

AFRICAN JOURNAL ON
**CONFLICT
RESOLUTION**

Volume 13, Number 3, 2013



**Special issue on the theme:
Then and now: Perspectives on
conflict resolution in South Africa
(in honour of H.W. van der Merwe)**



African Journal on Conflict Resolution

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The *African Journal on Conflict Resolution* is a biannual peer-reviewed journal published by the African Centre for the Constructive Resolution of Disputes (ACCORD) for the multidisciplinary subject field of conflict resolution. It appears on the list of journals accredited by the South African Department of Education. ACCORD is a non-governmental, non-aligned conflict resolution organisation based in Durban, South Africa. ACCORD is constituted as an education trust.

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Lay-out by Immins Naudé.

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Foreword by the guest editor

Johannes (Jannie) Botes*

It is because South Africa had people like H.W. van der Merwe that we were able to enjoy a dramatic and peaceful transition to democracy, which serves as an inspiration to the world.

(Nelson Mandela's foreword to H.W. van der Merwe's autobiography, Van der Merwe 2000:7)

This special issue of the *African Journal on Conflict Resolution* (AJCR) on the theme *Then and now: Perspectives on conflict resolution in South Africa (in honour of H.W. van der Merwe)* is unconventional in that most of the contributions are a combination of academic deliberation, historical overview and analysis, as well as personal reflections. Moreover, it is also unusual in having two main sections. The first contains a number of more academically oriented articles that reflect on the history of South Africa prior to the end of apartheid and the role that especially H.W. van der Merwe played as one of the earliest conflict resolution theorists and practitioners in South Africa, as well as a few reflections on the current state of South Africa and some prevailing concerns. That is followed by a number of personal tributes to H.W. van der Merwe as they relate to his role and influence in an historic period in South Africa's history, reflections that in some cases become a mixture of personal and theoretical contemplations and appreciations.

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Precursors to this special edition and the life of H.W. van der Merwe

This special edition in honour of ‘H.W.’ – as he was known by friends and colleagues (his Afrikaans initials pronounced almost as the name Harvey in English) – has a history that predates its inception. It started in early 2012 with an e-mail from the well-known conflict resolution scholar and a ‘doyen’ of the International Association of Conflict Management (IACM), Dan Druckman. Alerting me to the fact that IACM was going to have its first conference on the African continent, and specifically at the Spier conference centre outside Stellenbosch in the wine region of South Africa, he requested my participation in a conference session on a topic relating to South Africa.

My response was to chair a panel of presenters who at some point in their careers worked with H.W. and could honour him for his work as a peacemaker and founding figure of the conflict resolution field for a number of decades prior to the demise of apartheid and racial segregation in South Africa. The passion with which a number of these presenters, most of whom are contributors to this edition, talked about his life and times led me to propose this special edition to AJCR editor, Jannie Malan, who attended the conference session and graciously agreed to this suggestion.

My last interaction with H.W. was towards the end of the 1990s in telling him that Professor Emeritus Chris Mitchell from George Mason University (GMU) and I were planning a series of interviews with ‘parents’ of the conflict resolution field (see <www.scar.gmu.edu/parents>). Sadly H.W. passed away in 2001 before we were able to conduct such an interview. However, my relationship with H.W. goes back to my days as a public affairs television anchor and journalist for the then South African Broadcasting Corporation (SABC) where I was often in trouble for an interviewing style and program content that was critical of the prevailing political system. My first professional interaction with H.W. was a case in point.

My request to interview him about his work at the Centre for Intergroup Studies at the University of Cape Town (UCT) was denied at the SABC. H.W. was already known for his work in trying to build bridges across the racial divide in South Africa and was thus distrusted in some official circles. It was obviously feared that

putting him on television for a lengthy interview might prove to be embarrassing to the apartheid regime. Unbeknownst to me at the time, in 1981, H.W. and his wife, Marietjie, met with Winnie Mandela who was living under house-arrest in Brandfort, in the Orange Free State. This initiative later led to H.W.'s visit to Nelson Mandela in jail, their later friendship, and H.W.'s role in acting as a 'guardian' to two of the Mandela daughters and a granddaughter at the request of Mandela (Van der Merwe 2000:125–126).

My response to being told that I could not interview H.W. was to invite members of the senior news and public affairs management team at the SABC to a lunch with H.W., to which they agreed, providing that we would also include 'Wimpie' de Klerk, the well-respected editor of the Afrikaans Sunday newspaper *Rapport*, and politically 'verligte' (enlightened) brother of the later president of South Africa, F.W. de Klerk. Needless to say, H.W.'s unassuming and non-threatening style won them over. However, their compromise decision, as I remember, was that Wimpie de Klerk, who had a series of interviews with well-known South Africans on television at the time, could interview H.W., and not me!

After leaving the SABC when my position there became untenable, I ended up in America in a new doctoral program in what was then the Institute (now School) for Conflict Analysis and Resolution at GMU in the fall of 1988. This new occupational enterprise led me back to H.W. with a visit to his home in Cape Town during my first trip back to South Africa early in 1989.

I was somewhat astonished by his question as he greeted me. 'So, were you followed here?' he asked. He explained that his work in establishing relationships across the racial divide in South Africa meant that he was very much on the radar of the South African security police and that whoever interacted with him was therefore in the same league. I laughed and said something to the effect of 'not to worry H.W., due to my attitude towards apartheid and how that impacted my work at the SABC they've had my "number" for a long time'. The gist of the story is basically to say that people like H.W. paid a price for pointing at and trying to rectify the racial injustices in South Africa, which included the distrust and disdain of some of their fellow Afrikaners and the apartheid regime.

Eventually, in not being able to do a 'Parents of the Field' interview with H.W., I did the next best thing and interviewed his colleague of nearly 30 years, an academic in his own right and the author of two pieces in this special edition, Ampie Muller, during my visit in 2012. In this interview, which will be on the 'Parents' website in the next year, Ampie refers to H.W.'s very conservative Afrikaner upbringing in the farming community of Bonnievale in the 1930s and 1940s. To escape the farming life, which H.W. found unsatisfying, he joined a missionary group in Mashonaland in Southern Rhodesia, now Zimbabwe, in 1948, the year that the Nationalist Party came to power. The first few chapters of H.W.'s autobiography, *Peacemaking in South Africa: A life in conflict resolution* (Van der Merwe 2000), describes the depth of racial prejudices among Afrikaners at the time and has a number of very honest, self-deprecating examples of his racist attitudes while growing up and entering into a professional realm. He relates, for example, how during his time as a missionary one of his jobs, and one which he felt profoundly unprepared and untrained for, was to settle disputes among black teachers in rural communities, and how the belief that 'apartheid was the will of God' led him to refuse to shake the hand of an elderly headmaster. 'This was to become one of the great regrets of my life', he recounts in this work (Van der Merwe 2000:21).

My point in relating this story is to highlight the immense change of heart and profound emotional and political trajectory of change that H.W. underwent in his lifetime. It is also quite ironic that H.W. went from such racist beginnings to becoming an Afrikaner who was far ahead of his time in enticing and cajoling his fellow Afrikaners into accepting that apartheid was racial discrimination, and eventually into processes of social and political change. H.W.'s initial break from the racial intolerance with which he grew up, transformed into 'intellectual dissent' (Van der Merwe 2000:26) during his tenure as a student at the University of Stellenbosch where he studied sociology and was exposed to academics such as S.P. Cilliers and Erika Theron. He also gives particular credit to the then 'elderly dissident, Professor Ben Keet of the theological faculty of the Dutch Reformed Church' who was an 'outspoken critic of apartheid, especially in advocating that this social policy could not be defended based on the Bible' (2000:33).

I can only surmise that the inspiration of these mentors must have played a role in H.W.'s decision to undertake doctoral studies in sociology at the University

of California, Los Angeles. Returning from this venture by boat in 1963, H.W., Marietjie and their first child spent ten days in London. On what H.W. calls a 'natural urge' he visited both the South African Embassy and the office of the ANC in what was in essence to become the first act in his 'Facilitation Between The Apartheid Establishment And the African National Congress In Exile' (Van der Merwe 1997:13–28). I have found this article perhaps to be the most insightful regarding H.W.'s natural inclination towards wanting to bring the opposing parties together in apartheid South Africa. This predisposition starts ironically with a visit to the ANC office in London where he was met with 'great suspicion by two black men glowering over their desks', to building a track record of trust with the ANC to the degree that by 1977 he was greeted at another London meeting by an ANC member in Afrikaans as 'een van ons' (one of us).

Again, however, the facilitating role in establishing contact and trying to build communication between opposing sides in apartheid South Africa came at a price, especially if you were a member of one of the two sides in terms of your cultural upbringing, as H.W. outlined in this article:

Because I was an Afrikaner who had attended an Afrikaans university and because I had been active in the Dutch Reformed Church, I had many personal contacts in the apartheid establishment. My opposition to apartheid and my association with liberal English-speaking groups naturally estranged me from the establishment, and required special efforts on my part to keep channels of communication open. While I was an elder in good standing in the Dutch Reformed Church, it was also known that I was an active member of the 'radical' Christian Institute of Southern Africa, and people called me a communist (Van der Merwe 1977:16).

By 1984 H.W. was meeting secretly with top ANC leadership in Lusaka, Zambia. However, his attempts at bringing the ANC and the Afrikaner establishment together were often thwarted by the government (via the Secret Police) and sometimes by these efforts becoming public via the media. In the article under discussion, H.W. wrote about his continued efforts at the time at 'find[ing] Nationalists in good standing, apartheid supporters, moderate and radical, who would be willing to talk to the ANC' (Van der Merwe 1997:19), and alludes to

two Stellenbosch professors but does not mention them by name. From Willie Esterhuysen's recent memoir, *Endgame: Secret talks and the end of apartheid* (2012), we now know that he was one of those professors and that Sampie Terreblance was the other one. Asked to elaborate on this event, Esterhuysen provided me with this account:

During the course of 1985 – I cannot recall the date and time – I got a phone call from H.W., saying that he wanted to talk to me in confidence about an important but very delicate matter. My family and I were on holiday at our smallholding about 120 kilometres from Cape Town. Ten kilometres of the road were not tarred and in a poor condition. I told him so, hoping to put him off until after the holidays.

It did not put him off. He wanted to talk to me that very day. The matter he wanted to discuss with me, he said, was too important to postpone to another day. He arrived on the smallholding and we sat down in the shadows of some pine trees. H.W., as I got to know him, was not someone who wasted many words on a subject matter he felt strongly about. 'I would like you and Sampie Terreblanche to accompany me to Lusaka for informal and personal talks with members of the ANC, including Thabo Mbeki.' Just like that. To the point. I was visibly surprised. Perplexed.

He explained: 'One day we will have to sit down with the ANC and talk about peace in our land and an end to violence. The sooner we start exploring avenues towards peace-making, the better. We have to start identifying trustworthy bridge-builders.'

He convinced me. Professor Sampie Terreblanche, a colleague from Stellenbosch University, also agreed. H.W. was in charge of the logistics.

However, not many weeks after H.W.'s visit, Terreblanche and I got a phone call from President P.W. Botha's office, requesting the two of us to meet with him in his Cape Town office, close to the Houses of Parliament. He was quite friendly, telling us that he was informed about our planned visit to Lusaka, that he does not want us to go, and that we have better things to do. He added, with a glint of steel in his eyes: 'We do not talk to murderers.'

Obviously, through his security police, who by then had both H.W. and Esterhuysen under telephonic surveillance, President Botha knew about H.W.'s intentions. So this attempt at informally bringing knowledgeable and influential figures from both sides together for an informal and confidential meeting, a type of second-track diplomacy as a precursor to formal negotiations between the adversaries (the South African government and the ANC), was cancelled. Ironically, just two years later, in 1987, and this time with the active assistance of the South African security police, President Botha agreed to secret talks that started to occur between ANC leaders and Afrikaners – the so called 'Mells Park talks' near Bath, the topic of Esterhuysen's *Endgame* memoir (2012:134).

In recounting at my request H.W.'s failed attempt at setting up unofficial, informal, and confidential talks at that time, Esterhuysen also hailed H.W.'s objectives in trying to understand 'the other' and to develop a measure of trust between some members of the adversaries:

H.W. was in this regard a front-runner in South Africa. He, more than many others, understood that individuals can make a huge difference on the secret, unofficial, second track of negotiation. He was a shining example in this respect. To use a metaphor related to his visit to my smallholding: H.W. was prepared to travel on the dirt roads of South Africa, avoiding the highways and its visibility (Esterhuysen 2014).

