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# THE DOG THAT DIDN'T BARK: THE ABSENCE OF SIGNIFICANT INTERNATIONAL MEDIATION IN THE SOUTH AFRICAN TRANSITION TO DEMOCRACY

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# The dog that didn't bark: The absence of significant international mediation in the South African transition to democracy

Chris Saunders\*

*The struggle to overthrow apartheid came to an end in the early 1990s in a negotiated settlement that provided for a transition to majority rule, and the new era was ushered in by South Africa's first democratic election, held in April 1994, the outcome of which was widely accepted. The large literature on this 'miracle' transition, which few had expected to be successful since only a few years previously the conflict had appeared intractable, neglects the primary question that this paper addresses: why was there no significant international third-party mediation? The paper argues that, while the answer is not simple, the confidence-building among the main adversaries that took place before formal negotiations began was sufficient to make external mediation unnecessary, and both the main parties thought the likely outcome would be better for them without such mediation.*

## Introduction

*Detective: Is there any other point to which you would wish to draw my attention?*

*Holmes: To the curious incident of the dog in the night-time.*

*Detective: The dog did nothing in the night-time.*

*Holmes: That was the curious incident.<sup>1</sup>*

In almost every case of a major conflict in recent times international mediation has played a significant role in attempts at resolution. We have only to think of such relatively recent cases as, say, the mediation by Richard Holbrooke of the US in the negotiations that led to the signing of the Dayton Accords on Bosnia in 1995, or the mediation by former US Senator George Mitchell that helped produce the Good Friday agreement in Northern Ireland in 1998. Though the Israeli-Palestinian conflict remains unresolved, this is not for want of international mediation, by, inter alia, President Jimmy Carter at Camp David in 1978, the Government of Norway in the early 1990s and the present US Secretary of State, John Kerry, in 2013. There are, in addition, numerous examples of international mediation helping to resolve conflicts in Africa, some on a continental basis, some a regional one: for example, former South African President Thabo Mbeki has mediated in conflicts on behalf of both the AU, as in the ongoing disputes between Sudan and South Sudan, and SADC, in the internal conflicts in the Democratic Republic of the Congo in the early 2000s and then in Zimbabwe (e.g. Shillinger 2009). While significant international third-party mediation is most commonly conducted by the representatives of a state or group of states, such as the Western Contact Group (WCG) on Namibia in 1977/8, NGOs sometimes play a major role in settling a conflict, as the Community of Sant'Egidio, based in Rome, did in Mozambique in the early 1990s (e.g. Hume 1994).

My review of the literature on mediation has revealed no study of a case where a major conflict was resolved through negotiations without significant international mediation (e.g. Stenelo 1972; Mitchell & Webb 1988; Touval & Zartman 1985, 1989; Chan & Jabri 1993; Klotz 1995; Azar & Burton 1996; Kleiboer 1996; Crocker et al. 1999; Nathan 2004; Zartman & Faure 2005; Plantey 2007; Zartman & Touval 2007; Zartman 1989, 2000, 2008; Bercovitch 1989, 2004, 2009; Bercovitch & Jackson 2009; Sisk 2009; Bercovitch & Simpson 2010). This may suggest that the absence of such mediation is of no importance. I argue that this is not so.

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<sup>1</sup> From *Silver Blaze*, in *The Memoirs of Sherlock Holmes*, Arthur Conan Doyle, 1894.

In this paper I first ask whether there was indeed no international mediation in the South African case. I then explain the absence of significant external mediation, with reference to certain special features of the South African case. This country's conflict and transition were different from those of other countries in the region. The transition was characterized by confidence-building, a particular balance of forces, and a strong belief by the main parties, the African National Congress (ANC) and the ruling National Party (NP), that there should not be international mediation. I argue that these are the main reasons why the transition was achieved without significant external mediation.

## Was international mediation absent in the South African case?

Though the word 'mediation' is often used imprecisely, there is general agreement in the literature that it involves a third party, yet should not be so broadly defined as to cover every kind of third-party involvement in a conflict, such as giving advice to the parties or attempting to exert leverage. I follow those who define mediation as a way to manage or resolve a conflict in which 'a third party helps the disputants, with their consent, to reach mutually satisfactory agreements' (Nathan 2013, 2), though mediation may also be involved in implementing an agreement. Mediation may, then, take place in any or all of the three phases in the process leading to resolution of a conflict: the pre-negotiation phase, where the parties come to an agreement to sit down at the table and negotiate, the negotiation phase itself, and the implementation phase, where what was negotiated is put into action (e.g. Maundi et al. 2006, 1).

