South Africa’s Brittle Peace
The Problem of Post-Settlement Violence

Pierre du Toit
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With the end of the Cold War, the hitherto concealed existence of a great many other conflicts, relatively small in scale, long-lived, ethnic in character and intra-rather than inter-state, has been revealed. The dramatic changes in the distribution of world power, along with the removal of some previously resolute forms of centralised restraint, have resulted in the re-emergence of older, historical ethnic quarrels, many of which either became violent and warlike or teetered, and continue to teeter, on the brink of violence. For these reasons, ethnic conflicts and consequent violence are likely to have the greatest impact on world affairs during the next period of history.

This series examines a range of issues related to ethnic and inter-community conflict. Each book concentrates on a well-defined aspect of ethnic and inter-community conflict and approaches it from a comparative and international standpoint.

Rather than focus on the macro-level, that is, on the grand and substantive matters of states and empires, this series argues that the fundamental causes of ethnic conflict are often to be found in the hidden roots and tangled social infrastructures of the opposing separated groups. It is the understanding of these foundations and the working out of their implications for policy and practical activity that may lead to ameliorative processes and the construction of transforming social mechanisms and programmes calculated to produce long-term peace.

Coming out of Violence Project

General Editors: John Darby, Professor of Ethnic Studies, University of Ulster and Senior Research Fellow at INCORE (Initiative on Conflict Resolution and Ethnicity); and Roger Mac Ginty, University of Ulster

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South Africa’s Brittle Peace

The Problem of Post-Settlement Violence

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The process of making peace has been transformed during the 1990s. Between 1988 and 1998 at least 38 formal peace accords were signed. The United Nations, a major actor in peace negotiations during the 1980s, was directly involved in 16 of them. Of the 15 agreements reached since the start of 1996, all but two were agreed without UN assistance. The others were primarily negotiated by the parties engaged in the conflict itself, sometimes with external mediation.

The term ‘peace process’ has increasingly been used to describe this new phenomenon. Many of these attempts to reach accommodation were structured and sustained. In the true sense of the word, they were ‘processes’. Most of them extended beyond strictly political and security matters to encompass issues of social and cultural inclusion and economic regeneration. They adopted new approaches and new procedures, often borrowing from contemporary or recent cases.

This phenomenon was the subject of the ‘Coming Out of Violence’ research project, started in 1996 by INCORE (the Initiative on Conflict Resolution and Ethnicity) at the University of Ulster. It set out to identify those factors that expedited or frustrated five peace processes, those in Northern Ireland, Israel/Palestine, the Basque Country, South Africa and Sri Lanka. Research partners from each of the case countries monitored each peace process along six tracks: political and constitutional changes; violence and security; external influences; economic factors; popular responses and on-the-ground activity, and symbolism.

This book forms part of a series of six publications on the research findings from the project. It has been preceded by The Management of Peace Processes, edited by John Darby and Roger Mac Ginty, which concentrated on the comparative lessons from the five cases examined in the project. Each of the other five books has been informed by the comparative framework that was the hallmark of ‘Coming out of Violence’. They are also detailed enough to capture the peculiarities and nuances of individual cases.
The book series aims to describe and analyse the complexities of modern peacemaking. It also illustrates the positive lessons to be learned from the comparative study of peace processes.

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Preface

Inside every silver lining, the cynics remind us, there lurks an ominous dark cloud. South Africa is rightly singled out as one of Africa’s more noteworthy cases of democratic transition. But inside the silver lining of successful transition looms the dark cloud of post-settlement violence. Why has South Africa, newly democratised, not also become peaceful and free of violence? The expectation of a democratic peace has not only been rooted in popular perceptions but has also been found in academic forecasts of the quality of political life in post-apartheid South Africa. One analyst, for example, writing in early 1995, berated the entire political science community in South Africa for not refocusing their research to democratic politics quickly enough: ‘Quite understandably, the past few decades of South African politics have meant that analysts have focused their research and debate on matters such as race, ethnicity, ideology, revolution, movements and transition. However, the agenda is shifting toward democratic consolidation and the “ordinary” politics of executives, legislatures, elections, public opinion and interest groups.’

Events have only half-confirmed this wishful prediction. Ordinary democratic politics is in operation, but alongside this the politics of violence is continuing, albeit in a very different form to that of pre-democratic South Africa. Furthermore, the yearning to locate the determinants of democratic consolidation in such institutionalised politics only was premature. This study focuses on the issue of post-settlement violence, a topic which is as central to the prospects of democratic consolidation as that of the evolution of parliamentary politics. The focus of this study is not directly on democratic transition and consolidation, but rather on the process of making peace. A peace process is one where, broadly speaking, the conduct of conflict through means of public violence is being successfully halted. Democratising the unit within which violent conflict occurs is certainly part of the repertoire of peacemaking, but a durable peace may require more: sound economic policies, regional pacts
and treaties, new symbols of state, and bureaucratic renewal of state units such as the criminal justice system and the armed forces.

