongst them was created. In the later phase of the transitional process the TRC tried to restore broken relationships between members the same or neighbouring communities.

²²² Du Toit, A. 1993. op.cit., p. 44.

²²³ Ibid., pp. 44-45.

a priority.²²⁴

Having illustrated the nature of political violence during South Africa's transition and indicated the way in which it posed a threat to the achievement of a negotiated settlement, the following section continues with the historical account of the process of political-constitutional negotiations.

2.2.4 Protecting and Sustaining Negotiations

The 'talks about talks' that had ended with the failure of the Groote Schuur and Pretoria Minutes to stop the escalating political violence, resumed after the NPA was signed in September 1991. A negotiation forum, the Convention for a Democratic South Africa (CODESA), was formed in December 1991 representing a wide range of political groupings. It signalled the end of the bilateral 'talks-about-talks' and the beginning of formal negotiations on a new political system. Initially the ANC and the NP government entered into political negotiations with totally different processes and outcomes in mind, on which they did not want to compromise. The ANC aimed for democracy based on one person one vote with a Bill of Rights protecting individual rights, while the NP wanted a model of democracy that protected the rights of minority groups. Fundamental disagreement also remained on the status of the negotiations and of its legal framework.²²⁵ The incompatibility of the aims of the NP and the ANC led to a breakdown in the negotiation process, with the ANC once more calling on its supporters to participate in mass action, moving the struggle against the system of apartheid back to the streets. At that time political violence had reached a new stage, evident in the perpetration of the above mentioned massacres. The Boipatong massacre of June 1992 most crucially showed the impact of political violence on the negotiation process leading to a final breakdown of CODESA. The ANC held the government responsible for the death of more than 40 people killed in the massacre and again presented a list of conditions to the government to be met before talks could resume.²²⁶

Despite the increasing political violence and its subsequent impact on the process of political-constitutional negotiations it still remained clear to all parties that the initiated political change process could not be reversed. Furthermore, all parties realised that they could not

²²⁴ Woods, G. 1992. "National Violence" in Minnaar, A. (ed.) *Patterns of Violence. Case Studies of Conflict in Natal*, p. 39.

²²⁵ Ottaway, M. 1993. op.cit., pp. 173-174.

²²⁶ Ibid., p. 8.

gain from a long-term stalemate.²²⁷ In addition, the violence that had been unleashed in the aftermath of CODESA's collapse suggested to both the ANC leadership and the government that the negotiating impasse could not be resolved by force, and that unless negotiations were resumed and speeded up, a post-apartheid government would inherit a collapsed economy and society.²²⁸ After the Bisho massacre of 7 September 1992 ANC leaders and the government recognised that there was no chance of return and no way forward without compromise. In the Record of Understanding, signed on 26 September 1992, they agreed to resume negotiations. In addition they agreed on the principles of an interim government empowered by an Interim Constitution. The Multi-Party Negotiation Process (MPNP) was established at Kempton Park in April 1993 to succeed CODESA and represented a decisive second turning point in South Africa's negotiated transition.²²⁹ However, the freshly resumed and anyway fragile negotiation process, was again disrupted when Chris Hani was assassinated on 10 April 1993. This was a clear indication that political violence continued even though negotiations had been taken up again, and it became increasingly clear that time was rapidly running out for both – the government to achieve a settlement in which it could retain some control and the ANC to retain its grassroots support.²³⁰ This new sense of urgency acted as a catalyst at Kempton Park. By June 1993 an election date was set and ratified by the MPNP plenary.²³¹

Even though violence still did not decrease significantly it is here suggested that at this point in time: a) negotiations had now advanced so far that the ongoing violence no longer threatened the negotiation process but instead deepened the commitment of both parties and bind them even further to the negotiation process and b) that the peace committees established through the NPA had gained ground and now contributed to a significant degree to the containment of political violence on the local level.²³²

From July to August 1993, the MPNP, made up of representatives from the major political groupings in South Africa, engaged in intense negotiations over various draft interim constitutions and the possible structures of the Transitional Executive Council (TEC) that would be the central governing authority during the final pre-election phase.²³³ By mid-November 1993 an Interim Constitution was endorsed by the MPNP, which represented a trade-off between

²²⁷ Worden, N. 1995. op.cit., p. 140.

²²⁸ Glaser, D. 2001. op.cit., p. 213.

²²⁹ Barnes, C. & De Klerk, E. 2002. "South Africa's Multi-Party Constitutional Negotiation Process" in *Accord*, Issue 13: Owning the Process. Public Participation in Peacemaking, p. 29.

²³⁰ Worden, N. 1995. op.cit., p. 141.

²³¹ Glaser, D. 2001. op.cit., p. 213.

²³² This point is further illustrated in Chapter 3.

²³³ Barnes, C. & De Klerk, E. 2002. op.cit., p. 31.

the ANC's interest in effective majority rule, the NP's concern to entrench power-sharing and the IFP's demand for regional powers. In addition to that, demands from a range of civil society initiatives were included in the Interim Constitution, which provided for a president elected by parliament, a multi-party power-sharing executive, the Government of National Unity, that was to govern the country for the first five years, a bicameral legislature (with a proportionally elected lower house) and an Independent Constitutional Court. The Interim Constitution outlined the establishment of nine new provinces, each with its own parliament and elected premier. It mandated independent offices, councils and commissions to monitor corruption, gender issues and human rights and to advise on traditional law.²³⁴ The TEC that was to oversee the transition to free elections was set up in late December 1993.

Initially, while all major parties had joined the MPNP the acceleration of the negotiation process was due to close NP and ANC co-operation. These bilateral agreements were positive in the sense that they furthered the transition process, but also negative in that the IFP, as well as other left and rightwing parties, felt excluded from the process.²³⁵ For example, the Concerned South Africa Group (COSAG), which represented a number of conservative groupings, walked out of the MPNP in June 1993 after agreement on the election date. In early 1994 numerous meetings were held with such parties to bring them back into the constitution-making process. The IFP finally agreed to participate only a few days before the election and were followed by the newly formed Afrikaner-based Freedom Front. Eventually, all the main political parties participated in the first non-racial democratic elections held from 27 to 29 April 1994.²³⁶ The ANC captured 62.65% of the vote, followed by the NP with 20.39%.²³⁷

The elections, in which the overwhelming majority of the eligible public participated,²³⁸ were held in a relatively peaceful climate, even though incidents of political violence, in the form of serious bombings committed by the extreme right,²³⁹ had occurred in close conjunction with the elections. Being certified as free and fair by the Independent Electoral Commission, and confirmed by international monitoring bodies, the elections displayed a shared commitment to democracy. South Africa had created a condition of 'negative' peace that was critical for constitutional negotiations to proceed in the new Government of National Unity.

²³⁴ Glaser, D. 2001. *op.cit.*, p. 222.

²³⁵ *Ibid.*, p. 214.

²³⁶ Barnes, C. & De Klerk, E. 2002. *op.cit.*, p. 31.

²³⁷ Glaser, D. 2001. *op.cit.*, p. 223.

²³⁸ 19,533,498 people voted in South Africa's first non-racial democratic election, making up an estimated 84% of the eligible population. (As the IEC did not translate the number of people into percentages, this estimate was calculated by the author.) See <http://www.elections.org.za/Elections94.asp>.

²³⁹ Guelke, A. 2000. *op.cit.*, p. 243.

2.3 Summary

This chapter argued that political violence in South Africa was a common phenomenon at least since the beginning of the colonial period; that violence played a significant role in the maintenance of apartheid and in the struggle against apartheid; and that violence constituted a central concern during the transition from apartheid to a new dispensation, leading to 23,609 deaths between 1984 and 1997.²⁴⁰

After the release of political prisoners and the unbanning of the liberation movements, in February 1990, building peace in South Africa required getting all political actors together to get their commitment to renounce violence as a strategy in the political negotiation process and to establish mechanisms to contain the violence so that negotiations could proceed. But despite the rhetorical commitment of all major parties to peace, most evident in the signing of the NPA, political violence did not decrease during the transition. Instead it constituted an ongoing threat to the process of political-constitutional negotiations. The chapter stated that political violence during the transition fuelled political and social tensions at the various levels of society. The causes of the violence were both structural and immediate. The latter included political power struggles, such as between the ANC and the IFP, which emerged as the end of 'white' minority rule neared; the 'third force' destabilisation against the ANC and its anti-apartheid allies; and efforts by those on the reactionary far right and revolutionary far left trying to prevent a negotiated settlement. Very high rates of crime further contributed to the overall climate of violence and often made it more difficult to distinguish between political and criminal acts.²⁴¹ Du Toit summarises the political violence of the transition as lying between the main narrative inherent in the history of South African political violence and the micro-narratives of concrete struggles in various local contexts.²⁴²

It is here concluded that political violence constituted a serious threat to democratisation and peacebuilding in South Africa, most evident in 1991 when the Groote Schuur and the Pretoria Minutes had failed to stem the tide of violence resulting in a stagnation of the initiated negotiation process and in 1992 when the Boipatong massacre led to the final breakdown in political-constitutional negotiations. For the three months following the Boipatong massacre the NPA structures at national level remained the only functioning multi-party negotiation forum, allowing for continued communication between political opponents.

The following chapter studies the formal, NPA driven "peace process" representing a con-

²⁴⁰ See Table 2.

²⁴¹ Sisk, T.D. 1994. "South Africa's National Peace Accord" in *Peace and Change*, Vol. 19, No. 1, p. 52.

certed effort of the political and civil leadership on all sides to regain some measure of control over the escalating political violence at local level. In this context it draws specific attention to the work of the peace committees established through the NPA and their approach to addressing the political violence of the transition. A separation between the narrow "peace process" and the process of political-constitutional negotiations is undertaken in this study so that the former can be studied in relation to the "truth process". It is, however, borne in mind that the "peace process" and the process of political-constitutional negotiations were in practice intertwined and progressed concurrent. The "peace process" is considered as having providing the ground for the process of political-constitutional negotiations to proceed, particularly at times when negotiations reached at CODESA reached a deadlock.²⁴³

²⁴² Du Toit, A. 1993. *op.cit.*, p. 47.

²⁴³ Gastrow, P. 1995. *op.cit.*, p. 62.

CHAPTER THREE

Thousands of South Africans have been involved in the "peace process" in South Africa, and many have paid a high price. The courage and commitment of these people is to be applauded. The people working at grassroots level are the ones who have formed the backbone to the "peace process".

Anthonie Gildenhuys, Director of the National Peace Secretariat, in *National Peace Secretariat Report 1994*, 1994, p. 1.

3 THE "PEACE PROCESS" AND THE NATIONAL PEACE ACCORD

The previous chapter argued that the ongoing and proliferating political violence during South Africa's transition constituted the most difficult obstacle to a negotiated settlement and a smooth transition to democracy as it seriously hindered the advancement of constitutional negotiations and negatively impacted on the development of a culture of political tolerance, so essential for successful negotiation and democratisation. In a situation where the main parties in conflict, including the ANC, the NP and the IFP, covertly supported the continuing use of violence, intervention from non-partisan and trusted players became necessary to safeguard the transition process in its early stages. It was a civil society initiative that brought political actors from all sides together to establish codes of conduct needed for the initiated transition to be saved. In the National Peace Accord (NPA), which came into effect in September 1991, political parties expressed their commitment to renounce violence during the process of political-constitutional negotiations. In contrast to the two earlier bilateral peace pacts (the Groote Schuur and the Pretoria Minute) that only included two of the adversarial parties (the NP government and the ANC), this accord represented a 'mutual security agreement' and proposed the experiment of transforming South Africa's culture of violence into a culture of conflict resolution.²⁴⁴ Even though it was in the first instance a document agreed to by the political elite, and as such reflecting elite interests, it made provision for the establishment of a network of peace committees covering all levels of society – national, regional and local levels – assigned with the task of containing the escalating spiral of violence, particularly at the grassroots level.²⁴⁵ It furthermore laid out norms and principles for the political parties

²⁴⁴ Sisk, T.D. 1993. "The Violence-Negotiation Nexus: South Africa in Transition and the Politics of Uncertainty" in *Negotiation Journal* Vol. 9, No.1, p. 87.

²⁴⁵ *National Peace Accord*. 1991. Ch. 7, p. 26.

and the police forces that would apply during the transition period.²⁴⁶

This chapter is divided into three sections. It first studies the National Peace Accord (NPA) and the role it played as a prelude to South Africa's democratisation process. Secondly, it asks how the NPA came into being, states its aims and objectives and outlines the structures that were set up through the Accord. Finally, it assesses the contribution that the NPA made to the establishment of 'negative' peace in South Africa.

3.1 The Birth and the Provisions of the NPA

The previous chapter already mentioned that first attempt to end the political violence, at the time mainly plaguing the Natal Midlands and the PWV region, were undertaken in concerted efforts by the South African Council of Churches (SACC) and the Consultative Business Movement (CBM). The SACC had gathered churches and religious groups for a major conference in Rustenburg in November 1990. The conference was marked by a mood of reconciliation after the Dutch Reformed Church, historically closely associated with the NP government, publicly confessed guilt for its complicity in the system of apartheid. The Rustenburg Declaration formulated at the end of the conference denounced apartheid; called for a democratic constitution and for more equitable distribution of wealth; and urged the churches to condemn all forms of violence.²⁴⁷ Similarly, the CBM, which consisted of the more progressive elements of the business sector, concluded that the violence was destructive to the negotiation process, the economy and people's lives. It thus explored ways to deal with the ongoing political violence and prepared a memorandum on violence in March 1991.²⁴⁸ As political violence continued to rise throughout 1991 and business church leaders increasingly felt that neither the political leadership nor the security forces were able to address it effectively.²⁴⁹ While prepared to play a facilitating role in the search for agreements to bring the fighting to an end, neither group had enough credibility with the contending factions to act as a facilitator. The churches were labelled as partisan by Buthelezi, the leader of the IFP, and the business movement was not regarded as an independent facilitator by the ANC.²⁵⁰ As a result of the rejection of this facilitation offer from civil society, combined with the government's and the ANC's unwillingness to make political compromises, South Africa's transi-

²⁴⁶ *National Peace Accord*. 1991. Ch. 2, 4.

²⁴⁷ Gastrow, P. 1995. *Bargaining for Peace*, p. 16.

²⁴⁸ *Ibid.*, pp. 17-18.

²⁴⁹ *Ibid.*, p. 14.

²⁵⁰ *Ibid.*, p. 21.

tion process was not advanced between April and June 1991. This situation, combined with allegations and counter allegations by the ANC, the IFP and the government regarding responsibility for the perpetration of the ongoing violence led to a political stalemate. As pointed out in the previous chapter, it was only after de Klerk had come under increasing pressure to respond to the political violence that he announced a peace summit on violence for late May 1991 involving political, church and community leaders. However, since the ANC believed that the government itself initiated a great amount of the violence via the 'third force', it did not regard de Klerk as an appropriate host for a peace summit.²⁵¹ As a result of the prevailing opposition against de Klerk's initiative, the summit failed to produce a wide commitment and denouncement of political violence from all political actors, which would have been necessary to continue with negotiations.

Being concerned about South Africa's future, and aware of re-emerging lines of division and polarisation, senior church and business leaders decided to use their combined influence and credibility to move the "peace process" forward.²⁵² Frank Chikane, General Secretary of the SACC, and Colin Coleman, the national organiser of the CBM had already met with the ANC, the NP and the IFP between 17 and 21 May 1991 in attempt to save de Klerk's peace summit. They made contact with the Conservative Party (CP) during the conference and in its wake contacted political representatives from other parties such as the Pan African Congress (PAC) and the Azanian People's Organisation (AZAPO) who had not attended the summit seeking their understanding for the need to discuss a South African peace plan.²⁵³ Chikane's and Coleman's intense and sustained mediation efforts prepared the ground for a comprehensive approach to manage the political violence of the transition. Theuns Eloff played a crucial role in conceptualising the process that South Africa's church and business leaders would have to follow in order to set up a national peace conference attended by all political role players.²⁵⁴ Following Eloff's plan church and business leaders set up a facilitation committee that hosted a multi-party peace conference on 22 June 1991 with approximately 120 delegates representing nearly 30 organisations.²⁵⁵ During the conference the facilitation committee was transformed into a preparatory committee of the National Peace Initiative that set up five working groups, which drafted proposals on core issues, such as codes of conduct for political

²⁵¹ Gastrow, P. 1995. op.cit., pp. 19-20.

²⁵² Spies, C. 2002. "South Africa's National Peace Accord: Its Structures and Functions" in *Accord*, Issue 13, p. 21.

²⁵³ Gastrow, P. 1995. op.cit., pp. 21-24.

²⁵⁴ Ibid., pp. 27-28.

²⁵⁵ Ball, N. & Spies, C. 1997. *Managing Conflict: Lessons from the South African Peace Committees*, p. 6.

parties and the security forces, the promotion of socio-economic development and the implementation of monitoring mechanisms identified as necessary to end the violence and bring peace.²⁵⁶ After a series of deliberations, negotiations and revisions, the final drafts of the committees were compiled into a single text that was to become the National Peace Accord. In consultation with other parties and groups the preparatory committee organised a National Peace Convention, which took place in Johannesburg on 14 September 1991 and was attended by representatives of 28 political parties, leaders of the 'independent homelands', traditional leaders, churches, trade unions and business organisations.²⁵⁷ Peter Gastrow describes the symbolic significance of this gathering as follows:

For the first time Mandela, de Klerk, and Buthelezi were together and actually sitting next to each other. Add to that the leaders of the Pan African Congress and a number of smaller parties, and it becomes clear why the National Peace Convention represented the breakthrough for South Africa. It showed that deepseated differences that existed would, in future, not prevent the various parties from speaking to each other about common interests.²⁵⁸

The NPA was signed by 27 parties and expressed their common objective to bring an end to political violence in South Africa.²⁵⁹ The Accord represented a crucial turning point in South Africa's transition that was not achieved by the political leadership, but instead by civil society. As the first multi-party forum, in which political actors as well as civil society leaders expressed their commitment to political tolerance the NPA marked the beginning of South Africa's wider "peace process". The process of political-constitutional negotiations began three months after the signing of the Accord and turned out to be faced with less difficulty in terms of getting together political opponents, as some degree of trust between them had been established during the preparatory process preceding the signing of the NPA.²⁶⁰ The NPA had thus broken the ground for multi-party negotiations in South Africa. Moreover, by making provisions for the establishment of a network of peace committees on all levels of society, the NPA also initiated the narrow "peace process" aimed at containing the political violence that threatened to derail South Africa's transition to democracy. It was concerned with building 'negative' peace so that political-constitutional negotiations could proceed.

The remaining sections of this chapter focus their attention on the narrow "peace process"

²⁵⁶ Van Hoven, L. 1993. "Genesis, Structure and Functions" in *Accent on Peace*, p. 12.

²⁵⁷ Spies, C. 2002. op.cit., pp. 21-22.

²⁵⁸ Gastrow, P. 1999. *A Joint Effort – The South African Peace Process*, p. 108.

²⁵⁹ Van Hoven states that it was only political organisations on the far right, such as the pro-apartheid Conservative Party, the Afrikaner Volksfront and the Afrikaner Weerstandsbeweging who viewed the process as a form of capitulation to the ANC and those on the far left, such as the Pan African Congress as well as Azapo who accepted the Accord's principles but did not want to enter into agreements with an 'undemocratic regime and its allies', that did not sign. Van Hoven, L. 1993. op.cit., p. 12.

²⁶⁰ Gastrow, P. interviewed by author on 05.03.2004.

and the contribution of the peace committees, established through the NPA, to the building of such a 'negative' peace.

3.1.1 The Mandate of the NPA

Chapter 1 of the NPA related it to the overall process of democratisation, setting out principles of democracy, such as good governance, mutual responsibility and accountability, and the recognition of the fundamental rights and freedoms of conscience and belief, speech and expression, association, peaceful assembly and peaceful political activity.²⁶¹ The preamble stated that political violence had already caused unacknowledged hardship, disruption as well as loss of life and property and that it now jeopardised the very process of peaceful and political transformation and threatened to leave a legacy of insurmountable division and deep bitterness.²⁶²

The Accord also included a code of conduct for political parties and organisations as well as a code of conduct for the police. By signing the NPA political parties agreed to the first code of conduct implying that they would conduct themselves in accordance with the principles of "democratic tolerance". These included the maintenance of channels of communication among themselves and with law enforcement authorities as well as a commitment to stay away from threatening or intimidating another's followers and to co-operation with the law enforcement authorities when organising rallies or demonstrations. The second code of conduct included specific requirements of conduct for the South African police.²⁶³ Both codes of conduct defined how the respective groups were to operate during the transition to multi-party rule and provided means of monitoring their behaviour.

In addition to this, guidelines for socio-economic reconstruction and development efforts were established.²⁶⁴ By providing for socio-economic reconstruction the Accord recognised that the social conditions created through the legacy of apartheid, such as poverty and unemployment, formed the root cause of some of the violence.

In the context of South Africa's overall transition process the Accord set out basic democratic principles that were to provide the foundation for the development of a peace culture and of political tolerance promoting South Africa's democratisation process. However, the Accord in itself was not geared towards transforming the country from an apartheid state to a

²⁶¹ *National Peace Accord*. 1991. Ch. 1, p. 5.

²⁶² *Ibid.*, Preamble, p. 3.

²⁶³ Sisk, T.D. 1994. "South Africa's National Peace Accord" in *Peace and Change*, Vol. 19, No. 1, p. 54.

²⁶⁴ Ball, N. & Spies, C. 1997. *op.cit.*, p.8.

democracy; it only set out to contain political violence so that political-constitutional negotiations in the multi-party forum CODESA and in the MNPN could take place. This again illustrated that the formal NPA, representing the narrow “peace process”, was intertwined with the process of political-constitutional negotiations and needs to be considered as only one part of the overall transition process.

Having outlined the events leading to the setting up of the Accord and documented its mandate, the following section looks at the structures that the Accord created and outlines their major objectives.

3.1.2 The Structures of the NPA

At the national level the Accord provided for the establishment of a *National Peace Committee (NPC)* and a *National Peace Secretariat (NPS)*. The role of the NPC was to oversee the implementation of the Accord as a whole and to resolve any political obstacles interrupting its smooth functioning. In addition to that, it was mandated to monitor compliance with the codes of conduct for political parties and organisations.²⁶⁵ The NPS had the function to support the NPC and was responsible for establishing and co-ordinating the regional committees who in return were responsible for the establishment and co-ordination of local peace committees.²⁶⁶ The Internal Peace Institutions Act (Act 135 of 1992) provided for a three-year term of the NPS and the peace committees at regional and local levels.²⁶⁷

The Accord had envisaged the establishment of a *network of regional and local dispute resolution committees* and the Internal Peace Institutions Act provided the legal ground for their set up. The local dispute resolution committees, later renamed as regional and local peace committees, were tasked to address the second area of concern: to actively combat the occurrence of violence and intimidation. The Regional Peace Committees (RPCs) had a varied mandate including several tasks, among which the establishment of local peace committees and the overseeing of their functioning constituted their central task. Other tasks included advising the NPC on matters causing violence and intimidation in its region, settling disputes that caused public violence and intimidation by negotiating with the parties concerned, and monitoring applicable peace accords.²⁶⁸ The function of the Local Peace Committees (LPCs) was to promote reconciliation and trust at grassroots level and among members of the security

²⁶⁵ *National Peace Accord*. 1991. Ch. 8, Paragraph 8.2, p. 30.

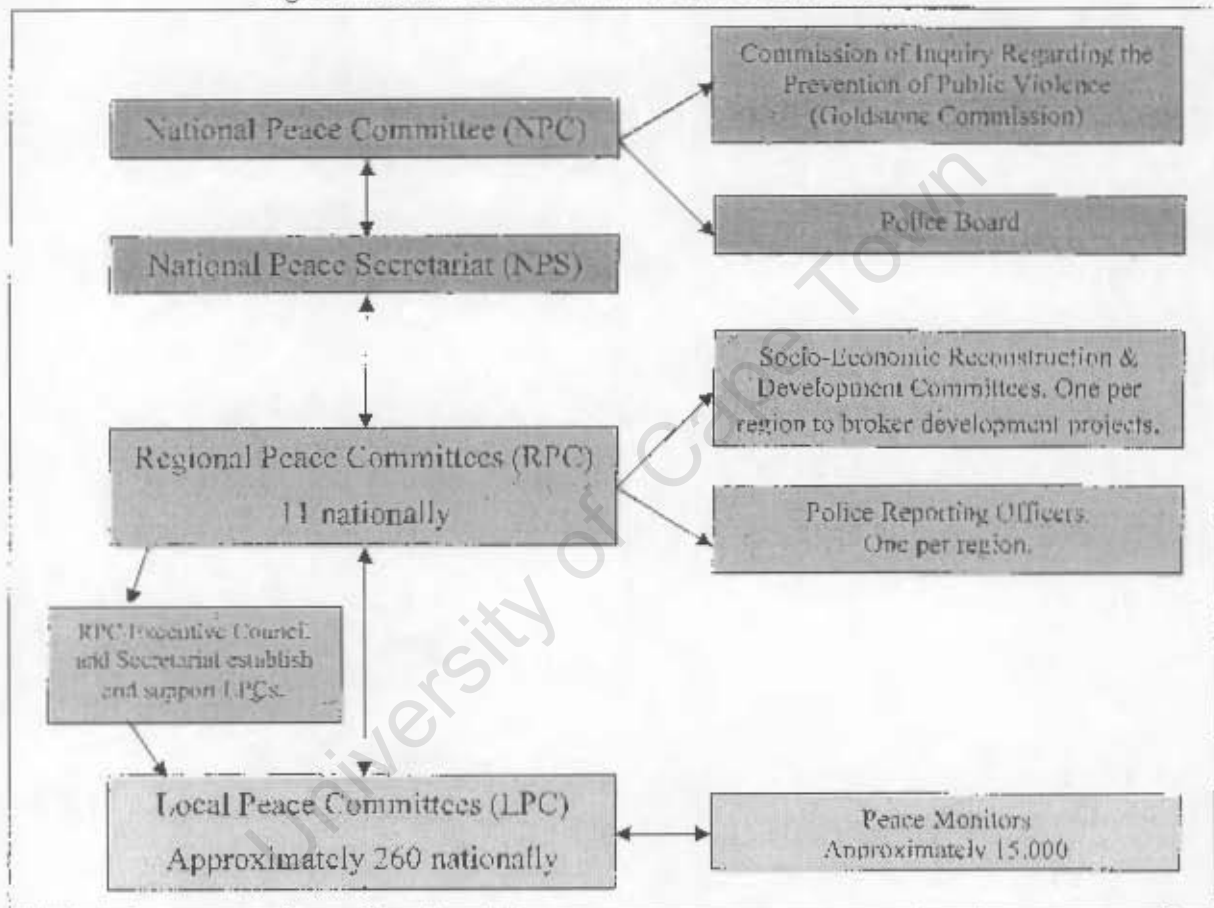
²⁶⁶ *Ibid.*, Ch. 7, Paragraph 7.3.2, p. 26.

²⁶⁷ “Internal Peace Institutions Act, Act 135 of 1992” in Government Gazette, No. 14138, 15 July, pp. 3-21.

forces; to settle disputes leading to violence and intimidation; to promote compliance with the Peace Accord; to facilitate agreements on the operation of local public political events; to liaise with the local police and magistrates regarding the prevention of violence; and to address issues referred to them by the NPC and the RPCs.²⁶⁹

The NPS and the network of regional and local peace committees are in this study considered as having been of major importance during the implementation phase of the Accord and are illustrated in relation to the other structures in figure 4, below.

Figure 4: South Africa's National Peace Accord Structures²⁷⁰



Apart from being mandated to deal effectively with the causes and manifestations of political violence and intimidation the RPCs were also mandated to set up *Socio-Economic Reconstruction and Development (SERD) Committees*, which were to facilitate socio-economic reconstruction and development processes in the country.²⁷¹

In addition to the regional peace committee structure, *Special Criminal Courts* were to be

²⁶⁸ *National Peace Accord*. 1991, Ch. 7, Paragraph 7.4.5, p. 27.

