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REFLECTING ON PEACE PRACTICE PROJECT

Case Study

Preparing the Table[1]
A Retrospective on the Centre for Intergroup Studies, 1968 – 1990 Cape Town, South Africa

This case study is one of 26 cases developed as part of the Reflecting on Peace Practice Project (RPP). The RPP cases were not written as evaluations; rather, they were written to allow for the identification of cross-cutting issues and themes across the range of cases. Each case represents the views and perspectives of a variety of people—the case writer, agencies, project participants, and observers—at the point it was written. RPP would like to acknowledge the generosity of the agencies involved in donating their time and experience for these case studies, as well as their willingness to share their experience with the worldwide community of peace practitioners.

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Greg Hansen

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Author's Note

1.   Introduction

South Africa provides rich pickings for lessons learned about making and consolidating peace. South Africa's hold on stability is still somewhat tentative, and violence surrounding the transition to majority rule has claimed some 30,000 lives, most of them in the early 1990s. But as the dismantling of a deeply entrenched system of institutional violence continues, change has so far proved to be far less costly than conventional wisdom had predicted.

The transition has been a process, not an event. Dramatic negotiations between Nobel Peace Prize winners Mandela and de Klerk appeared as a seminal event, a sudden giving way of hatreds and ideologies to reason and cooperation. The resulting National Peace Accords, regional peace committees, and the Truth and Reconciliation Commission are rightfully cited as models of successful conflict management and peace building that may be adaptable for use elsewhere.

Although the lessons of the last tumultuous decade have been well and thoroughly documented,[2] those that were learned in the previous twenty years are not nearly so well recognized or celebrated, to the extent that we risk overlooking some of the necessary and painful steps, innovations, adaptations, and learning that enabled — or at least shaped — the transition to majority rule. As with Cape Town's Centre for Intergroup Studies (CIS) — the subject of this case study — much of that work was done unobtrusively behind the scenes, patiently and often methodically over a very long time.

Two major difficulties were faced in compiling this case. First, it has been 32 years since CIS was founded, and ten years since the end of the period under examination. Memories have faded, and people have moved on. I was fortunate to have access to a thorough archive of early CIS and Quaker documentation, housed at the University of Cape Town's Centre for African Studies. I was doubly fortunate to have access to HW van der Merwe himself, and a select few of his colleagues from the 1970s and 80s. Hindsight allows for filtering, ordering and evaluating some of the events, dynamics, and approaches to CIS's peace work of the past. Accordingly this is more a retrospective than a traditional case study.

The second difficulty stemmed from CIS's nature as a quasi-academic institution, and HW van der Merwe's prolific writings on the subjects of justice and peace as a scholar-practitioner. Rather than conducting an academic appreciation of van der Merwe's written work, (much of which documents lessons learned about mediation and facilitation), I have been focused on identifying and thinking about what appear as the most important and novel features of CIS's experience as an active intervener in conflict. Appendix I contains thirty-two "Principles of Communication Between Adversaries in South Africa", excerpted from a paper of the same name written by van der Merwe and others in 1990. Readers are encouraged to review the van der Merwe materials listed for further reading in Appendix II.

Some may find a number of the lessons learned and implicit queries that are contained here to be counter-intuitive, and perhaps even unpalatable. For example, conventional

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[2] Please refer to Section 5 for publications dealing with lessons learned in the past decade.

wisdom among many anti-apartheid campaigners held that the Afrikaner establishment was not worthy of engagement by the international community because its position on apartheid was thought to be monolithic — and thus unchangeable by any means other than revolutionary ones. Did this tact speed apartheid to its demise, or did it help to entrench apartheid by isolating its sponsors? The lesson, minimally, is that non-engagement of a protagonist can be counter-productive if it leads to a siege mentality, or feeds into a pre-existing one.

Likewise, it is commonly (though not universally) assumed that "outside" interveners, such as political, ethnic or religious bystanders, are necessary for the tougher mediation roles in civil conflicts. The experience of the CIS, and specifically of HW van der Merwe, belies that assumption. Experience has demonstrated that it is possible, and in some ways very desirable, for "insiders" to assume the difficult role. Arguably, van der Merwe's experience should counsel caution to outside activists who advocate punitive measures against — or non-engagement with — a protagonist in conflict.

The Centre for Intergroup Studies stands out as an innovative and adaptable engine of incremental change that pushed limits to good effect and set a standard for patient intervention. The experience of the CIS highlights the tensions and complementarity between peace and justice, and how these could be reconciled. Perhaps most importantly, its experience prompts careful thought about how seemingly intransigent protagonists that are commonly vilified at home and by the international community can be constructively engaged, rather than isolated, in order to help prepare for the eventuality of negotiation.