A fifty year celebration

An important reason for celebrating H.W.'s career is the fact that it is now 50 years since he started his own academic career as a lecturer and later senior lecturer in sociology at Rhodes University in Grahamstown in 1963. During this time Valerie Dovey, who provides a poignant culminating remembrance to this edition, was one of H.W.'s students. Many years later (in the 1990s) he became the catalyst for her pioneering work in school-related peace education in South Africa. H.W.'s academic teaching career was short lived. As is noted in UCT's Collection of *The H.W. Van der Merwe Papers*, his work with the Abe Bailey Institute of Inter-racial Studies, which later became the Centre for Intergroup Studies (CIS),

started in 1968 and became the launch pad for what was essentially the focus of H.W.'s life: the promotion of communication among conflicting groups in South Africa.

While I do not want this introduction to become a literature review, a look at H.W.'s curriculum vitae gives one a sense of how from the very beginning his CIS publications indicated a need to establish communication across racial divides, but also relationship building within the cultural divides of Afrikaans and English speaking South Africans, not to mention the divides within those groups. While such interventions and related publications have been documented in detail elsewhere, I would like to note a few of them in illustrating H.W.'s intervention interests.

It is, for example, interesting to note how his publications and co-authored works from the 1970s onwards first reflected an interest in young South Africans and their perspectives on the country's political situation and its future, with works such as *Student perspectives on South Africa* (Van der Merwe and Welsh 1972) and *The future of the university in Southern Africa* (Van der Merwe and Welsh 1977). At the same time, however, the sociologist in H.W. was clearly interested in the social makeup and internal possibilities for social change which are reflected in works such as *White South African elites* (Van der Merwe et al. 1974), *Looking at the Afrikaner today* (Van der Merwe 1975), *Occupational and social change among coloured people in South Africa* (Van der Merwe and Groenewald 1976), *African perspectives on South Africa* (Van der Merwe et al. 1978), *Race and ethnicity: South African and international perspectives* (Van der Merwe and Shrire 1980), and finally *Legal ideology and politics in South Africa: A Social Science approach* (Hund and Van der Merwe 1986).

By the late 1980s H.W.'s endeavours regarding the socio-political dilemma of South Africa had clearly taken a turn towards peacemaking and conflict resolution. His first article in this regard was entitled 'Negotiating' and appeared in 1987 (Van der Merwe 1987). An article on 'Negotiation and mediation in South Africa in perspective', with Gabi Meyer as co-author, appeared in the same year (Van der Merwe and Meyer 1987). This clearly became the focus of his work as evidenced by an article in 1988 on 'The groundwork for political negotiation

in South Africa' (Van der Merwe 1988a). Perhaps inevitably, his writings and co-publications then took a turn towards third-party intervention methodologies with titles such as 'Proposal for the establishment of a national facilitation and mediation service in community and political conflict' (Van der Merwe 1988b), 'Impossible impartiality? A case study on facilitation/mediation in the South African context' (Van der Merwe 1989a), and 'Political mediation in South Africa: Problems and challenges' (Van der Merwe, Meyer and Honikman 1989).

This all culminated in his book on *Pursuing justice and peace in South Africa* (Van der Merwe 1989b:vii) in which he emphasised that 'the pursuit of justice and peace is not an objective academic exercise. It is motivated by the subjective desire to build a better society'. He concluded the preface to the book with the following statement:

Awareness of the grave injustices of the current political system has brought home to me the urgent need for fundamental change to the social structure. The intensification of the struggle, however, has led to increased polarization and erosion of the middle ground. In recent years I have been responding actively to the great need for mediation and conciliation. This tendency is reflected in this book.

The publication of this book the year before Nelson Mandela was released from prison was also H.W.'s way of theorising about the processes that were needed to transform the asymmetric societal relationships in the country. In researching an article on how the notion of transformation was to a degree starting to supplant the concept of conflict resolution (Botes 2003), I cited H.W.'s conclusion in this book (1989b:116) that 'the term *conflict resolution* does not apply to fundamental social problems in South Africa,' and that without radical change to deal with the gross inequalities and injustices in the social and political system, justice and peace could not be achieved.

A number of the arguments that H.W. makes towards the end of his book turned out to be quite prophetic. For example, he concluded the chapter on third-party intervention with the notion that improved communication and facilitation was what was needed in the South African situation, not mediation. Many black South Africans resisted the notion of mediation to resolve apartheid essentially

because racial segregation was deemed a social injustice and not a conflict to be mediated. Facilitation, H.W. argued, could indeed pave the way towards mediation, and added that the extreme polarisation in South Africa at the time made mediation inappropriate.

In recognising the importance of institutionalising modern techniques regarding conflict and industrial relations that the relatively newly founded Independent Mediation Service of South Africa (IMSSA) was starting to play in the early 1980s, H.W. made a case for a similar body to resolve community and political conflict in South Africa. In this journal edition we have a very personal detailed analysis of how the mediation process in South Africa unfolded starting with IMSSA and in what kind of conflicts this process would eventually be utilised. Charles Nupen refers to precursors to the advancement of mediation in South and Southern Africa, and specifically to H.W. van der Merwe, Richard Rosenthal, and Van Zyl Slabbert. He also credits Loet Douwes-Dekker for his inspirational guidance towards creating IMSSA in 1984. Nupen's article provides a history of that era that as far as I know has not been provided before.

In *Pursuing justice and peace in South Africa* H.W. describes two issues that were of ongoing importance to him in his life: his leaving of the Dutch Reformed Church and becoming a Quaker, and hence, his interest in and commitment to non-violence. Here he laments that 'violence is endemic in mankind and in South Africa. Resort[ing] to violence is justified by virtually all religious and political leaders in all major conflicting groups in South Africa' (1989b:104).

Sadly, 20 years later, the endemic nature of violence in South Africa is still one of the nation's biggest social problems; hence, it is the topic of more than one article in this special edition. The first is written by Hugo van der Merwe, H.W.'s third child, who followed in his father's footsteps and became a conflict resolution scholar-practitioner in his own right. He honours his father's legacy by writing what is in a sense an update of H.W.'s original article with Sue Williams (Van der Merwe and Williams 1987) on violence as a form of communication and shows how this legacy of the past has persisted in the new South Africa. Both Hugo van der Merwe and Ampie Muller, who wrote the second article on violence in this edition, provide disturbing analyses of how violence as a legacy of the social and

racial history of South Africa has persisted, and stress how urgently this problem needs to be addressed if the promise of the new South Africa is to survive.

Andries Odendaal, a former Dutch Reformed minister and now conflict resolution practitioner all over Africa, who received some his early training in this field under H.W., has written a very insightful essay in memory of H.W. in this edition and essentially highlights how H.W.'s Quakerism influenced his practice. H.W. addresses the notion of how 'Quakerism is a way of life, rather than a dogma or creed' in his autobiography (Van der Merwe 2000:53), and notes that the ANC referred to him as 'an honest Quaker broker' (Van der Merwe 2000:55). In this edition Odendaal relates the moral dilemmas of a mediator in the case of H.W. to his Quaker background. It is a topic that H.W. also gives some perspective to in his autobiography by noting that his Quaker background played a role in his shift from activism towards rather securing justice as a bridge builder and peacemaker.

H.W. then and South Africa now

The more theory and research-based articles in the first part of this special edition are 'book-ended' by Jannie Malan's very personal overview of H.W.'s life and times and Sifiso Mbuyisa's analysis of the shortcomings and best practices of public participation as participatory conflict resolution in the current South Africa. This edition covers H.W. van der Merwe's career in what Jannie Malan aptly calls 'intergroup togetherness' quite well. Put differently, I believe this edition assists in what ACCORD's Vasu Gounden in his reflection of H.W. van der Merwe calls rectifying the 'unsung hero' status of H.W. as a founding father of the conflict resolution field in South Africa. The most recent academic recognition of H.W.'s role as someone 'who united South Africa's enemies' comes in the form of an exploration of his work in conflict resolution and mediation in South Africa; as 'sociology in practice', it encapsulates H.W.'s work since his start 50 years ago as a sociologist at Rhodes University in Grahamstown (Liebenberg 2011:1).

However, this edition does not provide a full analysis of the current state of conflict and conflict resolution in South Africa in spite of the contributions by

Charles Nupen in highlighting mediation in the current South Africa, and Sifiso Mbuyisa's appeal for public participation to be added as an additional resource in conflict resolution practice. For example, no direct or in-depth analysis is offered in this edition of the discontent and various types of conflict that have arisen in the nearly 20 years since the new South Africa came into being in 1994. Problems such as a very troubling rate of unemployment, the recent violence in the labour sector, or the discontent or 'xenophobia' regarding immigration to South Africa, are not directly addressed.

To reference H.W. van der Merwe in the form of his earlier discussed book published in 1989, we are still desperately 'pursuing justice and peace in South Africa'. Moreover, one could argue that Lederach's (2008:101) notion of a 'justice gap' in which a national peace process does not ultimately redress 'fundamental patterns of injustice, particularly in the arena of poverty and economic disparity', applies to the current South Africa in a number of ways. A strong case can, for example, be made that the peace building process in South Africa over the last two decades has suffered from factors that lead to a justice gap:

The justice gap happens when open violence diminishes through national accords but people's expectations for some level of incremental improvement of their basic needs are not met in practical and palpable ways. A deep sense of betrayal and of a cheap, political peace is often experienced (Lederach 2008:102).

Furthermore, South Africa seems to be a prime example of a post-conflict society in which peace first translated into an image of safety and security, but is still struggling to provide a quality of life, livelihood, and social well-being. These inequalities, according to justice gap theory, specifically include 'decent employment or a piece of land, a house, access to education, and food on the table' (Lederach 2008:101–102). In the case of South Africa, the discontent regarding these inequalities has the potential for creating major conflict in the future.

In a recent talk, Willie Esterhuyse (2013) argued that 'the inability or unwillingness to get a real dialogue going, creating spaces for dealing for instance with the justice gap is the Achilles-heel of our young democracy'. He appealed for attention to the government's recent National Development

Plan as ‘a medium to long term vision of the future which should be the primary focus of a national, regional, and localized dialogue, across party-political, ideological, and ethnic barriers’.

Put differently, South Africa is in need of a new generation of H.W. van der Merwes.

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From going between to working together: Learning from structures and attitudes in South Africa's transition

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Abstract

In the old South Africa, with its inhabitants divided into two worlds by an ideology-driven white minority, H.W. van der Merwe was one of the first white Afrikaners who took the risk of crossing the boundary which in the culture of his own group was upheld as divinely ordained. On account of the radical change in his socio-political convictions, and his resulting research and teaching, he was appointed as director of an institution aiming at improving intergroup relations through applied research and educational programmes. He also took the lead in founding an association for conflict intervention. His remarkable contribution to the anti-apartheid struggle and the eventual resolving of the white-black conflict was not only a structural one, however, but also an interrelated attitudinal one. His outreaching understanding and his courageous quest for justice and peace enabled him to bring adversaries together, and also to confront the unflinching guardians of apartheid. It behoves us, therefore, to celebrate his example and to emulate it in our current context.

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We may be grateful for the degree to which transition has already taken shape in the new South Africa, but so much remains to be done to minimise socio-cultural distances between sectors of fellow-South Africans. H.W.'s legacy may indeed help us to respect 'them' and 'us' where appropriate, but also to promote an 'all of us' orientation as far as fellow-humanly possible.

Remembering an eye-opening period and celebrating a barrier-defying guide

The theme of this special issue calls us to reflect on the then and the now of resolving South Africa's anti-apartheid conflict. And the sub-theme calls us to do this in honour of an ahead-of-the-time leader of those days, whose legacy may inspire us to be ahead of *our* time – not only for our own sake, but especially for the benefit of generations to come. Obviously, however, our contemporary and future readers will need contextualising in order to understand the differences – *and* the similarities – between the then and the now.

Fifty years ago, a racially divided South Africa desperately needed a transition into, or at least towards, an ethno-culturally coexisting South Africa. On each side of the divide, however, most of the leaders and followers were narrowly-mindedly engrossed in their group-centred narratives, ideologies and goals. Fortunately, here and there, on both sides, initiators of open-minded thinking, relating and interacting did emerge.