²⁶⁹ *Ibid.*, Ch. 7, Paragraph 7.4.8, p. 27.

²⁷⁰ Adapted after Spies, C. 2002. *op.cit.*, p. 23.

²⁷¹ *National Peace Accord*. 1991, Ch. 5, pp. 20-21.

established at regional level by the Department of Justice in co-operation with local legal practitioners. Their function was to deal with unrest related cases more swiftly and effectively than existing courts. It was hoped that by ensuring that political crimes did not remain unresolved peace in communities would be restored.²⁷² At a local level, *Justices of Peace* were envisaged as an addition to the LPCs who could promote the “peace process” at grassroots level and assist the LPCs in their activities.²⁷³

The Special Criminal Courts as well as the Justices of Peace symbolised a more legalistic approach to combating violence, while the network of peace committees was orientated towards conflict resolution. In attempting to encompass both a conciliatory and a prosecutorial function in a single structure the Accord was characterised by a fundamental tension apparent in the different nature of conflict resolution and legal processes.²⁷⁴

Apart from focussing its attention on the need for active combating of public violence and intimidation the Accord further highlighted that in order to effectively eradicate intimidation and violence, mechanisms were needed that investigated the incidents and the causes of violence and intimidation.²⁷⁵ The Prevention of Public Violence and Intimidation Act of 1991 had provided for the establishment of a Commission to investigate the occurrence of public violence in South Africa. This Commission, initially appointed by de Klerk and established in 1991 under the leadership of Judge Richard Goldstone, was incorporated into the NPA under the name *Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation*. It became known as the Goldstone Commission.²⁷⁶ The underlying assumption that drove the establishment of the Goldstone Commission was that violence and intimidation would decline when investigated and when the background and underlying reasons for its occurrence were exposed and given media attention.²⁷⁷ Under Goldstone’s auspices, five senior members of the judiciary and legal profession investigated specific past events as well as situations likely to trigger violence in the future, such as demonstrations. In its various reports, the Commission found that violence had different causes depending on the location, the participants involved, the history of the conflict and the issues currently prevailing, etc. For example, in May 1993 it investigated the violence occurring on the trains and found that it

²⁷² *National Peace Accord*. 1991. Ch.10, Paragraph 10.1, p. 33.

²⁷³ *National Peace Accord*. 1991. Ch. 7, Paragraph 7.5.1, p. 28.

²⁷⁴ Simpson, G & Rauch, J. 1992. “Political Violence: 1991” in Boister, N. & Ferguson-Brown, K. (eds). *Human Rights Yearbook 1992*, p. 233.

²⁷⁵ *National Peace Accord*. 1991. Preamble, p. 3.

²⁷⁶ Nina, D. 1992. “Slow Motion: Implementing the National Peace Accord” in *Indicator SA*, Vol. 9, No. 3, Winter, p. 70

²⁷⁷ *National Peace Accord*. 1991. Ch. 6, p. 22.

was inextricably linked to political violence. In contrast to that taxi violence, investigated by the Commission in August 1993, was found not to be overtly political but related to intolerance, provocation and greed by taxi operators.²⁷⁸ The recommendations brought forward by the Commission were all in one way or another aimed at promoting more effective governance, especially in relation to the prevention of violence. The investigations of the Goldstone Commission were widely viewed as serious attempts to determine the nature and causes of political violence. Sisk argues that they appeared unbiased, apportioning the blame for violence in an even-handed manner; were undertaken speedily and thoroughly; and formulated practical recommendations.²⁷⁹ However, as indicated in the NPA, the Commission only constituted one of the two tasks, important for the containment of the political violence of the transition, and was thus not in itself able to decrease the occurrence of violence. Instead it generated knowledge about the causes of political violence but did not change the situation on the ground. This is where the peace committees began to play a crucial role.

In addition to the Goldstone Commission a *Police Board* was established by the NPA to make recommendations for more effective policing, improved police-community relations and policy changes.²⁸⁰

The NPA stated that government funding provided by the Department of Justice would be made available for setting up the NPC, the NPS and the RPCs. The Local Peace Committees were, in contrast, conceived as voluntary structures made up by local representatives from each grouping that belonged to the Accord's signatories and facilitated by local religious or business leaders.²⁸¹ In addition to government funding the South African private sector and foreign aid agencies, such as the Danish government, contributed resources to the peace committees. While incorporated into the NPA the Goldstone Commission functioned independent from the other structures of the Accord and had its own budget and fiscal arrangement.²⁸²

The provision of direct government funding to the peace accord structures turned out to be problematic, as it led to the misperception that financial management indicated government's control over the peace structures. In addition, the hierarchy (from the Department of Justice down to the PRCs and LPCs) through which funds had to pass created bureaucratic problems,

²⁷⁸ Camay, P. & Gordon, A.J. n.d. *The National Peace Accord and its Structures*, pp. 15-16.

²⁷⁹ Sisk, T.D. 1994. op.cit., p. 57.

²⁸⁰ Spies, C. 2002. op.cit., pp. 22-23.

²⁸¹ Bremner, D. 2001. "South African Experiences with Identity and Community Conflicts" in *Journal of Peace Research*, p. 395.

which delayed the work at regional and grassroots level where funds were often needed on an ad hoc basis. To remedy this, the administration of the NPA budget was transferred from the Department of Justice to the National Peace Secretariat in mid-1993.²⁸³

Having outlined the structures envisaged by the NPA and established on the basis of the Internal Peace Institutions Act, the following section studies how these structures responded in practice to political violence during the transition.

3.2 Responding to Violence

The signing of the NPA provided a major breakthrough in terms of establishing the conditions for achieving 'negative' peace and sparked a wave of euphoria that characterised the first months of its lifespan. Yet, as the launching of the regional and local NPA structures proved a difficult and often frustrating undertaking, public confidence in the Accord's ability to decrease political violence sank rapidly and reached a serious low by September 1992. At that time surveys showed that only 5% of ordinary South Africans believed the NPA could halt violence, while only 21% of the political elite had hope in the NPA's success.²⁸⁴ However, the Accord survived its difficult beginning and was more successful in building 'negative' peace from early 1993 on; eventually employing altogether 430 people on a full-time basis at all levels of the peace structures.²⁸⁵ In 1993 the Commonwealth Observer Mission noted an improvement in the commitment to the Accord and stated:

The ambivalence towards the Accord that we found when we first came – the tendency to dismiss it as a creation of the government – has started to change, especially at the grassroots level. [...] We believe that [the reduction in violence, particularly in the PWV area, before the Hani assassination,] is in no small part due to the defusing of tension at the local level through the Peace Accord structures, whose credibility has been boosted by the presence of international observers. Whereas when we first arrived, the Peace Accord structures received scant media attention in the local media, now there is hardly any article on political tension in which the 'thin orange line' of local monitors, in their luminous jackets and waving orange flags, is not mentioned.²⁸⁶

The following sections study in greater detail how the national, regional and local peace committees took on the challenge of containing violence and point out obstacles to the implementation of the NPA structures. The peace committees are the primary focus here as the other structures of the Accord, such as the Police Board, the Socio-Economic Reconstruction

²⁸² Camay, P. & Gordon, A. n.d. op.cit., p. 10.

²⁸³ Ibid.

²⁸⁴ Shaw, M. 1993. *Crying Peace Where There is None?*, p. 27.

²⁸⁵ Gildenhuys, A. 1994. *National Peace Secretariat Report*, p. 2.

²⁸⁶ Commonwealth Secretariat. 1993. op.cit., pp. 29-30.

and Development Committees and the Goldstone Commission, are not considered as being of central importance for the later discussion of the nexus between the narrow “peace process” characterised by the NPA and the “truth process” symbolised in the TRC. It is, however, borne in mind that the primary focus on the peace committees symbolises an artificial separation of activities that were interlinked in practice, particularly the work of the peace committees and the investigations of the Goldstone Commission.

3.2.1 National-Level Structures

The peace structures envisaged in the NPA rested on three pillars. The NPC was responsible for the supervision of the process of building ‘negative’ peace, while the NPS in particular oversaw the work of the peace committees. In addition, the Goldstone Commission was concerned with investigating certain incidents or aspects of the political violence that had been identified as priorities and to seek understanding of their underlying causes.

The *National Peace Committee (NPC)* was established relatively soon after the signing of the NPA and consisted of representatives from all the signatories and members of the preparatory committee. Business leader John Hall chaired the NPC and Stanley Mogoba, Bishop of the Methodist Church of South Africa acted as co-chair. *The National Peace Secretariat (NPS)* was a smaller independent body consisting of four representatives (one from the ANC, the NP, the IFP and the DP), a representative from the legal profession as well as one representative from the Department of Justice. The NPS was established on November 8, 1991 and chaired by Dr Anthonie Gildenhuys, a practising attorney from a traditional Afrikaans background.

Of these two national bodies, the NPS is often described as the actual ‘workhorse’ or the ‘engine room’ as the NPC met only twice between the inception of the NPA and the 1994 elections. This did not necessarily imply a lack of motivation on the part of the committee members of the NPC but was rather evidence of their other commitments in the political negotiation process.²⁸⁷ Yet, as the previous chapter indicated, the commitment from national political leaders was important in order to get a similar commitment from local leaders. John Hall thus demanded in May 1993 that the parties sign the Accord again, this time together with the regional and local leadership. He said:

How can South Africans trust politicians to honour the new constitution if the National Peace Accord is not honoured to the letter? South Africans must stop killing each other. It is unthinkable.

²⁸⁷ Gastrow, P. interviewed by author on 05.03.2004.

tolerance into one characterised by joint problem solving and development.²⁹² Attempts of the NPA to initiate a more broadly conceived “peace process” are further evident in the establishment of a *research sub-committee* that was to identify research relating to the combating of violence that had been undertaken as well as new areas in which research was needed²⁹³ and in the establishment of a *subcommittee responsible for marketing* and a *media department*. The marketing subcommittee and the media department tried to stimulate a pro-peace attitude amongst South Africans by launching a peace promotion campaign in April 1993. It was initiated under the slogan “Peace in our Land” and promoted by a logo of two doves flying side by side, carrying an olive branch.²⁹⁴

3.2.2 Regional-Level Structures

As illustrated in Table 3, eleven Regional Peace Committees (RPCs) were established throughout the country between December 1991 and March 1992. The NPA stated that the regional and local committees should gain their legitimacy by representing the people and the communities they were designed to serve.²⁹⁵ Consequently, RPCs tried to recruit their members from a wide variety of civil society organisations, local and tribal authorities and the security forces. But finding representative, capable and willing participants for the peace committees was in many areas not easy, as community leaders were often uncertain of the purposes, powers and prospects of the peace committees and reluctant to be drawn into co-operation with rival political forces, thereby possibly undermining their own fragile legitimacy. The final constitution of the peace committees often required the NPS’s mediation skills. While well intended by the NPA, the South African practice context showed that establishing multi-party negotiation forums under conditions of prevailing violence is very difficult. It can thus be concluded that while the diverse background of RPC members in principle represented a strength of the peace committees, their composition did in some regions, such as the Transvaal where the opposing fronts were most polarised, replicate the conflict dynamics of the country.²⁹⁶

In addition to the difficulties associated with the launching process the committees also faced infrastructural problems in their day-to-day activities, such as the finding of appropriate meeting venues. The taking of minutes, the organisation of meetings and the production of

²⁹² Gildenhuys, A. 1992. op.cit., p. 11.

²⁹³ Gildenhuys, A. 1993. *National Peace Secretariat Report*, pp. 38-39.

²⁹⁴ Camay, P. & Gordon, A.J. n.d. op.cit., pp. 33-34.

²⁹⁵ *National Peace Accord*. 1991. Ch. 7, Paragraph 7.4.2, p. 26

reports and the co-ordination with the NPS constituted a further challenge for the regional and local peace committees. It consequently often fell to church, business, human rights organisations, mediation service providers or the few university-based conflict resolution centres to organise and manage the committees.²⁹⁷

In general the RPCs fulfilled more managerial tasks and helped the LPC staff when difficult conflict situations arose. They were crucial in undertaking crisis management and violence prevention at times when popular political activities were planned throughout the country, such as the mass demonstrations that followed the assassination of Chris Hani in April 1993.²⁹⁸ The specific activities of the RPCs depended on the regional context they were operating in and thus varied. The Wits/Vaal RPC, for example, established an emergency hotline, the so-called Peaceline, which allowed community members to phone in and report any relevant events taking place in their communities.²⁹⁹

Furthermore the RPCs were responsible for the establishment of Socio-Economic Reconstruction and Development (SERD) Committees to broker development projects in the communities. Yet, the NPA did not provide specific guidelines, tasks, targets or benchmarks regarding the fulfilment of its socio-economic reconstruction mandate. This did not only make the launching of SERD Committees difficult but also affected their ability to operate once they were launched. Apart from a few accounts from different regions, no proper assessment exists in terms of what the various committees did in the area of socio-economic reconstruction and development.³⁰⁰ Ray Hartley presents two cases in which money, made available from the National Peace Accord Trust, was used for socio-economic development: in Alexandra a study facility was build for learners unable to prepare for their exams at home and in Port Shepstone – a community devastated by endemic violence – a housing reconstruction project was initiated.³⁰¹ In addition Mark Shaw refers to the installation of water points by local communities, ad hoc feeding schemes and the provision of shelter for refugees as development initiatives implemented through the peace committees.³⁰² In addition, Camay and Gordon refer to the upgrading of hostels in the Wits/Vaal region as noteworthy.³⁰³

²⁹⁶ Spies, C. 2002. op.cit., p. 23.

²⁹⁷ Sisk, T.D. 1994. op.cit., pp. 58-59.

²⁹⁸ Spies, C. 2002. op.cit., p. 24.

²⁹⁹ Camay, P. & Gordon, A.J. n.d. op.cit., p. 13.

³⁰⁰ Ibid., p. 14.

³⁰¹ Hartley, R. 1993. "Putting it All Together Again" in *Accent on Peace*, p. 66.

³⁰² Shaw, M. 1993. op.cit., p. 9.

³⁰³ Camay, P. & Gordon, A.J. n.d. op.cit., p. 14.

3.2.3 Local-Level Structures

For the Accord to work in the way it was envisaged, local level structures were crucial. By the beginning of 1993, 85 Local Peace Committees (LPCs) were established and 30 more were in the process of being established.³⁰⁴ Throughout 1993 and 1994, more and more LPCs were launched, eventually totalling 263 across the country. The LPCs consisted of major players from government, political parties, business and civil society and more than 7,000 voluntary peace workers, who were trained in dispute resolution, facilitation of meetings and negotiation skills, and who were intended to comprise as complete a cross-section as possible of the community they were to serve.³⁰⁵ As the official launching of local peace committees took a long time, some communities went ahead to form their own local peacekeeping or negotiating forums. This is in fact an indication that in areas most affected by violence, peace initiatives were started as a result of the beginning of the wider "peace process" rather than as a mere consequence of the formal signing of the NPA. An Interim Crisis Committee (ICC) was, for example, formed in Alexandra in April 1992 and only later given the status of a peace committee as it already performed similar functions.³⁰⁶ Germiston, Thokoza, Soweto and Phalaborwa represented additional communities in which local negotiating structures were established before the LPCs were officially launched. In response to the urgent need for conflict resolution mechanisms they were set up by the NPS rather than by RPCs.³⁰⁷

In actual practice the day-to-day activities of the LPCs were directed at the resolution of a wide range of conflicts. They tried to promote conflict resolution by opening channels of communication between rival political groups. The committees facilitated discussion forums as well as emergency meetings and tried to help conflict parties to identify the key issues to be resolved. Solutions were then discussed and the required resources identified. Some of the conflicts needing resolution were overtly political while others related to economic or social issues. They included disputes between local authorities and political parties over permits for political marches or rallies; commercial issues, such as taxi disputes; rates and services boycotts in black communities; and industrial disputes, such as hospital workers' or teachers' strikes.³⁰⁸

The LPCs' ability to fulfil their given mandate was highly dependent on the experience,

³⁰⁴ The Star 04.06.1993 cited in Camay, P. & Gordon, A.J. n.d. op.cit., p. 11.

³⁰⁵ Gildenhuys, A. 1994. op.cit., p. 2.

³⁰⁶ Commonwealth Secretariat. 1993. op.cit., pp. 41-42.

³⁰⁷ Gildenhuys, A. 1992. op.cit., p. 9.

³⁰⁸ The Star 28.02.1994 cited in Camay, P. & Gordon, A. J. n.d. op.cit., p. 11.

the qualifications and the personal characteristics of the staff in each committee. These factors together with the particular conflict constellations present in the different regions of the country shaped the activities of the LPCs. The LPC in the Vaal region, for example hosted a peace summit attended by local and international observers, which aimed at retaining the activity of the self-defence units (SDUs).³⁰⁹ In contrast, the Ndwedwe LPC in Natal was primarily concerned with facilitating the return of refugees and their reintegration into the community.³¹⁰ When direct confrontations between political opponents were expected the LPCs made use of the 18,500 trained peace monitors, trained by the NPS' training subcommittee, who were drawn from all sectors of society. Together with the peace monitors the committees acted to defuse and resolve conflicts before violence could erupt.³¹¹ Especially from the middle of 1993 onwards, many of the LPC staff and volunteers as well as the peace monitors spent a huge amount of their time monitoring marches and demonstrations, which were seen as being crucial for political expression, but also represented flashpoints for violence. They thus required observation, resources to intervene and de-escalate violence for in case it should erupt also needed to be made available. The Commonwealth Observer Mission noted three major political events that were observed in 1993 by the peace committees: (1) the NP, ANC and IFP rallies on Sharpeville Day; (2) the events surrounding the assassination of Chris Hani and (3) the burial of ANC National Chairperson Oliver Tambo.³¹²

Especially in terms of monitoring, the LPCs were greatly supported by international observer groups³¹³, but international observers also provided moral support and legitimacy to local peace workers by escorting them to many of their meetings as well as providing equipment and technical training.³¹⁴

While initially having been slow in taking ground it can be concluded that once established the LPCs addressed a great number of conflicts present in the particular localities that they operated in. Yet, several provisions of the NPA were not implemented at all. These include the envisaged Special Criminal Courts and the community-based Justices of Peace. Their

³⁰⁹ Commonwealth Secretariat. 1993. *op.cit.*, p. 37.

³¹⁰ *Ibid.*, p. 32.

³¹¹ Spies, C. 2002. *op.cit.*, p. 23.

³¹² Commonwealth Secretariat. 1993. *op.cit.*, p. 47.

³¹³ International observers were deployed by international organisations such as the United Nations (UN) – 50 observers, the European Community (EU) – 19 observers, the Organisation for African Unity (OAU) – 15 observers and the Commonwealth – 12 observers. The UN and the OAU deployed additional members in the last months before the elections and during the election period leading to a total of 1985 UN observers and 118 OAU observers. Gildenhuys, A. 1994. *op.cit.*, pp. 64-65.

³¹⁴ Tessendorf, H. 1996. "The National Peace Accord in South Africa's Political Transition: 1991-1994" in

non-implementation might have been a result of the difficulty linked to setting up two very different structures to address violence: the peace committees, encouraging a conciliatory approach and the special criminal courts and the justices of peace envisaged as a prosecutorial approach.³¹⁵ The non-implementation of the juridical approach to community safety indicates that the conciliatory conflict resolution approach was in the end chosen over the prosecutorial approach as the way to deal with the violence of the transition.

After having described the objectives and activities of the NPA structures the following sections assesses their impact. It illustrates that the peace committee's impact was felt in many communities throughout 1993 and was even more widely noticeable in the difficult months before the first non-racial, democratic elections in South Africa.

3.3 Assessing the NPA and the "Peace Process"

In 1992, Daniel Nina assessed the NPA at that stage as having produced a negative outcome, since violence had at that stage not decreased throughout the country.³¹⁶ Others were even more critical in their assessment and considered the NPA as an altogether ineffectual enterprise. Even though such criticism was not without grounds, Mark Shaw argued a year later that it was also unrealistic to expect that an Accord reached at national level would immediately bring peace to local communities. He furthermore pointed out that while the NPA was theoretically meant to pre-empt violence, the local peace committees were often only established as a reactive measure after violence had already occurred.³¹⁷ This was because of a kind of vicious circle: in times of relative peace in their communities people did not see the need for a LPC. But once violence had actually occurred, the common ground needed for a speedy resolution was lacking, and it was often even more difficult to bring the parties in conflict together again.³¹⁸ In early 1993 the situation changed and confidence in the Accord increased. This development can, in my view, be attributed to the fact that the process of political-constitutional negotiations had resumed leading to the establishment of the MPNP in April 1993 and that the peace accord structures had finally taken ground. At that time the Financial Week magazine noted that

Politikon, Vol. 23, No. 1, p. 84.

³¹⁵ Sisk, T.D. 1994. op.cit., p. 60.

³¹⁶ Nina, D. 1992. "Slow Motion: Implementing the National Peace Accord" in *Indicator SA*, Vol. 9, No. 3, Winter, p. 71.

³¹⁷ Shaw, M. 1993. op.cit., p. 6.

³¹⁸ A lack of the necessary grassroots commitment to the establishment of prevention mechanisms is a general problem in the conflict resolution field that still occupies practitioners today.

if the Peace Accord did not exist, it would have had to be invented. The Accord supplements and is an integral part of the process of a negotiated transition to democracy.³¹⁹

While general judgements like this one indicate a trend in public perceptions of the NPA, they do not necessarily accurately reflect the actual impact of the NPA and its structures in terms of reducing the occurrence of political violence and in changing the political culture, e.g. the levels of political tolerance. It is particularly difficult to assess the impact of the NPA as neither during the NPA's lifetime nor in its aftermath much research was conducted that attempted to analyse this. Only a few accounts, mainly from scholar-practitioners, do exist. Amongst those are Ball and Spies (1997), Tessendorf (1996), Shaw (1997, 1993), Spies and Odendaal (1996), Sisk (1995, 1994, 1993) and Camay and Gordon (n.d.). Some of these authors provide intermediate assessments while others retrospectively studied the successes and failures of the Accord, particularly at the local level. The following section makes use of these accounts and draws attention to the successes and failures of the NPA's peace committees at their different working levels.

3.3.1 Successes of the NPA

Even though it is not possible to quantitatively measure the impact that the peace committees had on the occurrence of political violence, it is possible to gain an understanding of the qualitative impact of the Accord, which in return allows for some general conclusions about the NPA's contribution to the establishment of 'negative' peace and of democracy in South Africa.

While the national peace structures were of importance, there is common agreement that the key to the NPA's success was in its structures at regional and most importantly at local level, the level where violence played itself out and where people's lives were at risk. Ball and Spies argue that the committees at local and regional level were critical in reducing tensions between political actors with opposing interests, such as the ANC and the IFP, and that their interventions often timeously averted even greater losses of life and property.³²⁰ Through the establishment of multi-party discussion forums, including government, political parties, business and civil society, and the facilitation of conflict resolution processes the LPCs helped to create trust and confidence among the parties in conflict, sometimes laying the groundwork for future co-operation between them. They furthermore built an understanding of the non-violent ground rules for political action, which was of particular importance in

³¹⁹ Commonwealth Secretariat. 1993. op.cit., p. 29.

the time prior to the 1994 elections.³²¹ Camay and Gordon conclude that the committees in general allowed for considerable progress in terms of the re-imposition of the rule of law and the creation of peace in many strife-torn communities.³²² Their particular successes are qualified further in the following section, which distinguishes between the successes of the NPA structures at: a) national level and b) regional and local levels.

a) Structures at National Level

The NPS was the driving force of the peace structures at national level. Together with the other regional and local structures it contributed to the creation of an environment that stimulated people to think about peace and encouraged their commitment to creating peace. This was particularly done through the marketing campaign launched by the NPS in April 1993, which the Commonwealth Observer Mission described as having sparked the imagination of millions, and most importantly, the youth. However, it also criticised the campaign for only having conveyed its messages in English, consequently often not reaching the main target audiences in 'black' communities. The Mission furthermore stated that instead of mere advertisements, the funding of interactive events, such as peace rallies and cultural events would have been of importance for promoting the message of peace to the majority of the population, many of whom were illiterate.³²³

The deployment of trained monitors to observe political events is in general regarded as having made a significant contribution to the peaceful nature of meetings, rallies and marches during the run up to the elections. However, some NGOs, such as the Human Rights Committee and Black Sash have criticised the quality and depth of the training provided by the NPS's training subcommittee.³²⁴

Shaw refers to the *media* as one of the important players at national level that influenced the success of the NPA. He says that through its campaigns the media promoted the early enthusiasm that accompanied the Accord's establishment as well as the subsequent disillusionment accompanying the early implementation stage. During that time newspaper headlines mirrored the low public confidence in the NPA and contributed to continuing disillusionment about the NPA's success in halting the increasing political violence. The media reporting changed by the end of March 1993 and began to portray renewed optimism in the

³²⁰ Ball, N. & Spies, C. 1997. op.cit., p. 21.

³²¹ Camay, P. & Gordon, A.J. n.d. op.cit., pp. 11-12.

³²² Ibid., p. 1.

³²³ Commonwealth Secretariat. 1993. op.cit., p. 46.

³²⁴ Dugard, J. 2003. "The 'government's dustbin'? Official Responses to Political Violence, 1990-1994" in

NPA structures with almost daily reports about peace monitors countering the violence on the ground.³²⁵ This change is considered as having been due to the advancement of the process of political-constitutional negotiations and to the fact that the peace committees increasingly gained ground and support from local community members³²⁶ enabling them more than before to contain political violence.

b) Structures at Regional and Local Levels

Gildenhuys summarises the work of the local peace committees in general terms and describes their contribution to the building of 'negative' peace as follows:

Against all the odds in a deeply divided society, the established local peace committees managed to bring together political and other interest groups that had a common vision so that problems could be addressed and dealt with at a local level. Thousands of real or potential disputes were resolved in this way which, if they had remained unaddressed, could well have rendered the transition to an all-inclusive, multiparty democracy impossible.³²⁷

Engaging in inter-group dialogue is very difficult in divided societies with histories of protracted social conflicts. Ingrained social prejudices and stereotypes, as well as fear of the consequences of interacting with 'the other', are often the reason for people not to engage with the opponent, letting tensions increase until they get out of control. Acquiring a new willingness to interact with one's antagonists on a personal level is therefore often a first step towards controlling violence. This approach to resolving tensions and conflicts was taken by the peace committees. Ball and Spies argue that "by providing a forum for discussion and trained facilitators, peace committees helped to engender dialogue where none had existed or seemed possible before."³²⁸ By gathering together local representatives with conflicting political affiliations and by opening channels of communication between them the LPCs made a substantial difference to local politics.³²⁹

In addition, we know that in deeply divided societies information is often manipulated and half-truths or outright lies begin to circulate which can readily encourage people to engage in violence. In such a situation peace workers stressed the importance of transparency and in this way helped to reduce violence. Ball and Spies observe that in areas like the Western Cape, where peace committees promoted open communication and transparency, they provided the ground for constructive relationships between leaders from various parties, between the po-

Greenstein, R. *Political Violence in South Africa's Democratisation*, p. 146.

³²⁵ Shaw, M. 1993. op.cit., pp. 26-27.

³²⁶ Commonwealth Secretariat. 1993. op.cit., p. 46.

³²⁷ Gildenhuys, A. 1994. op.cit., p. 5.

³²⁸ Ball, N. & Spies, C. 1997. op.cit., p. 14.

³²⁹ Shaw, M. 1993. op.cit., p. 8.

lice and the community and amongst community members themselves that allowed for mutual learning experiences and the non-violent resolution of conflict in South African communities.³³⁰ Odendaal and Spies present individual viewpoints of LPC participants illustrating how the peace committees contributed to changes in the attitude of ordinary South Africans.

