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Mac Maharaj

The ANC
and South Africa's Negotiated
Transition to Democracy and Peace

Berghof Series
Resistance/Liberation Movements and
Transition to Politics

Mac Maharaj:

The ANC and South Africa's Negotiated Transition to Democracy and Peace.
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Berghof Transitions Series

Resistance/Liberation Movements and Transition to Politics

Editors

Veronique Dudouet and David Bloomfield

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About this Publication Series

This case-study is one of a series produced by participants in an ongoing Berghof research project on transitions from violence to peace. The project's overall aim is to learn from the experience of those in resistance or liberation movements who have used violence in their struggle but have also engaged politically during the conflict and in any peace process. Recent experience around the world has demonstrated that reaching political settlement in protracted social conflict always eventually needs the involvement of such movements. Our aim here is to discover how, from a non-state perspective, such political development is handled, what is the relationship between political and military strategies and tactics, and to learn more about how such movements (often sweepingly and simplistically bundled under the label of *non-state armed groups*) contribute to the transformation of conflict and to peacemaking. We can then use that experiential knowledge (1) to offer support to other movements who might be considering such a shift of strategy, and (2) to help other actors (states and international) to understand more clearly how to engage meaningfully with such movements to bring about political progress and peaceful settlement.

Political violence is a tool of both state and non-state actors, and replacing it by political methods of conflict management is essential to making sustainable peace. With this project we want to understand better how one side of that equation has been, or could be, achieved. Depending on the particular case, each study makes a strong argument for the necessary inclusion of the movement in any future settlement, or documents clearly how such a role was effectively executed.

We consciously asked participants to reflect on their experience from their own unique point of view. What we publish in this series is not presented as neutral or exclusively accurate commentary. All histories are biased histories, and there is no single truth in conflict or in peace. Rather, we believe these case-studies are significant because they reflect important voices which are usually excluded or devalued in the analysis of conflict. Increasing numbers of academics, for example, study "armed groups" from outside, but few actually engage directly with them to hear their own points of view, rationales, and understandings of their context. We are convinced that these opinions and perspectives urgently need to be heard in order to broaden our understanding of peacemaking. For exactly this reason, each case study has been produced with the very close co-operation of, and in some cases authored by, members of the movement concerned. As the results amply illustrate, these perspectives are sophisticated, intelligent, political and strategic.

So authenticity has in this instance been prized above accuracy. The reader may or may not agree with the perspectives expressed. But, much more importantly, we hope that the reader will accept that these perspectives are valid in themselves and must be included in any attempt at comprehensive understanding of violent conflict and its transformation. We urgently need to understand in more depth the dynamics of organisations who make the transition between political violence and democratic politics, in order to improve our understanding of their role, and our practice, in making peace.

The views expressed are those of the authors and contributors, and do not necessarily reflect the opinions or views of the Berghof Foundation for Conflict Studies or any of its constituent agencies.

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1. Origins and objectives of the South African liberation movement

The origins of the South African liberation struggles lie in the colonisation of the area.

The first settlers arrived in 1652, when the Dutch East India Company established a refreshment station at the Cape of Good Hope. The early settlers came from the Netherlands and Germany, and included French Huguenots escaping from religious persecution in Europe. First identifying themselves as burghers, later as *boers*, their descendants, over a period of 150 years or more, developed the trappings of a new identity as Afrikaners, speaking an adaptation of Dutch called Afrikaans.

With settlement, slavery followed. The slaves were brought from the Indonesian archipelago, Bengal, South India, Ceylon (Sri Lanka), Madagascar and the East African coast. By the time slavery ended under British rule, there were 36,000 slaves in the Cape. Descendants of the slaves and the indigenous population, the Khoisan, and the progeny of the early mixed relationships came to be called 'Coloured'.

Rivalry between European powers led to control of this southern corner of Africa changing hands on different occasions, eventually to emerge in 1910 as a single state – South Africa – existing within the sphere of British hegemony.

For one and a half centuries, the Cape was controlled by the Dutch East India Company. During this period, a social hierarchy emerged. Individual rights depended on one's place in the company's hierarchy of employees: settlers, 'mixed' races, and at the bottom, slaves. This social hierarchy was the basis on which racial discrimination was institutionalised in South Africa from the time of its formation. Many divisions existed between Afrikaners and English-speaking whites, but the two were united in their determination to ensure that blacks remained in a state of permanent subordination.

Such subordination was achieved and defined by laws which denied blacks the right to vote and to participate in the governance of the country, and limited their rights to own land and to engage in economic activity. Successive apartheid governments enacted and enforced a rigorous race-based set of laws which ensured that social, economic and political power remained a monopoly of the white population.

The black population – African, Indian and Coloured – were physically separated by law, and accorded differentiated treatment. Apartheid's policies towards the black majority were a classic case of 'divide and rule', which sought to pit one black group against another and foment a sense of rivalry and division among them. At the same time, every aspect of black life was predicated on the need to preserve and perpetuate white power. "It was a world where the colour of your skin determined everything that would happen to you, where life's opportunities were defined at the moment of your birth if you were black – and if you were black, whether you were African, Indian or Coloured" (O'Malley, 2007: 31).

The race-based structure of South African society promoted a sense of separateness among the black communities, as well as a sense of unity borne of an overarching common experience. These two tendencies - towards differentiation and integration - determined the configuration of the freedom struggle in South Africa. On the one hand, each black community developed separate political organisations to champion its cause. The Natal Indian Congress was formed in 1894; the African People's Organisation (APO), which came to be identified with the Coloured population, in 1906; and the African National Congress (ANC) in 1912. On the other, the separate communities and their organisations sought to unite around the common cause of liberation. The foremost expression of this common purpose is to be found in the Freedom Charter,

which was adopted in 1955 at the Congress of People held in Kliptown, near Johannesburg.¹ Embodying the central demands and aspirations of the national liberation movement led by the ANC, it became the common platform of the ANC, the allied Congresses and the South African Congress of Trade Unions (SACTU).

Therefore, while the common objective of the national liberation movements was to overthrow white minority rule and establish a democracy based on one-person-one-vote, there was a simultaneous struggle to fashion appropriate organisational platforms that united the black communities. This latter aspect involved considerable ideological and organisational contestation. The Pan Africanist Congress (PAC) was established in 1958 when a group led by Robert Sobokwe broke away from the ANC because they disagreed with the Freedom Charter. At the height of the repression in the late sixties and early seventies, there emerged the Black Consciousness Movement (BCM), under the leadership of Steve Biko. While the BCM initially refused to take sides between the ANC and the PAC, some of its elements, organised under the banner of the Azanian People's Organisation (AZAPO), later found themselves in organisational and ideological conflict with those organisations that aligned themselves with the Freedom Charter.

There were moments, during this contestation between rival organisations espousing national liberation, when it seemed impossible to predict which of them would triumph. Until the first democratic elections in 1994, each organisation was free to make claims about its capacity and support. The 1994 elections provided incontestable evidence of the supremacy of the ANC, which received 62.6% of the votes cast, while the PAC received 1.2% and the AZAPO did not field any candidates. In the 1999 elections, PAC and AZAPO received respectively 0.8% and 0.2% of the votes cast, and with minor variations, this has been the pattern since then. Accordingly, the remainder of this case study will focus primarily on the ANC and its allies, as well as its armed wing, *Umkhonto we Sizwe* (MK).

2. From non-violent resistance to armed struggle

2.1 Factors explaining the adoption of armed liberation strategies

Until the end of the 1950s, all organisations involved in the struggle for freedom in South Africa, including the banned Communist Party (SACP), were denied the opportunity to participate in any meaningful way in the parliamentary processes. Nevertheless, they adhered in practice to non-violent forms of struggle.²

In 1946, 70,000 black mineworkers in the Reef went on strike for a week. The strike was organised by the African Mine Workers Union, led by J.B. Marks, Dan Tloome and Gaur Radebe, members of the ANC and SACP. The state's retaliation was ruthless: the leaders were arrested and twelve miners died when the police brutally repulsed marchers. The strike was suppressed and the

¹ There are two useful websites for accessing documents and information about the struggle against apartheid – <http://www.anc.org.za> and <http://www.omalley.co.za>. For the text of the 'Freedom Charter', see for instance <http://www.anc.org.za/ancdocs/history/charter.html> (All declarations and documents referred to in this paper are also listed in the bibliography section).

² In the case of communities that were granted the right to vote at one or other time, there was a tendency for some organisations to put up candidates for such elections as part of a propagandising and mobilising tool. Thus the SACP placed candidates in some local government elections. The same applied at one stage to putting up white candidates to serve as 'Native Representatives' in the all-white Parliament.

union crushed. In the same year, the Indian community launched a two-year concerted campaign of passive resistance to oppose the Asiatic Land Tenure Act, which curtailed the free movement of Indians, circumscribed the areas where they could reside and trade, and severely restricted their right to buy property. During the course of this campaign, no less than 2,000 volunteers went to jail. The leaders of the campaign, Drs. Dadoo and Naicker, were sentenced to six months' hard labour.

These were but two of many mass resistance actions that marked a growing militancy among black people during the 1940s. This spirit of militant mass action was central to the emergence of the ANC Youth League in 1944. The League succeeded in committing the 1949 annual conference of the ANC, held in Bloemfontein, to a Programme of Action which called for boycotts, strikes, stay-at-homes, passive resistance, protest demonstrations, and other forms of mass action.

The stage was set for conflict in the 1950s. On the one hand, there were a stream of laws passed by the apartheid regime in its relentless pursuit to institutionalise racism in every facet of life, in order to preserve and perpetuate the monopoly of power by the white minority. On the other hand, a series of mass-based peaceful protests were organised. A one-day general strike on May 1, 1950, which called for the abolition of pass laws³ and all discriminatory legislation, saw eighteen Africans killed and many more wounded when police opened fire on peaceful demonstrators. In 1952, the ANC initiated a national Defiance Campaign Against Unjust Laws. During the course of this six-month long campaign, more than 8,500 volunteers were sentenced to prison terms.

South Africa was locked into a cycle of repression and resistance. The regime's response to the peaceful protests organised by the freedom organisations was to tighten the apartheid laws and to unleash state violence. Individuals were banned and restrictions placed on their activities and movements. In December 1956, 156 leaders of the Congress Movement⁴ were arrested in countrywide raids carried out by the police. They were charged with high treason. After enduring a four-year trial, they were acquitted.