2.   The Context: Apartheid

Racial segregation in South Africa predated apartheid (the Afrikaans word for 'apartness') by several decades, but rigid racial division between the governing white minority and the non-white majority was codified and institutionalized by the Afrikaner-dominated National Party when it came to power in 1948. Ideological underpinnings for apartheid were lent credence by the Afrikaner Dutch Reformed Church, which supported and provided degrees of theological justification for the government's policy of apartheid until 1986.

Apartheid laws classified people into three major groups, by race: white; Bantu, or black Africans; and Coloured, or people of mixed race. Asians were added later as a fourth category. Race determined where group members could live, the jobs they could have, and the type of education they received. Segregation of public facilities and other measures ensured that most social contact between races was forbidden or tightly controlled. Non-white labour unions were curtailed, and there was no place for non-whites in the South African legislative or executive branches of government until 1983, when limited legislative power sharing was extended to Asians and Coloureds, but not to blacks.

Apartheid became a vehicle for "separate development" which helped to enshrine white privilege further by effectively giving them control over 80% of the land in South Africa, and most of its resources. Blacks, meanwhile, were consigned under

the law to under-resourced "homelands" or Bantustans. Apartheid had evolved into a system of socio-economic exploitation within a rigid system or structure of inequality.

3.   Domestic and International Anti-apartheid Activity Up To the 1990s

The three decades that preceded the collapse of apartheid were characterized by increasing polarisation of the sponsors of apartheid, on one hand, and the organized anti-apartheid resistance, on the other.   The African National Congress was established to fight racist government policies, and adopted the Freedom Charter in 1955 to espouse equal political rights for all races. Anti-apartheid demonstrations, culminating in the Sharpeville Massacre of 1960, prompted the government to ban all opposition groups, including the ANC.   Organized opposition was forced underground but continued to build strength in exile with increasing moral and material support being provided by a growing international anti-apartheid movement. In 1961, South Africa quit the Commonwealth in response to that body's denunciation of apartheid. Nelson Mandela, an ANC leader, was convicted of sabotage in 1964 and sentenced to life in prison, while the ANC became an increasingly established opposition-in-exile based in Lusaka, Zambia.

Opposition to apartheid at home and abroad grew coincident with the superpower rivalry of the Cold War and western fears of Soviet and communist expansionism. Not insignificantly, this helped to shape the way Afrikaners perceived outside pressures and their speculation about the alternatives to white minority rule that would be on offer from the ANC, which was openly allied with the South African Communist Party. After the independence of Mozambique, Angola, and Rhodesia (Zimbabwe), South Africa became the last bastion of white racial domination in Southern Africa.

To many (but by no means all) in the Afrikaner community, questioning apartheid was akin to questioning essential beliefs as embodied in Dutch Reformed religion. Such questioning, to conservatives, held the possibility of leading to change and the forsaking of traditions and values which in turn prompted resistance against contact with other views, and therefore against mediation.   Likewise, among black communities constructive contact with the Afrikaner establishment was increasingly proscribed with the rise of black consciousness and the growth of mass black resistance within South Africa. By the late 1970s, escalating protests were met with increasingly violent and draconian measures from police and security forces. Boycotts of white business, labour actions, street protests, and various other forms of non-cooperation with the regime grew more widespread and strident into the 1980s, and the goals of protest more radical. A state of emergency was declared in 1985 and persisted for several years. Some 5,000 people were killed and another 50,000 people were detained in the late 1980s.

This led, in turn, to a deepening spiral of violence and countermeasures. Although international reactions were a mixed bag of vociferous objections and partial but still debilitating sanctions, the pressures on South Africa built steadily through the 1980s in response to escalating bloodshed and oppression. The government made efforts to placate international opinion by easing pass controls, overturning bans on interracial sex and marriage, desegregating many hotels, restaurants, and public transport.

However, these and other incremental measures generally were dismissed by the international community as insufficient. In sum, attitudes and behaviours, actions and reactions on both sides in and out of South Africa led to a marked erosion of the middle ground. Few organizations could situate themselves between the two extremes of Afrikaner and African nationalism.

Within South Africa a small number of NGOs sought to address the causes and effects of apartheid.[3] Most were formed by people who, by virtue of their race and social standing, could escape many of apartheid's oppressive controls over movement and association. In the frontline states of southern Africa, meanwhile, the South African government conceived a "Total Strategy" to deal militarily with what it perceived as a communist inspired and ideologically motivated "Total Onslaught" being mounted by allegedly Soviet-sponsored forces in Mozambique and other frontline states of southern Africa, with the ANC among the proxies that threatened the integrity of the South African state. Consistent with the pattern established within South African borders, the "Total Onslaught" incited greater and more orchestrated protest and punitive action against South Africa from abroad.