A 'coloured' teacher said:

Previously I looked at those who differed from me with hatred. I regarded them as enemies and sell-outs. Now we greet each other. We respect each other. I respect their views because they respect my views.³³¹

And a 'white' businessperson stated:

Only a year or two ago I regarded an ANC person as something which belonged on Robben Island. Today I can see the person behind the viewpoint. I accept their integrity.³³²

These examples indicate that having a common goal in mind, such as the reduction of violence in the community, can enable people to change their perception of each other and strive for solutions together, making the constructive resolution of conflict possible. On a similar note Ball and Spies conclude that "creating psychological space so that antagonists are able to come together to address contentious issues as well as physical space that is safe for all parties to enter"³³³ is crucial for conflict resolution in divided societies.

Yet, non-violent conflict resolution also requires impartial facilitators or mediators. In the context of the multi-party discussion forums created through the peace committees one of the most difficult issues was to satisfy the expectation of all role-players that the peace workers would act impartially. Odendaal and Spies argue that this was especially difficult in South Africa as taking a stand was the essence of a strong character during apartheid times, whereas "impartiality was interpreted as condoning evil or undermining legitimate security functions if you belonged to the establishment, or obstructing the liberation struggle if you were one of the oppressed"³³⁴.

Odendaal and Spies point out that through the work of the peace committees the idea of conflict resolution became popularised. Negotiation and mediation started to be considered as acceptable means for dealing with conflict, particularly in the rural areas of the Western Cape. This development was possible in the Western Cape since conflicts in the region were mainly characterised by a breakdown in communication, a lack of self-esteem and apathy and an avoidance of contact with the other side rather than by open political violence, more com-

³³⁰ Ball, N. & Spies, C. 1997. op.cit., p. 20.

³³¹ Odendaal, A. & Spies, C. 1996. Local Peace Committees in the Rural Areas of the Western Cape: Their Significance for South Africa's Transition to Democracy. *Track Two*, September, p. 9.

³³² Ibid.

³³³ Ball, N. & Spies, C. 1997. op.cit., p. 17.

mon in the Natal Midlands and the PWV region.³³⁵ Ball and Spies add that, besides promoting mediation as a non-violent means to resolve conflicts, peace committee staff were sometimes able to build up local capacity by training representatives from the community in mediation and negotiation skills, when the demands generated by immediate problems were less intense.³³⁶ If undertaken, such skills training contributed to the empowerment of conflict-ridden communities. Among the numerous achievements of promoting non-violent conflict resolution, the successful launch of a Peace Corps project in Daveyton on the East Rand stands out as a particular success. The project trained 213 peace workers that subsequently became engaged in proactive peacekeeping and mediation activities in the community on a full-time basis.³³⁷

The transition furthermore represented a time of change and insecurity as well as a time of administrative vacuum. In this period, the LPCs not only created an environment in which they promoted the value of mediation and negotiation in political conflicts but also offered a platform where a wide range of broader issues of concern to communities, such as inadequate policing, service provision, opposition to rate increases, church and taxi disputes, grazing cattle on municipal commonage and forced removals could be raised.³³⁸

Apart from having facilitated multi-party discussion forums, Shaw notes that in a number of cases the peace committees succeeded in actually ending conflicts and through that generally decreased tensions and frustrations that otherwise would have provided for further violence.³³⁹ The Wits/Vaal RPC was the largest RPC and is often also regarded as the most successful one. While some areas like Ratanda remained to be marked by high tensions in the Wits/Vaal region³⁴⁰, an overall climate was created where 85% of the region was described as relatively peaceful.³⁴¹ However, other RPCs have also had successes in their regions. The Far Northern Transvaal RPC, for example, was crucial in facilitating negotiations to end public service strikes and over time gained so much ground and credibility that it became a permanent conflict resolution facilitator.³⁴² The Western Cape RPC facilitated the establishment of

³³⁴ Odendaal, A. & Spies, C. 1996. *op.cit.*, p. 12.

³³⁵ *Ibid.*, p. 8.

³³⁶ See Ball, N. & Spies, C. 1997. *op.cit.*, p. 17.

³³⁷ Gildenhuys, A. 1994. *op.cit.*, pp. 17-18. Replicas of this project still exist today under the name Peace and Development Project in Soshanguve (Pretoria) and Nyanga/Crossroads (Cape Town). While initially sponsored by the German Technical Co-operation the projects are today to 50% funded by the Provincial departments of Community Safety.

³³⁸ Shaw, M. 1993. *op.cit.*, p. 8.

³³⁹ *Ibid.*

³⁴⁰ Commonwealth Secretariat. 1993. *op.cit.*, p. 41.

³⁴¹ Gildenhuys, A. 1994. *op.cit.*, p. 16.

³⁴² Gildenhuys, A. 1994. *op.cit.*, p. 27.

a Transport Crisis Forum, which managed to end the local taxi war and related transport crises and continued to play a conflict resolution role between taxi and bus operators and the communities involved.³⁴³ The KwaZulu/Natal RPC, for example, resolved a conflict in Ixopo that had arisen between the community and local police and facilitated the successful return of the expelled refugees to their homes.³⁴⁴

While it can be concluded that the peace committees managed to end conflicts in various areas, Ball and Spies note that their work often remained mainly reactive, with the exception of a few successful peacebuilding projects undertaken in the area of community policing and local government and some developmental initiatives.³⁴⁵ As violence continued to have such a stark impact on the communities, taking the role of peacemakers remained the main priority of the peace committee staff in most regions of the country. In such a situation long-term development activities were out of the question. Apart from highlighting the prevalence of violence as a reason for the lack of developmental activities, Mark Shaw also refers to the conflict dynamics that can be caused through development initiatives and writes:

While structural inequalities do continue to feed violence, it is simply not possible to implement development projects in violence-torn areas. And development initiatives introduced to conflict-ridden communities where one party is seen to benefit over the other could fuel further violence. The dilemma which faces the LPCs, then, is that tackling the root causes of violence may be impossible as long as violence persists.³⁴⁶

Despite being unable to eradicate the structural causes of violence, as the immediate demands of containing violence in many cases left little time for peace workers to go beyond crisis management, it has been shown that at least in some cases the LPCs' activities did become instruments of political change and encouraged the building of trust at local level.³⁴⁷

Furthermore the peace structures demonstrated to many South Africans what it means to hold public officials accountable and contributed in that way to the dismantling of the apartheid order, as in the past officials neither had to explain their actions nor obey any codes of conduct. The committees monitored both the activities of the police and of the political parties and sought to ensure that they followed the NPA's code of conduct. Ball and Spies conclude that the peace committees in this way created a political environment more conducive to accountability and to raising the expectations of ordinary people that their leaders – at whatever level – would be accountable. They furthermore gave those in positions of power a

³⁴³ Ibid., p. 29.

³⁴⁴ Ibid., p. 35.

³⁴⁵ Ball, N. & Spies, C. 1997. op.cit., p. 13.

³⁴⁶ Shaw, M. 1993. op.cit., p. 9.

³⁴⁷ Ball, N. & Spies, C. 1997. op.cit., p. 18.

sense of what would be expected from them in the “new” South Africa.³⁴⁸

In addition, while power had been disproportionately in the hands of government institutions during the apartheid era, the NPA recognised this basic inequality and tried to undo previous power relations. The peace committee members liaised on an equal level with government and security force officials in pursuit of solutions to conflicts that could have led to violence and decisions were taken on consensus basis.³⁴⁹ The efforts aimed at ensuring that the political parties linked to the old regime did not unduly benefit from the country’s skewed power relations were widely termed the “levelling of the playing fields” and constituted an important precondition for South Africa’s effective transition to democracy. Odendaal and Spies argue that, by equalising the balance of power between various stakeholders, the LPCs served as a local forerunner for the government of National Unity and represented a symbolic move away from the concept of “the winner takes all”.³⁵⁰

In addition to such direct mediation work LPCs also contributed to the reduction of tensions, the prevention of violence and the saving of lives through their monitoring of marches or demonstrations. The pro-active monitoring of public events such as marches, demonstrations and funerals was not included in the LPCs’ mandate as part of its functions. Especially during the funeral of Chris Hani and in preparation for the elections, the LPCs’ monitoring activity was of significant assistance in securing the continuation of the transition process.³⁵¹

3.3.2 Limitations and Failures of the NPA

The complexity of external factors influencing conflicts often places significant constraints on the effectiveness of conflict management mechanisms in political transitions. Nathan highlights three factors in South Africa’s external environment that constituted major constraints for the peacemaking activities of the LPCs: (1) the poor governance of ‘black’ communities; (2) an absence of viable formal authorities and (3) the transitional nature of the political process in South Africa. As a result of these factors the country was faced with a situation where acute insecurity and fear were present whilst legitimate forums and procedures for contesting powers were absent.³⁵² Given such an external environment it is not surprising that the implementation of the NPA structures was often marked by serious problems and constraints.

³⁴⁸ Ball, N. & Spies, C. 1997. op.cit., pp. 18-19.

³⁴⁹ Ibid., p. 19.

³⁵⁰ Odendaal, A. & Spies, C. 1996. op.cit., p. 11.

³⁵¹ Ball, N. & Spies, C. 1997. op.cit., p. 21 and Shaw, M. 1993. op.cit., p. 8.

As a result of the complex causes of the violence and partly because of the inability of some political leaders to control and discipline their members, not all peace committees were successful in reducing levels of violence.

It was thus either structural deficiencies, resulting from the nature and operation of the peace structures themselves, or uncontrollable factors arising out of the external environment that limited the extent to which LPCs were able to fulfil a peacemaking role. In addition, the NPA's limited ability to contain violence had structural origins, particularly evident in the fact that the Accord was only an agreement between its signatories and thus not enforceable through courts. The NPC consequently could not use the legal system to sanction those who violated its code of conduct.³⁵³ Whilst some regarded the NPA's lack of authority to punish those who transgressed its provisions as a weakness, others saw it as strength and argued that it allowed the peace committees to remain neutral. Odendaal and Spies, for example, conclude that it was a healthy situation for the wider "peace process" on the whole and preferable to the building of peace on the basis of court orders.³⁵⁴ Harold Tessendorf furthermore highlights the hierarchical structure of the Accord as having hindered the speedy making and implementation of decisions within the NPA structures and thus impacted on the work of the LPCs. He says the "delays [...] often meant that the desired effect or objective which the decision was intended to bring about was nullified, often by a change within the external environment."³⁵⁵

Above all, the initial problem with the NPA was the slow implementation of its envisaged structures and the non-compliance of political parties. Subsequently it needs to be pointed out that while the Accord made provisions for the resolution of conflicts occurring as a consequence of the violence, its structures did in the first two years lack sufficient teeth to implement this in practice. Once in place and operating, the peace committees achieved differing degrees of success depending to a great extent on the peace workers' experience and qualifications and on the external factors present in the surrounding communities. As argued above, the NPA has been most effective in regions like the Western Cape where the level of violence was relatively low. These circumstances allowed RPC and LPC members to overcome their mutual mistrust and respond decisively to various crises, which in turn promoted confidence

³⁵² Nathan, L. 1993. "An Imperfect Bridge" in *Track Two*, Vol. 2, No. 2, May, pp. 4-5.

³⁵³ Spies, C. 2002. op.cit., p. 25.

³⁵⁴ Odendaal, A. & Spies, C. 1996. op.cit., p. 8.

³⁵⁵ Tessendorf, H. 1996. op.cit., p. 92.

in the committee and increased its capacity to play a constructive role.³⁵⁶ In contrast to that the Accord was initially least successful in areas with high incidences of violence such as Natal and the PWV area. In the early phase of the NPA's operation ongoing fighting in these regions often hindered the building of trust and consensus among the participating parties and decreased their ability to engage in united action to resolve conflicts, which undermined public support for the process.³⁵⁷ However, as indicated above, in the later phase of the NPA the "peace process" was pursued with much more success in the PWV.

Odendaal and Spies emphasise that the absence of a coherent vision of what 'peace' meant or entailed and of a clear national strategy of how to achieve it impacted on the committees' ability to achieve 'peace'. The only existing consensus was that the prevailing level of direct violence was unacceptable. Odendaal and Spies point out that the difference in perceptions of what 'peace' entailed was a legacy from apartheid times and often created confusion and distrust at local level.³⁵⁸ This implies that there was an agreement about the necessity to establish 'negative' peace while there was ambiguity concerning the nature of 'positive' peace – the longer term goal of peacebuilding. The absence of a clear vision of what peace entails might have contributed to the peace committees' difficulties in terms of identifying their possible role in a long-term orientated process of peacebuilding.

Spies regards the peace committees' primary focus on the symptoms of violence rather than on its underlying causes as the central shortcoming of their attempts to bring about peace. While it is out of question that addressing the underlying causes of conflict would have increased the impact of the peace committees, it was also illustrated that due to the historical reality long-term development activities remained to be largely impossible.

In addition to the implementation problems of the Accord, its structures, especially the LPCs, suffered from a shortage of sufficient resources. The Commonwealth Observer Mission pointed to lack of inclusiveness of the committees and identified a racial and gender imbalance, especially at senior levels.³⁵⁹ Moreover, the South African Council of Churches criti-

³⁵⁶ Nathan, L. 1993. op.cit., p. 4.

³⁵⁷ Ibid.

³⁵⁸ These different perceptions resulted from the different backgrounds people had. Odendaal and Spies argue that to 'whites' 'peace' meant the absence of violence and protest actions and co-operation in the chambers of power to find agreeable solutions to problems. (Odendaal, A. & Spies, C. 1996. op.cit., p. 12) However, Gidron highlights that those 'whites' active in the fight for an alternative social order based on social justice, democratisation and responsive social institutions had a broader understanding of the concept. (Gidron, B. et al. 2002. *Mobilising for Peace*, p. 216) Their views represented the core ideas promoted by those involved in the liberation struggle who had experienced a legacy of structural violence. To them peace meant the establishment of a society based on justice and this included efforts to deal with the past and establish democratic practices in South Africa. (Odendaal, A. & Spies, C. 1996. op.cit., p. 12)

³⁵⁹ Commonwealth Secretariat. 1993. *Violence in South Africa*, p. 46.

cised the dominant role of business in the NPA as detracting the participation and empowerment of oppressed communities.³⁶⁰ While representing a wide range of actors, some peace committee members expressed the view that a greater presence of NGOs and community-based organisations on the committees could have increased the LPCs' ability to equalise interactions between officialdom and civil society and made the impact of the LPCs more substantial.³⁶¹

Finally Sisk points out that the limitations of the Accord were, amongst other things, a result of the fact that the NPA was a product of negotiation and thus a compromise agreement. Consequently some issues of concern, such as a code of conduct for the South African Defence Force, a multiparty control over all the security forces and a discussion of the role of the ANC's military wing, Umkhonto we Sizwe, were not addressed in the Accord, which substantially decreased its impact. The Accord thus needs to be regarded as the best outcome achievable at that time rather than as an ideal approach to promoting peace and democracy in South Africa.³⁶²

3.4 Summary

With the increasing number of political fatalities after February 1990 it became apparent that the building of a South African nation could not be achieved overnight. The root causes of political violence as well as the factors directly promoting the violence during the transition needed to be addressed to allow for a successful transition and a peaceful future South Africa. In a complex transitional situation, where the main political groupings opted for the use of violence, the National Peace Accord, exemplary for the role that civil society played during South Africa's transition, not only contributed to the establishment of 'negative' peace but also made important provisions for democratisation and peacebuilding. As a 'prerequisite pact of democratisation' the NPA attempted to lower the uncertainties present in the transitional process, especially in the pre-negotiation phase, by providing assurances to parties that the future of the country would be shaped by a concerted effort, thus implying that they did not have to fear their political exclusion in future.³⁶³ Its contribution to democratisation was further evident in the fact that the NPS and the NPC were the only multi-party forums that remained intact at the national level during the 1992 crisis in the political-constitutional nego-

³⁶⁰ Gastrow, P. 1995. *op.cit.*, p. 70 and Tessendorf, H. 1996. *op.cit.*, p. 84.

³⁶¹ Ball, N. & Spies, C. 1997. *op.cit.*, p. 20.

³⁶² Sisk, T.D. 1994. *op.cit.*, pp. 55-56.

³⁶³ Sisk, T.D. 1995. *op.cit.*, p. 287.

tiation process, allowing opposing political groups to meet when no other platforms for multi-party communication existed.³⁶⁴ In addition, through the agreed codes of conduct, the NPA contributed to the establishment of accountable democratic institutions. It helped to shift the institutional cultures and behaviour of both the South African Police (SAP) and the South African Defence Force (SADF) that had previously seriously lacked public credibility. Furthermore, it stimulated a shift in the SAP's policing approach towards a greater integration of community structures.³⁶⁵ Apart from having had a huge impact on democratisation at the national level, especially during the earlier phase of the Accord's life span, it was illustrated in this chapter that the peace committees established through the NPA helped to contain the political violence on the ground, which threatened to derail the negotiation process.

The peace committees represented new structures of conflict resolution that at times of acute crisis engaged in peacekeeping activities in the form of monitoring of protest marches and mass gatherings and became involved in peacemaking efforts when negotiations between parties at local or at regional level had reached a stalemate and the services of mediators were required. The peace committees multi-party discussion forums, "led to a fundamental paradigm shift away from confrontational problem solving to negotiational problem solving that influenced the political culture in South Africa"³⁶⁶ and further showed that it is possible to work with enemies.

While implementation problems relating to participation in – and the infrastructure of – the peace committees occurred, the NPA had a far reaching impact in building the understanding amongst different sectors of South African civil society and government agencies of how to mediate solutions to community violence rather than by resorting to counter-violence. Despite the fact that the peace committees were not a vehicle to pre-empt violence or prevent its occurrence altogether they were an effective tool for addressing a variety of issues, including joint planning and monitoring of rallies and marches in violence-ridden areas, relations between hostel dwellers and township residents, rivalries over political dominance, violence in workplace settings, gang rivalry, and localised conflicts such as 'taxis wars'. By resolving conflicting issues in multi-party discussion forums the NPA made a significant contribution to the building of communication channels and instilling a commitment to political tolerance amongst the various parties contesting in the 1994 elections which enabled the elections to take place in an environment of relative peace and stability. The peace committees further-

³⁶⁴ Gastrow, P. 1995. *op.cit.*, p. 62.

³⁶⁵ Spies, C. 2002. *op.cit.*, p. 24.

³⁶⁶ Odendaal, A. interviewed by author on 25.03.2004.

more initiated the transformation of agencies responsible for maintaining public order, such as the police force, so that they could function with credibility in a democratic South Africa.

In sum, it can be argued that in spite of the extremely difficult circumstances under which the NPA was drafted and agreed upon, and despite its mentioned weaknesses, such as its crisis driven orientation, it was a remarkable achievement that laid out the basic principles of a democratic future, including political tolerance and accountability, and thus had a significant impact on South Africa's transition process. And, even though it remains as impossible today as it was earlier to quantify how much greater the violence would have been and how many more deaths would have occurred if the peace committees had not existed, the Accord, in my view, illustrates how strife-torn countries can, in a comprehensive process covering all levels of society, establish the foundations for peace and democracy.

University of Cape Town

CHAPTER FOUR

To close our eyes and pretend none of this ever happened would be to maintain at the core of our society a source of pain, division, hatred and violence. Only the disclosure of truth and the search for justice can create the moral climate in which reconciliation and peace will flourish.

Alex Boraine, Deputy-Chair of the South African Truth and Reconciliation Commission; cited in Miall et.al. *Contemporary Conflict Resolution*, 1999, p. 209.

4 THE “TRUTH PROCESS” AND THE TRUTH AND RECONCILIATION COMMISSION

This study so far understood the occurrence of political violence in South Africa to be the result of the implementation of apartheid policies and the liberation struggle against apartheid that aimed at democratic inclusion.³⁶⁷ It further illustrated that the dramatic increase in political violence during the transition constituted the most difficult obstacle to a negotiated settlement and a smooth transition to democracy. The NPA was described as a crucial instrument for the containment of the political violence of the transition, allowing for the advancement of constitutional negotiations. With the first non-racial democratic elections in South Africa a condition of ‘negative’ peace was established but it soon became clear that the country needed more than ‘negative’ peace or the containment of violence to achieve a sustainable transition to a new democratic order. Given the post-apartheid context of South Africa and the nature of the transition as a negotiated settlement, South Africans were left with no choice but to find ways to learn to live together. As in other countries having experienced ‘protracted social conflicts’, during which thousands if not millions suffered accumulated hurt and hatred, initial distrust between members of society had to be overcome in South Africa. Further, the conflicting priorities of peace and justice needed to be reconciled and the psychological wounds resulting from the traumatic experiences of apartheid and the political violence needed to be healed so that ‘us’/‘them’ split identities could be reconstructed and replaced with a sense of ‘we’.³⁶⁸ Investigations of the political violence committed in the past as well as acknowledgements of the worth and dignity of victims were eventually considered as pro-

³⁶⁷ du Toit, A. 1993. *Understanding South African Political Violence: A New Problematic?*, p. 1 and du Toit, A. 2003. *The (Un)expected Democracy: (Re)reading the Narrative of Political Violence in South Africa*, p. 1.

³⁶⁸ Miall, H. et.al. 1999. *Contemporary Conflict Resolution*, p. 207.

viding a way to transform South Africa's deep-seated conflict and to shape a different future – a truth commission was suggested.

As illustrated in Chapter 1 the truth commission model had gained international significance after Latin American countries adopted it as a means of dealing with crimes and human rights violations committed by prior authoritarian regimes in the past. But apart from the fact that the international context of the early 1990s favoured the truth commission model, South Africa had also had its own experience with commissions of enquiry in the early transition years. The Goldstone Commission, mentioned in Chapter 3, counts as one of the forerunners to the later TRC. Moreover, the ANC itself had appointed an internal Commission of Enquiry into Complaints by former African National Congress Prisoners and Detainees (the Skweyiya Commission) in March 1992 that investigated and publicly reported on the past abuses in the ANC's own detention camps in Angola, Zambia and Tanzania.³⁶⁹ As the Commission was criticised for being biased a second ANC Commission (the Motsuenyane Commission) was set up in 1993. It was headed by three commissioners, one each from the United States, Zimbabwe and South Africa. It also investigated human rights abuses by ANC cadres in exile in the 1980s but had, in contrast to the earlier Commission, a more legalistic focus, structuring its proceedings like formal court hearings. Both commissions found that severe abuses had occurred in ANC detention camps over a number of years.³⁷⁰ Nelson Mandela on behalf of the ANC leadership accepted collective responsibility for the "serious abuses and irregularities" that had occurred in the camps but insisted that individuals should not be named and held individually accountable for their actions.³⁷¹ Instead the ANC called for a commission that would investigate the human rights abuses committed by all parties.

The internationally known truth commission model was in the South African case extended through the added notion of reconciliation leading to the formation of a Truth and Reconciliation Commission. "Reconciliation" became the over-riding objective of the new South African nation-building enterprise and constituted a compromise between peace and justice – a middle path between an uncompromising insistence on prosecution and an acceptance of blanket amnesty and impunity.

This chapter studies the contributions of the TRC towards the consolidation of peace and democracy in South Africa and is divided into three sections. It studies how the TRC came

³⁶⁹ Hayner, P.B. 2001. *Unspeakable Truths*, pp. 59-60.

³⁷⁰ *Ibid.*, pp. 62-63.

³⁷¹ *Ibid.*, p. 60.

into being and states its mandate and objectives. Moreover it outlines the structures established through the Commission and focuses on their work, before it finally assesses the contribution of the TRC to the establishment of 'positive' peace.

4.1 The Founding and the Provisions of the TRC

The importance of dealing with the past in South Africa was for the first time emphasised by Kader Asmal in May 1992. In his inaugural lecture as a professor of Human Rights Law at the University of Western Cape he stated:

We must take the past seriously as it holds the key to the future. The issues of structural violence, of unjust and inequitable economic and social arrangements, of balanced development in the future cannot be properly dealt with unless there is a conscious understanding of the past.³⁷²

A public debate on how South Africa should deal with its past, with some highlighting the need for a truth commission and others emphasising the danger thereof emerged towards the end of the earlier transition phase. The granting of amnesty for those who had committed human rights violations in the past, on which NP government and military leaders insisted, had been one of the most contested issues during the political negotiation process. While the ANC did not favour an amnesty agreement, it also realised that without an amnesty agreement the political negotiation process would collapse. Dullah Omar stated that "without an amnesty agreement there would have been no elections"³⁷³. In the final hour of political-constitutional negotiations at the MPNP it was thus agreed that 'amnesty shall be granted'. The provision for amnesty is stated in the Postamble of the Interim Constitution of 1993:

This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful coexistence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex.

The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.

The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and the legacy of hatred, fear and revenge.

These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimisation.

³⁷² Asmal, K. 1992. *Victims, Survivors and Citizens – Human Rights, Reparations and Reconciliation*, p. 21.

³⁷³ Dullah Omar cited in van Zyl, P. 1999. "Dilemmas of Transitional Justice" in *Journal of International Affairs*, Spring, Vol. 52, No. 2, p. 650.

In order to advance such reconciliation and reconstruction, *amnesty shall be granted* in respect of acts, omissions and offences associated with political objectives and committed in the course of conflicts of the past. [...] ³⁷⁴

On the basis of the provision for amnesty discussions were started on the possible forms that the amnesty granting process in South Africa could take. Two conferences were hosted by Justice in Transition, an NGO headed by Alex Boraine, in Cape Town in 1994. During the first conference participants from Central Eastern Europe and Latin America shared their insights about truth and justice in times of political change with South Africans, while the second one was more specifically focussed on discussing possibilities of South Africa's way into the future. ³⁷⁵ After the second conference, in July 1994, the late Dullah Omar, by then the new minister of justice, proposed the establishment of a truth and reconciliation commission in parliament. Such a commission was, in his view, a necessary part of the bridge building process between South Africa's deeply divided past and a future founded on the recognition of human rights and democracy. ³⁷⁶ In contrast to Omar, the former government, led by F.W. de Klerk, as well as the military and the police strongly favoured a blanket or general amnesty. At the same time, many members of the liberation movement advocated trials and prosecutions so as to directly call to account those who were responsible for the human rights violations of the past. ³⁷⁷ Even though these different options were considered, it was finally the balance of power between the old and the new order at the time of transition that shaped the options available to the new Government of National Unity for dealing with the country's past. As the former government retained a considerable amount of power (particularly military power) during the South African transition, the liberation movements were not able to push for trials or prosecutions. Thabo Mbeki, current president of South Africa, said:

Within the ANC the cry was 'to catch the bastards and hang them' – but we realised you could not simultaneously prepare for a peaceful transition while saying we want to catch and hang people, so we paid a price for the peaceful transition. If we had not taken this route I don't know where the country would be today. Had there been a threat of Nuremberg-style trials over members of the apartheid security establishment, we would never have undergone peaceful change. ³⁷⁸

At the end of 1994 it became clear that the promised amnesty would be operationalised in the form of a Truth and Reconciliation Commission. Representing a means of addressing past injustices and of recognising and responding to the suffering of individual victims, the truth

³⁷⁴ Postamble of the Interim Constitution of the Republic of South Africa, Act 200 of 1993, in Dalton, R. et al. 1995. *Juta's Statutes of South Africa*. Vol. 5, pp. 259-260. Emphasis added.

³⁷⁵ Hay, M. 1999. "Grappling with the Past" in *Africa Journal of Conflict Resolution*, No. 1, p. 33.

³⁷⁶ This was indicated in the Postamble of the Interim Constitution.

³⁷⁷ Boraine, A. 2000. "Truth and Reconciliation in South Africa" in Rotberg, R. & Thompson, D. (eds) *Truth versus Justice*, p. 143.

commission model eventually sidelined blanket or general amnesty and a direct accounting of those responsible for gross human rights violations.³⁷⁹ The decision to address the past by means of a truth commission continued to be considered as a risky decision by many of the former power holders.

