Chapter 11

South Africa: Beyond the "Miracle"

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After almost 10 years of non-racial democracy, South Africa finds itself in the latter phase of a remarkable transition — shaped by a progressive constitution and two democratic elections. The election of Thabo Mbeki as president in 1999 and the recent completion of the work of the Truth and Reconciliation Commission (TRC) signal the beginning of consolidation, within which the demands for human dignity, freedom and equality that lie at the heart of our constitutional order must be realised. Should these demands not be met the acclaim that greeted this new democracy in 1994 will have a hollow ring.

At both the material and socio-political levels, there remain deep divisions in South Africa. These structural and attitudinal divides continue to fuel conflict and animosity. Despite the overtures of the African National Congress (ANC) to the largely white and coloured New National Party, and more specifically those of President Mbeki to white Afrikaner leaders, political parties remain split largely along racial-ethnic lines. The economy continues to depend on white capital, with reform efforts caught on the horns of a dilemma: whether to promote business confidence with a neoliberal economic plan or assist the millions of citizens who need basic housing and jobs.

The TRC process brought both healing and dispute. Its recommendations about reparations are only beginning to be partially implemented by the government after a long delay. At a subjective and social level, the Commission’s work has underscored the point that the process of reconciliation and reconstruction is a long-term project. It is a collective effort designed to translate the miracle of 1994 into a lasting and stable democracy.

It may be argued that the South African settlement is better understood not as a miracle but as a contested process — driven as much by pragmatic needs and rugged compromise as by high ideals and moral intent. And yet, Archbishop Desmond Tutu’s sense of the South African transition being a

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miracle provides an important insight into the South African settlement when compared with many countries undergoing transition in other parts of Africa, the Balkans, Russia and elsewhere. The danger is that idealistic perceptions of the South African transition can underestimate the levels of resentment, alienation, disappointment and compromise that are perhaps an inevitable part of a political compromise of the magnitude of the South African settlement. This settlement was probably the only alternative to theescalation of violence and the destruction of any realistic possibility of reconstruction. Justice Richard Goldstone puts it thus: “The decision to opt for a Truth and Reconciliation Commission was an important compromise. If the ANC had insisted on Nuremberg-style trials for the leaders of the former apartheid government, there would have been no peaceful transition to democracy, and if the former government had insisted on a blanket amnesty then, similarly, the negotiations would have broken down. A bloody revolution sooner rather than later would have been inevitable. The Truth and Reconciliation Commission is a bridge from the old to the new.”

The major challenge facing South Africa now is to strike a balance between reconstruction and reconciliation so that the country can have a stable democracy. This apparently insurmountable challenge has been highlighted by President Thabo Mbeki who contends that:

It’s a very delicate thing to handle the relationship between [transformation and reconciliation] . . . It’s not a mathematical thing; it’s an art . . . If you handle the transformation in a way that doesn’t change a good part of the status quo, those who are disadvantaged will rebel, and then goodbye reconciliation.²

This profile aims not simply to understand the promises and pitfalls of South Africa’s democratic consolidation, but also the ways in which the present is being shaped by a history of racial and economic domination. It further reflects on the apartheid system and the road to a negotiated settlement. In these terms, the future of reconciliation may have much to do with the ways in which South Africans are able to fashion the culture of reconciliation into forms of material empowerment.

The Face of Conflict

The ANC’s victory at the polls in the 1994 elections was not just the triumph of a political party. It signified the triumph of a broader liberation movement whose constituents include the ANC itself, the South African
Communist Party (SACP), the Congress of South African Trade Unions (COSATU) and a range of organisations of civil society. This was a civil society that was central to forging the terms of “people’s power”, the community politics that sustained the United Democratic Front in the 1980s and helped bring about the “negotiated revolution”.

Few predicted that South Africa would avoid civil war and undertake a (relatively) peaceful transition to democracy. Many within the faith communities and in secular society, understandably and with justification, called on apartheid leaders to submit to unconditional repentance and surrender. This, it was insisted, was the only legitimate and realistic way to move forward. The breakthrough, however, came not as a result of any Damascus Road experience or capitulation of the old regime. It came as a result of a series of encounters within which protagonists on opposing sides began to make contact with one another. Tentative, fragile steps were taken that led to “talks about talks”. In the process, cautious relationships were forged. This paved the way for a search for peace and the beginning of a reconciliation process.

Talks About Talks

Reflecting on the early stages of negotiations is both a therapeutic and pedagogical exercise. This stage was difficult and dangerous. It was an initiative spurned by many – indeed most. The talks were “on” and then they were “off”. There were “talks about talks about talks”, there were “talks about talks” and there were “talks”. ANC records show that in 1986 separate formal talks took place in Lusaka and Harare between the ANC leadership and six South African-based organisations: the Inyandza National Movement, COSATU, the National Union of South African Students (NUSAS), the South African Catholic Bishops’ Conference (SACBC), the National African Federated Chambers of Commerce (NAFCOC) and the Northern Diocese of the Evangelical Lutheran Church in South Africa (ELCSA). These were followed by a historic meeting in Dakar in June 1987, hosted by President Abdou Diouf of Senegal. Led by Frederik van Zyl Slabbert and Alex Boraine, the delegation comprised 61 people, mostly white Afrikaans-speaking South Africans. The list of organisations and people who later travelled to Lusaka and elsewhere “to meet with the ANC” is a long and impressive one. They included Pieter de Lange, chairperson of the Afrikaner Broederbond; Danie Craven, chairperson of the South African Rugby Board; Gavin Relly, chairperson of Anglo American Corporation; church leaders, academics, women, men and youth. Covert meetings were held in London, New York, Lucerne, Berne, Geneva and
elsewhere. They met with Oliver Tambo, Thabo Mbeki, Alfred Nzo, Jacob Zuma and other ANC leaders. There were, at the same time, emissaries moving between Pretoria and Lusaka. These included a University of Cape Town and University of the Western Cape delegation; Stellenbosch University academics, Willie Esterhuyse and Sampie Terreblanche; Cape Town-based lawyer, Richard Rosenthal; a Department of Constitutional Development and Planning official, Cobus Jordaan; and National Intelligence Service functionaries, Niel Barnard, Mike Louw and Maritz Spaarwater. Suffice it to say rapprochement began with contact and exploratory talks.

The Commonwealth Eminent Persons Group got involved. Minister of Justice Kobie Coetsee was holding regular meetings with Mandela in prison, in the Volks Hospitaal where Mandela was undergoing surgery, and on visits around Cape Town. Eventually, a historic meeting was held between Nelson Mandela and South African State President P. W. Botha at the latter’s official residence, Tuynhuis. Mandela was given access to his lawyers, George Bizos, Ismail Ayob, Dullah Omar and others, while being allowed occasional telephone contact with ANC leadership in exile.

The carefully structured politics of “total strategy” to counter a “total onslaught” of the Botha regime was undermined daily by contact between adversaries. The demonising of opponents was giving way to dialogue. There was talking, listening and searching for ways forward. The drastic problems that needed urgent attention were beginning to be faced within a new social context – a new kind of relationship.