4. The Abe Bailey Institute for Inter-Racial Studies / Centre for Intergroup Studies

The Abe Bailey Trust, a philanthropic foundation commemorating one of South Africa's most important turn-of-the-century industrialists, made a grant available to the University of Cape Town (UCT) in the late 1960s to form an organization that could study race relations and, focusing locally, link Cape Town's three universities with the hope and expectation that this would promote better contact between groups. The Abe Bailey Institute for Inter-Racial Studies was launched on the campus of UCT in 1968, was re-named the Centre for Intergroup Studies in 1973, and again in 1993 as the Centre for Conflict Resolution. Race relations were considered by the founders of the Institute to be such a sensitive issue that it was decided to steer as academic and objective a course as possible, without avoiding the crucial issues. These boundaries were soon tested, however.

HW van der Merwe was chosen by the Trust to launch and direct the Institute, and recalls being given a blank slate to work with. His personality and outlook came to be thoroughly reflected in the work of the Centre, and he stayed at the helm of the CIS until semi-retirement in 1992. Van der Merwe came from conservative Afrikaner origins, had served as an elder and "loyal dissident" in the Dutch Reformed Church, worked for a time as a missionary, and had attended Stellenbosch University: he had sound personal contacts and credentials in the Afrikaner establishment. A PhD in sociology was earned in the United States. He would later become a Quaker "by convincement" in 1974, joining the Cape Town monthly meeting. There would be considerable overlap of his faith with his stewardship of the CIS, while his Afrikaner origins gave him unparalleled insights and access into the workings of the community from which apartheid had originated and which dominated the South African government for the length of his tenure.

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[3] These included the South African Institute of Race Relations, Black Sash, the Justice and Peace Commission, the End Conscription Campaign, Independent Mediation Service of South Africa, Koinonia Southern Africa, Project for the Study of Violence, and Quaker Peace Centre. The 6 latter organizations arose in the 1980s.

Van der Merwe had a recognized talent for engendering trust among protagonists of all stripes, not an easy task for an Afrikaner in the years of apartheid. He became known for his integrity, his lack of a personal agenda, a necessary willingness to eschew attention in his frequent role as mediator, and his readiness to engage any and all parties who wanted to make constructive use of his services. In some quarters (as diverse as the South African security police and the American Friends Service Committee), it was suggested that he was being used or manipulated by one party or another. His response: "I took the attitude that I was there to be used, because I am a mediator, and I hope you can use me too!" The practice of conflict resolution, in his view, was both an art and a science: "The art is personality. The science is training."

Certain liberties and advantages were expected to accrue, and ultimately did accrue, from the Institute's titular affiliation with UCT. Academic inquiry proved to be a *porte parole* into communities and into the thinking and attitudes of elites and other actors. Under the directorship of van der Merwe, the CIS formed early linkages across racial communities between academics and students at UCT, the Afrikaans Stellenbosch University, and the University of the Western Cape. One of many subsequent research workshops organized in 1971 by the Institute attracted the participation of, among others, Steve Biko, founding president of the South African Students' Organisation (SASO) and an architect of the black consciousness movement; Johan Fick of the Afrikaans Studentebond and Transvaal Jeugbond, later to become a well-placed member of the ruling National Party; and Neville Curtis, president of the Union of South African Students.

Despite the advantages of UCT as institutional home, in other ways it was advantageous for the Institute to be at arm's length from UCT. When the South African government intervened to prevent the appointment of black academic staff at UCT, the Centre was not subject to such outside interference and went out of its way to compensate for the government's actions by hiring black staff.

5.   Activities

The Centre's activities mushroomed beyond the university campuses over time, extending nationwide to encompass:

- **Mediation and facilitation** as a third party in community and political disputes, including facilitation of some of the first contacts between the ANC in exile and apartheid government supporters, press, and university representatives. The CIS also mediated in many local conflicts including clashes at Crossroads outside Cape Town, disputes between the United Democratic Front and Inkhata in Natal, and others.

- **Training** of potential third parties and of those involved directly in disputes, to build their negotiation and mediation skills.

- **Education** of the general public as to the potential of negotiation and mediation as constructive tools for conflict handling

- **Research,** focused primarily on ways of promoting communication between conflicting groups, and of reducing violence.

Facilitating Contacts

In apartheid South Africa, an environment evolved in which, on one hand, some objected to negotiations with the "terrorists" of the ANC, and on the other hand, others saw no reason to negotiate with an illegitimate government. The CIS and van der Merwe acted in mediation and facilitation roles between these two polar opposites.