In the South African case, the first, preparatory, phase included years of 'talks about talks' that helped lay the ground for the 1990 commencement of formal negotiations. At least 141 meetings took place in the pre-negotiation phase between representatives of the ANC in exile and people from within South Africa.<sup>2</sup> The second phase, the formal negotiations, began with the bilateral meeting between the government and the ANC in May 1990 and continued in multilateral negotiations, at what was initially called the Convention for a Democratic South Africa (CODESA) and later known as the Multi-Party Negotiating Forum (MPNF) (e.g. Haysom 2002). In those negotiations the main parties were the ANC and the NP. In November 1993 a new constitution was agreed on, along with mechanisms for holding a democratic election, and efforts were then made to ensure that the election was as inclusive as possible. The third phase opened with the holding of that election in late April 1994; the election outcome was accepted by all parties, and the final constitution was drawn up in 1996. It can be said that by then the conflict was resolved, in the sense that the formal process of moving from apartheid to a democratic constitution had taken place, and the political violence of the transition period had died down. We can therefore talk of a 'successful' end to the process, even if the final constitution still had to be put into effect, and the country's many and massive socio-economic problems remained to be addressed.

Is it indeed the case that there was no significant international mediation in any of these three phases of the South African transition? Throughout the process we saw intense international interest and involvement of various kinds, including many attempts to influence the transition,<sup>3</sup> but very few examples of formal third-party mediation.

In the first phase, leading up to the formal negotiations, various external players tried to bring the parties together. President Kenneth Kaunda of Zambia held two secret meetings with South African President PW Botha before hosting, in September 1985, a meeting in Zambia between ANC officials and executives of the South African-based Anglo-American Corporation (Chan 1992; Waldmeir 1997, 73, 75).

<sup>2</sup> A chronology of meetings between people from South Africa and the ANC in exile, from 1983 to 1990, is available from Michael Savage, retired sociologist, University of Cape Town (savage@telkomsa.net).

<sup>3</sup> The attempts at influence ranged from offering advice and providing information to exerting pressure. The best discussion is Landsberg (2004, especially Chapter 8); see also Landsberg (2010).

That meeting was followed by numerous others between various groups of South Africans from within the country and members of the exiled ANC. As the conflict in South Africa worsened and violence escalated in the mid-1980s, some of those outside South Africa attempted to bring the two sides together and create a climate for negotiations. Michael Young of the London-based head office of Consolidated Goldfields arranged talks that took place in England in 1988/89 (Harvey 2003; Esterhuysen 2012); the government of Switzerland funded attempts by the Cape Town-based lawyer Richard Rosenthal to create a dialogue (Rosenthal 1998, *passim*); and the France Libertés Foundation of Danielle Mitterrand, wife of the French President, helped finance a meeting between ANC officials and Afrikaners in Dakar in 1987 and in Paris in 1989 (e.g. Shaw 2007, 103).

Such initiatives in bringing the two main conflict parties together helped build trust between them, and there were other attempts by outsiders in the late 1980s to create the conditions for negotiations. Examples of these were the training workshops held by Roger Fisher, director of the Harvard Negotiation Project and co-author of the famous *Getting to Yes: Negotiating Without Giving In* (Fisher & Ury 1981), with politicians who were expected to play a role in future negotiations. Fisher sought to show how an end to apartheid could be negotiated by an approach that recognized that the conflict was not a zero-sum game and that by exploring underlying interests both main parties could emerge with gains.<sup>4</sup>