This project is part of a larger comparative study on the management of peace processes, conducted under the auspices of the Initiative on Conflict Resolution and Ethnicity (INCORE) at the University of Ulster, the focus of which is captured in its title: ‘Coming out of Violence: the Problems of Building Peace’. This comparative analysis of peace processes in Northern Ireland, South Africa, Israel/Palestine, Sri Lanka and the Basque Country aims to identify the ingredients for containing public violence and for establishing civil order. The study monitors events relevant to violence and its containment along six tracks: violence and security matters (henceforth track 1), negotiated political settlements, as reflected in constitutional rules and political institutions (track 2), external influences and economic factors (tracks 3 and 4 respectively), popular responses (track 5) and symbolic politics (track 6).

This book concentrates on the South African case and offers a state-centred perspective on the peace process. The process is conceptualised as one involving four components. The first one involves the process of (re)asserting practices for the conduct of and control over public violence according to rules set by states. These range from finding workable definitions of who qualifies as a political prisoner through to disarming civilian populations. This component also includes the formal peacemaking process, one of finding a settlement, according to the conventions and rules of bargaining and negotiation. Where the conventional rules are either obsolete or inappropriate, a successful peace process requires that new, innovative rules be set in place.

The second component in the process of making peace is strengthening the primary unit for the conduct of politics, the state. The presupposition is that the prospect of peaceful, democratic politics is enhanced when the unit within which such behaviour is enacted is strong, resilient and durable. A strong, autonomous state is a more viable vehicle for securing peace and containing public violence than a weak, corrupt, inept, balkanised, bankrupt, partisan state.

The third component can (but need not) involve the creation of new units for the conduct of politics. This may be part of the settlement process, or may evolve later. Either way, it can be considered
as analytically distinct from the other components. These new units augment that of the primary unit, the state, in which democratic rules and practices are embedded. New units may be smaller in jurisdiction than the state and serve as sub-units of the state. Or they may be larger in jurisdiction, extending beyond the territorial reach of the state. In a successful peace process these units complement the democratic unit of the state by being able to address problems which the state, by virtue of its size, is unable to deal with effectively.

The fourth component involves the social–psychological dimension of the peace process. One social–psychological trigger, or mechanism of conflict is centred on the basic need people have to make positive evaluations of themselves. Dignity and honour, status, recognition, and competitive success are the ingredients of such positive self-assessments. The pursuit of these scarce but valued commodities can drive people to acts of violence, and eventually to nurture a culture of violence as a way of life. Successful peace processes need to come to terms with this aspect of conflict operative at both the individual and collective level, and build measures for dealing with it into the structural architecture of rules and institutions which comprise the first three aspects of the process.

These components are derived from a particular perspective on the nature of the conflict to be settled. In Chapter 1 both the conceptual framework outlining a state-centred view on conflict, and the requirements of an correspondingly appropriate peace process, is outlined. The basic presupposition which guides this chapter is that a proper grasp of what is needed to make peace can only be derived from an adequate understanding of the dynamics of the process of conflict prior to the peace process.

The text is divided into two broad sections. The first, Part I, presents a narrative overview of the peace process. The two closely interlinked processes of violence and peace making are described, with the emphasis on violence in Chapter 2, and a description of the negotiations in Chapter 3. In Chapter 2 the overview includes a section on post-settlement violence, which forms a substantial part of the material to be analysed in the next section. In Part II both the processes of violence and of peacemaking are analysed. In Chapter 4 the extent to which this domestic, undeclared war was conducted according to the rules of war recognised by states is examined.
emergence of a culture of violence, and its persistence into post-settlement South Africa is also explored. In Chapter 5 the success as well as weaknesses of the peace negotiations are considered, again with a view to finding reasons for the persistence of violence during the peace talks, and for its continuation, although in another form, after the political settlement. In Chapters 6 and 7 the various factors relevant to the emergence from violence are taken up: the role of negotiated institutions, whether of temporary nature or not; the impact of economic and external factors, popular responses and symbolic factors. In the last chapter an overall assessment is offered by way of responses to the following questions:

- Has the peace process in South Africa generated useful new rules for making peace?
- Has the state been strengthened, or has it weakened?
- Has the process yielded effective new units of peace and democracy, either larger and/or smaller?
- Has the process been able to initiate or facilitate the establishment of new identities, symbols and rituals which can serve as inspiration to those in search of dignity and/or honour?