Relationships that were cultivated over time – sometimes decades – were central in the Centre's achievements. Van der Merwe made first contact with the ANC when passing through London as a returning PhD student in 1963, visiting both the ANC office and the South African embassy. Contact and the cultivation of friendly relationships with both ANC members and with those of high rank in government were sustained and patient efforts that, as the situation in South Africa unfolded, yielded positive results only years and decades later. In April 1984, while in the U.S., van der Merwe met with ANC representatives from their mission to the U.N., and was invited to visit the ANC's headquarters in Lusaka — a notable exception to the rule at a time when visits by holders of South African passports were forbidden in many African countries. He made the trip in August 1984 in his capacity as Clerk of the South African Quakers' General Meeting, with financial backing and encouragement from British Quakers and their Quaker Peace and Service. Van der Merwe was introduced to the president of Zambia during the trip, and to Thabo Mbeki, then the ANC's Director of Communications and later to succeed Nelson Mandela as South Africa's president.

> "The meeting took the usual form of my meetings with ANC leaders in exile. For more than an hour they wanted to know from me as an Afrikaner with personal contact with Nationalist [party] leaders what was going on in the inner circles. I assured them that there was a change of heart and a genuine desire among many top leaders to come to a negotiated settlement with the ANC. Then Thabo [Mbeki] said, with a big frown reflecting his scepticism: "If all this is true you are telling us, they must be willing to talk to us." Without any hesitation I said: "Yes." Then Alfred [Nzo] said, "Will you help us talk to them?""[4]

As trust developed, subsequent meetings allowed van der Merwe to introduce senior ANC leaders to influential, non-governmental members of the Afrikaner establishment. However, in government circles at the time, so contentious was the idea of "meetings with terrorists" that far more could be done in private than was possible to accomplish publicly. One early meeting between the ANC and well-connected Afrikaner academics from Stellenbosch University was scrubbed because news of its planning reached South African president PW Botha, who then forbade it. But shortly after, van der Merwe arranged a meeting between the ANC and the deputy editor from *Beeld*, a progovernment Afrikaans daily.

> "…we visited them and President Kaunda in December 1984. Piet [Muller] and his editor had the courage to report favourably on his impressions of

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[4] Van der Merwe, HW, Emory International Law Review, Vol. 11, Number 1, Spring 1997, p. 18.

meeting with a number of top ANC leaders. In two subsequent articles… he argued that the ANC and the National Party had much in common. The editorial urged the government to talk to the ANC. These reports received world-wide publicity and it was seen as a breakthrough after the twenty-four years that the ANC had been banned."[5]

Although there were other false starts, such public airings of a previously taboo notion – meeting with and talking to the ANC — helped to de-mythologize the ANC and paved the way for further contacts which became more frequent in ensuing years. Another meeting between the South African press and the ANC, this time involving a reporter from a liberal paper known for its anti-apartheid stances, provided an opportunity for the ANC to voice its opposition to apartheid and its objections to decades of injustice but, in van der Merwe's view, the resulting article's emphasis on the injustices of the system and the commitment of the ANC to struggle "aggravated the conflict between the ANC and the government."[6]

Transparency was thus something of a balancing act. Too much media attention could scuttle planned meetings or put people in jeopardy. Too little openness, however, would serve only to maintain the distance and distrust between the ANC and the Nationalists. Van der Merwe avoided press coverage of his role as facilitator, but made a practice of respecting the need for confidentiality while circulating accounts of his visits to a select few individuals within the Nationalist power structure. Further, meetings between the press and the ANC could help either to prepare the way for negotiations, or hinder progress in that regard by focusing on injustice and serving to further isolate one party to the conflict.

Similarly, the dilemma facing members of the power structure needed to be respected: they could and did make concessions in private that they often could not make in public because they lacked – or thought they lacked — the constituency to do so.

> "On the basis of contacts at a high level, I came to believe that there was an underlying wish among leaders of all parties in South Africa that talks would somehow come about. A sad consequence of this top-level secrecy was that junior leaders were not aware of progressive tendencies in their ranks, nor were they authorized to express such views, or else they had not yet been converted. I was often encouraged privately by public leaders to say what they themselves did not dare say publicly.""[7]

Van der Merwe took the initiative to seek people out and cultivate friendships with them. In 1984, van der Merwe and his wife were concerned that Winnie Mandela was being harassed by the police after being banished to the Orange Free State. Under the conditions of her banishment, Mandela could not invite the van der Merwes into her home or talk to them both at once. However, a personal friendship began and led, later, to visits with Nelson Mandela at Pollsmoor Prison. Care was taken during these visits to ensure that Mandela was not placed in difficulty with either his ANC colleagues in Lusaka, or with his jailers. As trusted friends, the van der Merwes

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[5] Van der Merwe, HW, Emory International Law Review, Vol. 11, Number 1, Spring 1997, p. 19.