And yet this too was a contested process, with armed conflict and deep suspicion continuing to be the order of the day. Assassinations, cross-border raids and armed attacks on white farms, military targets and other venues continued. Within this context substantial issues were dealt with in formal negotiations and constitutional talks. In between, there was the Havre Declaration, in which the ANC declared it was possible to “end apartheid through negotiations”. The unbanning of political organisations and the release of Mandela and other political prisoners followed. Next came the Groote Schuur Minute, the Pretoria Minute and the ANC’s Constitutional Principles and Structures for a Democratic South Africa. The outcome was what Willem de Klerk called the emergence of a new “political ecology” of discourse that gave momentum to the prevailing dialogue. The bellicose rhetoric that was rapidly taking South Africa into what Mandela called “the spectre of a South Africa split into two hostile camps; blacks on the one side and whites on the other, slaughtering one another”, was giving way to a different kind of encounter.
The South African reconciliation process began with contact — and yet this "contact" was itself grounded in a long history that shifted between social and economic engagement on the one hand and suspicion, alienation and political conflict on the other. This nation of strangers, torn apart by generations of colonialism and decades of statutory apartheid, did not resort to genocide as was the case in Rwanda, nor to the kind of slaughter that characterised the wars of Latin America or the ethnic cleansing of the former Yugoslavia. Why? This is a tantalising question on which major work needs to be done. The "miracle" of the peaceful transition was indeed impressive. However, the transition did not resolve all the fundamental causes of the conflict, although it provided a new context within which to deal with them. Racism and fear of "majority domination" continue to define white politics, whereas the majority of blacks believe that the transformation of an essentially white-owned economy is happening too slowly. The divide between rich and poor remains one of the worst in the world. The country's economy shows promise but has yet to meet the expectations of both policy-makers and citizens.6

Economic Disparity

Since the 1980s, it is generally acknowledged that South African economic performance has rated only fair to poor. Per capita income has dropped by at least 15% in real terms, and there has been no growth in total employment, with unemployment rates among the economically active black population exceeding 50% in some areas. Ratios of both investment and saving to national income have fallen dramatically and there has been substantial capital outflow every year since 1985 through a combination of capital flight and debt repayment. Further, urban migration has put increasing pressure on both housing and infrastructure. In the 1980s and early 1990s, the productivity of new government investment continued to fall, mainly because of investment in "strategic" industries, which the apartheid government considered to be important to combat sanctions, and of other related costs of maintaining the apartheid system.7

With the advent of democracy in 1994, the ANC-led government inherited these problems, plus a range of additional economic challenges, which some believe should have been given more attention in an overt and explicit manner in the negotiations that ended apartheid. The Mandela government confronted a lack of local and foreign investment. The talk of foreign aid and western-led economic empowerment remained largely a promise. The newly elected democratic government had to face impoverished citizens who had high and frequently unrealistic expectations about
the fruits of democracy. In 1993, the South African Living Standards and Development Survey compiled a profile of basic needs in South Africa. It noted that about 25% of children under the age of five suffered from malnutrition; that nearly 25% of households did not have running water; that nearly 45% of all households did not have access to grid electricity; and that just under one million households lived in shacks or informal dwellings, a condition that has much to do with the low life expectancy for blacks in South Africa. The fact that there are historical and contemporary economic divisions between white, coloured, Indian and black South Africans complicates the situation. There is also a clear gap between rural and urban dwellers.

The new government had to address these factors, particularly with respect to the issues of unemployment, income distribution, land redistribution and education. Historically, racist employment legislation and educational exclusion effectively limited the entry of black South Africans into a large number of occupations.\(^8\) Realising that repealing apartheid employment legislation could not on its own redress its legacies, the government passed the Employment Equity Act in 1998, as a way to achieve equality in the workplace by eliminating unfair discrimination and implementing positive measures to redress disadvantages experienced by black people,\(^9\) women and the disabled to ensure equitable representation in all occupational categories and levels in the workforce. This piece of legislation was criticised by the official opposition, the Democratic Party, which accused the ANC of the “creeping reintroduction of race policies”.\(^10\) Since then, economic reform has continued to be a contested terrain. Further legislation has been introduced, compromises have been found and new ways sought to redress an economic imbalance that has the capacity to undermine the progress made since 1994. The outcome has been tension not only between the government and business but also between the government and trade unions. The latter tension, some suggest, contains the seeds to undo the ANC-SACP-COSATU alliance that constitutes the majority in government.

This said, the government has taken several significant steps to promote labour rights. These include procedures for dealing with labour disputes through the Commission of Conciliation, Mediation and Arbitration (CCMA); the extension of the right to negotiate to all workers; the protection of basic employment rights; skills development and related matters. On the other hand, unemployment continues to increase and prices of basic foods and commodities continue to rise, requiring government to find ways of translating good policy into practices that ensure the
basic needs of the poor are met. While black people now make up a larger proportion of South Africa’s middle class, the gap between the upper and lower ends of the black community is increasing.\textsuperscript{11} So, although there has been a decline in inter-racial inequality, intra-racial inequality has increased. Indeed, a recent report ranked South Africa as the country with the most skewed income distribution in the world, second only to Brazil.\textsuperscript{12}

The historical exclusion of blacks from land ownership has further drastically limited development in rural areas. Today, the government continues with the struggle to process land claims and return sites that were appropriated under apartheid laws. The slow pace of this reform has left many frustrated and led to calls by some, including the Pan Africanist Congress (PAC), for citizens to appropriate land in a manner resembling the take-overs in Zimbabwe. President Mbeki and the courts have stated that land grabs will not be tolerated. The issue remains unresolved and will remain a key source of tension in coming years.

In addition to these economic reform initiatives, the question of consolidation has focused on the development of legitimate democratic institutions, defined partly by regular and fair polls and by a set of rights that ensure the freedoms of opposition, speech and association. Given the country’s history, however, the problem of legitimacy looms large, particularly as citizens vacillate between very high expectations for reform and distrust of government’s power and intentions. The situation is further complicated by the fact that the ANC strikes many as intolerant of criticism, a problem that has fed concern over racial tensions and distrust.\textsuperscript{13}

\textit{Identity}

The common view is that in a divided society, people identify primarily with their own ethnic group rather than the nation. In a survey conducted by Idasa, only 13\% of South African citizens in 1994 identified themselves as “South Africans”. Most people chose instead a wide range of racial, linguistic and religious identifications. Some question whether the ANC has moved away from its non-racial policies in favour of programmes that highlight racial and ethnic distinction. The claim is arguable and the subject of significant controversy. Viewed as a whole, the debate indicates that there remain significant rifts in South Africa, forms of distrust and mental balkanisation that thwart community and nation-building efforts.\textsuperscript{14} This said, President Mbeki’s “I am an African”\textsuperscript{15} speech allays fears pertaining to national inclusivity. Mbeki unequivocally demonstrates “Africanism” as an inclusive concept. And more recently, responding in parliament to the use of the “kill the farmer, kill the Boer” slogan
at the funeral of ANC MP Peter Mokaba, he insisted “those farmers and Boers are as much South African and African as I am”. Mbeki believes that the ideal of a non-racial society is doomed if millions of people – most of them black – continue to languish in degrading poverty. Should they come to identify the “new South Africa” with the preservation of the glaring inequalities of the “old South Africa” then, he warns, a social explosion may loom on the horizon. Thus, the building of a non-racial society is inextricably linked to wider social transformation and the overriding government priority is to address the awesome legacy of apartheid.