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The Peace Process and the State

Introduction

This chapter provides an outline of the conceptual framework that is used to describe South Africa’s attempts to deal with violence. The general focus is on the theme of violence during and after a largely successful democratic transition. The matter of specific interest is the very marked levels of post-settlement violence which have characterised this transition. The general conceptual vantage point from which to assess this violence, and which has been adopted to evaluate attempts to deal with this policy problem, is a state-centred one. Public violence is therefore considered as part of the broader dynamics of state–society engagement and interaction. The conceptual framework allows exploration of this interaction at two levels. At the macro-level the specific focus is a consideration of the role of rules set by states for control over and conduct of public violence and in the making of peace, and the institutions states build in trying to cope with public violence. This macro-level structural perspective is complemented at the micro-level with a social–psychological perspective on the forces that ‘trigger’ individuals into violent confrontations with one another and, in the public domain, against the rules and institutions of the state.

The South African transition was a distinctively multi-faceted process. It entailed, firstly, the termination of a violent political conflict, and the implementation of a peace agreement between former belligerents. Secondly, this peace agreement ended white minority rule through an authoritarian regime, and inaugurated a
Thirdly, the transition also entailed the fundamental reorganisation of the state, away from being an institution geared to serve the interests of the white minority at the expense of black South Africans. In its place was established a state in which constitutional supremacy was a fundamental building block, in which the principles of a *rechtsstaat* was entrenched, and in which the foundations of a non-racial constitutional order was established. The consolidation of every one of these aspects to the transition is closely linked to the further evolution of the South African state. Containing public violence is one of the foremost obligations of any modern state. Consolidating the norms, practices and principles of democratic rule is also a matter of state, as democratic regimes are part of the institutional framework of a state. And finally, retaining the non-partisan, non-racial, ethnically neutral character of public bureaucracies is integral to the evolution of the state itself. Hence the use of a state-centred conceptual framework in this study.

**The problem**

We are often informed that the modern era with its dominant political institution of national states is drawing to a close. A diminished position is foreseen for the state, whether eclipsed by other rival institutions, or as a lesser unit among a number of contending units of power. The implications for both democratic politics and civil peace are clear: states have served as the prime units of democracy in the modern era, and their demise threatens the stability of older consolidated democratic regimes as well as newly established ones emerging from the Third Wave of democratisation, such as South Africa. States, especially democratic ones, have also served as units of security, providing standing bureaucracies (police and military forces) specifically charged with protecting citizens against acts of violence from within their borders and from outside.

This predicted weakening of states holds particular policy implications for divided societies. Holding these societies together as political units is a first-order problem. Securing democratic stability once fragmentation has been averted is the next formidable challenge. Both these problems are likely to be exacerbated when the basic
institutional unit, the state, is weakened. These problems are even more acute in states which have entered a process of democratic transition after sustained periods of authoritarian rule, as is the case of South Africa. The perceived process of state decline therefore presents huge challenges to statecraft in such societies, and may well require institutional innovation beyond the conventional boundaries of building states and democratic regimes.

Two sets of arguments predict the decline of states. The most insistent and persistent endorsement of this prediction comes from the ranks of those, driven by the ideology of globalisation, who argue that economic forces are relentlessly eroding the position of states. Operating in tandem with these forces are the agents of globalisation who are deliberately trying to induce this outcome. Whether these global forces will, in fact, produce the said outcome is a moot point, and one not to be pursued here. The aim of this chapter is to focus on the second set of arguments predicting state decline. This view identifies security-related factors in the projected changing status and position of national states.

Conflict and the state

States as units of security and democracy

National states emerged as the dominant political units in Europe, not by way of amicable social contracts between consenting individuals, but through a ruthless process of elimination, conducted by means of war. Of the 500 or so independent political units in the Europe of 1500, only 25 remained by 1900, all of them national states. State leaders eliminated rival contenders such as princes, bishops, dukes, brigands and other notables and magnates through the superior capacity for social control and resource mobilisation which state organisation made possible. A well documented feature of state building in Europe was the gradual development of a state capacity for extracting resources from, and regulating the social relationships of a resident population within a fixed territory, and redistributing these resources in pursuit of specific policy objectives, mostly in preparation for, or in the conduct of war. States could thus penetrate society through special purpose organisations in the form of bureaucracies which were both distinctive and autonomous from other social units.