The single most important case of an international effort at mediation in the 1980s was that of the Commonwealth Eminent Persons Group (EPG), which visited South Africa in 1985/6. Margaret Thatcher was resisting the imposition of Commonwealth sanctions on South Africa and, as a way to continue to do that, supported the idea of an EPG. Given Thatcher's position, the South African government reluctantly allowed the group to enter the country. Led by Olusegun Obasanjo of Nigeria and Malcolm Fraser of Australia, the EPG engaged with both the government and the imprisoned Nelson Mandela, among others. But when the EPG proposed a 'possible negotiating concept', outlining how the country could move to formal negotiations (CEPG 1986, especially 103–4), Botha allowed the South African Defence Force to attack the capitals of Commonwealth countries in the region, Lusaka, Harare and Gaborone, in May 1986, which aborted the EPG's mission (e.g. Sparks 1994, 34–5). Botha was not ready to enter into negotiations with the ANC and was strongly opposed to any outside interference in South African affairs. Some of the ideas the EPG had set out were taken up by Botha's successor, President FW de Klerk, in 1990, under pressure that in part came from the international community, especially the UK (Renwick 1997), but without any strong pressure for international mediation (cf. Giliomee 2012).

In the crucial second phase, that of the formal negotiations at CODESA and the MPNF, there was no third-party mediation: international representatives were present at the negotiations only as observers. On occasion their presence helped keep the process on track, and Princeton Lyman, the US ambassador to South Africa in the early 1990s, has stressed the importance of the advice given by outsiders in influencing the outcome (Lyman 2002). Yet while such international advice may indeed have made what some scholars believe was a 'significant but minor contribution' to resolving the conflict (Thomson 2012, 371; cf. also Bouckaert 2000, 245–59), it did not constitute formal external mediation in the negotiations (as suggested incorrectly by Kotzé 1995).

When the negotiations broke down in mid-1992 the UN became involved, with the consent of the main parties, but not to mediate between them. UN Security Council Resolution 772 of 17 August 1992 authorized the Secretary-General to deploy personnel urgently in a mission to South Africa (known as UNOMSA – United Nations Observer Mission in South Africa) to strengthen the National Peace Accord that had been signed by all the main parties in 1991 (Ndulo 1995; Anglin 1995; Landsberg 2004). Though UNOMSA remained small – only 100 personnel were deployed by December 1993 – it, together with other small observer missions from the Commonwealth and the OAU, may well have prevented greater

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<sup>4</sup> See Fisher & Ury (1981); CMI Concord Group (2005); The Economist (2012).

violence and so helped the negotiations to resume by, among other things, intervening in local conflicts. In December 1992, for example, UNOMSA helped negotiate a peace accord between rival ANC and Inkatha Freedom Party (IFP) followers in the Port Shepstone area of Natal (Geldenhuys 1993, 151; Yorke, 1998). But UNOMSA was not involved in any mediation directly related to the MPNF negotiations. The only example of international mediation in the early 1990s occurred in April 1994, immediately before the first democratic election. After agreement had been reached at the MPNF on a new interim constitution, the ANC and IFP engaged in discussions about the use of international mediation to deal with issues the IFP said prevented it from approving the interim constitution and participating in the election. The IFP sought significant autonomy for the province of KwaZulu and higher status for the Zulu monarchy.

The ANC and IFP decided, 'in a haphazard manner' (De Klerk 1999, 324), to invite two eminent figures who had both been involved in previous international mediations in southern Africa, Henry Kissinger of the US and Lord Peter Carrington of the UK, to head a seven-member team of international heavyweights to mediate in the matter (personal communication, Paul Kevenhörster, Institute of Political Science, University of Muenster, October 2013).<sup>5</sup> This attempt at international mediation was a signal failure because its terms of reference had not been agreed to in advance of the arrival of the mediators, who found that while IFP leader Mangosutho Buthelezi wanted the 27 April election date to be postponed, the ANC and the NP were adamant that it could not be (Sparks 1994, 224). The mediation attempt collapsed and Kissinger and Carrington left the country after only two days, 'without ever having been put in a position where they could even begin with a meaningful mediation process' (De Klerk 1999, 325).

It was then left to an individual to play a key role: Washington Okumu, a friend of Buthelezi and the only African member of the mediation team, was able to persuade the IFP leader to participate in the election, even though the date had not been changed, on the basis of an agreement between the IFP and the ANC that 'any outstanding issues', including the status of the province of KwaZulu-Natal and the Zulu monarchy, would be settled by international mediation 'as soon as possible' after the April election (Sisk 1995, 296; Strand 2000, 202). In the event no international mediation materialized. The IFP accepted the election result, but continued to press for such mediation during the Constitutional Assembly phase of the transition process (1994/96). The ANC, however, having rejected the idea of mediation during the negotiation phase, continued to oppose it as unnecessary, and none took place.<sup>6</sup>

While it is therefore not correct to say that there was no international mediation at all in the South African transition, there was none in the formal negotiations and the relative absence of significant international mediation in the whole process leading to the resolution of the conflict is striking and needs to be explained. I now attempt such an explanation under four main heads: the atypical nature of the South African conflict, the creation of trust and the balance of forces, the absence of an obvious mediator, and the rejection by the two main parties of the idea of having a mediator.