Democratic Debate

Having won 66.36% of the vote in 1999, the ANC enjoys a significant majority in parliament. Some have argued that this dominance has the potential to undermine hopes for a strong and independent parliament. In fact, many commentators – across the political spectrum – argue that many in the ANC are intolerant of criticism, showing little interest in open debate about the issues facing the country. Some political commentators have claimed that the ANC leadership has tended to regard opposition through an explicitly racial lens. The ANC’s displeasure with the white opposition and a press that it considers insufficiently sympathetic was significantly evident in Mandela’s opening address to the fiftieth ANC National Conference – significant because the former president is perceived as more tolerant toward criticism. In this speech he identified sections of the media and white opposition parties as “counter-revolutionary forces” that had “essentially decided against the national agenda” and wanted to “propagate a reactionary, dangerous and opportunist position”. This dangerous position, according to Mandela, assumed the existence of a stable democracy and assumed that opposition parties only “have a democratic obligation merely to discredit the ruling party so that they may gain power after the next elections”. The issues embedded in this claim are pertinent and yet difficult to unravel. The ANC has been confronted with an opposition that has done little to smooth its transition to power. Nor has the opposition even acknowledged that it may take time to establish an effective government. Internally, the ANC remains relatively stable and seems set to continue to attract the lion’s share of the electoral support for some time to come. There is increasing but still rather indefinite talk about a future split in the ANC, which may result in an opposition party to the left of the current government. Recent developments in South African politics have raised some concerns regarding the tenets of
democracy, particularly a credible opposition. The dissolution of the alliance between the Democratic Party and the New National Party has produced mixed feelings. While the ANC and the New National Party contend that their "co-operative government" reflects their commitment to non-racial politics as well as to attending to the needs of the poor, the question arises as to whether this is not an attempt by the ANC to weaken the opposition. Differently put, does this "co-operative government" augur well for the consolidation of democracy? In a similar vein, Mandela's endeavours to lure the former ANC stalwart, Bantu Holomisa, to rejoin the ANC have been met with scepticism. Subsequently, Holomisa's party, the United Democratic Movement, and the PAC have "agreed on the establishment of the strategic co-operative agreement . . . [that] will result in promoting National Unity among South Africans and to realign politics in order to complete the process of transformation".19 It remains to be seen whether this arrangement will provide a credible black-led opposition.

The above tensions reflect vibrant political debate, within a context where the fundamentals created by the constitution remain firmly in place. Despite the political dominance of the ANC, there has been no attempt to revise the constitution. Several elections at national, regional and local levels have been held since 1994, and contestants have accepted the outcomes. Judiciary rulings have been independent and unchallenged. So-called Chapter Nine institutions, including the Human Rights Commission, the Public Protector and the Commission on Gender Equality, and a vibrant civil society all suggest a maturing constitutional democracy founded on a Bill of Rights. The sustainability of this birthright will in the long run no doubt be severely tested as the impact of poverty, unemployment, crime and HIV/AIDS and related problems begin to be felt.

Reconstruction

In the face of substantial economic problems and political division, South African democratisation made steady, if not always consistent, progress. Despite apartheid policies that ensured the exploitation of human resources, under-investment in human capital, labour rigidities, large budgetary outlays for duplicate layers of government and facilities, governmental interventions into the economy and lack of foreign investment, the South African economy responded with a 1.1% growth in 1993. Although slow and limited, this was the first positive growth in four years. The election of Nelson Mandela in early 1994 saw an even greater
improvement with 2.3% growth – with not insignificant growth being predicted for the following few years. It was evident that the primary objective of President Mandela’s Government of National Unity (GNU) was to address the historical inequities in political, economic and social opportunities between black and white South Africans.

In 1994, the Reconstruction and Development Programme (RDP) was launched as part of the ANC’s election programme. As defined by President Mandela, the RDP encompassed not only socio-economic programmes designed to redress imbalances in living conditions, but also institutional reform, educational and cultural programmes, employment generation and human resources development. As a policy framework, the RDP targeted donor aid and guided the government’s budgetary process, leading to significant shifts in government expenditure. At the same time, a special RDP fund, composed of several billion rands annually, financed high-profile “presidential projects”, such as free medical care for children under the age of six and pregnant mothers, a school feeding scheme programme, electrification of poor homes and public works projects for unemployed youths. A separate RDP office was set up to administer the fund and co-ordinate the different facets of the programme in the various ministries. In 1996, however, the RDP lost its most visible public face when its director was assigned to other ministerial duties. Thereafter, the RDP was eliminated as a separate entity, with its co-ordinating functions subsumed into the office of then Deputy President Thabo Mbeki.

In 1995, South Africa achieved an economic growth rate of 3.3%. High consumer confidence and a demand for durable and semi-durable goods led to an increase in private consumption, which exceeded the growth in real personal disposable income. Private consumption, then, was partly financed by an expansion of credit at the cost of domestic savings. The agricultural sector of the economy grew considerably, 82.3% in real terms. However, the overall upturn in economic activities was not accompanied by employment growth. In the wake of the RDP, the South African government adopted a new macro-economic strategy that was to drive a 6% GDP growth by 2000 and an increase in employment. This new policy, the Growth, Employment and Redistribution Strategy (GEAR), placed an emphasis on market forces, with the government playing a reduced economic role. The government gradually eliminated measures to protect the currency and implemented trade liberalisation policies. Furthermore, the reform of the labour market was identified as a crucial factor in creating a more flexible employment environment. GEAR faced a number of teething problems. It was a noticeable move away from the previous ANC
policy regarding the need to nationalise large-scale industry and undertake a basic redistribution of wealth from whites to blacks. To many critics on the left, it smacked of acquiescence to the World Bank and International Monetary Fund, especially as the ANC came to accept privatisation in principle and dropped talks of regulating foreign investment and currency exchange.25

GEAR has generated substantial political controversy within the COSATU-ANC-SACP alliance. In 1997, the then Secretary General of COSATU, Sam Shilowa, said of the GEAR policy: “We will lobby, fight, convince, negotiate, twist around, do everything possible for our position.”26 Responding to critics who detected an overall shift in focus from aggressively tackling social concerns to relying on orthodox macroeconomic remedies, Pundy Pillay, who headed the RDP policy unit within the President’s Office, insisted that the RDP remained an important component of government policy. According to him, the RDP was not incompatible with GEAR; the two polices required each other to work.27 More recently, there has been a governmental shift away from GEAR, although this has done little to satisfy those who claim that the ANC remains uncommitted to the masses and detached from its historical promise of pursuing material equality for all citizens.

Much depends now on the success of the New Partnership for Africa’s Development (Nepad), which links good governance to economic development. The advent of the African Union, with the initial stage of leadership being placed in the hands of President Mbeki, places huge responsibilities on the president and South Africa to ensure reconstruction both in South Africa and the continent as a whole.

Crime

Tied directly to the problems of reforming the South African economy, crime is a significant concern, affecting both domestic stability and the perceptions of international investors. In the first three years after South Africa’s political transition overall crime levels seemed to stabilise. While crime levels increased marginally in 1996–97, the increase was 4.8% in 1997–98 and reached a peak of 7% in 1998–99.28 Between 1994 and 1999 violent crime increased by 21.6%. Property crime increased by 14.9% over the same period, followed by commercial crime at 6.7% and violent crime against property 6.6%. According to the Human Sciences Research Council survey data, almost three times as many South Africans felt unsafe in 1999 compared to 1994. Much of this is attributable to the country’s extraordinarily high levels of violent crime. According to the
most recently available Interpol figures, in 1996 South Africa had the highest per capita murder, rape, robbery and violent theft levels of the 114 countries surveyed. Perceptions of crime vary substantially according to the race, income and geography of respondents.29

