

THE ROLE OF THE INTERNATIONAL COMMUNITY IN THE SOUTH AFRICAN
TRANSITION: A CRITICAL REVIEW

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ABSTRACT

There is a dearth of position papers on international participation in the South African transition. Political parties and organisations in South Africa instead spend most of their time describing various forms of desirous IC intervention after the transition. This might explain why most articles and academic papers on 'the role of the international community' are suffixed - in the 'new South Africa' or 'post-apartheid South Africa' - few focus on the actual transition and then mostly from a systemic perspective, broadly outlining the constraints imposed by the 'new world order'. Perhaps the first serious attempt to address this gap in the debate over South Africa's future was D. Kempton and L. Mosia's 'The International Community in South Africa's Transition to non-racial Democracy' (1992). Before multiparty negotiations collapsed in June 1992, Kempton and Mosia examined the attitudes toward international intervention of most of the CODESA participants, as well as the major actors that had remained outside CODESA. This paper takes up the issue where Kempton and Mosia left off. It tries to explain transitional politics since the IC introduced an on-the-ground presence after the UN Security Council debates on South Africa in July 1992. It asks why, eight months after multiparty talks were suspended, the IC has been unable to revive multiparty negotiations, has apparently had little or no impact on the violence, and despite events like Boipatong and Bisho, still plays a minor peacekeeping role, confined to observer status. The research describes internal and external components of international intervention, examines the rationale behind the agreed forms of international participation, and assesses the viability of the internationally-supported conflict-resolution and transition-management structures that were formed to facilitate the transition. The evidence uncovered by the research leads the author to the conclusion that more of an international role is necessary, and sooner rather than later, but he concedes that this is not feasible, or likely, under the status quo.

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In the context of current international crises the South African issue occupies a position somewhat wide of centre stage. The United Nations is struggling to allocate limited fiscal and non-fiscal resources to catastrophic situations in the former USSR, the former Yugoslavia, Angola, Mozambique, Somalia, as well as Cambodia and the Gulf, and the UN's mandate appears to be expanding all the time. Never before has the world been prepared to endorse as much multilateral action. Thirteen peace-keeping operations compete for attention on the international agenda, employing 53 000 troops under UN command, at a cost of over \$3 billion in 1992¹. In a June 1992 report, UN Secretary General Boutros Boutros-Ghali remarked that 'the time for exclusive and absolute sovereignty has passed'². Whereas previously statements like this pertained to state sovereignty in international conflicts this time Boutros-Ghali was referring to domestic conflicts. The ambitious UN transition programme in Cambodia, and the uninvited Unified Task Force in Somalia, are precedent-setting exercises.

Hopes that a post-cold war dividend would take the form of an increased role and new sense of legitimacy for multilateral governmental organisations, such as the UN, have been repeatedly raised and then dashed. The monopolar world is not facilitating conflict resolution as well as was hoped. Global recession and domestic concerns continue to constrain collective international attempts at resolving conflicts. In some instances the national interests of intervening states or groups of states have simply compounded the overall seriousness of various crises. The example of the former Yugoslavia shows what can happen when the IC, in this instance the European Community, literally fails to get its act together. When combined, diverging perceptions and levels of determination among IC and domestic parties can result in a complex state of affairs in which internal and external goals and expectations diverge wildly. So while the UN and other international groupings have been drawn into the process of transition in South Africa, their presence is no guarantee that we

will avoid an election as controversial as Kenya's, or violence on a par with that experienced in the post-electoral Angolan crisis, a situation that would undoubtedly damage the legitimacy of a new South African state.

In South Africa, three years after unbanning opposition groups and the national liberation movements, the National Party government is still in power, further sustaining the twin crises of legitimacy and accumulation. As a result local government is in tatters. Initiatives aimed at establishing local authority 'joint administrations', in terms of the Interim Measures for Local Government Act, are receiving little support from the national liberation movements³. With respect to Law and Order South Africa is still without a system that serves all its citizens equally. The South African Police (SAP) are both thoroughly discredited and are being increasingly marginalised. The levels of political violence and lawlessness are awesome, nearly 19 000 people were murdered in South Africa in 1992 alone, excluding the homelands. Until a negotiated settlement is reached, and some form of democratic government is in power, old institutions will continue to be firmly discredited and rejected, without anything taking their place. This is the real problem. Civil society is in danger of disintegrating and with it South Africa faces the prospect of complete system failure.

In order to reverse this trend, various opposition groups have to be given access to state power during the transition. In these circumstances, delaying the implementation of a meaningful IC presence, under a clear and broad mandate, only hastens the approach of total system failure. It has become imperative to ask who will run the constitutional and general elections, what structures will be used, and who will protect the voters. South Africans can not, and in some instances will not, guarantee the transition process on their own.

Despite the global trend toward increasing international intervention in questions of human rights, the IC's on-the-ground presence in South Africa so far suggests it has a only a limited role to play in the transition. The impression gained is that as long as state and transitional structures remain even partially functional, and the conflict remains confined within South Africa's borders, then IC participation will remain mostly symbolic. This is not to say there have been no changes since June 1992. Before then only a very limited IC role, confined to monitoring elections, was envisaged. But despite formally inviting the IC to contribute to reducing the violence and encouraging a negotiated settlement, external and internal determinants have continued to frustrate an effective IC role. This inertia, while it does not enjoy the support of the majority of South African parties, has so far not been seriously contested. If this appears to be a shortsighted policy, both on the part of internal and external actors, that is exactly what it is. The implications of waiting until the conflict reaches unmanageable proportions are clearly unacceptable. To put it in its regional context, and in relation to other threatened transitions:

If Mobuto (or someone else) is unable to secure a peaceful transition to a new government acceptable to the majority..., and if the peace processes in Mozambique and Angola turn sour, the ensuing conflict would have enormous economic and security implications for the other countries of Southern Africa."

By examining the rationale behind the agreed forms of on-the-ground international participation in South Africa, and by assessing the viability of conflict-resolution and transition-management structures, this paper seeks to define what constitutes useful IC intervention. It asks under what conditions, and to what extent, the IC is capable of enabling or disabling the South African transition to an inclusive democracy.

There is a large volume of literature on the liberalisation process in Africa, asking relevant questions about the relationship between democracy and development. The paper does not concern itself with the actual process of democratisation, a process taking years if not decades, but with the actual transition from authoritarianism, a process that should result in certain objective conditions that allow processes of democratisation to start. This paper suggests that the viability or non-viability of a transition process, especially of top-down transitions from authoritarianism, as is the African norm, is dependent on how successfully the differences between what the IC is allowed to do and is able to do, are reconciled. This is not to suggest that external actors can resolve Africa's socio-economic and political problems. On the contrary, the de facto support given to authoritarian African regimes by parts of the IC has exacerbated many of Africa's problems. At best the IC can only facilitate processes of transition, by assuaging the fears of rival parties, preventing deadlock, and ensuring the impartial distribution of state resources pertinent to a transition: such as impartial policing, equal access to the law, free and fair access to the media, and the right to free political activity. The international community can assist transitions, but if domestic parties are unwilling, they cannot even guarantee their completion, let alone guarantee democracy.

A successful transition requires the active, committed and, above all, coordinated involvement of the IC. Internally, it also requires that all parties agree to surrender a degree of sovereignty to IC monitors and to transition structures backed by the IC, such as the National Peace Accord (NPA) and the Goldstone Commission in South Africa. This paper examines the extent to which these conditions have been met, if at all. The success of the transition process also depends largely on the IC's ability to restrain the excesses of state power, both at the level of central government and in the 'independent' and non-independent bantustans. The strongest opposition to IC involvement has traditionally come

from elite groups that have their bases of power in these areas. Overcoming unconditional elite group opposition to IC participation was one of the major breakthroughs in 1992, although paradoxically it occurred at the expense of multiparty negotiations.

This paper argues that there has been a need for greater IC involvement in the transition process but acknowledges that this was impossible under the pre-June 1992 transition regime, and that the level, and in some instances the quality, of international participation since June 1992 has been unsatisfactory, a state of affairs attributable to internal and external, structural and agential, constraints. The paper examines constraints on international supervision of the transition imposed by the global political economy, the authoritarian nature of the South African state, and the form of opposition to the state. Thereafter it focuses on the IC's actual role since June 1992 in the National Peace Accord and the Goldstone Commission, and the IC's impact on domestic violence.

PART I. MAKING SENSE OF THE TRANSITION

Chapter 1. The Global Political Context

This section seeks to describe the impact of the changing global political economy on the African liberalisation process, and more specifically to relate how the 'new world order' affects the prospects for a successful and democratic process of transition in South Africa. IC participation in the South African transition is the result of a combination of internal and external factors. It is a compromise between the role the IC is allowed to perform by domestic parties, and the role its constituent parts are able and willing to perform, whether as individuals acting unilaterally, as eminent former heads of state can do, or as governments acting collectively through multilateral governmental organisations, such as the UN, OAU and the Commonwealth.

Two of the main external constraints to political and social change in South Africa in the past were the overwhelming impact of cold-war politics in Southern Africa as a whole, and the limited means available to the IC, both 'legal' and practicable, to bring about change in the domestic politics of pariah states⁵. A common theme in much of the critical literature on the subject of South Africa and international pressure, is that, while the cold war lasted, many states were unwilling, despite internal and external pressure, to fully and effectively sanction South Africa and force change. White domination survived as long as it did partly because its survival was perceived to coincide within the best interests, economically or geostrategically or both, of western powers⁶. Now however, with the cold war over, we live in a world in which the notion of national sovereignty has become less of a barrier behind which to hide human rights abuses, as well as making it less easy for pariah states to ignore international condemnation by hiding behind the political and economic skirts of one or other cold-war power.

In Southern Africa, the first three post-cold-war years and the end of ideological conflict and superpower rivalry resulted in some major positive changes. By 1992 it even seemed as though the last main regional conflicts, in Angola, Mozambique, and South Africa, were near to resolution. The UN-sponsored peace process in Angola was moving quickly toward internationally-monitored multiparty elections; in Rome the warring Mozambican factions were near to agreement and were discussing their own UN-monitored peace and election process; and in South Africa it looked as though a transitional government was in sight. Coming on the heels of successful democratic transfers of power in both Zambia and Namibia, the regional political atmosphere was buoyant to say the least.

But before the end of the year the mood had changed. War had returned to Angola with a vengeance and accusations of South African complicity in the renewed conflict were reminiscent of the total strategy era. In South Africa multiparty negotiations stalled in May and were suspended in June and, despite direct international intervention, remained stalled. Later in the year, in response to the Pan Africanist Congress (PAC) decision to retain armed struggle, threats of cross-border operations into neighbouring states and homelands were bandied about by police and army generals. Not only had the 'new world order' failed to deliver the goods here as elsewhere, but, if the IC's handling of crises in Eastern Europe (Yugoslavia) and the Middle East (Iraq and Israel) were anything to go by, it seemed that the new world was still based on the old geostrategic concerns of self interest defined as power, and not on multilateralism⁷. In these and other cases the major powers have continued the cold-war practice of paying only lip service to the UN when its policies did not suit them. In a statement that perfectly summed up the problem, one exasperated UN official said in September 1992 that 'until the UN becomes a member of its own Security Council' its role in any new world order will be seriously compromised⁸.

According to Peter Meyns a new world order, as opposed to the actual 'new world order' that has replaced the old, is one where structures and processes of international control and order are arrived at democratically and are imposed universally. In his view the perceived threat to the 'new world order' is to US hegemony or, if it emerges, to a tripolar hegemony, and is located in emergent third world regional powers'. The practice of imposing conflict resolution in Africa, and imposing political conditionalities on client states that had previously satisfied aid criteria in the bipolar order, are acts that are not representative of a new world order but are extensions of the old. For Meyn's, the liberalisation process in Africa is not due to converging Western and African policies, instead it is just as much the result of self-interested western policies as it is the result of domestic pressures for change. He states that while african and western expectations continue to differ over what is in the continent's best interests, it matters little that ideological conflict between superpowers may be a thing of the past because North-South conflict is not. Pat McGowan similarly warns against viewing processes of change in Africa as a victory for liberalism. McGowan believes:

The spread of liberal democracy within the nations of the world is...not sufficient as it does not ensure that liberal and democratic values will operate at the level of international relations among states, enterprises and peoples.¹⁰

and he envisages, albeit over decades,:

...an impending collision between the hegemonic ideology of the world's elite, free market capitalism, and the more mass-based social movements concerned with such issues as the environment, development and democratic human rights.¹¹

The South African transition, occurring as it does at the cusp of the old and the new conflict, should be viewed from this perspective. Global changes which in part prompted the South African government to pursue inclusive reform may also have worked, initially, to improve its position in negotiations. Reduced ideological conflict relieved the IC, particularly the western powers, of some of the pressure to deal swiftly and forcefully with the continued existence of a minority-ruled South Africa. Those observers who suggested De Klerk's reform moves were largely an effort to acquire legitimacy in order to break South Africa's isolation, recognised that the South African Government was well placed to pursue such an agenda after 1990. Whereas cold-war competition may have forced the West to act more forcefully against South Africa so as not to alienate potential allies in an emerging Third World¹², the ending of the cold war, and the resultant shift away from global ideological to economic concerns, has likewise lowered some of the pressures on the South African state. This partly explains why one of the pariah states that has most affected international law, contributing to the expansion and clarification of the UN's role with regard to international intervention, collective armed response, sanctions, and peace-keeping operations, has effectively been left to negotiate itself out of power with a minimum of international participation¹³.

At the same time, because of lessened geostrategic conflict, the end of the cold war should have created improved conditions for multilateral cooperation in the IC. Accordingly, one would expect multilateral governmental agencies to play a greater role in social transformations in the Third World. The extent to which international intervention had already become the norm, in social, political, economic, and military matters, supported this expectation. But the IC does not act as a rational unitary actor. Even when acting through multilateral agencies like the UN, the IC does not always adhere to standard operational procedures, or even have a consistent set of responses. In a world as differentiated as

ours, this might not be a bad thing, as each issue or crisis can be dealt with flexibly. Often though, when agreement on policy can be reached, the IC's actions are uncoordinated, reflecting differing perceptions and varying levels of commitment and capability. R. Rosecrance, for example, believes:

the world...exists in a state of formal anarchy. There is no international government. Nor is there sufficient interdependence or division of labour among states to transform international relations into a social system akin to domestic affairs.¹⁴

If this is so, then losing the certainties of the bipolar order may only have resulted in a system more anarchic. However, the biggest threat to a relatively efficient and democratic world order and United Nations is not anarchy. As Noam Chomsky points out:

For the past 20 years, the US is far in the lead in Security Council vetoes and negative votes in the General Assembly, often alone or with some client state, on every relevant issue: Aggression, annexation, international law, terrorism, disarmament, and so on. Great Britain is in second place, France a distant third, and the USSR fourth...There is no reason to suppose that with the Soviet withdrawal from world affairs, the US and its British client will suddenly end their campaign against international law, diplomacy, and collective security....¹⁵

The often discordant responses and policies of the IC, together with the realities of an undemocratic world order, have impacted on the South African transition both positively and negatively. As was the case in the cold-war past, international actors' motives for supporting or condemning the South African state are partly conditioned by their perceptions of what is going to replace it.