## Explaining the absence of significant international mediation

### Differences between the South African conflict and neighbouring conflicts

International mediation might have been expected in South Africa because there had been prior cases of such mediation elsewhere in southern Africa in resolving conflicts not altogether dissimilar from, or unrelated to, the South African conflict. In a sense, that conflict was a continuation of the process of decolonization that led to the independence of Zimbabwe in 1980 and Namibia in 1990. The ANC's

<sup>5</sup> The other mediators were Leon Higginbotham, a retired judge from Philadelphia, Judge HK Bhagwati from India, Judge Antonio La Pergola from Italy, Jean-Antoine Laponce from Canada and Washington Okumu from Kenya.

<sup>6</sup> For details of the IFP's motivation for mediation, and the ANC's opposition to it, see especially Kotzé (1995).

liberation struggle can be seen as part of a broad movement to bring about majority rule in all the countries of the region. But the South African case was also different from the others in the region, and the experience of what had happened elsewhere did not encourage the use of external mediation here.

At the negotiations held at Lancaster House in London in 1979, which paved the way for the independence of Zimbabwe, the mediator, British Foreign Secretary Lord Carrington, had acted with a very heavy hand in shaping the settlement, and the final agreements were not considered fair and just by the Zimbabwe African National Union (ZANU), the liberation movement under Robert Mugabe that came to power in 1980 (Davidow 1984; Stedman 1991; Zartman & Faure 2005, 265).

In the case of Namibian independence, there had been two instances of significant international mediation. In 1977 and 1978 the WCG had negotiated separately with the South African government and the South West Africa People's Organization (SWAPO); neither had been particularly keen on the mediation, but both came under sufficient pressure to agree to it. The outcome of the WCG mediation was a road map that both parties were persuaded to accept (Spiegel 1985; Karns 1987; Jabri 1988, 1990; Brown 1990; Vergau 2010). In the second major round of negotiations, held in 1988, US Assistant Secretary of State for African Affairs Chester Crocker was the main mediator. He brokered an agreement between South Africa, Angola and Cuba that provided for the withdrawal of the Cuban military forces from Angola in parallel with a process leading to the independence of Namibia (Berridge 1989; Crocker 1992; Gleijeses 2013). The South African government officials involved in the 1988 negotiations saw Crocker, who himself characterized the behaviour of the South African officials as 'adolescent', as arrogant and self-serving (Papenfus 2010, e.g. 369–70). The Namibian negotiations of 1988 'intensified NP leaders' desire to exclude intermediaries from prospective negotiations in South Africa' (Lieberfeld 1999a, 36), because, in the words of a leading South African official, 'negotiating with the Americans and the Russians watching from the high seats ... was quite a humiliating experience ... Those who were negotiating on behalf of South West Africa/Namibia were not South West Africans/Namibians themselves' (ibid.). While the ANC was not involved in the Namibian negotiations, one decision that came out of those negotiations was that the ANC had to move its military bases from Angola. And though there was no possibility of the ANC being excluded from the South African negotiations, as SWAPO was from the Namibian negotiations in 1988, it is probably true that the Namibian negotiations 'reinforced ANC leaders' aversion to internationally sponsored negotiations over South Africa', for fear that 'third parties would pressure it to accept an inadequate settlement' (ibid.).

While the agreement over Namibian independence helped make the South African transition possible (e.g. Saunders 2011), negotiations between three sovereign countries were clearly very different from those between parties in an intra-state conflict. In Namibia the occupying power (South Africa) withdrew, like the Cuban military forces from Angola, whereas in South Africa the issue was the ending of apartheid and a transition to democracy. Another difference between the South African and Namibian cases was that Namibia had been a mandated territory under the League of Nations, so the UN as successor assumed responsibility for it. The South African government eventually accepted, after its plans to incorporate some or all of the territory into South Africa fell away, that Namibia had international status. And the new Namibian constitution was drawn up in late 1989/early 1990 by a Constituent Assembly of those elected in the country's first democratic election, without any external mediation.

