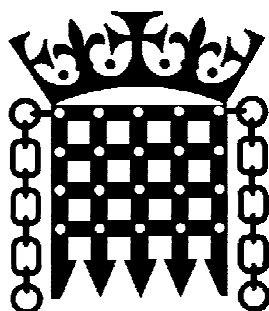


South Africa's Elections and New Constitution

Research Paper 94/60

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With the late decision of the Inkatha Freedom Party to participate, prospects for South Africa's first non-racial elections have improved. They are due to go ahead on 26-28 April 1994, in a context of hope and perhaps exaggerated expectation for many, yet of dispute, resentment and violence for others. This paper looks at the prospects for the elections and for the country in the coming years and gives an account of the new Constitution concluded at the end of 1993.

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Acronyms

TGNU	Transitional Government of National Unity
ANC	African National Congress
MPNP	Multi-Party Negotiating Process
CODESA	Convention for a Democratic South Africa
NP	National Party
IFP	Inkatha Freedom Party
TEC	Transitional Executive Council
CP	Conservative Party
AWB	Afrikaner Weerstandsbeweging
AVF	Afrikaner Volksfront
SADF	South African Defence Force
UNOMSA	United Nations Observer Mission in South Africa
OAU	Organisation of African Unity
COMSA	Commonwealth Observer Mission
MK	Umkhonto we Sizwe
NPKF	National Peacekeeping Force

I Introduction

The South African elections which are due to be held on 26-28 April 1994 are less a new beginning than a highly significant step in an ongoing process. The apartheid statutes were repealed between June 1990 and June 1991 and the process of creating a new South Africa has been under way arguably since Nelson Mandela's release from prison in February 1990.

South Africa's first fully democratic elections represent a symbolic moment in this process, the final closing down of the old order as its last Parliament is dissolved. Primarily they represent an effort to provide a legitimate basis for the final stages of change and to harness the forces released by it.

The authors of the Constitution ratified in December 1993 argue that it inscribes a will for balance and inclusiveness, with its Transitional Government of National Unity (TGNU) offering participation at the Cabinet level to parties other than the majority party. Opponents deny that it achieves those aims, arguing that its checks and balances are too weak and that many of its provisions are unspecific, so that in practice it will do little to attenuate the likely electoral dominance of the ANC. They argue that minority rights can be protected only in a federal system allowing maximum autonomy to the regions, and use the language of ethnic 'homelands' to describe this.

Discontent over the Constitution led some to attempt a boycott of the elections, with a resulting increase in tension. The rejectionist Government of Bophuthatswana, nominally independent under the apartheid system, was deposed by Pretoria and a state of emergency declared in Natal and KwaZulu prior to Chief Buthelezi's decision to participate.

The new Parliament will rewrite the Constitution into a final form which will govern the next elections, currently due on 30 April 1999.

The rigid identities implied by apartheid have been succeeded by a relatively fluid process of alliance seeking; the effectively monolithic state of South Africa has been replaced by a more complex entity. Its stability, however, may be no less important to the fortunes of the whole southern African region.

II Constitution

On 17 November 1993, South Africa's new Constitution was signed by political leaders involved in the Multi-Party Negotiating Process (MPNP) at the Kempton Park World Trade Centre near Johannesburg; the Constitution Bill was subsequently passed in Parliament and promulgated on 28 January 1994. The Act has been amended on two occasions and the Constitution will come into effect on 27 April 1994.

A. Negotiations

The Constitution was the result of a long process of negotiation. In its later stages this process was criticised by some as amounting to little more than an acceptance of ANC demands by a Government trapped by its own timetable for reform and unwilling to antagonise the probable future rulers of the country.

In December 1991 the Convention for a Democratic South Africa (CODESA) brought the National Party (NP) Government of President F.W. de Klerk, Mr Nelson Mandela's African National Congress (ANC), Chief Mangosuthu Buthelezi's Inkatha Freedom Party (IFP) and 16 other groups into negotiations on the shape of a democratic constitution.

CODESA became deadlocked in May 1992 and collapsed after the ANC's withdrawal the following month. The final catalyst for this withdrawal was the rising violence against ANC supporters, allegedly by IFP supporters working with the complicity of the police¹, which culminated in the Boipatong massacre of 17 June 1992.