As an old-timer, who turned 17 in the year when the white 'National' Party became the notorious apartheid regime, and who was 32 at the beginning of the 50 years which form the frame of reference for this thematic issue, I happen to be able to contribute something about my first-hand experience at the time. With regard to the social separatedness, I can briefly share the following. I was growing up on the side of the perpetrators, who were stuck in the rigid conservatism already established during three previous centuries.¹

1 In response to a recent newspaper article on the background of apartheid, a historian, renowned for his research on white Afrikaans-speaking South Africans and apartheid, stated the following: 'The initial idea of apartheid did not come from academics in the social sciences or humanities, but from people in the churches, the missionary field and the theological faculties' (Giliomee 2013:12, my translation).

The unquestioned assumption – apparently with good intentions – was that everything in the Christian Bible, which included the Jewish Old Testament, was *literally* God’s Word. A few passages from the Old Testament, which actually were about *religious* exclusion,² were interpreted in terms of *social* exclusion, and so apart-ness between whites and blacks was religiously (!) upheld as divinely ordained. The whites regarded themselves not as settlers, but as God’s ‘chosen people’ who had been sent to evangelise the people of Africa. They regarded their religion, their culture and themselves as undoubtedly superior, and stayed aloof from any socialising or intermarrying with the inhabitants of the country they had colonised. As a youngster being raised in such a setting, I did not immediately realise the injustice apartheid was inflicting on our compatriots. After all, in home, school and church we were taught to be friendly and respectful towards everyone, and to live in good relationships as far as possible – that is, up to the non-negotiable (divine!) dividing line.

That, very briefly,³ was the context of the group into which H.W.⁴ van der Merwe and I happened to have been born (H.W. two years before me). At first, both of us were submissive and loyal observers of the culture of our group, but then, in our late twenties, we had, quite independently, eye-opening experiences. He described his ‘moment of truth’ as arriving at ‘the profound realisation that a person was not defined by colour but by other shared human qualities’ (Van der Merwe 2000:31). That breakthrough launched him on a meaningful and influential journey in which he courageously ventured to cross the barriers between the following groups: ‘Boer and Brit’,⁵ then ‘Afrikaner and coloured’ and finally ‘White and black’ (Van der Merwe 2000:56, 58, 63).

2 For instance, Nehemiah 13:1, 3, 23, 25, 30–31.

3 About South Africa’s religio-cultural and socio-political background a brief overview is given in an attachment (‘South Africa – ancient, old, new’) to an ACCORD publication, *Views and visions of coexistence in South Africa* (ACCORD 2008:103–109). For a whole volume written from a contemporary perspective, see Giliomee and Mbenga 2007.

4 His initials, ‘H.W.’, pronounced in Afrikaans almost as the name ‘Harvey’ is pronounced in English, were generally used as his first name, and I do the same in this paper.

5 ‘Boer’, the Afrikaans for ‘farmer’, was a term which the mostly rural Afrikaans-speaking community proudly claimed ownership of. ‘Brit’ was a term they used fairly neutrally for a British person.

What deserves to be remembered and emulated, however, is not only *that* he defied intergroup barriers, but *how* he did it – in a non-ostentatious but persuasive way. His effortless, spontaneous way of living and working clearly showed that his attitudinal transformation was genuine and irreversible. He did not *try* to cross the then firmly established intergroup barriers; his change of mind *automatically* took him into the dimension of interhuman coexistence. That, however, was an out of bounds move in the South Africa that was regulated and policed in terms of apartheid policies and practices.

He also crossed the ecclesiastic barrier around the Dutch Reformed Church in which he had grown up, but in which he had to object ‘to the racist policies and attitudes, to formality, to the emphasis on dogma and creed ...’ (Van der Merwe 2000:48). In Quakerism⁶ he found ‘a profound new dimension’ to his life and a satisfying ‘spiritual home’ (Van der Merwe 2000:50). By this move he became liberated from the domain in which religion is mainly manifested in externalities. He identified himself with a genuinely inner spirituality which (also automatically) transformed his faith relationship and his fellow-human relationships.

Religiously, he was therefore frowned upon, and socio-politically he was confronted with opposition and ostracism. But he was undeterred and persisted in radiating the *powerful influence of an approach in which attitudinal change and structural change were integrated*. He did not only experience a change of mind. He did not only run a Centre. His insight, attitude and conviction motivated him to promote the changing of an unjustly structured system. He realised that ‘[j]ustice is achieved not by enforcing law and order, but by creating a just society whose members are assured of the opportunity to realise their human potential’, and that ‘the pursuit of justice and peace implies fundamental social change’ (Van der Merwe 1989b:1). His system-transforming work was therefore done in the spirit of intergroup relations and with a commitment to profound spirituality.

6 ‘Quakers’ was originally a nickname applied to the group because of the way they shook during worship’ – in which they focused on ‘the centrality of direct inward encounter with God’ (Dandelion 2008:2). Although they rather call themselves ‘the Religious Society of Friends’, they readily go along with the use of the nickname.

This attitudinal-structural interrelatedness is intended to be the core message communicated by this paper. It is a message that was relevant fifty years ago, is relevant today and will apparently be relevant for the foreseeable future and beyond.

Conflict-resolving structures: An intergroup centre and an intervention association

After ten years of research and/or teaching in the fields of sociology, social welfare and industrial relations, H.W. was appointed as Director of the Abe Bailey Institute of Inter-Racial Studies at the University of Cape Town (Centre for Intergroup Studies 1987:2). His task was to 'do applied research and conduct educational programmes with the purpose of improving relations among different population groups' (Van der Merwe 2000:40). Interestingly enough (and almost astonishingly), however, the founder and sponsor of the Institute apparently only had in mind 'the Afrikaner and English "races"' (Van der Merwe 2000:41). Sixty years after the Anglo-Boer war (1899–1902), it was indeed still necessary to promote rapprochement and reconciliation between the two language groups, but both of them belonged to the same 'racial' group – which formed a minority in the population of South Africa. They did have socio-political power as if they were a majority, but it was precisely the way in which both of them (mis)used such power that bedevilled the major issue of black-white relations in the country.

As someone who was experiencing the three successive barrier breakthroughs mentioned above, H.W. was very much aware of the short-sightedness of only trying to bring English and Afrikaans whites closer together. He tactfully took his time, however, and gradually prepared the way. Then, when five years later he proposed a name and policy change, the trustees and board of governors unanimously accepted his very relevant recommendation. The name 'Centre for Intergroup Studies' was then adopted 'to reflect this inclusiveness' of South Africans of all skin colours (Van der Merwe 2000:41).

It was my privilege to experience personally H.W.'s non-rushing thoroughness in another but related context, and to internalise the lesson for the rest of

my life. That was after the South African Association for Conflict Intervention (SAACI) had been established (1988)⁷ and when a first workshop-type of conference was being planned (1990). By then, two National Conferences on Negotiation and Mediation in Community and Political Conflict had already been held (Durban 1986, 1988), ‘initiated and organized by the Centre for Intergroup Studies (CIS)’ (National Workshop Committee 1990:2; Van der Merwe 2000:104). In spite of this background, however, no less than 13 planning meetings were held between February and November 1990. After the first few of those meetings, I (as the then President of SAACI) began feeling that we should start with the actual planning, but I fortunately tolerated H.W.’s ‘broadening of the base’ approach. That included the following: ‘Exploratory letters of information and requests for feedback were circulated to all known people in the field of negotiation and mediation in community and political conflict, excluding political parties’ (National Workshop Committee 1990:3). The extended process was worthwhile indeed. No less than 89 participants, representing 45 organisations, attended the workshop (National Workshop Committee 1990:5).

The Workshop itself started in an atmosphere of inclusiveness and receptiveness. After the welcoming words, the first plenary session was on ‘Identification of themes’, and this was excellently facilitated by Sandra Fowkes of the Environmental Evaluation Unit of the University of Cape Town. After an apt reference to Alice in Wonderland and the Cheshire cat,⁸ she used the method of facilitated visual gathering. Participants wrote their hopes and expectations on cards, stating one idea briefly on each card, and the cards were then sorted and grouped on flipcharts. In that way, the expectations of the participants provided the topics for the breakaway groups, which formed the core of the entire workshop. And at the end, the participants rated the workshop as ‘very interesting and informative, very educative, very enlightening, worthwhile and stimulating, helpful and exciting, satisfying and successful’ (National Workshop Committee 1990:13).

7 H.W. was elected as the first President of SAACI (Centre for Intergroup Studies 1989:18).

8 When Alice asked the cat, ‘Would you tell me, please, which way I ought to go from here?’ the cat replied: ‘That depends a good deal on where you want to get to’ (Carroll 1984:81).

For the possible benefit of other clock- and calendar-driven fellow-whites, I wish to share another experience which has endorsed what I learnt from H.W. about spending ample time to listen, question and explore. This happened when I was member of the Student Disciplinary Committee at the University of the Western Cape. It was not a pleasant committee to be serving on, but I appreciated the trust of the Students' Representative Council who had nominated me to be there. Between all the teaching schedules of the members of this Disciplinary Committee, the secretary usually had a difficult job to find a few hours for a meeting that would suit most of us. Each meeting normally had several cases to be heard in the available time, and I (as well as other members?) tended to be in a hurry to work through the agenda. I therefore felt irritated about 'the waste of time' when a black colleague would begin asking an accused student various questions about his/her life situation and background – home, family, parents, siblings, experience, interests, and so forth. But I discovered the great value that a few minutes on an empathetic wavelength could have for both the student and for us as judges. Not at all that such contextual information would lead to ameliorating the eventual verdict, but it could at least communicate the interest and understanding underpinning the hearing and its outcome. So, although I still happen to have an inborn Northern stopwatch ticking in me, I gratefully adopt a Southern relaxedness that can overrule the watch for the sake of human relations.

Before moving to the following section (on approaches), it is important to take note of the semantics written into the names of the two structures briefly discussed in this section. The first structure initially had 'Inter-Racial Studies' in its name and later 'Intergroup Studies'. The word 'Studies' meant research and training in order to improve relations. The second structure had 'Conflict Intervention' in its name, which communicated the meaning that conflict was a reality and that intervention was necessary. Each of the two names made a statement, and together they conveyed the optimistic message that relations can be improved and that conflicts can be resolved. Both these prospects were urgently relevant fifty years ago, and are still urgently relevant today. It is very likely, therefore, that readers of this special issue will find *then*-relevance and *now*-relevance on many pages.

During the fifty years, however, there were further changes. In 1994, the Centre for Intergroup Studies became the Centre for Conflict Resolution (CCR), and after 2001 the SA Association for Conflict Intervention disappeared from the scene. The name that lived on, and still remains in place, is 'Conflict Resolution'.⁹ Although 'Studies' no longer appeared in the name, study and research were duly sustained, however.

Something more deserves to be said about 2001. That was the year in which H.W.'s meaningful life came to an end (5 March), and in which SAACI had a very successful 11th conference (4–6 September). The theme of the conference was: A matrix for conflict transformation: Cross-sectoral and cross-cultural co-ordination. Sixteen papers, some by international speakers, and 15 workshops were presented to about 150 participants. Tribute was paid to H.W., and the participants could watch a video of his last public performance: the James Backhouse lecture he presented in Australia in January 2001 on the theme of 'Reconciling opposites: Reflections on peacemaking in South Africa' (Van der Merwe 2001). But, while sufficient funding could be raised for the 2001 conference, the next conference that was planned for 2003 never took place due to a lack of funding. Unfortunately there was no opportunity to conclude SAACI's 12 years with proper closure and with a fitting tribute to its members (including its visionary founder) and its work in a crucial period of South Africa's remarkable but challenging transition. As a reminder, however, we may insert a copy of the cover of that last conference programme in this special issue.

9 Initially, during the time of the anti-apartheid struggle, H.W. emphasised: 'The term "conflict *resolution*" does not apply to fundamental social problems in South Africa. Underlying causes of conflict cannot be completely removed' (Van der Merwe 1989b:116). Later, however, in a chapter entitled 'Conflict resolution: South African beginnings', he wrote the following: 'The concept of conflict resolution as a synthesis of conciliation and coercion provided the theoretical and academic insight that guided the Centre for Intergroup Studies in the development of a comprehensive hands-on "constructive programme" which entailed research, training and practical intervention, both impartial and partisan' (Van der Merwe 2000:98).



