



# South Africa's National Peace Accord:

its structures and functions

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South Africa's transition to democracy in the 1990s was not as peaceful as is often characterized by the outside world. For much of the twentieth century, the anti-apartheid movements relied on non-violent activism to challenge the state based on white supremacy, institutionalized segregation and discrimination. This shifted in the 1960s, when some embarked on an armed struggle to force the government to abandon its policies, which was in turn met with violence by the state security structures. In the absence of resources and mechanisms to manage conflict at all levels of society, competition and mistrust within and between communities often flared into violence. When the official negotiations began in 1990, battles for power surfaced and political violence escalated dramatically – with a 307 percent rise in fatalities from 1985 to 1991.

To respond to this crisis, South African political parties negotiated the 1991 *National Peace Accord* (NPA) aimed at preventing violence. It created an unprecedented country-wide network of structures to implement the agreement by addressing the behaviour of political parties and the security forces, issues related to justice, and conflict management through participatory processes of localized mediation and monitoring coordinated at the regional and national level. Although aimed at ending the violence, its principles and structures provided an important safety net for national negotiations. Later, politicians knew that even when they walked out of the constitutional negotiations, they retained their common commitment as signatories to the NPA, which provided a mechanism for channels of communication to remain open.

## Finding an acceptable convenor

By 1990, many South Africans were deeply concerned by the violence and the risk it posed for derailing the prospect for constitutional negotiations. Despite the urgency, it was unclear who would be acceptable to initiate a process to address it. Most South Africans had no faith in President De Klerk's National Party (NP) government and it was widely suspected that the state security structures were complicit in the violence.

The churches made the first initiative. In November 1990, a national conference involving all but two Christian religious groups marked a historic moment towards reconciliation. The Dutch Reformed Church – seen by many as the 'National Party in prayer' – confessed its guilt and acknowledged its role in apartheid. Moved by this confession, delegates formulated the *Rustenburg Declaration* denouncing apartheid, calling for a democratic constitution and more equitable distribution of wealth. They urged the churches to condemn all forms of violence and decided to convene a peace

conference. But the March 1991 offer by the South African Council of Churches (SACC) to convene a peace conference met with a negative response from the Inkatha Freedom Party (IFP), which perceived the SACC as supporting the ANC and therefore an unacceptable convenor.

Around the same time as the church initiative, a group of progressive business leaders from a number of large corporations formed the Consultative Business Movement (CBM) to develop an informed response to the deteriorating situation. After a series of discreet meetings with key leaders, the CBM gained credibility as a potential facilitator in both the NPA and constitutional negotiations.

Under increasing pressure to respond to the political violence, in April 1991 President De Klerk announced a peace summit for late May involving political, church and community leaders. Although welcomed by the IFP, the ANC and others rejected it as a propaganda ploy. They argued that the government lacked credibility to convene such a process unilaterally. Alarmed, CBM and senior church leaders decided to use their combined influence and credibility to move the process forward. They called an emergency meeting, inviting leaders of other key business associations and the Congress of South African Trade Unions (COSATU). Through back-channel talks, they developed a formula with the key political leaders that allowed the government summit to be seen as a component of an ongoing and independently-convened peace conference involving all parties and organizations.

## Designing a process

Although the SACC, the ANC and a number of others stayed away from the May summit, the delegates were able to express their views on the causes of violence and introduce proposals to end it. The conference appointed Louw Alberts, co-chair of the Rustenburg Conference, to act as facilitator of a second peace conference. He was mandated to form a 'facilitating committee' capable of convening a more representative gathering. The ANC welcomed the summit outcome and proclaimed the peace process back on track.

Alberts consulted immediately with SACC General Secretary Frank Chikane and others in the *ad hoc* business/church group on the principles and process for establishing a representative facilitating committee. Chikane agreed to consult with the anti-apartheid movements, while Alberts consulted the government, businesses and the IFP. Within the week, agreement was reached on the membership of a 13-person committee drawn from the church and business community under a rotating chairperson.

The facilitation committee judged that the main political leaders should not conduct the negotiations directly because they would become mired in positional bargaining and find it difficult to make concessions needed for an agreement to address the violence. Instead, Alberts decided to involve junior representatives in a quiet forum designed to encourage consensus building. The facilitators would consult with the main parties and shuttle between them to determine acceptable proposals that could be the basis for a negotiated solution.