HIV/AIDS

Perhaps more than any other country in the region, South Africa confronts an enormous threat in the form of HIV/AIDS. The disease is rampant throughout the country. Studies suggest that between 25 and 35% of the adult population is HIV-positive. This implies that in some regions over 50% of citizens will fall victim to the virus. Within a matter of years, the country is likely to lose an entire generation, a tragedy that will have a tremendous impact on its socio-political fabric. Tens if not hundreds of thousands of children will be orphaned. The economy will bear the weight of caring for those who fall ill. Recently, the issue of HIV/AIDS sparked much controversy in both scientific and political circles in South Africa and abroad. Mbeki’s questioning of the causation between HIV and AIDS provoked the debate. This created an impression that the ANC government was not fully committed to dealing with the Aids epidemic. Arguably, the issue has been misrepresented by all sides, particularly as Mbeki has been slow to clarify his position and the “mainstream” scientific community has been willing to concede no ground on the question of whether anti-retrovirals are always effective. Mandela also stepped into the fray, questioning whether the government was doing enough about the problem. The government has faced and lost several lawsuits regarding its obligation to provide drugs to pregnant women to prevent mother-to-child transmission. The government has since dropped its controversial hardline stance on Aids drugs, unveiling new plans to provide anti-retroviral medication at state hospitals. Announcing the plans after a cabinet meeting, the government for the first time clearly acknowledged that anti-retroviral drugs can help prevent the transmission of the disease. It has decided that rape victims will now be entitled to the therapy to reduce the chance of the transmission of the virus. Moreover, it has pledged to provide the anti-retroviral drug, Nevirapine, to HIV-positive pregnant women, perhaps by December 2002. The turnaround follows a Constitutional Court ruling that the government must follow a High Court order compelling it to provide Nevirapine to HIV-positive pregnant women at suitably equipped state hospitals. Aids activists have welcomed this turnaround, particularly the Treatment Action Campaign which launched the court case against the government.30
The Historical Roots of Violence and Division

The divide and rule of apartheid took many forms, some emerging from the halls of parliament, others growing from the barrels of guns. However, it may be argued that the source of South Africa’s violent and divided past was colonialism. Details aside, both the British and the Afrikaners shared a belief in the total separation, on every level, of black and white South Africans. Although this belief became official policy only after the National Party had ascended to power, its foundation had been laid nearly half a century previously; in a policy of racial segregation. This policy was based on the fallacy that whites were of “superior intellect”. Tied to colonial racism, Afrikaner nationalism grew from a number of sources and culminated in the 1948 election of the National Party. The architects of the apartheid system sought to create the grounds for the separate development of the peoples that inhabited South Africa. The implicit and explicit racism of the vision was covered with the veneer that all the nation’s races could realise their potential if left to their own devices. Judged by the world as a crime against humanity, apartheid was a vicious system, one that became more violent as the ideal was slowly exposed as the evil that it was. Its origins and implementation shed substantial light on the deep divisions that now pervade South African society.31

Separating Black from White

The Prohibition of Mixed Marriages Act of 1949 was the first major piece of apartheid legislation. It made marriages between whites and members of other racial groups illegal. The Immorality Act of 1950 extended an earlier ban on sexual relations between whites and blacks (the Immorality Act of 1927) to a ban on sexual relations between whites and any non-whites.32 The Population Registration Act of 1950 provided the basis for separating the population of South Africa into different races. Under the terms of this Act, all residents of South Africa were classified as white, coloured or native (later called Bantu) people. Indians, whom the Herenigde (Reunited) National Party in 1948 had refused to recognise as permanent inhabitants of South Africa, were included under the category “Asian” in 1959. The act required that people be classified primarily on the basis of their “community acceptability”. Later amendments placed greater stress on “appearance” to deal with the practice of light-coloured blacks “passing” as whites. The Act also provided for the compilation of a population register for the whole country and for the issuing of identity cards.

Other laws provided for geographic, social and political separation. The Group Areas Act of 1950 extended the provisions of the Natives Land Act
of 1913, and later laws divided South Africa into separate areas for whites and blacks (including colouresds), and gave the government power to conduct forced removals, events that devastated communities and splintered families. In 1954, the Tomlinson Commission concluded that the areas set aside for Africans would support no more than two-thirds of their intended inhabitants even under the best of conditions. The government ignored its recommendation that more land be allocated to the reserves and began removing Africans from designated white areas. The Bantu Authorities Act of 1951 established Bantu tribal, regional and territorial authorities in the regions set out for Africans under the Group Areas Act, and it abolished the Natives’ Representative Council. The Bantu authorities were to be dominated by chiefs and headmen appointed by the government. The government also sought in 1951 to remove coloured voters in the Cape Province from the common voters’ roll and place them onto a separate roll by which they would elect white representatives (Separate Representation of Voters Act of 1951). The Supreme Court declared the Act invalid on constitutional grounds. Reluctant to concede defeat, the government resorted to Draconian measures. It increased the size of the Appellate Division from five to eleven judges. It also increased the size of the Senate, while changing the method of electing senators. The outcome was a sympathetic Appellate Division and the necessary two-thirds National Party majority in a joint sitting of both Houses of Parliament. The South Africa Act of 1956 was passed with the necessary unicameral majority and the Separate Representation of Voters Act was revalidated. Coloured citizens were removed from the common voters’ roll.

Separate and Unequal

The unequal allocation of resources and exploitation of labour were central premises of apartheid, evident in legislation on general facilities, education and jobs. The Reservation of Separate Amenities Act of 1953 stated that all races should have separate amenities – such as toilets, parks and beaches – and that these need not be of an equivalent quality. Under the provisions of this act, apartheid signs were erected throughout South Africa. The Bantu Education Act of 1953 decreed that blacks should be provided with separate educational facilities under the control of the Ministry of Native Affairs, rather than the Ministry of Education. The pupils in these schools would be taught their Bantu cultural heritage and, in the words of Hendrik F. Verwoerd, then Minister of Native Affairs, they would be trained “in accordance with their opportunities in life”. These he considered to be not “above the level of certain forms of labour”. The
Act also removed state subsidies from denominational schools with the result that most of the mission-run African schools were sold to the government or closed. The Extension of University Education Act of 1959 prohibited blacks from attending white institutions, with few exceptions, and established separate universities and colleges for Africans, coloureds and Indians.

The perversely titled Industrial Conciliation Act of 1956 enabled the Minister of Labour to reserve categories of work for members of specified racial groups. In effect, if the Minister felt that white workers were being pressured by “unfair competition” from blacks he could re-categorise jobs for whites only and increase their rates of pay. Under the terms of the Native Laws Amendment Act of 1952, African women as well as men were made subject to influx control and the pass laws and, under Section 10 of the Act, neither men nor women could remain in urban areas for longer than 72 hours without a special permit stating that they were legally employed. Also misnamed, the Abolition of Passes and Co-ordination of Documents Act of 1952 was designed to make the policy of pass restrictions easier to enforce. It abolished the old pass, replacing it with a document known as a reference book. The act stated that all Africans had to carry a reference book containing their photograph, address, marital status, employment record, list of taxes paid, influx control endorsements and rural district where they were officially resident; not having the reference book on one’s person was a criminal offence punishable by a prison sentence. In 1955, the Minister of Native Affairs stated that African women would be issued with passes with effect from January 1956. Up until then, only African men had been obliged to carry passes. Outraged by the government’s intention, women of all races launched the Women’s Anti-Pass Movement, with the first protest taking place in October 1955. Protests grew all over the country and culminated in a mass demonstration at the Union Buildings in Pretoria on 9 August 1956. Since 1994 this day has been celebrated as “Women’s Day” in South Africa.