Despite the demise of CODESA, the momentum for change was such that the Government could not expect to retain power in the long term if it relinquished dialogue. The lines of debate were already drawn, the ANC favouring a unified state, the minorities seeking degrees of decentralisation and provincial autonomy and the Government hoping for some form of power sharing arrangement in a TGNU.

From September 1992 to February 1993 the Government and the ANC held a series of bilateral meetings which appear to have had a crucial impact. At this time the respective

¹The so-called 'Third Force'. The Goldstone Commission, headed by Judge Richard Goldstone, has published reports claiming evidence of unofficial operations against ANC supporters by members of the security forces, including some high ranking officers, in collaboration with Inkatha members.

leaderships found a coalition of interest which was to give them predominant strength in the MPNP, and the ANC gained acceptance for two core demands.

The Government was already committed to reform, endorsed in the white referendum of March 1992 by a margin of 2 to 1, and saw cooperation with moderates in the ANC as its best chance of securing the position of its supporters and its own influence in a democratic order. The ANC leadership was alert to its dependence on the white civil service, security forces and business class if it were to have any chance of satisfying its supporters through economic progress and efficient administration.

The two ANC demands which were accepted as fundamental at this time were that the period leading up to the elections be overseen by a multi-party Transitional Executive Council (TEC) sharing power with the Government and that the final constitution be decided at a future date by an elected body. These were gauged to increase ANC influence, giving it a role in Government before the elections and ensuring its dominance of the constitution writing process after.

The MPNP convened on 1 April 1993 with 26 parties involved. Its deliberations were marked by increasing disaffection among minority parties such as the IFP and the Conservative Party (CP), which complained that the bilateral links between the Government and the ANC undermined the validity of the multi-party process. However, despite the IFP's eventual boycott of the MPNP (see below), in which it was joined by four other parties, the talks retained the confidence of the majority and produced a Constitution with which both major parties could express satisfaction.

B. Objectives

The *Constitution of the Republic of South Africa Bill* contained the following *Memorandum on the Objects* of the Bill:

C. Fundamental Rights

The Constitution enshrines equality of languages and religions and other anti-discrimination provisions. Rights to life, dignity, freedom of belief and expression and other liberal values are included, along with labour rights, rights to education and equality of opportunity, specifically for all races and both genders. These aspects, along with the common citizenship, reverse fundamentally the precepts of apartheid. However, they are for the most part generalised statements of principle and tend to beg the questions of how these rights and equalities are defined and how they are to be achieved.

D. Parliament

The National Assembly, the lower chamber of the new Parliament, will have 400 members elected by universal suffrage of those aged 18 and over according to a system of proportional representation employing both regional and national lists.

The Senate, the upper chamber, will have 90 members, each provincial legislature nominating 10. Parties will nominate Senators in proportion to their representation in the provincial legislature.

The parliamentary term will be five years.

E. Government

The Head of State and of the Executive will be the President, to be elected by the National Assembly in the first instance and by the whole Parliament for any future Presidents. The Presidential term of office is five years or until the dissolution of Parliament, whichever is the shorter period.

There will also be Executive Deputy Presidents with whom the President is obliged to consult on matters of policy. Any party holding 80 seats in the National Assembly will be entitled to nominate an Executive Deputy President. Should no party or only one party achieve 80 seats, the parties holding the greatest and second greatest number of seats will be entitled to an Executive Deputy Presidency.

The Cabinet will embody the principle of a TGNU, although in practice the will of the major party is likely to prevail. In addition to the President and Executive Deputy Presidents, it will consist of up to 27 Ministers. Parties holding at least 20 seats in the National Assembly will be entitled to a number of Cabinet portfolios proportionate to their relative strength in the Assembly. This will be calculated according to the following formula:

(Article 88[3])

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The President, in consultation with the Executive Deputy Presidents and party leaders concerned, will allocate particular portfolios to the parties and appoint Ministers from within their ranks. The same allocation procedure applies for Deputy Ministerial posts.

As far as the functioning of the Cabinet is concerned, the Constitution makes little specific provision. Article 89 (2) states that:

The Cabinet shall function in a manner which gives consideration to the consensus-seeking spirit underlying the concept of a government of national unity as well as the need for effective government.

Equally, Ministers are expressly required to administer their portfolios in accordance with the policy of the Cabinet (Article 92[2]). It has been argued that these aspects of the Constitution allow a dominant role for the majority party, since there is no formal mechanism for the Ministers representing minority parties to pursue should they wish to bar controversial policies advocated by the majority.