[6] Van der Merwe, HW, Emory International Law Review, Vol. 11, Number 1, Spring 1997, p. 20.

[7] Van der Merwe, HW, Peacemaking in South Africa: A Life in Conflict Resolution, Cape Town, Tafelburg, 2000, p. 207-208.

periodically came to the aid of Mandela family members, welcoming them into their Cape Town home, helping with university admissions, and other personal favours.

Engagement with Business

Labour relations workshops held by CIS in the mid-to-late 1970s involved two of South Africa's largest enterprises, Anglo-American and Shell SA, both of which were favoured targets for criticism from the anti-apartheid movement abroad. However, its engagement with corporate interests enabled CIS to introduce senior executives to the ideas of dispute resolution and the language of negotiation. Precedents were demonstrably set for resolving conflicts in ways that benefited both parties to labour disputes. Some years later, a senior executive of Anglo-American made facilities available at their Lusaka premises for van der Merwe's first meeting with the exiled ANC.

Meanwhile, boycott lobbyists among international anti-apartheid forces were becoming increasingly vocal in condemning what they saw as the complicity of South African big business in helping to sustain the structures and economic disparities of apartheid. It was in this climate that Shell SA eventually approached CIS to undertake a study of its employment practices. Wishing to avoid perceptions of partiality, CIS accepted only a token payment from Shell. Problems were found and were promptly remedied when brought to Shell's attention: according to van der Merwe, Shell did a good job of following up. "These were bright people, but they were accustomed to following a business ethic that said you don't criticize the government where you're working". However, this gradually gave way to a realization that business could not be independent of moral issues, and that business had, therefore, to be involved in politics. "Shell openly defied the government on race relations issues, such as family housing for migrant workers". Granted, it seems likely that enlightened self-interest rather than altruism was the engine of change here, but whatever its underpinnings there was growing awareness that failing to engage with — in all likelihood — the future leaders of South Africa, would not be in their business interests. There was a need, therefore, to side with justice: an imperative of business was that it could not be amoral.

From Mediation to Advocacy and Empowerment, Neutrality to Partisanship

The CIS was an adaptable organization. Although it had emerged as a third party and a neutral observer, a change of strategy for CIS arose from its efforts to address the tensions between black communities and police, which became dramatically worse with an acute outbreak of violence in 1976 in Soweto. A deep asymmetry of power was evident among the parties to the conflict, prompting van der Merwe and CIS to shift emphasis from mediation itself to advocacy and empowerment on behalf of the weaker parties.

> "A spontaneous shift in the Centre's role developed as it became more involved in the issues and responded to the needs of the local situation. The need to assist the black communities in their negotiations, in their pleas for protection against police as well as against hooligans, and in preparing evidence for the Cillie Commission [investigating the Soweto riots of 1976/77] inevitably drew the Centre team towards the protesting

party. The team's expertise was made available to them rather than to the authorities. This was a natural development in a society noted for racial inequality and lack of social justice."[8]

Disparities in economic and political power, social status, skills and experience were seen by CIS to stand in the way of achieving dispute settlement and justice. It encouraged the weaker party to resort to increased violence because of reduced options, and likewise encouraged the stronger party to resort to increased violence because of the lack of effective restraints on the use of force. This suggested the usefulness of efforts that empowered the weaker party. CIS's previous interventions had been neutral: promoting negotiation by mediating, and improving communication between parties. To the extent that CIS now advocated for a cause and empowered the weaker party, it had become a partisan intervener.

Levelling the Table: Technical Empowerment and Skills-building in Mediation

Connected with this shift to advocacy and political empowerment was a growing realization of the need to address disparities in the capacity of interlocutors to negotiate. Beginning in the late 1970s and continuing for the next decade, a gradual but conscious shift in CIS strategy placed more emphasis on ensuring that negotiation was a viable device that was procedurally and technically fair for all involved. The need to level the table was acute: continued engagement with white negotiators was difficult for non-white negotiators to justify to their watchful constituencies when there were few positive results emerging for them out of the process.

As a result of the different opportunities afforded to different races under apartheid, non-white interlocutors were sometimes hesitant to engage in negotiations with whites because they felt – and indeed often were – technically disadvantaged. CIS helped to level the technical playing field by providing assistance with writing, and making photocopiers and typewriters available for use in preparing presentations and documents.

Non-whites were often disadvantaged in an experiential way. Whites tended to be better negotiators because they had the training and experience in negotiation that accrued from their experience in business. Accordingly, CIS stepped in with workshops and training to build skills and experience in negotiation and mediation (more below).