A considerable part of the drafting and preparatory work for the launching of a South African truth commission was pursued via civil society organs, such as the above mentioned NGO Justice in Transition. After Justice Minister Omar presented a draft to cabinet, the Justice Portfolio Committee discussed and prepared the bill for the TRC's founding legislation. Following another round of public input and public hearings, at which political parties covering the whole spectrum made substantial submissions, the Promotion of National Unity and Reconciliation Act (Act No. 34 of 1995) was passed in July 1995.³⁸⁰ The TRC Act charged the Commission with investigating and documenting gross human rights violations committed within or outside South Africa during the period from 1 March 1960 to 10 May 1994. It was to establish as complete a picture as possible of the events and violations that occurred in the past as well as to establish the motives for and the circumstances under which they occurred. This was to be done in order to prevent a repetition of such actions in the future.³⁸¹ The Act stated that "the objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflict and divisions of the past."³⁸²

As Thabo Mbeki's statement cited above illustrates, South Africa's truth commission was shaped by the country's history as well as by the nature of the transition. With its over-riding objectives of promoting national unity and reconciliation, the TRC came to constitute a compromise between those who wanted amnesty and those who wanted retribution for the perpetrators of past political atrocities. Paul van Zyl expresses this by arguing that "the establishment of the TRC is best understood as an attempt to restore moral equilibrium to the amnesty process"³⁸³.

³⁷⁸ Thabo Mbeki cited in Boraine, A. 2000. op.cit., p. 143.

³⁷⁹ Boraine, A. 2000. op.cit., p. 143.

³⁸⁰ van der Merwe, H. 1999. *The Truth and Reconciliation Commission and Community Reconciliation*, pp. 165-169. 'The Promotion of National Unity and Reconciliation Act' will hereafter be referred to as the TRC Act.

³⁸¹ TRC Act, Act 34 of 1995. "Preamble" in Dalton, R. et al. 2002. *Juta's Statutes of South Africa*. Vol. 1, pp. 183-184.

³⁸² TRC Act. 1995. op.cit., Ch. 2, Section 3(1), p. 185.

³⁸³ van Zyl, P. 1999. "Dilemmas of Transitional Justice" in *Journal of International Affairs*, Spring, Vol. 52, No. 2, p. 653.

4.1.1 The Mandate of the TRC

The founding legislation of the TRC provided for the most complex and sophisticated mandate of any truth commission to date. It gave the Commission the power to grant individualised amnesties, to search premises and to seize evidence, to subpoena witnesses, and to run a sophisticated witness protection programme.³⁸⁴

In order to achieve its overall objectives of promoting national unity and reconciliation in a spirit of understanding, which transcends the divisions of the past the TRC Act gave the Commission a fourfold task: (1) to establish the causes, nature and extent of gross human rights violations during the mandated period, including the identification of the individuals and organisations responsible for such violations; (2) to establish the fate and the whereabouts of victims of gross human rights violations and to restore their human and civil dignity; (3) to facilitate the granting of amnesty to persons who made full disclosure of relevant facts relating to acts associated with a political objective and (4) to compile a report on the findings of the Commission and to make recommendations to the President on measures to prevent future violations of human rights.³⁸⁵ These tasks can be summarised as representing three overall functions that the Commission was to fulfil, as reflected in the three subcommittees established by the Commission: a *therapeutic function* (Human Rights Violations Committee), an *investigative function* (Amnesty Committee), and a *compensatory function* (Reparations and Rehabilitation Committee).³⁸⁶

From the objectives – the tasks given to the Commission – it is apparent that the founding legislation of the TRC regarded reconciliation and national unity as secondary outcomes that were to flow from the TRC's activities of holding victims' hearings, of investigating human rights violations and of providing amnesty for perpetrators.³⁸⁷ While they could be described as intended secondary outcomes, neither of the two terms, *reconciliation* and *national unity* was defined by the Act. The Act only indicated that the term *national unity* was to imply the opposite to the conflict and division of the past.³⁸⁸ The concept of *reconciliation*, even though

³⁸⁴ TRC Act. 1995. op.cit.

³⁸⁵ Ibid., Ch. 2, Section 4, p. 185.

³⁸⁶ Adam, H. 1999. "The Presence of the Past" in Tayob, A. & Weisse, W. *Religion and Politics in South Africa*, p. 143.

³⁸⁷ See Postamble of the Interim Constitution of 1993 cited in section 4.1. Or Wilson, R.A. 2001b. *The Politics of Truth and Reconciliation in South Africa*, p. 100.

³⁸⁸ It stated: "This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful coexistence and development opportunities for all South Africans. [...] The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society." See section 4.1 or Postamble of the Interim Constitution of

widely applied and used in the political discourse promoting South Africa's nation-building project, was much more elusive to capture.³⁸⁹ The Postamble of the Interim Constitution of 1993 indicated (1) that it is *the people of South Africa* that are to be reconciled; (2) that reconciliation is to be sought for through the *pursuit of national unity*, the well-being of all South African citizens and peace; and (3) that reconciliation is to be achieved through the granting of *amnesty* in a spirit of ubuntu and understanding for politically motivated atrocities in the period mandated for investigations.³⁹⁰ The TRC Report stressed that reconciliation should be understood both as a goal and a process and that reconciliation needs to take place at different levels of society: between victims and perpetrators, at community level and at a national level, promoting national unity and reconciliation.³⁹¹

On the basis of the TRC's four main tasks stated in the TRC Act and in the light of principles set out in the Postamble of the Interim Constitution, it can be concluded that reconciliation in South Africa was understood a) politically as the pursuit of national unity, which necessitated the construction of a new national identity and the creation of a human rights culture and b) theologically and psycho-socially (therapeutically) as a process of intrapersonal and communal healing (in exemplified version) linked to the notion of forgiveness and c) interpersonally as reconciliation between victims and perpetrators.

Having referred to the discussions that led to the foundation of the TRC and the Mandate that was given to the Commission, the following section considers the structure of the Commission and outlines its more specific objectives.

4.1.2 The Structures of the TRC

With over three hundred staff, an annual budget of R 50 to 70 million (provided by the Department of Justice)³⁹² and four large offices in Cape Town, East London, Durban and Johan-

the Republic of South Africa, Act 200 of 1993 in Dalton, R. et al. 1995. op.cit., pp. 259-260.

³⁸⁹ Looked at in an historical perspective reconciliation was not an unfamiliar notion to South Africans. The roots of the concept can be traced back to the Gandhian traditions of Satyagraha and non-violent resistance which influenced the Defiance Campaign of the 1950s and was articulated by Chief Albert Luthuli when he called for "the building of a new land, a home for men who are black, white, brown, from the ruins of the old narrow groups, a synthesis of the rich cultural strains we have inherited". (Luthuli, A. quoted in de Gruchy, J.W. 2002. *Reconciliation*, p. 33.) The concept was thereafter continuously redefined but retained its importance throughout the anti-apartheid struggle. It gained renewed momentum in the 1970s through the rise of the independent labour unions, which pioneered the use of negotiation and mediation practices as means to resolve labour issues and labour strikes.

³⁹⁰ Wilson, R. A. 2001b. *The Politics of Truth and Reconciliation in South Africa*, p. 99.

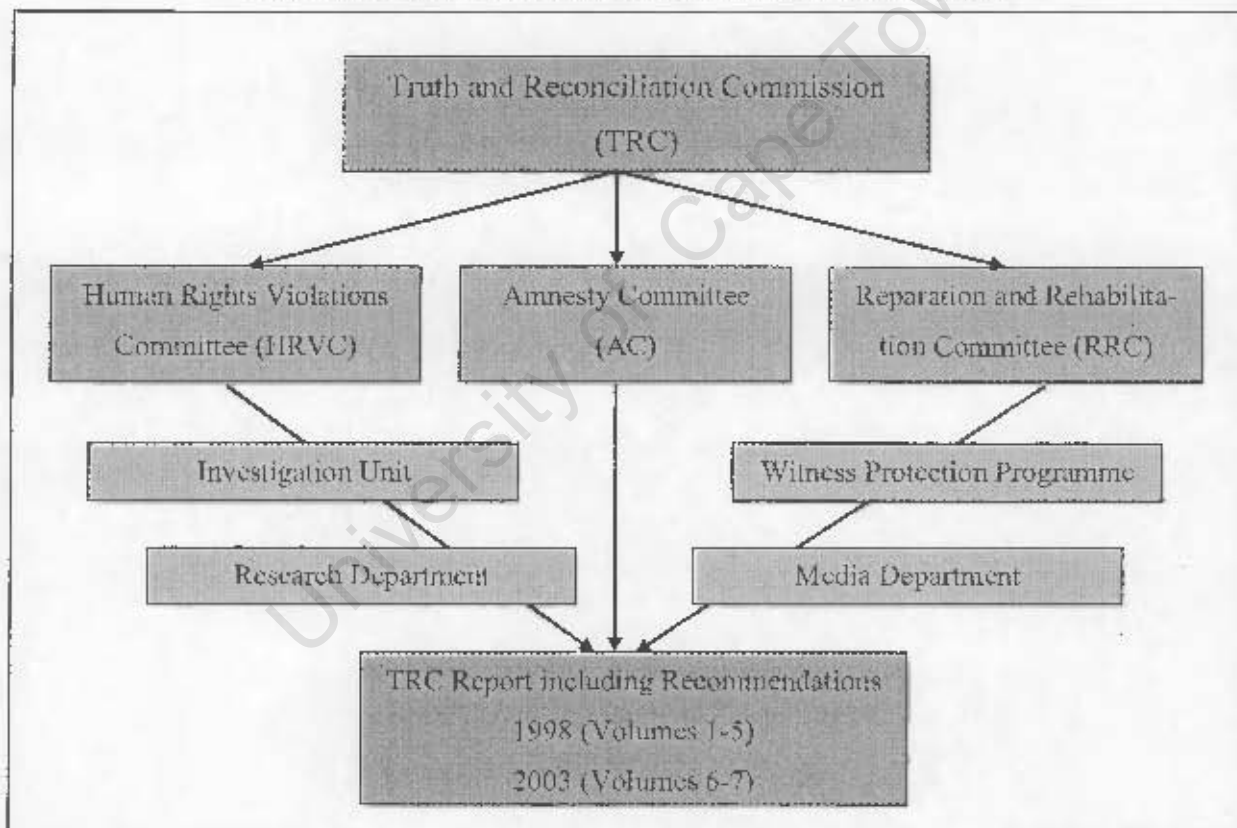
³⁹¹ TRC. 1998. *TRC Report*, Vol. 1, pp. 106-109.

³⁹² The TRC's 1995-1996 budget was R 61,900,205; the 1997-1998 budget R 73,292,943; the 1998-1999 budget R 57,943,587 and the 1999-2000 budget R 46,591,536. TRC. 2003. *TRC Report*, Vol. 6, pp. 758, 766 and 776.

nesburg, the TRC was the largest truth commission set up thus far.³⁹³ A decentralised approach was chosen as the *modus operandi* for the Commission due to South Africa's size and the uneven distribution of its population. The regional offices were designed to reduce logistical problems associated with the holding of hearings, with the statement taking and with the conducting of investigations over an extremely large area.³⁹⁴

For achieving the task assigned to the Commission, the TRC Act provided for the full-time employment of 17 commissioners and the establishment of three separate and yet interconnected committees: the Human Rights Violations Committee (HRVC); the Amnesty Committee (AC); and the Reparations and Rehabilitation Committee (RRC). In addition to that, a special Investigation Unit and a Research Department were formed and a Witness Protection Programme was set up (see figure 4).

Figure 4: South Africa's Truth and Reconciliation Commission³⁹⁵



Following a public nomination and selection process the 17 commissioners were appointed by Nelson Mandela, in consultation with his multi-party cabinet, on 15 December 1995. Archbishop Desmond Tutu was appointed as Chair of the Commission and Alex Boraine as

³⁹³ Hayner, P.B. 2001. *op.cit.*, p. 41.

³⁹⁴ TRC. 1998. *op.cit.*, Vol. 1, Ch. 6, p. 137.

³⁹⁵ Adapted from Langa, M. et al. 2000. *Das Schweigen gebrochen*, p. 338.

Vice-Chairperson. The TRC Report states that the Commission was concerned with appointing additional members on the committees who reflected the life experience of all South Africans – black and white, men and women, urban and rural.³⁹⁶

The *Human Rights Violation Committee's (HRVC)* primary function was to gather information from victims in order to establish as complete a picture as possible of past human rights abuses. This was done through the conduct of public hearings for victims and survivors and included the task of defining whether those who came to testify fell under the category of victims according to the TRC Act (i.e. whether they were eligible for reparations).³⁹⁷

The TRC Act required that in addition to TRC commissioners judges be appointed to the *Amnesty Committee (AC)*. Furthermore, the Committee reported directly to the President, not to the Commission, giving it a different position in the overall TRC structure than the other two committees had. The Committee was tasked to consider individual amnesty applications. In order to qualify for amnesty two basic preconditions had to be met: the crime had to be committed with a political objective and the applicant had to provide full disclosure of the act for which amnesty was sought.³⁹⁸ The AC could either make a decision on the basis of the written submission or, in addition, call a hearing in which the applicants and the witnesses were called to testify. In cases of gross human rights violations the committee was compelled to hold a public hearing. At these hearings victims and their lawyers had the right to oppose the amnesty application, question the applicant and offer their evidence.³⁹⁹ The AC heard amnesty applications until May 2001.⁴⁰⁰ Of the 7112 applications which the AC received, 5392 applications were refused amnesty. 849 applicants were granted amnesty and 248 decisions were still outstanding at the end of 2000. In addition, some cases were withdrawn or represented duplications.⁴⁰¹

Those who were classified as victims by the HRVC were referred to the *Reparation and Rehabilitation Committee (RRC)*, where they could apply for interim reparations. The RRC was charged with developing a policy for urgent interim relief and long-term reparations. Its members were mostly medical doctors and mental health care professionals. However, the committee did not have the authority to implement measures but could only make recommendations to the president regarding how to restore the civil and human dignity of victims. The

³⁹⁶ TRC. 1998. op.cit., Vol. 1, Ch. 6, p. 138.

³⁹⁷ TRC Act. 1995. op.cit., Ch. 3, Sections 12-15, pp. 187-188.

³⁹⁸ Ibid., Ch. 4, Section 20(1), p. 189.

³⁹⁹ van der Merwe, H. 1999. op.cit., p. 188.

⁴⁰⁰ TRC. 2003. op.cit., Vol. 6, Section 1, p. 1

⁴⁰¹ TRC. 2000. "Summary of Amnesty Decisions, 1.11.2000", <http://www.doj.gov.za/trc/amntrans/index.htm>.

president was then to give effect to particular policies through parliament.⁴⁰²

In addition to the three committees the TRC Act provided for the establishment of an *Investigation Unit*. Headed by a commissioner, it carried out investigations, subpoenaed people who appeared before the TRC and had the authority to seize or retain any evidence or objects relevant to the investigation.⁴⁰³ It consisted of 60 local investigators, drawn from the police service, the legal profession and human rights organisations. The *Witness Protection Programme* was established to protect those who wished to testify before the Commission and were as a result in some form of danger.⁴⁰⁴

In addition to the above mentioned committees as well as the Investigation Unit and the Witness Protection Programme, a Research and a Media Department were established by the Commission. The *Research Department* was closely associated to the HRVC, while the *Media Department* was set up to promote the openness and transparency of the TRC process.

4.2 Investigating Political Violence and Promoting Reconciliation

The NPA has previously been described as a major achievement in terms of the containment of political violence that threatened to derail South Africa's political negotiation process and thus paved the way for the advent of democracy. Similarly, the establishment of the TRC, despite having been considered as a risky undertaking by some, represented a major breakthrough towards the consolidation of democracy. By linking truth-finding exercises to the reconciliation enterprise the TRC tried to break with a prior regime of official denial and promoted the healing of a nation within the framework of democracy. How exactly this was done is explored in this section, which provides an overview of the Commission's work and studies the actual TRC process and its final product, the TRC Report, in respect to its objective of reconciliation.

To date, the South African TRC has been the largest and most ambitious truth commission in its depth and breadth of scope. The TRC assembled for the first time on 16 December 1995. This day was later to become Reconciliation Day, a public holiday in South Africa. Initially intended to last for a period of 18 months (plus three months for reporting), its mandate was eventually increased by six months and the commission was anticipated to end its task in December 1997. However, it soon became clear that a further time extension was nec-

⁴⁰² TRC Act. 1995. op.cit., Ch. 5, Section 25, 27, pp. 190-191.

⁴⁰³ Ibid., p. 191-192.

⁴⁰⁴ Ibid., p. 194.

essary. The mandate of the TRC was ultimately extended to June 1998 and the first five volumes of the interim report were handed over to President Nelson Mandela on 29 October 1998.⁴⁰⁵ Volumes six and seven were handed over to President Thabo Mbeki in March 2003. This delay was caused by the fact that, due to the high numbers of amnesty applications, the AC had to continue with its work until 2000.

Du Toit summarises the TRC “as an ambitious project with multiple mandates and objectives, a complex internal structure and a complicated history. The TRC’s truth-finding enterprise has been highly debated and comprehensively documented. Instead of trying to capture all the arguments raised, this study selectively focuses on those accounts that are considered as most illuminating regarding the promotion of reconciliation in the TRC context. These are: Wilson (2001a and 2001b), du Toit (2003b), Hayner (2000 and 2001), Villa-Vicencio (2000) and Boraine (2000).

4.2.1 The Nature of the Political Violence investigated by the TRC

The human rights violations that the TRC investigated included the killing, abduction, torture or severe ill-treatment of any person as well as any attempt, conspiracy, incitement, instigation, command, or procurement to commit any of the acts mentioned above.⁴⁰⁶ By focussing on this relatively narrow interpretation of human rights violations, the TRC sidelined the more routine, indirect and structural human rights abuses that were permitted by apartheid laws, such as detention without trial, forced removals and the policy of ‘Bantu’ education⁴⁰⁷. The TRC Act’s decision to understand human rights abuses narrowly as overt abuses was based on the argument that the Commission would neither have the lifespan nor the resources to implement a broadly constituted interpretation.⁴⁰⁸

Richard Wilson argues that the exclusion of routine abuses – human rights violations that were ‘normal’ under apartheid – “created a false distinction between the normative aspects of a racial authoritarian order and illegal forms of violent coercion, when in fact one implied the

⁴⁰⁵ Huyse, L. 2001. “Dealing with the Past in South Africa” in Reychler, L. & Pfaffenholz, T. Peacebuilding, p. 359.

⁴⁰⁶ TRC Act. 1995. op.cit., Ch. 6, Section 1(1)(xi), p. 184.

⁴⁰⁷ On the basis of a separation of educational facilities the policy of Bantu education meant a deeply inferior teaching quality for ‘black’ children compared to that of their ‘white’ counterparts. Prime Minister Hendrik Verwoerd stated: “The school must equip the Bantu to meet the demands that the economic life will impose on him [...] What is the use of teaching a Bantu child mathematics when it cannot use it in practice? [...] Education must train and teach people in accordance with their opportunities in life.” TRC. 1998. op.cit., Vol. 1, Ch. 4, p. 62.

⁴⁰⁸ Ibid., p. 60.

other.”⁴⁰⁹ Making use of Mahmood Mamdani’s distinction between criminal and social justice⁴¹⁰ he argues that because of its narrow, individualistic and legalistic view the TRC obstructed a wider search for social justice, which Mamdani understands as implying redistribution measures to the previously excluded groups.⁴¹¹

As illustrated further on in this chapter, I consider the TRC’s narrow focus on gross human rights violations, and thus on victims and perpetrators in particular, as having been at the core of the Commission’s failure to address the role played by collaborators, bystanders and beneficiaries of the system apartheid, preventing it from achieving distributive or social justice. Having taken into consideration that addressing the more systemic forms of human rights abuses that were part of the system of apartheid was beyond the scope of the Commission’s mandate it is, however, argued that the TRC could have made recommendations for the establishment of mechanisms suitable for aiding Mamdani’s social justice.

4.2.2 The Overall TRC Process

The multiple objectives and the complex mandate of the TRC required different processes of dealing with the human rights violations of the past. The TRC Report states that the Commission’s work evolved through three broadly overlapping phases, which were nonetheless distinct. The phases, defined in the TRC Report as the hearings phase, the statements phase and the amnesty phase led to a shift in the Commission’s focus over time, from a “narrowly framed victim-orientated conception of the TRC process to a perpetrator-focused quasi-legal approach”⁴¹².

In contrast to the TRC Report du Toit refers to five stages as having made up the TRC process. This difference is partly due to the fact that he studies the process not only from the point in time when the first hearing was conducted but includes the discussion process that preceded the passing of the founding legislation of the TRC. In addition he combines the statements phase and the hearings phase and points to the drafting of the TRC Report as a final stage, which the TRC does not consider as a separate phase.

Du Toit argues that different sets of agents became involved in the various phases of the process and located the Commission’s objectives of truth and reconciliation in different fram-

⁴⁰⁹ Wilson, R.A. 2001a. “Justice and Legitimacy in the South African Transition” in Baharona de Brito, A. et al. *The Politics of Memory*. p. 207.

⁴¹⁰ See section 1.3.4.

⁴¹¹ Wilson, R.A. 2001a. op.cit., p. 207.

ing narratives.⁴¹³ The phases as well as the actors involved and the reconciliation narratives promoted by them are outlined below.

During the *preparatory stage* the *political dimension* of reconciliation was promoted primarily at the elite level, by those involved in negotiating the political settlement. They understood reconciliation in terms of a master narrative of nation-building necessary to overcome the conflict and division of the past.

During the *early stages* the work of the Commission was promoted by a major information campaign, in which the *religious and therapeutic dimension* of reconciliation, symbolised in the notions of 'healing' and 'forgiveness', dominated. This dimension of reconciliation was promoted by the Commission's chairperson Archbishop Desmond Tutu along with other religious leaders and commissioners from the counselling professions.

The *victims' hearings*, which followed the statement taking phase, provided victims from diverse local and communal settings with a public space to *tell their own stories* with dignity and to have their suffering officially acknowledged. While the victim's hearings did provide for some degree of closure and intrapersonal reconciliation or healing on an individual level, du Toit argues that this stage also reinforced the demand for retributive justice and punishment in the face of the sustained revelation of human rights abuses.

During the later *quasi-judicial and adversarial procedures* of the *amnesty hearings* the legal dimension of reconciliation took centre stage. At that stage the focus of the Commission shifted from acknowledging truth as a means of reconciliation to guaranteeing the procedural rights of those applying for amnesty. But apart from that, the amnesty hearings did in some cases represent a continuation of the personal healing processes and promoted forgiveness and interpersonal reconciliation.⁴¹⁴

The final stage of the TRC process was framed by the objective of making *victim and perpetrator findings*. It led to a redirection of the Commission's focus from the mere stories of victims to a systematic processing of data for publication in the Commission's *final report*.⁴¹⁵ The first five volumes of the TRC's final report made up 3500 pages. They provided a general overview of the Commission's work (Volume 1); presented findings on gross violations of human rights committed by various actors, inside and outside South Africa (Volume 2);

⁴¹³ du Toit, A. 2003b. op.cit., p. 10.

⁴¹⁴ Ndanganini Phaswana, for example, expressed that intrapersonal reconciliation or healing when he stated: "Telling your story is therapeutic. For me that is a healing process. That amnesty was not granted and that the commissioners believed me, sealed my healing process." Authors notes. Conference in Berlin 2000.

⁴¹⁵ du Toit, A. 2003b. op.cit., p. 10. Volume 7 of the TRC Report contains nearly 1000 pages of individualised victims' findings. TRC. 2003. op.cit., Vol. 7.

introduced the work of the Regional Offices (Volume 3); presented the findings of the institutional and special hearings (Volume 4) and made provisional victims' findings (Volume 5). The later two Volumes, 6 and 7, presented the report of the AC, the RRC and the HRVC. They further made recommendations and presented the final victims' findings.⁴¹⁶

While du Toit's differentiation of stages, provide an insightful view of the overall TRC process, I propose that another stage needs to be added. My suggestion is based on the observation that du Toit's stages only refer to two of the three functions of the TRC outlined above – the investigative function and the therapeutic function. As the TRC also had a compensatory function, a stage following the publication of the TRC Report should refer to the recommendations made by the RRC in terms of reparations and in terms of how the initiated reconciliation process could be taken forward by government and society. In this stage reference could be made to Mamdani's notion of social reconciliation and South Africa's lack of sufficient engagement with the socio-economic legacy of apartheid.

After having outlined the overall TRC process the following section pays particular attention to the hearings phase as this is the phase that recorded human rights violations committed in the past and had greatest relevance for the promotion of reconciliation.

4.2.3 The Hearings' Phase

The HRVC was the most public of the three committees. It was often marked by emotional confrontations between victims and perpetrators. Most victims' initial contact with the TRC was through the statement takers in the HRVC. Their task was to listen and to record the stories of victims that came forward to testify. Victims that gave statements were asked whether they would be prepared to testify in public.⁴¹⁷ In addition, the Commission considered how people's stories reflected the violence and experiences in a particular community before inviting specific people for public testimony.⁴¹⁸ Altogether the Commission took testimony from over 21,290 victims and witnesses out of whom 19,050 were classified as victims of gross human rights violations. About 2,000 victims appeared at public hearings.⁴¹⁹

The media coverage of the Commission's hearings was intense. Four hours of hearings were broadcast live over national radio each day and a Truth Commission Special Report was

⁴¹⁶ TRC. 1998, 2003. op.cit., Vol. 1-7.

⁴¹⁷ van der Merwe, H. 1999. op.cit., p. 188.

⁴¹⁸ Wildschut, G., TRC Commissioner, interviewed by author on 29.03.2004.

⁴¹⁹ TRC. 2003. op.cit., Vol. 7, p. 1.

screened on SABC TV on Sunday evenings.⁴²⁰

Cognisant of the fact that it had side-lined the structural violence embedded in the everyday lives of South Africans under apartheid through its central focus on gross human rights violations as defined in the TRC Act, i.e. on overt political violence, the Commission organised a number of 'institutional hearings' to address that deficit to some extent. They focussed on assessing the degree to which different social sectors provided an environment conducive to the flourishing of human rights violations. 'Institutional hearings' of this kind were held for business and labour as well as for religious, legal, health, media and prison communities.⁴²¹

In an ethnographic study of the quest for reconciliation in the TRC process Richard Wilson investigated the human rights violations hearings in detail and described them as having a progressive structure with four predictable chronological stages. He concluded that, while these victims' hearings initially concentrated on particular testimonies, the subsequent stages of the hearings moved from the level of the individual towards the collective and the nation, and then finally returned to the individual level in order to facilitate forgiveness and reconciliation.⁴²²

Wilson named stage one that of '*recognising and collectivising suffering*' and argued that this was characterised by an appreciation of the evidence brought forward by the witnesses and by sympathy expressed for them. As earlier indicated the cases for public testimony had been selected in such a way that they could be representative of particular communities. After the pain and suffering of individuals was acknowledged, the testimonies were then relocated into a national context as the TRC highlighted the universal aspects of suffering under apartheid. This amounted to a process of collectivising the suffering and to show that individual suffering was not unique but instead was shared by others. In this way, according to Wilson, the Commission was "constructing a new political identity, that of a 'national victim', a new South African self which included the dimensions of suffering and oppression"⁴²³. This collectivisation of individual suffering to become part of a national narrative of reconciliation did not go uncontested. Wilson observes that, even though the provision of acknowledgement for past suffering was considered as being of great importance by some victims, others opposed the collectivising attempt of the TRC. He suggests that those in opposition did not favour the idea that their individual story was taken out of its particular context to be taken up

⁴²⁰ Hayner, P.B. 2001. op.cit., p. 42.

⁴²¹ Wilson, R.A. 2001a. op.cit., pp. 207-208 and TRC. 1998. op.cit., Vol. 4.

⁴²² Wilson, R.A. 2001b. op.cit., p. 111.