With leaders immobilised by court trials and restrictions, and with the organisations severely constrained, the peaceful character of the mass militancy that ushered in the 1950s came to be tempered with spontaneous and incipient revolts towards the end of the decade. This was particularly evident in the rural areas. In Zeerust, Chief Abram Moilwa led his people to resist the so-called Bantu Authorities that were imposed on them. Scores of people were arrested, prosecuted, jailed, banished, beaten, tortured, and murdered. In Sekhukuneland, the black population rose in revolt, and the paramount chief and many of his counsellors were banished or arrested. A Sekhukune chief who was seen as a government lackey by the people was assassinated. By 1960, the resistance in Sekhukuneland had reached open defiance, and people were refusing to pay taxes. In Eastern Pondoland, government henchmen were assaulted and killed. A peasant movement called *Intaba* ('the mountain') took over entire areas through guerrilla tactics, before they were crushed by the regime.

These spontaneous revolts in rural areas, and the increasing militancy of urban area protests, highlighted the restiveness becoming evident among the people. In different political circles, activists and leaders began to consider the need to turn to organised violence as a form of struggle. There was a growing sense that the liberation organisations had to move quickly in order to catch up with the mood of the people, and to forestall the alternative of uncontrolled violence.

³ These laws, which formed a central part of the apartheid system, required the African population to carry passbooks (identity documents) at all times outside of designated "homelands", and severely restricted their freedom of movement.

⁴ The Congress Movement, also known as the Congress Alliance, was a non-racial liberation alliance led by the ANC and which included the ANC, the South African Indian Congress, the Coloured Peoples' Congress, the Congress of Democrats and the South African Congress of Trade Unions (SACTU), and was supported by the underground South African Communist Party (SACP).

Nelson Mandela later observed that “violence would begin whether we initiated it or not. If we did not take the lead now, we would soon be latecomers and followers in a movement we did not control” (Sampson, 1999: 150).

The turning point came on 21 March 1960, when about 5,000 peaceful protesters, led by the PAC in the township of Sharpeville, were fired upon by the police. Sixty-nine people were killed, most of them shot in the back as they were fleeing. Hard on the heels of this massacre, the ANC and the PAC were declared proscribed organisations, and a countrywide State of Emergency was declared on 30 March 1960. Prohibited from having a legal existence in South Africa, both the ANC and the PAC were forced to establish underground organisations to carry on with the struggle against the government.

2.2 Establishment of MK, the ANC’s armed wing

The decision to establish the military wing of the ANC, *Umkhonto we Sizwe* (MK-Spear of the Nation, also known as *Umkhonto*), was a somewhat complex process. It was a decision that involved a major departure in the policy and practice of the organisation. Many of the leaders of the ANC and its allied organisations questioned whether they had really exhausted the limits of non-violent action. Above all, it was a decision taken in conditions where the organisations were prohibited from operating peacefully.

The ANC and its allied Congresses were accustomed to open policy-making processes, but the decision to turn to violence could not follow such a path. The idea was first put to the ANC working committee in June 1961, where it was rejected. At a subsequent meeting, Mandela once more raised the matter. This time, it was accepted. The proposal was then taken up at the level of the National Executive Committee (NEC)⁵, which met clandestinely under the chairmanship of Chief Albert Luthuli, the President of the ANC. The meeting agreed to authorise Nelson Mandela to establish a military formation, MK. The following night, the NEC met with the leadership of the other Congresses, informed them of its decision, and jointly discussed the proposal. They agreed to it, but emphasised that each organisation would continue to exist and campaign as a political organisation. This would apply also in the case of the ANC, which had been declared illegal by the apartheid regime.

Other organisations also saw the need to turn to violence. The SACP, which had already taken an independent decision to create semi-military units, agreed to integrate them into MK. Moreover, some young students and professionals, mainly white, established their own organisation, African Resistance Movement (ARM), which carried out a number of bomb attacks, but ceased to exist after 1964. Poqo, an offshoot of the PAC in the Cape, engaged in a campaign of terror against whites and black collaborators⁶. By contrast, MK targeted places symbolising white rule, but carefully avoided taking any human lives (see next sub-section).

The MK manifesto issued on 16 December 1961, the day that MK first officially carried out acts of sabotage, explained that its formation was an independent initiative but that it would operate “under the overall political guidance of the national liberation movement”⁷. How was this to be carried out in practice? In MK’s first High Command, headed by Mandela, was created a post of political commissar, occupied by Walter Sisulu, who headed the secretariat of the ANC and was

⁵ Between national conferences, held periodically, the NEC is the highest decision-making institution in the ANC.

⁶ In 1962 from Basutoland, Potlako Leballo, the acting president of the PAC, claimed command of Poqo. “But the Poqo movement derived essentially from emotions of hatred and, short of coherent political strategy, did not lend itself to control” (Pogrand, 1990: 180).

⁷ For the text of the MK Manifesto, see <http://www.anc.org.za/ancdocs/history/manifesto-mk.html>.

also a member of the SACP secretariat. The original decision of the NEC was that MK would be kept quite distinct from the ANC to avoid threatening the organisation's legal status, and to enable it to maintain its focus on extra-legal but non-violent forms of activity. Within eighteen months, the link between the two organisations became generally known when one of the ANC leaders operating from exile publicly claimed that MK was the military wing of the ANC.

The second noteworthy point in the MK manifesto is that it kept the door open for negotiated change. It stated:

We of Umkhonto we Sizwe have always sought - as the liberation movement has sought - to achieve liberation without bloodshed and civil clash. We do so still. We hope - even at this late hour - that our first actions will awaken everyone to a realisation of the disastrous situation to which the Nationalist policy is leading. We hope that we will bring the government and its supporters to their senses before it is too late, so that both the government and its policies can be changed before matters reach the desperate state of civil war.

How did Mandela and his colleagues see the armed struggle developing after the launch of MK? 1960 was the Year of African Independence, and there were huge expectations that the countries sharing a border with South Africa would soon be free, thus able to provide the armed struggle in South Africa rear bases and safe refuge, much as Morocco was doing in the case of Algeria. No one entertained the thought that throughout the 30 years of exile, the camps would be located far away in Tanzania, Angola and Uganda, and that circumstances in the neighbouring countries would never provide even safe retreats and base facilities.

In 1962, Mandela went abroad to undergo military training in Ethiopia. Arrangements were made for others to receive military training in the socialist countries as well as Ethiopia. After the setbacks of his arrest and the 1963-4 Rivonia Trial⁸, it took the movement several years before it was able to take stock of its circumstances and map out a comprehensive scheme for guerrilla war, entitled "Strategy and Tactics of the ANC", which was adopted in 1969 in exile at the Morogoro Conference in Tanzania⁹.

2.3 Armed struggle as a political strategy

One of the classic definitions of war is that by von Clausewitz: "War is merely a continuation of politics". Von Clausewitz's view was that war must always be subordinate to policy as a means to a political end. He was arguing that warfare must not exist in the absence of policy, nor without political purpose guiding it.

In the South African context, and more particularly in the case of the ANC, its allies and MK, there was always a political purpose guiding the turn to armed struggle. It was conceived as a form of action intended to realise the goals of the national liberation movement. The distinction was clearly made between non-violent and violent forms of struggle. This continuum of strategies is succinctly set out in an essay written in prison in 1976 by Walter Sisulu. He argued:

⁸ The Rivonia trial resulted in Nelson Mandela, Govan Mbeki, Walter Sisulu, Dennis Goldberg, Ahmed Kathrada, Raymond Mhlaba, Andrew Mlangeni and Elias Motsoaledi being sentenced to life imprisonment. The charge sheet at the trial listed 193 acts of sabotage.

⁹ For the text of this document, see <http://www.anc.org.za/ancdocs/history/stratact.html>.

There exist at all times a multiplicity of forms of struggle that a movement exploits as part of its arsenal of weapons. Any form of struggle, including the armed struggle, can only emerge to dominance over time and as a result of consistent effort. Nonetheless, even if a given form of struggle emerges as a dominant one, this does not mean that other forms do not co-exist. What it does mean in such a situation is that the other forms come to occupy a subsidiary place and are essentially reinforcing the dominant one. (Sisulu, 2001: 84)

The idea of such a continuum facilitates shifts in strategy and tactics necessitated by changing conditions. It also enables parties involved in conflicts in different situations and contexts to reassess their own strategies and tactics from time to time. In the case of South Africa, political strategy embraced and included armed struggle.

Legitimacy of the armed struggle: the right to revolt

A number of ANC documents also stress the argument that oppressed people possess the right to revolt, and that under certain conditions, the means will include violence. These conditions were spelt out publicly in the 1961 MK Manifesto, and fully elaborated in a document written by Mandela in 1989¹⁰, where he expressly crafted his arguments within the panorama of South African history. After noting the universal point that “down the years oppressed people have fought for their birthright by peaceful means, where that was possible, and through force where peaceful channels were closed”, he described the resistance of Africans as well as Afrikaners against British imperialism as taking up arms “in defence of their freedom”. His assertion was that the resort to violence by the liberation movement was “a legitimate form of self-defence against a morally repugnant system of government which will not allow even peaceful forms of protest”.

The argument has significance beyond the boundaries of South Africa. Democracy has been the result of revolts against feudal and absolutist monarchical rule and dictatorships. The ideas of liberty, equality and fraternity are the cornerstones of democracy. By the end of the Second World War, and with the birth of the United Nations, these were fleshed out in the form of the civil and political rights enshrined in the Universal Declaration of Human Rights. One cannot even begin to talk about the age of democracy and fundamental human rights without acknowledging the right to revolt.

A self-limiting strategy of armed liberation

In the late 1950s and early 1960s, there was much discussion, albeit guarded, about the efficacy of non-violence and the need to turn to organised violence as a form of struggle. The Chinese revolution, the Cuban revolution, Che Guevara’s book on guerrilla warfare, and the Algerian war of independence were inspirational.

The case for organised violence had to take into account some specific aspects of the South African situation. Firstly, even though blacks were always recruited into the army, they were there as servants, porters and trench-diggers, and not as combatants. Thus they had no access

¹⁰ Ahead of his first meeting with the South African President in July 1989, Mandela prepared a written statement to be transmitted to Botha, subsequently referred to as the Mandela Document. For the text of this document, see <http://www.anc.org.za/ancdocs/history/mandela/64-90/doc890705.html>, also at <http://www.omalley.co.za>.

to training in the use of arms and explosives. The same applied to those recruited into the police force. Blacks were armed with batons and were not allowed access to firearms.

Secondly, black people had valiantly resisted the imposition of colonial rule. The last flicker of such resistance - the Bambata Rebellion - was crushed in 1906. Several factors explained the success of the colonial forces. For instance, they had access to greater resources, and they possessed superior firepower and organisation. Moreover, the black people did not fight as one united people, and resistance took place on a tribe-by-tribe basis.

Finally, the liberation movement also had to take into account that carrying out violent acts against the state could unleash a spiral of uncontrolled racial violence on either or both sides of the racial divide. In practice, this meant that whether out of theoretical or practical considerations dictated by conditions in South Africa, from the outset, the movement set out on a path aimed at avoiding or minimising this danger.