F. Permanent Constitution

The new Constitution is provisional. Sitting in joint session as the Constitutional Assembly, the National Assembly and Senate will rewrite it in accordance with certain basic principles set out in the provisional Constitution (see Annex 1). The Constitutional Assembly will have two years from the first sitting of the National Assembly to pass a new constitutional text. This will require a two-thirds majority of all members of the Constitutional Assembly and a two-thirds majority of all members of the Senate as well in the case of provisions relating to boundaries, powers and functions of the Provinces. In the event of such a majority not being achieved, there is provision for referral to a panel of constitutional experts who will attempt to develop amendments likely to secure the required majority; the text will then return to the Constitutional Assembly for passage according to the two-thirds majorities again. A text approved in this way, with the involvement of the panel of constitutional experts, would have to be accepted additionally in a referendum by at least 60% of the votes cast.

If no new constitution is approved within two years or if a text put to a referendum is rejected, a general election will be held. The new Constitutional Assembly so formed would have one year from its first sitting in which to pass a text according to a majority of 60% of the Constitutional Assembly and, for provisions relating to the Provinces, 60% of Senators as well.

Any new constitutional text will have to be certified by the Constitutional Court and given Presidential assent as the final stages in its adoption.

G. Constitutional Court

The Constitutional Court will consist of 11 judges, serving seven year terms, having supreme jurisdiction over matters relating to the interpretation and enforcement of the Constitution, including the rights to life and freedom of expression, belief and so on, the constitutionality of Bills, Acts and executive acts, disputes between different organs of the state and other such questions. The Constitutional Court is a key element of the new South Africa, an attempt to shore up moves towards constitutional entrenchment of fundamental freedoms and of governance in the interests of national unity and is thus particularly relevant to the protection of minority interests. Its composition was agreed in the very last days of the MPNP and had been the subject of controversy.

The President of the Constitutional Court is to be appointed by the State President in consultation with the Cabinet and Chief Justice, but need not be a member of the judiciary. Four of the other members of the Constitutional Court will be appointed by the President, in consultation with the Cabinet and Chief Justice, and will be drawn from the serving judges of the Supreme Court. The remaining six members of the Constitutional Court are to be appointed by the President, in consultation with the Cabinet and the President of the Constitutional Court, and will be drawn from a list of ten nominees provided by the Judicial Service Commission. Up to two of these six members may be unqualified persons who have relevant experience or training to give them expertise in the field of constitutional law, while the remainder will be advocates or attorneys practising as such or lecturing in law for 10 years after qualifying.

The involvement of the Judicial Service Commission was a late amendment in response to pressure from the Democratic Party. They, like the Deans of thirteen University law faculties who staged a protest over the matter, regarded the original conception of the Court's composition as a betrayal of the principle of an independent judiciary and felt there was a prospect of it being controlled by political appointees, undermining the effectiveness of the Constitution as a charter for unity and reconciliation. The Judicial Service Commission was given a role in compiling the list from which the majority of members of the Constitutional Court will be chosen in response to these concerns.

H. Provincial Government

1. The Constitution provides for nine provinces: Eastern Cape, Eastern Transvaal, KwaZulu/Natal, Northern Cape, Northern Transvaal, North-West, Orange Free State, Pretoria-Witwatersrand-Vereeniging and Western Cape.

2. The division of powers between the different levels of government was one of the key issues in the negotiations over the new Constitution.

Afrikaner nationalist and minority black groups were concerned at the likely dominance of the new Parliament by the ANC and sought a 'strong' (highly devolved) federalism or even some kind of homeland system to accommodate their alternative aspirations and cultures. The ANC was adamant that homelands could not be granted, although it did begin to show flexibility early in 1994.

The system created in the Constitution is a federal one, but does not approach the confederation, whether based on ethnic or other considerations, hoped for by some.

3. The provincial legislatures will consist of between 30 and 100 members elected according to a form of proportional representation from provincial party lists. Each province will have a Premier, to be elected by the legislature, and an Executive Council consisting of representatives of each party holding at least 10 seats in the provincial legislature, apportioned by the provincial Premier in the same way as for members of the national Cabinet.