The South African conflict, in contrast to the Namibian one, essentially concerned a transfer of political power within the country itself. Though the South African conflict was internationalized – with apartheid being declared a crime against humanity by the UN General Assembly, and numerous calls being made for the international community to impose mandatory economic sanctions – it was nevertheless fundamentally a conflict that involved South Africans themselves, without any link to an external player, as, say, in the case of Northern Ireland (cf. Lieberfeld 1999b, 79). In resolving the South African conflict there seemed no reason to draw on what had happened elsewhere in the region. But that in itself does

not, of course, explain the absence of significant international mediation in the resolution of this conflict, so we need to look for other reasons.

### Creation of trust and balance of forces

A major reason why there was no external mediation in the South African negotiations is that sufficient trust had developed between the two main players, the ANC and the NP, thanks to the process of confidence-building that took place in the late 1980s. As mentioned earlier, there were numerous encounters in England, Zambia, Senegal and elsewhere, some secret, others not, between white South Africans and members of the ANC in exile. Because of apartheid, the two main parties had previously had very little contact with each other. When they did meet, most found that, on a personal level, they had a lot in common, including a sense of being South African and a confidence that they could negotiate a settlement on their own, without outside interference. Afrikaners and Africans found they shared a resentment of imperialism and a belief that Western countries had imperialist designs on South Africa and continued to adopt a paternal and arrogant attitude towards the country. Patti Waldmeir has written of what she calls 'mysterious bonds between Afrikaners and Africans' that developed very rapidly, and of how Mbeki in particular 'pulled off a monumental feat of seduction ... the liberation of the white tribe of Africa from the irrational fears of centuries' (Waldmeir 1997, 64, also 160–1; for Mbeki's own account see SADET 2013, 690–1). By 1990 the governing NP and the ANC, then returning to the country from decades of exile, had sufficient confidence in each other's good faith to obviate the need for a third party mediator, despite the long and bitter antagonism that had existed and the new bitterness caused by the escalation of political violence from 1990.

We must also remember the overall political context: the late 1980s saw the winding down and then the ending of the Cold War, so ideological feuds had become less intense (Saunders 2011). The Soviet Union began to withdraw its military and material support for the ANC even before the collapse of the communist regimes in Eastern Europe in 1989. Though South Africa was no longer important in Cold War terms, international concern to resolve the country's conflict did not lessen. If anything, pressure on the regime intensified, in part because the UK and US saw a resolution of the South African conflict as a way of stabilizing much of sub-Saharan Africa (personal communication, Niel Barnard, former head of the National Intelligence Service, Cape Town, November 2013). At the same time, what happened in Eastern Europe in 1989 persuaded FW de Klerk that the moment was right to open the door to a negotiated settlement (De Klerk 1999, ch. 15). He did this when there was a stalemate in the conflict, with neither side able to end it unilaterally, and because he thought he could seize the moment and remain in control of the process of change he had set in motion. The situation, then, became 'ripe for resolution' through negotiations (Zartman 1989). We will explore below why the NP believed, in the early stages of the negotiations, that it could retain sufficient power in the new order, and why the ANC was confident it had majority support and would come to power if there was a free and fair election. The key point is that the balance of forces was such that both main parties thought they could emerge from the negotiations with basically what they wanted, without international mediation.

### The absence of an obvious international mediator

The government and the ANC had very different allies abroad. There was no obvious international third party either sufficiently 'neutral' or impartial to be acceptable to both, or with such power that it could impose itself as a mediator.<sup>7</sup> Of the so-called neutral countries in Europe, Sweden had given massive financial support to the ANC, while Switzerland's proclaimed 'neutrality' was seen by the ANC and others as a disguise for its de facto support of the South African government, which was helped out of its economic difficulties by a Swiss bank official who from 1986 helped mediate between South Africa and foreign banks holding South African debt (Kreis 2007). In 1989 the idea was mooted of a joint

<sup>7</sup> The US had such power in the Israeli-Palestine case, where it was far from impartial. See Falk (2013).