The committee initiated the process with a low-key preparatory meeting in late June. It attracted almost 120 appointed representatives from all the political groupings except three white right-wing parties. It was the first time that the NP, ANC, and IFP met to discuss the violence and was the first time that the Pan-Africanist Congress (PAC) agreed to participate in negotiations involving the government. After a tone-setting speech by Archbishop Desmond Tutu, the facilitators established ground rules. They then led the delegates through a non-evaluative 'brainstorming' process on the causes of violence and possible ways to address them. After grouping these factors into themes, the delegates decided to appoint a preparatory committee to consider the issues and to establish working groups to draft proposals. It was agreed that nine additional members, three each nominated by ANC, IFP and NP, would join the existing members of the non-partisan facilitating committee to form the preparatory committee. They would then consult with the other relevant parties and organizations, report on progress in August and work toward convening an inclusive forum leading to a binding agreement.

## Reaching agreement

The preparatory committee appointed five working groups mandated to develop consensus proposals on the key themes. Every group comprised three representatives each from the government, ANC and IFP groupings, plus one religious and one business representative from the committee. The CBM provided administrative support, with financing from the government. The groups were formed to address five topics: (1) code of conduct for political parties; (2) code of conduct for security forces; (3) socio-economic development; (4) implementation and monitoring; and (5) process, secretariat and media. After a series of deliberations, negotiations, reviewing draft agreements and receiving feedback, the committee decided to hold a high profile National Peace Convention on 14 September 1991. Finally, under considerable pressure and only hours before the Convention, the final drafts were compiled into a single text that would become the *National Peace Accord*.

The Convention was a tremendous occasion, bringing together the senior political leadership for the first time along with representatives from other political parties, leaders of the 'independent homeland' territories, traditional leaders, churches, trade unions, business groupings, the media and the diplomatic corps. The Accord was signed by 27 political, trade union and government leaders. It marked a breakthrough revealing that deep-seated differences would not prevent the various parties from working with each other to address common concerns.

Yet a number of significant stakeholders with more radical views did not agree to sign the NPA. The PAC and the Azanian People's Organization (AZAPO) declined to sign because they were unwilling to be part of any structure that included the government, yet they indicated their support for the spirit and objectives of the Accord. On the right, the Conservative Party (CP), the right-wing Afrikaner Resistance Movement (AWB) and Herstigte Nasionale Party did not attend or sign. Three of the homeland governments also refused to sign; Ciskei signed but later withdrew from implementation. But the majority committed themselves – at least on paper – to implementing the Accord.

## **NPA's aims, principles and objectives**

The NPA created the first institutionalized peacekeeping and peacemaking instrument for South Africa. Most believed that it was the political parties – some of them NPA signatories – that were the key instigators behind much of the political violence. The agreement mandated the signatories to monitor each other's compliance with specified codes of conduct. Political parties and organizations had to condemn violence publicly, prevent members from promoting or using any form of violence, cooperate with the authorities to prevent violence at political events and assist the police in investigating and apprehending violators. There were also detailed standards and operating procedures for the security forces, particularly the police.

The agreement was rooted in a number of basic values. It promoted democratic principles of good governance, mutual responsibility and accountability. It explicitly recognized the fundamental rights and freedoms of conscience and belief, speech and expression, association, movement, peaceful assembly and peaceful political activity. These commitments were especially significant given the history of authoritarianism and political intolerance.

Recognizing poverty as an underlying condition that combined with intense political rivalry to be a driving force behind some of the most extreme violence, the NPA provided for social and economic reconstruction and development intended particularly to benefit and

involve those communities affected by political violence. It also acknowledged the need for urgent rehabilitation and reconstruction in violence-affected areas and stressed the principle of involvement to defuse tensions within communities.