11TH SAACI CONFERENCE 2001

*A MATRIX FOR CONFLICT TRANSFORMATION:
CROSS-SECTORAL AND CROSS-CULTURAL
CO-ORDINATION*

4-6 SEPTEMBER 2001
SUMMERSTRAND INN, PORT ELIZABETH,
SOUTH AFRICA

Conflict-resolving approaches: Mediation from the outside, from one side, or from the centre

At the launch of SAACI in April 1989,¹⁰ the month of the twenty-first anniversary of the Centre for Intergroup Studies, H.W. gave an address in which he explained how coping with conflict comprises a general field of 'negotiation, mediation, conflict analysis, handling, intervention and resolution', and how the aims of SAACI were 'to foster research, training, discussion and to promote cooperation among persons and institutions engaged in' this broad field (Van der Merwe 1989a:1). He also emphasised, however, 'that this new Association is concerned with both neutral and partisan intervention' (Van der Merwe 1989a:1) and explained as follows:

10 At separate public functions in Cape Town, Port Elizabeth, Durban and Soweto (Van der Merwe 1989:title page).

If a community has generated the energy to confront authority and demand legitimate change it would be wasteful to defuse the situation before a strong case had been made by the protesting party. It would be counter-productive for the mediator to enter this sort of situation too soon, or at the request of the establishment only, or even if asked to come in by a few faint-hearted members of the community. Under such conditions partisan intervention on behalf of the weaker party is required together with, or even prior to, neutral intervention' (Van der Merwe 1989a:3).

He further argued 'the case for informal facilitation of communication between adversaries while formal mediation may not be possible' and made 'a plea for the establishment of a national mediating service' (Van der Merwe 1989a:1).

At that time, it was glaringly clear – to H.W., to everyone who joined SAACI, and to any thinking South African – that in an utterly polarised South Africa mediation was urgently needed (cf Van der Merwe 1989b:87). 'Mediation' was indeed becoming a keyword and a buzzword, but unfortunately also an often superficially understood word. In his address at the launch of SAACI, H.W. referred to a typical phenomenon that was leading to the misunderstanding and even the discrediting of mediation:

We often read in the papers about prominent people and organisations 'mediating' in community and political conflict. Nearly all of these are examples of partisan intervention. While I encourage and praise such efforts and while there is ample evidence that they often contribute quite significantly towards better understanding and better relations, it is misleading to refer to them as mediation. If these efforts fail, as they sometimes do, the public may argue that we have tried mediation and it did not work (Van der Merwe 1989a:2; cf Van der Merwe 1989b:89).

In this way, he warned against understandings of 'mediation' that were shallow and own-groupish. He made the important distinction between partisan

‘mediation’ in own interest and justified partisan mediation undertaken on behalf of a weaker party.¹¹

For our present purpose, it is relevant to take note of a characteristically Quaker approach to mediation as captured in the title *Being in the middle by being at the edge* (Williams and Williams 1994). This approach is oriented towards relationship building, trust building and bringing the sides together (Williams and Williams 1994: chapters 4, 5 and 6). It forms part of an overall approach in which there is a consistent ‘preference for peace and pacifism rather than war’ (Dandelion 2008:2, 118), but also a commitment to (spiritual) equality and (inter-human) justice. In the late 18th century, for instance, their propagation of justice included a provocative but influential ‘witness against the slave trade’ (Dandelion 2008:93).

It was such a mediatory approach that was practised and promoted by H.W. – with a keen sense of the degree of pressurising that would be appropriate in each particular context. He had experienced how the upholders of apartheid were unconsciously blind to the injustice they were inflicting, and he therefore realised that in trying to bring the two South African sides together more than mild mediating would be required. In his address at the launch of SAACI, he mentioned the need ‘to assist and empower the weaker party’ and said: ‘I therefore accept the morality and sincerity of intervention, including partisan intervention’ (Van der Merwe 1989a:2). And when writing his biography and looking back, he wrote: ‘During three decades, my role as an academic and as a Quaker gradually shifted from activism to securing justice, leading towards my mediating role as bridge-builder and peacemaker’ (Van der Merwe 2000:55).

11 ‘Quakers, internationally, have traditionally sided with the underdog and in South Africa interventions by British and South African Quakers have consistently been inspired by the plight of the underdog. During the Anglo-Boer War Quakers sympathized with the Boers and at present they assist blacks’ (Van der Merwe 1989b:93).

He and his colleagues realised very well, however, what a crucially important but incredibly difficult job it was to balance impartiality and justice. Two of them¹² started an article on ‘The quest for a stable peace’ as follows:

In the polarised, emotionally charged atmosphere of community conflict, the task of the impartial mediator is made all the more difficult by the desire of injured parties for retribution. While all sides may pay lip-service to the need for peace and reconciliation, the overriding thirst is for justice, restitution, and the bringing of culprits to book. Especially in situations of violent conflict, the goals of peace and justice appear to be at loggerheads with each other, and the role of the conflict intervener is fraught with risks (Van der Merwe and Meyer 1992:5).

This difficulty is not an occasional or a superficial one. It is constantly present as a deep-rooted reality in human beings, especially when different ethno-cultural or culturo-ethnic groups are interacting. One of the first books I read when starting my research work at ACCORD was one on a cross-cultural perspective with regard to disputes and negotiations. On its introductory pages it emphasised ‘the complexity of variables in real-life situations (some of which are scarcely knowable, such as negotiators’ mental processes)’ (Gulliver 1979:xvi), and on its concluding pages it has the following quotation dating from 1953:

Theory is always simpler than reality. Even when it seems terribly complex, it is still simplistic, as compared to [sic] the range of factors, operating as conditions, as means, or as ends in any concrete situation’ (Viner 1953:1, quoted in Gulliver 1979:265).

The innumerable variables do not only include cultural factors and mental processes, but also attitudinal influences. Certain attitudes can further complicate a conflict situation and even thwart the resolving of a conflict, but fortunately, others can greatly contribute to resolving conflict. In an occasional paper on ‘The failure of international mediation in African civil wars,’ H.W.’s

12 H.W.’s many writings (11 books and almost 150 monographs, papers and articles) were written ‘alone or usually in characteristic partnership’ (Centre for Intergroup Studies 1989:19).

successor at the Centre for Conflict Resolution, Laurie Nathan, emphasised the mainly *attitudinal* reasons for this tragic failure:

Most of the mediation initiatives were unsuccessful, with one or more of the protagonists spurning negotiations, being unwilling or unable to reach a settlement in the course of mediation, or subsequently violating the terms of a peace agreement (Nathan 1999:1).

He therefore proposed a more *attitudinally* oriented version of mediation. He suggested that instead of 'power-based mediation', 'a confidence-building approach is more likely to yield a positive result' (1999:1), and outlined his main argument as follows:

... the key to effective mediation lies in understanding, managing and transforming the 'psycho-political dynamics' of conflict which make adversaries resistant to negotiations. Notwithstanding the varying causes and features of conflict, these dynamics can be described in general terms: the parties regard each other with deep mistrust and animosity; they believe that their differences are irreconcilable; they consider their own position to be non-negotiable; and they fear that a settlement will entail unacceptable compromises (1999:1).

Where he described his proposal, he formulated it as follows:

'Confidence-building mediation' indicates a style of mediation that is oriented towards raising the parties' confidence in each other, in negotiations and in the mediator. The emphasis is on facilitating dialogue and joint problem-solving rather than on pressurising the disputants to reach a settlement (1999:3).

This paper (from which more deserves to be quoted, considered and applied) has played an important role in the work of CCR and has disseminated its crucial message at more than one seminar.¹³ It is structured around six strategic

13 A draft of this paper was presented at the African Mediation Seminar, hosted by the Independent Mediation Service of South Africa (IMSSA) and CCR, and held in Johannesburg on 3–5 November 1998. The full text of the occasional paper was presented as concept paper at the Seminar on International mediation in African civil wars, hosted by CCR in Cape Town on 29–31 July 2002.

principles of mediation (1999:2–17), but does not negate ‘the necessity for mediators to be flexible, creative and responsive to changing circumstances’ (1999:2). It frankly discusses ‘the flawed logic of power-based mediation’ and then outlines ‘the logic of confidence-building mediation’, which ‘reflects the basic logic of mediation’ (1999:19–23). In the conclusion it recommends to international actors that they ‘should acquire greater proficiency in the art and science of mediation’ and become skilled in applying ‘techniques to facilitate communication, understanding and accommodation’ (1999: 25).

What makes this paper (Nathan 1999) very relevant for the purpose of this special issue is that it shows how, decades after the founding of conflict-resolving *structures* in South Africa, the *attitudinal* component remained pivotal in *effective and sustainable* conflict resolving. Insights, skills and dispositions revealed and propagated by H.W. and like-minded initiators of South Africa’s transition are still appropriate and indispensable. Moreover, if *attitude-oriented* mediation has to be recommended for the ending of *civil wars*, should it not be taken as seriously at the levels of community, domestic and interpersonal conflict?

A conflict-resolving attitude: Willingness to ask questions, listen and understand

If, as stated on the first page of the above-mentioned paper (Nathan 1999:1), international, high-profile mediation time and again failed because of the *unwillingness* of belligerents to reach or uphold a peace agreement, it is on *willingness* that mediators should focus their attention. It should immediately be added, however, that no thought should be given to ways of *inducing* willingness. Willingness is after all, self-evidently, *voluntary*. Any form of real or perceived pressurising should be carefully avoided. Tactful advising might sometimes be considered, but empathetic imagining and creative thinking may usually be better options. What could, however, communicate the message with the greatest potential of convincing, is spontaneous exemplifying. In other words, the mediators should not *try* to show their own willingness to contribute to the process. It is when their body language shows that for

them such willingness comes *naturally* that a genuine and inviting message is communicated.

This is precisely the kind of exemplifying that we find in H.W.'s life story. For him it was no effort to ask questions, to listen, to understand and to internalise new insights. It was his listening with an opening-up mind to his brother's experience of respecting human equality regardless of skin colour that brought him to his breakthrough 'moment of truth' and to a new understanding for the rest of his life (Van der Merwe 2000:30–31). When he spoke at the launch of SAACI, and in SAACI planning meetings, his body language endorsed his outreaching attitude. Since he did not need to put up a show or a pretence, I am sure that he radiated the same attitude at other occasions, including those where he brought together antagonistic groups or leaders, and those where he visited Nelson Mandela's wife Winnie¹⁴ and Nelson Mandela himself.¹⁵

In his student days already, H.W. receptively listened to new voices that did not echo established traditions and policies. He accepted sociology professor S.P.¹⁶ Cilliers' consistent emphasis on scientific objectivity, and theology¹⁷ professor Ben Keet's courageous criticism of apartheid. H.W. was fascinated (as I was too) by the 'brilliant' philosophy professor Johan Degenaar 'who, in the most gentle, soft-spoken and yet humorous way, slaughtered many holy cows, both religious and political' (Van der Merwe 2000:33).¹⁸

14 In the township of a small rural town to which she was banished by the apartheid government (Van der Merwe 2000:111).

15 While still in prison, six years before he was released, Mandela told H.W. that he had read about his bringing political opponents together, and had heard him talking on Radio Africa – for all of which he congratulated H.W. warmly (Van der Merwe 2000:120).

16 Another case of initials serving as first name.

17 With Dogmatics and Ethics as teaching responsibilities.

18 In this year, 2013, a journalist's interview with 87 year-old Johan Degenaar appeared in the Cape Town Afrikaans newspaper, *Die Burger*, under the title (translated) 'The philosopher and the miracle of life'. He told the journalist: 'I find it such a fascinating thing to live, to explore the senses, and to explore the meaning of words! ... I came to Stellenbosch to study theology, but then I met Socrates. That was a pivotal point, those words of Socrates: "An unexamined life is not worth living"' (Brümmer 2013:[By]3, my translation).

At the same time, H.W. willingly accepted the challenge to improve his English and use it in his career. Having been in a rural, Afrikaans-speaking school, he only had a working knowledge of English as a second language, and never really had to use it. Then, at a predominantly Afrikaans-speaking university there was also little if any need to speak English. He realised, however, that '[t]o reach out to the wider community and to the international academic world, I had to write in English' (Van der Merwe 2000:33), and so he did.