The way the South African transition is viewed regionally, in the Third World generally, and in the West, will to some extent determine the outcome of the transition.

Here it is useful to define the term 'international community', a flexible construct often used to refer only to a subdivision of the international political economy, and not to all of its component parts. Put simply, not everybody who wants to intervene can, and of those that can, not all of them want to. Added to this are domestic constraints in the form of parties perceptions and antipathies toward the IC and one another, domestic structural constraints that affect travel and communication, and the levels and types of violence that threaten the process. Van Aardt assigns three motives to international actors' involvement in other states: A moral-ethical, a utilitarian, and a political economy motive⁴. These motives, or some combination thereof, are in turn dependent on the actual capabilities (political, economic and military), or reach, of individual states, individual actors, or international organisations. Just as United Nations intervention in Somalia is a product of its component states' perceptions, determination, and capability to approach the problem, so too is the South African issue.

With respect to the South African transition, the term 'international community' refers to those actors that prefer to get involved for a combination of the above reasons, and who are capable of getting involved, or else who find themselves interested parties by an accident of geography. An example of the latter is Lesotho, which is following the transition closely but is unable to intervene either way because of its landlocked position, military and economic weakness, and structural and economic dependence on South Africa. Because of the divergence of opinions and capabilities in the global political economy, 'transitional' actors like the South African government can, to a certain extent, exploit international opinion, as well as individual states' capabilities

(or lack thereof), respectively to enhance their legitimacy or impair that of their opponents. The legitimacy of the present government and the transition process are interconnected, because without the process of transition and ongoing dialogue with the opposition, the Government would not enjoy the degree of international freedom it presently has.

But who chooses to get involved in the transition, and why, when 'South Africa's time at the top of the global agenda has come and passed.'?' In making that statement Grundy was referring to the steady marginalisation of Africa, a process that is relegating Africa to a 'Fourth World' in the global political economy. Contrary to some who suggest 'that the new international configuration will be one in which greater consideration is given to issues associated with the Third World'¹⁸, the world of the end of the cold war, global recession, and economic pragmatism, is one that will be dominated by an increasing trend in favour of inward-looking policies. In Africa, as in Europe, domestic economic concerns are in some instances complicated by a climate of rising nationalism and attendant xenophobia as cold-war enforced solidarities fade and old rivalries emerge. In such an environment, it appears the very conditions that made negotiations possible in the first place might now be undermining the transition.

Globally, domestic distractions and fiscal constraints have tended to neutralise somewhat the potential benefits arising out of the spirit of near unanimity that has characterised the Security Council for the last couple of years¹⁹. During what is probably the most crucial period in the existence of the UN, many states are loathe to meet foreign aid obligations or else are not willing, or are unable, to meet their fiscal obligations to the UN. Together, the unexpectedly rapid reduction of international political and economic pressure on the De Klerk government, and waning international interest in the transition in general, have tended to compromise the chances for a peaceful transition. In Lawrence

Schlemmer's view: 'Overseas pressure groups are manifestly concerned with racial symbols rather than with the democratic quality of government.'²⁰

For many internationally, while constituting a uniquely symbolic event, the democratisation of South Africa will in practice not markedly differ from the 'democratisation' of other authoritarian comprador African states. As long as the status quo of the global political economic order is not threatened by the democratisation process in the Third World, western states will remain ambivalent about the actual details of socio-political change. The eligibility criteria of the club of civilised nations have merely undergone a shift in emphasis from anti-communism to 'good governance'. In Kate Manzo's words:

With the cold war... over, South Africa's anti-Communist credentials are presumably less important as a mark of its Westernness than other factors, such as respect for minorities and celebration of capitalism and private enterprise.²¹

In the economically competitive 'new' world order the search for markets and for stable sources of raw materials will ensure that the need for dependent clients remains. As Ken Grundy put it: 'the old criteria for getting on the international political agenda still prevail.'²² Western powers' political and economic goodwill will continue to centre on those that do not challenge the global political-economic status quo. Referring to the United States, C. Lancaster stated that aid should be used to promote 'core values' and US exports, saying:

We can disengage from Zaire or Kenya or distance ourselves from the civil wars in Liberia, Sudan, and Somalia without worrying about the Soviet gaining (or even wanting to assume) anything like our influence or

support role.²³

Commenting processes of social change and the role of the IC, Chris Allen, Carolyn Baylies and Morris Szeftel remarked:

the 'donor community' and external powers...play an equivocal role in these processes, often tending to support ruling groups...to pressure them to make cosmetic reforms.²⁴

By encouraging the liberalisation or democratisation process in Africa, the IC has at times demonstrated a capacity to compromise, and even undermine, embryonic democratic development. Whether through the use of economic and political conditionalities, or else through moral appeals grounded in respect for human rights, agencies like the World Bank-IMF group and the UN affect Africa's prospects for democracy and development. Simply by observing a process of social transition the IC has an effect. The presence of international observers does more than just legitimate transition processes and their outcomes. Authoritarian states can use the IC to operationalise and legitimate social 'reform' when they are confident the process can be made dependent on state-controlled structures and agencies. Sometimes, however, this strategy may backfire as in the case of Zambia. Authoritarian regimes and their state structures are thereby granted a de facto legitimacy that previously may have been lacking. In transitions from authoritarianism to democracy, where because of previous oppression it is difficult to gauge the levels of support for competing parties, the IC can have a profound effect on the outcome. Until a popular vote dictates otherwise, the norm is for the IC to treat internal parties equally.

The IC's desire to achieve a solution to a conflict situation can become an end in itself. In other words, the process of transition can become more important than the result. Likewise, the desire to

be accepted as impartial can become an end in itself. In an effort to avoid a winners-and-losers outcome, a mediation process can result in which the mediators have a predetermined bias toward some form of proportional outcome. In Angola, after what was described by UN observers as a surprisingly free and successful election, the process was undermined when parts of the IC, notably the US, sent contradictory messages by continuing to equate (uncritically) the positions of the two main participants. A number of factors are responsible for the collapse of the transition process in Angola, such as failure of the UN fully to disarm the combatants, but foremost among them was the inability of the IC and the UN, before the election, unequivocally to impress upon the participants that the election result would be binding. It is not the mandate of the UN to force a government of national unity on the Angolan people.

As a result of its reduced isolation in the cultural, sporting, diplomatic, and economic spheres, the South African government now enjoys relative international freedom and renewed legitimacy²⁵. This is a state of affairs it would like to maintain for as long as possible, in the hope that the ANC, comprising a vast and variegated constituency and having to contain workerist and populist tendencies, will fail to retain its cohesion for the two to four years that the transition is meant to take²⁶. That the changed global order has introduced pressures and constraints on the national liberation movements, especially the ANC, was recognised by Susan Booysen as early as 1990. She argued that 'at the central level, there is a relative but crucial disempowerment of the ANC. This has (had) a negative impact on the ANC's position in negotiations, and results in a relatively mild challenge to largely intact state power.'²⁷

Part of the reason for this is that the ANC is suffering from a crisis of identity. In the one instance it is a national liberation movement and as such aspires to represent the nation, and in the other, is being manoeuvred into competing as one

political party among others²⁹. It is having to come to grips with its unbanned status and organise as a political party. And in light of the calamitous state of the economy and the urgent need for foreign investment, it is being pressured externally and internally to tone down or alter its economic policies and expectations (which has the potential to alienate large sections of its constituency). All this after having lost much international political and fiscal support and thus leverage over the government.

The Government has also been able to exploit the economic vulnerability of its neighbours to offset unwelcome international pressures. By expanding bilateral trade links and promising South African managerial, technical, and, to a limited extent, economic assistance, the South African Government is exacerbating an already asymmetrical regional dependency. This dependency in the past has tied some neighbouring political and economic elites to the present government, and more importantly, to the South African economy. In its attempts further to secure a transition in its own image, the Government would like to extend this dependency to previously hostile neighbours. If any lesson has been learned from the liberalisation process in Africa it is that any challenge to authoritarian states is dependent on a moderating domestic or international presence that discourages the worst abuses of state power. Without free and fair access to state resources, funds, media, and protection from violence, political transitions can be seriously compromised. This can be achieved internally if a functional multiparty transitional management structure can be created. Without such a mechanism, international pressure becomes crucial.

It remains to consider internal constraints to IC participation in transitions to democracy. Since autonomous internal actors can both enable and constrain any IC interventionary role, the domestic balance of power before and during a process of transition is an important factor as it determines what role the IC may or may not

play, influences the level of free and fair competition, and to a certain extent shapes the outcome. As Rene Lemarchand remarked:

a source of uncertainty, which feeds upon the internal crises and conflicts generated by liberalization, is the array of strategic countermeasures that African autocrats have devised to stave off growing threats to their hegemony.... Recent events in Zaire, Togo, and Malawi, to cite only the most obvious examples, bear witness to the decisive role that neopatrimonial rulers can play in foreclosing the options raised by the advent of liberalization.²⁹

Chapter 2. The Domestic Context

The past three years, and 1992 in particular, have shown that the 'levelling of the political playing field' is unlikely to be achieved as long as there is no multiparty control over state resources. As long as state power at the central level and in the homelands is only threatened, and not curtailed by effective transitional management structures, those controlling, or at least having access to, state power will repeatedly abuse their positions in order to manipulate the process and its outcome. If this is accompanied by ambivalence on the part of the IC, the prospects for a stable and durable outcome are dim.

This chapter examines the process that led to direct IC involvement in South African transitional politics in July 1992, explaining why this had not occurred earlier. Thereafter it describes changes in government and opposition strategies in response to events in the second half of 1992 and the beginning of 1993. It explains why, despite having been invited formally to participate, the IC decided on and maintained a relatively low profile, and why it has had a very limited impact in the two main areas covered by its mandate: namely, reducing the violence and restarting multiparty negotiations. Finally the operations of the National Peace Accord and the Goldstone Commission are examined in detail.

The South African democratisation process differs from previous independence phenomena in Africa. The reason for this is that previously, departing colonial powers left political and socio-economic vacuums which were filled, not always peacefully, by a national liberation movement, monolithic nationalist party, or group of parties in coalition in a government of 'national unity'. This is clearly not the case in South Africa. De Klerk, for example, has always stated that it is not the intention of his Government to step down. In this respect the South African government's behaviour is more consistent with that of other neo-

colonial governments. The ANC, regarded by many observers internally and externally as a government-in-waiting, has for some time been opposed by a coalition of entrenched indigenous elites led by the National Party (NP) government. Before June 1992 this coalition believed, despite high levels of internal conflict and no objective test of support, that it could build an 'alliance of moderates' capable of winning a democratic election³⁰.

Threatened from below by pressures for social change, the South African Government took advantage of conditions brought about by the emergence of what it regarded as a more benign global order. By presenting the conflict in South Africa as a purely political power struggle, between rational supporters of capitalism and irrational supporters of a globally discredited socialism, the Government sought international recognition of South Africa's sovereignty while striving to give the impression that social conflict in South Africa had normalised. Internationally, the Government wanted to create the impression that, given international political and economic carte blanche - through regained diplomatic contacts, expanded trade ties, and access to bilateral and multilateral credits and loans - it could redress the gross inequality and poverty of apartheid through 'trickle-down' economics. Internally, the government would have liked to entrench its position and that of its political allies, by building a federal state based on the bantustan and tricameral systems. The *raison d'être* behind the creation of such a state was definitely not the introduction of representative government, or even power sharing with regional or group rights secured through the devolution of power. An exceedingly weak central government would have ensured the survival of clientelist politics.

This strategy has largely failed. In order to reform successfully, as opposed to transform, the South African state, the political elites in South Africa and the Homelands would have had to present the country with something of a *fait accompli* - by exploiting the

Government's position as a participant in, and supervisor of, the negotiations. It was initially relatively successful in both its domestic and international components. The South African state was able to capitalise on its regained international credibility and legitimacy which gave it sufficient space to combine domestic strategies of unilateral socio-political and economic reform with a continued, but covert, counter-revolutionary strategy. The De Klerk government thus began negotiating from a position of strength. It enjoyed a monopoly of control over fiscal resources, security forces, state-owned media, and other state-bureaucratic organisations. All of which made the transition a one-sided competition in many respects.

The one area in which the Government and its allies did not enjoy comparative advantage was on the ground. Local governmental structures had been emasculated and neither the Government nor its homeland allies could prove they enjoyed anything near mass-based support. But the bilateral negotiation processes between the ANC and the Government, and the subsequent multiparty negotiations at CODESA, were about leaders and not levels of support. Until June 1992 the Government was able to use its near monopoly over power to pursue a transition programme of its own. The Government's unilateral 'reform' strategy consisted of implementing a number of changes in a range of key issue areas which were aimed at forestalling later reforms the democratic opposition might have pursued when finally allowed to share power in some form of interim government. They included: restructuring the South African Police (SAP) and South African Defence Force, the purpose of which was to pre-empt or pre-determine external or internal calls for joint control over the security forces; the privatisation of state owned corporations, run through the auspices of the Private Sector Initiative; and the continued dispersal of state-owned land to homeland clients, circumventing the Advisory Commission on Land Allocation (ACLA) which was ostensibly set up to handle land restitution, but which in reality has wallowed in a time-wasting

bureaucratic morass³¹.

Referring to this strategy, Kate Manzo stressed the need to distinguish between apartheid and domination. She stated that apartheid represented only one set of social practices of domination, and questioned whether the transition meant the end of domination or simply of apartheid. In her analysis:

The privatisation of the economy and the refusal to redistribute land guarantee that South Africa's most important economic assets, and thus the country's wealth, will remain in 'white' hands.³²

Parts of the opposition, fearing just this, were plainly uncomfortable. Some actors in the ANC were afraid that the National Party:

(was) baiting a trap for unwary negotiators, who could find themselves severely compromised by inveiglement into some kind of 'neo-apartheid' constitutional scheme, as well as being deprived of most of their political resources.³³)

With respect to the other component of governmental transitional politics, since 1990 evidence continued to suggest that the state had persisted with a vigorous counter-revolutionary strategy despite many protestations to the contrary. Only later would the Goldstone Commission unearth hard evidence, corroborated by international investigators, that the supposedly disbanded Civil Cooperation Bureau (CCB), and other elements in Military Intelligence (MI), the SADF and the SAP, had been used in the past few years to undermine its opposition. Former MI Commandant Gert Hugo, described as a reliable and accurate source by Lawyers for Human Rights, was quoted as saying military personnel are the 'third force'³⁴. Former operatives in the CCB and other covert

units have even refused to return funds, capital investment, and property, in effect putting the Government to ransom in exchange for indemnity, secure pensions, insurance, and retrenchment benefits!