In his 1995 autobiography, Mandela sheds some light on the strategic thinking which underlay this course of action:

In planning the direction and form that MK would take, we considered four types of violent activities: sabotage, guerrilla warfare, terrorism and open revolution. For a small and fledgling army, open revolution was inconceivable. Terrorism inevitably reflected poorly on those who used it, undermining any public support it might otherwise garner. Guerrilla warfare was a possibility, but since the ANC had been reluctant to embrace violence at all, it made sense to start with the form of violence that inflicted the least harm against individuals: sabotage.

Because it did not involve the loss of life, it offered the best hope for reconciliation among the races afterward. We did not want to start a blood feud between white and black. Animosity between Afrikaner and Englishman [sic] was still sharp fifty years after the Anglo-Boer War; what would race relations be like between white and black if we provoked civil war? Sabotage had the added virtue of requiring the least manpower.

Our strategy was to make selective forays against military installations, power plants, telephone lines, and transportation links; targets that would not only hamper the military effectiveness of the state, but frighten National Party supporters, scare away foreign capital, and weaken the economy. This, we hoped, would bring the government to the bargaining table. Strict instructions were given to members of MK that we would countenance no loss of life. But if sabotage did not produce the results we wanted, we were prepared to move on to the next stage: guerrilla warfare and terrorism. (Mandela, 1995: 232).

At all times, the underpinning of the armed struggle as conceived by the ANC and its allies would be the political struggle and the political mobilisation of the people. Over time, the strategy for the overthrow of apartheid and the establishment of a united, non-racial and democratic South Africa by the ANC rested on what it called the four pillars of the struggle. These pillars were described, since the late seventies, as the following: mass mobilisation and action; the political underground; the armed struggle; and the international campaign to isolate apartheid South Africa. The development and combination of these four pillars were seen as the basis for realising the aims of the struggle.

These aspects have been emphasised so that we have an appreciation that the turn to violent forms of struggle was driven by a deeply held political evaluation, that from its formation MK did not conceive of itself as operating outside of the political formations of the liberation

movement, and that it kept the door open to a negotiated settlement. There were periods, however, when the idea of a negotiated settlement to the conflict in South Africa was anathema. Nevertheless, these are specific characteristics of the path taken in South Africa that have relevance in understanding how the ANC and its allies were able to accommodate and eventually play a leading role in the negotiated transition to democracy.

3. The road towards a negotiated transition

Once an armed stage is reached in any conflict, it becomes difficult to pull back. And the longer an armed struggle continues, the more difficult this becomes. In the case of an internal armed conflict, a process of negotiations is an essential step in finding a solution. This section presents some crucial developments within the domestic and international arenas which affected the calculations and strategic moves of the liberation movement and South African state leaderships in the course of the 1980s, and persuaded them to open the negotiation track.

3.1 Social dynamics within South Africa

In the country, cracks were beginning to appear in the granite wall of apartheid, and the liberation movement had to make an ongoing assessment of this rapidly-evolving situation.

In 1979, the regime accepted the recommendation of the Wiehahn Commission that it should legalise the existence of black trade unions. The decision came in the wake of a series of strike actions and an assessment of the state of the economy under apartheid. The first of these strikes took place in January 1973, when two thousand African workers at a brick-and-tile company in Durban demanded higher wages. The strike actions were largely spontaneous and successful. The legalisation of black trade unions had a major unintended consequence in that it opened up a space enabling the unions to move into the frontline of struggle.

In the meantime, the idea of Black Consciousness, espoused by Steve Biko, who was killed in detention in September 1977, caught the imagination of black students who rose in revolt in June 1976. In the aftermath of the Soweto Uprising¹¹, revolts erupted at different times and in different places within South Africa. The revolts kept spreading, and the ranks of MK were swelled by youth fleeing the repression, and in search of arms and training.

During the 1980s, South Africa entered a phase of repeated states of emergency aimed at crushing the mass revolts that were sweeping the country. Attempts to place a ring of steel around rebellious African townships were proving to be futile.

Mass mobilisation against apartheid took a new turn with the formation of the United Democratic Front (UDF) in 1983, which brought together diverse community, cultural, sports and political organisations committed to acting together in order to challenge apartheid. This was followed by the formation of the Congress of South African Trade Unions (COSATU), which aligned the majority of the trade unions into an anti-apartheid front.

These developments were given a further boost by dynamics within the churches. The South African Council of Churches (SACC) and the Institute of Contextual Theology began to play a more

¹¹ Between 500 and 700 people, including many children and students, were killed on June 16-17, 1976, during a series of riots opposing township residents against the South African police in Soweto (Johannesburg).

active anti-apartheid role. A document issued by a group of theologians in 1985, the 'Kairos Document: Challenge to the Church', evoked a vigorous debate. Partly influenced by liberation theology in Latin America, 29 theologians mostly based in the black townships of Soweto challenged the churches' response to the policies of apartheid. They affirmed that "the most loving thing we can do for both the oppressed and for our enemies who are oppressors is to eliminate the oppression, remove the tyrants from power and establish a just government for the common good of all the people".¹²

The Reformed Churches of the Afrikaner establishment, both the NHK and the NGK¹³, which provided the theological justification for apartheid, were now isolated. The ideological underpinning for the regime's attack on the liberation movement in general and the armed struggle had begun to lose its authoritative status.

The regime attempted to drive a wedge among black people by creating a separate dispensation for the Indian and Coloured communities. It established the tricameral parliament, with a separate House of Representatives for Coloureds and a House of Delegates for Indians, in a concerted effort to woo the Coloureds and Indians on to the side of the white minority. The manoeuvre backfired. Both communities rejected the overture and aligned themselves en masse with the African majority and the UDF. Local government structures and administrations in the African townships began to disintegrate. The liberation movements' dream of the black masses – African, Coloured and Indian – mobilised into action and supported by a small but vigorous group of whites who rejected apartheid, became a reality.

The ANC, in the meantime, actively pursued a strategy of closing ranks between the UDF, COSATU, the Churches and itself, and sought to find ways and means to step up its campaign of armed propaganda inside South Africa. As part of this process, it began to make systematic efforts to reach into the white community for allies, and to detach support of the apartheid establishment.¹⁴

The mainstream media, by the early 1980s, turned against apartheid, and began to portray the ANC and its armed activities in a somewhat sympathetic light.

3.2 External factors: the international arena

Meanwhile, developments outside South Africa began to shift against the apartheid regime.

In the wake of the independence of Angola, Mozambique and Zimbabwe (respectively in 1975, 1976 and 1980), the *cordon sanitaire* that South Africa had sought to establish beyond its northern borders began to crumble. UN Resolution 435 of 1978 also opened the doors to the independence of Namibia.

During the 1970s, South Africa sent its armed forces into Angola in a desperate bid to forestall the rebel movement MPLA from becoming the governing party. This military adventure took a huge toll on its white constituency, as casualties mounted. The financial cost began to be felt in the economy. The full-scale entry of Cuban forces on the MPLA side after 1975 created a

¹² For the text of the Kairos document, see www.sahistory.org.za/pages/library-resources/official%20docs/kairos-document.htm

¹³ Both the NHK (Nederduitse Hervormde Kerk) and NGK (Nederduitse Gereformeerde Kerk) are part of the churches coming out of the Protestant Reformation in Europe. The NHK gave rise to several denominations in South Africa including the NGK.

¹⁴ For instance, it had a strong influence in the setting up in 1983 of the End Conscription Campaign, comprised of conscientious objectors and their supporters, opposing the conscription of all white South Africans into military service. Another significant event in this respect was the meeting in Dakar in 1987 of fifty reform-minded Afrikaner business and political figures with seventeen senior ANC members.

situation where the United States was left with no option but to dump its South African ally, and the South African army was forced to withdraw.

The Western powers that had traditionally bolstered apartheid South Africa¹⁵ began to come under increasing pressure from their own citizens and within international forums. At the Commonwealth Conference held in October 1985 in Nassau, the British Prime Minister, Margaret Thatcher, strenuously opposed sanctions against South Africa. But she agreed to the setting up of the Eminent Persons Group (EPG), which the Commonwealth dispatched to South Africa on a fact-finding mission to determine whether sanctions were the appropriate tool to help bring the end of apartheid. Grudgingly, Botha let the group visit South Africa and even meet Mandela in prison.

The EPG, led by General Olusegun Obasanjo, the former President of Nigeria, and former Australian Prime Minister Malcolm Fraser, found that “events [in South Africa] had increasingly passed out of the government’s control” (Sampson, 1999: 350). General Obasanjo helped draft a carefully worded ‘negotiating concept’ which would link the government’s release of the prisoners with the ANC suspending violence. Mandela was willing to accept this as a starting-point, but Botha prevaricated, and many in his cabinet insisted that the ANC must renounce violence altogether, not merely suspend it. Oliver Tambo, the President of the ANC, was cautious and thought the concept might gain the support of his colleagues. But he suspected that Botha was employing delaying tactics, and doubted his good faith.

The EPG mission collapsed in May 1986, when the apartheid regime carried out air raids and commando attacks on civilian homes in Gaborone (Botswana), Harare (Zimbabwe) and Lusaka (Zambia), claiming that these were ANC guerrilla hideouts. The raids left the EPG with no option but to call off its mission. But in the larger scheme of things, Botha’s friends were dismayed: Thatcher saw the raids as “unmitigated disaster”, while Chester Crocker of the US administration believed that Botha had “turned decisively toward the road to repression”(Sampson, 1999: 351).

For its part, the ANC undertook sustained efforts to win friends in foreign countries and the international multilateral organisations. It led the campaign for the boycott of South African goods that was first launched in the United Kingdom, for the release of Nelson Mandela and all political prisoners, for the isolation of South Africa and for the imposition of sanctions. It supported the cultural and sports quarantine of South Africa and formed firm relations with the World Council of Churches, whose 1987 Lusaka Statement sanctioned the use of violence by the liberation movements. Earlier, the general council of the World Alliance of Reformed Churches declared, in a 1982 meeting in Ottawa, that “apartheid ... is a sin, and the moral and theological justification of it is a travesty of the gospel, and in its persistent disobedience to the word of God, a theological heresy” (Blei, 1994: 1).

In numerous countries, a vibrant Anti-Apartheid Movement, with its beginnings in Britain, came into existence, mobilising support and pressuring governments, public institutions and private companies to sever their relations with the apartheid state and further the isolation of apartheid South Africa. In the United States, community-level actions forced many institutions to withdraw their investments in South Africa. Chase Manhattan Bank refused to roll over its credits to the regime in 1985, and the US Congress began to play a more interventionist role in the South African situation.

The global environment was changing. The Cold War was winding down as a result of internal developments in the Soviet camp. The utility of the South African government to the West was diminishing.