Finally, non-whites sometimes lacked confidence or were intimidated by sitting at a table with white authorities and decision makers, perhaps for the first time. CIS found that it sometimes helped to bolster confidence among new negotiators by just being there, sitting beside the newcomers as a supporter and helper of the process with a corresponding interest in seeing that the parties to negotiations were equally well equipped. At times, the supportive (white) presence of CIS also served in a deterrent role, protecting the integrity of the process from the use of intimidation by police negotiators and thus steering things toward closer adherence to the issues.

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[8] Ibid., p. 96.

Training

A visit to the US in the late 1970s led to a chance meeting between van der Merwe and Richard A. Salem, a mediator in the Community Relations Service of the US Department of Justice. A seasoned intervener in racial and ethnic conflicts, Salem shared some of his experiences with van der Merwe. This led to Salem's first visit to South Africa and the beginning of a growing role for the CIS as a trainer in mediation and negotiation. Making a point of committing to a consistent involvement, Salem would return regularly under CIS and other auspices in subsequent years, providing training and workshops on negotiation and mediation skills to a cross section of political groups, police officials, union leaders, and others.

To promote mainstreaming of conflict management, handling, intervention and resolution in South Africa and to make these fields accessible to people from all over the country, the CIS established the Soweto-based Negotiating Skills Project in 1987 and 1988. Significantly, one hundred per cent of the funding for this initiative was forthcoming from Shell SA, and was given unobtrusively by Shell without expectation of recognition.[9] Rapidly increasing demand for mediation led the CIS to spearhead the establishment of a new national organization, the South African Association for Conflict Intervention. Toward the late 1980s as the demand for mediation and negotiation skills increased further, the CIS retained Ron Kraybill, another American trainer, as a full-time staff-member dedicated to skills development.

6.　　　Questions, Observations, Lessons Learned

The Challenges Facing Local Interveners

In the highly polarized environment of apartheid South Africa, staff members of the CIS were able to overcome racial barriers to being perceived as trustworthy interveners. As Adam Curle has noted, "…the position of someone working in his or her own country is immeasurably more complex [than that facing outsiders]. They are part of the situation they are attempting to alter. How can they balance the necessary impartiality with the equally necessary partisanship of change?"[10] Personal integrity, transparency with all parties, long term commitment, and personal relationships all were key factors, as was a readiness to engage with interlocutors of all political stripes.

The University as Useful Home to Peace Work

In an environment that ruled out or challenged most other avenues of contact between racial groups, the CIS found it possible to engender contact and learning between universities, university students, and academics across racial divides. Although academia provided tremendous opportunities for initiating peace work and providing springboards for activity beyond the confines of university campuses, there were important moral exigencies to be aware of. On one hand, van der Merwe's role as

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[9] According to van der Merwe, Shell SA at this time made a decision to invest senior black executives with the responsibility to follow through on support for the ongoing work of CIS. For van der Merwe, the experience with Shell SA demonstrated that "…positive, good things could happen when businessmen rocked the boat".
[10] Van der Merwe, Hendrik W., Pursuing Justice and Peace in South Africa, London / New York, Routledge, 1989, foreword by Adam Curle, p. xiv – xv.

"scholar-practitioner" raised ethical issues and political sensitivities emerging from his work as an intervener in conflict, work that could — and often did — have profound effect on people's lives and well-being. On the other hand, scholarly motivations *in themselves* were insufficient — and perhaps morally dubious — grounds for intervention. As van der Merwe points out:

> "Taking the initiative, the mediator runs the risk of being seen as an unwanted meddler. Westerners, including white South Africans… …are often seen as arrogant, interfering third parties. Many interventions are suspect because they appear to be motivated by the ulterior motives of the mediator who may be perceived as primarily interested in personal credit or honour. Many academics formulate theories that they try out on conflicting groups all over the world in an effort to gather material for articles and books."[11]

Tension and Complementarity Between Peace and Justice and its Bearing on the Engagement vs. Non-Engagement Decision

Van der Merwe's willingness to engage with members of the Nationalist party and the Afrikaner business establishment alienated him from a number of activists and organizations involved in the anti-apartheid movement abroad:

> "…a sad state of affairs that caused deep hurt to me and other mediators: we were accepted by the parties in conflict (in this particular case, the ANC) but not by activists in the anti-apartheid movement. For over two decades I consistently encountered intolerance, rejection, and opposition to my mediating role from leading members of the anti-apartheid movement in countries like Holland, England, and the United States."[12]

There can perhaps be a self-righteousness to would-be saviours. Where the "prophets" of the anti-apartheid movement — concerned primarily or solely with justice — accused the "priests" – the peacemakers — of sacrificing justice for the sake of peace, the priests accused the prophets of making peace a more distant prospect by placing an unconstructively heavy emphasis on justice. Van der Merwe has explored a number of factors that underlay this apparent estrangement between those working abroad for justice and the dismantling of apartheid, and those working toward similar, complementary or identical goals from within.