⁴²³ Ibid.

in an exemplified version in the larger national reconciliation narrative.⁴²⁴

Wilson describes that in stage two, which he refers to as that of '*morally equalising suffering*', commissioners attempted to highlight that all victims' pain was equal, regardless of class or racial categorisation or religious or political affiliation.⁴²⁵ He argues that at this stage suffering was equalised in an attempt to depoliticise the past; controversially this implied that the moral distinction between actions committed as part of the just war against apartheid and those committed in the name of the apartheid regime was not considered relevant for the purposes of the HCVR hearings. According to Wilson this attempt at moral equalisation contradicted the Commission's tendency, in other contexts, to valorise suffering in terms of its contribution to 'liberation'. Wilson thus described the Commission as having juggled two contradictory positions: one, which upheld the ideal of the neutrality of suffering and the other, which gave special place to the suffering that occurred in the struggle against apartheid.⁴²⁶ Such 'moral equalisation' of victims' suffering provided for a general acknowledgement and considered the suffering of all victims as equally tragic. While the Commission was by statute obliged to treat all testimonies equally without discrimination of any kind, it did not take a 'morally neutral' stand. Instead the Commission differentiated between violations committed by those defending apartheid and those committed to its eradication.⁴²⁷

A moral differentiation between the human rights violations of the past happened, according to Wilson, only in stage three by embracing the just war thesis. He termed this stage that of '*liberation and sacrifice*'.⁴²⁸ The Commission's report states that the system of apartheid was itself a crime against humanity under international law and that those who fought against apartheid were thus clearly fighting for a just cause. Those who sought to uphold and sustain apartheid could thus not be morally equated with those who sought to remove or oppose it.⁴²⁹ Wilson notes that, in this third phase, the suffering experienced by victims and survivors was placed in the context of the liberation struggle and the message conveyed was that people had not died in vain but for the liberation of the nation. He further argues that in this stage a clear link between religious interpretations of suffering emphasising sacrifice and martyrdom and a

⁴²⁴ Wilson, R.A. 2001b. op.cit., p. 111.

⁴²⁵ Antjie Krog regards the equalising of suffering as one of the main achievements of the TRC in building a non-racial human rights culture. She writes: "The TRC was so important because it left aside the criterion of race. It signalled: grief and pain, horror and solitude do not have a skin colour – they are the same universally." in *Die Zeit* 52/2000. p. 15. Translation by author.

⁴²⁶ Wilson, R.A. 2001b. op.cit., pp. 111-114.

⁴²⁷ TRC. 1998. op.cit., Vol. 1, Ch. 4, p. 65.

⁴²⁸ Wilson, R.A. 2001b. op.cit., p. 114.

⁴²⁹ TRC. 1998. op.cit., Vol. 1, Ch. 4, p. 67.

more secular liberation narrative, with the imagery of national heroes, was forged.⁴³⁰ Some degree of memorialisation of sacrifice in a nation-building context took place during the hearings, for example, through the emphasis that was placed on celebrating each mother that came before the TRC as a 'mother of the nation', with the nation being defined by a history of suffering and sacrifice.⁴³¹ This later became institutionalised in various ways, for example, through the public holiday on 16 December – the Day of Reconciliation – or most recently in the opening of the 'Freedom Park' in Johannesburg.⁴³²

The final stage, named that of '*redemption through forsaking revenge*' by Wilson, was, in his view, based on the belief that testifying in the HCVR hearings would 'heal wounds' and smooth over victims' resentments. He comments that the Commission sought to confirm that, once individual suffering had been valorised by being linked to a national process of liberation, it would be possible to urge victims to forgive perpetrators and abandon any desire for retaliation. And he notes that it was also assumed that individuals giving testimony had the power to forgive on behalf of whole families and communities.⁴³³ Even though this approach of the Commission caused some controversy among observers and victims, as not all victims were ready to forgive and forsake revenge, some victims were ready to forgive.⁴³⁴

In sum, it can be argued that through its public hearings of human rights violations the TRC recognised and collectivised suffering by acknowledging the equal tragedy of human suffering independent of where it occurred. However, it did thereafter make a moral differentiation between suffering caused by the system of apartheid and suffering caused in the fight against apartheid. The Commission further highlighted that people did not die in vain but for the liberation of the South African nation. Even though the Commission aimed at promoting forgiveness and reconciliation it did not promote forgetting and thus advocated processes of memorialisation. Finally, it tried to prepare and encourage victims to abandon intentions of revenge and to forgive perpetrators.

⁴³⁰ Wilson, R.A. 2001b. op.cit., pp. 114-115.

⁴³¹ Ibid., p. 116.

⁴³² Ibid., p. 115.

⁴³³ Ibid., p. 119.

⁴³⁴ Chapter 9 of Volume 5 of the TRC Report documents some remarkable cases of willingness by victims to forgive their perpetrators and to contribute to the restoration of their humanity. Cynthia Ngewu, whose son was killed in by the police in an incident that became known as the 'Gugulethu Seven' killing, for example said: "We do not want to see people suffer in the same way that we did suffer, and we did not want to see our families to have suffered. We do not want to return the suffering that was imposed upon us. [...] We would like to see peace in this country. [...] I think that all South Africans should be committed to the idea of re-accepting these people back into the community. We do not want to return the evil that perpetrators committed to the nation. We want to demonstrate humanness towards them, so that they in turn may restore their own humanity." TRC. 1998.

4.3 Assessing the TRC

Having outlined the legal foundations, the mandate, the process and the product of the TRC, this section assesses the TRC's contribution to building peace and democracy through promoting national unity and reconciliation. From the outset, the Commission defined itself as contributing towards laying the foundations on which national unity and reconciliation could be built. When reconciliation is understood as a sequential process rather than an end product then the TRC deserves credit for having been a facilitator of the process of reconciliation (even if it could not deliver the end product of a reconciled nation/society). John de Gruchy points out that the TRC has been "a catalyst for the healing of the past and enabled at least some people to experience forgiveness and reconciliation in the present"⁴³⁵.

Before this section assesses the TRC's contribution to the promotion of reconciliation, it focuses on some of the TRC's primary functions. It assesses the work of the hearings phase and the product of the TRC's work – the TRC Report. As a prelude to this assessment, the section outlines the distinctive features making the South African TRC an unique truth-seeking enterprise in international comparison.

4.3.1 Distinctive Features

As highlighted before, the South African attempt to move away from its repressive past to a more peaceful and democratic future where former opponents could live together was influenced by similar experiences in other countries having undergone transitions towards democracy. However, South Africa's chosen way into the future had some unique features that are important to mention. Priscilla Hayner summarises these as the powers vested in the Commission, such as its power to grant amnesty to individual perpetrators, its subpoena power and its broad search and seizure powers; the quality of its public hearings; the manner in which the terms of the Commissions were crafted and the overriding focus on reconciliation.⁴³⁶

André du Toit highlights the democratic and public character of the Commission as an especially distinctive feature, referring to the fact that the Commission was established on the basis of prior public debate and as a Parliamentary- and not a Presidential-Commission. He adds that the extensive media coverage allowed for a full public view of the TRC process, and ascribes more importance to the process than to the actual product – the final report of the

op.cit., Vol.5, Ch. 9, pp. 366-367.

⁴³⁵ de Gruchy, J.W. 2002. op.cit., p. 28.

⁴³⁶ Hayner, P.B. 2000. "Same Species, Different Animal" in Villa-Vicencio, C. & Verwoerd, W. *Looking Back Reaching Forward*, p. 37.

Commission.⁴³⁷ The media department of the TRC further helped to generate public debate on central aspects of South Africa's past and raised the level of historical awareness. In contrast, in many other commissions, such as in the Chilean example, the eventual product was of greater importance than the process. Du Toit also highlights the combination of victims' hearings with individualised amnesties for perpetrators based on full disclosure as a 'novel and distinct synthesis' of the TRC. He emphasises that it "combine[s] the acknowledgement of truth (for victims) and disclosure (by perpetrators) with the minimal requirements of accountability and justice"⁴³⁸.

In her more detailed discussion, Hayner mentions the sectoral and institution-focused hearings, which involved bigger bodies, such as the churches, the press, the medical establishment and the business sector as another distinctive feature of the TRC.⁴³⁹ Richard Wilson refers to the concept of *ubuntu*, which became a key political and legal notion in the immediate post-apartheid period through its use in the Preamble of the Interim Constitution, as another unique feature of the South African TRC. *Ubuntu* is an expression of common humanity based upon reciprocity, respect for human dignity, community cohesion and solidarity.⁴⁴⁰ Based on that understanding, the notion of *ubuntu* promotes the rejection of revenge for past atrocities in favour of humanitarian solidarity and reconciliation. In the TRC's final report *ubuntu* was linked to restorative justice and seen as encompassing forgiveness and reconciliation.⁴⁴¹ In terms of our earlier distinction between a minimal and a maximal sense of reconciliation⁴⁴², the emphasis on the concept of *ubuntu* is an indication that the TRC conceived reconciliation in a maximal sense. Wilson argues that the notion of *ubuntu* was used to "connect rights and reconciliation to nation-building through an appeal to Africanist ideas of unity and community"⁴⁴³.

As it aimed at national unity and reconciliation in a political as well as a theological, a psycho-social and an interpersonal sense, the South African truth-seeking enterprise can clearly be distinguished from other truth commissions, which have generally been regarded as more legal, technical or historical investigations.⁴⁴⁴

⁴³⁷ du Toit, A. 2003b. op.cit., p. 7.

⁴³⁸ Ibid., p. 8.

⁴³⁹ Hayner, P.B. 2000. op.cit., pp. 37-39.

⁴⁴⁰ Wilson, R.A. 2001b. op.cit., p. 9.

⁴⁴¹ TRC. 1998. op.cit., Vol. 5, Ch. 9.

⁴⁴² See section 1.3.3.

⁴⁴³ Wilson, R.A. 2001b. op.cit., p. 11.

⁴⁴⁴ Hayner, P.B. 2000. op.cit., p. 41.

4.3.2 The Process

While the TRC process comprised different phases, attention is here primarily directed at the HRVC hearings phase. Chapter 9 of the final volume of the interim TRC Report presents primary material taken from the TRC hearings, which provides valuable insights into the reality of the TRC's work regarding the promotion of reconciliation.⁴⁴⁵ The first part of the chapter focuses on the restoration of the human dignity of victims as well as that of perpetrators, and documents the healing potential of storytelling (Wilson's stage one). Individuals who had been part of the process clearly expressed relief and comfort as well as some measure of freedom and closure, while others raised concerns that open wounds had been left gaping, that full justice had not been done and that the Commission's recommendations took too long to be implemented.⁴⁴⁶ The chapter further documents how the Commission helped to decriminalise actions committed during the liberation struggle (Wilson's stage three), how it restored trust where people were falsely accused of having been spies or informers, and how it helped people to find disappeared loved ones or to locate the bones of those who died in the conflict.⁴⁴⁷ Thereafter the report draws attention to the issues of forgiveness, apologies and acknowledgement (Wilson's stage four). It documents some remarkable evidence of a willingness to forgive as well as qualified and unqualified apologies offered for acts of commission or omission, from e.g. former Defence Force members, UDF leaders, churches, business and professional associations. The report further documents instances where the Commission directly facilitated the beginning of the complex reconciliation process.⁴⁴⁸

The overall process can thus be summarised as involving a number of sequential steps, each trying to meet different 'social needs'. The social needs that form components of reconciliation were introduced in section 1.3.4. The first of these social needs identified as necessary components of reconciliation were articulated as that of *truth and healing*. It has been widely asserted that knowing the truth about the past is necessary for reconciliation to take place. In South Africa this has been the fundamental belief on which the TRC was established. But the fundamental assumption that truth is the way to reconciliation is contestable – as Priscilla Hayner rightly argues, even knowing the specific truth about one's own case of suffering will not necessarily lead to a victim's reconciliation with his or her perpetrators.⁴⁴⁹

⁴⁴⁵ TRC. 1998. op.cit., Vol. 5, Ch. 9.

⁴⁴⁶ Ibid., pp. 351-356.

⁴⁴⁷ Ibid., pp. 356-366.

⁴⁴⁸ Ibid., pp. 382-400.

⁴⁴⁹ Hayner, P.B. 2001. op.cit., p. 155.

The South African TRC sought to uncover the truth about the country's past in different ways. The TRC Report differentiates between four different kinds of truth which guided the Commission's work: (1) *factual or forensic truth*, which implies bringing to light factual evidence; (2) *personal or narrative truth*, which refers to the individual truth of victims and perpetrators; (3) *social truth*, which is established through interaction, discussion and debate and (4) *healing or restorative truth*, which repairs the damage done in the past and prevents further recurrences in the future.⁴⁵⁰ While the forensic or factual truth established by the TRC reduced the number of formidable lies about apartheid, to speak in Michael Ignatieff's terms, and thus generated knowledge, the latter three forms represented more "constitutive truths". As the report of the TRC showed, healing can take place when people are allowed to "tell their own stories" (i.e. in terms of narrative truth) and the human dignity of individuals can be affirmed when social truth is established. The healing or restorative truth provides official acknowledgement of the victim's pain. While the TRC in some cases directly promoted forgiveness and reconciliation, Brandon Hamber criticises the construction of the TRC hearings as rituals that actually over-simplified the complex psychological processes at work during a healing process and masked psychological problems which then surfaced at a later stage.⁴⁵¹ The Commission, in my view, also fell short of providing follow-up support for those who had decided to open up old wounds.⁴⁵²

Secondly, van der Merwe highlighted *justice and security* as 'social needs' of importance for the promotion of reconciliation. While security was to some extent established, as the TRC together with the new legal framework helped to ensure that past abuses would not be repeated, the dimension of justice was, in my view, not sufficiently addressed by the TRC. Making use of Rama Mani's distinction between legal justice, rectificatory justice, and distributive justice⁴⁵³ it can be argued that legal justice was established in South Africa during the "peace process" and that some measure of rectificatory justice was provided through the TRC in the form of monetary reparations and non-monetary reparations (e.g. through public processes of commemoration and debates on key issues of dealing with the past). However, the sphere of distributive justice was not addressed through the TRC process. While achieving distributive justice was not part of the TRC's mandate, the nexus between rectificatory

⁴⁵⁰ TRC. 1998. op.cit., Vol. 5. Vol. 1, pp. 111-114.

⁴⁵¹ Hamber, B. quoted in Wilson, R.A. 2001b. op.cit., p. 121.

⁴⁵² I believe the Commission could have established a stronger network with NGOs, such as the Institute for the Healing of Memories in Cape Town or the Programme for the Survivors of Violence in Durban to facilitate a deeper healing process.

⁴⁵³ See section 1.1.3. and Mani, R. 2002. *Beyond Retribution*, pp. 5-6.

and distributive justice should not be overlooked. This nexus is at the core of Mahmood Mamdani's distinction between political and social reconciliation. Apart from questioning whether the disclosure of truth ultimately leads to reconciliation or whether truth-telling might not actually fuel the demand for retributive justice⁴⁵⁴, Mamdani advocates that a distinction should also be made between "whose truth" and "which truth" is told. His question relates to whether the focus is on perpetrators, or on beneficiaries, with the former fuelling the demand for justice as *criminal justice* and the later promoting a shift to the notion of *social justice*.⁴⁵⁵ The distinction between perpetrator and beneficiary as well as between victims as minority and victims as majority brings him back to the distinction between political reconciliation (limited to a political elite) and social reconciliation (reaching out to ordinary members of society). He considers political reconciliation as a *prerequisite* to social reconciliation and argues that political reconciliation will not be durable without social reconciliation.⁴⁵⁶

The social understanding of reconciliation was sidelined by the TRC, as its mandate was to investigate the overt gross human rights violations that took place between 1960 and 1994 but not the routine and systemic human rights abuses present in the system of apartheid. As argued before, the TRC thus largely avoided addressing the systemic aspects of apartheid oppression. In addition, by focussing on the promotion of reconciliation between perpetrators of gross violations of human rights and victims of such crimes, the Commission largely failed to deal with the roles played by collaborators, bystanders and beneficiaries.⁴⁵⁷ Apart from the Commission's 'sectoral hearings', which drew attention to the more covert forms of human rights abuses and experimented with ways of including broader issues of collective complicity into the process, the legacy of structural violence created through apartheid was not addressed.

As it was not the specific mandate of the TRC to address the legacy of structural violence or of more covert human rights abuses, I do not regard this as a direct failure of the TRC. However, I do think that the TRC could have made recommendations in terms of establishing mechanisms suitable to aid Mani's distributive justice or Mamdani's social justice. The largely sidelined dimension of distributive or social justice will, in my view, continue to play a crucial role in shaping South Africa's future. This is because addressing the socio-economic

⁴⁵⁴ Fanie du Toit argues that truth did not fatally jeopardise reconciliation but instead provided a necessary albeit painful step towards creating deeper understanding from which reconciliation in the long run can only stand to benefit. du Toit, F. 2003. *Learning to Live Together: Practices of Social Reconciliation*, pp. 45-46.

⁴⁵⁵ See section 1.3.3. and Mamdani, M. 1998. *When does Reconciliation turn into a Denial of Justice?*, p. 13.

⁴⁵⁶ *Ibid.*, p. 14.

⁴⁵⁷ du Toit, A. 2003b. *op.cit.*, p. 11.

deficit area is a precondition for achieving a sustainable system change.⁴⁵⁸

4.3.3 The Product

In addition to the TRC's contributions to reconciliation illustrated in its report, the report also documented the TRC's investigative role. It documented findings on the majority of cases brought forward to the Commission and stated the names of perpetrators in hundreds of cases. This presented a qualitative difference to, for example, the Argentine and Chilean truth commissions, which did not name perpetrators.⁴⁵⁹ However, while this is recognised as having been a great achievement in comparison to other commissions, André du Toit points out that the perpetrator findings of the TRC Report achieved the opposite to a closure of the past, as they opened up new debates, especially between the Commission and the ANC.⁴⁶⁰

Some people have criticised the TRC for having selected mainly well-known cases out of the roughly 20,000 victims' applications for its hearings and for having primarily focused on established political groups. In a similar light it has been questioned whether the TRC Report presents a representative balance of the pain and suffering experienced during apartheid. While criticism in terms of the TRC's selection procedure of cases for public testimony might be justified in some areas, it needs to be noted, however, that the report did not attempt to harmonise the competing versions of the past so as to come up with one truth, the 'truth' about apartheid, but instead presented various views. The TRC's truth-finding exercise did thus not establish a coherent historical account of the past or the 'one' truth about apartheid but broke the regime of denial and reduced the number of formidable lies.⁴⁶¹ The report consequently left many questions unanswered.

However, in a sense the incompleteness of the TRC's 'truth-finding' operation should, in my view, be regarded as strength rather than weakness. In that way "the past remains an argument"⁴⁶² and thus allows for continued debate about South Africa's troubled history. While the absence of producing 'the' truth about apartheid and the TRC's undefined understanding of reconciliation are often regarded as one of the central faults of the TRC, they are here seen as having been functional in facilitating a social space where constructive dialogue between

⁴⁵⁸ See section 1.1.3. While policies of redress, such as Affirmative Action Black Empowerment, have been established to address historical disadvantages in South Africa, they have, in my view, not reached those people who needed distributive justice most – the many that are living in abject poverty at the base of society.

⁴⁵⁹ Wilson, R.A. 2001b. op.cit., p. 21.

⁴⁶⁰ du Toit, A. 2003b. op.cit., p. 10.

⁴⁶¹ Posel, D. & Simpson, G. 2002. "The Power of the Truth" in Posel, D. & Simpson, G. (ed.). *Commissioning the Past*, pp. 11-12.

⁴⁶² Ignatieff, M. quoted in *ibid.*, p. 13.

adversaries became possible. A culture of open debate and constructive dialogue in turn is seen as contributing to the establishment of political tolerance and thus a new political culture, which is in the long run conducive to furthering the process of democratisation.

To conclude, the TRC has been a crucial catalyst for dealing with the past and seeking a way into the future. To speak with Mamdani's words, the TRC showed that reconciliation is possible, but it remains to be seen what the long-term changes in concrete social practices and discourses will be. It is thus only time that will show whether political reconciliation in South Africa can be made durable through the advancement of social reconciliation.

4.3.4 The Promotion of Reconciliation

As highlighted before, the TRC aimed at reconciling the people of South Africa in order to pursue national unity. This was to be achieved by giving victims a chance to tell their story and through the granting of conditional amnesty for perpetrators. Looking at these different objectives, as well as at du Toit's analysis of the whole TRC process and Wilson's detailed study of the hearings phase, it can be concluded that the TRC embraced different dimensions of reconciliation, which made the Commission neither a strictly legal, political, nor a religious institution. Instead, different dimensions of reconciliation dominated at different points in time depending on the actors that were driving the process. While these different dimensions often stood in tension with each other, they eventually helped to start a comprehensive reconciliation process by touching on the legal, the political and the social sphere.

It is here argued that the TRC process was dominated by two different senses of reconciliation which represented different dimensions – the minimal sense and the maximal sense. The minimal sense of reconciliation can be equated with the political need to ensure at least 'negative' peace, while the maximal sense of reconciliation incorporates the theological and interpersonal dimensions and is aimed at the achievement of 'positive' peace. These senses were promoted by different people and at different points in time.

Some representatives of the HRVC (providing the intellectual leadership for the three committees) and members from the TRC's research unit promoted the political dimension of reconciliation.⁴⁶³ They rejected an individually oriented notion of reconciliation and advocated a more abstract, collective nation-building endeavour. They argued that it was the nation that was to be reconciled with its collective past as opposed to individuals that had to be

⁴⁶³ Wilson defines this dimension as "the mandarin intellectual narrative of reconciliation". Wilson, R.A. 2001b. op.cit., p. 106.

reconciled. This form of reconciliation was considered to emerge “through listening to all sides of the conflict without bias, and discovering the truth through investigations and making perpetrator findings”⁴⁶⁴. Promoters of this dimension regarded the disclosure of truth as providing the basis for peaceful co-existence, which would provide the substrate from which forgiveness and national reconciliation were later to grow.⁴⁶⁵

In contrast to this minimal sense of reconciliation, the maximal sense, made up by the theological and interpersonal dimension, defined reconciliation as “a common good, characterised by confession, forgiveness, redemption, and the exclusion of vengeance”⁴⁶⁶. The act of truth-telling was in this context understood as containing the healing power which could transform bitterness and revenge.

As indicated earlier, the minimal sense of reconciliation had particular relevance in the initial phase of the TRC, when the political nation-building discourse was promoted, while the maximal sense of reconciliation was promoted during the early phase and throughout the hearings phase. In these phases Archbishop Desmond Tutu and commissioners from the caring professions encouraged an emotional catharsis rather than the mere unearthing of information. Reconciliation between individuals within the nation was regarded by the promoters of the maximal sense of reconciliation as a precondition for the reconciliation of the nation.⁴⁶⁷

While the maximal sense was the more distant goal that South Africans aspired to, it was indicated earlier that the TRC Report, due to the difficulty of achieving true reconciliation, regarded the minimal sense of reconciliation in the form of peaceful or non-violent coexistence as the more realistic goal.⁴⁶⁸ Richard Wilson refers to the interconnectedness of the two senses of reconciliation by concluding that the TRC understood reconciliation as “a quasi-religious term that became a guiding principle for new rituals of civic nationalism”⁴⁶⁹.

The emphasis on the theological dimension of reconciliation within the Commission sometimes seemed to overlook that forgiveness, healing and reconciliation are deeply personal processes, and that each person’s needs and reactions to peacebuilding and truth-telling are different. Yet, it was this dimension, which in the end greatly influenced the way South African’s understand reconciliation, leading to a situation where 23% of South Africans today

⁴⁶⁴ Wilson, R.A. 2001b. op.cit., p. 108.

⁴⁶⁵ Ibid.

⁴⁶⁶ Ibid., p. 109.

⁴⁶⁷ Ibid., p. 110.

⁴⁶⁸ TRC. 1998. op.cit., Vol. 5, pp. 392-400.

⁴⁶⁹ Wilson, R.A. 2001b. op.cit., p. 98.

attribute the notion of forgiveness to the concept of reconciliation.⁴⁷⁰

However, as South Africa remains faced by various challenges, such as deep socio-economic inequalities, past and present estrangement and racial prejudice, maximal reconciliation is far from being achieved. The initiated process needs to be advanced across all levels of society and the legacy of structural violence needs to be addressed to further the process national and social reconciliation.

While reconciliation (in its minimal as well as its maximal sense) is an important goal to aspire to, it should, in my view, also be borne in mind that genuine reconciliation does not mean the obliteration of difference and diversity. Instead it has to do with the recovery of a national identity that at the same time accommodates multiple cultural or other identities that build bridges rather than reinforce divisions. The attempt to construct a common South African identity within which other sub-identities are recognised and respected is at the heart of the quest for national reconciliation in today's South Africa.⁴⁷¹

4.4 Summary

After the NPA had contributed significantly to the containment of the violence of the transition and secured the holding of free and fair founding elections of South Africa's democratic dispensation, it soon became clear that South Africa needed more than a foundation for democracy to provide the basis for a different future. Transforming South Africa's deep-seated conflict required uncovering past human rights violations and acknowledging the worth and dignity of victims as well as the establishment of a new moral order and dealing with the economic and social legacy of apartheid.

While all three options available to successor regimes in terms of how to deal with crimes committed in the past were discussed in South Africa (trials/purges; amnesty/amnesia; truth commissions), the truth commission model eventually gained majority support. The decision to initiate a truth commission is often considered as an attempt to restore moral equilibrium to the amnesty process, which was secured through the Postamble of the Interim Constitution

⁴⁷⁰ A research survey undertaken by the Institute for Justice and Reconciliation mirrors that the TRC contributed decisively to the way South Africans understand reconciliation. The research examined the meanings and associations that South Africans themselves attribute to the concept of reconciliation by means of a nationally representative survey and found that the most frequently ventured answer was forgiveness (23%). It was followed by unity (16%), peace (13%) and racial integration (10%). After these essentially forward-looking meanings expressing desirable end-states of unity, peace and racial integration the next largest response category was forgetting about the past (9%), which was followed by co-operation (5%), dealing with the past (5%) and dealing with difference (5%). Lombard, K. 2003. *Revisiting Reconciliation: The People's View*, p. 6.

⁴⁷¹ de Gruchy, J. 2002. op.cit., pp. 30-31.

which stated 'amnesty shall be granted'. After a long consultative process and inputs from civil society as well as from political parties the founding legislation for the TRC was passed in July 1995.

Being created to promote a new political order, a culture of human rights and the concept of restorative justice under the over-riding objective of national unity and reconciliation, the South African Truth and Reconciliation Commission (TRC) contributed significantly to the sustainability of South Africa's initiated transition. The TRC was envisaged as a national project for dealing with the deep rooted conflict that shaped South Africa's past through the investigation of gross violations of human rights and the consideration of amnesty applications. It was conceived as part of the bridge building process between South Africa's deeply divided past and a future founded on the recognition of human rights and democracy. As such, it provided both perpetrators and victims with the opportunity to face the past and its consequences and tried to pave the way for a new, common start. Having established three committees, a Human Rights Violations Committee, an Amnesty Committee and a Reparations and Rehabilitation Committee, the Commission was mandated to fulfil three functions: an investigative function, a therapeutic function and a compensatory function.⁴⁷² National unity and reconciliation were understood as intended secondary outcomes that were to follow from the other activities of the Commission. The Postamble of the Interim Constitution of 1993 stated that the *people of South Africa* are to be reconciled for the *pursuit of national unity*, the well-being of all South African citizens and peace and that reconciliation is to be achieved through the granting of *amnesty* in a spirit of *ubuntu* and understanding for politically motivated acts in the period mandated for investigations. The TRC Act of 1995 indicated that the term national unity was to imply the opposite to the conflict and division of the past. This chapter concluded that reconciliation in the context of the TRC was understood a) politically as the pursuit of national unity, which necessitated the construction of a new national identity, and the creation of a human rights culture and b) theologically and psycho-socially as a process of national healing linked to forgiveness and c) interpersonally as reconciliation between victims and perpetrators.