While these dynamics within South Africa and abroad had a strong influence on the

¹⁵ These were the United States, the United Kingdom, France (which enjoyed veto powers in the UN Security Council) and the Federal Republic of Germany.

course of events and the shift towards inter-party negotiations, there was one decisive ingredient on both sides which merits a careful analysis, and can be encapsulated in one word: leadership.

3.3 Internal strategic calculations and pre-negotiation moves

It appears from the South African transition that neither party to the armed conflict was prepared to publicly acknowledge that the time had arrived to find new ways to settle the conflict. However, when we look back at the political dynamics during the 1980s, it is also clear that each of the parties within its own reaches had begun to sense that developments could not or should not remain on the existing trajectory. While the conflict escalated and the war became dirtier, both leaderships were sending heavily coded messages to each other, aimed at manoeuvring into positions which would yield one party or the other the best advantage in the political space. Which one of these signals would bring real hope of the possibility of negotiations? There was in fact no such momentous signal, but rather an accumulation of events.

Realisation of the necessity to negotiate

In 1985, President P.W. Botha announced in Parliament that he was ready to release Nelson Mandela from prison. The only thing, he said, that stood between Mandela and his freedom was Mandela himself. All that was needed was that he “unconditionally rejected violence as a political instrument”.

It was an opportunistic manoeuvre aimed at scoring points. It was aimed not so much at finding a solution to the conflict in South Africa, but as a gesture towards apartheid’s Western friends who were beginning to urge some flexibility, because they were coming under increasing pressure to impose sanctions and isolate apartheid South Africa (see above). With hindsight, however, Botha’s offer marks the point where the apartheid government realised that it could no longer manage governance as if it was business as usual. The regime needed some form of accommodation with the liberation movement, even though at that stage it conceived of this being achieved on its own terms.

This announcement received an appropriately principled response from Mandela, which was read out at a mass rally at Jabulani Stadium in Soweto by his daughter Zindzi:

I cannot sell my birthright, nor am I prepared to sell the birthright of the people to be free. ... Only free men can negotiate. Prisoners cannot enter into contracts. I cannot and will not give an undertaking at a time when I and you, the people, are not free. (Parkin, 2006: 208).

Mandela’s response made the unconditional release of political prisoners in South Africa an integral element in any negotiations about the future of the country. At the same time, he took great care in crafting his response. In addition to the short and crisp public response, he wrote a letter, on behalf of himself and the colleagues with whom he was kept at Pollsmoor Prison, to the foreign minister, rejecting the conditions for his release. He recalls:

I wanted to do a number of things in this response, because Botha’s offer was an attempt to drive a wedge between me and my colleagues, by tempting me to accept a policy the ANC rejected. I wanted to reassure the ANC in general, and Oliver

[Tambo, the President of the ANC] in particular, that my loyalty to the organisation was beyond question. I also wished to send a message to the government that while I rejected its offer because of the conditions attached to it, I nevertheless thought negotiation, not war, was the path to a solution. (Mandela, 1995: 509).

This indicates that Mandela had also come to the conclusion that the time had arrived for him to take the initiative to persuade the South African regime to negotiate with the ANC. He did this without consulting with his close colleagues in prison, because he feared that they would reject such an initiative. It was a shrewd assessment of the situation that was developing in South Africa, and of the mood and attitudes of his colleagues in prison. At the same time, he was confident that the steps he was taking were not in conflict with the policy positions of the ANC and its allies.

Negotiation impediments

At such an early stage, however, two obstacles stood in the way of exploring a negotiated settlement to the conflict. First, while neither party could be expected to ‘blink’, the question arose as to who might make the first overture and how to do so without the appearance of backing down. “It was time to talk”, writes Mandela. “This would be extremely sensitive. Both sides regarded discussions as a sign of weakness and betrayal. Neither would come to the table until the other made significant concessions” (Mandela, 1995: 513). The second major obstacle was that in almost every conflict that has taken a violent turn, the established state power demands that the insurgents/revolutionaries renounce the use of violence as a precondition for negotiations to take place. The two issues are interrelated, and Mandela’s response, as well the document which he prepared for his meeting with Botha in 1989 (Mandela Document 1989, see also note 10), points to ways in which he sought to unravel this knot. He carefully and persistently advanced the argument that he was “not negotiating”. Rather, he was urging the government to take steps to negotiate with the ANC. He was categorical that “the renunciation of violence ... should not be a pre-condition to, but a result of, negotiation.” He also advanced the view that “white South Africa must accept the plain fact that the ANC will not suspend, to say nothing about abandoning, the armed struggle until the government shows willingness to surrender the monopoly of political power, and to negotiate directly and in good faith with the acknowledged black leaders.”

It is now a matter of record that Tambo had the Mandela Document in his possession even as he was engaged with drafting the Harare Declaration in August 1989 (see below). What then would be required for the ANC to even consider suspension of the armed struggle? The Harare Declaration spelt this out: once an appropriate climate for negotiations had been created, negotiations would then include “the suspension of hostilities on both sides by agreeing to a mutually binding cease-fire”.¹⁶ In this circuitous way, the obstacle about who makes the first move was removed from scrutiny, and the regime’s demand for “renunciation of violence” by the ANC was removed from the table, to be dealt with in the course of the negotiations.

In June 1986, Mandela began to engage in a series of talks with state representatives from his prison cell, first with the Minister of Justice and Prisons Kobie Coetzee, and later with a team appointed by Coetzee and headed by Dr. Neil Barnard, the chief of the National Intelligence Service (NIS). These talks led to the release of Govan Mbeki and Harry Gwala, both serving life sentences, in November 1987. This was the first concrete manifestation of shifts towards

¹⁶ For the text of the Harare Declaration, see <http://www.anc.org.za/ancdocs/history/transition/harare.html>.

negotiation. The releases were made ostensibly on ‘humanitarian grounds’ – the age and health of the two prisoners. The regime was testing public reactions. Mandela, in turn, saw this as a significant breach of the apartheid granite wall: for almost three decades the regime had insisted that a life sentence for Mandela and his colleagues meant natural life, no more and no less. These pre-negotiation talks culminated in a meeting between State President Botha and Mandela, the prisoner, in July 1989, and in the subsequent release of Walter Sisulu and seven other political prisoners in October 1989.

Talks held outside the reach of public glare had begun to produce tangible results. Whatever the difficulties ahead, the genie was out of the bottle and there would be no way in which it could be put back.

Widening of the dialogue tracks

While Mandela was busy engaging government representatives in pre-negotiation talks, other ANC leaders began to pursue similar strategies, and in the post-1986 period, there were whisperings of the possibility of negotiations.

In 1987, The NEC of the ANC considered the situation and issued a statement under the title ‘Yes to real negotiations, No to bogus negotiations’. Shortly thereafter, closely guarded talks were held in the United Kingdom between members of the Afrikaner establishment and ANC representatives - the Mells Park talks - beginning in October 1987. By the second meeting in February 1988, they became a sounding board, both for the apartheid regime and the ANC¹⁷. They also served as a conduit for the first meeting between two-person delegations of the ANC and the National Intelligence Service of the apartheid state in October 1989 in Switzerland.

What were the options open to the ANC in this fast-developing internal and external situation? O’Malley (2007) has brought to light a set of documents which reveal the conflicting tendencies and assessments and the complex set of variables that had to be factored into charting a way forward. He makes the following assessment of the ‘holistic’ approach that Tambo, the President of the ANC, had to take during the second half of the 1980s:

He had to plan for the seizure of power as well as for a protracted armed struggle, ways of balancing the four pillars of struggle¹⁸, strangling the regime through economic sanctions, and a negotiated settlement. Each course of action had to be pursued. The various pursuits were interrelated: Mac Maharaj’s Vula¹⁹ and Mbeki’s Mells Park talks complemented each other. Tambo orchestrated the efforts of both, and he knew too ... that Mandela was in contact with the South African Government. (O’Malley, 2007: 261).

¹⁷ According to Esterhuysen, one of the Afrikaner delegates to the first Mells Park meeting, the head of the NIS asked him to report on the discussions taking place with the ANC. He agreed to do so provided he could tell the senior ANC people present at the talks. Thabo Mbeki, who led the delegations to the Mells Park meetings, was informed of this in February 1988 when the second round of the talks were held in Eastwell Manor, Kent.

¹⁸ see above, section 2.2.

¹⁹ Operation Vula, initiated in 1986 under the direct command of O.R. Tambo, assisted by Joe Slovo, was a highly secret political-military project aimed at locating senior leaders of the movement within South Africa, to take charge of the struggle inside the country. Mac Maharaj was appointed the overall commander and Simpiwe Nyanda his deputy. Knowledge of this only came to light in July 1990 when some of its operatives were arrested.

The Harare Declaration: a pre-emptive strike to ensure an ANC lead in upcoming negotiations

In this ‘holistic approach’, the ANC was juggling two sets of “opposing circumstances that needed to be brought into balance. One the one hand, it believed there was little prospect of ‘real’ negotiations. One the other, necessity demanded that it pre-empt the mounting pressures to negotiate coming from the Western governments and the Soviet Union before they decided to cut some kind of deal that would also cut the negotiating ground from under the ANC” (O’Malley, 2007: 319).

By May 1989, Tambo recorded:

We are under intense pressure from friends and allies, and also because of MT [Margaret Thatcher]-led drive by the West to evolve a strategy that belongs to period following independence of Namibia. The race for who’ll control developments in our country has started in earnest and we should be in the lead. Our friends, no less than we, [urge that we] don’t leave the running to MT and other allies of the regime. (O’Malley, 2007: 315).

To meet this challenge and take the lead, Tambo initiated and steered a process that would culminate in a document, released in August 1989, which has come to be known as the Harare Declaration. It was drafted by the ANC after consultations with some of the leaders within South Africa, with Mandela in prison, and with some leaders in the African states. Tambo was determined to obtain the commitment of the Front Line States (FLS) and the Organisation of African Unity (OAU). To this end, he advised Maharaj that:

Although the draft reflects the NEC consensus, it was decided to leave the way open for amendments after we’ve canvassed the views of a selected list of individuals both within our ranks and trusted external friends, including selected FLS-leaders. Depending upon the responses from all the latter, we may have to look at the document again. (O’Malley, 2007: 318).

It was envisaged that the Front Line States would first take the document to the OAU, which would in turn take it to the UN in December 1989²⁰. In this way, the ANC ensured that the declaration embodying a strategy for negotiations was received as an African position, and fully supported by the United Nations. At heart, it was a strategy “which enabled us to control and direct these pressures in the interests of our struggle and to keep the initiatives in our hands” (O’Malley, 2007: 317). What started as a pre-emptive move developed into a process of consolidating and expanding the support base of the South African liberation struggle throughout the world. At the same time, it helped the ANC to make inroads into the international support base of apartheid South Africa: the major Western powers. Whatever the reservations some of these powers may have had with regard to the ANC, there was nothing in the Harare Declaration to which they could take exception. This was a remarkable achievement, especially if one takes into account that this was accomplished at the same time as one of the most steadfast allies of the struggle - the Soviet Union and the socialist countries - was crumbling.