1. A negative preoccupation among activists with injustice. The anti-apartheid movement was concerned with fighting evil in South African society, as opposed to providing support to those aspects of South African society which were good and positive. In van der Merwe's view:

> "Anti-apartheid organizations abroad are characterized by attitudes of despair and cynicism and a judgemental approach. This results in a refusal to do or contribute anything positive or constructive; every action is aimed at destroying the present evil, fighting apartheid, opposing the oppressor and

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[11] Van der Merwe, HW, Emory International Law Review, Vol. 11, Number 1, Spring 1997, p. 14.
[12] Ibid., p. 26. Van der Merwe gives a detailed account of the stance on anti-apartheid activity taken by the American Friends Service Committee, in Peacemaking in South Africa, p. 184-193.

bringing down the government. The primary motivating force is not the search for justice in South Africa but the wish to retaliate, to punish the evil-doer, to take revenge. Conditional sanctions, strikes, boycotts, and other withholding actions are valuable and efficient strategies in the political struggle. But when a boycott becomes an end in itself, a principle and not a strategy, it no longer constitutes a constructive approach to the accommodation of conflict."[13]

An alternative and more positive approach to seeking improvement in a situation, one that was more conducive to mitigating rather than exacerbating conflict, in van der Merwe's opinion, was that of *conscientious affirmation*. Writing in 1989, van der Merwe illustrates conscientious affirmation as follows:

"Until recently we had several laws in South Africa which forbade intimate relations and intermarriage between whites and blacks, as well as visits of white people to African townships without permits. Expression of inter-racial fellowship in certain cases was, therefore, illegal. Within this context I made a plea for a positive response of conscientious affirmation on inter-racial fellowship. This did not necessarily require breaking any laws, but certainly many customs. It required affirmative demonstration of fellowship, love, tolerance, and commitment to peace and justice. Our consciences, rather than custom or law, should dictate the affirmation of our fellowship across racial lines. The motivation is positive: the promotion of fellowship. …Conscientious affirmation is concerned primarily with promoting what is right in society."[14]

2. The role of coercion. Van der Merwe holds that coercion, such as the sanctions applied to South Africa during the apartheid years, largely as a result of effective lobbying by the anti-apartheid movement, ought to have been engineered in order to have the *constructive* function of forcing the government to the table. Instead, they had the effect of forcing the government against a wall and into a position where it would be less inclined to cooperate on the dismantling of apartheid. Coercion without negotiation, even in the name of pursuing justice, became punitive and destructive. Prospects for peace were thus made less likely. While economic sanctions undoubtedly gave South African business pause to consider the economic wisdom of apartheid, a policy of "total isolation" no doubt also served to do just that: further isolate an already much-beleaguered and fearful Afrikaner nation.

3. The pace of change. The international anti-apartheid movement largely dismissed incremental change, implying a need for radical, fundamental change. Government measures to mitigate apartheid were criticized as "cosmetic". There may have been inadequate attention paid to fears within the Afrikaner community about the consequences of an abrupt transition to majority rule. According to van der Merwe, the effect of this all-or-nothing approach was to alienate the Nationalists and put them on the defensive. It also became a disincentive to cooperation. By discounting the perceptions, concerns and worries among Afrikaners about the consequences of a rapid or inadequately managed transition to majority rule, they would be less inclined

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[13] Van der Merwe, Hendrik W., Pursuing Justice and Peace in South Africa, London / New York, Routledge, 1989, p. 81.
[14] Ibid., p. 75.

to relax the grip that the state and its security apparatus had around the majority population.

Van der Merwe believed that it was possible to achieve radical change through incremental steps, and that the two could be reconciled. Research conducted among Afrikaner elites by CIS suggested that they felt it important to see risks being minimized by maintaining control over the process of change. Proponents of this argument noted that revolutions seldom achieved what they set out to achieve. In any case, the CIS proceeded in a workmanlike manner to press for and effect incremental change, even when the apartheid system as a whole showed no signs of imploding.

Appropriate Partnering

Richard Salem's experience dealing with racial conflicts in the US was highly relevant to the needs identified by the CIS in South Africa, and was successfully adapted to the South African context. Acceptance, local knowledge and an ability to be sensitive to local dynamics were built up over time, a function of long-term commitment lasting for several years.

Creative Partnering: Engagement with Business

The Centre engaged with big business in South Africa at a time when South African corporate interests were under fire at home and abroad for helping to sustain the machinery of apartheid. While the Centre's business "partners" clearly were acting out of enlightened self-interest in their dealings with the Centre, those interests intersected at useful points with the goals and strategies of the CIS. Entering into working relationships with big business did not entail a compromise on its values or independence for the Centre.

