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ACCOUNTING FOR SOUTH AFRICA'S SUCCESSFUL TRANSITION TO DEMOCRACY

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DISCUSSION PAPERS

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Introduction

The aim of this paper is to identify the reasons for South Africa's successful transition to democracy. There was a conjunction of favourable factors, which I have divided into the following categories: political; leadership; process; institutional; and social and structural. The factors are interlinked and overlap, and the categorisation is therefore partly a matter of convenience.

Two preliminary comments are required. The first is to qualify the notion of 'success'. South Africa's transition can be regarded as successful on the grounds that the country has moved unequivocally from a system of authoritarianism, minority rule and repression to one of democracy, freedom and respect for human rights and the rule of law. Nevertheless, South Africa is wracked by a number of severe social and economic problems: unemployment is as high as 40%; acute poverty afflicts the majority of citizens; there are gross inequalities in income and wealth; there is a high level of violent crime; and there is a catastrophic HIV/Aids pandemic.

The second introductory comment is to qualify the notion of 'transition to democracy'. Such transitions depend not merely on the holding of a free and fair election but also, and more importantly, on the consolidation of democracy. This can take five years, ten years or longer. A country can get stuck in the position of being only partially democratic and in worst-case scenarios it can revert to authoritarian rule or civil war.

Political factors, 1985-1990

The relevant political factors relate chiefly to the balance of power in the late 1980s and the decision by the apartheid regime and the main liberation movement, the African National Congress (ANC), to embark on negotiations for a political settlement.

In the academic literature on conflict resolution, William Zartman argues that protracted conflicts such as civil wars are "ripe for resolution" when there is a "mutually hurting stalemate".[1] In other words, it is not sufficient that the belligerents have reached a stalemate where none of them is able to win a decisive victory. It is also necessary that the position of all the belligerents is unfavourable, deteriorating inexorably, and unlikely to improve in the foreseeable future.

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[1] See I. W. Zartman, 'Ripeness: The Hurting Stalemate and Beyond', in P. Stern & D. Druckman (eds), *International Conflict Resolution after the Cold War*, Washington DC: National Academy Press, 2000, pp. 225-250.

Viewed objectively, the apartheid regime and the ANC had reached a stalemate by the mid-1980s. On the one hand, the government had full control of the state and the territory of the country; it had a powerful police service and defence force that were able to suppress the military activities of the ANC; and it was capable of preventing a seizure of power, the stated goal of the liberation movement. On the other hand, the ANC had massive popular support; it had a high level of organisation and mobilisation through trade unions, civic groups and political fronts; it enjoyed significant international support; and, through mass mobilisation, it was making the country increasingly ungovernable.

The ending of the Cold War introduced the 'mutually hurting' dynamic. The Soviet Union was breaking up and would no longer provide arms and military training to the ANC. The United States began to withdraw from its involvement in wars in Southern Africa and could no longer be counted on to support Pretoria. Adding to the pain of the white community, the economy was in serious decline as a result of international sanctions and labour strikes. Of equal importance, the demise of the Cold War led to the attenuation of ideology as a source of tension between and within Southern African states. This gave rise to the advent of multi-party systems throughout the region, and in the early 1990s elections were held for the first time in Namibia, Angola, Mozambique, Lesotho and Malawi.

Notwithstanding these developments, a 'mutual hurting stalemate' is as much a subjective as an objective consideration. What matters is how political leaders assess the balance of power and the alternatives to negotiations. In the mid-1980s President P. W. Botha, who had risen to power in an alliance with the leadership of the armed forces, believed that a combination of reform and repression would defuse the challenge of the ANC and preserve minority rule. In 1989 he was replaced in a palace revolt by F. W. de Klerk, with whom the National Intelligence Service was aligned. In 1990 President De Klerk unbanned the liberation movements, freed Nelson Mandela and other political leaders from prison, and announced that he was willing to embark on multi-party negotiations. The ANC was prepared to participate in the negotiations and agreed to suspend its armed struggle.[2]

Leadership factors, 1990-1994

South Africa was blessed with mature political leadership in the course of its negotiations between 1990 and 1994. The leaders of almost every negotiating party, while determined to advance the interests of their respective constituencies, understood the importance of forging a settlement that served the national interest. They were also willing and able to achieve political reconciliation. The notion of 'reconciliation' is frequently used in a romantic and idealistic fashion, implying a level of personal friendship that is unnecessary and seldom attained. The kind of reconciliation that is needed to affect a transition from civil war to democracy requires a high level of political trust and a shift from relations of mortal enmity to relations of normal political contestation.