## **NPA implementation structures**

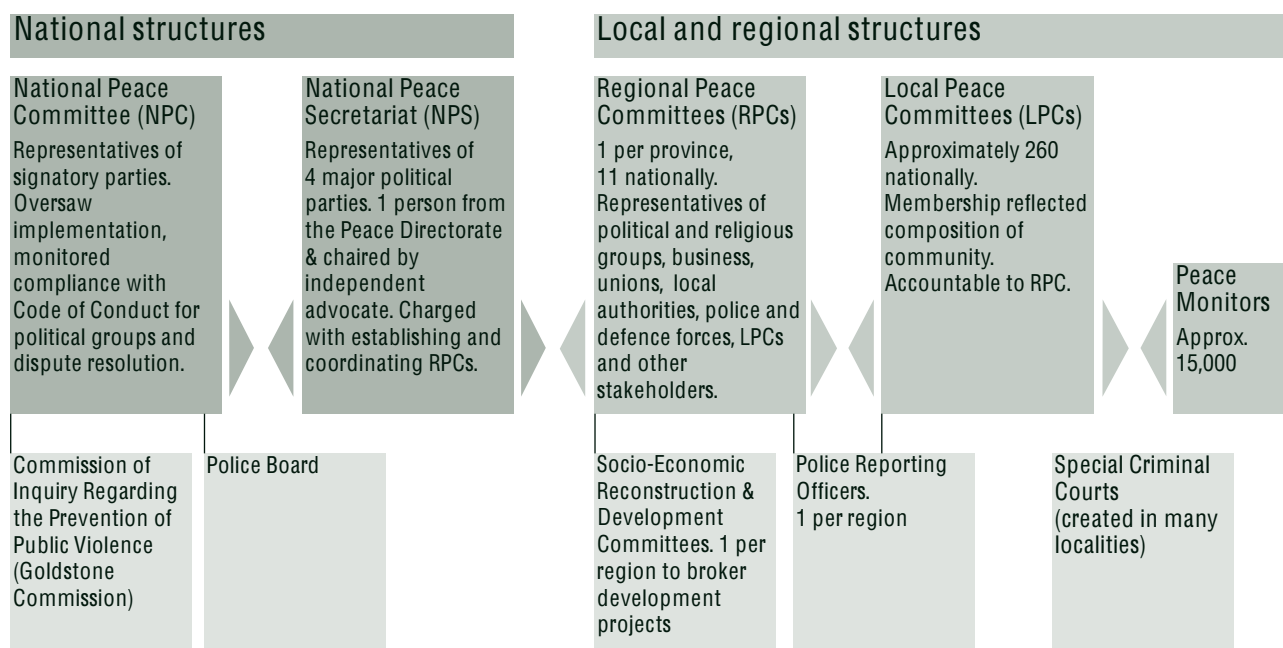
The agreement specified implementation mechanisms creating a structure based on national, regional and local committees to facilitate violence prevention and specialized committees to address key themes. These structures were financed mainly through the national budget, with additional support provided by the private sector and foreign aid agencies. By 1993, its annual budget was over USD \$12 million – a budget that did not reflect the significantly larger in-kind contributions made by volunteers and organizations donating their staff and support services. The budget was initially administered by the Department of Justice. In mid-1993, frustration with bureaucratic delays and a misperception that financial management indicated government control led to its transfer to the National Peace Secretariat.

### **National-level structures**

Several structures were created at the national level. The 60-person National Peace Committee (NPC) was composed of representatives from all the signatory parties and members of the preparatory committee, co-chaired by business leader John Hall and Bishop Stanley Mogoba. Its role was to oversee the implementation of the agreement as a whole and to resolve any political obstacles to its smooth functioning. It was also mandated to monitor compliance with the codes of conduct for political groups. The NPC was supported by an independent National Peace Secretariat (NPS), chaired by Advocate Anthonie Gildenhuys, which implemented its orders and was responsible for establishing and coordinating the regional committees. After considerable negotiations, representatives of five political parties and a representative of the legal profession, as well as a representative from the Department of Justice were selected to staff the seven-person NPS. Several positions were left open in the hope that the non-signatory parties would decide to join the agreement. The Department of Home Affairs' Directorate of Internal Peace Institutions provided the NPS's infrastructural support. Both the NPC and NPS operated by consensus.

Also established at the national level was an independent, five-person Commission of Inquiry (Goldstone Commission) to investigate the nature and causes of political violence and intimidation, identify those responsible and suggest remedies. It comprised respected senior members of the judiciary and legal profession under the leadership of Justice Richard Goldstone. They investigated specific past events as well

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as situations likely to trigger violence, such as demonstrations or the upcoming elections. A Police Board was established to make recommendations for more effective policing, improved police-community relations and police changes.