Assessing the TRC and its contribution to building peace and democracy through addressing political violence of the past and promoting national unity and reconciliation required considering that the Commission from the outset defined itself merely as contributing towards laying the foundation on which national unity and reconciliation could be built.

⁴⁷² Adam, H. 1999. op.cit., p. 143.

In sum, the chapter argued that the TRC has been a crucial catalyst for dealing with and healing of the past and for seeking a way into the future. This is despite the difficulties that the TRC faced during its lifespan and despite its narrow focus on overt gross human rights violation, such as the killing, abduction, torture or severe ill treatment of others, sidelining the more covert abuses present in the system of apartheid. The Commission did not establish 'one' truth about apartheid but it broke the regime of denial and reduced the number of formidable lies. Further, it made forgiveness and reconciliation possible in some cases and facilitated a social space allowing for constructive dialogue between adversaries, which promoted the establishment of a new political culture.

To speak with Mamdani's words, the TRC showed that reconciliation is possible. But as South Africa continues to be faced by impediments to reconciliation such as deep socio-economic inequalities, past and present estrangement and racial prejudice, it remains to be seen what the long-term changes in concrete social practices and discourses will be. It is thus only time that will show, whether political reconciliation in South Africa is made durable through social reconciliation.

CHAPTER FIVE

I don't think there could have been integration between the two structures, but there might have been a very useful link where the TRC might have said, "We will have our public hearing where a peace accord structure is" and would have seen it as something that can contribute to local reconciliation and where a public hearing could have been followed through by peace accord structures. So that [...] there would have been a forum where people can address issues in a more sustainable way.

Hugo van der Merwe, in interview with author, 09.03.2004.

5 LINKING THE "PEACE AND TRUTH PROCESSES" IN SOUTH AFRICA

This study has so far provided an account of the background to the South African conflict and highlighted the role that political violence played during the transition to democracy. It has described the NPA, driving the "peace process", as an attempt to contain the political violence of the transition in a 'negative' peace so that the process of political-constitutional negotiations could proceed. It has further illustrated how the TRC, in shaping the "truth process", tried to promote national unity and reconciliation by means of investigating gross human rights violations of the past. On this basis, the "processes of peace and truth" that shaped South Africa's transition, will now be studied in relation to each other. With reference to the question raised in the introduction – whether the extensive networks of local peace committees established through the NPA could have been a valuable resource for the subsequent TRC – this chapter investigates: a) whether the NPA and the TRC were historically linked and b) whether a link between them would have been practicable and could have been useful. These two questions shaping the main object of this study – an assessment of the relation between the "peace process" and the "truth process" – emerged from the observation that the TRC is often criticised for having failed to effectively relocate the exemplary interpersonal reconciliation processes, which it initiated at a national level, into local communities so as to promote more comprehensive processes of social reconciliation or community reconciliation.⁴⁷³ An assessment of the relation between the "processes of peace and truth" thus requires

⁴⁷³ See for example: van der Merwe, H. 1999. *The Truth and Reconciliation Commission and Community Reconciliation: An Analysis of Competing Strategies and Conceptualisations*, p. 559; van der Merwe, H. 2002. "National Narrative versus Local Truths: The Truth and Reconciliation Commission's Engagement with Duduza" in Posel, D. & Simpson, G. *Commissioning the Past. Understanding South Africa's Truth and Reconciliation Commission*, p. 206; Walza, N. 2000. "Insufficient Healing and Reparation" in Villa-Vicencio, C. & Verwoerd,

a historical account as well as a counter-factual investigation. The chapter starts off by describing the South African context of 1994-1995, a period marked by the cessation of the NPA structures and the simultaneous advent of the "truth process" with the preparation and launching of the TRC. It then proceeds to raise the prospect of a possible linkage between the two processes at that time and presents the views and arguments of some interviewees in this regard. Continuing with the issue at hand and on the basis of the earlier assessments of the NPA and the TRC, this chapter studies the "peace process" and the "truth process" against the theoretical background outlined in Chapter 1. Finally, it outlines some lessons that the South African transition provides for democratisation specialists and peacebuilders, in terms of a conceptual linkage between "processes of peace and truth".

The discussion forming the second part of this chapter is largely based on four interviews with scholar-practitioners⁴⁷⁴ involved either in the "peace process" or the "truth process". While other suitable interviewees were identified, this study had to limit itself to practitioners residing in the Cape Town Metropolitan area.⁴⁷⁵ Two of the four interviewees had been official members of NPA structures, while the other two had been officially and unofficially involved, respectively, in the TRC process.⁴⁷⁶

Peter Gastrow, Director of the Institute for Security Studies (ISS) and formerly a member of the NPC and the NPS and Andries Odendaal, Manager of the Africa Programme at the Centre for Conflict Resolution (CCR) and formerly the regional co-ordinator for the Southern Cape and the Karoo region on the Western Cape Regional Peace Committee, were selected to provide information on the "peace process". Amongst other things, I asked them whether a linkage between the NPA structures and the TRC process would in their view have been possible and if they thought that it could have increased the TRC's impact.

Hugo van der Merwe, Manager of the Centre for the Study of Violence and Reconciliation's (CSVR's) Cape Town office and the Project Manager of CSVR's Transition and Reconciliation Unit, who worked alongside the TRC as a researcher with a very strong advocacy

W. *Looking Back Reaching Forward*, p. 251; du Toit, F. 2003. *Learning to Live Together: Practices of Social Reconciliation*, p. 139; Wilson, R. 2001b. *The Politics of Truth and Reconciliation in South Africa: Legitimising the Post-Apartheid State*, p. 227.

⁴⁷⁴ I am making use of this terminology here, because I classify my interview partners as generally falling into the category of researchers that have a strong practice link. However, out of the four interviewees some have a stronger research focus while others fall more into the category of practitioners.

⁴⁷⁵ Additional interviewees of relevance with whom I would have liked to talk are: Theuns Eloff (Vice-Chancellor of the University of North-West) who was a driving force in the designing process of the NPA and Richard Lyster (Legal Resources Centre Pietermaritzburg) who, as indicated by Glenda Wildschut, made extensive use of the former peace accord structures in KwaZulu-Natal during the TRC process.

⁴⁷⁶ In addition to these interviews a comparison of the NPA's and the TRC's staffing lists could have proved to be a valuable resource in terms of an identification of people having been involved in both processes.

agenda and Glenda Wildschut, former TRC commissioner in the Reparations and Rehabilitation Committee with primary responsibility for the Northern Cape were selected to provide information on the “truth process”. I also asked them whether they believed that a linkage between the NPA structures and the TRC process would have been possible and useful.⁴⁷⁷

As it is apparent that four interviews based on guiding questions constitute a small resource base that will not generate robust evidence on the relationship between the “peace process” and the “truth process”, it needs to be highlighted that the findings presented are considered as indicating a provisional view that could be followed up in further research. I opted for this research methodology, notwithstanding its very limited nature (particularly regarding the historical question), for two reasons: Firstly, more comprehensive and in-depth research was beyond the scope of this study as a mini-dissertation. Secondly, the lack of any literature on the topic forced me to undertake my own investigation. The arguments brought forward by the interviewees and presented in the following discussion should thus not be understood as proving whether a link between the NPA structures and the TRC process existed in reality, but rather taken as an indication of such an interplay. This consequently leaves open the possibility that a more rigorous and in-depth analysis of the relationship between the peace “peace process” and the “truth process” could provide a different picture. Further the interviewees’ viewpoints on the practicality and usefulness of a formal relationship between “processes of peace and truth” is used as the starting point for the theoretical discussion that is to follow. Due to the limited nature of the applied research methodology the present study is only intended to provide a provisional survey of some relevant issues regarding possible linkages between the “peace and truth processes”.

5.1 The Transitional Context of 1994/1995

For answering the historical question regarding a linkage between the “peace process” and the “truth process”, both of these need to be considered in one timeframe. In addition, the transitional context of 1994-1995 needs to be studied more closely. This section describes the cessation, in 1994, of the NPA structures set up to contain the political violence that endangered the democratic transition and raises and investigates the impact of the termination of structures on the “truth process”, which was simultaneously launched and envisaged as a means to address South Africa’s conflictual past. It then outlines factors resulting from the transitional context, which complicated and precluded a substantial link between the NPA and the TRC.

⁴⁷⁷ The guiding questions of the interviews are documented in the appendix.

5.1.1 The Cessation of the NPA Structures

As illustrated in Chapter 3, the NPA structures mainly functioned as crisis management mechanisms during the transition phase and as such contributed to the establishment of 'negative' peace. This was because more ambitious and complex peacebuilding undertakings were hardly possible in the midst of violent confrontations. After the elections were held without the occurrence of major incidents of violence, many argued, when the future of the NPA structures in the post-election period was discussed, that the felt need for peace committees as crisis management mechanisms had ceased.⁴⁷⁸ Other developments reinforced this transitional trend. The peace committees at the same time suffered from financial shortages, as the NPS was often forced to overspend its budget to meet unexpected and unforeseen needs that the election preparations had demanded. Consequently, in order to continue their operations peace committees at all levels needed immediate provision of funds to continue their work. In a statement at the time aimed at motivating continuing government support for the peace committees Senator James Selfe highlighted the strengths and advantages of the peace committees. He said:

The peace committees enjoy credibility because they are very broadly representative of all shades of opinion and all interest groups within the community, and because they operate on the basis of consensus. What has happened in some of those peace committee areas is nothing less than miraculous in the sense that deeply divided communities have been drawn together and have been able to restore peace in hitherto war-torn communities. [...] Considering the number of people involved, the structures are relatively cheap. Most of the people serve as volunteers, and in the process, we have drawn more than 7,000 people into 263 peace committees nationwide. These committees, in turn, can draw on the resources of 18,000 trained monitors throughout the length and breadth of the country.⁴⁷⁹

Despite the recognised successes of the peace committees and the relatively low costs involved in maintaining its structures, as illustrated in chapter three and summarised in Selfe's statement, the National Assembly decided in November 1994 not to renew funding for the NPS and the peace committees. At the same time it repealed the Peace Institutions Act of 1992. The government argued that under the new democratic dispensation the problems addressed in by the peace committees could be dealt with through the new and legitimate democratic structures, such as the structures that the Reconstruction and Development Programme (RDP) provided for. At the time, few people spoke out against the government's decision to discontinue the NPC or questioned whether it was really in the communities' best

⁴⁷⁸ Shaw, M. 1997. *South Africa's Other War: Understanding and Resolving Political Violence in KwaZulu-Natal (1985-) and the PWV (1990-)*, p. 319.

⁴⁷⁹ Selfe, J. in Hansard (Official Record of Parliament Proceedings), 1 November 1994, p. 331 cited in Camay, P. & Gordon, A. J. n.d. *The National Peace Accord and its Structures*, p. 39.

interest to dismantle existing and, in some cases, well functioning community structures and to replace them with something not yet known and far from being implemented. Instead the government's reasoning that the functions fulfilled by the peace committees would be handled by legitimate government structures was generally accepted.⁴⁸⁰ Due to the discontinuation of financial support from the national government it was up to the regional authorities to support the existing regional and local peace committees. However, in the majority of cases, they were too weak to fulfil this task and lacked the resources as well as the skills to sustain the committees. This combination of forces led to the eventual closure of the peace committees in the course of 1994.⁴⁸¹ The KwaZulu-Natal Provincial Legislature forms an exception in this case, as it was the only provincial government that arranged for the continuation of its LPCs.⁴⁸² In contrast to the other regions the issue in KwaZulu-Natal was not whether there should be peace structures but rather which form they should take and how they could be made more effective.⁴⁸³

While some former members of the peace committees were critical of the closure of the NPA structures in the absence of a proper analysis of the local context⁴⁸⁴, Gastrow argues that there was no time for a long-term assessment of the "peace process" after the 1994 elections. He suggests that the challenges lying ahead, such as the transformation of old government departments, the setting up of new departments and the establishment of new provinces, were so immense that the peace accord did not feature any more on the priority list of political leaders. He also emphasises that there was so much enthusiasm in the country to make democracy work that a national debate on the future of the peace accord structures simply did not take place. Gastrow says:

the peace accord structures were necessary at a time when there were no elected representatives and a time when a formula had to be used for their composition because no one could with accuracy say who represented whom, or how strong any particular party was within the population as whole. [...] After the election the government was confident enough that they were able to deal with conflicts.⁴⁸⁵

Andries Odendaal argues that the NPA structures had made use of a unique window of oppor-

⁴⁸⁰ Camay, P. & Gordon, A. J. n.d. op.cit., p. 39.

⁴⁸¹ *The interesting question in terms of my research emerging here is whether the committees still existed during the lifetime of the TRC and whether the commission's Durban office made use of the peace committees. Unfortunately, time constraints made it impossible for me to follow up that question in depth.* The TRC Report did not indicate such a link. It states that the Durban office worked together with NGOs and CBOs involved in providing psychological and legal support and advocacy, and no mention is made of a working relationship with the former peace accord structures. (TRC. 1998. *TRC Report*, Vol. 1, Ch. 12, p. 422)

⁴⁸² Spies, C. 2002. "South Africa's National Peace Accord: Its Structures and Functions" in *Accord*, Issue 13, p. 25.

⁴⁸³ MacGregor, K. 1995. "The Work Continues" in *In the Name of Peace*, p. 31.

⁴⁸⁴ For example Camay and Gordon. Camay, P. & Gordon, A. J. n.d. op.cit., p. 39.

tunity to bring people together and to create a safe space where they could meet and discuss community problems together. The administrative vacuum created during the transition gave them substantial amounts of power at that time and allowed them to bring people together in a way nobody else could.⁴⁸⁶ Yet he notes that “with the normalisation of governance this window of opportunity closed and in the long run government would not have allowed a neutral body by itself to have this sort of power”⁴⁸⁷. He goes on to propose that it was politically unacceptable to extend the lifetime of the peace accord structures after a new legitimate government was elected, as they had taken on a “mediation role” in the difficult transition years. Speaking from his experiences as a professional mediator, he points out that it is uncomfortable for people to have a mediator. He says:

People in management positions feel threatened by mediation because the fact that you have to bring in a mediator is a comment on your management ability. So you are admitting failure. That is how people experience it.⁴⁸⁸

In addition, it needs to be born in mind that many peace committee members became voluntarily involved with the committees primarily to address the immediate threats of violence at local levels. Subsequently their motivation started to fade away once the elections had been held and the threat of political violence had faded.

5.1.2 The Advent of the TRC Process

At the point in time when the peace committees at regional level and local level were at their height, the foundations for the establishment of a truth commission were being prepared. In retrospect as well as in theoretical perspective this must raise the question whether, and to what extent, any linkage between the “peace and truth processes” was attempted or not.

As illustrated in chapter four the provision for the granting of amnesty was already made in the 1993 Interim Constitution. The Interim Constitution had furthermore stated that it was the people of South Africa who were to be reconciled in the pursuit of national unity on the basis that there is a need for understanding but not for vengeance, a need for reparation but

⁴⁸⁵ Gastrow, P. interviewed by author on 05.03.2004.

⁴⁸⁶ Odendaal illustrates the unique window of opportunity that the peace committees used and the substantial amount of powers they had in their day-to-day work by bringing an example from Grabouw, a rural town in the Western Cape. He says that a Grabouw resident was killed by the South African Police in a shooting incidence, leaving the community outraged. In order to prevent an escalation of the crisis Odendaal’s colleague Chris Spies organised a mass community meeting and brought the Police General from the Head Office in Cape Town to explain to the community why the person was shot. “And he came!” Odendaal, A. interviewed by author on 25.03.2004.

⁴⁸⁷ Odendaal, A. interviewed by author on 25.03.2004.

⁴⁸⁸ Ibid.

not for retaliation, a need for ubuntu but not for victimisation.⁴⁸⁹ The particular shape that the South Africa's way of dealing with the past would take was discussed at two conferences that were held in early in 1994. After the 1994 election, at the second of these preparatory conferences, Justice Minister Dullah Omar signalled his intention to establish a Truth and Reconciliation Commission. To my knowledge neither the two conferences⁴⁹⁰ nor Omar's announcement considered a link between the NPA structures and the TRC process.

As the founding process of the TRC stretched over a year, resulting in the passing of the Promotion of National Unity and Reconciliation Act only in July 1995, the notion of a truth commission was still very distant from many South Africans at the time when the peace committees were closed down. Peter Gastrow says:

At that stage newspaper articles and conferences that had raised the issues had not made the concept clear to the majority of South Africans. It was something strange something foreign, something complex, something no one really understood.⁴⁹¹

Since it was unclear after the elections what specific shape the "truth process" would take Gastrow argues that resources could not have been made available to discuss a possible link between the "peace process" and the "truth process". Based on this it could be argued that a direct linkage between the NPA structures and the TRC process might have been possible, if the TRC would have been established right away after the 1994 elections. This, however, would have probably required the establishment of a Presidential- rather than a Parliamentary-Commission, which in turn would most probably have impacted on the nature of the commission in a way that it would have been less conducive to reconciliation and democratisation.

The description of the day-to-day work of the peace committees in chapter 3 indicated that it was initially the peace committee's primary focus on crisis management that disabled them to strategise beyond the crisis and envisage a possible role that they could play in a democratic South Africa. However, as the arguments brought forward in this section illustrate, that it was in the end also the national authorities' inability to adequately value the contribution that the regional and local peace committees had made and to envisage their possible contribu-

⁴⁸⁹ See section 4.1 or Postamble of the Interim Constitution of 1993. "Constitution of the Republic of South Africa, Act 200 of 1993" in Dalton, R. et al. *Juta's Statutes of South Africa*. 1995. Vol. 5, pp. 259-260.

⁴⁹⁰ Alex Boraine's two books documenting the conferences: 'Why deal with the Past?' (Boraine, Alex. et al. (eds.) 1994. *Dealing with the Past: Truth and Reconciliation in South Africa*. Cape Town: Institute for a Democratic South Africa.) and 'The Healing of a Nation?' (Boraine, Alex & Levy, Janet (eds.). 1995. *The Healing of a Nation? Justice in Transition*: Cape Town.) make no mention of discussions about a direct linkage between the NPA structures and the TRC process.

⁴⁹¹ Gastrow, P. interviewed by author on 05.03.2004. Due to time constraints it was impossible in this study to quantify the number of people that were involved in both processes.

tions in the future that lead to the peace committees' closure. In addition, it was argued that the establishment of legitimate and democratically elected structures made the continuation of the peace committees unnecessary after the elections in 1994. As the notion of a truth commission was still relatively distant at the time a direct link between the NPA structures and the TRC process was not considered.

5.2 The "Peace Process" in Relation to the "Truth Process"

The interviewees confirm that a direct linkage between the NPA structures and the TRC was not discussed at the time. They argue that this was the case, because the "peace process" and the "truth process" represented two different processes – driven by different actors, with different agendas and mandates, and different objectives or targets. While the difference between the two processes is illustrated in this section, the processes are still considered as belonging together when considered in a comprehensive framework for building peace and democracy. Their difference is primarily attributed to their particular focus. The "peace process" is considered as being aimed at building 'negative' peace in the political-constitutional dimension, while the "truth process" is understood as aiming for the building 'positive' peace in the psycho-social dimension. That the two processes were not totally separable from each other is illustrated by Glenda Wildschut, who argues that a link between the former peace accord structures and the TRC occurred in particular areas. Speaking from her experience as a TRC commissioner, she points out that people who had formerly been involved in the peace accord structures were in fact often utilised by the TRC to prepare the background documents that commissioners received before going into the communities to hold their public hearings. She adds that some former peace committee members became statement takers and that others worked as briefers, supporting testifying victims emotionally.⁴⁹² Such an informal link between the "processes of peace and truth" is even more strongly evident in the involvement of core actors from the "truth process" in the "peace process". Archbishop Desmond Tutu and Dr Khoza Mgojo, officially appointed TRC Commissioners, were identified as also having been members of the facilitation committee preparing the NPA.⁴⁹³ While having been of importance this link between former peace accord structures and the TRC process is not consid-

⁴⁹² Wildschut, G. interviewed by author on 29.03.2004.

⁴⁹³ van Hoven, L. (ed.). 1993. "Genesis, Structure and Functions" in *Accent on Peace*, p. 10. Further investigation of their particular role in both processes would have been very valuable for this study but unfortunately Archbishop Desmond Tutu was due to overseas teaching commitments not available for an interview and Dr Khoza Mgojo's involvement in both processes was only discovered in the final stages of this study leaving no time for an interview with him.

ered as a substantial and conceptual linkage but as an 'individualistic linkage' that possibly even occurred without a consideration of a theoretical linkage between both processes.

5.2.1 The Actors Driving the Two Processes

Hugo van der Merwe points out that a number of local conflict resolution organisations were directly involved in the establishment of the peace accord structures. They drew on local leadership and people that were already working with the communities on a local level. He argues that the TRC process was in contrast driven by national leadership figures and national NGOs who were drawn in as experts rather than as representatives of communities and represented mainly the legal and the human rights field. In addition, he argues that the people involved in the "truth process" typically came from the religious community or had psychological counselling expertise. There was consequently not much overlap between these individuals and those representing the conflict resolution field.⁴⁹⁴ Andries Odendaal confirmed this distinction in terms of his organisation by saying: "CCR, for example, was very deeply involved in the NPA but not at all involved in the TRC"⁴⁹⁵. In addition it can be pointed out that the TRC, during the time when the founding legislation was established as well as in the aftermath of its functioning, attracted the attention of academics, which was not the case in terms of the "peace process" including, at best, a few scholar practitioners.

While both processes are representative of the role of civil society during South Africa's transition, as civil society actors were in both cases involved in the founding of the processes as well as in their later implementation, civil society's involvement in the "peace process" differed from its involvement in the "truth process" in terms of the point in time at which they intervened. Odendaal points out that the "peace process" was initiated by business and religious leaders and thereafter driven by the political leadership at different levels of society. In contrast, the "truth process" was initiated largely by politicians, with civil society (in the form of national NGOs) only playing a role at the fringes, while making a larger contribution during the implementation phase, driven by actors from the faith community.⁴⁹⁶

In sum, political leaders as well as civil society actors were involved in both processes. However, they made contributions to the respective processes at different points in time. While initiated by business and church leaders, national political leaders drove the early implementation phase of the NPA. Once the network of regional peace committees had been

⁴⁹⁴ van der Merwe, H. interviewed by author on 09.03.2004.

⁴⁹⁵ Odendaal, A. interviewed by author on 25.03.2004.

established, national political leaders got involved in the process of political-constitutional negotiations and had less to do with the day-to-day activities of the peace committees. This may have contributed to the fact that the importance of these local structures was not fully realised at the national level after the 1994 election, making their possible usefulness for the “truth process” less of a consideration. Civil society actors, especially representatives from the church community, having initiated the signing of the NPA played a lesser role in the later phase of the “peace process”. Business leaders however continued their activities throughout the process. Due to the fact that some church communities often only became involved in the hearings phase of the TRC and not in its earlier designing process, I conclude, as a matter of historical fact, that there was no point in time at which the same group of actors was involved in both processes making the possibility that a formal or substantial linkage between both processes would have considered less likely.

5.2.2 The Agendas of the Two Processes

The two processes were not only different because of the different actors that initiated and drove them at different points in time but also because of their different agendas. Andries Odendaal states that “the NPA tried to address the issues of violence and the management of violence whereas the TRC had a completely different focus”⁴⁹⁷ – the promotion of national unity and reconciliation. The “peace process” was marked by relatively focussed activities promoting the containment of violence so that negotiations could continue. This is because the committees, due to the immediacy of the crises with which they were faced, were not able to fulfil their socio-economic reconstruction mandate. The “truth process” in contrast was characterised by a much broader and more complex mandate, which included the investigation of human rights violations of the past, the granting of amnesty, the provision of a platform that allowed victims to tell their own stories in dignity and the provision of reparations. These tasks were to be undertaken under the overall objective of promoting national unity and reconciliation.

Even though the mandates of and the agendas for both processes were decided at the top-level of society both processes were implemented in very different ways. The NPA, agreed upon by the political elite as a means to stop the continually increasing political violence that was threatening the initiated transition process, was translated from the top level down to the

⁴⁹⁶ Odendaal, A. interviewed by author on 25.03.2004.

⁴⁹⁷ Ibid.

local level. This led to a situation where the local leadership was in a position to define the particular agendas of the peace committees for certain localities within the overall mandate of the NPA.⁴⁹⁸ This degree of autonomy is mirrored in the fact that the peace committees throughout the country focussed on different issues, depending on the conflict constellation present in the communities that they represented, with some of them being concerned about facilitating the return of displaced persons, others focussing on the mediation of labour strikes or taxi conflicts and yet others holding conferences.⁴⁹⁹

In contrast, the “truth process” was in the beginning driven by a clear national political agenda and a human rights focus largely from within the ANC. Despite the focus shifting from being victim-focussed to being perpetrator-focused it continued to have a primarily national orientation. However, the agenda of the TRC shifted throughout its life span, which is illustrated in the five stages making up the TRC process that were identified in section 4.2.2. They illustrate that the founding process of the TRC was driven by a national political agenda with a strong human rights focus, while the implementation process was more driven by a theological and psycho-social agenda, evident in the hearings phase. This was followed by the quasi-judicial and adversarial procedures of the amnesty hearings during which the legal imperatives took centre stage.⁵⁰⁰ That the second one became to dominate the process was not only evident in the understanding of reconciliation promoted in South Africa but also in the fact that the recommendations coming out of the TRC process regarding the prevention of future human rights abuses were very weak.

It can further be argued that as a result of their differing agendas the NPA was more of a bottom-up process and the TRC more of a top-down process.⁵⁰¹ The following section illustrates that point further.

5.2.3 The Participants in the Two Processes

In addition to being instituted by different actors, it was illustrated above that the two processes were also shaped by different agendas. With the TRC having a stronger national focus and the NPA a stronger local focus, it was ultimately actors from different levels of society that played a great role during the implementation phase. In the case of the TRC these were nationally elected commissioners and additional staff serving as committee members. In con-

⁴⁹⁸ Gastrow, P. interviewed by author on 05.03.2004.

⁴⁹⁹ See section 3.2.2 and 3.2.3.

⁵⁰⁰ See section 4.2.2.

⁵⁰¹ van der Merwe, H. interviewed by author on 09.03.2004.

trast, in the case of the NPA a larger number of people was involved at regional level and the largest at local level. They belonged to the category of local leadership figures and constituted representatives of the communities within which they were situated. While the TRC directly dealt with individuals from different rural and urban communities throughout the country, who were selected to illustrate the pain and suffering that ordinary South Africans had experienced as a consequence of the human rights violations committed by those holding up the system of apartheid, the peace committees did not so much address issues of relevance to individual citizens but of concern to particular communities. Hugo van der Merwe expresses this as follows:

the truth commission engaged more with people from the community level, “regular” people, while the peace accord structures dealt with local leadership and basically had to set them up as legitimate representatives of the people in the communities. The truth commission took out that level and went straight to individuals and dealt with national political leadership.⁵⁰²

Van der Merwe concludes from the above that the peace committees based their decisions on community consensus, while community leaders did not have a say in how the “truth process” should be structured and how decisions should be made. This links back to the point illustrated earlier – that the peace committees were able to define their specific agendas on the basis of the community needs in the overall framework of the NPA, while the agenda of the TRC remained nationally driven. In addition it needs to be mentioned here that this was not only due to the different mandates which the NPA and the TRC had, but also to the fact that the network of national, regional and local peace committees represented a more stable structure, in place over a longer period of time. By contrast, the TRC constituted more a process than a structure. Its accessibility to communities was limited to a very narrow time span, the time when statements were taken and when the Commission held its public hearings. However, it is here concluded that while the top-down nature of the TRC process might at some points have been problematic, the bottom-up nature of the peace process should also not be over idealised. Both approaches are considered as having their respective place in particular approaches.