I do not want to give the impression that the National Party Government is any more or less in control of its various components than other states with a similarly developed state and bureaucratic infrastructure. Clearly not everything that occurs is officially sanctioned by De Klerk personally, to some degree bureaucratic momentum and the personal alliances and schemes of technocrats and security officers play a part. What should be emphasized at the very least, even if many state actions were not sanctioned at the highest level, is that there are many threats to the transition emanating from a state which is a blend of authoritarian and disintegrating state structures. Why did the South African Government entertain the notion that it could successfully dictate the pace and form of the transition process, and what was the opposition doing all this time? And still more relevant to this study, what was the IC doing?

International Participation: 1990 - July 1992

To some degree, the extent to which IC has been able to represent a force for change in South Africa has been tied to its perception of just what the domestic conflict was all about. As long as the conflict remained clearly defined, it was relatively easy to condemn apartheid, albeit difficult to mobilise international pressure of an other than purely symbolic nature against. The section on external constraints has shown how, since 1990, the relationship between the global political economy and South Africa's internal contradictions has changed rapidly and become considerably more complicated. One of the contradictions is that the international climate warmed considerably toward South Africa, but how has this affected the specifics of the South African

transition process? One answer is that the form of the transition, and nature of South African transitional politics, has to some extent dictated the IC's role. The IC's perception of the balance of power during the transition, and the perceptions and varying political fortunes of the internal parties, have shaped together the attitudes of external actors towards international participation, and have until now largely shaped IC's actual role.

Perceptions have, on the whole, not remained static. Internal and external actors' perceptions of the conflict have not only affected the form, but also the process, of transition, and in turn are affected by events impacting on the form and process of the transition. Moreover, perceptual changes do not advance in step or at the same rate. Two such perceptual divergencies, related to internal South African politics can be identified which go some way to help explain why the IC had no formal role in the process before 1992 and was limited to observing proceedings at CODESA I and II. These came from the gap between the IC's perceptions of the impact of domestic achievements on the process of transition, and the actual perceptions and expectations of domestic parties involved in multilateral negotiations.

First, there was the IC's somewhat bemused reaction to events in South Africa after February 1990. The unbanning of opposition groups and subsequent negotiations relatively quickly resulted in the removal of formal apartheid legislation, such as the Group Areas Act and the Land Act. The rapid pace of progress brought about by negotiations in 1991 and the first half of 1992, probably gave external observers the impression that politics in South Africa had normalised sufficiently to exclude international intervention. This perception was probably reinforced by the fact that, as Lawrence Schlemmer has pointed out, the main protagonists were dependent on one another to a remarkable degree:

The ANC and its alliance partners enjoy virtually no

penetration of support into the middle and senior ranks of the relatively large and coherent bureaucracy and security establishment. Without support from the National Party they could not assume the government of the country.

and:

The government cannot run the townships and the schools without cooperation from the ANC, unless it uses massive force and risks heightened conflict, which will collapse economic growth.³⁵

Put another way, the transition process was determined internally by the interaction of two dominant modes of transition, one initiated from above and one from below³⁶.

This interdependence and the unspoken belief, held by many internal and external actors at the time, *that the process was irreversible*, probably led the IC to believe that the process of transition leading up to elections warranted little intervention. Put simply, why should the IC go to much bother and expense when events did not warrant it. South Africa was thus treated as a sovereign state engaged in resolving domestic conflict in an internationally acceptable manner. The process of transition, initiated without international mediation, and based on the internationally accepted principles of negotiation and consensus, accorded South Africa and the South African state a measure of international legitimacy previously lacking. Susan Booysen, however, was not convinced. She warned that:

... while the Government has given way on some fronts, the situation has not been normalised. A substantial 'deficit of wrongs' has not been eliminated. The crucial effect is that the ANC and the Government have not

entered the negotiating process from equal starting points, as the social and political context has not first been normalised. On this unequal basis, a rough quid pro quo is being expected in the negotiation process. Increased power at central level is, however, being counter-balanced by the ceding of power on lower levels. The strengthening of ANC power on the central level (and in negotiations with the Government) will largely depend on the interaction between these two processes of change.³⁷

With considerable foresight, Booysen predicted the imbalanced situation would not hold, based on the notion that the contradictions between the Government's and the ANC's 'scope and domains of power' were irreconcilable. The outcome in her view would be one where the ANC would have to use its strength, based in 'powerful grassroots community and workers organisations', to 'affect central level power relations'. At the same time, she expected the organisation would have to recognise its relative weaknesses, resulting in compromise and concessions³⁸.

Which brings us to the second perceptual process that militated against an early and substantial role for the IC. This relates to the impact of domestic parties' perceptions of their own strength and the expectations they held concerning the form and pace of the transition process. If one examines the stances of political parties at the time, as D. Kempton and L. Mosia³⁹, what soon becomes apparent is that most parties, even those favouring international participation, expected the IC to play a modest role *until elections were called*. Kempton and Mosia tested the opinions of most parties, both attending and not attending CODESA, toward peacekeeping, election monitoring, the application of sanctions and incentives, and mediation and arbitration⁴⁰.

The research interviews were mostly completed before multiparty

negotiations were suspended, they not only revealed the expected split between interventionists and non-interventionists (who regarded their position as non-negotiable), but also that unrealistic levels of optimism had existed among many parties. Leaving aside for now the issue of **sanctions and incentives**, since for various reasons they were not then and are not now an option, one can summarise their findings as follows.

Peacekeeping, according to the International Peace Academy, and the definition used by Kempton and Mosia, entails:

...the prevention, containment, moderation, and termination of hostilities between or within states, through the medium of a peaceful third party intervention, organized and directed internationally, using multinational forces of soldiers, police and civilians to restore and maintain peace.⁴¹

Based on their research, Kempton and Mosia identified five possible modes of international intervention with respect to **peacekeeping**, based on the level of external involvement. They were:

(1) An international peacekeeping force - including soldiers police and civilian administrators...deployed in the areas of greatest conflict to physically separate the combatants.

(2) A...domestic peacekeeping force under international control....drawn equally from the SADF, the ANC's armed wing (Umkhonto We Sizwe), the IFP, the PAC, and any force capable of contributing a sizeable number of troops....trained by UN or other international experts, and ...(serving) under a designated international committee or representative. After the transition, this force could be...the core of a new national non-partisan

police force.

(3) ...the security forces are left intact, but control over them is transferred to an international committee or representative. The IC could provide the necessary expertise and training to transform the security forces into effective, non-partisan peacekeeping forces....(and) ensure their non-partisanship during the elections....

(4) ...allow the government in power to administer the security forces...but invite the IC to monitor them. Representatives of the IC could sit on their governing and policy-making bodies. With complete access to all necessary information they would report any human rights violations, participation in the violence or evidence of political violence to the Government, the National Peace Committee (NPC) and/or the IC.

(5) Representatives from the IC could be invited to observe the violence and make public, but unofficial, reports and recommendations....the ...government in place could avail itself of IC advice and recommendations, but would be under no obligation to act on them.⁴²

Those parties allied to the Government, as well as the IFP, opposed nearly all forms of peace-keeping intervention on the grounds that any action which implied external control over the security forces would impinge on the sovereignty of South Africa. Only option five was therefore acceptable. Opposition groups supported the idea that monitors should be introduced to deter unlawful behaviour on the part of the various South African and homeland state structures and security forces. Option four covers this. No opposition parties seriously considered an actual peacekeeping force was feasible, or for that matter necessary⁴³. With respect to violence-reduction and peacekeeping, Kempton and Mosia suggested a compromise. The IC

should send monitors, and if after a few months the violence continued unabated, it should introduce some form of IC administration over the security forces". This either assumes that domestic consensus could be reached or else that the Security Council should take an uncompromising stand against Government opposition to external controls. Neither assumption is likely to hold, this will be discussed in the next section.

All of the respondents agreed that the IC had a role to play in **election monitoring and support**, but "the Government and its allies objected to the verbs 'monitor' and 'observe' in that they implied an official role for the IC."⁴⁵ The ANC-aligned opposition, and the PAC, wanted internationally monitored elections. Two contentious issues concerning elections also came to light. These were the Government's opposition to IC assistance with respect to voter registration (many opposition leaders wanted the process monitored), and TBVC states' desire to control elections in their respective regions". Kempton and Mosia conceded that 'given the present level of violence' internationally controlled elections would, of necessity, require the equally unlikely presence of peacekeeping forces"⁴⁶.

The question of international **mediation** provided some telling evidence about the high levels of optimism held by parties at the time. Kempton and Mosia had this to say:

Surprisingly, none of the delegates suggested an impasse was likely and many specifically argued it was unlikely."⁴⁷

For differing reasons both alliances were over-confident that CODESA would work to their respective advantage. The Government was riding the crest of the whites-only referendum wave and had forcefully, and so far successfully, defended the notion that the sovereignty of the South African state was inviolate. By

maintaining its strong stance on sovereignty the Government believed it could avoid a situation whereby the election process would fall under direct UN mandate as had happened in Namibia. The ANC alliance were clearly hoping for a swift transition to an interim government, and some form of hands-on power sharing. In the process many issues crucial to the success of the transition were (correctly) left to be decided until then, including such issues as operationalising the National Peace Accord's transition-management structures and control over the security forces. The ANC understandably did not trust the containment of violence and impartial policing to the government. Measured against the prospective benefits of a speedy transition to multiparty control, the ANC was willing to forego a serious challenge to the state's stand on sovereignty. Asked about the slow pace of negotiations in the latter part of 1992, ANC President Nelson Mandela replied:

...some people and organizations were too optimistic about the pace that the talks would take. If you look at the matter from the point of view of the conditions under which these negotiations occurred, I think we have made reasonable progress. Who would have thought that, as a result of these discussions, the State of Emergency would be lifted, political prisoners released, exiles allowed to return, a climate of free political activity in the greater part of South Africa would prevail, and repressive legislation would either be amended or repealed?"

It is easy to suggest that deadlock might not have occurred over the issue of transitional power sharing had the IC brokered the negotiation process from the outset, as was done in Namibia and thereafter in Angola. But by unilaterally unbanning the opposition, and releasing its most important leaders almost immediately, the Government pre-empted any IC role. In any case, the process of transition would have stalled immediately, with little or no

progress made, had the legitimacy of the Nationalist Party government been seriously challenged through opposition parties' insistence on an internationally-controlled transition.

The breakdown of multiparty talks has been variously attributed to 'the violence' or to the inability of parties to reach compromise over procedural matters. Both were factors to be sure, but the ANC's fundamental gripe was that the National Peace Accord could not function without substantive multiparty power sharing, and therefore was incapable of addressing the violence. As John Barratt notes:

Violence and negotiations are so closely interlinked that one cannot be put before the other; both issues have to be tackled together, if a settlement is to be reached. This then has become the concerted approach of the international community, as reflected in the resolutions of the UN Security Council (765 and 772).⁵⁰

The ANC had to suspend multiparty negotiations when it realised that the Government would not compromise on its insistence that CODESA define an interim constitution - and therefore the powers, functions, and boundaries, of interim and regional government - before going to the ballot. Because CODESA was a non-elected non-representational body this was flatly rejected by the democratic opposition, and also because the proposals amounted to little more than constitutional and pre-electoral gerrymandering. The real issue was the Government's refusal to concede any sovereignty to the ANC, who had little choice but to force the Government to compromise by using mass struggle and appeals to the IC.

Sanctions and Incentives

In considering the options raised by Kempton and Mosia, it is

necessary to outline very briefly why sanctions and incentives were of no real consequence when negotiations broke down. Any sanctions and incentives levers with a useful role in the transition would most profitably be directed at the Government, since it not only controls state power but the purse and security strings of the homelands as well. But once the ANC suspended negotiations, the IC could hardly call for reimposed sanctions, or offer new incentives, to prevent or dissuade the Government from prolonging CODESA or indulging in constitutional politicking. The subsequent hue and cry over Boipatong, demonstrating police inefficiency or complicity or both, only indirectly emphasized the real issue - that the Government wanted to avoid hands-on multiparty power sharing before an election. In other words, what subsequently patterned the Security Council debate over intervention was the over-attention paid to treating the symptoms (violence) but not the cause (the Government's refusal to relinquish monopoly control over state structures) of the conflict. Hence the emphasis by subsequent commentators on procedural differences and 'the violence' in explaining the breakdown in the negotiations.

However, before CODESA collapsed, very few states still upheld formal sanctions against South Africa, and the few political and economic incentives remaining were of questionable utility once the actual negotiations were under way. The process would be protracted indefinitely if every impasse required the re-imposition of formal policed sanctions. In any case in a global recessionary climate where economic concerns enjoy priority over ideological preoccupations, few states have the political willpower or inclination to re-enact sanctions, while some states of course were never keen to implement sanctions in the first place. The last nail in the sanctions' coffin is the ANC's growing political sophistication and increasing sensitivity to economic policy issues. The ANC has repeatedly stressed the fragility of the South African economy as a prime factor behind its more recent bilateral efforts to reach agreement on the form of a transitional government

in partnership with the National Party as soon as possible. The organisation now views sanctions, a slow and cumbersome policy to implement any time even with full international backing, in a completely different light. Apart from damaging the economy further, in the short to medium term, endemic poverty is reinforcing systemic violence, and that violence has to be partially dealt with by ensuring that the economic situation does not get any worse.

The above analysis, admittedly brief, hopefully establishes that economic sanctions against South Africa are part of the past. Potential political and economic incentives have either been granted in advance, thereby contributing to the start of negotiations, are too slow to implement and take effect, or else are of doubtful utility to this stage in the transition because they cannot be granted until an interim government is in power (such as membership of the IMF and world Bank). This is not to say that matters economic have not impacted on the process of transition. The IMF and World Bank, presently undertaking a comprehensive study of the South African economy, have probably affected the ANC's position on matters such as sanctions and nationalisation to a great degree, but they are not the subject of investigation for this paper because they will only start to openly affect the process of transition during or shortly after the introduction of an interim government, and even then it will be some time before any useful analysis of their role is forthcoming. In the meantime, South Africa's future leaders could do well to question:

the extent to which the democratisation processes we are observing in Africa derive from powerful social forces or are sponsored by external interests concerned to protect their credit risk. Insofar as the impetus comes from the latter source, there is every likelihood that 'democratisation' will be confined to parliamentarism and the revolving of national elites.⁵¹

PART II. INTERNATIONAL INTERVENTION:

Chapter 3. The National Peace Accord

The Role of the International Community and Transitional Politics after June 1992

What affects did the suspension of multiparty talks have on transitional politics, and what role did the IC have once it had been formally invited to intervene?

The latter half of 1992 has seen erratic progress being made toward the restarting of multiparty negotiations. The ANC fundamentally altered the course and form of transitional politics by formally withdrawing from negotiations after the Boipatong massacre carried out by IFP supporters. By initiating calls for nationwide mass action, and the intervention of the IC, the ANC shook at the same time the over-confidence of the Government and, in tragic circumstances, exposed the homicidal desperation of the Government's homeland allies at Bisho on 7 September 1992 - when Ciskeian troops massacred ANC supporters in front of international and local observer/monitors, as well as the world's press.