### Regional-level structures

Eleven Regional Peace Committees (RPCs) were established around the country, except in the four independent homeland territories that were not NPA signatories. Each RPC comprised representatives of political and religious organizations, unions, business and industry groups, local authorities, security forces and other relevant organizations. In some regions, the process of forming the RPC replicated the conflict dynamics of the country and called on all the NPS's mediation skills before they could be constituted. They were charged with preventing violence in their region by using a number of approaches, including mediation, monitoring, and facilitating preventive action. They reported to the national structures on the causes of violence, coordinated activities in the region and established networks of local committees. They made decisions by consensus. In particular, they established Socio-Economic Reconstruction and Development (SERD) committees to broker development projects aimed at preventing or reducing violence. Also at the regional level were Police Reporting Officers nominated by the Bar Association and appointed by the Minister of Law and Order. They were responsible for investigating allegations of police misconduct and supervising the police department's own Complaints Investigation Unit – which many suspected was incapable of impartial investigations.

### Local-level structures

In each region, a number of Local Peace Committees (LPCs) were established, eventually totalling more than 260 across the country. It was intended that membership in each LPC would reflect the composition of that community and involve representatives of key stakeholder groups. Their function was to promote trust and reconciliation at the grassroots, mediate conflicts, facilitate agreements on the operation of local public political events, promote compliance with the agreements reached and liaise with the local police and judiciary, and implement national and regional initiatives. They reported to their RPC. In many areas they became involved in coordinating the 15,000 trained peace monitors drawn from all sectors of society. The volunteer LPC members were trained in dispute resolution, meeting facilitation and negotiation skills and were compensated for out-of-pocket expenses. In some areas, the LPCs worked closely with the SERD committees to address economic development in their community. In a few regions, special Justices of the Peace capable of launching their own inquiries into the violence complemented the LPCs' work. Also at the local level were Special Criminal Courts established by the Department of Justice in cooperation with the local legal profession. They were intended to process unrest-related cases more swiftly and effectively than the existing courts and operated with special rules guiding evidence and procedures.





## Responding to political violence

The NPA agreement was a major breakthrough that helped to create the space for parties to engage in negotiations to decide the political future of South Africa. Although the aims of the NPA were probably appropriate to address the violence and many of its goals were achieved, resource limitations and political turmoil meant that they were unable to end the violence or resolve the diverse conflicts. Yet the participants deserve credit for working relentlessly for peace amidst growing cynicism over a continuing dirty war perpetuated by some of the same parties who were signatories to the NPA. The peace committees helped to open channels of communication; legitimize the concept of negotiations; create a safe space to raise issues that could not be addressed in other forums; strengthen accountability; equalise the power balance; and reduce the incidence of violence.<sup>1</sup> It is, of course, impossible to know what the consequences might have been in the absence of the NPA and its structures. Although statistics reflect an increase in the number of political fatalities for the period 1991-1993, it is widely agreed that the levels of violence were reduced in many areas from what they would have been without these structures.

At national level, NPA structures contributed towards encouraging and nurturing a culture of tolerance and non-violence. It created an expectation that the signatory groups would have to comply with the code of conduct. Although problematic in practice, it gave leverage to NPA staff and volunteers to encourage political leaders and the police to live up to their undertakings; many responded positively so as not to be seen in opposition to the accord.

The NPA helped to shift the institutional cultures and behaviour of both the South African Police (SAP) and the South African Defence Force (SADF), both of whom lacked public credibility. The SAP interacted with ordinary

citizens and international observers who cared deeply about human rights and the values underlying the NPA and were exposed to constructive problem solving processes. Further, many NPA staff and volunteers used the Police Reporting Officers to consistently report alleged offenders, holding the police accountable for their actions for the first time in decades. The process played an important role in stimulating the SAP to adopt a community policing approach.

At the local and regional levels, the committees successfully managed tensions between major political actors by facilitating forums for debate and decision-making. Tensions at the local level were addressed within the communities as far as possible. When local peace committees were unable to resolve conflicts, the RPC assisted them. They were often asked to help mediate specific conflicts and helped to broker local peace agreements on key issues of concern. They were also instrumental in crisis management and violence prevention. For example, after the revered militant leader Chris Hani was assassinated in April 1993 and mass demonstrations were planned throughout the country, the committees were instrumental in forming 'joint operations communications centres' with the ANC and police so as to mitigate the potential for violence. On this and other occasions, the deployment of peace monitors to witness public events and position themselves between the hostile forces was often effective in moderating behaviour and increasing accountability. International observers complemented the efforts of local monitors. Although unable to prevent all fatalities, in retrospect it seems likely that they helped to stabilize the situation at a very vulnerable moment in the peace process.