On account of such influences and insights, he became very well prepared for practising conflict resolution as a science and as an art. Very significantly, the following quotation from a document drawn up by H.W. and four colleagues appeared prominently on the cover page of the proposal ([Gounden] 1991) that paved the way for the establishment of ACCORD:

Conflict accommodation is both an art and a science. The art refers to the more spontaneous and natural inclination to intervene. The science refers to the skills, techniques and expertise acquired through study and experience. Goodwill is not enough; expertise is essential (Van der Merwe et al. 1989).

After ACCORD's '20 years of contributing to peace', and after the second half of the 20th century in which the science of dealing with conflict developed quite rapidly into a comprehensive body of theoretical knowledge and practical expertise, it may sometimes be necessary to invert the last sentence in the above quotation and emphasise: Expertise is not enough; goodwill is essential (cf Malan 1999:2).

H.W. was a living example of interrelated art and science. As we knew him, and as confirmed by his writings, he was grateful for what he learnt when he became an African and when he became a Quaker. In both cases, it was apparently not a matter of learning some 'lessons' or acquiring some 'attitudes', but one of inwardly experiencing a profound change – cultural and/or spiritual. It is for this reason that the heading of this section contains 'attitude' in the singular (cf Malan 1999:4), and that the contents of this section are not made up of sub-sections on various conflict-resolving attitudes.

There are of course contexts in which particular attitudes should be mentioned and promoted. For instance:

Tolerance

‘Africans should make a conscious effort, both in and out of their parliaments, to nurture and deepen the culture of tolerance and pluralism in all social transactions’ (Prah 1996:18).

Reconciliation

‘The politics of reconciliation suggests that in deeply divided societies, social healing should take precedence over elections’ (Assefa 1996:57).

Interdependence

‘African countries should look at their independence as a transitional phase on the way to more interdependence rather than as an end state’ (Assefa 1996:60).

Respect for ethnicity and diversity

‘Formal education to encourage individuals and groups to better understand one another and to avoid negative stereotypes is required Cultural diversity must be respected’ (Ocaya-Lakidi 1993:15).

For our present purpose, however, the main emphasis should fall on the single but momentous shift from exclusive I- or we-centredness to inclusive other-orientedness. It is when such a basic change of attitude has taken place that attitudes as the above-mentioned ones come spontaneously. An inwardly transformed individual or group does not need a duty-based effort to display advisable attitudes, but spontaneously thinks, speaks and acts in ways which radiate the underlying attitude-shift.

Not at all does this mean anything in the direction of meek and mild pacifism. On the contrary, an orientation towards conflict resolution that satisfies all parties will always include firmness about the rectification of injustice.¹⁹ What could be learnt from H.W. and others with the same kind of attitude, however, is that such firmness can be applied with the subtle power of an inter-human

19 The significant concluding sentence in a Profile of H.W. in the 21st Anniversary Review of CIS is: ‘As he has said, “the two goals of peace and justice are complementary and the one cannot be achieved without the other”’ (Centre for Intergroup Studies 1989:19).

understanding and a genuine commitment to problem solving.²⁰ That, after all, was the background to and the atmosphere around H.W.'s bringing together of black consciousness leaders and white consciousness students,²¹ and of black freedom campaigner Nelson Mandela and white freedom campaigner Carel Boshoff (Centre for Conflict Resolution 1994:3).

Forceful 'conflict resolvers' will tend to ridicule such an approach and rather practise some form of leverage²² – which may indeed lead to results that appear to be spectacular, but are not sustainable. If parties are to 'own the settlement' (Nathan 1999:10–13) and cooperatively implement it, it is not outward manipulation that is needed, but inward conviction. That is precisely the model H.W. has given us – as an example worth following and a legacy worth treasuring.

Being inspired to keep up intergroup togetherness

In the structurally and attitudinally divided South Africa of fifty years ago, go-betweens were needed. H.W. crossed boundaries and barriers and took the risk of going between. He did much more than just that, however. Against all

20 See H.W.'s outline and discussion of approaches to conflict (Van der Merwe 1989b:62–65), in which joint problem solving is compared with competing, smoothing, avoiding and compromising, and is recommended as the one approach that is both duly assertive and duly cooperative.

21 The 'Student Workshop', at which about thirty students and academics met in Cape Town (18–23 January 1971) and where eleven papers were presented and discussed, was a pioneering and groundbreaking event. It brought together Black Consciousness Movement leader Steve Biko and white English- and Afrikaans-speaking students. These students were from the three *separate* student organisations, respectively: the South African Student Organisation (SASO), the National Union of South African Students (NUSAS), and the Afrikaanse Studentebond (ASB) (Van der Merwe 1989b:67–68). About the concluding of this workshop and the way forward, H.W. wrote the following: 'Adam Small, a leading coloured intellectual and philosopher at the University of the Western Cape, concluded the workshop with a plea for cultural understanding, which promised a "cheerful future". Practising it would not be easy, but worthwhile. His views reflected mine, and those of the organisers of this workshop' (Van der Merwe 1989b:69).

22 See Nathan 1999, where examples (and cartoons) are given of tough diplomacy and other attempts to rush the process, and where two of the six strategic principles discussed are: 'Conflict cannot be resolved quickly and easily' (Nathan 1999:8–10) and 'Mediators should not resort to punitive action' (Nathan 1999:13–14).

the odds, challenges, threats and dangers, he began creating opportunities for people to come together. He did not try to impose togetherness upon them, however. In his own words:

In my experience with the South African establishment and the African National Congress (ANC) in exile, I have always maintained that I served as a facilitator assisting both parties to have meaningful communication and gain reliable information. I did not urge the parties to put the knowledge to good use or to make peace. It was up to them to decide how they would use these insights. This approach probably accounts for the positive responses I have had from both sides.²³ The facilitator is less likely than the mediator to be seen as a meddler or a busybody, a preacher or a conciliator. He or she does not offer or attempt to bring the parties together, but, obviously, should the parties be ready to take that step, the facilitator may well be an appropriate person to assist (Van der Merwe 1989b:95).

It is general knowledge that '[t]he intervention of a mediator turns the initial dyad of a dispute into a triadic interaction of some kind' (Gulliver 1979:213), and it is general experience that the attitude of the mediator may influence the nature of the interaction between the parties themselves. If the parties are assisted 'to have meaningful communication and gain reliable information' (as stated in the above block quotation), they might experience the interrelated breakthroughs to understanding, mutual understanding and joint problem solving.²⁴ And as soon as parties undergo such a mindshift, they find themselves in a new dimension of togetherness. They are no longer just sitting together under a tree or around a table where talks about their conflict are taking place; they suddenly sense an unseen energy drawing them together to tackle the cause(s) of their conflict and to work towards rectifying what had gone wrong and towards restoring their relationship.

23 Elsewhere H.W. refers to the view of Adam Curle, a renowned Quaker scholar and mediator, 'that it is through "concerned impartiality" that mediators are able to remain on good terms with both sides' (Van der Merwe 2000:205).

24 See the quotation from The Community Board Program 1986:8–9 in the Foreword of the previous issue of this journal (*African Journal on Conflict Resolution*, vol 13, no 2, 2013).

If, however, such breakthroughs do not take place, the parties remain stuck in their self-interest and their unwillingness to change. Then the conflict-causing problems remain unsolved and the conflict unresolved. It may even happen that new problems are generated. Unfortunately this did indeed happen, both in the South African transition and in the 'new' South Africa. We therefore need the unperturbed realism that enabled H.W. to persevere undauntedly with peacemaking in South Africa. Near the end of his biography entitled *Peacemaking in South Africa: A life in conflict resolution*, in a section captioned 'The new South Africa', he emphasised:

I have always argued that whites are not inherently better or more moral than blacks. Similarly I have warned that blacks are not inherently better or more moral than whites. A fundamental tenet of my life has been the Quaker belief that 'there is something good in every person.' But I am not blind to the presence of something evil in everyone. The fact that power corrupts speaks loudly from every country (Van der Merwe 2000:219).

These insights did not deter him, but apparently only strengthened his motivation and dedication to *Pursuing justice and peace in South Africa*.

It was that conviction [about something good, something of God in every person], even before he became a Quaker, as a teenager in fact, that drove him into the role of mediator and peace-broker between antagonistic groups. As a church and community worker and then also as an academic, he pursued with intrepid persistence – belied by his almost diffident manner – the improvement of mutual understanding between adversaries, plunging himself into conflicts of every kind.

Always committed to a practical application of academic research, and to communication with as wide a public as possible, he has [written profusely] ... The focus has been on the nature of group identities, their fears and aspirations, and on the principles governing the success or failure of communication, mediation, negotiation and efforts to reduce violence (Centre for Intergroup Studies 1989:19).

Such a committed and productive life may indeed inspire us to continue contributing to the changing of unjust, unfair and unreasonable structures – by facilitating understanding and togetherness not only through words and actions, but also and especially by radiating a togetherness attitude. Our situations, experiences and skills are of course different from H.W.'s, but it may be worthwhile to remember pivotal insights and influences through which his life was transformed:

- There was, for instance, what he called his 'moment of truth', when it dawned upon him that the basic equality of fellow-humans cannot be outlawed by the sectarian ideology of one group.
- There was his embracing of a 'spiritual home' where there was no effort to observe religiosity, but where the homely spirit was one of inner spiritual experience and one of peaceful human coexistence.
- There was, in his student years, his internalising of what he called 'more cosmopolitan views': scientific objectivity, religious inclusivism and philosophical exploring (Van der Merwe 2000:33).
- And there was his realisation of the value of acquiring proficiency in another language as his own for the sake of communication in multilingual South Africa and elsewhere in the world.

May all of us as South Africans keep moving further away from a tragic history of separateness and deeper into a promising future of coexistence and cooperation. This was my last sentence, but as I was putting finishing touches to this paper, the 95 year-long and very significant life of South Africa's first president, Nelson Mandela, came to an end. Now, we can also and especially be enthused on the way forward by *his* overarching legacy of anti-apartheid and pro-togetherness.

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Linking poverty and violence: The South African scenario

*Ampie Muller**

Abstract

In present-day South Africa we are daily confronted with individual or group scenes of violence in townships and 'shanty-towns' where people live in poverty. Frequently, it involves people clamouring for the redemption of the promises made to them by politicians prior to the first democratic election in 1994 – promises of a wonderful 'new South Africa' that would meet their needs. In reality, their common experience is of a housing shortage, poor education, few jobs and very little prospect of alleviating their profound poverty. It seems as if in our country violence has become the power of the powerless.

It would, of course, be entirely misleading to give the impression that violence is a phenomenon created by the 'New South Africa', for under the previous government we experienced violence on an enormous scale, in particular state-sponsored violence, and structural violence. But it was not accompanied with promises that this would become better. At present it is this gap between the 'promised land' and harsh reality that to a large extent seems to fuel the violence.

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This article will explore the possible and potential links between poverty and violence, in order to gain deeper insight into their intrinsic meaning and the circularity of linkage between the two. In order to do so, it will

- revisit the definitions of poverty and violence,
- emphasise the extremely important role 'human needs' play in both poverty and violence,
- examine the phenomenon of the 'behavioural sink' which refers to the negative effect of overcrowding on humans as biological beings,
- establish whether theories on male violence offer insight into the problem, and
- attempt to understand how a culture of violence might come into being.

With this in mind, this article will examine the relationship between poverty and other phenomena that may be linked to it, in order to suggest which areas of research need attention to improve our grasp of the related issues and consequences.

Clarity is therefore needed on a number of issues, for example: What do we probably mean when we use the term 'violence'? What do we mean when we use the term 'poverty'? Should we make a distinction between *absolute poverty* and *relative poverty*? Could something like a culture of poverty come into being under certain conditions? If so, what would that look like and how would it influence peoples' behaviour? How is this linked to human needs?

It is universally accepted that the existence of human needs in individuals and the urge to satisfy those needs form the wellspring of human activity. Not only is the process of 'linking' of importance in this regard but also an understanding of needs as an independent entity.

The notion that the male gender is responsible for a very large portion of the violence in most societies where this phenomenon has been studied also leads to a number of questions: Should a closer look be taken at the role of gender in this regard? Are men genetically programmed towards violent behaviour? Could we theorise that this is a societal, protective role that developed over time? Or are there other components that still need to be discovered?

As for the aforementioned behavioural sink – we live in a world where more and more people stay in cities where space is not allocated equally to all citizens; and where some people – usually the poorer members of the community – find themselves living in very close proximity to their neighbours.