UK/Soviet Union initiative on South Africa, which might have involved mediation (Rosenthal Papers;<sup>8</sup> personal communication, Robin Renwick, former British High Commissioner in South Africa, Cape Town, January 2014 ). The South African government saw Margaret Thatcher, who had held out against the imposition of sanctions on the apartheid regime, as one of its main allies, and she had seen Mikhail Gorbachev of the Soviet Union as someone she could work with. The ANC was closely aligned to the Soviet Union, which had supplied the resources for it to conduct its armed struggle. But the idea of a joint UK/Soviet initiative was never taken up by the main parties to the conflict because both made it clear they did not want any such external involvement or mediation (for reasons explored further below).

The only South African party that did call for external mediation in the negotiations was the Pan-Africanist Congress (PAC). By 1990 the PAC was a relatively insignificant player, having been consumed by internecine strife in the years of exile (Kondlo 2009). It had remained firmly opposed to any negotiations with the apartheid government until, at a consultative conference in Harare in March 1990, it agreed to 'conditional acceptance' of negotiations. It then suggested Addis Ababa as a 'neutral' venue and the OAU as the mediator (*Front File* 1990; cf. Wolfers 1985). It also called on the OAU to facilitate the creation of a united front between the PAC and the ANC (O'Malley n.d.). But neither of the main players in the resolution of the South African conflict gave any serious thought to the idea that the OAU might be an external mediator. For the government, the OAU was associated with the funding that its Liberation Committee had provided for the liberation struggle. The OAU's ad hoc committee on southern Africa was involved in the Harare Declaration drawn up by the ANC in August 1989, setting out the conditions for negotiation, and the ANC leadership was prepared to continue to report to this committee (e.g. Mandela 1990), but the ANC was aware of the limitations of the OAU and was automatically opposed to anything proposed by the rival PAC. In 1990 the ANC leadership, anxious to return to South Africa now this had at last become possible, claimed that the PAC wanted a 'neutral venue' outside South Africa because it was so uncertain of the extent of its support within the country (ANC n.d.).

There was, then, no 'unavoidable' mediator (Maundi et al. 2006, 187) in the South African case; unlike, say, that of Namibia, where the parties involved could not avoid having the WCG as mediator, given the role the Western powers played in the UN Security Council and in the region. President George Bush and US Secretary of State James Baker told some leading South Africans visiting Washington in 1992, 'you've got to have a mediator, we really want to help', and Bush is then said to have telephoned Mandela on the issue (Thomson 2012, 380), but both Mandela and De Klerk rejected the idea. The ANC in exile was strongly anti-imperialist and after being unbanned believed that any Western mediator would be biased against it. On the other hand, the NP, which had become a diplomatic pariah in the years of apartheid, had long resented any external advice on how to settle the South African conflict. It thought it could gain the upper hand in the negotiations, especially if there was no external mediation.

We now turn to the most important reason why there was no significant international mediation in the South African case.

### Rejection of international mediation by the two main players

Throughout the South African transition the ruling NP and ANC were the main protagonists, even if both recognized that they could not exclude others and make a deal on their own. The Harare Declaration drawn up by the ANC in August 1989, setting out the conditions for negotiation, made no mention of any international mediation and instead stated that 'discussions should take place between the liberation movement and the South African regime to achieve the suspension of hostilities on both sides by agreeing to a mutually binding ceasefire. Negotiations should then proceed to establish the basis for the adoption of a new Constitution' (ANC 1989, para 21). The ANC continued to stress that it was 'absolutely committed

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<sup>8</sup> These papers are in the private possession of Richard Rosenthal, Cape Town.



to a South African negotiations process, free of outside interference' (ANC n.d.; also Maloka 2013, 142). Mandela told the OAU ad hoc committee on southern Africa soon after his release that 'the democratic forces inside South Africa have both the will and the capacity to ensure that the regime subjects itself to genuine democracy' (Mandela 1990).