The legislative competence of the provinces will cover the following areas (those underlined were added as part of a package of amendments in March 1994, see below):

Acts of the national Parliament will, subject to certain conditions, take precedence over provincial law. This guarantees a high level of autonomy for the provinces over affairs which are strictly internal to them, but leaves power with the national Government not only for issues clearly relating to the state as a whole, but also for issues of provincial policy which could also affect the state as a whole. The Constitutional Principles specify the following guidelines on the division of powers:

Paragraph 2 is particularly important as it introduces notions of reasonableness and national interest which may be hard to define in objective terms.

In March 1994, those aspects of the new Constitution relating to the provinces were amended in an effort to reconcile minority opinion. The IFP's demand that separate ballot papers be used for the general and provincial elections was accepted and the *Electoral Amendment Act, 1994* passed accordingly. Likewise the name of the new province of Natal was changed to KwaZulu/Natal.

Fiscal autonomy was an area in which the IFP was particularly interested and found itself disappointed with the provisions of the new Constitution; in a further effort to overcome the IFP boycott of the elections, these portions of the new Constitution were also amended. The provinces will be given a proportion of certain national taxes collected nationally (the unamended new Constitution restricted this to a proportion of certain national taxes collected in the respective provinces), but they will have the power to levy taxes of their own only subject to an Act of Parliament and provided that they do not

levy taxes detrimentally affecting national economic policies, inter-provincial commerce or the national mobility of goods, services, capital and labour.

(Article 156 [2])

Provinces will have the right to adopt their own constitutions (Article 160), provided that they do not conflict with the national Constitution, including the list of Constitutional Principles, and are certified to such effect by the Constitutional Court. Provincial constitutions will pass on a two-thirds majority of all members of the provincial legislature. The March amendments added the proviso to Article 160 that a provincial constitution could differ from the national Constitution and the Constitutional principles by providing

for legislative and executive structures and procedures different from those provided for in this Constitution in respect of a province.

This was further amended by the agreement in April which ended the IFP boycott to include provision for

the institution, role, authority and status of a traditional monarch in the province, and ... for the Zulu Monarch in the case of the province of KwaZulu/Natal.

The other key amendment made in March was the inclusion of a new chapter, Chapter 11A, which provides for the establishment of a Volkstaat Council. This will consist of 20 members elected by those MPs supporting the notion of a *Volkstaat*, or Afrikaner homeland. It will examine the notion of a *Volkstaat*, considering its possible boundaries, powers and functions, legislative

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and executive structures and so on, and may make recommendations to the Constitutional Assembly. This stops far short of an agreement to establish a Volkstaat, but the flexibility exhibited in allowing constitutional protection to the examination of the idea played a part in drawing some Afrikaner nationalists into the democratic process.

4. The development of the system of provincial government will be one of the key activities of the Constitutional Assembly and may prove central to the long term success of the new South Africa. To assist in this task, a Commission on Provincial Government will be established. This will consist of between 10 and 15 persons appointed by the President, with at least one from each province chosen with the agreement of the relevant provincial Premier. The members of the Commission cannot hold office in any political party or other political organisation.
5. The Constitution also provides for local government and for traditional authorities and indigenous law. Traditional leaders, aside from the special status of the Zulu monarch, will have rights of recognition and will be entitled to serve *ex officio* in local governments; at the provincial level, they will be entitled to join a House of Traditional Leaders, a consultative and advisory body commenting on provincial legislation. There will also be a national Council of Traditional Leaders, consisting of 20 representatives elected by the members of the provincial Houses of Traditional Leaders and having a similar consultative and advisory function at the national level.

6. Other Provisions

Other provisions of the Constitution include a Human Rights Commission. This will oversee and promote respect for fundamental rights by means of annual reports to the President, investigations and reports in response to complaints or on its own initiative, reports to a legislature of any contravention of fundamental rights in draft legislation before that legislature, and advice and assistance in seeking redress to those found to have suffered a violation of their fundamental rights. The Commission will not be empowered to order redress itself, but will be restricted to this reporting, advising and assisting.

There will also be a Commission on Gender Equality and a Commission on Restitution of Land Rights to implement an Act on the same subject which will be passed by the new Parliament.