The ethologist John B. Calhoun (1962) became famous for his work on overcrowding. He experimented for many years on the effects of overcrowding on rats, and coined the phrase behavioural sink for the phenomenon of behavioural collapse. Since then, these studies and the concept of the behavioural sink have become a touchstone of urban sociology and psychology. Such studies have been repeated many times with similar results. We need to examine closely the possible links between poverty and overcrowding as well as overcrowding and violence, and finally, a ‘culture of violence’. What do we mean when we use the term ‘a culture of’ and how could this concept (if it is deemed legitimate) impinge on the phenomena under discussion?

On poverty

My simple definition for the purposes of this article is: Poverty is the lack of the necessary means to sustain fundamental life processes. I do, however, concur with Oscar Lewis (1998:7) and his concept of a culture of poverty:

The people in the culture of poverty have a strong feeling of marginality, of helplessness, of dependency, of not belonging. They are like aliens in their own country, convinced that the existing institutions do not serve their interests and needs. Along with this feeling of powerlessness is a widespread feeling of inferiority, of personal unworthiness, and discrimination. People with a culture of poverty have very little sense of history. They are a marginal people who know only their own troubles, their own local conditions, their own neighbourhood, their own way of life. Usually, they have neither the knowledge, the vision nor the ideology to see the similarities between their problems and those of others like themselves elsewhere in the world although they are very sensitive indeed to status distinctions.

Lewis also concludes that when the poor become class conscious or members of trade union organisations, or when they adopt an internationalist outlook,

they no longer necessarily form part of the culture of poverty although they may still be desperately poor. The World Bank (2010:1) echoes this description by describing poverty in a somewhat similar vein: 'Poverty is hunger. Poverty is lack of shelter. Poverty is being sick and not being able to see a doctor. Poverty is not having access to school and not knowing how to read. Poverty is not having a job, is fear for the future, living one day at a time'.

Poverty is not a simple concept; it is, in fact, multi-dimensional and its psychological, political and moral aspects cannot be ignored if we want to achieve a fuller understanding of it. The lack of basic, sustainable features of a functioning way of life can lead to irreparable damage, and in itself can contribute to the cycle of poverty. There is, for example, overwhelming evidence that whatever an expectant mother ingests or fails to ingest during the gestation period may have lasting effects on her foetus and on the baby after it is born. One negative example of this phenomenon, endemic in the Western Cape, is foetal alcohol syndrome. Easily obtainable drugs are also a pervasive issue here, as is the lack of sufficient healthful nutrients (as manifested in the Cape area in having the world's highest tuberculosis figures).

There is a notion, relative to the environment in which people live or the societies to which they belong, that there should be a living standard to which all people, no matter where they live, could be measured. This implies an absolute standard against which all people from anywhere in the world could be compared. According to Keith Joseph (1975), an absolute standard means one defined by reference to the actual needs of the poor, and not by reference to the expenditure of those who are not poor. Families, or individuals, are poor if they cannot afford to eat. More pointedly, a standard of poverty needs to be narrowed to a clear equation of stating the amount of calories that is needed for physical survival, and also the combination of food components needed (vitamins and so forth).

Though this might, on the surface, seem to be a sensible unit of measurement, it has its pitfalls. Even in wealthy societies, a healthy diet may be lacking due to the availability of a wide variety of quick and not particularly healthy food choices, as well as individual idiosyncrasies. Therefore the concept of 'relative poverty' has found a wider acclaim.

Relative poverty is measured in terms of judgements about what is considered a reasonable and acceptable standard of living made by those within a particular society. This definition is therefore not a fixed one; it moves in response to changing social expectations and concomitant living standards. 'To have one bowl of rice in a society where all other people have half a bowl may well be a sign of achievement and intelligence. To have five bowls of rice in a society where the majority have a decent, balanced diet is a tragedy' (Harrington 1962). Or, as Karl Marx (1976) put it, 'Our needs and enjoyments spring from society; we measure them, therefore by society and not by the objects of their satisfaction. Because they are of a social nature, they are of a relative nature'.

Peter Townsend (1979:31) criticises the narrow subsistence notion of needs, divorced from their social context, upon which absolute definitions of poverty were based. According to his alternative relative definition, 'the poor' is taken to mean:

Individuals, families and groups in the population who lack the resources to obtain the types of diet, participate in the activities and have the living conditions and amenities which are customary, or are at least widely encouraged or approved, in the societies to which they belong. *Their resources are so seriously below those commanded by the average individual or family that they are, in effect, excluded from ordinary living patterns and activities* (my italics).

We measure ourselves against people in our neighbourhood whom we believe are like us or 'ought' to be like us. If we cannot afford the amenities that they can, we may experience that as relative deprivation. Moreover, it is not possible to understand the phenomenon of poverty fully without an understanding of human needs and human values, and of how these feed into the phenomenon of poverty.

Human needs and values

One fundamental assumption in the understanding of human behaviour is that human beings are only moved to action because they have needs that must be satisfied. In this regard, Abraham Maslow's (1943) theory of motivation is

perhaps the best known. He posits a hierarchy of needs where physiological needs are at the base – followed by security needs, societal needs, esteem needs, and the need for self-actualisation. Nowadays they are more simply classified as existential needs, relationship needs, and growth needs. We need to keep in mind that these needs have to be continually satisfied, and that survival itself is the basic and fundamental need to which all other needs are subservient. Many theorists have attempted to spell out specific needs on the different levels, but there is a large degree of agreement on the main issues.

For our purpose we will take a closer look at two approaches. One set of values in terms of a ‘human needs’ approach is described by Hadley Cantrill (1976), and forms, for a number of writers, the basis for a human needs theory. He adds to the survival-and-security-needs a further array of needs: humans need sufficient order and certainty to be able to predict the effects of their actions; they continually seek to enlarge the range, and enrich the quality of their needs for satisfaction. According to Cantrill, we are creatures of hope and are not genetically designed to resign ourselves to our lots. We do, however, have the capacity to make choices and the desire to exercise this capacity. We require freedom to exercise the choices we are capable of making, and we want to experience our own identity and integrity, as well as a sense of our own worthiness. We seek some value or system of beliefs to which we can commit ourselves, and we want a sense of confidence that our society holds a fair degree of hope that our aspirations will be fulfilled.

A second and more recent needs theory to mention here is Steven Reiss’s (2004:179–193) ‘Intrinsic Motivation and the 16 Basic Desires’. These two theories complement one another and demonstrate the wide variety of human needs and expectations that drive our behaviour. Unfortunately, however, most of the theories and definitions of poverty do not include the full range of human needs and values. The satisfaction of human needs cannot be isolated from the reality of the external world.

All human needs must be satisfied in *a world of scarce resources*. We therefore have to *contend or compete* for these material goods. To do so we require power. Although a large volume of writings exists on the subject of power, there does not

seem to be much disagreement on the fact that power is, in essence, the ability to influence either people or things. As far as *sources of power* are concerned, there is a large degree of agreement. French and Raven's (1959) theory of five bases of power is sufficient for our purposes: legitimate power (stemming from a person's position in an organisation or community); referent power (stemming from personal acceptance by others – here charisma comes into play); expert power (the source of which is the skills or knowledge one possesses); reward power (stemming from the ability to grant people things they desire); and coercive power (which stems from the ability to force people to do things even when they do not want to do it).

To be acceptable as *legitimate* to the community, power must be seen by enough people as guaranteeing a degree of *equity*. When resources are seen as adequate and the power used to contend for them as legitimate, then the mode of acquisition and of distribution would be *co-operation*. When, however, either or both of these principles are questioned, then *competition becomes the mode of acquisition*. Conflict, in this framework, is seen as an intensified form of competition, and a crisis is encountered when the costs of maintaining or living with the status quo is so high that a new form of equity is sought.

At the heart of all this lies the question of *how the legitimate needs of all members of a society can be equitably satisfied*, assuming that a finite limit of resources is a given. In other words, the fundamental ethical question is: How can the relatively powerless in a community (the poor, the aged, the young, the handicapped, the abused) achieve a position that would allow them to determine their own destinies to the greatest extent, yet remain consistent with the common good?

There are certain fundamental human values underlying this framework. These are values without which this model cannot function. Human beings have dignity or value because they are human. Human beings seek meaning in their lives. Human beings therefore should be treated with respect, not as a means to an end, but as 'ends in themselves.' These three values contribute to my thesis in a number of ways.

Empowerment is a required condition for individuals and groups to achieve the desired end-state of societal justice. Self-determination is only possible

where negotiable power is present. Ultimately, no one should speak for another. Individuals and groups ought to represent their own interests, thus proportional empowerment becomes a crucial value.

Freedom constitutes a condition in which all groups and individuals have developed their own latent power to the point where they can advocate their own needs and rights and protect themselves from wanton violation by others. It is a condition in which they are capable of negotiating their own way with other empowered groups on the sure footing of respect rather than charity. A just society is a prerequisite for the maximum attainment of freedom by all individuals in the system. Freedom in this context means the ability to make responsible choices among a number of options, and to live with the consequences of those decisions.

Justice is an ultimate social good. It is a system in which power (i.e., control of decisions) is diffused. Decision making is participatory, accountability for decisions is visible, and resources are adequate and equitably distributed. Such a system of social justice can only emerge from the interplay of empowered, meaning-seeking individuals in the group.

A person's nature is most fully honoured when he or she has the maximum degree of latitude to determine his or her destiny, consistent with the common good. It should therefore be clear that at the heart of the problem lies the question of how, given a scarcity of resources, the legitimate needs of all members of a society can be equitably satisfied.

Power is the basis of all the above, because it provides the possibility for making, or at least influencing, the decisions that affect the lives of a community. The lack of equitable power will lead to an intensified form of competition that leads to conflict. The ultimate form of this is violence.

Violence

Most dictionary definitions of violence offer the idea of physical force or strength. Johannes Degenaar's (1990:4) conceptual clarification is the one I have found most useful because of its conciseness and the way it leaves avenues open

to all different kinds or types of violence: 'Etymologically, the word violence is derived from the Latin *vis* (force) and *latus*, the past participle of *fero* (to carry).' Degenaar's conclusion concerning this combination is that violence is the carrying of force towards someone or something. If we define force as the measurable influence inclining a body to motion, the physical nature of this movement is emphasised. Moreover, 'violence is the movement of carrying extreme force against' somebody. The consequence could be called injurious to that person (Degenaar 1990:4). He also makes it quite clear that when we are talking of violence against a person we have to bring in the idea of *intentionality* (Degenaar 1990:5).

Ultimately, Degenaar defines the difference between violence and violation and thus brings a normative element into our discussion of violence. Violation is derived from the Latin *violare* – to violate, desecrate, outrage, infringe – and signifies the disturbing of a person's integrity (Degenaar 1990:5).

Degenaar concentrates on the non-metaphorical use of the concept of violence, but by using the concept of violation, the metaphorical is introduced because it brings in 'violence done to a moral right' (Degenaar 1990:7). Under the metaphorical use of violence he mentions psychological violence. '[T]here need not be any physical violence at all but the experience of injury done to the person is crucial. This injury is related to a value which is ascribed to a person and which has been violated' (Degenaar 1990:9). He adds that acts performed with an authoritarian attitude (of a parent, for instance) are metaphorical violence, and so are humiliation, indoctrination, imposition, command, restriction, threats and so forth (Degenaar 1990:10–11).

Structural violence is also a form of metaphorical violence. Johan Galtung (1969) is credited with being the first individual to formulate this concept. According to Galtung, it is present where some social structure or social institution may harm people by preventing them from meeting their basic needs. It is when human beings are being influenced so that their actual somatic and mental realisations are below their potential realisations. In other words, the violence resides in the structures that do not give citizens equal power and equal life chances.

There is also cultural violence to consider, that is, aspects of culture that can be used to justify and legitimate direct or structural violence. It may be exemplified in the areas of religion, ideology, language as well as the arts.

In 1971, Dom Hélder Câmara, the bishop of north-eastern Brazil, referred to a 'spiral of violence' as 'the violence of poverty which keeps over two-thirds of the world's people in a subhuman condition, the violence of revolt when peaceful demands have no effect and the violence of repression with which the powerful try to crush the demands of the poor' (Degenaar 1990:13). Davies (1976:131) also links structural violence with uneven distribution of power and resources: 'Structural violence shows itself when resources and powers are unequally shared and are the property of a restricted number who use them not for the good of all but for their own profit and the domination of the less favoured'.