**Sovereign Security**

Apartheid’s desire to classify and regulate bred the conditions for a militaristic police state. As separate development took shape, the powers of the police and security forces grew. The Suppression of Communism Act of 1950 declared the Communist Party and its ideology illegal. Among other features, the Act defined communism as any scheme that aimed “at bringing about any political, industrial, social, or economic change within the Union by the promotion of disturbance or disorder” or
that encouraged "feelings of hostility between the European and the non-
European races of the Union the consequences of which are calculated to
further ... disorder". These very broad terms allowed the Minister of
Justice to list and ban members of such organisations, usually for five-year
periods, from holding public office, attending public meetings or residing
in specified areas. The Public Safety Act of 1953 gave the British
Governor-General power to suspend all laws and proclaim a state of emer-
gency. The Criminal Law Amendment Act of 1953 stated that anyone
accompanying a person found guilty of offences committed while
"protest[ing], or in support of any campaign for the repeal or modifica-
tion of any law" would also be presumed guilty and would have the bur-
den of proving his or her innocence. The Native Administration Act of
1956 permitted the government to "banish" Africans, essentially exiling
them to remote rural areas far from their homes. The Customs and Excise
Act of 1955 and the Official Secrets Act of 1956 gave the government
power to establish a Board of Censors to censor books, films and other
materials imported into or produced in South Africa. During the 1950s.
Johannesburg in July 1963 and, along with Nelson Mandela — who had already been imprisoned on other charges — tried for treason. Eight, including Mandela, were sent to prison for life. Oliver Tambo escaped from South Africa and became president of the ANC in exile. Robert Sobukwe of Pogo was jailed on Robben Island until 1969 and then placed under a banning order and house arrest in Kimberley until his death in 1978. Furthermore, in 1963, the General Law Amendment Act allowed the police to detain people for 90 days without charging them and without allowing them access to a lawyer. At the end of that period, the police could re-arrest and re-detain them for a further 90 days. During the period of detention, no court could order a person’s release; only the Minister of Justice had that authority.

In the years that followed, opposition remained alive, even as the government took further steps to entrench apartheid. It established alternative political structures for Africans in the homelands or reserves. In 1963, the Transkei homeland, poverty-stricken and overpopulated, was made self-governing. Other homelands were even less economically viable. Bophuthatswana consisted of 19 separate pieces of land spread hundreds of kilometres apart, and KwaZulu (formed out of Zululand and other parts of Natal in 1972) was divided into at least 11 fragments interspersed with white farms and coastal land allocated to whites. Under the provisions of the Group Areas Act, urban and rural areas in South Africa were divided into zones in which members of only one racial group could live. In practice, it was blacks who had to move, often under the threat or use of force. Between 1963 and 1985, approximately 3.5 million blacks were removed from areas designated for whites and were sent to the homelands. However, even though the homeland population rose by 69% between 1970 and 1980, the numbers of blacks in the cities continued to rise through natural growth and evasion of influx control. By 1980, after 20 years of removals, there were twice as many blacks in South Africa’s towns as there were whites.

By the middle of the 1970s, apartheid was clearly under strain. The appeal of black consciousness and the levels of participation in the Soweto demonstrations of 1976 illustrated a profound discontent and a call for “people’s power”. Violence finally erupted in the sprawling township of Soweto, situated on the outskirts of Johannesburg. On 16 June 1976, a group of students protesting against the government’s imposition of Afrikaans as a medium of instruction in African schools were met by a contingent of the South African police. In the ensuing mêlée, over 500 young people were killed, including 13-year-old Hector Peterson.
Following the Soweto uprisings, hundreds of young Africans slipped across South Africa’s northern borders and volunteered to fight as guerrilla soldiers for the ANC and the PAC. In the late 1970s, some of these people began to re-enter South Africa secretly to carry out sabotage attacks on various targets that were seen as symbols of apartheid.

Labour discontent also grew. The combination of discriminatory legislation and employer reliance on the use of inexpensive labour meant that African workers were poorly paid and were subjected to an enormous number of restrictions. Economic recession in the early 1970s, followed by inflation and a contraction in the job market, resulted in a dramatic upsurge in labour unrest. In the first three months of 1973, some 160 strikes involving more than 60,000 workers took place in Durban; in the early 1970s, no more than 5,000 African workers had struck annually and in the 1960s the average had been closer to 2,000. Labour unrest spread to East London and the Rand and continued.

Urban-based strikes drew attention to the fact that, despite the ambitions of apartheid, the South African economy was failing. Nearly three-quarters of South Africa’s urban population in 1980 were black. Only half of the African population lived in the homelands, and even then the rural land available was so inadequate that population densities were far greater than they were in the rest of the country. At least four-fifths of the homeland dwellers lived in poverty. Yet the South African government persisted in arguing that Africans were really rural dwellers and that they should exercise political rights only in the homelands. In 1976 the government proclaimed the Transkei an independent nation-state and followed this move by granting independence to Bophuthatswana in 1977, Venda in 1979 and Ciskei in 1981. Citizens of these states, including the half who lived outside their borders, were then deemed aliens in South Africa. Another six ethnically based homelands were granted limited self-government in preparation for eventual independence: they were KwaZulu, Lebowa, Gazankulu, QwaQwa, KaNgwane and KwaNdebele.

Internationally, the 1970s saw increasing opposition to the apartheid regime. The administrations of US presidents Richard Nixon and Gerald Ford, including US Secretary of State Henry Kissinger, had favoured working with the National Party government. They saw South Africa as a key strategic ally in the cold war and had both encouraged the invasion of Angola and promised US military support. President Jimmy Carter, however, considered South Africa a liability for the west. His vice president, Walter Mondale, told then South African prime minister John Vorster that the United States wanted South Africa to adopt a policy of one person,
one vote. Anti-apartheid sentiments also grew in Britain and Europe, while the UN, composed of a majority of third world states, in 1973 declared apartheid "a crime against humanity" and in 1977 declared the existing embargo on the sale of arms to South Africa to be mandatory. Such criticism had a considerable material impact. South Africa had to invest large sums in the development of its own armaments industry. Because of an embargo by the Organisation of the Petroleum Exporting Countries (OPEC), it also had to pay more for oil and purchased most of its supplies from the Shah of Iran until his overthrow in 1979. Foreign investment in South Africa, on which the country depended for much of its economic growth, also became increasingly expensive and uncertain in the second half of the 1970s. A growing sluggishness in the South African economy, coupled with concerns about the country's political stability in light of the Soweto demonstrations, caused most investors to seek more attractive ventures for their capital in other countries. Foreign capital still flowed into South Africa, but it was primarily in the form of short-term loans rather than investments. In 1976, for example, two-thirds of the foreign funds entering South Africa were in short-term loans, usually of 12 months' duration.

International pressure on the South African government intensified further in the mid-1980s. Anti-apartheid sentiment in the US, fuelled in large part by television coverage of the ongoing violence in South Africa, heightened demands for the removal of US investments and for the imposition of official sanctions. In 1984, 40 US companies pulled out of South Africa, with another 50 following suit in 1985. In July 1985, Chase Manhattan Bank caused a major financial crisis in South Africa by refusing to roll over its short-term loans, a lead that was soon followed by most other international banks, fuelling inflation and eroding South African living standards. In October 1986, the US Congress, overriding a presidential veto, passed legislation implementing mandatory sanctions against South Africa; these included banning all new investments and bank loans, ending air links between the US and South Africa and banning many South African imports. Calls for economic sanctions also came from the Commonwealth, with only British prime minister Margaret Thatcher, a firm non-believer in sanctions, holding off severe economic action. International banks, at the same time, continued to underwrite apartheid government loans and many nations continued to trade with South Africa. Limited sanctions were also imposed by the European Economic Community, including a ban on the sales of gold Krugerrands in Europe and the import of South African coal. Some European countries imposed
further restrictions, including a total trade ban by Sweden and Denmark.