III Dissent

The elections have brought to a head the dissatisfaction of a variety of minority groups with the negotiating process and the new constitution. They see little prospect of influence in a democratic South Africa which will almost certainly return to power the formerly communist and predominantly black ANC. Whatever provisions the constitution makes for a TGNU, the ANC is likely to have sufficient predominance within the Cabinet and the National Assembly as to ensure that its designs for the permanent Constitution are hard to resist. Minority black groups and Afrikaner nationalists found it hard to reconcile themselves with this and sought constitutional guarantees on federalism as an attempted antidote. As the elections approached, these concerns were reflected in mounting violence, particularly in Natal and the townships east of Johannesburg. Some saw the prospect of a civil war centred on the Inkatha base of KwaZulu. Although this may have been an exaggerated fear, the agreement to bring the IFP into the elections and cease violence seems to have removed the last obstacle to the credibility of the elections. Whether it will have a long-term effect of reconciliation is open to doubt.

A. Earlier Signs

Throughout the negotiating process, dissent and disruption were evident. Township violence, assassinations and the storming of the World Trade Centre by the Afrikaner Weerstandsbeweging (AWB) reflected the insecurities released by change. Political manifestations of these insecurities included the formation of the Afrikaner Volksfront (AVF) by a group of retired South African Defence Force (SADF) Generals and led by Constand Viljoen, former SADF Chief of Staff. This sought to organise disaffected Afrikaners behind the notion of a separate homeland. They also included the withdrawal by Inkatha and its allies in the Freedom Front (including the AVF) from the MPNP in July 1993 in an effort to obtain concessions. Initially interpreted as a negotiating ploy, this became altogether more serious when efforts to mollify the Freedom Front's leaders with the federal aspects of the provisional Constitution and the elements of power sharing written into the TGNU were rejected as cosmetic. While the National Party came to accept the idea of Cabinet posts guaranteed according to a ratio based on the number of seats held in the National Assembly, thus abandoning its earlier calls for entrenched long-term power sharing, the CP and the AVF held out for an Afrikaner homeland or at least a strong form of federalism. Inkatha likewise rejected as insufficient the level of power devolved to the provinces.

With the Freedom Alliance refusing to endorse the provisional Constitution, the parties who did back it were left facing at worst a failure of their efforts to create legitimate change or at best a new order subject to disruption and non-cooperation.

B. Indications from Bophuthatswana

Events surrounding the failure of President Lucas Mangope to withhold Bophuthatswana from the elections provided important insights into the prospective situation in South Africa as a whole.

In March 1994, Mangope was faced with internal disorder and pressure from Pretoria over his refusal to agree to the elections in Bophuthatswana. The local civil service had staged a strike over the potential loss of pensions and employment if the homeland stayed outside the democratic order and the police and army withdrew their support for the President. He responded by calling on the AVF for support. However, the largely professional force sent by Constand Viljoen to secure the regime was joined by an AWB contingent which engaged in random attacks on civilians. This led to retaliation from the Bophuthatswana armed forces, in the face of which the AWB paramilitaries melted away. Mangope was eventually deposed by the South African Government, despite a late agreement to participate in the elections, and SADF troops were sent to Bophuthatswana.

The episode was widely regarded as an humiliation for the AWB and a demonstration of its inability to mount an organised military campaign. It also led to denunciations of indiscipline by Viljoen, and firmed up a decision towards which he had already started to move, following the amendment of the Constitution to include the Volkstaat Council, to leave the AVF and take a new party, the Freedom Front, into the elections.

It was now clear that the National Party and the ANC were determined that the elections should go ahead as scheduled and were prepared to use the SADF if necessary to enable them to do so. It did not appear that the minorities could take or hold by force territory in which to establish independent or autonomous homelands against the will of the major players. Moreover, the minorities were not uniform in support for non-participation. Viljoen's decision to participate split the Afrikaner nationalists, while Buthelezi came to command neither the loyalty of a majority of Zulus nor the unanimous support of IFP officials.

C. The situation concerning KwaZulu and Natal

The leading figure opposed to the elections and the new constitution was Mangosuthu Buthelezi, leader of the IFP and Chief Minister of KwaZulu. Although his efforts to present himself as a leader of the 'Zulu nation' disregard the fact that many Zulus support the ANC, which seems likely to form the provincial Government of Natal, nevertheless Buthelezi has the support of a substantial and in some cases highly motivated minority. He has been

supported in his stand by the Zulu King, Goodwill Zwelithini, who appears to command more widespread loyalty.

Buthelezi became disillusioned with the negotiations over democracy when it became apparent that the Government and the ANC were treating one another as the major players and building a strong bilateral relationship. He opposed the idea of an elected constitution making body, fearing the diminution of IFP influence in such a forum, and eventually left the MPNP and threatened to boycott the elections. Various compromises were offered by the ANC, but they - and the constitutional amendments of early March - were rejected by the IFP. It appeared that a postponement of elections in KwaZulu and Natal and renegotiation of portions of the Constitution were the aim.