In summary, it should be noted that all types of violence discussed so far may be part and parcel of the phenomena surrounding poverty.

The behavioural sink

As noted above, the best work on the potential influence of population density on poverty and violence has been done by the ethologist John B. Calhoun (1962:139–148) who became famous for his work on overcrowding. Experimenting on the effects of overcrowding in rats led to his notion of the 'behavioural sink' for the phenomenon of behavioural collapse that took root in popular culture as an analogy of human behaviour. There is a popular belief that a logical extension of Calhoun's work would be to apply his findings regarding the overcrowding in rats to human environments such as living in high density locations. One of the most important aspects of Calhoun's findings was that it sparked an upsurge of related research on the effects on humans in high density living. A few examples are notable.

Extremely overcrowded prisons were one of the environments in which it was postulated that a behavioural sink might occur for humans. A study funded in 1980 by the National Institute of Justice examined prisons where inmates averaged only 50 square feet each (or an area about 7 by 7 feet), compared with less crowded prisons. It was found that in the crowded prisons there were

significantly higher rates of mortality, homicide, suicide, illness, and disciplinary problems. Another finding has been that crowding produces negative effects on problem-solving abilities. One study placed people either in small, extremely crowded rooms (only 3 square feet per person) or in larger, less crowded rooms. The subjects were asked to complete complex tasks, such as placing differing shapes into various categories while listening to a story on which they were to be tested later. Those in the more crowded conditions performed significantly worse than those who were not crowded (Evans 1979).

Along with those effects, there may be a tendency to feel that other people are more hostile and that time seems to pass more slowly as density increases. There is an optimal relationship between crowding and withdrawal; the optimal point seems to be 1.18 persons per room. This relationship holds even when control variables are introduced (Evans 1979).

Additional analysis was done to see the effects of self-selection and crowded conditions. Evans found that individuals with aggressive or withdrawal behaviour self-select into lower density housing. This phenomenon has in the past tended to lower the correlations which exist between aggression and crowding, hiding the relationship if self-selection is not taken into account. Further, the inclination in the social sciences to use correlations to measure effect tends to obscure the actual situation (Evans 1979).

Although the analysis is limited to one city and does not consider the effects of overall population density on human behaviour, Evans' work does show that when people feel crowded, they tend to withdraw from that situation to less stressful situations. This response is probably normal for human and animal behaviour, but it will tend to obscure simple correlations between aggression and withdrawal in observed behaviours. It does, however, indicate that when people do not feel comfortable in a dense situation, they prefer to withdraw. In sum, environment affects human behaviour just as it does animal behaviour.

Some major theories have been generated to explain the effects of density on human behaviour. The work of Louis Wirth (1938) is the most commonly known, especially his famous proposition that size, density and heterogeneity explain the effects of urban life on the human animal. The experiments done by Stanley

Milgram (1979) suggest that when people are confronted with a large number of strangers in everyday life, they tend to withdraw and take less interest in the community in order to protect themselves from overload. Although a number of density studies with humans could not replicate the behavioural sink theory, Wendy Regoeczi (2002) has argued that the inconsistent results that plague the density literature are due to a misspecification of how density effects operate. However, if density effects are left unaddressed, this may lead to serious misrepresentations of the relationship of density to pathology. These issues pertain to self-selection and nonlinear effects of density on social behaviour.

Using data from the Toronto Mental Health and Stress study, Regoeczi looks at overcrowding in housing using the measure of persons per room. Measures of withdrawal came from questionnaire responses regarding affection and love. Aggression was measured from a series of questions asking about how aggressive people felt towards others.

It seems that all animals, including the human species, require a certain amount of personal space. When that space is invaded, especially for an extended amount of time, it causes behaviour to change. When observed from a population point of view, it can have devastating effects. In a number of studies it became clear that, in addition to plenty of food, water, and shelter, all animals need a minimal amount of space. Although all other resources seem to be sufficient, the lack of space in effect kills them.

John J. Christian (1961) studied Sika deer on James Island in the Chesapeake Bay near Washington, D.C. These deer required at least three acres per deer in order to thrive. Yet, during the six-year study, on the 280 acre island the Sika population reached nearly 300. All of a sudden the deer began to 'just drop dead'. The dead deer appeared to have no health problems or diseases. However, autopsies revealed that they died from enlarged adrenal glands. The over-population on the island proved to be too much for the herd and many died from being severely 'over stressed'. As soon as the numbers dropped back to a level that guaranteed the three acres per deer spatial need, the 'mysterious deaths' stopped occurring.

A culture of violence

A number of intellectuals from varying backgrounds such as Max Scheler (1958), Arnold Gehlen (1957) and Martin Buber (1945) have made a case for culture being the human answer to an inherent biological poverty, a lack of internal warning systems, and a lack of specialised organs adapted to specific environments. Added to this is the survival advantage of human brainpower and the ability to reason. Humans survive in hostile environments by changing the environments they find themselves in to suit their abilities and their needs, before choosing to simply move on, that is if they are able to do so. In order to function well, they need as full a description of the environment they find themselves in, as well as an understanding of the natural laws according to which they operate. This enables humans to devise technologies to substitute for that which nature did not provide. Culture enables us to change nature to suit our needs, by means of 'organ' replacement, organ substitution and organ amplification. In air travel, for example, one can see all three of these mechanisms at work: the wings nature never gave us, stronger and bigger than those of any other creature, and on top of it, almost inexhaustible motion.

But if culture is the avenue through which we try to survive in hostile environments, then it should indicate the way(s) in which we interact with one another, as well as the power relationships that underpin these. Socio-political systems are mainly about dividing available or potential resources. Most social contracts, traditions and other social-cementing mechanisms have the ethical concepts of justice and equity as an integral part of their functioning. Where these are missing, we have either the subservience of slaves or the insurrection of people who perceive themselves as legitimately opposing the forces which cannot be overcome in a peaceful way. Therefore this is viewed as a culture of legitimate violence.

A number of factors make it easier for such a culture to become established in modern times. There is, for instance, the modern miniaturisation of devices of force (as opposed to the 'blunt force' of historically bulky armies) like the AK47 assault rifle, the shoulder-fired Stinger missile, sarin gas, etc. These are all examples of 'force' with which small groups or even individuals can hold large groups to ransom. These examples are based on the perception by

people at the 'bottom of the pile' that there is no legitimate or peaceful way of climbing out of their dilemma, coupled with a philosophy of 'violence as antidote'. Franz Fanon (1961) believes that violence is the only way through which the disempowered can gain self-respect and attain the seeming success of violence as power.

In his 'Letter from Medellin' in the *New Yorker* (1991), Alma Guillermoprieto relates his interview with a young man in his early twenties from Medellin, Colombia, which at the time was the headquarters of Emilio Escobar, the notorious drug lord. This young man tried to live a decent life by means of honest manual labour and was strongly motivated by an overwhelming desire to improve the life of his mother. There were many gangs operating in his neighbourhood environment, the *barrio*, and one day he witnessed his younger brother being wounded during a gang hold-up. He felt deeply humiliated by his lack of power and the idea was born of starting a *Grupo de Autodefensa* (a self-defence unit). He discussed this idea privately with one other person on his block and then started cleaning up their *barrio*. Within the first three months they killed 30 'undesirables', and then the two groups started eliminating one another. After that, he claimed his *barrio* became a nice place to visit – *tranquillo*, calm, no problem. Asked whether he approved of the local police involvement in more or less the same type of activity, he replied that according to him police officers are murderers who massacre everybody. He saw himself as a Christian and as such he only took human life when it was absolutely necessary!

It therefore seems that there are circumstances under which the people involved may perceive a culture of violence as justified, when they feel there is no other option available. Since the time of Augustine, the notion that violence can be used to combat hostile circumstances has been encapsulated in the 'Just War' theory.

Vigilantism

A circumstance that is similar to the Medellin example is rapidly becoming endemic in South Africa since the advent of the new democratic dispensation in 1994. At that time, it was widely anticipated by the masses of poor people

that their circumstances would improve almost immediately. However, as employment opportunities failed to materialise and housing remained chronically short and often pitiful, townships remained plagued by crime and poor people have increasingly turned to vigilantism over the past several years.

Township residents believe that the police either do not care about their plight because they are less powerful than wealthier suburbs, or that indeed, they are collaborating with organised criminal gangs – a phenomenon that has sadly been established in several cases. Even Jackie Selebi, the former South African Police Commissioner, was jailed for corruption. While the rich can pay for private security, those without funds are left to deal with the problem of protecting themselves.

As a result, one of the cruelest of apartheid-era ‘punishments’ against perceived ‘informers’ has been re-invoked, the terrible death caused by ‘necklacing’. This barbaric and agonising act involves placing a car tyre around the neck of the ‘culprit’, pouring petrol into it, and setting it alight. The victim can take up to twenty minutes to die. Along with stabbings and beatings to death of ‘criminals’ caught by community members, this method of ‘mob justice’ takes place in townships in South Africa on a regular basis.

In July 2012, a demonstration outside Parliament in Cape Town highlighted the fact that in that year, nine young men had been killed by necklacing. They were all from Khayelitsha, one of the poorest and most densely populated townships on the Cape Flats and at the same time a community with one of the highest murder rates in South Africa (Phaliso 2012), or indeed, the world. Khayelitsha is a liminal township set up in the 1980s to absorb the population of the outgrown surrounding townships, as well as the influx of urban-directed people from poor rural areas elsewhere – in other words, a place of the displaced. In both May and June of 2013, two young men suspected of burglary were killed in separate attacks using the necklacing method in the Western Cape, in Wallacedene, and in the Siqalo settlement in Philippi (Lau 2013; Knoetze 2013).

These events can be linked to Hannah Arendt’s (1972) distinction between power and force in political environments. Power, she asserts, comes from the

consent of the people, while force comes from the barrel of a gun (or, in the case of South Africa, perhaps a readily available old car tyre).

Neighbourhoods with high unemployment rates are more likely to have high crime rates than communities with high densities. There is evidence that unemployment is one of the leading factors in societal violence. It is argued that in cities where unemployment is rampant, people become involved in various crimes as a result of their poverty. Unemployed individuals (especially those who were recently employed) experience a breakdown in the normal patterns of their everyday lives which may lead to criminal behaviour that would not otherwise have occurred, had they remained self-sufficient earners. Statistics South Africa (2013) gives the unemployment figure for the second quarter of 2013 as 25.6%. It must be noted that this figure refers to people out of work *who are actively looking for work*. A 'guesstimate' of *all* the people out of work, including those who are not actively looking for work, is closer to 40%.

Violence resides in the structures that do not give citizens equal power and equal life-chances. It is clear that many instances of structural violence, in this sense, are evident in the lives and living conditions of people forced to dwell in ghetto-like circumstances, for example on the Cape Flats or KwaMashu in KwaZulu-Natal, or many other similar poverty-stricken places in South Africa. Any institution which systematically robs certain people of rightful, decent options generally available to others, does violence to these people.

Anthony Altbeker (2011) argues that the majority of South Africa's population has been excluded from participating in the economy as a result of constraints on the education of the individual as well as the family. This situation includes the lack of acquisition of skills. In addition, a resource-poor environment undermines their chances of finding work. To use a well-worn but nonetheless apt phrase, the playing fields are still far from equal.

Conclusion

To the background of theory in this regard, I have attempted to identify critical aspects in the relationship between poverty and violence, in particular as they

refer to the South African situation. It is important to recognise that poverty was and is still intricately connected to the social and racial history of South Africa, and that our vast legacy of colonialism and apartheid has fed into the nexus of poverty and violence in our poorest townships, almost all of which are inhabited by the previously disadvantaged.

I have not attempted a definitive answer to the questions raised by all of this, but rather focused on possible links between poverty and violence which may not always have received due regard. We need more and deeper insights in order to understand and attempt to solve the serious problems facing us. It is notable that the word 'theory' from the Classical Greek *theorema* simply means *insight*. Thus theory and insight are inexorably intertwined.