President P. W. Botha activated security legislation to deal with these crises. In mid-1985 he imposed the first of what would become a series of states of emergency in various parts of South Africa. This was the first time such laws had been used since the Sharpeville violence in 1960. The state of emergency was extended throughout the nation the following year. The emergency regulations gave the police powers to arrest without warrants and to detain people indefinitely without charging them or even allowing lawyers or next of kin to be notified. It also gave the government even greater authority than the considerable powers it already possessed to censor radio, television and newspaper coverage of the unrest. Botha deployed police and more than 5,000 troops in African townships to quell the spreading resistance. By February 1987, unofficial estimates claimed that at least 30,000 people had been detained, many for several months at a time. South Africa’s complex and fragmented society became increasingly polarised around anti-apartheid groups who expressed a growing sense of urgency in their demands for an end to the failed system of racial separation, and white conservative defenders of apartheid who intensified their resistance to change. Facing mounting international disapproval, economic stagnation and a campaign of ungovernability by liberation forces, the government tentatively began to signal that apartheid would have to be substantially altered or abandoned. In January 1986, President
launched air raid and commando attacks on ANC bases in Botswana, Zambia and Zimbabwe. This action sabotaged whatever goodwill had been engendered by the Commonwealth visitors. Consequently, the EPG left South Africa. It was at that time that Mandela began secret talks with Botha’s ministers, from his private quarters in prison, culminating in a meeting with Botha himself.

President Botha suffered a stroke in January 1989. Although the process of choosing a successor almost split the National Party, the Minister of Education F. W. de Klerk was elected to succeed him. President De Klerk indicated that he intended to undertake major reforms, deviating from the piecemeal process initiated by his predecessor. He had held secret talks with the imprisoned Mandela, who by then had been transferred to Victor Verster prison in December 1988 in order to make preliminary discussions easier. The sea change came on 2 February 1990. Surprising many, De Klerk announced the impending release of Mandela in a speech that also unbanned the ANC, the IAC and the SACP. Going further, De Klerk also lifted media restrictions and claimed that he was interested in convening negotiations designed to write a fully democratic constitution. He pledged that his government would investigate alleged human rights abuses by the security forces. He also sought improved relations with the rest of Africa by proposing joint regional development planning with neighbouring states and by inviting other African leaders to increase trade with South Africa.

After much internal discussion, the ANC resolved in March 1990 that it should meet face-to-face with the government. These were to be the first official or open “talks about talks”, with the meetings planned for early April. However, this plan was disrupted by violence that erupted towards the end of March between the police and ANC demonstrators. After consultation with the ANC’s National Executive Committee, Mandela announced the suspension of the talks. He told De Klerk that the government could not “talk about negotiations on the one hand and murder our people on the other”.

However, despite the suspension of the official talks, Mandela, with the approval of the ANC leadership, met privately to keep up the momentum of the negotiations. Their discussion centred primarily on finding a new date. Hence, the first round of talks was held in May 1990 in Groote Schuur, resulting in the Groote Schuur Minute.

In terms of the Minute, a working group was established to make recommendations on inter alia a definition of political offences in the South African situation and to advise on norms and mechanisms to deal with the release of political prisoners. On 21 May, the working group found that,
while there was legislation allowing for the pardon or release of people who had already been sentenced or were awaiting appeals, new legislation would be required for people who had not yet been charged. This resulted in the Indemnity Act No. 35 of 1990. This was followed by the Further Indemnity Act No. 151 of 1992. The legislation was broad.

The National Council on Indemnity was established to advise De Klerk on possible amnesties, with all members thereof being appointed by the
The National Peace Accord of September 1991 was a critical step toward formal negotiations. The 33-page accord was signed by representatives of 27 political organisations and national and homeland governments. It set codes of conduct for all parties to the process, including the police. The accord also established a network of "peace committees" to contain the violence that continued to plague the townships. One of the most important results of the National Peace Accord turned out to be the establishment of networks of committed individuals, the opening of communications channels and the trust that began to be sown through discussion. The accord itself failed to accomplish its immediate goal; the violence continued and increased sporadically throughout 1992.

The first forum for writing a democratic constitution, the Convention for a Democratic South Africa (CODESA), convened in late 1991. The talks at CODESA produced both steady progress and bitter debate. The National Party continued to believe that it could control the ANC and retain a measure of power in the new dispensation. Debate centered on the form of the new government, the procedures for writing a new constitution, and the question of power-sharing. The talks also illustrated the deep political divisions in the country, particularly in the east where ANC and Inkatha Freedom Party forces clashed regularly. It was discovered that the government was supporting the Inkatha Freedom Party, a link that led Mandela to rebuke the National Party and threaten to withdraw from the negotiations. Unable to reach agreement on several key issues, neither side was ready yet to compromise. In June 1992, residents of the Boipatong hostel were killed by Inkatha Freedom Party followers who were thought to be working with the government. Enraged at the National Party's apparent unwillingness to control violence, the ANC withdrew from all talks and began a winter of mass action.

Private talks led to a Memorandum of Understanding in November, an agreement in which De Klerk agreed both to the principle of majority rule and the procedures for writing the country's new constitution. With respect to the latter, it was agreed that negotiators would write an interim constitution that would become the basis for free elections. Only then would the final constitution be written, crafted by leaders who had been elected by all the people of South Africa. The negotiations that followed—the Multiparty Negotiating Forum—took place over the course of 1993. They illustrated that the country was far from unified. In an odd alliance, the Afrikaner right wing and the Inkatha Freedom Party both opposed the form and content of the talks, each threatening to boycott the election scheduled for April 1994. Last-minute negotiations brought both into the
fold but demonstrated that the new government would face the task of trying to heal very deep divisions and distrust.

Installed in May 1994, the Government of National Unity faced significant challenges. Although it was one of the most progressive constitutions in the world, the new constitution took shape in talks that did little to address the country’s rich-poor gap. Thus, some have concluded that the transition allowed for blacks to rule while whites kept (economic) power. Expectations for reform ran high, too high for a liberation movement that was now focused on converting itself into a political party. However, the Mandela administration made significant headway in building a unified vision of South Africa. Symbols of reconciliation, not the least of which was Mandela himself, defused some tensions even as they left others unresolved. Indeed, the legacy of apartheid left bitter scars in people as well as within all structures of government. In 1999, Thabo Mbeki became president, inheriting these problems.

Mbeki provides a different kind of leadership. Although he does not always exude the warmth and charismatic leadership of his predecessor, he shows a great capacity for pragmatic problem-solving and policy-making. This has been his administration’s strength – a virtue that has left it somewhat distant from the people but which has started to yield substantial reform.

In a survey done by Stephen Rule in 1999, empirical evidence showed that there was much dissatisfaction within the South African citizenry over a number of issues. The survey showed that satisfaction with the general economic situation in South Africa ranged from 11% in KwaZulu-Natal to 40% in Mpumalanga. Satisfaction levels in the three provinces with large metropolitan populations were all lower than the national average of 23%. What was evident was that the voters of the economic core areas in the country were thus more dissatisfied with the state of the economy than those of the economically peripheral regions. A slightly higher proportion, 28%, indicated satisfaction with the financial situations of their own households and only one in five adults felt that government policies during the preceding 12 months had been beneficial to the economy of the country.46

This aside, the ANC continues to enjoy the support of the vast majority of South African voters. Despite the high levels of crime and unemployment, a remarkable two-thirds of the survey population indicated their trust in the national government.47 Furthermore, respondents were asked whether they thought that relations between the different races of South Africa had improved since the first democratic elections in April
1994. More than half replied in the affirmative. However, in the Western Cape, only three out of ten thought that race relations had improved. Although this survey showed some positive aspects about the transition in post-apartheid South Africa, other surveys gave a more negative view on some aspects. In reports done by the British Broadcasting Corporation, issues such as education, housing and crime were among some of the areas that were seen as problematic. The report made mention of housing promises not fulfilled, sprawling squatter camps and lack of amenities. It spoke of the extent of violent crime in the cities and its link to poverty. Furthermore, it spoke of huge classroom shortfalls, lack of electricity for schools, unaffordable school fees and job losses for teachers.