The Declaration was a masterstroke by Tambo. In one all-embracing move, he had assembled a concise strategy that defined the objectives and desired outcome of negotiations,

²⁰ The Commonwealth adopted it in October 1991.

set out the critical phases in this process, and provided a simple road map for the internal and external constituencies of the South African liberation struggle. At the same time, it outflanked any manoeuvres seeking to sideline or minimise the role of the ANC in the negotiations. It was a strategy developed under enormous pressure, and at a time when the need for swift and decisive action was imperative. It staked out a position that enabled all forces to align themselves behind the Harare Declaration, and *ipso facto*, behind the ANC.

It is perhaps also worth noting the remarkable similarity in the way in which Mandela and Tambo reasoned issues at two different critical moments, at the time of the turn to violence and when the need for negotiations arose. When Mandela confronted the need to turn to violent forms of struggle in the early 1960s, he perceived the need to act swiftly in order keep abreast with the masses and to take control of the movement to violence. When the ANC was confronted in the late eighties with the pressures building up for a negotiated settlement in South Africa, Tambo moved swiftly to draft the Harare Declaration to “pre-empt pressure groups, big and small, who desire to impose their own approach to the South African problem” (O’Malley, 2007: 315-16). In both instances, the steps taken were guided by the intention to ‘control and lead’ the processes and to prevent outcomes that might be undesirable.

Tambo had driven this process in a concentrated burst of energy, and a few days before it was adopted formally by the FLS in 1989, he suffered a stroke. Though he was never to return to the centre stage, through the Harare Declaration he had laid the basis for the ANC to gather all its supporters, within and without South Africa, and indeed the entire international community, around a strategy that was to become one of his greatest bequests to Mandela and his colleagues, as they took up the baton in a world and in a country that was in a state of flux, where anything could happen, and one wrong step could turn everything into disaster.

What were the main elements of this road map? The Preamble of the Harare Declaration²¹ reaffirms the commitment of the OAU to “help intensify the liberation struggle and international pressure against the system of apartheid until this system is ended and South Africa is transformed into a united democratic and non-racial country, with justice and security for all its citizens”, and asserts that “permanent peace and stability in Southern Africa can only be achieved when the system of apartheid in South Africa has been liquidated”.

Part II consists of a Statement of Principles. Proceeding from the premises that “a conjuncture of circumstances exists which, if there is a demonstrable readiness on the part of the Pretoria regime to engage in negotiations genuinely and seriously, could create the possibility to end apartheid through negotiations”, the Statement outlines nine principles that should determine the outcome of negotiations. Taken together, these principles are a guarantee that democracy will replace apartheid. The Statement concludes that “agreement on the principles shall continue the foundation for an internationally acceptable solution”.

The Declaration then sets out five measures to be taken by the apartheid regime in order to “create a climate for negotiations”. These were the unconditional release of all political prisoners, the lifting of the ban and restrictions on all organisations and people, removal of troops from the townships, an end to the state of emergency and repeal of legislation restricting political activity, and the cessation of all political executions.

These measures would then enable a process of negotiations to commence. Such discussion would include: achieving the “suspension of hostilities on both sides by agreeing to a mutually binding cease fire”; establishing the basis for a new constitution by agreeing, among others, on the nine principles contained in the Declaration; the formation of an interim government to supervise the making of the new constitution and to effect the transition to democracy,

²¹ For the full text of the Harare Declaration, see <http://www.anc.org.za/ancdocs/history/transition/harare.html>.

including the holding of elections. The Declaration envisaged that “after the adoption of the new constitution, all armed hostilities will be deemed to have formally terminated”.

This should be complemented by the way Mandela defined the challenge to be faced at negotiations in his 1989 notes (see above, the Mandela Document):

Two central issues will have to be addressed at such a meeting [between the Government and the ANC]; firstly, the demand for majority rule in a unitary state; secondly, the concern of white South Africa over this demand, as well as the insistence of whites on structural guarantees that majority rule will not mean domination of the white minority by blacks.

Mobilising the movement and its constituency towards negotiations

A process of consolidating, deepening and expanding the bases of support was also taking place. In December 1989, the Mass Democratic Movement (MDM)²² called together a gathering of the overwhelming majority of organisations inside South Africa at a Conference for a Democratic Future in December 1989 in Johannesburg. This Conference provided an important platform to disseminate the Harare Declaration. The Harare Declaration also enabled a proper and close alignment to be effected between the positions of the ANC and those of Mandela.

However, until his illness forced him on to the sidelines, Tambo remained cautious, if not doubtful, of Pretoria’s commitment to a negotiated settlement. Moreover, there was always the danger that the manner in which the ANC moved to embrace the possibilities of a negotiated settlement could cause much disunity and distrust among its own ranks. Mandela was aware of these dangers, and sought to factor them into his conduct. From prison, he began a process of consulting and briefing a range of leaders from the mass organisations. In his Document addressed to President Botha, he explicitly makes the point: “I must add that the purpose of this discussion is not only to urge the government to talk to the ANC, but also to acquaint you with the views current among blacks, especially those in the Mass Democratic Movement.”

Despite these measures, Mandela’s own colleagues were concerned that he might fall victim to the machinations of the regime. In the country, many MDM activists disapproved of his talking to the enemy. In the exile community and even within the leadership of the ANC and its allies, there were fears that Mandela was likely to be manipulated by his captors. Even when some saw the text of the Document, they misread its contents. All these suspicions were small manifestations of the enormous dangers of disunity within the liberation movement, both at home and within the ANC leadership in Lusaka.

The insecurities ran deep. For instance, after Mandela’s release from prison in February 1990, there were many delays and prevarications in the release of the rest of the political prisoners. At the same time, twenty-five prisoners in Robben Island prison became wary of the release process and refused to cooperate with the amnesty offered to them by the government. Mandela sent emissaries to explain matters to the prisoners, but they remained unconvinced. Eventually, he resorted to meeting them personally in order to secure their cooperation.

If there was a risk of losing unity and cohesion within the liberation movement, one of Tambo’s enduring fears was also that decades of armed conflict and the bitterness it had generated might cloud judgment and make them miss or misread a critical signal opening new possibilities.

²² The Mass Democratic Movement (MDM) was formed by an alliance of the Trade Unions coalition COSATU and the umbrella United Democratic Front (UDF).

The Harare Declaration and the Mandela Document provided a solid basis to meet both challenges: not to miss the moment when the regime might signal its readiness to negotiate, and having the strategic framework and vision to move into the difficult terrain of negotiations. Tambo had ensured that, armed with the Harare Declaration, his forces would march in step.

Whatever doubts and hesitations anyone in the ANC and the liberation movement might have entertained were swept aside when the newly appointed President of South Africa, F.W. de Klerk, announced on 2 February, 1990 that the ANC and all other organisations that had been banned would henceforth be allowed to operate legally. He released Mandela nine days later.

Negotiations had emerged from the shadows into the full glare of the public limelight. They became a new terrain of struggle, and would soon become the primary site of contestation. For this phase of the struggle, the ANC and its allies had equipped themselves with a road map and a compass. Nevertheless, the road ahead was not going to be easy to navigate.

4. Transition to politics: challenges of peacemaking and democratisation

4.1 Suspension of the armed struggle by the ANC

At a bilateral meeting with the government in August 1990, the ANC announced that it was unilaterally suspending the armed struggle.²³ This was not a cessation of hostilities as envisaged in the Harare Declaration. Mandela, elsewhere, makes a distinction between “a voluntary suspension” and “a cessation of armed conflict”. “Embedded in the meaning of a voluntary suspension of anything is the possibility of returning to what you have volunteered to give up”. On the other hand, “a cessation of armed conflict involves all the parties to the conflict, without the conditionality of a possible return” (O’Malley, 2007: 13).

It is noteworthy that the unilateral suspension was announced by the ANC and not by *Umkhonto WeSizwe*, the military wing charged with the conduct of the armed struggle. The decision to take this step was made during a NEC meeting on 22 July 1990. As explained earlier (see section 2.2), the armed struggle was subject to the primacy of the political objectives of the struggle, and accordingly, to the political guidance of the ANC.

The suspension decision was a tactical move intended to enable the ANC to take the high ground, to step up the pace and force the regime into formal negotiations sooner rather than later. At one stage, when so-called ‘black-on-black violence’ was ravaging the country (see below), the ANC was convinced that forces within the State security agencies were involved in fomenting this violence. Mandela thus raised the question whether it was not appropriate to lift the suspension and revert to the armed struggle. The suspension did not mean, either, that the ANC ceased other activities such as the smuggling of arms into the country, arming self-defence units to protect the communities who were victims of black-on-black violence, etc. These were issues that kept surfacing around the periphery of the main negotiations, but they did not develop to the point where they stalled the negotiations.

In fact, MK was only formally disbanded in December 1994, almost eight months after the installation of a democratically elected government in South Africa. This was one more

²³ For the text of the ‘Pretoria Minute’, see <http://www.anc.org.za/ancdocs/history/minutes.html#PRM>.

testimony to the careful thought that had gone into crafting the Harare Declaration, which stated that “after the adoption of the new Constitution, all armed hostilities will be deemed to have formally terminated.” It also proves that the laying down of arms by liberation movements, though often demanded as a precondition, usually flows from the negotiations process. It would be a rare instance where a party to an armed conflict was to disengage without progress in negotiations to justify the suspension of armed activities.

4.2 Escalation of violence within the black majority

Decades of ever-increasing repression and the immorality of the apartheid system had generated an atmosphere where violence had become endemic in South African society. What came to be described in the mid-1980s and the early 1990s as black-on-black violence was a more complex phenomenon, born out of rivalry between black organisations, which had begun to take a nasty and violent turn already in the late 1970s.

By the mid-eighties, violence erupted in the Eastern Cape and in the Witwatersrand industrial complex, between supporters of Black Consciousness (AZAPO followers who came to be called ZimZims) and UDF/ANC. In KwaZulu-Natal, there was an all-out turf war between the supporters of the Inkatha Freedom Party (IFP) and the ANC/UDF/COSATU alliance. This spread to the Witwatersrand, where IFP- supporting hostel-dwellers and township residents engaged in bloodletting. To compound matters, there emerged the phenomenon of neck-lacing – a particularly brutal form of killing to which suspect enemy agents and collaborators were subjected.