As violence spread, a state of emergency was imposed in KwaZulu and Natal and the SADF was deployed there. While King Goodwill Zwelithini supported the boycott and demanded the restoration of his sovereignty, radicals within the ANC called for a similar approach in KwaZulu to that used in Bophuthatswana to overthrow the administration. It appeared that a substantial conflict might be imminent. However, the lack of any realistic hope that Inkatha could succeed in a war against the new South African armed forces was a major factor in persuading Buthelezi ultimately to accept the concessions which had been made and join the electoral process. The ANC leadership may have seen a threat to its democratic credentials if it tried to force Buthelezi from office and undoubtedly feared the economic and social consequences of continuing communal violence. Reconciliation finally held sufficient reward for both sides.

On 19 April 1994 a Memorandum on peace and reconciliation was signed by Buthelezi, de Klerk and Mandela after mediation efforts by Professor Washington Okumu, a Kenyan academic who was a member of the team led by Henry Kissinger and Lord Carrington during its brief and unsuccessful visit earlier in April. The Memorandum provides for the IFP's participation in the elections, the rejection of violence and support for the free and fair nature of the elections. It also provides for the amendment of the Constitution to recognise the role of the Zulu monarch and to enshrine that role in the provincial Constitution of KwaZulu/Natal.

The Memorandum seems to have secured the short-term prospects of the elections, but many issues remain unresolved. Inkatha still refuses to pool its soldiers in the new National Defence Force, and there is potential for conflict between the Zulu King and the provincial Premier if the latter comes from the ANC, particularly as it is not explicit in the Memorandum what formal powers the Zulu monarch will have. Equally, other traditional leaders complain that their status is now lower in constitutional terms than that of the Zulu monarch and perhaps thousands of Chiefs may now seek greater recognition.

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Despite the compromise achieved by party leaders, there are still entrenched enmities among their supporters, and those within the ANC who saw the fall of Mangope as a precedent and a triumph may continue to agitate against residual IFP influence after the elections. What that influence will be is not clear. With so little time for campaigning, the IFP seems unlikely to win a clear majority in KwaZulu/Natal, but the ANC is not so dominant in this region as elsewhere and a provincial coalition involving the IFP is possible. This might tell in favour of reconciliation, but it provides no guarantees. Longstanding rivalries persist between the IFP and the ANC. R.W. Johnson, in the *Times* (21 April 1994), argues that Mandela's position is one of 'magnanimity and statesmanship' and that

he has in effect decided it was better to strengthen his opponents and sacrifice ANC seats to produce an inclusive deal and thus the hope of real national unity,

but the response of the IFP to a poor showing would be crucial. One IFP central committee member, Albert Mncwango, is reported as saying that 'the elections will not be free and fair if IFP does not win in [KwaZulu/]Natal' (*Financial Times*, 21 April 1994). Equally important might be the relative ascendancy within the provincial ANC of those supporting the policy of grace and favour appointments at which Nelson Mandela has hinted and those who regard the IFP as an enemy to be destroyed.

D. After the Elections

There now seems a chance that the TGNU could include representatives of both the Afrikaner right and the IFP. Opinion polls suggest that Viljoen and Buthelezi may each achieve about the 5% support needed for a Cabinet post (eg *The Scotsman*, 21 April 1994), while in provincial terms at least two of the Cape provinces may be taken by the NP, increasingly successful in its appeal to coloured voters, and KwaZulu/Natal might be open to a local NP-IFP coalition. However, even the lowest projections of ANC performance do not rule out the possibility of continuing disaffection among the minorities. A democratic order based on the concept of national unity may be able to offer enough hope of amelioration to the minorities as to drain support from its more militant opponents, but sporadic and localised violence is likely to remain a feature, coupled with further changes in political representation. If the Freedom Front is unsuccessful in pursuing its aim of an Afrikaner homeland, disillusion may grow more widespread and the role of less extreme figures such as Viljoen may be harder to sustain. So far there is little clear evidence of what level of compromise the ANC, in government, would offer, nor conversely of its willingness to use emergency regulations and authoritarian measures to uphold the unity of the state, but a tone of triumphalism is evident among some of its radicals which commentators have viewed as worrying.