Political leaders in South Africa were able to achieve the requisite trust. This is a vital issue because deep suspicion and mistrust inhibit negotiating parties from making compromises and accepting the assurances of their opponents. They fear that their enemy will renege on agreements and take advantage of any suspension or lessening of military mobilisation. In the

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[2] See H. Adam & K. Moodley, *The Negotiated Revolution: Society and Politics in Post-Apartheid South Africa*, Johannesburg: Jonathan Ball, 1993; and G. Moss & I. Obery (eds), *From Red Friday to CODESA. South African Review 6*, Johannesburg: Ravan Press, 1992.

absence of mutual confidence, the parties remain locked in mutual recriminations and are unable to make progress towards resolving the substantive issues in dispute.

Across the board, South African leaders were adept at negotiations. This issue is crucial because parties that are weak negotiators, whatever their strength otherwise, lack the skill to resolve deadlocks, are intransigent because of their lack of confidence, and tend to block progress through obstructionist tactics. They might even abandon the negotiations altogether. In the course of the Rwandese peace process in 1992-3, for example, the minority Tutsi parties consistently outmanoeuvred their Hutu opponents at the negotiating table. The emerging settlement was heavily weighted in favour of the minority, and this dynamic contributed to the genocide in Rwanda in 1994.[3]

Political leaders in South Africa understood that negotiated settlements, if they are to stand any chance of enduring, require all parties to compromise their positions and accommodate the needs and interests of their opponents. In particular, they understood that a sustainable settlement in South Africa would be one that simultaneously addressed the aspirations of the black majority and the fears of the white minority. Finally, the political leaders appreciated the necessity of selling the compromises to their respective parties and constituencies, and they succeeded in this regard.

In contrast to the above, the post-apartheid state has suffered from a lack of managerial and technical competence in many areas of governance. The new state officials from the ANC had no prior experience in running complex government departments, and the officials from the previous regime were orientated towards serving the white minority rather than the country as a whole. Moreover, there has been a strong correlation between the competence of individual ministers and the performance of their departments.

Process factors, 1990-1994

The key process factors relate to the negotiations, which had a number of positive features. First, the negotiations were inclusive horizontally in the sense that all political parties, from the left to the far-right, were welcome and urged to participate. By contrast, two rebel movements were excluded from the Burundi peace process in 1998-9 and their exclusion has haunted the process and undermined stability ever since.[4] Second, the negotiating process was inclusive vertically in the sense that the rank-and-file membership of political parties, and indeed all sectors of civil society, participated actively in the debates around the settlement and new constitution. This conferred legitimacy on both the process and the outcome of the talks.

Third, the negotiations were not rushed. The process took nearly four years, allowing the parties to avoid vague solutions in a rush to meet deadlines. They were able to reach consensus on broad principles and then gradually eliminate the vagueness through more detailed negotiated positions. The duration of the talks also enabled an incremental building of confidence and trust, and a commensurate progression from relatively easy issues to those that were most difficult to resolve.

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[3] See H. Adelman & A. Suhrke, *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience. Study 2: Early Warning and Conflict Management*, London: Overseas Development Institute & Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996, pp. 24-27; and G. Mthembu-Salter, 'Mediation and Genocide in Rwanda', *Track Two*, 11:5/6 (October 2002), pp. 5-20.

[4] See G. Mthembu-Salter, 'Burundi's Peace Agreement without Peace', *Track Two*, Vol. 11:5/6 (October 2002), pp. 21-35.