5.2.4 A Linkage – Useful and/or Possible?

It can be concluded from the arguments presented above that a formal or substantial linkage between the NPA structures and the TRC process was not discussed by those responsible for

⁵⁰² van der Merwe, H. interviewed by author on 09.03.2004.

designing South Africa's "truth process"⁵⁰³. It has been illustrated: a) that as a matter of historical fact the peace committees were closed down in 1994 – for understandable reasons – and b) that the interviewees in retrospect considered the prospect of a continuation of the NPA structures after the election (with the exception of KZN) as unrealistic. The interviewees however also argued that, given the documented strengths of NPA structures, a link between the "processes of peace and truth" could have been useful. This study follows this argumentation and regards the closure of the peace accord structures as a missed opportunity for more comprehensive peacebuilding activities in the later transition phase. This is because the closure of the peace accord structures is not only understood as having been the result of the advent of a democratic dispensation but also of a lack of sufficient assessment of their contributions and their value at regional and local levels as well as their possible future contributions. The loss is, in my view, evident in the dispersal of the huge amount of human resources that had been created through the peace committees' training programmes. Retrenched peace workers left to find other employment at a point in time when the peace structures were at their height leading to the closure of peace committees that had provided an invaluable resource to communities that needed such an infrastructure most. Having actively assisted the Independent Electoral Commission in election logistics and strongly supported the peace monitors, the peace committees would have been ready to consolidate their activities and turn their attention to addressing the structural causes of conflict.⁵⁰⁴

Peter Gastrow notes that, with hindsight, it is possible to say that the peace accord structures could have played an important role in the "truth process" as there were still unresolved conflicts and not only political conflict, that needed to be dealt with. Thus while the "peace process created a condition of negative peace – forming a pre-requisite to the "truth process" –, it could not have resolved all conflicts, especially because the root causes of South Africa's conflict had not yet been addressed, consequently leading to the re-emergence of overt conflicts. This illustrates that particularly in a condition of 'negative peace', which is necessarily marked by both setbacks and bursts forward the need for sustained efforts at peace creation remains present. Andries Odendaal emphasises that the peace committees as a local or community-based infrastructure constituted a very important resource (as they involved all the major stakeholders of the community in which they operated) which the TRC never had. He

⁵⁰³ Even though I am here stating that there was no direct linkage between the "peace process" and the "truth process", this is a provisional conclusion as detailed evidence from more rigorous in-depth research are beyond the scope of this thesis.

⁵⁰⁴ Spies, C. 2002. *op.cit.*, p. 25.

concludes that if this infrastructure would have stayed in place, it could have significantly contributed to the facilitation of community reconciliation processes.⁵⁰⁵ As illustrated in the introductory quote to this chapter, van der Merwe argues that an integration of the NPA structures into the TRC process would practically not have been possible in South Africa, but that a link between the two structures could have been useful. Taking the discussion away from the South African context to a conceptual level, Odendaal concludes as follows:

If you have a reconciliation process, like the TRC, and you really want to take it to the community level, [then] you can learn from the peace accord structures. They were successful in taking a concept that was agreed upon by the national leadership down to the communities within a fairly short time.[...] If you have structures at community level that take the process forward, you add a lot of value to processes like the TRC process.⁵⁰⁶

While following the preliminary conclusion that in terms of the historical question a continuation of the NPA structures was practically not possible in South Africa, having emerged from the argumentation of the interviewees, it is argued here that the closure of the peace committees in 1994, before the "truth process" got underway, represented a missed opportunity for the fulfilment of the 'positive' task of peacebuilding. An assessment of the possible role that the peace accord structures could have played after the transition should have made a differentiation between the need of having peace accord structures at national level and at local level. In my view, the committees remained of importance at grassroots level where situations had not changed and conflicts did not suddenly disappear despite the fact that elections had taken place and where new structures could not be put in place immediately, even if they did become less necessary at national level. While new legitimate structures were reasonably fast established at national level this process was much more difficult at local level, maybe most evident in the failure of the RDP offices to take ground in local communities, leading to their eventual closure in 1996. By being turned from 'peacemaking committees' at local level into 'peacebuilding committees' with a more comprehensive vision of peace that included development and social justice as well as with sufficiently trained peace workers, the committees could have made a substantial effort to work hand in hand with different segments of civil society promoting a culture of peace and non-violence at the grassroots level.

In my view, both, the experience and qualifications that peace committee members had acquired and the local structures that were established in many communities throughout South Africa could have proved to be good complementary local bodies to the nationally

⁵⁰⁵ Odendaal, A. interviewed by author on 25.03.2004.

⁵⁰⁶ Ibid.

rooted TRC, not only in the psycho-social sphere, by providing victim-offender mediation, counselling and trauma work and healing of memories workshops but also in terms of taking the TRC process forward by promoting socio-economic development. By offering victim-offender mediation, which could have followed the public hearings, if in the interest of the parties involved, the committees could have furthered the process of interpersonal reconciliation promoted by the TRC and transplanted it into the community context. Initiating processes of interpersonal and social or community reconciliation are in this study regarded as being crucial to South Africa's overall process of transformation, as perpetrators and victims often continued to live together in the same communities. Taking the reconciliation process initiated by the TRC to the community level, promoting reconciliation processes alongside the more nationally driven TRC process could have increased the impact of the TRC and made the initiated processes more sustainable, especially because in many areas the peace committees had gained the trust of divided communities in the transition phase.

With the time gap between the closure of the peace accord structures and the full operation of the TRC in the end constituting about two years it was argued above that the transitional context of 1994/1995 did not favour the continuation of the peace accord structures, subsequently making a formal or substantial linkage between the "peace process" and the "truth process" historically impossible in South Africa. Departing from the historical question to a focus on the question whether a substantial linkage between the "peace process" and the "truth process" could have been useful and possible, the interviewees indicated various pre-conditions for a direct linkage between both processes. In addition to financial shortages, political legitimacy issues and the new priority list of government officials stated earlier as presenting challenges to the continuation of the peace accord structures, keeping local people motivated to continue their work on the committees constituted a further challenge. Odendaal thus argues that a direct linkage between the "processes of peace and truth" would have required continued political legitimacy of the peace accord structures and continuous motivation and support from people at the local level. He says:

It would have needed not only the ability of the peace committees working on the ground to see beyond the crisis but it also would have needed the political will of those designing the mechanisms for dealing with the past to say we regard this as a great resource and regard it as possibly being of value for dealing with the past.⁵⁰⁷

Gastrow highlights that a linkage would have required a redefinition of the task of the peace structures and a kind of sunset clause – an extension of their life for a specific time with the

⁵⁰⁷ Odendaal, A. interviewed by author on 25.03.2004.

specific objective of facilitating the work of the TRC in their communities. He argues that in order for that to be possible the NPC itself would have needed to meet once the election had taken place. Gastrow says:

It should have met to say: "Now we had a successful election. Where to now? Should we just abandon the peace accord, should we jointly change its objectives? If so, what should its objectives be?" In such a national peace accord meeting I think one would have addressed as an important aspect to have in local communities locally represented peace committees. You could have even given them another name in order to continue with some of the very good work that happened until then. Not everywhere but in many areas these committees had built up standing and a degree of respect. So that could have been a positive outcome resulting from reflection by the National Peace Committee about the future of the Accord. But that did not happen.⁵⁰⁸

After having highlighted the historical context within which questions about possible linkages between South Africa's "processes of peace and truth" need to be located, it is here preliminarily concluded that a formal/direct or substantial linkage between both processes was not possible in South Africa. In sum, for such a link to occur two things would have needed to happen: First, the strengths and weaknesses of the "peace process" would have needed to be assessed throughout its life span and immediately after the 1994 founding election. Second, the possible role that these structures could have played during the "truth process" would have needed to be considered. Such a future orientation would however have required that a clear understanding of the nature and shape that the "truth process" was to take did already exist. This again was problematic due to the fact that the TRC was established as a parliamentary commission after a relatively long consultative process involving political and civil society actors. If the Commission had been established as a Presidential-Commission right after the elections, a direct link between the "processes of peace and truth" might have been possible but that in turn would have changed the nature of the Commission and possibly undermined many of its strengths, such as openness and transparency and thus limited its ability to promote the process of democratic consolidation.

While not having been directly integrated it was also illustrated that different individuals at various points in time contributed to the advancement of both processes. These were not only individuals officially involved in both processes, like Archbishop Desmond Tutu and Dr Khoza Mgojo, but also 'ordinary' citizens that worked on the LPCs and were later involved in preparing the ground for the TRC's Human Rights Violation's Hearings in particular communities. As it remains impossible here to quantify the degree to which individuals contributed to both processes⁵⁰⁹ it is concluded that only an 'individualistic linkage' between the

⁵⁰⁸ Gastrow, P. interviewed by author on 05.03.2004.

⁵⁰⁹ To investigate the degree to which individuals were further involved in both processes the staffing lists of the

“peace process” and the “truth process” existed. Although not obviously linked, the processes, while having a different focus (the building of ‘negative’ peace versus the building of ‘positive’ peace), are regarded as belonging together, when considered in a conceptual framework for building peace and democracy. This argument is illustrated further in the following section.

5.3 Theoretical Implications of, and Lessons from, South Africa

The previous sections argued that the processes of peace and truth were not directly or substantially linked in South Africa and further illustrated that this was to a great extent due to the historical context of 1994-1995. But it was further argued that a linkage between the “processes of peace and truth” could have proved useful. On the basis of these findings attention is now directed to the theoretical implications that the South African case provides and the general lessons that can be drawn from it in terms of linkages between “processes of peace and truth”.

5.3.1 Theoretical Implications of the South African Transition

Based on the finding that there was no direct link between the NPA structures and the TRC process one could ask the question of whether it was an ‘historical accident’ that South Africa’s “processes of peace and truth” were not linked. Alternatively, could the particularities of South Africa’s transitional context have indicated that peacebuilding and transitional justice processes as part of the overall process of democratic transition actually represent much more complex – and also quite different – processes than outlined in the theoretical introduction in Chapter 1? This implies that they could not simplistically be set in relation to each other. While this is a line of thought worth further investigation, the South African case is, in my view, more an illustration of the fact that even though a link between “peace processes” and “truth processes” is conceptually desirable it is in practice very difficult to set them up as two interlinked and complementary processes. The South African case is here regarded as documenting what was described as a problem of transitional justice – that the transitional justice mechanisms which are morally most desirable are often practically not applicable.⁵¹⁰ I do thus continue to argue that on a conceptual level a link between “processes of peace and truth” is desirable, as such a link can provide a more sustainable basis for the building of

peace committees.

⁵¹⁰ See section 1.3.1.

peace and democracy. In addition, I regard such a linkage as worth considering if other transitional societies opt for managing their transition by means of a “peace process” and a “truth process”. Through a direct relationship between “peace and truth processes”, the overall process of building peace can become a more long-term orientated process of political and social change, linking the ‘negative’ task of peacebuilding – the reduction of direct violence – with the ‘positive’ task of peacebuilding – the rebuilding of relationships. When integrated into a comprehensive process of conflict transformation involving actors from all levels of society the “processes of peace and truth” provide the best basis for a sustainable transformation of violent conflict to constructive social relationships, the advent and consolidation of democratic structures and a change in political culture. The South African case is seen to illustrate that the processes of peacebuilding and those making up democratic transitions do belong together and influence each other because the South African “processes of peace and truth” both contributed to the advancement of ‘peace and democracy’.

The “peace process” was described in Chapter 3 as having characterised the process of ‘negative’ peacebuilding. In addition, it was described as having, together with the concurrently running process of political-constitutional negotiations, contributed to the advancement of the democratisation process within the overall process of democratic transition. Chapter 4 illustrated that the “truth process”, initiated after democracy was founded in South Africa through the first non-racial democratic elections in 1994, could build on the achievements of the “peace process” and consequently directed attention to the processes of ‘positive’ peacebuilding and of democratic consolidation. It is argued here that even though the “processes of peace and truth” had different objectives in terms peace creation: a) ending violent conflict (reducing direct violence) and b) changing destructive, adversarial social relationships (promoting reconciliation) they both had complementary and overlapping objectives when considered in a democratic transition framework. Both, for example, aimed for and contributed to a change in political culture towards more political tolerance. As the “processes of peace and truth” were intertwined but not directly linked, the latter could only to a limited extent benefit from the former. In my view the illustrated strength of the “peace process” at the grassroots level constituted a valuable resource which, if a direct linkage between both processes had occurred, could have increased the impact of the “truth process” on the community level, and thus could have made the overall processes of peacebuilding and democratic transition more sustainable.

It was argued that the “processes of peace and truth” were in practice not directly linked in South Africa because of the historical context of 1994/1995. Moreover, it is noted here that

the absence of a direct link between structures characterising “peace processes” and those characterising “truth processes” in other countries that had previously had undergone transition processes had an impact on the South African transition. Having learnt from the experiences generated elsewhere (the contagion-learning effect) South Africa’s “processes of peace and truth” were designed as much more comprehensive processes than those that had previously existed, making them unique in terms of their mandates, depths and scopes. Previously formal peace agreements had most often been reached through external intervention and seldom led to a comprehensive infrastructure for peacemaking. Similarly, previous truth commissions had focussed primarily on an investigation of the past, leaving aside future orientated objectives such as the promotion of reconciliation. It is here argued that precisely because of the knowledge and know-how in terms of peace creation and transitional justice that was created elsewhere, South Africa was able to design more comprehensive “processes of peace and truth”, while the absence of a direct link between institutions driving “peace processes” and those symbolising “truth processes” in all other previous transitions made it more difficult for South Africans to conceptualise a direct link in practice. This is precisely the area where the South African case can in my view make a contribution to the contagion-learning effect. As South Africa’s “processes of peace and truth” both promoted the building of peace and democracy they showed that peace and truth are conceptually linked, even if it is in a complex way. Furthermore, the fact that both processes had opposing strengths and weaknesses does, in my view, illustrate that “peace processes” and “truth processes”, when located in a common conceptual framework and directly linked in practice, can increase each other’s impact and make the overall transition process more sustainable. Based on the South African experience, I believe that other societies undergoing a democratic transition process and attempting to build peace and democracy by means of a “peace process” and a “truth process” could benefit from conceptualising both processes as being linked and mutually reinforcing and subsequently, by linking their institutions in practice.

As the South African “processes of peace and truth” are by now historical, the question arises whether other countries in transition that shaped their transition process by means of a “peace process” and a “truth process” have actually learnt from the South African experience. In particular the question would be whether they conceptualised the “processes of peace and truth” as belonging together and aimed for their direct linkage in practice or not. If they did not consider them as linked then the question emerges whether it was because the lessons that the South African case, in my view, provides were not spelled out or because they regarded the relation between peace and truth as far more problematic than argued in this study. In

search for answers to these questions, cases like Guatemala and Sierra Leone are worth further investigation.⁵¹¹ Both opted for a way into the future through a peace process and the establishment of a Truth and Reconciliation Commission. Yet, they can only be compared to South Africa with caution as both of them were not to the same degree driven by internal actors but instead at crucial points in time to a far greater extent by external actors.

The reference to internal and external actors during transitional processes points to a further question, that of the 'co-ordinators of peace processes'. After I suggested the location of the "peace and truth processes" in a common framework so as to increase the impact and sustainability of the overall process, the question with reference to the South African case is who would have been capable of co-ordinating such a comprehensive transition process including the narrow "peace process", the process of political-constitutional negotiations and the "truth process". External actors promoting peacebuilding and democratic transition, such as the UN, the World Bank and international NGOs, are relatively well placed to oversee an overall process of building peace and democracy made up by various narrower processes. Yet, while this is their strength they have a very limited understanding of the realities at the grassroots level of a country and are even less able than the leadership at the top-level of any given society to see the day-to-day consequences of the initiated processes. As such external co-ordinators are most likely not to be available in internally driven transition processes, this task has to fall to leaders from within society. In this regard I understand the South African case to confirm Lederach's argument: that middle-level actors are the ones best placed to drive peacebuilding initiatives as they represent a strategic link between the top and the grassroots levels.⁵¹² The important role of middle-actors in South Africa's overall process of peacebuilding and democratic transition is evident in the fact that the "peace process" and the "truth process" were to a large extent initiated by civil society actors. Middle-range actors from various backgrounds (i.e. representing the field of conflict resolution, the psycho-social working area, religious communities and the business sector) were involved in the overall transition process, even though at different points in time. Having been able to initiate the "processes of peace and truth" at times when they were most needed they are considered as being able to advise the political leadership at the top-level on how to structure and design "processes of peace and truth" that are suited to the needs of the majority of the population at

⁵¹¹ The Accord Series constitutes a good resource for the start of such a comparative study. *Accord*, Issue 2. 1997. "Negotiating Rights: The Guatemalan Peace Process" focuses on Guatemala and *Accord*, Issue 10. 2000. "Paying the Price: The Sierra Leone Process" focuses on Sierra Leone.

⁵¹² See section 1.1.2 or Lederach, J.P. 1995. *Building Peace*, p. 34.

grassroots level, as they are able to 'translate' between those at the top and those at the bottom. However, as was also evident in the South African case, particularly in the "peace process" middle range actors do not have sufficient amounts of power to drive complex processes themselves but rely on the will of national political leaders and their ability to understand the reasoning of middle-range actors.

Apart from illustrating that the processes involved in building peace and democracy have complementary and overlapping objectives, South Africa's "processes of peace and truth" are considered as illustrating that the presence of a 'negative' peace is the precondition for a process of building 'positive' peace. With reference to Ramsbotham's differentiation between the 'negative' task of building peace and the 'positive' task of building peace⁵¹³, the South African practical context portrays that while being interlinked the former constitutes a precondition for the latter. It shows that even though it is desirable to have the process of 'negative' peacebuilding running concurrently with the process of 'positive' peacebuilding⁵¹⁴, one is more likely to follow the other in practice. However, it is argued that the former should be undertaken with the conceptual understanding that it constitutes only a first part of the processes of building peace and democracy and that the initiated change processes should be furthered by the latter process. If envisaged in such a comprehensive framework for peacebuilding and democratic transition "truth processes" are understood to be built on "peace processes" and if directly linked in practice they are likely to increase the impact and the sustainability of the overall transition process. It is concluded on the basis of the South African transition that the "processes of peace and truth" do theoretically belong together but that their direct linkage in practice is far more problematic.

5.3.2 Lessons emerging from the South African Transition

Continuing with the above discussion, attention is directed at the particular lessons that the South African transition provides.

Above all the South African transition illustrates that countries can create new "home-grown" approaches to establishing peace and democracy. The NPA and TRC were designed on the basis of experiences generated elsewhere but they were developed further to meet the particular needs of South African society.

⁵¹³ See section 1.1.2.

⁵¹⁴ See Rama Mani's arguments in section 1.1.2. She argues that peacebuilding has to achieve its objectives of 'negative' and 'positive' peace simultaneously in order to be sustainable.

In terms of the *NPA* South Africa showed that “peace processes” can combine national political needs with local needs of the majority of the population. The peace structures were established on the recognition that violence showed its impact most severely at the local level and that it needed to be addressed there if violence was to be contained. Apart from focussing on the local needs of the population the South African “peace process” also showed that the population at local level represents a great resource, most evident in the 7,000 volunteers that at the height of crisis decided to work with rather than against one another on the peace committees.

In terms of the *TRC* South Africa showed that backward looking investigations of past human rights abuses can be linked to forward looking processes promoting national unity and reconciliation. However, due to its complex mandate the *TRC* also showed that one cannot sufficiently deal with the past in two years.

Furthermore, South Africa indicated that existing models are important to study but that they are not universally applicable. Models of “peace and truth processes” can not simply be transplanted but need to meet the local needs and should benefit from the available local resources. South Africa influenced the *‘Zeitgeist’* regarding transitional justice mechanisms by linking different mechanisms in a way in which they had not been previously linked. By introducing the concept of reconciliation in connection with the truth commission model and by establishing peace structures on all levels of society South Africa made contributions to the *contagion-learning effect*, by providing new knowledge and know-how that political leaders in other countries attempting to shape their transition by means of a “peace process” and a “truth process” can build on.

In the absence of traditions of political tolerance and democracy due to a long history of violent conflict and the oppressive use of state power prior to it, South Africa’s transition to democracy was challenged by a continuous increase in political violence. In this situation South Africa’s “peace process” as well as the process of political-constitutional negotiations, revealed the value of negotiation as a conflict resolution and peacemaking mechanism. Once the peace accord structures had taken ground they contributed to the building of ‘negative’ peace at grassroots level as well as to political peace between political antagonists at the top level. They further increased the capacity of South Africans to transcend their conflictual past. While the *TRC* created unrealistic expectations amongst victims and fell short of addressing the local needs of citizens, it did reveal the value of truth commissions as a way of

‘negative’ and ‘positive’ peace simultaneously in order to be sustainable.

relationship building by promoting reconciliation between estranged citizens. As such it contributed to the building of 'positive' and social peace.

Moreover, the South African example bears evidence for the importance of evaluation mechanisms. It showed that timely evaluations of peacebuilding or democratisation instruments could significantly contribute to the establishment of more comprehensive and long-term orientated processes. It indicated that once the mandate of one mechanism ends, it is advisable to assess its work not only in terms of its successes and failures but also in terms of the future contributions that it could possibly make to the advancement of building sustainable peace and democracy in the society concerned.

University of Cape Town

CONCLUSION

In a world that with the advent of the new millennium has not become less marked by conflict but instead continues to be characterised by internal strife plaguing societies across the globe, discussions on how peace and democracy can best be built have not lost their significance. On the contrary, with more and more countries opting to find a way out of their conflictual past into a future founded on the recognition of human rights and democratic principles by means of a “peace process” and a “truth process”, considering cases, like South Africa, that were relatively successful in transforming their underlying political conflicts allowing for the advancement and the consolidation of peace and democracy is of great relevance.

With South Africa’s third elections in 2004 just having been held freely and fairly, reconfirming people’s trust in the ANC but also signalling continuous support for opposition parties, the country finds itself in the latter phase of a remarkable transition. While South Africa is today celebrating the consolidation of peace and democracy this study illustrated that the process of democratic transition in South Africa has not been without its own problems. It emphasised that the process of political-constitutional negotiations was threatened by a dramatic increase in political violence in the earlier phase of the transition, following the events of February 1990. But it also illustrated how the transition to democracy was eventually facilitated by the concerted efforts of South Africa’s “peace process” and the concurrently running process of political-constitutional negotiations. Furthermore the study documented how the country’s “truth process” contributed to the advancement of reconciliation between members of this historically starkly divided society, which in turn promoted the consolidation of peace and democracy in South Africa.

The South African National Peace Accord, instituted in the crucial transition period between 1990 and 1994, was at the heart of the country’s “peace process” and was described as having significantly contributed to the containment of political violence so that the concurrently running process of political-constitutional negotiations could be advanced. Through the NPA, not only political leaders but also labour unions, churches, business, traditional leaders and other civil society structures as well as ‘ordinary’ community members began to play a role in South Africa’s transition. The use of negotiation and mediation as a means of conflict resolution opened up channels of communication between former enemies, decreased mistrust between political antagonists and helped to create a condition of ‘negative’ peace at the base of society allowing national political leaders to engage in negotiations and decide on the political future of South Africa. These negotiations culminated in the passing of a progressive

Interim Constitution in 1993 and the first non-racial democratic elections in 1994, which consequently provided the basis for the establishment of new political, economic and social institutions. But the provision of human rights, the establishment of democratic institutions and the initiation of a change in political culture did not in themselves provide the basis for the consolidation of peace and democracy. In an attempt to further the democratisation process and to provide the foundation for national unity and reconciliation, South Africa addressed human rights violations committed in the past in the second phase of its transition by means of a Truth and Reconciliation Commission. Representing an innovative solution to the problem of transitional justice and an attempt to promote social peace between estranged citizens, the in 1995 established Commission, constituted a first vehicle, an initiator of a national reconciliation process. As such it achieved to establish reconciliation between South Africans in a minimal sense – peaceful co-existence. However, by having largely been unable to achieve reconciliation between community members at the local level of society, reconciliation in a maximal sense remains to be a goal that South Africans need to continue to aim for.

This study pointed out that the NPA and the TRC had different strengths and weaknesses. Based on this observation it posed the question of whether the extensive network of local peace committees, established through the NPA, could not have been a valuable resource for the TRC so as to transplant the process of reconciliation that it initiated at national level into communities at local level. With this question in mind it investigated: a) whether historically a direct link between the institutions of the NPA and the TRC existed and/or was ever considered and b) whether such a link would have been theoretically useful. It suggested on the basis of the South African case that a link between “processes of peace and truth” is conceptually desirable as it can provide a more sustainable basis for the building of peace and democracy. However, it also noted that achieving such a link in practice might be difficult and problematic. The study argued that through a direct link between “peace and truth processes” the overall process of building peace and democracy can become a more long-term orientated process of political and social change, linking the ‘negative’ task of peacebuilding (the reduction of direct violence) with the ‘positive’ task of peacebuilding (the rebuilding of relationships). It is suggested that such a link would further promote the advancement of the democratic consolidation process. Located into a comprehensive process of conflict transformation involving actors from all levels of society the “processes of peace and truth” were seen as providing the best basis for a sustainable transformation of violent conflict to constructive social relationships, the advent and consolidation of democratic structures and a change in political culture. Departing from there it was argued that such a linkage is worth considering if

other transitional societies opt for managing their transition by means of a "peace process" and a "truth process". Furthermore, actors from the middle level of society were identified as being most suited to take on the task of co-ordinating comprehensive internally driven social and political change processes, directly linking the "processes of peace and truth".

It is concluded that the "processes of peace and truth" in South Africa made a very substantial contribution to the building of peace and democracy in the country. As the "processes of peace and truth" were in this study not classified as an end product but instead as being dynamic political and social change processes, South Africa, while finding itself in the consolidation phase of peace and democracy, needs to continue with the change processes, initiated in February 1990, particularly in the social sphere. Due to its complex nature the process of building peace and democracy simply cannot be achieved in a decade. Issues not addressed by the "processes of peace and truth", like the long legacy of structural violence and injustices having been the outcome of the pervasive system of apartheid that deeply affected all spheres of people's lives, need to remain government's priority in today's South Africa so that wider processes of social transformation can be advanced. In addition, continuous collective efforts from society are needed to transform the "miracle" of the transition into a lasting and stable peace and democracy. The future of South Africa's 'maximal' reconciliation process rests, in my view, on the promotion of interpersonal and community reconciliation as well as on the promotion of social justice.

In order to further the process of learning to live together South Africans will need to continue to cross the historic bridge between a deeply divided society characterised by strife, conflict, untold suffering and injustice and a future founded on the recognition of human rights, democracy, peaceful co-existence and development opportunities referred to in the Interim Constitution of 1993. They need to continue crossing the historic bridge on the basis that there continues to be "a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimisation"⁵¹⁵.

⁵¹⁵ Postamble of the Interim Constitution of the Republic of South Africa, Act 200 of 1993 in Dalton, R. et al. 1995. *Juta's Statutes of South Africa*. Vol. 5, p. 260.

BIBLIOGRAPHY

PRIMARY LITERATURE

Boutros-Ghali, Boutros. 1992. *An Agenda for Peace: Preventative Diplomacy, Peacemaking and Peacekeeping*. New York: UN Department of Public Information.

Commonwealth Secretariat. 1993. *Violence in South Africa: The Report of the Commonwealth Observer Mission to South Africa. Phase II: February to May 1993*. London: Commonwealth Secretariat.

Gildenhuys, Antonie. 1992. *A Summary of the Activities of the National Peace Secretariat*. Pretoria: National Peace Secretariat.

Gildenhuys, Antonie. 1993. *National Peace Secretariat Report*. Pretoria: National Peace Secretariat.

Gildenhuys, Antonie. 1994. *National Peace Secretariat Report*. Pretoria: National Peace Secretariat.

South Africa. 1991. *The National Peace Accord of 1991*. Johannesburg: National Peace Convention.

South Africa. 1992. "Internal Peace Institutions Act, Act 135 of 1992" in *Government Gazette*, No. 14138, 15 July. Pretoria: Government Printer, pp. 3-21.