Adaptability and Responsiveness to Local Needs

The CIS recognized the need to shift away from a mediation role to empowerment and advocacy efforts on behalf of the weaker parties in conflict, to help level the playing field. This occurred at a time when negotiation processes were at risk of being discredited among the weaker party's constituency due to a lack of results (stemming from inadequate technical capacity and skills). The CIS was nimble enough to make a necessary change in a timely manner when change was needed.

Appendix I

Principles of Communication Between Adversaries in South Africa

Excerpted from

van der Merwe *et al*, "Principles of Communication Between Adversaries in South Africa", Chapter 11 in John Burton and Frank Dukes, eds., <u>Conflict: Readings in Management and Resolution</u>, London: Routledge, 1990.

Principles of Negotiation

1) Conflict is natural and endemic. It can serve useful social functions and can often be accommodated constructively, provided a rational and sensitive approach is adopted, it is anticipated in advance, and use is made of available insights and expertise.

2) Under present conditions, fundamental social and political conflict in South Africa can be accommodated or managed, but not resolved.

3) In a situation where gross injustices are built into the major social structures (such as in South Africa) conflict cannot be accommodated constructively and social justice and peace cannot be achieved without fundamental structural change.

4) Coercion and negotiation are complementary aspects of the process of communication between adversaries.

5) Violence is a destructive manifestation of conflict, but is part of the communication process between adversaries, and should be interpreted as such.

6) Gross asymmetry of power between contending groups hampers successful negotiations in the sense that the more powerful partner is more likely to benefit.

7) Where there is gross asymmetry of power between adversaries, a process of empowerment of the weaker party is essential.

8) Participation in legal structures can provide organizational and legal space for the consolidation of a power base that can serve to empower weaker participants.

9) The process of conflict resolution, accommodation or management needs to be institutionalized.

10) Institutions created for handling conflict must be legitimate.

11) Participants in negotiation structures and processes must be representative of their constituencies.

12) Fundamental principles need not be compromised by the weaker party through participation.

13) Coercion exerted on the adversary must be constructive and conditional.

14) The goals of peace and justice are complementary: you cannot have one without the other.

15) Incremental steps can be reconciled with radical goals.

Principles of Mediation

16) Where formal mediation is not acceptable, informal mediation or facilitation of communication may be acceptable.

17) Parties in conflict must be given the opportunity to change position without losing face.

18) Private mediation should be supported by public education.

19) The mediator must respect the popular base of elected leaders and acknowledge the tension between privately held views and public stands.

20) Emphasis in mediation in community conflicts on fundamental needs, rather than on values, wants or interests, promotes the chances of the resolution of conflict.

21) The mediator must be neutral / impartial.

22) The mediator must be sensitive to the positions and needs of the parties involved and of the situation.

23) The mediator must display concern for human suffering rather than cold detachment (concerned impartiality).

24) Mediators must have credibility with the major contending groups.

25) Mediators must have expertise in the field of conflict accommodation.

26) Mediators must suggest or propose possible solutions to the problem and provide incentives to the parties to work towards such solutions.

27) Mediators must be willing to take the blame for negotiations that break down and allow parties to take the credit for negotiations that succeed.

Principles of Legitimacy

28) Institutionalized (legal) laws should be legitimate – i.e., should reflect social reality.

29) Self-regulation is a necessary prerequisite for a living law.

30) The rule-creating capacity of autonomous collective organizations must be recognized.

31) It is necessary for negotiations to take place in a broad statutory framework.

32) Laws must be consistent with negotiated settlements.

Appendix II

Further Reading on Lessons Learned from South African Experience

Ball, Nicole, <u>Managing Conflict: Lessons from the South African Peace Committees</u>, USAID Evaluation Special Study Report No. 78, Centre for Development Information and Evaluation, USAID, November 1998.

Collin Marks, Susan, <u>Watching the Wind: Conflict Resolution During South Africa's Transition to Democracy</u>, Washington DC: United States Institute of Peace Press, 2000.

Odendaal, Andries, and Chris Spies, <u>Local Peace Committees in the Rural Areas of the Western Cape: Their Significance for South Africa's Transition to Democracy</u>, Occasional Paper of the Centre for Conflict Resolution, Cape Town, September 1996.

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Van der Merwe, Hendrik W., and Thomas J. Johnson, "Restitution in South Africa and the Accommodation of an Afrikaner Ethnic Minority," <u>International Journal of Peace Studies</u>, Volume 2, No. 2, 1997.

Van der Merwe, Hendrik W., <u>Peacemaking in South Africa: A Life in Conflict Resolution</u>, Cape Town, Tafelberg, 2000.