Reconciliation and the Potential for Nation-building

Following the negotiated revolution, the South African TRC has both captured the world’s attention and generated substantial controversy. Born of an agreement in the country’s interim constitution, the Commission has adopted a victim-centred approach to the problems of recovering a lost history and healing the deep divisions that separate citizens, communities and institutions. It is a body designed to remake the country’s future through reviewing the past. In the words of its chairperson, Archbishop Emeritus Desmond Tutu: “Having looked the beast of the past in the eye . . . let us shut the door on the past.”
goals and objectives and articulated the means through which they were to be pursued. The following tasks were central to its work:

- establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights during a 34-year period;
- facilitating the granting of amnesty to persons who make full disclosure of all relevant facts relating to acts associated with a political objective;
- making known the facts and whereabouts of victims and restoring their dignity by affording them the opportunity to relate their own accounts of violations that they had suffered; and
- producing a report that included recommendations for the prevention of future human rights violations and what reparations might be granted to victims.49

In South Africa today, there are perhaps as many views on the TRC as there are people. The same can be said about what it means to engage in reconciliation. For example, there are at least three divergent schools of thought when it comes to how South Africa should approach its past. There are those, especially in the ranks of the National Party and the Inkatha Freedom Party, who hold that the country should draw a line and move forward, allowing the past to remain in the past. In this way, it is argued, old wounds will not unravel the tasks of nation-building. Others hold the opposite view. It is important, they argue, that the wounds of the past should be opened to allow for proper catharsis. The legislation governing the Commission speaks to this view directly. The third school of thought, heard frequently from the ranks of those in the PAC, contends that there should be an unconditional release of those now imprisoned who fought against apartheid. They also argue that the country should undertake to prosecute those who committed crimes in the name of supporting apartheid.

One of the clear benefits of the TRC process was its ability to demonstrate the violence of the past. No longer could anyone deny what the country had been through. The process also seemed to give witnesses some measure of relief from their pain through public testimony. In some way, the TRC offered the chance for public ownership of the transition, arguably a key aspect of democratisation. In particular, it was the human rights violations hearings that made the TRC most accessible to the average South African. TRC representatives travelled throughout the country to take statements from victims of gross human rights violations. Of the 21 300 victims who came forward, approximately 2 000 were
invited to testify in public hearings. For many, these highly charged hearings were the centrepiece of the Commission. Those who had been victims of political violence were given a platform from which they could recount their personal histories. On this basis a common understanding of South Africa's history during this turbulent period was started, if not built. Extensive media coverage was instrumental in keeping the public informed. In particular, daily South African Broadcasting Corporation radio coverage of the TRC hearings, in South Africa's indigenous languages, made the TRC highly accessible.

Did the TRC work? At some level it is too early to tell. However, in a national survey conducted in 2001, despite concerns expressed on a range of issues that continue to divide the nation, South Africans across the colour line indicated that they thought the country would be a poorer place if there were no other racial groups in the country. A significant result, considering the prominence of racial tension in South Africa. The survey further shows that South Africans are ready to find compromise solutions to such divisive issues as amnesty and reparations. Black and white South Africans indicated that amnesty for perpetrators of gross violations of human rights in the apartheid context was morally unjust, and yet 65% of black South Africans conceded that amnesty was a price that needed to be paid to secure a peaceful transition to democratic rule in South Africa. Interestingly, only 18% of whites saw it as such! Black South Africans, in particular, were also ready to accept that the inherent injustice of amnesty could be compensated for in different ways. Payment of money as compensation was not seen as the only such palliative. A sincere apology and an opportunity for victims to relate the stories of their suffering in public were cited as important alternatives to normative forms of retribution and even reparation. Of course, these results can be challenged. The above results do, however, suggest that the incredible amount of goodwill and willingness to find a formula for coexistence in the South African situation should not be squandered. And yet the same survey shows that while the majority of South Africans of all races support the payment of reparations to apartheid's victims, only 10% of whites indicate that they are personally ready to contribute to such payments.

The TRC generated support from many sectors but also significant criticism, some of which re-inscribed old divisions and animosities. Many did not participate in the process. This is most apparent when one looks at the paucity of high-level apartheid leaders who refused to apply for amnesty. The TRC was attacked for its work from all sides of the political spectrum. It was accused of bias at different stages and seemed to struggle with how
to communicate the message that reconciliation was something that all citizens needed to work towards. Part of the difficulty was that the Commission had limited resources, which barred it from creating programmes for community-building, anti-racism education and economic reform. The Commission was obliged to content itself with making extensive recommendations on these and other related concerns. Ironically, the success or failure of the Commission is no longer in its hands. Government, business and society as a whole are required to respond to the recommendations – correcting, augmenting and bringing to completion the unfinished work of the Commission. This said, the pointed criticism of the Commission from some politicians, activists and scholars needs to be heard.

A list of literature is provided in the resources section of this profile and constitutes vital reading for those interested in understanding the ways in which the Commission worked and what it attempted to accomplish. For example, Mahmood Mamdani argues that the TRC focused on a very narrow sense of truth. For him there is not a single truth of apartheid, but many truths. Furthermore, the Commission’s view of South African history was established through very narrow lenses, crafted to reflect the experience of a tiny minority: state perpetrators on the one hand, and victims, such as political activists, on the other hand. He also suggests that the TRC’s view of human rights violations led it to exclude the experience of those millions of ordinary people who lived and laboured under the violence of the apartheid system.

Supporters of the Commission have argued that these criticisms may be valid but not always fair, especially in light of the amount of work that confronted the TRC and the short time in which it had to be accomplished. As the process was a publicly oriented attempt to recognise the terms of the past and create the basis not for retribution but reconciliation, the Commission did much good even as it could not do everything. In the present day, the question thus becomes what might have been done differently, particularly in terms of recognising victims, creating sustainable reconciliation programmes and avoiding the legal-political controversy that slowed the Commission in its efforts. One obvious answer appears around the reparation process, a source of continuing concern. The matter plays directly into larger questions of how to allocate resources in the wake of authoritarian regimes, a matter that the ANC has struggled with at broader levels. The country also now faces the question of whether to prosecute those who failed to receive or did not apply for amnesty. Legal trials promise great costs with uncertain results. They may serve the
interests of justice even as they undo some of the conciliation achieved by the Commission.

The TRC has had a basic effect on the lives of South Africans. There are a number of organisations that have taken its lead and continued work in the field of reconciliation and transition in South Africa. Some of their projects have concentrated on racism, nation-building and transitional justice. Although the TRC infiltrated the lives of ordinary South African citizens for a number of years, its work still needs to be carried forward, particularly in the field of education. According to Naledi Pandor, the TRC Report states that admitting the truth restores one’s dignity and identity, confirms experience as real and not illusory and affirms one’s sense of self. For Pandor, the report encourages South Africans not to seek amnesia as a means of confronting the past, because the past refuses to lie down quietly. School curriculum planners should reflect on her words, and ensure that curricula make reference to the positive values that should be inculcated in society as a whole: democracy, an appreciation of human rights, problem-solving, tolerance, respect for diversity, non-sexism and non-racism.