One of the enduring nightmares was that in the South African situation, where the black/white colour divide permeated every aspect of life, uncontrolled violence would descend into indiscriminate white-black killings. In fact, the spectre had become a reality in the form of black killing black. Opponents of the ANC/UDF/COSATU alliance were quick to point out that the common denominator in this so-called black-on-black violence was the ANC and its allies. Others sought to use this to condemn the armed struggle by arguing that the black-on-black violence was the inevitable outcome of the armed struggle and the tactic of the ANC to ‘make South Africa ungovernable and make apartheid unworkable’. Only later and in dribs and drabs, it began to emerge that some of the blacks involved were in fact working for the apartheid security forces; that some were trained and armed by the apartheid army at remote military bases; that even the first neck-lacing that took place was provoked by an apartheid agent; and that elements in the apartheid security forces were deeply implicated in manipulating the violence.

None of this mattered at the time. Violence swept through the townships, sucking everyone into its vortex. In the meantime, the State appeared powerless or unwilling to take action. It was against the backdrop of this reality that negotiations had begun to take place in South Africa. For many, it seemed inconceivable that such uncontrolled violence would not derail negotiations.

Business, labour, government and political parties came together in June 1990 in order to bring peace to the ravaged communities. This culminated in the National Peace Accord in September 1991, and the setting up of Peace Committees in numerous localities. The Accord also permitted the setting up by communities of self-defence/protection units. While the Accord never quite established peace, it became a critical containment action aimed at addressing the violence as and when it erupted in any locality. The mechanism also played a significant role in that such manifestations of violence could be addressed in forums outside the main negotiation process. Without the Peace Accord and its mechanisms, the negotiations from apartheid to democracy would have become extremely, if not hopelessly, complicated.

4.3 Political strategy of the liberation movement during the negotiation process

Formal negotiations commenced in December 1991 with the inauguration of the Convention for a Democratic South Africa (CODESA).

While the elected National Executive Committee remained the highest decision-making structure of the ANC in between national conferences, it established a Negotiations Commission which met regularly throughout the negotiations period, in order to keep all its regions briefed about developments in negotiations, and continually to assess developments and determine actions in consultation with all its regions. This mechanism ensured that there was a high degree of accountability and a maximum of cohesion among members and supporters.

It was also a mechanism to ensure that developments at the negotiation table did not get detached from developments at the mass level and in the general politics of the country. The ANC defined the negotiations as a new terrain of struggle, and accordingly sought to maintain a relationship and a balance between developments at the table and political and industrial action by the masses of the people.

The ANC's conception of its role as a movement leading the national liberation struggle was also fundamental to understanding the way it conducted itself during the negotiations as well as in the broad political terrain. After thirty-one years of clandestine existence, it held its first national conference on South African soil in July 1991. It did not see itself in the mould of an orthodox political party, but rather as a broad organisation for national liberation. It participated in the 1994 elections on this platform, and even to the present moment adheres to this self-definition. The ANC conceptualises itself as a movement aimed at bringing about the national liberation of the oppressed people and the realisation of a non-racial, non-sexist society in South Africa. While the advent of democracy in 1994 established a critical beachhead, that task is yet to be completed. Accordingly, it also asserts that there is need for maintaining the old ANC/COSATU/SACP alliance. Indeed, in contrast to the general concept of political parties as rivals, the ANC always saw its task to gather together in united mass action as wide a spectrum of forces and organisations as possible, in order to better pursue the goals of the liberation struggle.

In the specific instance of the negotiations, the ANC position was reflected in the initiatives it took to gather and fashion a common position among what it called the 'Patriotic Front'. In the same way as it had taken the initiative to develop and steer the process leading to the adoption of the Harare Declaration, it had to marshal together the various forces of the national liberation movement, and shoulder the task of driving the negotiations.

The idea of a Patriotic Front was important in the formal negotiations. When, in 1986, Mandela began his moves to persuade the regime to negotiate, he envisaged two principal forces: the government and the ANC. Indeed, the heart of the pre-negotiations phase, the talk-about-talks phase, was really the dialogue between the government and the ANC. However, the agreement to commence formal negotiations defined the table in terms of providing a place for all existing political parties, irrespective of their past, how they came into existence, what role they played in the struggle against apartheid, or their ideological leanings, to be part of the process together with the South African government. As a result, the overwhelming majority of the parties now seated at the negotiating table had come into existence during the apartheid era - a good number within the framework of racial and tribal/ethnic dispensations of apartheid, and in varying degrees beholden to apartheid patronage. In the light of this, it seemed that the ANC and its allies were outnumbered at the table. But the idea of the Patriotic Front enabled the ANC to interact with all the parties, and develop consensus that depended critically on its assent.

One of the significant public manifestations of this was the Patriotic Front Conference, held in Durban in October 1991, which brought together a large number of cultural, religious and

political organisations, including the PAC, AZAPO and the ANC. Not only was there deep suspicion of the regime, but there were also deep divisions among the organisations within the liberation front. However, the participants managed to find common ground. The Conference affirmed the demand for a democratically-elected Constituent Assembly; that interim structures should ensure that the South African regime would not preside over or manipulate the transition; and that a conference of all parties underwrite general constitutional principles and agree on a timeframe for change to a democratic order.

To a substantial extent, the formal CODESA negotiations and the follow-up Multi-Party Negotiating Process (MPNP) delivered on these demands. However, the PAC boycotted the opening of formal negotiations in December 1991, in spite of the Patriotic Front agreement. When the negotiation process began, three major parties seemed to dominate the scene: the National Party (NP) representing the government and the white minority, the Inkatha Freedom Party (IFP) representing the Zulu people, and the ANC. Of these, the NP and the IFP positioned themselves as allies. Developments, however, determined otherwise. The IFP isolated itself, and the process came to depend on the NP and the ANC, constituting the bedrock of any consensus.

The idea, contained in the Harare Declaration, of a set of constitutional principles to be enshrined in the Constitution, was significant in reassuring parties. It also facilitated agreements stipulating that while an Interim Constitution would be negotiated among these self-appointed parties, it would be the two elected houses of parliament (jointly constituting the Constitutional Assembly) who would decide upon the final Constitution. This final Constitution would have to conform to the principles that were agreed in the negotiations, and attached to the Interim Constitution. Certification by a Constitutional Court, to be established by the democratically-elected Government of National Unity, would determine whether the final Constitution adhered to these principles.

The second crucial development was the idea of a set of sunset clauses championed by the ANC and aimed at allaying the fears of the civil service, including the security forces of the apartheid state, and of the white minority in general. While the ANC strenuously resisted any minority veto powers, it came to support elections based on proportional representation, and proposed a mandatory Government of National Unity for a maximum of five years. This was a form of power-sharing which at the same time ensured that South Africa would enjoy majority rule within no more than five years from the first democratic elections.

In contrast to the Harare Declaration which proposed an interim government, it was agreed at the negotiations that while the existing government would continue to administer the country, the elections would be conducted by an Independent Electoral Commission (IEC). It was also agreed that there would be a set of mechanisms to ensure fair play and prevent the government from exploiting the powers and resources at its disposal. An important part of this mechanism was the Transitional Executive Committee (TEC) and its sub-committees, as well as the Independent Media Commission.

Finally, the interim Constitution stipulated that in the democratic dispensation, there would be amnesty under certain conditions for those who had committed gross violations of human rights during the period of apartheid rule.

4.4 Dealing with past violence: the amnesty and TRC processes

The question of amnesty had a chequered history. It arose first in the stage of ‘talks about talks’, when the ANC suggested a blanket amnesty for people on both sides of the conflict, so as to facilitate the holding of formal negotiations. The proposal made sense for the ANC,

because most of its exiled members were on the regime's wanted list, and others were in prison or under one form or other of restrictions inside the country. At the time, the government turned down this offer, preferring to provide indemnity on a case-by-case basis. The issue lingered on in the corridors of the negotiations. The release of political prisoners dragged on, and the return of exiles took place in fits and starts. As the negotiations began to reach a conclusion, insecurity began to manifest itself on the government side. Members of their security forces were beginning to fear their position in the new dispensation.

In the meantime, the ANC had been examining experiences in other countries who had had to face problems of gross violations of human rights perpetrated in the course of long and bitter conflicts. It began to develop ideas about creating a truth and reconciliation process to deal with the harsh and brutal legacy of the past. These ideas began to incorporate the possibilities of amnesty into such a mechanism. The question of a Truth and Reconciliation Commission (TRC), however, was not made part of the negotiations.

The matter was only resolved when the Negotiating Council of the MPNP adopted the following post-amble to the Interim Constitution of 1993, which made the granting of amnesty mandatory on the first democratic government of South Africa. It stipulates:

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

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

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

In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date, which shall be a date after 8 October 1990 and before 6 December 1993, and providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with at any time after the law has been passed.

Why had the question of amnesty taken so long to resolve? The simple answer is that some in the government saw this as a mechanism with the potential to keep up pressure on the ANC during the negotiations. This potential withered away as negotiations proceeded, and by the end-game, the delay in providing for amnesty became a headache for the government rather than for the ANC.

During the life of the Government of National Unity, legislation was enacted providing for the Truth and Reconciliation Commission.²⁴ Its passage through Cabinet was visited by much debate and negotiation. After the passage of this law, and after the final Constitution of 1996 came into effect in February 1997, the National Party walked out of the Government of National Unity before its term had expired.

Nevertheless, negotiations had triumphed. South Africa, which at one time seemed poised on the edge of an abyss, made the transition from apartheid to democracy through negotiations.

²⁴ Promotion of National Unity and Reconciliation Act, Number 34 of 1995.

5. Legacy of the liberation struggle: armed conflict in a changing world

5.1 Considerations on “terrorism” and the ethics of political violence

In August 1996, as part of its submission to the TRC, the ANC addressed the following question: did it perpetrate any gross violations of human rights?²⁵

At any other time, this would have seemed a strange question for an organisation which led the armed struggle in South Africa for thirty years, and was now leading government in a democracy, to ask and to give an accounting of its activities in this regard to a Commission sitting in public. The issue seems even more anomalous when in almost every continent, thousands of civilians are being killed wantonly and with seeming impunity.

But the world is changing. With regard to armed conflict, two issues are coming to the fore. First, it is increasingly seen as unacceptable that the civilian population and non-combatants should be deliberately targeted as victims of violence aimed at achieving political ends. Secondly, the gross violations of human rights that occur during an armed conflict create a legacy that has to be dealt with even after the conflict has ended.

There is an acceptance that the deliberate targeting of civilians and non-combatants is aimed at creating fear, not only in the victims but also in a wider audience. This concept distinguishes what is called ‘terrorism’. Such use of violence for the achievement of political ends is common to state and non-state groups. Nevertheless, from the days of the League of Nations to the present, the world community has thus far failed to agree a definition of terrorism. And yet the term is used extensively and appears daily in the media in every country. It is used in manner that suggests a lack of morality and legitimacy.