South Africa. 1993. "Interim Constitution of the Republic of South Africa, Act 200 of 1993" in Dalton, R. et al. *Juta's Statutes of South Africa. 1995. Volume 5*. Cape Town: Juta & Co, Ltd, pp. 209-275.

South Africa. 1995. "Promotion of National Unity and Reconciliation, Act 34 of 1995" in Dalton, R. et al. *Juta's Statutes of South Africa. 2002. Volume 1*. Cape Town: Juta & Co, Ltd. pp. 183-197.

South Africa. Truth and Reconciliation Commission. 1998. *Truth and Reconciliation Commission Report. Volumes 1-5*. Cape Town: Truth and Reconciliation Commission.

South Africa. Truth and Reconciliation Commission. 2003. *Truth and Reconciliation Commission Final Report. Volumes 6-7*. Cape Town: Truth and Reconciliation Commission.

SECONDARY LITERATURE

Monographs

Adam, Heribert. 1999. "The Presence of the Past" in Tayob, Abdulkader & Weisse, Wolfram. *Religion and Politics in South Africa*. Münster: Waxmann, pp. 139-158.

Adam, Heribert et al. 1997. *Comrades in Business: Post-Liberation Politics in South Africa*. Cape Town: Tafelberg.

Alden, Chris. 2001. *Mocambique and the Construction of the New African State: From Negotiations to Nationbuilding*. Basingstoke: Palgrave.

Alexander, Neville. 2002. *An Ordinary Country*. University of Natal Press: Pietermaritzburg.

Ball, Nicole. 2001. "The Challenge of Rebuilding War-Torn Societies" in Crocker, C. A. et al. (eds.) *Turbulent Peace: The Challenges of Managing International Conflict*. Washington DC: United States Institute of Peace Press, pp. 719-736.

Ball, Nicole & Spies, Chris. 1997. *Managing Conflict: Lessons from the South African Peace Committees*. Washington DC: Overseas Development Council (For USAID/CDIE/POA).

Barahona de Brito, Alexandra et al. (eds.). 2001. *The Politics of Memory: Transitional Justice in Democratizing Societies*. Oxford: Oxford University Press.

Boraine, Alex. 2000. "Truth and Reconciliation in South Africa: The Third Way" in Rotberg, Robert I. & Thompson, Dennis (eds.). *Truth Versus Justice*. Princeton: Princeton University Press, pp. 141-157.

Boraine, Alex & Levy, Janet (eds.). 1995. *The Haeling of a Nation? Justice in Transition*. Cape Town.

Boraine, Alex. et al. (eds.) 1994. *Dealing with the Past: Truth and Reconciliation in South Africa*. Cape Town: Institute for a Democratic South Africa.

Burton, John. 1990. *Conflict: Resolution and Provention*. New York: St Martin's Press.

Brown, Michael E. 2001. "Ethic and Internal Conflict: Causes and Implications" in Crocker, Chester A. et al. (eds.) *Turbulent Peace: The Challenges of Managing International Conflict*. Washington DC: United States Institute of Peace Press, pp. 209-226.

Collins Cobuild. 1995. *English Dictionary*. London: HaperCollins Publishers.

Collin Marks, Susan. 2000. *Watching the Wind: Conflict Resolution during South Africa's Transition to Democracy*. Washington DC: United States Institute of Peace Press.

Crocker, Chester A. et al. (eds.). 2001. *Turbulent Peace: The Challenges of Managing International Conflict*. Washington DC: United States Institute of Peace Press.

Darby, John & Mac Ginty, Roger. 2000. *The Management of Peace Processes*. Hampshire: Palgrave.

Degenaar, Johan. 1990. "The Concept of Violence" in Manganyi, Chabani & du Toit, André (eds.). *Political Violence and the Struggle in South Africa*. Southern Book Publishers: Half-way House, pp. 70-86.

de Gruchy, John W. 2002. *Reconciliation: Restoring Justice*. Cape Town: David Philip.

- Dugard, Jackie. 2003. "The 'government's dustbin'? Official Responses to Political Violence, 1990-1994" in Greenstein, Ran. *Political Violence in South Africa's Democratisation*. Johannesburg: Community Agency for Social Enquiry, pp. 143-163.
- du Toit, André (ed.). 1991. *Towards Democracy: Building a Culture of Accountability in South Africa*. Cape Town: Idasa.
- du Toit, Fanie. 2003. *Learning to Live Together: Practices of Social Reconciliation*. Cape Town: Institute for Justice and Reconciliation.
- du Toit, Pierre. 2001. *South Africa's Brittle Peace*. Hampshire: Palgrave.
- Friedman, Steven. 1993. *The Long Journey: South Africa's Quest for a Negotiated Settlement*. Johannesburg: Ravan Press.
- Galtung, Johan. 1996. *Peace by Peaceful Means: Peace and Conflict, Development and Civilisation*. International Peace Research Institute, Oslo. London: Sage Publications.
- Galtung, Johan. 1990. "Violence and Peace" in Smoker, Paul et al. (eds.) *A Reader in Peace Studies*. Oxford: Pergamon Press, pp. 9-14.
- Galtung, Johan. 1975. *Strukturelle Gewalt. Beiträge zur Friedens- und Konfliktforschung*. Reinbek bei Hamburg: Rowohlt.
- Gastrow, Peter. 1999. "A Joint Effort – The South African Peace Process" in European Centre for Conflict Prevention in Co-operation with the International Fellowship of Reconciliation (IFOR) and the Coexistence Initiative of State of the World Forum. *People Building Peace. 35 Inspiring Stories from Around the World*. Utrecht: European Centre for Conflict Prevention, pp. 104-111.
- Gastrow, Peter. 1995. *Bargaining for Peace: South Africa and the National Peace Accord*. Washington DC: United States Institute of Peace Press.
- Gidron, Benjamin et al. 2002. *Mobilizing for Peace. Conflict Resolution in Northern Ireland, Israel/Palestine and South Africa*. Oxford: Oxford University Press.
- Glaser, Daryl. 2001. *Politics and Society in South Africa*. London: Sage Publications.
- Guelke, Adrian. 1994. "The Development of External Mediation" in Brewer, John D. (ed.) *Restructuring South Africa*. London: St. Martin's Press, pp. 131-151.
- Hampson, Fen O. 2001. "Parent, Midwife, or Accidental Executioner? The Role of Third Parties in Ending Violent Conflict" in Crocker, Chester A. et al. (eds.) *Turbulent Peace: The Challenges of Managing International Conflict*. Washington DC: United States Institute of Peace Press, pp. 387-406.
- Hayner, Priscilla B. 2001. *Unspeakable Truth: Confronting Past Terror and Atrocity*. New York: Routledge.

Hayner, Priscilla B. 2000. "Same Species, Different Animal: How South Africa Compares to Truth Commissions Worldwide" in Villa-Vicencio, Charles & Verwoerd, Wilhelm. *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*. Cape Town: University of Cape Town Press, pp. 32-41.

Hudson, Judith. 1997. "Riding the Tiger: Urban Warfare on the East Rand" in Gutteridge, William & Spence, John E. *Violence in Southern Africa*. London: Frank Cass, pp. 108-122.

Huntington, Samuel P. 1995. "The Third Wave: Democratisation in the Late Twentieth Century" in Kritz, Neil J. *Transitional Justice: How Emerging Democracies Reckon with Former Regimes. Volume 1*. United States Institute of Peace Press: Washington DC, pp. 65-81.

Huntington, Samuel P. 1991. *The Third Wave: Democratisation in the Late Twentieth Century*. Norman: University of Oklahoma Press.

Ignatieff, Michael. 2001. "Introduction" in Edelstein, Julian. *Truth and Lies: Stories from the Truth and Reconciliation Commission in South Africa*. Johannesburg: M&G Books, pp. 15-21.

Kane-Berman, John. 1993. *Political Violence in South Africa*. Johannesburg: South African Institute for Race Relations.

Kühne, Winrich. 2001. "From Peacekeeping to Postconflict Peacebuilding" in Reyhler, Luc & Pfaffenholz, Thania (eds.). *Peacebuilding: A Field Guide*. London: Lynne Rienner Publishers, pp. 376-388.

Kriesberg, Louis. 1999. "Conflict Transformation" in *Encyclopedia of Violence, Peace and Conflict, Volume 1*. Academic Press. pp. 413-425.

Langa, Mandla et al. 2000. *Das Schweigen gebrochen: Wahrheits- und Versöhnungskommission in Südafrika. Geschichte – Anhörungen – Perspektiven*. Frankfurt/Main: Brandes and Apel.

Lederach, John Paul. 2001. "Civil Society and Reconciliation" in Crocker, Chester A. et al. (eds.) *Turbulent Peace: The Challenges of Managing International Conflict*. Washington DC: United States Institute of Peace Press, pp. 841-854.

Lederach, John Paul. 1995. *Building Peace: Sustainable Reconciliation in Divided Societies*. Tokyo: The United Nations University.

Licklider, Roy. 2001. "Obstacles to Peace Settlements" in Crocker, Chester A. et al. (eds.) *Turbulent Peace: The Challenges of Managing International Conflict*. Washington DC: United States Institute of Peace Press, pp. 697-718.

Louw, Antoinette. 1992. "Conflict Trends in Natal, 1989 – April 1992" in Minnaar, A. (ed.) *Patterns of Violence. Case Studies of Conflict in Natal*. Pretoria: Human Sciences Research Council, pp. 27-36.

Luckham, Robin et al. 2003. "Democratic Institutions and Democratic Politics" in Luckham, Robin & Bastian, Sunil (eds.) *Can Democracy be Designed?* London: Zed Books, pp. 14-59.

Manganyi, Chabani & du Toit, André (eds.). 1990. "Editorial Introduction" in *Political Violence and the Struggle in South Africa*. Southern Book Publishers: Halfway House, pp. 1-28.

Mani, Rama. 2002. *Beyond Retribution: Seeking Justice in the Shadows of War*. Cambridge: Polity Press.

Miall, Hugh et al. 1999. *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts*. Cambridge: Polity Press.

Michnik, Adam. 1994. "Why deal with the Past?" in Boraine, Alex. et al. (eds.) *Dealing with the Past: Truth and Reconciliation in South Africa*. Cape Town: Institute for a Democratic South Africa, pp. 15-18.

Neier, Aryeh. 1994. "Why deal with the Past?" in Boraine, Alex. et al. (eds.) *Dealing with the Past: Truth and Reconciliation in South Africa*. Cape Town: Institute for a Democratic South Africa, pp. 2-8.

Nino, Carlos. 1996. *Radical Evil on Trial*. New Heaven: Yale University Press.

O'Donnell, Guillermo & Schmitter, Philippe. 1986. *Transitions from Authoritarian Rule. Volume 4: Tentative Conclusions about Uncertain Democracies*. Baltimore: John Hopkins University Press.

Ottaway, Marina. 1993. *South Africa: The Struggle for a New Order*. Washington D.C.: The Brookings Institution.

Olivier, Johann. 1994. "Political Violence" in Brewer, John D. (ed.) *Restructuring South Africa*. London: St. Martin's Press, pp. 15-33.

Paris, Roland. 2001. "Wilson's Ghost: The Faulty Assumptions of Postconflict Peacebuilding" in Crocker, Chester A. et al. (eds.) *Turbulent Peace: The Challenges of Managing International Conflict*. Washington DC: United States Institute of Peace Press, pp. 756-784.

Pion-Berlin, David. 1995. "To Prosecute or To Pardon? Human Rights Decisions in the Latin American Southern Cone" in Kritz, Neil J. (ed). *Transitional Justice: How Emerging Democracies Reckon with Former Regimes. Volume 1*. Washington DC: United States Institute of Peace Press, pp. 82-103.

Posel, Deborah & Simpson, Graeme. 2002. *Commissioning the Past. Understanding South Africa's Truth and Reconciliation Commission*. Johannesburg: Witwatersrand University Press.

Rosenberg, Tina. 1999. "Confronting a Painful Past" Afterword in Meredith, Martin. *Coming to Terms: South Africa's Search for Truth*, pp. 325-370.

Schrire, Robert. 1992. *Adapt or Die: The End of White Politics in South Africa*. London: C. Hurst.

Shaw, Mark. 1997. *South Africa's Other War: Understanding and Resolving Political Violence in KwaZulu-Natal (1985-) and the PWV (1990-)*. Unpublished Doctoral Thesis submitted at University of Witwatersrand, Johannesburg.

Sidiropoulos, Elizabeth et al. 1998. *South Africa Survey 1997/1998*. Johannesburg: South African Institute for Race Relations.

Simpson, Graeme & Rauch, Janine. 1993. "Political Violence: 1991" in Boister, Neil & Ferguson-Brown, K. (eds). *Human Rights Yearbook 1992*. Cape Town: Oxford University Press, pp. 212-239.

Sisk, Timothy D. 1995. *Democratisation in South Africa: The Elusive Social Contract*. Princeton: Princeton University Press.

van der Merwe, Hugo. 2002. "National Narrative versus Local Truths: The Truth and Reconciliation Commission's Engagement with Duduza" in Posel, Deborah & Simpson, Graeme. *Commissioning the Past. Understanding South Africa's Truth and Reconciliation Commission*. Johannesburg: Witwatersrand University Press, pp. 204-219.

van der Merwe, Hugo. 1999. *The Truth and Reconciliation Commission and Community Reconciliation: An Analysis of Competing Strategies and Conceptualisations*. Ph.D. dissertation submitted at George Mason University, Virginia.

van der Merwe, Hendrik. 1989. *Pursuing Justice and Peace in South Africa*. London: Routledge.

Villa-Vicencio, Charles & Ngesi, S'fiso. 2003. "South Africa: Beyond the "Miracle"" in Doxtader, Erik & Villa-Vicencio, Charles. *Through Fire with Water: The Root of Division and the Potential for Reconciliation in Africa*. Claremont: David Philip, pp. 266-302.

Villa-Vicencio, Charles. 2000. "Getting on With Life: A Move Towards Reconciliation" in Villa-Vicencio, Charles & Verwoerd, Wilhelm. 2000. *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*. Cape Town: University of Cape Town Press, pp. 199-209.

Walaza, Nomfundo. 2000. "Insufficient Healing and Reparation" in Villa-Vicencio, Charles & Verwoerd, Wilhelm. *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*. Cape Town: University of Cape Town Press, pp. 250-255.

Wilson, Richard A. 2001a. "Justice and Legitimacy in the South African Transition" in Barahona de Brito, Alexandra et al. (eds.). *The Politics of Memory. Transitional Justice in Democratising Societies*. Oxford: Oxford University Press, pp. 190-217.

Wilson, Richard A. 2001b. *The Politics of Truth and Reconciliation in South Africa: Legitimising the Post-Apartheid State*. Cambridge: Cambridge University Press.

Woods, Gavin. 1992. "National Violence: A Contemporary Analysis of Underlying Dynamics" in Minnaar, A. (ed.) *Patterns of Violence: Case Studies of Conflict in Natal*. Pretoria: Human Sciences Research Council, pp. 37-46.

Worden, Nigel. 1994. *The Making of Modern South Africa: Conquest, Segregation and Apartheid*. Oxford: Blackwell Publishers.

Zalaquett, Jose. 1994. "Why Deal with the Past?" in Boraine, A. et al. (eds.) *Dealing with the Past: Truth and Reconciliation in South Africa*. Cape Town: Institute for a Democratic South Africa, pp. 8-15.

Zartman, I. William. 1989. *Ripe for Resolution: Conflict Intervention in Africa*. New York: Oxford University Press.

Zartman, I. William. 1997. "Toward the Resolution of Internal Conflicts" in Zartman, I. William & Rasmussen, J. Lewis (ed.) *Peacemaking in International Conflict. Methods and Techniques*. Washington DC: United States Institute for Peace, pp. 3-19.

Journal Articles, Papers and Research Reports

Accord, Issue 2. 1997. "Negotiating Rights: The Guatemalan Peace Process".

Accord, Issue 10. 2000. "Paying the Price: The Sierra Leone Process".

Asmal, Kader. 1992. *Victims, Survivors and Citizens – Human Rights, Reparations and Reconciliation*. Inaugural Lecture delivered at the University of Western Cape on his installation as Professor of Human Rights Law, on 25 May 1992. Bellville: Publications of the University of Western Cape.

Barnes, Catherine & De Klerk, Eldred. 2002. "South Africa's Multi-Party Constitutional Negotiation Process" in *Accord*, Issue 13: Owning the Process. Public Participation in Peacemaking, pp. 26-33.

Bremner, Davin. 2001. "South African Experiences with Identity and Community Conflicts" in *Journal of Peace Research*, Vol. 38, No. 3, pp. 393-405.

Call, Charles T. & Cook, Susan E. 2003. "On Democratisation and Peacebuilding" in *Global Governance*, Vol. 9, No. 2, pp. 233-247.

Camay, Phiroshaw & Gordon, Anne J. n.d. *The National Peace Accord and its Structures. South Africa Civil Society Case Study No. 1*. Johannesburg: Co-operative for Research and Education (CORE).

Cock, Jacklyn. 2001. "Butterfly Wings and Green Shoots: The Impact of Peace Organisations in Southern Africa". *Track Two*, Vol. 10, No. 1, July, pp. 4-32.

Conway, Paul. 2003. "Truth and Reconciliation: The Road not Taken in Namibia" in *The Online Journal of Peace and Conflict Resolution*, Vol. 5, No. 1, pp. 66-76.

David, Charles-Philippe. 1999. "Does Peacebuilding Build Peace? Liberal (Mis)steps in the Peace Process" in *Security Dialogue*, Vol. 30, No. 1, pp. 25-41.

de Klerk, Eldred. 2002. "South Africa's Negotiated Transition" in *Accord*, Issue 13: Owning the Process. Public Participation in Peacemaking, pp. 14-19.

- de Kock, Chris. 1991. *The Dynamics of Public Violence in South Africa and Possible Solutions*. Pretoria: Human Sciences Research Council. Unpublished Conference Paper.
- du Toit, André. 2003a. *The (Un)expected Turn to Democracy: (Re)reading the Narrative of Political Violence in South Africa*. Cape Town: University of Cape Town.
- du Toit, André. 2003b. *The South African Truth and Reconciliation Commission: Local History, Global Accounting*. Cape Town: University of Cape Town.
- du Toit, André. 1993. *Understanding South African Political Violence: A New Problematic?* Cape Town: University of Cape Town.
- Elster, John. 1998. "Coming to Terms with the Past: A Framework for the Study of Justice in the Transition to Democracy" in *Archives Européenne Sociologique*, Vol. 39, pp. 7-48.
- Fetherston, A.B. 2000. Peacekeeping, Conflict Resolution and Peacebuilding: A Reconsideration of Theoretical Frameworks. In *International Peacekeeping*, Vol. 7, No. 1, Spring, pp. 190-218.
- Galtung, Johan. 1998. "After Violence: 3R, Reconstruction, Reconciliation, Resolution: Coping With Visible and Invisible Effects of War and Violence" in *Transcend: A Peace and Development Network*, July. (<http://transcend.org/TRRECBA.HTM>.)
- Guelke, Adrian. 2000. "Interpretations of Political Violence during South Africa's Transition" in *Politikon*, Vol. 27, No. 2, pp. 239-254.
- Hamber, Brandon & Kibble, Steve. 1999. *From Truth to Transformation: South Africa's Truth and Reconciliation Commission*. Catholic Institute for International Relations Report.
- Hartley, Ray. 1993. "Putting it All Together Again" in *Accent on Peace*, December, pp. 64-69.
- Hay, Mark. 1999. "Grappling with the Past: The Truth and Reconciliation Commission of South Africa" in *Africa Journal of Conflict Resolution*, No. 1, pp. 29-51.
- Haysom, Nicholas. 2002. Negotiating the Political Settlement in South Africa: Are there Lessons for Other Countries? *Track Two*, Vol. 11, No. 3.
- Huyse, Luc. 1995. "Justice after Transition: On the Choices Successor Elites Make in Dealing with the Past" in *Law & Social Inquiry*, Vol. 20, pp. 51-78.
- Ignatieff, Michael. 1996. "Articles of Faith" in *Index on Censorship*, Vol. 25, No. 5, pp. 110-122.
- Lombard, Karin. 2003. *Revisiting Reconciliation: The People's View*. Research Report of the Reconciliation Barometer Exploratory Survey. Cape Town: Institute for Justice and Reconciliation.
- MacGregor, Karen. 1995. "The Work Continues" in *In the Name of Peace: South Africa's Peace Structures – an Appraisal*. Johannesburg: Sowetan, pp. 30-34.

- Mamdani, Mahmood. 1998. "When does Reconciliation turn into a Denial of Justice?" Sam Nolutshungu Memorial Series No. 1: Reconciliation and Justice.
- Moodley, Kogila & Adam, Heribert. 2000. "Race and Nation in Post-Apartheid South Africa" in *Current Sociology*, Vol. 48, No. 3, pp. 51-69.
- Mühr, Stephan. 2002. *Ethics and Economics of Reconciliation: The Namibian Case*. Unpublished Conference Paper. University of Cape Town: Conference on "Reconciliation, Restorative Justice, Remembrance", 02.09.-04.09.
- Nathan, Laurie. 1993. "An Imperfect Bridge: Crossing to Democracy on the Peace Accord" in *Track Two*, Vol. 2, No. 2, May 1993, pp. 4-5.
- Nina, Daniel. 1992. "Slow Motion: Implementing the National Peace Accord" in *Indicator SA*, Vol. 9, No. 3, Winter, pp. 69-72.
- Odendaal, Andries & Spies, Chris. 1996. "Local Peace Committees in the Rural Areas of the Western Cape: Their Significance for South Africa's Transition to Democracy" Occasional Paper. *Track Two*, September 1996.
- Pelser, André & de Kock, Chris. 2000. "Violence in South Africa: A Note on Some Trends in the 1990s" in *Acta Criminologica*, Vol. 13, No. 1, pp. 80-91.
- Ramsbotham, Oliver. 2000. "Reflections on UN Post-Settlement Peacebuilding" in *International Peacekeeping*, Vol. 7, No. 1, Spring, pp. 169-188.
- Sisk, Timothy D. 1994. "South Africa's National Peace Accord" in *Peace and Change*, Vol. 19, No. 1, January, pp. 50-70.
- Sisk, Timothy D. 1993. "The Violence-Negotiation Nexus: South Africa in Transition and the Politics of Uncertainty" in *Negotiation Journal*, Vol. 9, No. 1, January, pp. 77-94.
- Spies, Chris. 2002. "South Africa's National Peace Accord: Its Structures and Functions" in *Accord*, Issue 13: Owning the Process: Public Participation in Peacemaking, pp. 20-25.
- Subklew, Friederike. 2002. *Local Peace Work in a Transforming Society as a Challenge for Social Work*. Social Work Diploma Degree Thesis submitted at Potsdam University of Applied Sciences.
- Tessendorf, Harold. 1996. "The National Peace Accord in South Africa's Political Transition: 1991-1994" in *Politikon*, Vol. 23, No. 1, pp. 79-96.
- van Hoven, Lynette (ed.). 1993. "Genesis, Structure and Functions" in *Accent on Peace*. December, pp. 10-16.
- van Zyl, Paul. 1999. "Dilemmas of Transitional Justice: The Case of South Africa's Truth and Reconciliation Commission" in *Journal of International Affairs*. Spring, Vol. 52, No. 2, pp. 647-667.

Newspaper Articles and Internet Sources

Independent Electoral Commission of South Africa: 1994 Election Results, <http://www.elections.org.za/Elections94.asp> [10.04.04].

International Centre for Transitional Justice (ICTJ): Homepage, <http://www.icjt.org> [30.03.2004].

Krog, Antjie. 2000. "Der Preis der Versöhnung. Südafrikas Weiße leiden nur an ihrer verkorksten Vergangenheit. Ihre Zukunft kann nur afrikanisch sein" in *Die Zeit* 52/2000.

Krog, Antjie. 2004. "Embarrassed by Forgiveness" in *Sunday Times* 29.02.2004.

Matthewson, Steven. 2004. "Amnesty Bid Fails to Get Going: Motherwell Bomber Objects to Presence of Former TRC Official" in *This Day* 24.03.2004.

Staff Reporters. 1986. "Bulldozers move in after Battles" in *Cape Times* 28.05.1986.

Terreblanche, Christelle. 2004. "Churches back Tutu's Court Appeal" in *Cape Argus* 11.02.2004.

Truth and Reconciliation Commission of South Africa (TRC): "Summary of Amnesty Decisions, 1.11.2000", <http://www.doj.gov.za/trc/amntrans/index.htm> [14.04.2004].

APPENDIX

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I. List of interviewed informants

Peter Gastrow

05.03.2004

Peter Gastrow is Director of the Institute for Security Studies (ISS) and was formerly a member of the National Peace Committee (NPC) and the Democratic Party representative in the National Peace Secretariat (NPS). He was furthermore part of the NPS's training and the research subcommittee of the NPS.

Hugo van der Merwe

09.03.2004

Hugo van der Merwe is the manager of the Cape Town office of the Centre for the Study of Violence and Reconciliation (CSVR) and the Project Manager of CSVR's Transition and Reconciliation Unit. He worked alongside the TRC as a researcher with a very strong advocacy agenda.

Andries Odendaal

25.03.2004

Andries Odendaal, is the manager of the Africa Programme at the Centre for Conflict Resolution (CCR) and was involved in the National Peace Accord structures as the Regional Coordinator for the Southern Cape and the Karoo region on the Western Cape Regional Peace Committee (RPC).

Glenda Wildschut

29.03.2004

Glenda Wildschut has until most recently worked for the Desmond Tutu Peace Foundation as Director of the Leadership Academy. She was a former TRC commissioner in the Reparations and Rehabilitation Committee with primary responsibility for the Northern Cape.

II. Guiding questions for interviews

II.1 For scholar-practitioners involved in the National Peace Accord

- As an introduction, I would like to ask you to say a few words about yourself and your role or involvement in the National Peace Accord structures.
- What do you regard as the central successes and failures of the Accord?
- What were in your view reasons for the cessation of state funding for the NPA structures ultimately leading to their closure at the end of 1994?
- The principles shaping South Africa's way of dealing with the past and the provision for amnesty were already made in the 1993 Interim Constitution. Two conferences were held in 1994 discussing in detail how the past could be addressed in South Africa on the basis of the principles outlined in the Interim Constitution. After the 1994 election, Dullah Omar signalled his intention to establish a TRC. While these discussions were taking place the NPA structures at local and regional level were at their height. Was a linkage between the two institutions, characterising the "peace process" and the "truth process" respectively, to your knowledge ever considered or discussed? Why?
- Where the two processes, in your view, driven by similar or different actors? Do you know of people having been involved in both processes?
- In retrospective, do you think a linkage between the both processes and their established institutions would have been possible and could have increased their impact?
- When placed in theoretical context, would you say the NPA contributed to democratisation or to peacebuilding or did it link both processes?
- Speaking from your experience with the NPA, are there any lessons that South Africa provides for democratisers and peacebuilding specialists?

II.2 For scholar-practitioners involved in the Truth and Reconciliation Commission

- As an introduction I would like to ask you to say a few words about yourself and your role or involvement in the structures of the Truth and Reconciliation Commission.
- What do you regard as the central successes and failures of the TRC?
- The National Peace Accord structures aimed at containing the political violence that endangered the transition and the promotion of democracy. Throughout 1993 and 1994, when the TRC was designed, the NPA structures at local and regional level were at their height. Was a linkage between the two institutions, characterising the “peace process” and the “truth process” respectively, to your knowledge ever considered or discussed? Why?
- Where the two processes, in your view, driven by similar or different actors? Do you know of people having been involved in both processes?
- In retrospective, do you think a linkage between both institutions would have been possible and could have increased their impact?
- When placed in theoretical context, would you say the TRC contributed to democratic consolidation or to peacebuilding or did it link both processes?
- Speaking from your experience with the TRC, are there any lessons that South Africa provides for democratisers and peacebuilding specialists?