1992 also saw, partly through the unexpected empowerment of the Goldstone Commission, a change in the balance of power between the Government and the ANC. A series of bilateral negotiations, unencumbered by the presence of homeland leaders, culminated in the September 27 ANC-Government Record of Understanding, which represented an agreement on the need for an elected constituent assembly. In reply the IFP withdrew from constitutional talks and flirted with the white far-right wing and notions of loose consociation and even secession, before accepting in February 1993 that it had to return to multiparty negotiations with the ANC and the Government - which it did by March. Two processes may have

affected the IFP's decision. First, in January 1993 the Government initiated the process leading to the disbanding of the tricameral system; and, secondly, the majority of the 'self-governing' territories began a 'voluntary' process of reintegration.

As was discussed in the last chapter, the ANC had pulled out of negotiations because too much had been conceded to the Government without any prospect of power sharing before elections. The events that followed have brought South Africa full circle - to a point where multiparty negotiations should start at the end of March 1993 but with two important changes. The first is that the IC is involved, not as a referee or mediator but as an interested observer. The second change is that the Government's half of the neat alliance bipolarity that dominated both CODESAs has splintered somewhat.

The most important benefits to come out of the suspension of multiparty talks was a broad acceptance among most parties of the need for an international mediator, and the introduction of a formally invited on-the-ground IC presence, and not just in the form of observers. What has to be remembered is that the Government initiated the IC presence in South Africa - after Boipatong - by agreeing, under EC pressure, that five international specialists be seconded to the Goldstone Commission, despite its public commitment to South Africa's sovereignty. This partially resolved the deadlock characterising the 'sovereignty debate'. When South African parties put their case before the Security Council in July 1992 two things happened. One of the Government's main negotiation props, sovereignty, was undermined, and secondly the Government was treated fairly, allaying its worst suspicions about the impartiality of the UN. In Kempton and Mosia's words: 'During its special session devoted to the South African problem, the UN Security Council clearly demonstrated an unbiased approach, particularly from the Government's perspective.'⁵² Government policy changed from one of staunch opposition to international

involvement to the extent where, after the tragedy at Bisho, it was the first to call for international mediation⁵³

Security Council Resolution 765 led to the appointment of Cyrus Vance as a special representative to South Africa, his brief was:

...to recommend, after, inter alia, discussions with the parties, measures that would assist in bringing an effective end to the violence and create conditions for negotiations leading towards a peaceful transition to a democratic, nonracial and united South Africa.⁵⁴

Even before Vance had completed his mission in South Africa the UN, at the request of the ANC and the Government, introduced an on-the-ground observer presence during the ANC's mass action campaign. International observers were able, through mediation, to prevent violence in a number of volatile situations namely between the ANC and 'white' right wingers, and between the ANC and the Ciskei homeland. Perhaps the Government had hoped the observers would find mass action to be a danger to a peaceful transition, but the period of this initial intervention went off relatively peacefully. Indeed, this was the most optimistic period in South Africa vis-a-vis IC participation. UN observers performed remarkably well, and with Vance scheduled to report to Boutros-Ghali in the near future, it appeared as if a concerted IC effort would be implemented in order to reduce the levels of violence and mediate South Africa out of the impasse. **Security Council Resolution 772** appeared to give credence to the expectation that a substantial UN presence would be forthcoming (See Appendix for full text of SC 772). It addressed:

areas of concern relevant to the question of violence in South Africa, including the issues of hostels, dangerous weapons, the role of the security forces and other armed formations, the investigation and prosecution of criminal conduct, mass demonstrations and the conduct of political

parties.

and based on the UN Secretary General's report of the Vance mission, authorised the Secretary-General:

to deploy, as a matter of urgency, United Nations observers in South Africa, in such a manner and in such numbers as he determines necessary **to address effectively** the areas of concern noted in his report, in coordination with the structures set up under the national Peace Accord (emphasis added).

SC Resolution 772 also invited:

international organizations such as the Organization of African Unity, the Commonwealth and the European Community to consider deploying their own observers in South Africa in coordination with the United Nations and the Structures set up under the National Peace Accord.

The appointment of UN Special Representative Cyrus Vance, despite his qualifications, was a largely symbolic act on the part of the Security Council as he was deeply involved in, and probably already overwhelmed by, the crisis in the former Yugoslavia. But his ten-day visit to South Africa in July 1992 did lead to some concrete good, which only emphasised what a permanently-based impartial arbitrator of his standing could have achieved.

Although not all specify the need for an international mediator, a number of parties in South Africa have requested the presence of a neutral arbitrator at any future CODESA-like process⁵⁵. Boutros Ghali agreed it was an idea worth considering because of its utility for 'deadlock-resolving'. In examining Eric Bjornlund, Michael Bratton and Clark Gibson's account of the role played by the IC in the Zambian democratisation process, one cannot help but

gain the impression that former US President Jimmy Carter played a more than significant role. He mediated between the Government and the international observers, between the main parties themselves, and between competing indigenous monitoring groups. He aired publicly his reservations about the Government's electoral preparations and criticised censorship in the state-owned print and electronic media. Finally, in the authors' words:

Jimmy Carter made available his good offices in facilitating a smooth governmental transition by calling on President Kaunda on the morning after the election and encouraging him to step aside gracefully and allow the new government to take office. While international observers usually attempt to maintain a relatively passive stance - as mere observers - they sometimes may acquire, consciously or not, the more interventionist role of mediators. This was particularly true in Zambia where an eminent international figure made use of his personal acquaintanship with the incumbent head of state to help encourage a peaceful transition.³⁶

Carter had perhaps a special ability or empathy, stemming directly from his previous position, that facilitated and perhaps enabled the final handover of power. In South Africa has been no such key mediator, although rumours of ambassadorial intervention abound. This is especially the case with diplomatic representatives of the British (mindful of their large investments and expatriate population), Portuguese (who have 600 000 citizens here) and US governments. However, they are not the only governments taking an active interest in the process of transition. Others such as India and Germany, who again have large expatriate communities living in South Africa, have played a continuing role.

The CODESA deadlock and subsequent reliance on bilateral discussions led to a more suspicious and confrontational style of

politics, as a result the Government alliance fragmented to some degree. After the Bisho massacre, Ciskei came under strong censure from the Government. Its leader, Oupa Gqozo, sought solace in the company of Mangosutho Buthelezi, leader of the IFP and KwaZulu, and Lucas Mangope, leader of Bophuthatswana. Soon after, a major feud developed between the Government and the Inkatha Freedom Party, which some have said was stage-managed⁵⁷, over KwaZulu's reaction to the Record of Understanding signed between the Government and the ANC on 27 September 1992. Some of the bilateral and media exchanges between the Government and its erstwhile homeland partners (and potential electoral allies) have been particularly acrimonious. In essence, the period of bilateral negotiation since September 1992, has given the country a foretaste of what a scramble for electoral spoils will be like. This scramble for alliances among some of the lesser parties was a direct reaction to the increasingly close cooperation occurring between the ANC and the Government.

The relatively secretive nature of bilaterals, and parties' fears of being sidelined and dominated by an ANC-Government alliance, led to the emergence of a new grouping, COSAG (Concerned South Africans Group), made up of an unlikely alliance of agitated and somewhat rebellious government-aligned homeland leaders and marginalised white political groupings, like the Conservative Party (CP) and Afrikaner Volksunie (AVU). This oddball 'alliance' graphically illustrated the atmosphere of panic surrounding perceptions that the ANC and the Government would go it alone. The delay in multiparty negotiations also gave parties that had remained outside the CODESA process, notably the PAC and AZAPO, and the CP and AVU (who had not existed before June 1992), a last chance to negotiate or else be marginalised.

In the final analysis, transition structures could have gained sufficient legitimacy to operate effectively without any international assistance only if South African parties had granted

them the independence, impartiality, and operational effectiveness (the teeth), necessary to achieve their aims. This required of the main parties, and particularly the central and homelands governments, that they surrender a degree of sovereignty, first to the National Peace Accord - the local-initiative transition-management structure set up late in 1991 - and thereafter to some interim-governmental structure such as the anticipated Transitional Executive Council (TEC). No such thing occurred and, in retrospect, it is clear that by calling off multiparty negotiations, and introducing efforts aimed at directly involving the international community, the ANC was attempting to redress the balance of relations in its favour while trying to erode the Government's monopoly over state power, particularly over the security forces.

Once involved, and perhaps against the expectations of some, the IC opted for a low-profile presence, introducing what can only be described as a proto-observer mission, which has restricted itself to attempting to resuscitate regional and local structures of the NPA. They have not, as far as can be discerned, played a major mediatory role between the main parties with a view to getting multiparty negotiations restarted, although that was obviously a major concern of the IC. At the time that Vance led the UN fact-finding mission to South Africa most parties were fairly vociferous over the extent and form of the IC's possible mandate, but aside from a burst of speculation before Boutros-Ghali acted on SC 772, the issue has been conspicuous by its absence in transitional politics. Bilateral negotiations since Vance's visit have reflected little by way of substantive debate, much less coordination, concerning any future or expanded role for the IC, and once again the main concern remains the IC's role in elections. The Record of Understanding, for example, regarded as a major breakthrough at the time, as well as subsequent agreements between the ANC and the Government, occurred without obvious international mediation.

Perversely enough, the IC's limited role in the transition, once SC

772 had been enacted, to a certain extent reflected the speed and extent to which the two main parties, namely the Government and the ANC, were able to achieve compromise. As Kempton and Mosia noted in their conclusion:

...the role of the IC...(grows) in inverse proportion to the success of the domestic negotiations. When talks are going well, the participants are willing to forego greater assistance from the IC. Conversely, when an impasse is reached or there is a marked escalation in the violence, many participants seek an expanded role.⁵⁹

But the IC itself, after deciding to confine its presence to a token observer presence, only had a **visibly** direct impact on the process of transition while Vance was actually in South Africa testing parties' opinions. In the short term, by highlighting the issue of un-released political prisoners and Justice Goldstone's recommendations - that there be a total ban on the display of dangerous weapons and a resolution to the question of militarised hostels - Vance immediately contributed to cooling political tensions. In the long term, though, the single most important contribution from Vance would prove to be the his impressions concerning the significance of the Goldstone Commission, at this point already reinforced by the presence of Professor Peter Waddington of the UK and former Justice Bhagwati of India. This would prove more crucial to the transitional balance of power than the presence of international observers.

Whereas the ANC requested some 400 observers, preferably with a background in policing, Boutros-Ghali agreed to send only 30, and then the 50 UN observers now in South Africa under Ms Angela King. The observers have played a relatively subtle and low-profile role, not directly affecting the actual process of negotiations. In December 1992 the UN mission was still pressuring the government to issue a proclamation prohibiting the carrying of weapons: 'The UN

in the past has had certain mechanisms for collecting arms. We have to start looking at this very seriously with so many guns around⁵⁹ In early 1993 many of Vance's recommendations still remain unfulfilled. Ms King's appointment also met with some criticism, as her background was in administration and not in policing. Doubts over the observer-mission leader's competence, and over the small numbers of observers, are a reflection of the fact that the UN is struggling to intervene effectively in many different and widely separated conflicts at the same time. The situation was probably further compounded by the contemporaneous failure of the Angolan settlement in August/September 1992. UN personnel, including large numbers of observers, were reportedly meant to have been transferred to South Africa after the completion of the Angolan elections. The UN decided in December 1992 to increase the total number of observers by 10, bringing the total to 60.

The National Peace Accord: Before and After Security Council Resolution 772.

Here we are concerned to list some criticisms of the National Peace Accord and to detail the weaknesses of its structures. Despite having only a limited presence in South Africa, and the fact that internal and external participants have so far failed first to activate and, more recently resuscitate the Accord, the IC has nevertheless managed to exert indirect, yet crucial pressure on the process of transition through its support of a subsidiary agency, the Goldstone Commission, making the latter in many respects the most important transitional mechanism in 1992/3. For this reason the Goldstone Commission is treated separately after the detailed analysis of the NPA.

The NPA, signed in September 1991, was designed as a multiparty transitional management structure. In the first instance it represented South Africa's first multi-party 'ceasefire'. It was a

framework for regulating the behaviour of various parties and security forces until parties at CODESA could agree on the specific form of a multiparty transitional-executive structure, or Transitional Executive Council. Until the TEC granted other parties a say in the transitional decision-making process, the NPA had to rely almost entirely on the state for its implementation and enforcement. It was created to facilitate a climate of free political activity, lay the foundation for the creation of representative and accountable police and security forces, and initiate a programme of reconstruction and development, especially in communities affected by violence. Unfortunately, its main achievement to date has been to prove true the adage that 'policy formulation does not equal policy implementation'. One cause of NPA's failure was the inability of CODESA to introduce real multiparty control over state resources, and hence over the transition process, because the NPA was, and remains, heavily reliant on governmental agencies for its implementation and enforcement⁶⁰.

By August 1992 the Chairperson of the National Peace Committee, John Hall, was forced to admit that the NPA had been ineffective in stopping the violence. Speaking to the Vance mission, most parties expressed the view that the NPA's mechanisms lacked the necessary teeth to end violence and facilitate socio-economic development and reconstruction. Boutros-Ghali noted that there was a desperate need for 'financing and full-time staff'⁶¹. Many NPA mechanisms for ensuring police accountability and conflict resolution were not in place more than a year after the signing of the Accord, including the special criminal courts that were designed to accelerate the prosecution and sentencing of violent politically-motivated crimes⁶². In December 1992, the Commonwealth observer group to South Africa strongly criticised the Accord's implementation and enforcement, saying that in South Africa it was common for people charged with violent crimes to be released on insignificant bail, only to resume their violent activities. The observer group also

criticised the legal system for prematurely releasing long-term prisoners convicted of violent crimes, without any explanations.

The impressions of the head of the UN observer mission to South Africa bear quoting in length. Angela King said early in 1993:

We are...concerned that, despite the fact that the government has promised the UN on a series of occasions to implement a number of the recommendations made in the Vance report, eg on dangerous weapons, hostels, the code of conduct for the SADF, and the dissolution of Battalion 32 (and) 32 and Koevoet, nothing significant has been done in this regard. We also find it very ironic that, a year after the signing of the National Peace Accord and some time after the establishment of all these regional and local peace structures on which, incidentally, there are members of the SAP and SADF, still there is a lack of communication and discussion on their part with communities in many areas.⁴³

The UN, fulfilling its promise to send a mission to South Africa every three months, sent Special Envoys Virendra Dayal (who had earlier accompanied Vance) and Tom Vraalson, who reported to the UN in December. Their report criticised the Government for not adequately addressing the hostels crisis, for not disbanding 31 and 32 Battalions (counter-insurgency units) and for not issuing a proclamation restricting the carrying of dangerous weapons in public. They cited the use of agents provocateurs to incite violence, criticised the SADF for the continued 'existence of covert operations, apparently sanctioned at high levels of Military Intelligence, as recently as December 1991', and maintained that there was 'strong evidence of serious deficiencies in the law enforcement establishment's ability to promptly investigate violent crimes and prosecute offenders.'⁴⁴ In short, it appeared as though nothing had changed.