The NP had long opposed any external intervention in South Africa's affairs. There was no question of its now accepting external mediation, especially by the OAU. Niel Barnard, the head of the National Intelligence Service (NIS), who was the key official in contacts with the ANC in the late 1980s, made clear his opposition to any external mediation. At his second meeting with Mandela in Pollsmoor Prison in 1988 he told him: 'there are a lot of people who want to teach us how to negotiate and to get involved – the British, the Americans, the French and the Organisation of African Unity. They all want a finger in the pie, to be in a good position when you take over power. Can we please do it ourselves – negotiate with each other instead of through foreigners?' Barnard added: 'Mr Mandela was very receptive to this thinking' (SADET 2013, 78–9; for a variant see Du Preez 2010, 328). The South African government had accepted American mediation in the Namibian negotiations in 1988 as inevitable but, as noted above, had not welcomed it. In those negotiations, Barnard told an interviewer that 'Russia and America determined the rules – they were pulling our strings' (SADET 2013, 78). In the South African case the NIS thought it could control the process if it engaged the ANC directly without external mediation. When two members of the NIS met two ANC leaders, Mbeki and Jacob Zuma, in Lausanne in September 1989 it was without any external assistance, even if the Swiss authorities knew that the meeting was taking place (cf. Spaarwater 2012, 182).

White South Africans, especially those of Afrikaner background, had long rejected external 'meddling' in South African affairs. In 1989 Barnard told a would-be private mediator, working with the Swiss government, that the issue of bringing the government and the ANC together was 'of such a delicate and complex nature' that the government would 'certainly not pursue it through third parties, least of all with the connivance of a foreign power', and the following month he added that 'the involvement of mediators, and even a foreign power, in any event predetermines a clash of interests and procedures' (Rosenthal Papers). Interviewed more recently, Barnard quipped:

Negotiations are like making love – you have to do it yourself. Britain and the US could not negotiate on our behalf, not even tell us what to do and which way to go. When people ask me the reasons for our so-called miracle, our negotiated settlement, I tell them that one of the primary reasons was that we did it ourselves – South African looked South African in the eye and made a deal. (SADET 2013, 78)

That neither the government nor the ANC gave any serious thought to allowing external mediation was in part because they both believed they could achieve what they wanted without such mediation. The ANC's goal was majority rule, while the NP sought protection for minorities and an arrangement that would enable substantial white privilege to remain intact. Both parties thought that even a 'neutral' external mediator might interfere in the process and seek to influence the outcome.

De Klerk wrote to President Bush: 'It cannot be expected that South Africans should surrender responsibility for determining their own future' (Lyman 2002, 62), and he later reflected that 'one of the strengths of the South African transition to non-racial constitutional democracy is precisely the fact that ours was a "home grown" solution. We did not seek – or require – international mediation of any kind' (Thomson 2012, 380). De Klerk knew he had the security forces behind him, and probably expected the ANC to split; as the formal negotiations began he was confident that he could control the process and emerge from it with sufficient guarantees of protection for the white minority. For its part, the ANC knew that it enjoyed mass support in the country and could use that support to win what it wanted in the negotiations, if necessary through what it called, in mid-1992, 'rolling mass action' or by getting the international

community to exert strong pressure on the government (Maloka 2013, 142, quoting Chris Hani, leader of the South African Communist Party). Like the NP leadership, however, the ANC did not want to see the country collapse into chaos, and the fear of that was sufficient incentive for it to agree, in the end, to make the necessary compromises. Both parties believed that having an external mediator would entail interference in what should be a domestic process, one that could not be fully understood by outsiders and which involved at least a measure of reconciliation between the various groups in South Africa, who should be left to themselves to negotiate their own future dispensation.

That there was no significant international mediation, then, was not primarily because there was no agreement on who such a mediator should be, the conditions under which such a mediator would work, or where the mediation should take place. The lack of such mediation was principally for two other reasons. Firstly, a 'home-grown' process would appear more legitimate, as representing the views of South Africans rather than outsiders. Both the government and the ANC thought they should jointly 'own' the process, and not outsource it in any way (personal communication, Aziz Pahad, former ANC negotiator, November 2013). While international mediation could have led to assistance in ensuring implementation, it could also, it was realized, have worked against binding the other party to abide by what was agreed, since 'it is easier to walk away from an agreement or a process if it is owned or managed by an international agency or a foreign power' (Haysom 2002, 39). And secondly, there was no international mediation in this case because the two main parties, both wishing to exert as much control over the process as possible, did not want it. They thought they could achieve at least as much, if not more, without a mediator than with one. Neither wished to lose control of the process to an outsider because that outsider might seek to influence the process, or even attempt to impose aspects of a settlement.