E. A Fair Case?

There may be dangers in isolating minority leaders barely reconciled to the democratic process. Writing in the *Financial Times* (14 February 1994), Patti Waldmeir says of disaffected Zulu and Afrikaner elements,

neither is a majority, even within their own ethnic group; but each, and especially both together, can cause havoc through sabotage and terrorism, and a sharp increase in serious township violence.

Her argument is that Buthelezi has a genuine case in arguing for stronger provincial powers, however controversial his approach to forwarding it. She makes the point that greater autonomy for the provinces would not only offset the sudden removal from influence of minority groups under a democratic system, but would also provide essential checks and balances on the central executive. She confronts a central dilemma in African politics generally when she asks:

Can South African democracy survive if the constitution creates permanent losers, who can never hope to rule?

Examples from elsewhere in Africa show the potential for authoritarian rule to develop under the rationale that democracy cannot work where its building blocks are tribal or other ethnic affiliations. The ANC's argument is that it needs to build a unified South Africa to pursue a post-apartheid national project which will raise the material status of the black poor. After years of opposition to the categories on which apartheid was based, the ANC would be very reluctant to see ethnic identities such as Zulu or Afrikaner institutionalised in the democratic order. Moreover, Buthelezi's motives in seeking an autonomous Zulu region are viewed by many as suspect and relating more to the desire for a personal fiefdom than to the well-being of its inhabitants.

IV Security and the International Involvement

The process of reform in South Africa has attracted considerable international involvement; in the election period this will be heightened and complemented with local efforts including a special peacekeeping force.

A. Monitors

Since 1992, when a small and successful Commonwealth involvement encouraged the United Nations to sanction further international assistance, an ongoing process of assistance, training and monitoring aimed at alleviating political violence has been under way. Under UN Security Council Resolution 772 of 17 August 1992, the UN Observer Mission in South Africa (UNOMSA) was established and other bodies such as the Organisation of African Unity (OAU), the Commonwealth and the European Union were invited to send observers of their own. These groups literally observe meetings and political events, but also work with the authorities, the parties and other groups to reduce tensions and advise on how to prevent or contain political violence. The Commonwealth Observer Mission (COMSA) includes diplomats, politicians and police officers and has been particularly involved in training the South African police for their new role in a fully democratic society.

For the elections, some 5,000 international observers will deploy in South Africa, including 1,778 sent by the UN, 312 by the EU, 60 from the Commonwealth and others from the OAU and non-governmental organisations.

B. Keeping the Peace

The future of the various armed forces in South Africa is dealt with in the provisional Constitution. Article 224 states:

The National Defence Force is hereby established as the only defence force for the Republic

The National Defence Force is to be comprised of a merger of the SADF, the ANC's Umkhonto we Sizwe (MK), the homeland armies and other forces of political parties participating in the elections. While it is expected that a few senior positions will be opened to former MK and homeland commanders, the command structure of the National Defence Force is likely to be based primarily on that of the SADF, by far the largest, most professional and well-trained army in the country. Senior SADF commanders have given assurances of their loyalty to the TGNU, but there are still concerns that at lower levels there may be problems of morale and allegiance if the army is called on to undertake extensive policing operations over the election period, given that these could be expected to focus on groups with which many in the SADF have shown sympathy in the past. There could also be problems between members of the component parts of the new army, who were until recently enemies and who tend to support political groups at the extremes of the spectrum.

Early indications in this regard have not been hopeful. To deal with the threat of violence over the election period, a National Peacekeeping Force (NPKF) of 10,000 men drawn from all eligible groups (the most significant absentees being the Inkatha/KwaZulu forces) has been established under the authority of the TEC. It is commanded by the former military ruler of the Venda homeland, Gen Gabriel Ramushwana. Essentially, the NPKF is a microcosm of the National Defence Force. Its training has not progressed well, however, and it has been unable to play its full role during the elections. There have been strikes among recruits over low pay and reports of tension between different components, including attacks on SADF troops by MK members at the joint training camps. Although the NPKF was deployed in townships of the Eastern Rand in early April, it was withdrawn and replaced by the SADF when it became apparent that its presence was, if anything, provoking further violence. It is unable to fulfil its original intention as a non-partisan peacekeeper, after the model of UN forces, as Inkatha's refusal to participate in the TEC and the NPKF effectively rules out any involvement in Natal and KwaZulu except by well armed SADF units.