Why after such a time, and after the welcome introduction of IC observers, is the NPA still unable to function? The failure of the NPA is linked to the failure of CODESA, because without impartial implementation and enforcement, which can only be brought about by extending multiparty or external control over state structures and agencies - something the IC's presence has not yet broadly facilitated - the Accord is meaningless.

As can be seen from the introductory remarks, the NPA remained unsuccessful as a 'peace treaty' despite IC intervention because of sustained structural and functional constraints. On one level the NPA suffers from a lack of infrastructure, funding, and personnel, for which it is dependent on the state. On another level implementing and enforcing the Accord has been near impossible because of its perceived lack of legitimacy and vulnerability to state manipulation. While policy implementation is not the sole preserve of the state - but is the responsibility also of other signatories - policy enforcement has been claimed by the Government. One has only to examine the NPA's chapter on security forces. The Accord recognised the right of citizens to protect their lives, property and communities by forming self-protection or self-defence units (SPUs or SDUs), with the proviso that 'no party or political organisation shall establish such units on the basis of party or political affiliation, such units being considered private armies.' while 'no private armies shall be allowed or formed.'⁴⁵

In consequence all responsibility for enforcing the Accord with respect to the protection of citizens from criminal and political violence lay with the SAP. This is a problem because in South Africa the conduct of the security forces is viewed as crucial to the success of the transition. This is not because the security forces are behind most of the violence - they are not - but because a biased force can stoke up the violence, through opportunistic actions that assist one or other party or, as often as not, by

inaction. this last would include selectively following up, or not following up, on certain breaches of the Accord. For many, multiparty supervision of the police forces is a minimum requirement for the successful implementation of the Accord, preferably assisted by clearly impartial external policing experts⁶⁶.

Angela King, leader of the UN observer mission in South Africa, has criticised the Accord's top-down method of functioning, insisting that people in all parts of the community had to be made to feel that the Accord belonged to them. She suggested that it 'bring in women's groups...community groups...a greater awareness of what people on the ground think about certain issues, because one good thing about it is that it is a structure that's built at all levels.'⁶⁷ She also said in a later interview that there 'doesn't seem to be any outlet for the youth of the country.'⁶⁸ The NPA is meant to be a grassroots initiative, its eleven regional peace committees are ultimately dependent on local dispute resolution committees (LDRCs), which are dependent in turn on the ability of local governments, communities, parties, and church, worker and tribal organisations, to interact, compromise, and coordinate NPA strategy. In other words the NPA relies to a large extent on the goodwill of combatants in the most hotly contested socio-political and economic arena in South Africa. Without efficient and impartial policing the NPA will never inspire confidence.

While on paper the Accord allows for multiparty monitoring, in practice this is firmly the state's preserve. As a result the Accord's codes of conduct have become meaningless for two reasons. First, without any real threat of external control, governmental departments have little incentive to reform outside of pressure coming from central government. Secondly, and flowing from the first consideration, other political parties and organisations, perceiving this to be the case, are displaying a similar antipathy to the NPA. The Government's and other parties' unresponsiveness to

the NPA has seriously undermined its capabilities. Frustrations with leaders' inabilities to secure progress in negotiations have resulted in the alienation of sections of their constituencies, promoting rising radicalism and political intolerance. If leaders pointedly ignore the Accord, then this is doubly so for their constituencies. The NPA is lacking legitimacy because most South Africans view with much suspicion the NPA's almost exclusive reliance for its effectiveness on state institutions, such as the Departments of Justice, Law and Order, and on the SAP and SADF. NPA policy-making is therefore always vulnerable to 'slippage'. Partly through incompetence, and partly by design, security forces and governmental departments throughout South Africa and the homelands have proved themselves unreliable and untrustworthy when it comes to upholding the Accord and acting impartially.

Until the Goldstone Commission achieved a measure of independence, as a direct result of the presence of international participants, and was able to demonstrate its impartial status, the lack of any recourse to impartial investigation meant that biased state behaviour, although frequently challenged, went unpunished or undetected. Only with Goldstone did the Accord begin to pose a challenge to the Government's hegemonic position.

The same high expectations of a swift transition to interim rule that contributed to the failure of Codesa also failed the NPA, as did biased or ineffective policing, and strong governmental opposition to external controls over its administration and security forces. The NPA's fundamental weakness, namely its lack of legitimacy arising out of its reliance on state controlled structures, was viewed by opposition parties as a short-term problem, while its effective operationalisation was left to the expected multiparty transitional authority - which has yet to materialise. The NPA might be more effective under an interim government, but not without additional international observers under a broader monitoring or administrative mandate, one which

would allow for combined local and international observers to monitor properly, and when necessary regulate and coordinate, the implementation and enforcement of the NPA. This is because, in the short to medium term, the security establishment's 'culture, political orientation and balance of power in the transition' will not change with the introduction of multiparty control".

Local and international observers are only capable of providing localised mediation and observer functions in support of the Accord. Due to their small numbers these functions are largely restricted in scope to pre-arranged events. Because twenty-four hour monitoring is not available observers can only deal with spontaneous crises that are within easy reach. The 150 part-time indigenous volunteer-monitors are backed by an insufficient number of international observers. The total on-the-ground IC commitment as of December consisted of 15 observers from the EC, 11 from the OAU, 18 from the Commonwealth but only for 3 months from October 18 - December 1992, together with 50 UN observers, making a total of about 100 foreign (including those seconded to the Goldstone Commission) and 150 local observers. They are spread thin. In the Border/Ciskei region there are two observers from each of the UN, EC, and OAU⁷⁰), the whole of Cape Town has two UN observers normally. If back up is needed for large events, such as the ANC's march on the Houses of Parliament, observers have to be withdrawn from other areas. In November 1992 Boutros-Ghali said he had no intention of expanding the size or scope of the UN observer mission.

In December 1992 the PAC called on the UN Secretary General to send a delegation to South Africa to convene and chair a new negotiations forum, and called on the UN to increase the UN observers' mandate to enable monitors to take measures to prevent violence. This was in reply to Angela King's statement that the UN observer mission would be unable to take up the PAC's invitation to investigate alleged APLA (Azanian Peoples Liberation Army) bases in

the Transkei - following domestic and international concern over APLA's December 1992 attacks in the Eastern Cape region, which allegedly targeted 'whites'. King said the matter fell more properly within the jurisdiction of the Goldstone Commission whereas the UN mission was here to observe and not investigate. PAC political affairs secretary Jaki Seroki replied:

there is little sense in the UN presence if they are merely going to compile statistics of deaths through violence.⁷¹

The ANC, supported by the Frontline-States, similarly expressed some misgivings concerning the observer mission's mandate and issued a draft resolution calling for the General Assembly to endorse a plan disconnecting the observers from the NPA, and turning them into independent monitors⁷².

If and when multiparty control is extended to state and NPA structures, these figures will still give cause for concern in terms of the number of important interconnected issues that demand attention. These include the reintegration of the homelands, monitoring security forces throughout South Africa and the homelands, demobilising and disarming the ANC's armed wing, Umkhonto WE Sizwe (MK), as well as other 'private armies', and election preparation and support.

Reintegrating the Homelands

Before the Government's turnaround on IC participation after Boipatong, and its shift closer to power-sharing with the ANC, five of South Africa's ten homelands (four 'independent' and six 'self-governing') provided potential allies against an ANC alliance. These included Bophuthatswana, Ciskei, Qwa Qwa, Gazankulu and KwaZulu.

The Bisho massacre on 7 September 1992 gave South Africans and external observers a foretaste of what could be expected if multiparty negotiations were abandoned entirely. Mass action and the 'Leipzig option' would become the opposition's main tool of political transformation, against which the state and homelands would only be able to respond with massive repression⁷³. Unrestrained confrontations between the ANC and the 'independent' homelands, who are not recognised internationally - and for whose actions the Government bears responsibility, would only have led to increased international pressure and were the last thing the Government needed. But a weakness of the NPA is that, while extending to the 'self-governing' territories, it is not binding on the TBVC homelands, and is therefore not binding on their security forces or other organizations. This has weakened attempts to promote political tolerance in these areas, and means that by the time these states are reincorporated into South Africa, the political opposition will have had very little opportunity to organise therein.

The implications of reintegrating the homelands and self-governing in advance of elections for a constituent assembly, have not escaped homeland leaders whose levels of popular support are dismal. The IFP, for example, despite being touted as a major player in the process of transition maybe commands four percent of the total vote. Losing direct control over their police forces and armies would effectively end the electoral aspirations of probably every homeland leader. As one journalist notes: 'to allow the ANC to operate in (the homelands) is tantamount to giving over power.'⁷⁴ Three of the TBVC states reject centralised transitional control and reintegration into a unitary state, the only exception is Transkei. Together with KwaZulu, these three states recently threatened secession within a very loose federal or confederal structure.

In November and December 1992 the ANC and Ciskei government,

meeting together, agreed to end hostilities and to commit themselves to supporting the NPA. These talks failed, however, because Ciskei wanted an independent peace committee, for the territory, staffed and controlled by 'Ciskeians', whereas previously the territory had fallen under the aegis of the Border/Ciskei regional peace committee. The Ciskei government has since unilaterally introduced an independent 'peace committee' operating under draconian repressive legislation, including the banning of the ANC. The IC has never enjoyed more than limited and controlled access to the Ciskei. According to Angela King the UN observer mission has also intervened in Bophuthatswana on several occasions but with no real success.

Most recently in February of 1993 the Government has warned Bophuthatswana that its continued financial support is dependent on the territory acceding to reintegration. As 1993 wears on this pressure is likely to mount considerably. Because the Government has publicly committed itself to a proportionally-elected constituent assembly and transitional government it remains crucial that all homelands participate willingly in a South african-controlled election.

Election Preparation and Support

'On the day' nationwide elections are the one area in which external and internal actors expect a show of force from the IC. Even so, if the first democratic general election in South Africa is to be held in late 1993 or early 1994, then getting the sums right with respect to the numbers and types of international observers will have to be a priority, as will the timetable of IC participation. In Angola, for example, over 800 observers proved inadequate and unsatisfactory - not because they failed to run a successful election, apparently this was well handled, but because in the run-up to the elections UNAVEM II failed to spot UNITA's strategy of gathering troops at demobilisation camps without

disarming them. A large pre-electoral monitoring force is necessary to ensure that demobilisation, where pertinent, is carried out fully before the elections. In South Africa this would be pertinent to the reintegrated defence forces of the homelands with the added problem of the demobilisation and/or integration of MK soldiers into a unified SADF. In January 1993 the ANC publicly committed itself to disbanding MK before elections.

Because of the relatively short transitional timetable envisaged by the Government and the ANC, which expects elections as soon as late 1993 or early 1994, the distinction between a pre-electoral, and an electoral programme of conflict resolution, security-force monitoring and peacekeeping is no longer valid. As the electioneering has begun already, one can only hope that the various parties realise this also. In recognition of this fact the next subheading deals not only with conflict resolution but also with electoral violence. While common sense dictates that the process of conflict resolution should largely, if not completely, have been finalised before the actual electoral process begins, one can only pray this is the case.

Conflict Resolution, Security-Forces Monitoring and Peacekeeping

What does set democracy in motion?...it is 'not trust and tolerance,' but rather 'very uncivic behaviour, such as warfare and internal social conflict'⁷⁵

While colonialism divides and perpetuates tribalism, violence or armed struggle is 'all-inclusive and national', 'unifies the people' and gives them responsibility.⁷⁶

Prior to events in 1992, participants and observers of the South African transition process commonly expressed the belief that progress would only be made once the levels of domestic violence

had been dramatically reduced. On the part of the democratic opposition this took the form of calls for the state to restrain the security forces' counter-revolutionary activities while at the same time calling for impartial policing and protection of all citizens. The Government for its part called for political tolerance, especially between the ANC and Inkatha, an end to armed struggle, and respect for the law. Both maintained that if the transition moved ahead before most of the violence had been curtailed, then actual electioneering would result in conditions so violent the process would either be paralysed or its legitimacy irrevocably compromised. However this analysis has since undergone a major reappraisal. The prevalent view now is that rapid transitional progress is necessary to break the cycle of violence. The Government seems to have accepted this as well, though for reasons that are different to those of the democratic opposition.

Some observers point to the weak economy as the main reason why the major parties' have reached consensus on the need for a speedy resolution of the conflict. Another line of argument, held by sections of the left as well as the right, is that making the stopping of violence a precondition for further progress toward elections would play into the hands of various war-mongering factions within different parties or, alternatively, might facilitate a conscious counter-revolutionary strategy on the part of the state. In support of these claims, then observers pointed to an emerging pattern, whereby the incidence of violence increased whenever parties made multilateral or bilateral progress toward a transitional timetable⁷⁷. Whatever the reasoning of individual parties, this new thinking reflects a more sophisticated perception that violence in South Africa is not simply the result of a pattern of coercion and resistance⁷⁸, and that violence and negotiations have to be treated simultaneously, both by internal parties and the international community⁷⁹. For Lemarchand:

The dynamics of transitions to democracy are inseparable

from the conflict situations during which they arise, unfold, and sometimes collapse. The structuring of conflict, the character of opposition forces, and the threats that may arise from foreign sources are all critical factors in transitional politics across much of the continent.⁸⁰

Violence in South Africa has become much more than an extension of politics. William Beinart refers to 'systemic disorganising violence' when describing the totality of violence in South Africa⁸¹. His shorthand phrase accurately captures the essence of violent conflict which causes, and is caused by, social disintegration during social transformation. The complexity and self-perpetuating nature of violence in South Africa is manifest in instances where political violence has sometimes been transformed into, and in cases been replaced by, communal vendettas or feuds. Similarly, and in reverse, personal, business (such as the 'taxi wars') and clan conflicts are often either exploited under the cover of political conflict, or become politicised⁸². In many instances its motivation is so arcane as to be almost meaningless, except perhaps to select groups of anthropologists.

In South Africa there were 9089 political fatalities between 1985-90, a further 2510 between January and November 1991⁸³, 3324 up to the end of November 1992, 38 percent more than the comparable period in 1991⁸⁴. The Human Rights Commission has counted 49 politically-inspired massacres in the two years from July 1990 to July 1992, averaging 25 deaths each⁸⁵. By December 1992 117 people had died in police custody⁸⁶. The SAP estimated that there had been 16 000 murders in South Africa in 1992, clearly illustrating that deaths due to socio-economic conditions are just as much 'political' as those caused by warring parties. In the words of the Commonwealth Observer Mission: the causes of South Africa's violence are 'largely structural and to be found in particular in the gross imbalances in the distribution of wealth in South African

society.^{'87}

Security Forces Monitoring

Another recent view to have come from the Commonwealth observer team, led by former Ghana Supreme Court Judge A. Amissah, accused the SAP of being 'partial and inefficient' and stated that expectations of a reduction in violence before an interim government were unrealistic⁸⁸. Angela King has said 'there appears to be an organised force behind much of South Africa's violence, but there was insufficient evidence to label this a third force.'⁸⁹ There have been reports that the ANC has lost control of parts of its organisation to both militants and criminal elements in Natal especially but also in the Transvaal. One thing is certain and that is that to date the broader IC has rarely been vocal about the killing of IFP supporters. Several massacres have apparently been carried out by MK members or by SDUs under orders from local ANC leadership, a fact admitted to by its national leadership. Mandela has declared that any members who engage in 'acts of terror' automatically disqualify themselves from membership.