Such pejorative use of the term is clearly designed to manipulate public opinion, and easily lends itself to herding people into group-think. The most commonplace manifestation of this is the ‘good versus evil’ divide. The failure to agree on a definition stands in the way of developing rules and regulations that would minimise or eliminate the deliberate targeting of civilians in any armed conflict. Instead, rival definitions are employed with a view to including the actions of certain parties and excluding others. For example, some states that are among the perpetrators of the largest number of civilian deaths would not want the definition to embrace the killing of civilians and non-combatants by the agencies of a state.

For reasons specific to the South African situation, which we have referred to earlier, the ANC and its military wing, MK, avoided ‘terrorism’. In its submission to the TRC, the ANC defined the term as “military attacks on civilians by armed groups or individuals”. The relevant section of its submission begins with the following statement:

What considerations, during these years of intensified armed activity, did the ANC give to questions of morality and codes of military conduct? Civilian casualties are frequent and notorious consequences of irregular forms of military combat. There were instances in which the ANC’s own policies in this regard were contradicted or ignored ... At the same time, the historical record is clear. It was ANC policy – ever since the formation of MK in 1961 – to avoid unnecessary loss of life. The ANC has

²⁵ For the text of the ANC statement, see <http://www.anc.org.za/ancdocs/misc/trctoc.html>. Subsequent quotations in this section, unless otherwise indicated, are from this submission.

never permitted random attacks on civilian targets. ... The ANC scrupulously sought to ensure that civilians were not targeted.

The submission draws attention to the fact that “part of the training of every MK combatant was political, and included the insistence that the enemy should not be defined simply in racial terms.” In 1980 the ANC became a signatory to the Geneva Convention Protocol relating to irregular warfare, thereby confirming its commitment to avoid attacking civilians and to the ‘humanitarian’ conduct of war. In 1985, it also recognised that, as the war intensified, there would be “unavoidable civilian casualties”. It therefore decided that the danger of such unavoidable casualties should no longer be allowed to undermine the campaign to intensify the armed struggle.

Questionable as it may be whether there is such a thing as a ‘clean’ war, rules of war established through mechanisms such as the Geneva Convention are easily transgressed as conflict escalates. In the case of South Africa, the shooting of unarmed protesters at Sharpeville, most of them in the back as they were fleeing from the police, underscored the fact that the regime did not see itself bound by any rules. It was a habit ingrained in the apartheid state by its control of state power and by the ideology of race superiority.

When the ANC unilaterally signed the Geneva Protocol, the apartheid regime ignored the gesture, because for it to sign this protocol would be to acknowledge that there was a civil war taking place. In their books, MK combatants were terrorists and criminals. At no stage did the regime acknowledge that there were political prisoners in South Africa’s prisons. Despite the regime’s resort to ever-dirtier forms of warfare, the ANC submission argues that:

The ANC retained its commitment to internationally acceptable forms of combat; it never sanctioned ‘terrorism’ ...When some of its cadres transgressed this policy their actions were regretted and in some cases publicly repudiated. The ANC did not visit systematic violence and intimidation upon civilians; it did not use the military methods used in the defence of racism.

On the one hand, the ANC claimed the right to revolt (see section 2.3). At the same time, given the nature and form of oppression in South Africa, it circumscribed the conditions under which it asserted this right, and placed constraints upon itself as to how it sought to conduct the armed struggle. Therefore, from the point of view of the past, and from the perspective of building a society where perpetrator and victim of gross violations of human rights would live together and build a new society, how the ANC dealt with instances where, unconsciously or by design, its actions crossed the boundaries of acceptable conduct it set for itself, becomes an interesting and significant issue. As acknowledged before the Commission,

It would seem natural to attempt to justify everything that happened within the context of the struggle against apartheid [i.e. a just war] as acceptable, and therefore not to be scrutinised in line with the mandate of the Commission. But the morality of the ANC, its objectives then and now, and the standards it set itself, dictate that we examine the conduct of struggle critically, and acknowledge where errors took place. ... The logic of the Commission is that the truth should be acknowledged, no matter how painful, so as to ensure that conditions are created under which it is impossible for any terrible things from the past to recur.

5.2 The grey area of “legitimate targets”

Another section of the submission summarised the experience and position of the ANC succinctly:

The constant challenge facing the ANC and MK was how to channel anger on the ground to ensure that the strategic perspective of a democratic and non-racial society is not sacrificed on the altar of quick-fix, dramatic and mis-guided actions. The tension between such intensification of struggle and the need to avoid a racial war that the MK Manifesto eloquently expressed at the founding of the liberation army, remained with the movement to the last day of armed struggle.

The pressure on the ANC to strike back in anger and with vengeance emanating from the people within South Africa and from its own cadres in its military camps outside South Africa permeates the submission. Civilians were being killed within South Africa and the neighbouring states, who were often citizens of these states and not ANC/MK cadres.

One instance should suffice to bring out the difficulties encountered by its operatives within the country. In December 1985, a bomb was placed in a garbage bin in a shopping centre in Amanzimtoti by Andrew Zondo, an MK cadre aged nineteen. Five people were killed, including an eight year old child, and forty people were injured.

At his trial, Zondo confirmed that his two-year training abroad had emphasised that he should not place civilians in danger. He returned to South Africa in 1985. “Our work”, he testified “went very well. We were careful about our targets. Our instructions were to avoid taking life and I insisted on this instruction. Sometimes the other comrades got impatient with me.”

On December 20, 1985 the apartheid regime launched a military raid on neighbouring Lesotho in which nine people were killed. The regime denied responsibility for these murders in which guns with silencers were used.

Zondo had gone to Amanzimtoti to reconnoitre a target. He checked out the local police station, but concluded that he could not attack it on his own. Later that day, he went to a restaurant at the shopping centre in order to buy something to eat.

He later testified:

While I was eating, I saw people reading a newspaper which carried a picture of a woman shot in Lesotho, the mother of a nine-month old baby. I bought the newspaper myself. On returning home, I decided to go and put the mine [a limpet mine] in the shopping centre. The decision I took that day was racial in character because I had seen that the area had a lot of white people. Before placing the mine I debated over it. But on Monday I decided to do it, racial as it was. I knew the people were innocent and had nothing to do with the government. I hoped it would not injure them, but I hoped it would bring the government to its senses.

He was sentenced to death five times, and refused leave to appeal. Before sentence he told the court: “I wish to say this to the people who might have lost their friends, and kids and families, I say I am sorry. Next thing I wish that my country be friendly to its neighbouring countries”. Shortly after the Amanzimtoti blast, Oliver Tambo explained:

The whole of South Africa is beginning to bleed...If I had been approached by an ANC unit and asked whether they should go and plant a bomb at a supermarket I would

have said, 'Of course not'. But when our units are faced with what is happening all around them, it is understandable that some of them should say, 'Well, I may have to face being disciplined, but I am going to do this.'"

Zondo's testimony says it all: the pressure on the cadre to strike back; the weight of responsibility on him; the tension caused by the need to act and the knowledge that he was acting against policy and his better judgment. Tambo's comment also demonstrates the understanding on the pressures on his cadres in the field of battle, and the constant need to hold them on a leash – a leash fashioned only out of political values and moral constraints. As stated in the 1996 submission,

There were ongoing debates within the ranks of the ANC and MK about the narrow definition of legitimate targets. In some instances, views on these matters were aired publicly. As pointed out, this reflected the enduring tension between policy pursued since the formation of MK, and pressure from cadres and the masses for retaliatory action in response to state brutality. There were cases in which senior ANC figures made comments which could be described as creating a 'grey area' with regard to which targets were considered legitimate. However, the movement remained steadfast to its principles.

How did the organisation manage this tension and succeed in holding fast to its pre-planned course?

Senior MK commanders could testify to the fact that many targets were not attacked specifically because too many civilian casualties would occur. A unit which reconnoitred the Mobil Oil refinery in Durban in the late 1970s reported that it would be unwise to carry out an attack as the installation was too close to civilians living around the refinery, who would be endangered by gas exploding over their residential area.

The decision not to go ahead with an attack on P.W. Botha's cabinet during the 1981 Republic Day celebrations in Bloemfontein ... provides another example. Before the attack on Koeberg [the nuclear power plant] was approved, the ANC went to the trouble of employing reliable nuclear experts in Europe to determine without any shadow of doubt that there would be no danger to civilians as a result of the explosions.

This steadfast commitment to policy was put to the test in the 80s during the high noon of state repression. As the 'Burger War' (attacks on Wimpy Bars and supermarkets) seemed to become a trend, President Tambo ordered a special meeting of the Politico-Military Council and the whole of Military Headquarters to debate and restate policy on the issue of targets. While a number of attacks may have originated from MK cadres, evidence has started to surface that some of them were in fact 'false flag operations' of the [apartheid] state: and for the lives lost on the altar of discrediting the ANC, those responsible should account to this Commission.

In virtually all instances where there was a violation of policy by MK cadres, disciplinary action was taken. In some cases commanders and operatives were recalled from the country and sent back to training camps. In rare cases, cadres became undisciplined and flouted all the rules by attacking personal enemies or getting involved in violent conflict in public places such as *shebeens*. In one case

an MK cadre killed two people in a Soweto *shebeen*; he is currently serving a life sentence and the ANC has not called for his release on political grounds.

The TRC should also note that in many of the instances, the cadres responsible for these actions were arrested, tortured and sentenced to long terms of imprisonment. We submit that natural justice should be taken into account when matters pertaining to their cases are considered.

The submission deals exhaustively with different categories of armed actions which resulted in civilian casualties. The entire section is worth reading because it gives an excellent insight into the real nature of the war as it unfolded in South Africa and the deep wounds in the psyche of the people which are the warp and weft of the nation that is being built.

5.3 Epilogue

It is in the nature of the contemporary world that both the legacy of the past and the task of building a society out of the enemies of yesterday is a challenge that increasingly confronts countries as they emerge from armed conflict.

However, if enemies and ‘terrorists’ of yesterday have been able to negotiate their way out of the conflict, as happened in the case of South Africa and Northern Ireland, then the critical lesson must be to avoid painting each other into a corner such that it militates against the idea of bringing the parties to negotiate a settlement. The challenge for all parties to a conflict, therefore, is to avoid conduct which destroys the emergence of a vision of peace; how to keep the space open for the ‘terrorist’ of today to become a partner in peace.

What made Mandela perceive from prison that the moment had arrived to press the regime to negotiate with the ANC? What led Tambo to push for the adoption of Harare Declaration as an African position, so that the game plan for negotiations would be led by the ANC? What made it possible for the ANC, even as it held deep-seated reservations about the regime’s commitment to negotiating an end to apartheid, to embrace negotiations while maintaining the unity of itself and the broad democratic movement in South Africa?