In addition to this direct work, the NPS sought to stimulate a pro-peace public constituency. They formed a subcommittee responsible for marketing and a media

department. They cooperated with South Africa's top advertising agencies in a peace promotion campaign, developing logos and peace messages and working with musicians to develop a popular peace song. They helped the media to highlight positive stories instead of the usual sensationalist horror stories.

## Assessing the shortcomings

Despite the many evident contributions made by the NPA, there were a number of shortcomings. Perhaps the central one was that the NPA structures dealt mostly with the symptoms of violence rather than its underlying causes. Its limited capacity to promote socio-economic reconstruction and development was notable. It was also unable to transform the violent conflict in the transport sector or to implement gun control measures and reduce the number of weapons, which may have enabled the post-1994 crime wave. Yet the processes it fostered opened space for South Africans to discuss these larger issues and to seek ways to address them.

The NPA was an agreement between the signatories but because it was not enforceable through the courts, the NPC could not use the legal system to sanction those who violated its code of conduct. Despite the need to make amendments to update the NPA, the National Peace Convention was never reconvened after the original event – in part because the political parties were busy positioning themselves for elections. In retrospect, some consider that the NPA was a success despite the political parties rather than because of them; yet without the principled support of these parties, the regional and local peace committees could not have operated.

There were also shortcomings in the administration and implementation of the NPA structures. One of the most significant was the disparity between regions and localities, with some RPCs more effective than in others. Throughout the country, there were far more LPCs in rural areas and an insufficient number in urban areas. The marketing arm tended to overlook the important medium of radio, which has the widest reach in the country. Instead they concentrated on expensive television campaigns and the print media, which reached a disproportionately wealthier and more educated audience. Furthermore, although the NPA advocated inclusiveness, it was clear that men dominated the peace structures at the management level and only one woman served on the NPS. When they were formed, almost all the RPC chairs were white men – despite the transparent election and appointment procedures. These tendencies were largely reversed at the level of staff and volunteers and most of the RPCs and LPCs reflected the demography of the communities they served.

From September 1994, soon after the elections, the new government started closing down the peace structures

without stating its reasons. This decision was possibly taken in the belief that the new Constitution provided democratic mechanisms at all levels that supplanted the need for the NPA structures. Furthermore, the NPS always saw its role as interim and short-term. Yet in many places the LPC's 'peace office' had become a valuable resource for local communities: they were places to discuss vital issues and where telephones, a fax machine and a rapid response vehicle were available to people who needed them most. After the closure of the NPA structures, these resources were no longer available. The KwaZulu Natal Provincial Legislature was the only provincial government that arranged for the continuation of a peace committee. Valuable data including the records of monitors, peace committee members, minutes and reports were lost because of a lack of coordination and a rigorous research programme. The huge investment in human resources through training programmes and exposure to unique peacekeeping activities was dispersed as retrenched staff dashed to find employment, leaving the closure of NPA operations in the hands of a few officials of the Department of Home Affairs' Peace Directorate.

In addition to all its more formal achievements and shortcomings, there was also something less tangible that occurred through the joint efforts of those involved in the NPA structures. The exposure of tens of thousands of people to conflict resolution methodologies made a difference in the way many chose to respond to conflict. The experience of working in a diverse team with competent and committed people was a life-changing experience for many and may have contributed to a deeper shift in South Africa's divided society. As Susan Collin Marks, a key figure in the Western Cape RPC, observed in *Watching the Wind*:

*"South Africans had never met one another before like this, face-to-face, and over time we learned to turn away from our habit of fearing one another and instead begin to face our common problems and jointly find solutions... As former adversaries found one another's humanity throughout the country, so the foundation began to be built for a place where we could one day all be human beings together."* (2000, page 16)

It would be fair to attribute much of the success of South Africa's peaceful elections to the ordinary women and men who came forward to make a difference.

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<sup>1</sup> For further information, see . Ball, Nicole and Chris Spies. Managing Conflict: Lessons from the South African Peace Committees. (Washington, D.C.: US Agency for International Development, Center for Development and Evaluation: 1998)