What of reconciliation beyond the work of the TRC? Today it appears that one of the central tasks facing South Africa is to use the bedrock established by the Commission to address other problems that continue to divide the country. Most notably, the question of material redistribution and poverty alleviation continues to haunt the country and its leadership. There are increasing efforts to place these issues within a framework of reconciliation, particularly with respect to how citizens can begin to negotiate their interests and share finite resources. In any event, the process will be slow, a consolidation effort that will take years, if not generations. There is much hope in South Africa, but there is also significant despair and material inequality that has the potential to undo the miracle. South Africa, however, is not Zimbabwe. The ANC-led government appears to have a solid base of support and a clear vision for reform. Its reluctance to listen to criticism may need to lessen if channels of democratic governance are to fulfil their potential. In these terms, it is safe to say that the South African transition is ongoing, a delicate process of balancing nation-building and justice.

With the TRC having submitted its final report to the government, there is likely to be an intense national debate around reparations and prosecutions for years to come. Human rights groups have called for the prosecution of those who were denied amnesty by the TRC and those who failed to apply for amnesty. The Department of Justice has, in turn, indicated the need for a mechanism designed to advance the cause of
nation-building, suggesting the need for the historic bridge of compromise to be crossed yet again. The nation is confronted once more with the kind of moral and legal concerns that it faced with the enactment of the Promotion of National Unity and Reconciliation Act No. 34 of 1995 that required the TRC to “facilitate the granting of amnesty to persons who make full disclosure of all relevant facts relating to acts associated with a political objective and comply with the requirements of this Act”.

Few will contest the need for national healing and reconciliation. The question is how? There is a need, on the one hand, to restore confidence in the rule of law and a need, on the other, to bring closure to a dark chapter in South African history. The prospect of indefinite prosecutions does not augur well for national healing. The state lacks the capacity to prosecute all who should perhaps be prosecuted. It is also very difficult to prove according to court procedure the guilt beyond all reasonable doubt of high-ranking officers who were allegedly behind past gross violations of human rights. The court cases involving the former Minister of Defence, General Magnus Malan, and the South African architect of chemical and biological warfare, Dr Wouter Basson, vividly illustrate this point. It is not easy to cross the bridge of compromise or to restore a nation. Once again a balance has to be struck between the needs of the victims and survivors on the one hand, and the dire need for national healing and reconciliation on the other. Ultimately the success of South Africa, like that of other African countries, is directly linked to the success of the continent as a whole in overcoming war, bad governance, under-development and economic growth. The leadership task facing President Mbeki in establishing the credibility of the African Union and Nepad is huge.

NOTES

2 Quoted in an interview with Ingrid Uys in Millenium Magazine, May 1996.
6 Tom Lodge, Consolidating Democracy: South Africa’s Second Democratic Election
(Johannesburg: EISA, Witwatersrand University Press, 1999), 64.


9 In terms of the Employment Equity Act No. 55 of 1998, “black people” is a generic term referring to Africans, coloureds and Indians.

10 The Cape Times, 3 February 1998.


14 A study conducted in 2001 by the Institute for Justice and Reconciliation illustrates these opinions. See www.ijr.org.za.


22 Deegan, South Africa Reborn.

23 Ibid, 139.

24 Africa Recovery Online, “South Africa Tackles.”

25 Ibid.

RESOURCES

Books, Articles, Current Media Reports


———. “Report by the President of the ANC, Nelson Mandela to the 50th National Conference of the African National Congress, Mafikeng, 16 December 1997.”


Primary Documents


Government, Intergovernmental Bodies, Political Parties

African National Congress (ANC): http://www.anc.org.za
Democratic Party of South Africa: http://www.dpa.org.za
Freedom Front: http://www.vnheadfront.co.za
Human Sciences Research Council (HSRC): http://www.hsrc.ac.za
New National Party: http://www.nnpc.co.za
Local NGOs

Africa Institute for South Africa (AISA) is an independent organisation focusing on Africa in its research, publications and resource library: http://www.aia.org.za

Centre for Conflict Resolution (CCR) aims at contributing toward a just and sustainable peace in South Africa and other African countries by promoting constructive, creative and co-operative approaches to the resolution of conflict and the reduction of violence: http://wwwweb.ccrc.ac.za

Centre for Policy Studies (CPS) is an independent policy research institution committed to producing original and thought-provoking research on South Africa’s most pressing political and social issues: www.cps.org.za

Centre for the Study of Violence and Reconciliation (CSV) is a multi-disciplinary South African NGO dedicated to making a meaningful contribution to peaceful and fundamental transformation in South Africa and in the southern African region: http://www.csvr.org.za

Institute for Democracy in South Africa (Idasa) is committed to promoting a sustainable democracy in South Africa and elsewhere by building democratic institutions, educating citizens and advocating social justice: http://www.idasa.org.za

Institute for Healing of Memories is a trust that seeks to contribute to the healing journey of individuals, communities and nations: http://www.healingmemories.co.za

Institute for Justice and Reconciliation (IJR) was launched in May 2000 and is self-consciously located in post-apartheid South Africa. It is committed to using the insights generated through its work in South Africa to engage in dialogue with other African countries: http://www.ijr.org.za
SOUTH AFRICA COUNTRY INFORMATION

Geography
Location: Southern Africa, at the southern tip of the continent of Africa.
Cities: Capital: Administrative: Pretoria, Legislative: Cape Town. Judicial:
Bloemfontein. Other cities: Johannesburg, Durban, Port Elizabeth.

People
Population growth rate (2000): 1.5%.
Ethnic groups: Black 77.6%, white 10.3%, coloured 8.7%, Indian 2.5%, other 0.9%.
Religions: Christians 68%, Muslim 2%, Hindu 1.5%, traditional African 28.5%.
Languages: Afrikaans, English, Ndebele, Pedi, Sotho, Swazi, Tsonga, Tswana, Venda,
Xhosa, Zulu (official languages).
Education: Trans compulsory 7-18 years of age for all children. The Schools Act of 1996
aims to achieve greater educational opportunities for black children, mandating
a single syllabus and more equitable funding for schools. Literacy: total population
that can read and write 81.8%; male 81.9%, female 81.7% (1995 est.).
Health (official): Infant mortality rate: 24.6/1,000. Estimates from international
organisations range from 50 to 60/1,000. Life expectancy: 62 years for women; 52
years for men. HIV infection rate: 12.91%.

Economy
GDP real growth rate (2000): 3.1%.
Inflation rate (2000): 5.5%.
Unemployment rate (2000): 30%.
Natural resources: Almost all essential commodities, except petroleum products and
bauxite. Only country in the world that manufactures fuel from coal.
GDP composition (2000): Agriculture and mining: 9.7%. Industry: 24.4%. Service:
65.9%. World’s largest producer of platinum, gold and chromium; also significant
coal production.
Industry: Types: minerals, mining, motor vehicles and parts, machinery, textiles, chemi-
icals, fertilisers, information technology, electronics, other manufacturing and
agro-processing.
Trade (2000): Exports: $31.5 billion: gold, other minerals and metals, agricultural
products, motor vehicles and parts. Major markets: UK, US, Germany, Italy, Japan,
East Asia, sub-Saharan Africa. Imports: $27.3 billion: machinery, transport equip-
ment, chemicals, petroleum products, textiles and scientific instruments. Major
suppliers: Germany, US, Japan, UK, Italy.
Economic aid: Recipient: $676.3 million.

Military
Military expenditure: Dollar figures: $2 billion (FY 00/01).
Military expenditure: Percent of GDP: 1.8% (FY 99/00).

Demographic information is drawn from that compiled by the United States
Department of State. See http://www.state.gov/pa/ei/bipol/hep