A good part of the answer rests on the fact that the ANC conceived of the armed struggle as one among an array of forms of struggle, and that whatever the mix of strategies that were adopted at any given time, the ANC was always driven by political policies and purpose. The shift to negotiations was perceived by Mandela as an opportunity and a challenge, and by Tambo as a pre-emptive response. Both leaders were able to march in step inside the ANC, because both shared an overarching political strategy that allowed for changing the mix of forms of struggle and adding new forms when conditions required such adaptations.

South Africa became a constitutional state in 1994. The ANC won an overwhelming victory at the polls and has been returned with stronger majorities in two successive elections.

The outcome in South Africa has been a victory for non-racism, non-sexism, unity and democracy. In a hard-nosed world where power is measured by the size of the economy and military capacity, South Africa’s transition from apartheid to democracy through negotiations clothed it with the status of a ‘moral superpower’.

Johannesburg, September 2007

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Documents and other Resources

There are two useful websites for accessing documents and information about the ANC's struggle against apartheid. Most of the documents cited in the article can be found in one or both of these sites:

<http://www.anc.org.za>

<http://www.omalley.co.za>

Freedom Charter (1955), <http://www.anc.org.za/ancdocs/history/charter.html>

[Adopted at the Congress of the People, Kliptown, on 26 June 1955]

'*Harare Declaration*' (1989), <http://www.anc.org.za/ancdocs/history/transition/harare.html>

[Declaration of the OAU Ad-hoc Committee on Southern Africa on the Question of South Africa; Harare, Zimbabwe: 21 August 1989]

'*Kairos Document*' (1985): "Challenge to the church. A Theological Comment on the Political Crisis in South Africa",

www.sahistory.org.za/pages/library-resources/official%20docs/kairos-document.htm

'Mandela Document' (1989),

<http://www.anc.org.za/ancdocs/history/mandela/64-90/doc890705.html>

[The document was intended to be presented by Nelson Mandela to P.W. Botha before their meeting on 5 July 1989]

'MK Manifesto' (1961), <http://www.anc.org.za/ancdocs/history/manifesto-mk.html>

[Leaflet issued by the Command of Umkhonto we Sizwe, 16 December 1961]

'Pretoria Minute' (1990), <http://www.anc.org.za/ancdocs/history/minutes.html#PRM>

[Minutes from a joint meeting between members of the ANC and the South African government in August 1990]

'ANC Statement to the Truth and Reconciliation Commission' (1996),

<http://www.anc.org.za/ancdocs/misc/trctoc.html>.

'Strategy and Tactics of the ANC' (1969),

<http://www.anc.org.za/ancdocs/history/stratact.html>

[This document was adopted by the 'Morogoro Conference' of the ANC, meeting at Morogoro, Tanzania, 25 April - 1 May 1969]

Annex 1: List of acronyms

ANC	African National Congress
ANCYL	ANC Youth League
APO	African People's Organisation
AZAPO	Azanian People's Organisation
BCM	Black Consciousness Movement
CODESA	Convention for a Democratic South Africa
COSATU	Congress of South African Trade Unions
EPG	Eminent Persons Group
FLS	Front Line States
GNU	Government of National Unity
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
MDM	Mass Democratic Movement
MK	<i>Umkhonto we Sizwe</i> (Spear of the Nation)
MPLA	<i>Movimento Popular de Libertação de Angola</i> (Popular Movement for the Liberation of Angola)
MPNP	Multi-Party Negotiating Process
MT	Margaret Thatcher
NGK	<i>Nederduitse Gereformeerde Kerk</i> (Dutch Reformed Church)
NHK	<i>Nederduitse Hervormde Kerk</i> (Dutch Reformed Church).
NIS	National Intelligence Service
NP	National Party
OAU	Organisation of African Union
PAC	Pan-Africanist Congress
UDF	United Democratic Front
SACC	South African Council of Churches
SACP	South African Communist Party
SACTU	South African Congress of Trade Unions
SASO	South African Students Organisation
TEC	Transitional Executive Committee
TRC	Truth and Reconciliation Commission

Annex 2: Chronology

- 1910 Union of South Africa is formed.
- 1912 South African Native National Congress is founded; it is later (1923) renamed the African National Congress.
- 1921 South African Communist Party (SACP) is formed.
- 1944 The ANC Youth League (ANCYL) is formed within the ANC.
- 1950 A series of apartheid legislation are passed: The Group Areas Act, the Suppression of Communism Act which proscribes the CPSA, the Population Registration Act, the Immorality Act.
- 1952 ANC, in alliance with the South African Indian Congress, begins its Defiance of Unjust Laws Campaign. More than 8,500 volunteers are imprisoned during this campaign.
- 1955 The Freedom Charter is adopted at the Congress of the People held in Kliptown.
- 1956-1961 The Treason Trial begins. 156 accused are charged with high treason. During the course of the trial the charges against all but 34 are put on hold. In 1961 the 34 are acquitted.
- 1959 Robert Sobokwe sets up the Pan-Africanist Congress (PAC).
- 1960 The Year of African Independence. On 21 March, 69 people are killed at Sharpeville when police open fire on marchers demonstrating against pass laws. The first state of emergency is declared. More than 11,000 people are detained. The ANC and the PAC are banned.
- 1961 Chief Albert Luthuli, President of the ANC is awarded the Nobel Peace Prize. Umkhonto weSizwe (MK) is formed and its sabotage campaign is initiated on 16 December 1961.
- 1962 Mandela is arrested and sentenced to 5 years imprisonment. In October 1962 the ANC holds its first annual conference outside South Africa, in Lobatse, Botswana (then Bechuanaland). The Conference explicitly links the ANC and MK.
- 1963 Mandela and several of his colleagues on the High Command of MK together with others are sentenced to life imprisonment.
- 1969 Steve Biko forms the South African Students Organisation (SASO), thereby initiating the Black Consciousness Movement (BCM).
- 1975 Angola becomes independent. South African troops secretly enter Angola in attempt to forestall an MPLA government. Cuba sends troops to aid the MPLA government.
- 1976 On 16 June the Soweto Uprising begins. Police open fire on approximately 10,000 protesting students. The resistance spreads countrywide. Mozambique gains independence.
- 1977 Steve Biko dies in detention in September as a result of police brutality. Seventeen resistance organisations are banned. The UN enforces an arms embargo. Calls for economic sanctions against South Africa increase.

- 1980 Zimbabwe becomes independent.
- 1982 The World Council of Churches declares apartheid a 'theological heresy'.
- 1983 The United Democratic Front (UDF) is launched.
- 1984 The Congress of South African Trade Unions (COSATU) is formed.
- 1985 President Botha offers to release Mandela and all political prisoners if they would renounce violence. Mandela rejects offer because of the conditions attached to it. The United States passes the Comprehensive Anti-Apartheid Act, which imposes trade and financial sanctions on South Africa. The Commonwealth appoints the Eminent Persons Group to visit South Africa on a fact-finding mission. The mission is aborted because of South African military raids into Botswana, Zambia and Zimbabwe.
- 1986 In June Mandela begins to engage with state representatives, first with the Minister of Justice and Prisons on the need for government and the ANC to negotiate a settlement. The NEC of the ANC mandates President Tambo to send senior leaders to settle clandestinely in South Africa. This decision marks the birth of Operation Vula.
- 1987 The NEC of the ANC considers the issue of negotiations and issues a statement pronouncing itself in favour of genuine negotiations and opposing bogus negotiations. Govan Mkebi and Harry Gwala, both serving life imprisonment, are released from prison. In October, the first of the 'Mells Park' talks in the UK between members of the Afrikaner establishment and the ANC are held.
- 1988 South Africa signs the New York Accords, agrees to withdraw from Angola, and accepts Resolution 435, paving the way for the independence of Namibia. Operation Vula is launched inside South Africa.
- 1989 By May 1989, President Tambo begins the process of drafting what subsequently became known as the 'Harare Declaration' after it was adopted by the Front Line States meeting in Harare. In July, Mandela and the State President Botha meet. The first meeting between the ANC and the National Intelligence Service (NIS) of the apartheid state is held in Switzerland in October. Also in October, Walter Sisulu and others serving life terms are released. In December, the Conference for a Democratic Future is held in South Africa.
- 1990 ANC, PAC, SACP and 31 other political organisations are unbanned on 2 February. On 11 February, Mandela is released from prison. The Groote Schuur Minute is signed. Operation Vula is uncovered. The Pretoria Minute is signed. The ANC declares a unilateral suspension of armed struggle and the first exiles return to South Africa.
- 1991 Formal multi-party negotiations begin in December with the launch of the Convention for a Democratic South Africa (CODESA). The National Peace Accord is signed in September. The Patriotic Front Conference is held in Durban in October.
- 1992 Mass action campaign by ANC and allies begins. Massacres occur at Boipatong in June. CODESA breaks down. Bisho massacre occurs. Record of Understanding between government and the ANC is signed in September, paving the way for the resumption of multi-party negotiations.
- 1993 Multi-Party Negotiations Forum (MPNF) gets negotiations restarted. Chris Hani is assassinated. O.R. Tambo is laid to rest. Interim Constitution is agreed to at the MPNF.

- 1994 First democratic election is held on April 27. ANC forms Government of National Unity (GNU) and Mandela becomes president of South Africa.
- 1996 Truth and Reconciliation Commission begins its work. The Constitutional Assembly ratifies the South African Constitution. F.W. de Klerk takes his party, the National Party, out of the GNU.
- 1997 Fiftieth National Conference of the ANC: Mandela steps down as president and Thabo Mbeki is elected in his place.
- 1999 End of the term of the first democratic government of South Africa. Mandela retires. The ANC is returned to power in the elections and Thabo Mbeki is inaugurated president of South Africa.

About the Author

Sathyandranath Ragunanan ‘Mac’ Maharaj is a veteran of the ANC resistance struggle against apartheid South Africa. Over the past 55 years he has been an activist, a political prisoner, an underground commander, a negotiator and a cabinet minister in South Africa’s first democratic government. He was arrested in 1964 while working underground and sentenced to 12 years in prison on Robben Island. After his liberation, he escaped into exile and served on the National Executive Council of the ANC, before re-entering clandestinely South Africa to serve as overall commander of the politico-military project, Operation Vula, from 1988 to 1990. After 1990, Maharaj was a lead negotiator for the ANC in talks with the National Party government and joint secretary of the Transitional Executive Council, overseeing South Africa’s transition to democracy. Mandela appointed him minister of transport upon becoming president in 1994; he also served in parliament until 1999. In 2005, he was appointed chair of the Democracy Project at Bennington College in Vermont, USA, where he teaches part-time. In 2001 he edited and published a collection of essays entitled *Reflections in Prison* published by Zebra, Cape Town. His biography entitled *Shades of Difference: Mac Maharaj and the Struggle for South Africa* by Pdraig O’Malley was published in 2007 by Viking, New York. His wife, Zarina Maharaj published her memoirs entitled *Dancing to a Different Rhythm* (Zebra Press 2006, Cape Town).