Fourth, South Africa's peace agreement and political settlement were not imposed by external actors. Where extreme pressure is brought to bear on the belligerents in a civil war, they might agree to a ceasefire or settlement without a genuine commitment to it and then resume hostilities once the pressure eases. During the civil war in Liberia, for example, military enforcement action undertaken by the Economic Community of West African States (ECOWAS) led to as many as fourteen short-lived peace agreements between 1990 and 1995.[5] In the case of South Africa, the strong sense of local ownership has contributed greatly to the durability of the agreements reached.

Fifth, the parties did not pursue a win-lose or zero-sum approach to the negotiations. The alternative notion of 'win-win' is simplistic and naïve, however. In reality, a sustainable settlement is one where all the parties have compromised their positions to some extent, but believe that they have won more than they have lost and are satisfied that they have not forsaken their core values and interests. As noted above, the South African negotiators made a concerted effort to accommodate diverse needs and interests. The net result was a grand balancing act in terms of race, ethnicity, class and political parties.[6]

Sixth, the parties placed much emphasis on the constitution as a means of defining the powers and functions of the state; regulating the use of power; preventing abuse of power; and guaranteeing the rights of citizens and groups. Through various mechanisms, the Constitution of 1994 provides assurances and reassurances to groups in general, to minorities in particular, and to individuals. Group rights are secured principally through individual rights relating to language, religion, culture and freedom of association.[7]

Institutional factors, 1994-

Three of the dynamics that characterised the negotiations have become institutionalised in the post-apartheid period, contributing significantly to stability and the consolidation of democracy. By 'institutionalised' I mean the development and acceptance of formal and informal principles, rules and norms for governing the behaviour of the state, political parties and civil society.

The first institutionalised dynamic relates to the balancing act referred to above. For example, the electoral system of proportional representation affords political parties seats in Parliament according to their share of the popular vote. Many minority parties would have no seats in a winner-takes-all constituency based system. The balancing act was also evident in the Government of National Unity established after the first democratic election in 1994, an arrangement that gave ministerial posts to opposition parties. In terms of the negotiated

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[5] See L. Nathan, 'When Push Comes to Shove: The Failure of International Mediation in African Civil Wars', *Track Two*, 8:2 (November 1999), pg. 12.

[6] On South Africa's negotiations, see S. Friedman & D. Atkinson (eds), *The Small Miracle: South Africa's Negotiated Settlement. South African Review 7*, Johannesburg: Ravan Press, 1994; N. Haysom, 'Negotiating the Political Settlement in South Africa: Are There Lessons for Other Countries?' *Track Two*, 11:3 (May 2002); R. Mutshutshu, *The African National Congress and the Negotiated Settlement in South Africa*, Johannesburg/Pretoria: J.L. van Schaik, 1998; I. Sarakinsky, 'The politics behind South Africa's negotiated settlement', *Journal for Contemporary History*, 20:2 (1995); and A. Sparks, *Tomorrow is Another Country: The Inside Story of South Africa's Negotiated Revolution*, London: Heinemann, 1995.

[7] See P. Andrews & S. Ellman (eds), *The South African Constitutions: Perspectives in South Africa's Basic Law*, Johannesburg: University of the Witwatersrand Press, 2001; and H. Ebrahim, *Soul of a Nation: Constitution-Making in South Africa*, Oxford University Press: Cape Town, 1998.

settlement, President Mbeki is no longer obliged to continue this arrangement ten years later, but he has chosen to appoint opposition politicians to his cabinet.

The balancing act was institutionalised, too, in the defence sector. This is a crucial area since the military can thwart transitions to democracy and undermine civilian rule in new democracies. In South Africa the apartheid military and the armed wings of the liberation movements were formally integrated into the new South African National Defence Force (SANDF), ensuring its legitimacy and lowering the risk that it might be used for partisan political ends. The balancing act in the interests of stability was also apparent in the following appointments in 1994: the new Minister and Deputy Minister of Defence were members of the ANC; the Chief of the SANDF was the former head of the apartheid army; the Secretary for Defence was the former chief-of-staff of the apartheid army; and the chairperson of the parliamentary committee on defence was a member of the ANC.[8]

The second dynamic to have become institutionalised can be termed constitutionalism. The state, political parties and civil society have demonstrated deep respect for the rule of law, constitutional principles and the Bill of Rights. The Constitutional Court, which is independent of the Executive and filled by judges of high calibre, has on several occasions overruled Executive decisions as well as legislation approved by Parliament on the grounds of inconsistency with constitutional principles or rights. The Court has generally interpreted rights and resolved disputes in the interests of the poor and is gradually developing a body of progressive law. It is striking that social movements engaged in civil disobedience over a specific government policy have emphasised their acceptance of the legitimacy of the state.