Numerous internal parties helped to resolve conflicts between the main protagonists but did not take on mediation, and during the formal negotiations the negotiators themselves sometimes took on mediatory roles (cf. Anstey 1992; Sisk 1995, 106; and especially Odendaal 2013, in particular 2–5). In 1992 especially, Cyril Ramaphosa of the ANC and Roelf Meyer of the NP formed a 'channel' that helped bring the parties back to the negotiation forum (e.g. Strand 2000, 252), but there were other trusted groups of people who interacted when difficulties arose (personal communication, Niel Barnard, November 2013; personal communication, Aziz Pahad, November 2013). The emergence of these forms of internal mediation was a further reason why there was no external mediation. When the process seemed to be heading towards breakdown in mid-1992, the UN was called upon to assist, but that was to create the conditions for the resumption of negotiations, not for mediation in the negotiations themselves.

## Conclusion

What implications flow from this case? It shows that international mediation is not always necessary for there to be a successful negotiated settlement in an intra-state conflict. The idea that such mediation is always better than its absence is clearly incorrect. There are no general rules for resolving conflict. We cannot know for certain whether international mediation might have produced a more satisfactory result, and sooner, but it seems highly unlikely that it would have done. Here was a case in which the context and nature of the conflict were not conducive to international mediation. That there had been international mediation in Zimbabwe and Namibia did not mean that the same had to happen in the South African case, which was not one of decolonization by a foreign power. Those other cases, in which there had been external mediation, helped persuade the South African players to avoid it in resolving their own conflict. And in the South African case there was no obvious mediator, as there had been in those other cases.

While all negotiated settlements require at least some confidence-building in the pre-negotiation phase, in the South African case there was considerable building of trust between the two main parties before the formal negotiations began. This was only to a limited extent facilitated by external players, who helped provide venues for meetings and funding to enable some of the meetings to take place. The very separation brought about by apartheid and the exile experience of the ANC – along with guilt felt by many on the government side for what they had done and preparedness on the ANC side to forgive past atrocities – meant that sufficient trust was created in the pre-negotiation phase to obviate the need for external mediation in the negotiation phase. It is significant that the only attempt at such mediation in the early 1990s occurred not during the negotiations themselves but when a potential spoiler, Buthelezi and the IFP, threatened the successful implementation of what had been agreed in the negotiations.

A key reason why there was no international mediation in the South African case is that the two main players were opposed to it, and the reasons for this have been explored above. Though the ANC had, by 1990, a wider range of close connections with the international community than the NP government had, its reasons for not supporting the idea of international mediation were similar to those of the government: national pride in reaching a home-grown settlement and fear of losing control of the process to a third party. That rival political organizations, first the PAC and then the IFP, advocated international mediation reinforced the ANC's rejection of the idea. For its part, the NP government had long opposed any form of outside intervention in South Africa, and, like the ANC, it believed it could get what it wanted without international mediation, which might mean losing control of the process. A home-grown product was considered to confer greater legitimacy on the process.

It was thus crucially important that by the time the negotiations began sufficient trust had been built up between the two main players – despite the ongoing political violence, which escalated in the early 1990s – for them to agree that there should be no international mediation. When the idea of international intervention in the negotiation process came up, it was to help deal with the violence, not to provide mediation in the negotiations themselves.

Whether or not one can have a successful resolution without an international mediator would seem to depend, then, on the nature of the conflict and whether the major parties accept that there should not be such mediation. In the South African case there was no direct superpower involvement or interest, other than to see the end of apartheid, and both parties rejected international mediation.

Can conditions be created elsewhere so that an external mediator is not necessary? Clearly, confidence-building measures should be put in place and efforts made to increase trust between the parties. As we have seen, it was significant in South Africa that there were only two main players, and that both accepted that there should be no external mediation. They entered into negotiations willingly, even if under pressure to do so, believing that they would be able to exercise enough control over the process to make the outcome one they could live with, and that they were not likely to derive any greater benefit from external mediation. The ANC's goal was majority rule with as few conditions as possible, while the NP wanted to preserve as much white privilege as possible in post-apartheid South Africa. Though both parties declared themselves happy with the outcome, with the hindsight of two decades we can see that the NP made more significant compromises than the ANC. That reflected the way the balance of forces was moving, but the legitimacy of the settlement, though now questioned in some quarters, continues to derive much of its weight from its having been the result of an internal process, without significant external mediation.

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