While most of the politically-related deaths that occur in South Africa are the result of ANC-IFP conflict, the issue of impartial security and protection for South Africans remains fraught with discrepancies. For example, although large troop deployments in Natal/KwaZulu managed to reduce levels of violence, initially the policy was directed to securing the national highways and white farms, prompting charges that the policy was geared toward protecting commercial transport, white travellers and farmers. Along the Orange Free State and Lesotho border, after a number of farm attacks, the SAP stationed one police officer on each of the 200 farms in the district indefinitely⁹⁰. And yet it was not thought possible to station police officers or even SADF troops on a full-time basis outside those hostels at the centre of earlier and continuing inter-community violence. While it is difficult if

not impossible to predict in advance the number of observers appropriate to local conditions in South Africa, the lessons of neighbouring states may be relevant here.

The UN Angola Verification Mission (UNAVEM II) was meant to have 350 military and 126 police observers⁹¹, the numbers of which were later to have been increased to 316, but according to Victoria Brittain, only 210 military and 77 police observers were on hand during the run-up and actual election⁹². Something like 7,500 observers are planned for the Mozambique settlement⁹³. Anglin says that the CIVPOL police observers in UNTAG were of 'crucial importance in critical election situations' in Namibia where an initial number of 360 proved insufficient and were increased to 1500. This was because 'experience in Namibia subsequently suggested that the major threat posed came from SWAPOL (the South West African Police) and especially Koevoet and, to counter this, what was needed were more police, not more troops.'⁹⁴ 'Despite the subsequent tripling of CIVPOL strength, it never fully succeed in restraining the vicious behaviour of Koevoet (counterinsurgency force), which rapidly became the major cause of violence in the North.'⁹⁵ Police observers in Namibia and Angola were not meant to replace the national police 'but to monitor their activities to ensure they maintain(ed) acceptable standards of efficiency, professionalism and impartiality' and to 're-educate the existing police forces to assume responsibilities in a democratic society.'⁹⁶

In South Africa the indications from Natal suggest that close international supervision of local police is required. Thus in Imbali township, in an example that is typical across South Africa, Midlands ANC Deputy Chairman Blade Nzimande said that residents preferred township policing to be done by soldiers from 3 South African Infantry battalion and were opposed to the police force's Internal Stability Unit (riot police) doing the job. Nzimande said 'residents regard the soldiers as relatively impartial and we want

them to remain. We are putting pressure on the police to keep the soldiers there.'⁹⁷ In instances where regular army units are used, as opposed to special forces units such as Koevoet, 32 and 31 Battalions, the majority of South Africans display far less antagonism and feel better protected than if the SAP are present. In a December report Boutros-Ghali suggested that foreign police observers be invited to South Africa to 'advise SAP personnel on the conduct of investigations' in recognition of the 'pervasive public sense of disbelief at the SAPs failure to maintain law and order and a widely-held perception that the Government has failed to make full use of its law-enforcement powers to stop violence.'⁹⁸

The problem with the short election timetable is that it will take up the bulk of 1993 to convene a 'CODESA 3' and negotiate the form of the TEC, leaving the ANC very little time before the election to secure influence over the conduct of the security forces. For this reason the IC's pre-electoral role has to be revised as soon as possible.

Peacekeeping

The US-led Unified Task Force (UTF) mission to Somalia, a country incidentally with a population not much larger than South Africa's, suggests the beginning of a new phase in international intervention, with an emphasis on initiating peace-making or peace-enforcing operations before the more usual peace-keeping operations. After a traumatic year for the UN, and in an obvious reference to failures or setbacks in the former Yugoslavia, Cambodia, Angola, and the previous mission in Somalia - where relief-agency personnel endured daily extortion at the hands of their Somali 'guards' as well as huge losses of aid material and famine relief - UN Secretary General Boutros Boutros-Ghali said:

The mistake we made in the past, was to try to promote peace while the factions were still armed and fighting.

We will not repeat that mistake. Disarmament is essential and it will take time.⁹⁹

What potential ramifications does this have for the role of the UN in general, and the South African transition in particular? If the Somalia mission meets with more than modest success, it could mean that the UN will in future intervene with multilateral force in other instances without first acquiring formal consent, on the basis that such conflicts represent either a threat to regional peace or to the fabric of the society in question. The UN Special Envoy to Mozambique, Aldo Ajello, stated that in light of the mistakes made in Angola, the international force in Mozambique would not permit elections until all military forces were disarmed and dispersed¹⁰⁰.

As events in Angola have demonstrated, this is a necessary, if optimistic, precondition. Three months before the election date in Angola under half of the UNITA and Government forces were confined to assembly areas (85 percent of UNITA and 37 percent of government soldiers), only thirteen percent had been demobilised and just six percent of the new Angolan Armed Forces had been recruited¹⁰¹. The above figures probably do not take into account the fact that significant numbers of demobilised government troops had already dispersed to their communities and families. The location of assembly points could also have proven highly significant, for example, their proximity to urban centres, the distance between UNITA and Government assembly areas. The fact that there were many more UNITA soldiers in assembly points may have meant either that they were better placed to initiate a post-electoral coup, or that they were more vulnerable to attack from government forces.

South African society has not fragmented to the degree that Somalia and Angola have, and it is unlikely, for many of the same reasons explained by Kempton and Mosia, that a peacekeeping force will ever be despatched. An indigenous multilateral peacekeeping force,

commanded by international experts, is still not feasible because of time constraints and because of opposition on the part of the Government. The Government has, however, embarked unilaterally on a programme to create a multi-ethnic force of 7 500 soldiers to form the core of a new SADF, but it is unlikely that this force will be well enough trained to be operational by the time elections are held, because its members are to be new recruits from the civilian population at large.

In terms of conflict management and reduction in South Africa the main issue remains effective but impartial policing. This has been the main lesson of the Goldstone Commission throughout its short life-span - although the Commission has not been able to realise this essential objective.

Chapter 4. The Goldstone Commission

Of the NPA's structures only one - the Goldstone Commission - is functioning to any degree. And this is because it has become relatively independent from direct state control while at the same time remaining impartial toward those that wield state power. The successes of the Goldstone Commission mostly lay in uncovering governmental and security force complicity in political violence, but also in demonstrating the extent to which other parties are unable to control their supporters.

We have already covered in some detail most of the issues germane to the Goldstone Commission's mandate. The fact is that in South Africa most violent deaths are caused by socio-economic factors. The unequal distribution of resources and the manner of their distribution - through extensive clientelist networks in the Government, local government, and homeland administrations - has led to massive social upheaval and displacement. The relaxing of apartheid controls has resulted in fierce competition for scarce resources and, in some instances, an even fiercer reaction. In order to break the reinforcing cycle of 'systemic disorganising violence' that has characterised South Africa's transition to date, the NPA's mechanisms had to demonstrate their legitimacy to those who viewed state structures as illegitimate, and to exhibit their impartiality to those parties that resented outside interference in state structures. By creating a mechanism to investigate the nature and causes of violence, parties believed, for differing reasons, that the Commission would promote and raise public confidence in the Accord's transition management mechanisms, such as the special criminal courts, regional and local dispute-resolution committees, and justices of the peace. But more than a year after the signing of the Accord most of its structures, which were intended to ensure impartial policing and facilitate conflict resolution, have failed or else are still not in place. As a result the Commission has had yet another role thrust upon it - that of mediator - by a

combination of circumstance and international encouragement.

Formally known as the Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, the Goldstone Commission was established by the Prevention of Public Violence and Intimidation Act, 1991, to 'investigate and expose the background and reasons for violence'. From the outset, the Commission was a sub-component of the National Peace Accord, and was never envisaged as a separate transition mechanism. However the fundamental inability of the NPA to function effectively has meant the Goldstone Commission has taken on much greater significance and a role of its own. In some respects it has become a substitute for the entire Accord which, without properly functioning mechanisms as late as February 1992, remains nothing more than a mess of signatures. One observer has gone so far as to describe the Commission as 'the first stage of interim government.'¹⁰² This is not a bad analogy but how did this come about?

While the NPA, acting alone, was not meant to carry South Africa through to free and fair elections, it was intended to function as the primary transition management structure. The NPA was to manage the broader transition process while CODESA attempted to satisfy various parties' demands about the actual form of an interim government. Out of the entire NPA structure, however, the Commission excited the most interest because of its unique potential to probe the causes of violence. The NPA document stated that violence and intimidation would decline only when investigated and exposed to media attention. From the outset this compromised the Commission's ability to strengthen the other mechanisms of the NPA because the Government and ANC each hoped to use the Commission to reinforce their respective positions in future negotiations. However impartial the Commission's codes of conduct its initial findings and recommendations became weapons in the negotiating arsenals of various parties. They were often cited in media confrontations and in bilateral encounters arranged to discuss the

future of the transition.

For example, the Government repeatedly claimed that the commission had revealed the **main** causes of political violence to be linked to the struggle for power between ANC and Inkatha. The Commission's preliminary report - stating that no clear evidence of a third force could be found - was seized upon by the Government which claimed, somewhat predictably, that by extension this exonerated the SAP and other security forces of any complicity in illegal violence.¹⁰³ The Commission's first real test came at a bad time. Negotiations had been suspended while Goldstone was assigned to investigate the Boipatong massacre and the police response thereto. The two main issues that emerged after the massacre soon took on an exaggerated significance, obscuring some more critical questions: they were (1) 'traditional' weapons and (2) the largely single sex workers' hostels, which in some instances had become camps of war.

In the event, so many political attacks involved the use of automatic weapons that the furore over 'traditional' weapons quickly became academic. The unprecedented outrage over Boipatong had at lot to with the hacking and stabbing, of women and children especially. As a result of the emotional hysteria surrounding the event, following on from the disappointments of CODESA II, the whole affair soon degenerated into political point-scoring, which rather compromised the Commission's cautious findings - at least in the eyes of the public. The Commission was weakened by its own commendable efforts to demonstrate its impartiality. Caught between a rock and a hard place the Commission faced mass hostility if it failed to expose Government complicity in the violence. And because of its structural dependence on various governmental departments, it also faced the threat of non-cooperation from Pretoria should its findings be unsatisfactory for the state or seriously threatening. As a result the Commission initially adopted a 'softly-softly' approach to its inquiries, resulting in charges that it was attempting to act as peace-broker at the expense of its

investigative mandate. The Commission was accused of appeasement rather than investigation, and of favouring mediation at the expense of investigative vigour.

The first interim report of the Commission was described as a 'wishy-washy attempt to be so even handed and to lean so far back to avoid alienating any of the major parties that it has had the opposite effect.' By crudely equating the position of the ANC, Inkatha, and the SAP 'it did not explain how the violence started, was imported into the Transvaal from Natal, how government and security force support for Inkatha played a role and how and why the ANC is losing control of its members and its soldiers.'¹⁰⁴ Howard Varney, legal council for the Bruntville Peace Committee remarked:

It is not the task of the Commission to appease all parties... it is to investigate the violence, and if this means stepping on toes and upsetting some of the parties - then the Commission should do so boldly and fearlessly. If the Commission is not going to do it, then nobody else is.¹⁰⁵

The Commission feared the support it enjoyed from the major parties would evaporate once culpability and blame was assigned. At this point in time the Commission had yet to demonstrate its independence from the state (and other parties) and its determination to explore every aspect of the affair, however unpalatable to some.

South Africans had seen Commissions come and go in the past with barely a ripple, despite the standing and integrity of many of those appointed to chair the investigations (for example the Harms Commission). Reports that were intended for the public either were not published or else were sanitised and robbed of all meaning. But for the majority of South Africans, the most damaging indictment of

the Commission, was that it consists of:

white men breezing in and making major decisions on behalf of the majority. An investigative task force of senior, respected police officers and legal professionals (is) unlikely to dramatically change that profile. While the newcomers may have demonstrated their political neutrality and commitment to the truth, their judgement is likely to remain coloured by their life experiences as an isolated and elite group in a divided country.¹⁰⁶

The real threat to the Commission's credibility, however, despite the above shortcomings, was its structural and functional reliance on governmental agencies, especially on the SAP and the Department of Justice. Aubrey Lekwana, of Lawyers for Human Rights, said 'If the Commission operates within the structures of the SA government, which is under fire for having a hand in the violence, then the people won't trust it.'¹⁰⁷ This perception initially led to calls by local ANC leaders for people not to cooperate with the SAP in the Boipatong massacre investigation. The furore over the Commission's Boipatong findings and the Government's behaviour in holding publication back for a month - whilst selectively releasing portions out of context - could have resulted in the premature death of the Commission. This is where international support proved vital. Fortunately for the Commission it was well received internationally. Even Britain, a long time cold-war 'ally' of South Africa, supported it by seconding policing experts and investigators to monitor the SAP's Boipatong investigation. A short time after, the Commission received a further boost from the prominence afforded it by the Vance Mission, and the almost unqualified support offered by the UN Secretary General.

While it is still not without criticism, some of it deserved, the Commission has achieved some significant successes both by broadening its original mandate and by establishing a greater

degree of independence. And it has done this relatively quickly. These moves allowed it to re-establish its impartiality without having to appear overly placatory. And because it was well received and supported by the IC, it was increasingly in a position to bring pressure to bear where it was needed, forcing the major parties to engage in some strong self-censorship. In a press release focusing on the violence in Natal the commission noted that 'even if allegations against members of the security police prove to be justified, such misconduct would not have been possible but for the ongoing battle between the ANC and the IFP.'¹⁰⁸ In response the ANC admitted its army and supporters were no longer under complete control.

For its part the Government initiated a massive restructuring programme of the SAP. This began in August 1992 when Justice Goldstone requested, and was granted, permission to create an independent investigative task force made up of hand-picked police members and attorneys, accountable directly to the Commission, with UN observers monitoring their activities. Commander Laidlaw, one of the two British policemen who helped Professor Peter Waddington draft his critical report on the SAP, has been permanently seconded to the Commission. One of the main tasks of the force became the monitoring of security force reactions to incidents of violence, and this has had a major impact - behind the scenes - on policing methods and the public relations of the SAP. Not only did the task force accord the Commission independence from the SAP, it also meant that the Commission became a monitoring body proper, capable of affecting policing policy.