Third, pacific forms of conflict management have become institutionalised. The processes of dialogue and negotiations that were employed in the 1990-1994 period are now used routinely at national, provincial and local levels. Parliament and national ministers have frequently convened public conferences to debate conflictual issues. Civil disobedience has taken place largely without resort to violence on the part of the protesters and the state. There is still much intolerance, bureaucratic insensitivity, violent crime, racism and racial tension, but it is fair to say that pacific conflict resolution has become part of the political culture of South African society.

Social and structural factors

I have linked these categories to make the point that South Africa was not a 'failed state' at the time of its transition. By the standards of the developing world, it had a relatively strong state, political sector, economy and civil society. This has greatly facilitated reconstruction and the consolidation of democracy. By contrast, there are many African countries where, as a result of civil war, the state crumbled or was smashed; political control is exercised by local warlords; civil society is extremely weak; and economic activity is largely informal and characterised by corruption and plunder. The establishment and consolidation of democracy in these circumstances is very difficult.

Nor has South Africa experienced the legacy of fear, hatred and polarisation that afflicts many countries emerging from civil war. The black majority has shown surprisingly little desire to

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[8] See L. Nathan, 'Civil-Military Relations in the New South Africa', in W. Gutteridge (ed.), *South Africa's Defence and Security into the 21st Century*, Aldershot: Dartmouth, 1996, pp. 87-109; and L. Nathan, 'The 1996 Defence White Paper: An Agenda for State Demilitarisation', in J. Cock & P. McKenzie (eds), *From Defence to Development: Redirecting Military Resources in South Africa*, Cape Town: David Philip, 1998, pp. 41-59.

punish apartheid villains and appropriate the wealth and property of the white community. On the side of white right-wing groups, there is a surprisingly low level of hate speech and extreme racism; most of these groups tend to emphasise the promotion and protection of the Afrikaans language and culture. In general, despite the on-going racism, racial tension and acute socio-economic inequity, there is a strong sense of a united country whose Constitution and institutions are legitimate.

This sense of national unity and reconciliation after three centuries of oppression and division is hard to explain. It is probably attributable to African culture, the reconciliatory stance adopted by political leaders, the inclusive nature of the negotiations, and the progressive content of the Constitution. The Truth and Reconciliation Commission is also relevant in this regard. Although the Commission did not achieve justice and advance social and community reconciliation, it had a symbolic and cathartic effect by exposing the worst excesses of apartheid and giving the survivors a platform to tell their stories.[9]

Conclusion

Revolutions always seem impossible before they happen and inevitable afterwards. The same is true of negotiated settlements to end civil wars. South Africans, now accustomed to constitutional rule, tend to regard their settlement as pre-ordained but this was certainly not the case. The negotiations were repeatedly wracked by crises of various kinds. Shortly before the first democratic election in 1994, the level of violence was so high and conservative parties were so opposed to the settlement that free and fair elections seemed improbable. At that time the country appeared to be at the edge of an abyss.

The success of the transition was due to a range of objective factors, but it was also a product of subjective factors relating to the behaviour of political parties and their leaders. In general, the resolution of conflict is unimaginable when thousands of people have been killed, the enemy is perceived as less than human and the conflict is viewed in zero-sum terms. The solution may be obvious in theory but seems impossible to achieve in practice. As with Israel-Palestine and other intractable conflicts, there is a failure of political imagination that has to be overcome by courageous and creative leaders.

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[9] See D. Posel & G. Simpson (eds), *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission*, Johannesburg: Witwatersrand University Press, 2002; and Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, Cape Town: Truth and Reconciliation Commission, 1998.

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