V Conclusion: Prospects

The ANC is likely to win the most seats in the National Assembly and to dominate the TGNU and the writing of a permanent constitution. However, the stability and perhaps unity of South Africa may depend on the ANC's willingness to compromise in power and to show sensitivity to the minorities. Whether from the potential violent conflict which might develop with the IFP or Afrikaner nationalists or from the administrative disorder that might follow middle-class white disaffection, the ANC's leadership of a potentially powerful nation is threatened by its own dominance.

Writing in the *World Today* (March 1994), Stanley Uys draws attention to the factors guiding Nelson Mandela and his colleagues to moderation: the white dominance of the civil service and the SADF command and the desire among international donors to see cooperation and stability in South Africa. 'Black majority rule', he argues, 'is qualified ... by a reality that lies outside the Constitution' (p.54). He places emphasis on the role of Mandela and contrasts what he sees as his efforts to avoid antagonism with political opponents with the attitudes of the 'young comrades' and South African Communist Party Chairman Joe Slovo, who still talks of 'the threat of counter-revolution' and the consequent need to make the most of the Constitution's central executive powers of override to avoid dilution of ANC influence. Uys picks out a coalition of interest between the National Party and the moderate wing of the ANC, despite increasingly lively electioneering against one another, the latter needing the channel into the white ruling class which cooperation with the former lends, the outgoing Government seeking to retain credibility through its association with the incoming one.

Such coalitions, however, are not likely to endure. If one implication of the apartheid years was the fostering of minorities which now provide obstacles to the ANC's aim of a unified

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state, another was the creation of monolithic identities for the majority, which may break up in the face of power. This is reflected in alternative strategies pursued by different parties of restricting and broadening their appeal. The CP and the AVF have moved Afrikaner political representation away from any semblance of national leadership (however self-interested) in their calls for ethnic autonomy and the IFP has sought to play on the tribal affiliations of the 'Zulu nation'. The National Party has attempted with some success to widen its appeal to conservative blacks, coloureds and Indians. The ANC, on the other hand, composed of an assortment of democratic socialists, communists, anti-Buthelezi Zulus and others, threatens to fragment.

Thus far the shared struggle for democracy, the impending election and the leadership of Mandela have held the ANC together. After the election there is a possibility that its component parts will trace their factionalism onto the floor of the National Assembly. Many commentators have drawn attention to the dangers of false expectations being raised among the black population. In the five years before the next election, when the ANC will be evaluated for the first time on its capacity for national leadership, there is little realistic hope, the argument goes, that all the disadvantages built up over the past decades can be tackled, and this may encourage splits within the ANC's 'broad Church'. Concerns over the ANC's economic strategy revolve as much as anything around its lack of clarity; to a large extent questions as to the level of cooperation with Western economic institutions, the raising of taxes, nationalisation and redistribution remain to be tackled, and the disputes over these policies will take place with equal force within the ANC as outside it.

In this more fluid environment there are likely to be further realignments, including new parties and alliances. It is even possible that the moderate ANC leadership will come to see advantages in promoting a strong opposition as a means of holding its own party together; there could thus be more than simply the national interest at stake in efforts to bring the IFP into the elections. Another analysis suggests that the National Party and moderates within the IFP may undergo a rapprochement after the elections, again to prevent either becoming a purely localised minority voice. According to *Africa Confidential* (18 March 1994), before the decision that the IFP would participate in the elections, the NP leader in Natal, George Bartlett had

been discussing the idea of an alliance with dissident Inkatha members: some Inkatha members could join the National Party's candidate list in Natal without surrendering their distinct political identity, Bartlett suggest[ed].

A crucial question will be the extent to which parties will lose their racial affiliations and project genuinely national economic and social policies.

South Africa's future may depend on the extent to which old divisions can truly be put aside and a sense of common purpose found among the divergent groups of which the country is comprised. The level of commitment to democracy, the handling of the question of provincial powers and the marshalling of the economy will remain important factors.

Annex 1

Constitutional Principles

Source: Act no. 200 of 1993: *Constitution of the Republic of South Africa*, 1993 (as amended), Schedule 4.

Annex 2

Bibliography

The Library holds a number of periodicals which cover South Africa affairs, regularly or occasionally. These include *Africa Confidential*, *Africa Research Bulletin*, *Southern Africa Report*, *World Today* and *International Affairs*. Reading lists on specific topics can be provided to Members or their staff on request.