At this time Justice Goldstone also suggested the Commission's powers be extended to the independent homelands. This was not a popular move with Chief Buthelezi who, fearing the commission would compromise his control over the KwaZulu Police (KZP), said he was unhappy with police officers reporting to and being directed by Justice Goldstone. He said it was doubtful they would be more

effective than 'the same officers pursuing their objectives in the normal manner.'¹⁰⁹ A legal representative for KwaZulu made it clear that the KwaZulu Government did not fall under the Commission's brief as its arms were attained legally.¹¹⁰ But the KZP, the only independent police force in the 'self-governing' territories, has been accused of liberally supplying its to supporters with gun-licences, and of distributing SADF-supplied automatic arms to IFP-supporting indunas (headmen) and chiefs. In December 1992 the Commission began investigating the illegal importation of weapons. An astonishing number of automatic weapons have been smuggled into South Africa from Mozambique. An AK 47 costs less in South Africa today than it did in Somalia before the US marines landed. All parties are guilty of involvement to some degree: two large caches were recovered recently in separate ANC and IFP smuggling operations respectively. In the Commission's third interim report Goldstone called for the automatic rifles to be replaced by 'less lethal' weapons.

After the international and domestic furore over the December APLA attacks in the Eastern Cape and also, allegedly, on farms in the Orange Free State, the Transkei administration became the first 'independent' homeland to request the Commission's intervention (as well as that of IC observers), with the proviso that Goldstone should operate independently of all South African governmental agents. This was in response to belligerent remarks on the part of SADF and SAP senior officers insisting that the cross-border attacks had been launched from Transkei and Lesotho. Transkei's military leader Major-General Bantu Holomisa also requested that the Commission's brief should include an extended investigation of the South African Government's attempts to destabilise Transkei, overthrow its government and assassinate Holomisa. Apparently Goldstone was initially willing to comply with this request, but could not act without the approval of the Government. South African Minister of Justice, Kobie Coetzee, stated that 'since Mr Justice Goldstone has an ultimate interest and responsibility in regard to

his South African assignment, he cannot possibly divorce himself from his own commission. This could create a conflict of interests.¹¹¹ Goldstone subsequently requested international assistance with the investigation. UN Special Envoy, Tom Vraalson, responded positively and by the time investigations resumed in early 1993 a sub-commission was formed chaired by two South Africans, one an advocate and the other an attorney, with a UN observer Professor Kwane Frimpong from Ghana. This time however, the Transkei Government refused to attend.

Perhaps the most spectacular, and certainly the most significant achievement of the Commission was its exposure of the SADF's Directorate of Covert Collections (DCC) operations. The DCC has been linked to hit squad activity and to operations aimed at smearing the ANC and its armed wing MK. After turning down Justice Goldstone's request to broaden his commission's powers to include scrutiny of the security forces establishment (including MI, the police and army), the Government appointed Lieutenant-General Pierre Steyn to investigate the DCC¹¹². This move was not well received by the ANC national leadership as it smacked of another cover up, although Nelson Mandela said that he was personally satisfied with the appointment of the inquiry. He must have had information not otherwise available to his colleagues in the ANC leadership. Steyn got results quickly, 23 SADF officers were retrenched within a month of Steyn's appointment, although it is too soon to tell what the short-to-medium term implications of his findings will be.

The Government refused to allow Justice Goldstone the powers to expand his Commission's enquiries to encompass the security forces. The veto came after a week of tension and top-level negotiations. This might have spelt the end of the Commission's effectiveness but the Commission enjoyed substantial public support and a greater degree of legitimacy than the Government. At the height of the controversy the US ambassador to South Africa called on Justice

Goldstone at Bloemfontein publicly to declare his support for the Commission and its work - lest the Government cave in to SADF pressures to restrict the Commission's powers. A compromise was finally reached, acceptable apparently to the Government and to Goldstone. Shortly afterwards, Goldstone denied that the Commission had requested extended powers but had simply wanted more manpower and resources. The Commission would work alongside a new joint military-police commission of inquiry headed by a Lieutenant-General of the SAP, and by Steyn - a very senior military officer with an Air Force rather than an Army background - which is perhaps indicative of more internal politicking on the Government's part. President De Klerk said that 'the findings of these investigations, which are relevant to the activities of the Goldstone Commission, will be placed at the Commission's disposal.'¹¹³ International pressure for a full investigation into the security forces has so far led to the suspension and compulsory retirement of 23 officers in the SADF (including 2 generals and 4 brigadiers) - as a result of an extremely efficient month-long inquiry conducted by Lieutenant-General Steyn, set up on 18 November 1992. The most senior of those 'purged' is Military Intelligence deputy chief of staff, Major general Chris Thirion.¹¹⁴ A few days later the SADF unflinchingly issued a statement clearing the men of any wrongdoing and labelled their removal early retirements.

Despite being well received internationally, the Commission's pressure on the Government and security forces has received a mixed reception within South Africa. The Commission came under criticism from the National Association of Democratic Lawyers for exceeding its mandate, by recommending broad reforms in the police, prison services, and justice department, thereby usurping functions more properly the domain of a transitional government¹¹⁵. Another controversial proposal was the Commission's recommendation that all armed forces be investigated (official and unofficial) in return for a comprehensive amnesty. It was feared that the prospect of a full indemnity for criminal matters would only encourage further

political violence, especially with forms of covert operations by the security forces. It is widely believed that the Further Indemnity Bill, which De Klerk forced into legislation by using the President's Council, was aimed at countering this threat to the government's credibility. The measure had been rejected by all parties, except the NP and Afrikaner Volksunie, because it offers unconditional amnesty without full public disclosure. This criticism indicates that the Commission's legitimacy and mandate, although extensive, are still not accepted by all parties. Such criticisms might fall away once an interim government is in place. The Goldstone Commission would then be reporting to an administration presumably comprising at least the major parties.

The Vance mission transmitted the requests of parties for the full implementation of the Commission's earliest recommendations. These related to a ban on the carrying of weapons and for the controversy surrounding hostels to be resolved. In his response to the mission's report, Boutros-Ghali suggested that 'the recommendations of the Commission should be fully and speedily implemented by the government and, when so required, by the parties in South Africa.' More importantly, he also recommended that the Commission 'undertake a series of investigations into the functioning and operations of certain agencies, inter alia, the SADF and SAP, Umkontho weSizwe (MK), Azanian People's Liberation Army (Apla), KwaZulu police (KZP)¹¹⁶, other homeland security forces and, more generally, certain private 'security firms'.' He further suggested that 'a pool of jurists sit on the Committees of inquiry' and also stated that the Government-aligned and opposition-aligned parties had to realise that the legitimacy and the credibility of their security forces and paramilitary organisations had to be tested across the board. Finally, he suggested that all reports of the Commission be made available to all signatories of the NPA within 24 hours of submission to the State President.¹¹⁷

With respect to Boutros-Ghali's recommendation that the Commission

investigate all armed forces, the immediate response of the PAC and AZAPO was to refuse any external control over their armed wings, APLA and AZANLA. The KwaZulu Government also rejected the call. The ANC initially agreed, saying it would allow the Commission to fully investigate MK¹¹⁸. However, the ANC's position changed because, as Mandela stated, the Government's refusals to allow any international monitoring or controls over the security forces made it clear that serious attempts to resolve the violence could only be made once the ANC participated in a fully fledged interim government¹¹⁹. The then Minister of Defence Gene Louw stated that there was no need for such an investigation as 'we have the necessary mechanisms and instruments ... to deal with complaints, allegations and accusations.'¹²⁰ For his part Justice Goldstone made it clear that there would be no piecemeal investigation, and that he could continue only if all parties submitted to the Commission¹²¹.

This deadlock and others of its kind will be left to an interim government to solve, which means that many expectations will be riding on the Transitional Executive Council (TEC) when it meets to organise constituent-assembly elections and define the interim government's composition and powers. This leaves the role of the IC unclear for the present and it is difficult to see how the IC could effectively intervene should deadlock occur again. Part of the IC's role is to 'be of nuisance value ... to make sure that everybody keeps talking'¹²²: However creating a climate conducive to negotiations while the question of violence and control of the security forces is left unresolved, puts the TEC in a very vulnerable position.

The ANC and the Government have fought for some time over the issue of their respective human-rights records. In Namibia, SWAPO's human rights abuses provided the South African-allied DTA alliance with much electoral propaganda. In order to avoid such a thing in the future the ANC originally stole a march on the government. While

the government persistently stated it would not tolerate any external controls or investigations into the security forces, the ANC conducted an investigation into ANC human-rights abuses outside South Africa, and also appointed an independent investigation with international participation. But despite the organization's candour, it waited two months before releasing the report, and four investigations (with a fifth planned) did not result in any dismissals or public disciplinary action. While it is impossible to equate three hundred years of domination to the ANC's abuses of power in exile, the Government on its part has let heads roll within the SAP and SADF.

By October 1992 the Goldstone Commission had embarked on over ten commissions of inquiry into massacres, assassinations and covert actions, but with no convictions. This was not so much a reflection of the Commission's ineffectiveness but a reflection of the reluctance (or refusal) of the justice system to cooperate with the Commission. It should be pointed out that statements made before the Goldstone Commission cannot be used for prosecution, the onus of prosecution falls on the usual law enforcement machinery. Because of its relative success the Commission has become overloaded. While its mandate never extended to replacing existing law enforcement mechanisms and existing judicial structures, the general lack of respect for law and order and the total loss of public confidence in the law-enforcement system has greatly overburdened it. In June 1992, the Commission stated that for it 'to continue to multiply its inquiries would amount to an attempt to treat the symptoms and not the disease of violence in South Africa.'¹²³

An interesting question is whether, at the outset, De Klerk and his reformers expected the Commission to fail to achieve any substantive results, or whether the State President hoped that the Commission would consolidate his allegedly unstable position vis-a-vis security force hardliners, particularly in the SADF. The

failure of the Harms Commission when probing state and security force activities, was directly attributed to a coordinated wall of lies, secrecy, and indifference (Security Force officers in the SADF formally acknowledged, in the inquiry into the death of academic and activist, David Webster, that they had lied to the Harms Commission about the SADF and MI's role in eliminating opposition activists). By recently purging the security forces of opponents of his reforms, De Klerk would seem to have strengthened his own position internally while offering concessions to the IC and the opposition parties. For its part the opposition now has something to show its constituents in return for its own concessions to the Government. The 'purging' of the SAP soon after the Waddington Report and Goldstone Commission inquiries into police conduct at Boipatong, in which 13 Police generals were retired, and thereafter the retirement of 23 SADF officers as a result of the Steyn inquiry, have not been popular moves in De Klerk's and the National Party's constituency. However, to opposition parties these purges were mainly symbolic, closer to early retirement packages. The Government had not for example acted against the chief of the defence force (and former chief of special forces), chief of the army or the head of military intelligence, who was accused of ordering the murder of four activists in the Eastern Cape. Justice Goldstone's third interim report also contained the suggestion that international police observers be stationed at selected police stations to improve communities' trust in the SAP¹⁸⁴.

Our conclusion is that without the Commission, and with the NPA largely inactive, bilateral negotiations by themselves would have been insufficient to create the necessary climate of compromise - to enable negotiations to resume and succeed. The Commission became the only effective intercessionary mechanism in the bilateral process, not by direct mediation but through consistent applying background pressure, much but by no means all of it, directed at the state. By the second half of 1992 the Commission had become the

chief operative mechanism and principal legitimator in the process of transition. It remains to be seen what role it will play in 1993. Those areas still under debate, such as calls by the UN Secretary General and by Justice Goldstone for all armed forces and groups in South Africa to submit to investigation and monitoring, under international guidance, have little hope of being implemented without the express consent of at least the major parties in South Africa. Until a more representative transitional arrangement is arrived at, giving all or most parties a stake in its management, the transition will once again become a go-it-alone effort between the Government and the ANC, or else will remain deadlocked until the violence once more reminds saner participants of what is at stake.

It is ironic that the Commission achieved its prominence because of the failure of the NPA and of CODESA. The more the NPA failed to achieve results, the more attention turned to the Commission. The Commission's workload increased dramatically because it served, not as an adjunct, but as an alternative, to the non-functioning special criminal courts and regional and local dispute-resolution committees. Despite the presence of international observers and policing specialists, the Commission remains reliant on the commitment and professionalism of the overall justice system. The NPA's rationale for creating the Commission, was that the exposure of violence and its perpetrators was a precondition to reducing it. This strategy has patently failed. It has failed because of the absence of determined and impartial policing followed up by criminal prosecutions. With only partially operational or nonexistent Peace-Accord mechanisms, the Commission has instead had to play the role of mediator across the whole spectrum of South African transitional politics and has demonstrated, in a relatively subtle manner, that the security forces will enjoy no legitimacy on the ground until a representative government is created.

While the Commission has been able indirectly to pressure the

Government and other parties through its internationally-supported investigations, its successes have been incomplete insofar as it does not have the power to enforce its findings or to ensure that those suspected of illegal activities are brought to justice. Without functioning peace accord structures the Commission by itself cannot contain let alone reduce the violence. The presence of the IC has not changed this position substantially as neither opposition parties nor observers (domestic and international) have any operational control over governmental agencies affecting the mechanisms of the NPA. It may seem intolerable, given the need to combat political violence, to have to wait until there is an interim government to implement the Commission's many recommendations, but it seems to be the only way forward. This is a risky strategy on the part of the opposition parties because it raises the stakes later on. South Africa has endured an impartial and inefficient justice system for so long, that when presented with even a hint of change for the better, we tend to grasp at straws. Hugo Young was correct when he said that 'a single British advisor on how to reform police training and practice is cited as if he were bringing the gospel to a heathen land.'¹²⁵

Chapter 5. Conclusions

South Africa has already undergone, and will continue to undergo, a long process of transition that is liable to test the patience of the domestic actors, public opinion and, to a lesser extent, of the international community as well. The process of democratisation will not end with the election of a constituent assembly, neither will it end with the formation of an interim government of 'national unity', consisting of a coalition of major parties, or even at the end of a five year period of 'power sharing'. The length of the process of democratisation in South Africa will depend largely on (1) the extent to which a civil society - until now rigidly determined and controlled by apartheid structures and a web of clientelist relations - is allowed to develop; and (2) the extent of the gap between what the dominant actors in the IC perceive to be in their interests and what domestic actors (not necessarily 'the people' - they are more likely to be elites) perceive to be in theirs. These factors can effect a pace of transition in which a long period of instability and uncertainty dull the process or even render it meaningless; thus the form and process of the transition determine its outcome.

The biggest threat to democracy in South Africa always lay in the ability of a 'white' dominated authoritarianism to transform itself out of crisis. The balance of power in pre-transition South Africa, and through the last three years of transition, has nearly always been strongly biased in favour of the Central Government led by the National Party, and - to a smaller degree - the governments and state structures of the 'self-governing' territories and 'independent' states. The rationale behind the Government's acceptance of a negotiated settlement in South Africa must be understood for what it was - *a calculated political decision.*

It's not a case of a government agreeing to negotiate to avoid imminent overthrow, or even to end an unmanageable

crisis. It is a government taking pre-emptive action, trying to seize the initiative in order to break out of a deteriorating situation which posed no immediate threat but which could only lead to long-term decline.¹²⁶

The paper has detailed the changes in Government mood and strategy from one of confidence before the failure of CODESA 2, in which it hoped its 'equal alliance of moderates' would dominate CODESA and determine the form and pace of the transition, to one where it has had to bully its erstwhile homeland allies into accepting an unpalatable constitutional settlement with the ANC, where the Government expects to lead the official opposition. At best, after a few years of what it confidently predicts will be ANC misrule, it may win the subsequent election. The events and processes that have led to changes in the transitional balance of power, and hence to changes in parties' strategies, have come about partly, but not exclusively, because the IC intervened after June 1992.

The process of transition in South Africa is characterised by two dominant - not necessarily equal - modes of transition, with the impetus coming from above and below. As the balance of power shifts between the two main actors one or other mode tends to become dominant, but not necessarily victorious. IC intervention - or its lack thereof - can tip this balance either way, intentionally or unintentionally, as defined in the first chapter. In South Africa the process of transition was initiated from above, by the Government, taking the IC and both the democratic and conservative 'white' opposition by surprise. Thereafter the slow progress toward CODESA 1 and 2, and the increasing level of 'systemic disorganisation', initially maintained the status quo in the Government's favour. In the event, both the Government and the ANC put too much faith in CODESA and were, it seems, prepared to ignore the main transitional-management structure - the National Peace Accord - based on their over-optimistic expectations. The Government envisaged a swift transition toward a very weak form of

federal state managed from regional patrimonial power bases, with little or no outside intervention in the process because of its renewed international legitimacy, backed up in March 1992 by the all-white referendum. For its part the ANC, weakened by domestic disorganisation and loss of foreign funding and influence, hoped to move quickly to an interim arrangement that would allow it to share control of the transition processes.

Referring to the then recently-signed National Peace Accord in 1991, Clifford Shearing remarked:

As this mechanism is largely controlled by the police, who act as its investigative arm, it is not truly external. This is a serious flaw that is likely to undermine its credibility and that of the accord more generally. Modifying the accord to ensure that it provides for an external review of the police should be on top of the agenda of the all-party conference.¹²⁷

The failure to reconcile the contradiction between the Government's and the ANC's 'scope and domain of power' led to the ANC's opting for increased pressure from below. After the failure at CODESA 2, however, and the Government alliance's fair treatment at the hands of the Security Council, the Government's perception of the UN changed from one of hostility to one of grudging acceptance. The presence of international monitors in the Goldstone Commission and observers working with the NPA did not fundamentally challenge its power. For reasons already outlined, the Government's negotiating position barely weakened immediately after the implementation of SC 765 and 772, and opposition parties did not find their position strengthened. The IC was unable to reduce the levels of violence or directly contribute toward resolving the multilateral negotiations impasse.

The various observer missions have admitted they have been

unsuccessful at facilitating the implementation of the NPA's codes of conduct, partly because of the limited scope of their perceived or actual mandate. But mostly the observers have reached the conclusion that the NPA is unenforceable as long as the Government holds monopoly control over the security forces and other governmental agencies crucial to the success of the transition. The Commission's task - exposing the perpetrators of violence as a precondition to ending it - has failed because of this. However, in the eyes of the IC this is not so much due to a coordinated 'third force' strategy, as it is to an ingrained culture of violence, opportunistically biased but mostly inefficient and unprofessional policing, and catastrophic socio-economic conflict -

One of Kempton and Mosia's suppositions was that the worse things became the more reason to invite the international community. Despite what appeared to the rest of the country as a situation rapidly spiralling toward formal civil war, what with Bisho occurring two months after Boipatong and Kwazulu, Ciskei and Bophuthatswana threatening secession, the two main sides continued their dialogue, and the IC restricted itself to a modest role. As one OAU observer put it:

We can't go around shouting slogans. Diplomats operate quietly, persuade people quietly and hope that persuasion will be effective enough....We hope that the Government realise we are not simply here to watch (but) we won't do something simply to impress the people of South Africa; the idea is to be effective not dramatic.¹²⁹

Kempton and Mosia also suggested that an international monitoring group could '...monitor the violence and apportion responsibility for infractions of the peace accord.' If this fails 'South Africans must consider yielding some of the control of their security forces to international representatives.'¹²⁹ This has not exactly happened but both Justice Goldstone and Boutros-Ghali have suggested that

international police observers are desirable. The nearer to elections South Africa gets, the more likely the IC will consider such options favourably. It will then be a question of providing sufficient numbers well in advance of the election date. The Namibian and Angolan processes respectively took nine and twelve months. If elections are scheduled for late 1993 - early 1994, then South Africa has entered that time frame now. What has occurred is that the Goldstone Commission has proved its independence from the Government, and indeed from other parties, both through the presence of its international component and its impartiality.

The IC has an important role to play in the unification of homeland and South African administrations, and integrating the armed forces of the liberation movements. PAC Secretary for Political Affairs, Mr Jaki Seroki, said 'Until there is a mutual cessation of hostilities between the PAC and the regime, the PAC is not duty-bound to condemn the element of armed struggle conducted by Apla.'¹³⁰ Although it is extremely unlikely that multiparty negotiations will be held anywhere else than in South Africa, it is possible for the IC to continue to pressure the PAC to enter negotiations, as the Nigerian and Zimbabwean governments have done.

Because of its overwhelming preponderance in the bureaucracy and security forces, the Government's reintegration programmes should be monitored by the IC before the election programme begins. The behaviour of the mostly rural homelands will have a profound affect in an election in which out of a potential 21 million voters an estimated 50 percent of the electorate is rural. So far, whether in favour of reincorporation or not, or whether forming part of the Government 'alliance' or not, the homelands have failed to display any real predilection for free political activity. This means that accessibility to voters, dealing with illiterate voters, and free and fair access to electioneering resources, will have to be closely monitored. A South African group of observers to the

Angolan elections reported that as many as a half a million people spoiled their ballot papers (Anglin). Commenting on the Namibian election of 1990, Major Nico Basson, formerly of the SADF, stated:

Military intelligence's initial estimate was that SWAPO would get 80 to 90 percent of the vote. After the operation it got only 55 percent. It was felt that by rectifying some of the mistakes they could achieve even better results in South Africa and defeat the ANC.¹³¹

Regardless of the veracity of the Basson's claims, the fact that sections of the state believe such manipulation is feasible is dangerous enough. Asking the IC to conduct the elections has little precedent and is extremely costly. The Government has suggested that Louis Pienaar, former South African Administrator of Namibia, and controller of the electoral process then, should head the Independent Electoral Commission (IEC) which will control the elections, while the IC would 'observe' and 'legitimise' the process¹³². This is not so surprising, Kempton and Mosia noted:

Ironically, the highly praised preparations for the Namibian elections were conducted by the South African Government...under the supervision of the UN. The query then becomes, if this formula was acceptable and successful in Namibia why not in South Africa itself?¹³³

But there have been calls from opposition groups and some neighbouring states for an independent role and expanded mandate for UN observers outside of the NPA. If the strategy at present is for the ANC-led alliance to wait for the envisaged TEC before tackling the question of violence, and common sense dictates that the TEC will not be in place too long before elections are held, then it is unlikely that the conflict resolution component of the NPA will be of primary concern anyway.

The paper has also questioned the extent to which the IC can enable or disable a process of transition. Other transitions in Africa, such as in Zambia and Angola demonstrate a mixed record, but what one has to remember is that 'it is the substance of the achievement and not the process involved that needs to be assessed.'¹³⁴ Allister Sparks sums up the critical need for an effective international intervention in these graphic but telling terms:

Every week in South Africa more people are killed in political violence than died in the Los Angeles riots. An average of sixty a week - in a population of thirty-five million. People keep asking me whether there could be a blood bath in South Africa. Well, how much blood does it take to fill a bath?¹³⁵

Appendix:

United Nations Security Council

Resolution 772 (1992)

Adopted by the Security Council at its 3107th meeting,
on 17 August 1992

The Security Council,

Reaffirming its resolution 765 (1992) of 16 July 1992,

Having Considered the report of the Secretary-General on the question of South Africa (S/24389),

Determined to help the people of South Africa in their legitimate struggle for a non-racial, democratic society,

Cognizant of the expectations of the people of South Africa that the United Nations will assist with regard to the removal of all obstacles to the process of negotiations,

Bearing in mind the areas of concern relevant to the question of violence in South Africa, including the issues of the hostels, dangerous weapons, the role of the security forces and other armed formations, the investigation and prosecution of criminal conduct, mass demonstrations and the conduct of political parties,

Further bearing in mind the need to strengthen and reinforce the indigenous mechanisms set up under the National Peace Accord, so as to enhance their capacity in the building of peace, both in the present and in the future,

Determined to assist the people of South Africa to end violence, the continuation of which would seriously jeopardize peace and security in the region,

Underlining, in this regard, the importance of all parties cooperating in the resumption of the negotiating process as speedily as possible,

1. Welcomes with appreciation the report of the Secretary-General of 7 August 1992 (S/24389);

2. Expresses its appreciation to all relevant parties in South Africa for the cooperation they extended to the Special Representative of the Secretary-General;

3. Calls upon the South African Government and all parties in South Africa to implement urgently the recommendations of the Secretary-General contained in his report;

4. Authorizes the Secretary-general to deploy, as a matter of urgency, United Nations observers in South Africa, in such a manner and in such numbers as he determines necessary to address effectively the areas of concern noted in his report, in coordination with the structures set up under the National Peace Accord;

5. Invites the Secretary-General to assist in the strengthening of the structures set up under the National Peace Accord in consultation with the relevant parties;

6. Requests the Secretary-General to report to the Security Council quarterly, or more frequently if necessary, on the implementation of the present resolution;

7. Calls on the Government of South Africa, parties, and organizations, and the structures set up under the National Peace Accord, to extend their full cooperation to the United Nations observers to enable them to carry out their tasks effectively;

8. Invites international organizations such as the Organization of African Unity, the Commonwealth and the European Community to consider deploying their own observers in South Africa in coordination with the United Nations and the structures set up under the National Peace Accord;

9. Decides to remain seized of the matter until a democratic, non-racial and united South Africa is established.

ENDNOTES

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2. *EP Herald* (Editorial), December 8, 1992.
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4. Simon Baynham, 'From Cold War to Detente: Security Issues and Politico-Economic Scenarios for Southern Africa (Part 1)', *South African Defence Review*, No. 5, 1992:24.
5. Peter Vale, 'Using Every Available Weapon? : International Pressure and Change in South Africa,' *International Affairs Bulletin*, 15: 2, 1991: *passim*.
6. Peter Vale, 1991.
7. See Peter Meyns, 'The New World Order and Southern Africa in the 1990s,' (Conference Paper, Johannesburg), 1991.
8. BBC World Service, September 21, 1992.
9. P. Meyns, 1991:4-6.
10. Pat McGowan, 'The 1980s and Beyond: Continuity and Change in World Politics,' *International Affairs Bulletin*, 1990:21.
11. Pat McGowan, 1990:13.
12. Kate Manzo, 'Global Power and South African Politics: A Foucauldian Analysis,' *Alternatives*, 17: 1, 1992:30.
13. See Kadar Asmal 1992 and 1992b. He describes how, by inspiring international opposition to apartheid and other forms of oppression, South Africa has made unique and precedent-setting contributions to international law.
14. R. Rosecrance, 'A New Concept of Powers,' *Foreign Affairs*, 71: 2, 1992:64.
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21. Kate Manzo, 1992:32-33.
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23. C. Lancaster, cited in Simon Baynham, (Part 2) 1992b:1.
24. Chris Allen, Carolyn Baylies and Morris Szeftel, 'Surviving Democracy,' *Review of African Political Economy*, No. 58, 1992:5.
25. John Barratt, 'The Transition Process in South Africa: The Role of the Outside World,' (Conference Paper) 1992.
26. Richard Humphries, 'It's Not Inside It's On Top: The National Party After 2 February,' *Indicator SA*, 8: 1, 1990:7.
27. Susan Booysen, 'Transition, The State and Relations of Political Power in South Africa,' 17: 2, 1990:42.
28. Craig Charney, 'Vigilantes, Clientelism, and the South African State,' (African Studies Institute Seminar Paper), Witwatersrand University, 1991:18.
29. Rene Lemarchand, 'Africa's Troubled Transitions,' *Journal of Democracy*, 3: 4, 1992:99.
30. David Welsh, 'Towards a Democratic South Africa,' *International Affairs*, 67: 4, 1991:751.
31. See, for example, the *Weekly Mail*, November 27, 1992.
32. Kate Manzo, 1991:52.
33. David Welsh, 1991:745.
34. *EP Herald*, July 25, 1992. Hugo emphasized that this did not occur purely on the state's own terms. He said that disbanding the CCB and 'Hammer' (a paramilitary SAP anti-insurgency unit) units did not affect their operational capabilities because they were designed to operate independently, and always had done so with a

minimum of political accountability.

35. Lawrence Schlemmer, 1990:9.
36. Susan Booysen, 1990: *passim*.
37. Susan Booysen, 1990:49.
38. Susan Booysen, 1990:42-43.
39. Daniel R. Kempton and Lebona Mosia, 'The International Community in South Africa's Transition to non-racial Democracy,' *International Affairs Bulletin*, 16: 2, 1992.
40. Kempton and Mosia include a copy of their questionnaire in their appendix, pp. 26-28.
41. Kempton and Mosia, 1992:8.
42. Kempton and Mosia, 1992:8-9.
43. Kempton and Mosia, 1992:7-18.
44. Kempton and Mosia, 1992:16-17.
45. Kempton and Mosia, 1992:19.
46. Kempton and Mosia, 1992:21.
47. Kempton and Mosia, 1992:20.
48. Kempton and Mosia, 1992:24.
49. 'The Mandela Interview', *Mayibuye*, February, 1993:8-9.
50. John Barratt, 1992:18.
51. Chris Allen et.al., 1992:9.
52. Daniel Kempton and Lebona Mosia, 1992:17.
53. Editorial, *EP Herald*, September 14, 1992.
54. United Nations, *Report of the Secretary General on the Question of South Africa*, S/24389, para. 1.4, August 7, 1992:2.
55. See the *Report of the Secretary General...*, 1992. See also Nat Serache, 'Securocrats want to Buy Time', *Africa South and East*, January/February, 1993:17.

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59. Angela King, *EP Herald*, December 18, 1992.
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63. 'What is the UN Up To? Angela King Explains', *Mayibuye*, February, 1993:25.
64. *EP Herald*, December 30, 1992.
65. National Peace Accord, published in full in *South African Institute of Race Relations: Race Relations Survey*, appendix F, 1991:535.
66. 'Solution Lies in Speedy Progress Toward Democracy', *Mayibuye*, February, 1993:23.
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