A number of areas of research deserve closer attention. For example, the work by Ian Harris (1991) on *male violence* opens up a series of questions that should be asked: What are the messages that young men growing up in South Africa receive from their environments? Are these messages different for different groupings (i.e. rural, provincial, cultural, tribal, religious, etc.)? Do these in any way enforce violent behaviour (in the broadest sense of the word)? What sort of behaviour expectations do their communities demand from them and what type of *anger behaviour* is sanctioned by different communities? Harris sees 'inner rage' as the dynamo of violent behaviour; therefore, research should be implemented towards a greater understanding of this issue.

We also need a greater understanding of 'poverty as violence' as well as the physical and psychological damage done to people living under conditions imposed by poverty. The relationship(s) between population density and pathological behaviour need(s) to be further clarified. Some of the research seems to show that population density on its own does not show an inevitable relationship to violence, but that population density *plus* a number of related factors do have a significant influence on violent behaviour. These include unemployment, income disparities, the gap between rich and poor, and lack of resources. Unfortunately, there are no reliable statistics to illuminate the psychological and other human factors that may be influenced by the

behaviour sink in South Africa. We need this to be investigated, and we need it as a matter of urgency.

My hope is that this article assists in focusing the attention of researchers onto an extremely rich area of neglected research. If our talented researchers could team up with concerned funders, we would be on our way to solve one of the most vexing problems facing our young democracy – the link between poverty and violence.

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Violence as a form of communication: Making sense of violence in South Africa

*Hugo van der Merwe**

Abstract

This article explores the meaning of violence in South African society against the backdrop of its violent past. Using a perspective suggested by H.W. van der Merwe** and Sue Williams in an article in 1987 – understanding violence as a form of communication – the article seeks to analyse how the persistence and scale of violence can be understood as a legacy of our past. This approach can also help foster spaces for more constructive engagement with those who resort to violence in the face of the society’s failure to provide effective channels for more constructive communication.

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** In the 1987 article by Van der Merwe and Williams, the first author’s last name was incorrectly spelled as ‘Van de Merwe’. In the article below, however, all references to this 1987 article will contain the correct spelling ‘Van der Merwe’.

Introduction

The persistence of violence has been a very distressing aspect of the transition to democracy in South Africa. While the system of apartheid constituted systemic violence and relied on physical violence to survive, political analysts expected post-apartheid society to be much more peaceful. Instead, the continued high levels of both political and criminal violence, while different in many respects from past violence, keep confounding theorists and practitioners. While high levels of crime in response to poverty and political frustration at the slow pace of delivery of basic services are to be expected, the level of violence present in both these spheres is more difficult to explain. A useful perspective that manages to cut through the deeply emotional and moralistic nature of the public debate on these matters can be found in an article published over 25 years ago.

Hendrik (better known as H.W.) van der Merwe and Sue Williams wrote an article entitled 'Pressure and cooperation: Complementary aspects of the process of communication between conflicting parties in South Africa' in 1987. This article had a significant impact on my thinking at the time and has stayed with me over the years. It has resonated with much of my own work and with current debates about why South Africa appears to be such a violent society.

Their article essentially argued that violence and negotiations are two ends of a continuum of communication. They are both intended to convey a message. People resort to physical violence especially when they feel that other avenues for communicating their message have been blocked. In order to de-escalate or resolve a conflict it is necessary to help the different sides to look more sympathetically at the opponents' actions, to understand the meaning of violent acts, and to put them in perspective.

The article was published in the late 1980s, a time when the conflict between the apartheid government and the liberation movements appeared particularly intractable. Violence on both sides of the conflict appeared to be escalating, and the parties were viewed as entrenching their positions and heightening mutual mistrust. The 'excessively' violent nature of their actions was interpreted as an indication of the lack of commitment to negotiations, and even as an expression of hatred or a disregard of the other's humanity. Rather than simply being

regarded as 'normal' acts of war, these actions were seen as particularly brutal and aimed at inducing terror.

The State had launched attacks against African National Congress (ANC) bases in neighbouring countries, apparently targeting and killing civilians indiscriminately. This was seen as a blatant provocation, particularly given that an international mediation team, the Eminent Persons' Group,¹ was present in South Africa at the time. At the same time, ANC supporters were utilising 'necklacing' against enemies and collaborators, a strategy openly supported by some ANC leaders. The cruel nature of these actions was seen by both sides as over-kill, a rejection of their opponent's humanity and an attempt to escalate the conflict.

In a context where polarisation had led to a breakdown of communication, Van der Merwe and Williams sought to introduce a silver lining on the dark cloud of violence. They argued that both sides were attempting to communicate through their actions (both their violent and nonviolent actions), and that there was a desire for this message to be understood by the other side. They further expanded on the issue of violence and communication:

Even apparently senseless or counterproductive tactics may be selected in order to convey a message. Thus violence, even extreme forms of violence, may be part of a political strategy that has a specific end in view.

Such acts ... can be seen in a more acceptable light in order to understand and eventually resolve a conflict that is harmful to all concerned.

It would be helpful if all sides come to see each other's actions as communication, thereby perceiving the actions and the opponents as being part of the process of dealing with the conflict (Van der Merwe and Williams 1987:9, 11).

To simply provide a moral condemnation of the actions of the other side was in fact obstructing each party's ability to make sense of this form of communication. By helping each side understand the message and the motives

1 A group of high profile individuals visited South Africa and met with a range of different political leaders to explore opportunities for negotiations.

of the other, a mediator could help them move towards more constructive forms of communication.

The problem of violence clearly still plagues South African society, as does the tendency to resort to moral condemnation of such 'senseless' acts. Scholars, politicians and activists are still trying to make sense of the persistence of violence in its various forms in South Africa – to interpret it in a way that can be responded to in a constructive manner. Assailed by these images of horrific violence in South Africa, their perspective of looking at violence as a form of communication still holds important value in making sense of the senseless. Understanding violence as a form of communication also, however, raises serious questions about what communication skills and techniques a democratic South Africa has inherited and how to make sense of this culture of dealing with conflict.

By first outlining some of the most overt aspects of the present violence faced by South African society, then reviewing different approaches to understanding violence from a communications perspective, this article seeks to present some ideas about what these phenomena mean for potential violence prevention strategies.

The continuities of violence

While the direct political violence between opposing political parties at a national level has largely disappeared, violence has persisted and has, it would seem, become worse in numerous other spheres of the South African society. Physical violence (both at interpersonal and collective levels) seems to have become the norm in many social contexts, and these seem to mirror the underlying structural violence that has only marginally been ameliorated since the transition to democracy. Structural violence (examined in more detail below) refers to the social structures which harm people by systematically limiting their access to basic needs (Galtung 1969).

Interpersonal criminal violence is the most immediate and worrying manifestation of violence for most South Africans. It is not only the high crime rate that raises concerns among the public and the government, but also the

violent nature of these crimes. Public and political outrage are often expressed at the apparent excessive nature of the violence used by criminals – seemingly in excess of what was required to achieve the immediate criminal goals.²

The number of murders in South Africa has dropped significantly since 1995.³ It does, however, remain very high compared with other countries,⁴ and the rates of other violent crimes have not shown a similar decrease in recent times.

Gender violence, particularly rape, remains at a horrific level. More than 25 percent of South African men questioned in a 2009 survey admitted to raping someone, and nearly half of those men said they had raped more than one person (Jewkes et al. 2009). The rate of homicide of women by intimate partners is six times the global average (Seedat et al. 2009).

Police violence has also remained a serious concern despite the various efforts to introduce democratic policing and human rights principles into the training and management of police since the transition to democracy. While various measures have been introduced to regulate and provide oversight of police use of force, incidents of police excesses appear to be multiplying, both in relation to their handling of public protests and their dealings with individual suspects.

The most shocking of these events was the killing of 34 and injuring of 78 striking miners on 16 August 2012 at the Lonmin Platinum Mine in Marikana. This was the most serious incident of police violence, not just since the democratic transition, but since the Sharpeville Massacre of 1960 that marked the beginning of the armed struggle in South Africa. Police use of force against public demonstrators has however become increasingly common over the last decade. Rather than simply a tragedy of miscalculation and failure of police

2 This concern prompted the Department of Safety and Security to commission the Centre for the Study of Violence and Reconciliation to conduct a study on why crime was so violent. See Centre for the Study of Violence and Reconciliation 2010.

3 See Mail and Guardian 2011: SA murder rate drops by 6.5%.

4 Violence and injuries are the second leading cause of death and lost disability-adjusted life years in South Africa. The overall injury death rate of 157.8 per 100 000 people is nearly twice the global average (Seedat et al. 2009:1011).

management, this massacre is the outcome of a more violent orientation of policing that had been observed in various other public confrontations.

Just a week before the massacre the Minister of Police, Nathi Mthethwa, spoke vehemently about the need for police to use maximum force:

Police must return fire with fire. We will use maximum force based on the law itself. Those who want to break the law, such as cash-in-transit heists and bank robberies, must think again. They should know that we will not waiver in continuing to let them feel the heat and that we squeeze them with maximum force (Neethling, 2012).

It was exactly those units who were trained and experienced in the use of maximum force against armed criminals who were deployed in Marikana. Statements that were symptomatic of a growing militarism in the police and stressed their capacity and willingness to use violence had been made before. Susan Shabangu, the Deputy Minister, framed this quite explicitly at a public rally in 2008:

You must kill the bastards [criminals] if they threaten you or the community. You must not worry about regulations. I want no warning shots. You have one shot and it must be a kill shot (Mkhwanazi 2008).

When challenged about this statement two days later, ANC president Jacob Zuma supported her: 'If you have a deputy minister saying the kinds of things that the deputy minister is saying, this is what we need to happen' (SAPA 2008).

Another aspect of police use of force that remains problematic is the torture of crime suspects. While the number of people dying in police custody is higher today than it was during apartheid, it is difficult to allocate responsibility, as many of these deaths are a result of illness or injuries received prior to detention. The high number of deaths (720 in 2011–2012), and the regular allegations of torture are however concerning signs, particularly in the broader context of the police being encouraged to use violence.⁵

5 Also of great concern is the fact that the Independent Complaints Directorate (now called the Independent Police Investigative Directorate) does not keep statistics on torture due to the fact that torture had not been defined as a crime till 2013 (See Independent Complaints Directorate 2012).

As mentioned above, the increasingly violent approach to policing is in part a reaction to the perception of escalating violence of criminals and protestors. The violent nature of public protest is indeed a growing concern. Both the number of protests and the violence associated with these protests appear to be rising. One estimate puts the number of major service delivery protests in 2012 at 173 (up from a previous high of 111 in 2010) and found that over three quarters of these were violent (Municipal IQ 2013). Much of the blame for this, however, rests with the police because of their confrontational strategies in engaging public protests, with peaceful demonstrations spiralling out of control once police engage protesters (CSVR and SWOP 2011).

Xenophobic attacks have also unfortunately become common in South Africa. Beside the more orchestrated and mass scale assault on non-citizens in 2008 when 62 people were killed (some of whom were burnt alive), attacks continue on a regular basis on a smaller scale, and are generally dismissed by State officials as being criminally motivated.

Violence has also remained a central feature of many of the large strike actions by workers. In the lead up to the Marikana massacre, 10 people were killed, including two policemen and two mine security guards. The most violent of these large actions was the national strike by security guards during which 50 people were killed over a three-month period. The main umbrella union in South Africa, COSATU,⁶ admits that half of its members believe that violence during strike action is necessary in order to achieve results (Orderson 2012).

Other spheres of South African life where violence has been noted as alarmingly regular or disturbing are vigilante violence,⁷ schools,⁸ prisons⁹ and families.¹⁰

Alongside the overt physical violence is the disturbing continuity of structural violence. Inequality in South Africa remains appalling, both in terms of the country having one of the highest levels of income inequality in the world (which has in fact increased since 1994),¹¹ as well as the distribution of this disparity along racial lines despite State efforts to promote equality.¹² The delivery of basic services and adequate housing, while significantly improved since apartheid, is still a distant dream for many citizens, and unemployment remains at a staggering 36.5 percent.¹³

Does all this violence that appears endemic to South African society say something about its inhabitants being a violent people? Do we resort to violence too easily? Have we become so hardened as to accept violence as a normal part of everyday interaction and of political and social discourse? Have we become so hardened to the supposed inevitability of poverty and inequality that we accept these as the norm and view their eradication as a distant goal?

7 Police statistics claim that 5% of SA's approximately 15 000 murders per year are vigilante killings.

8 Burton and Leoschut (2012) found that 22.2% of high school learners were found to have been threatened with violence or had been the victim of an assault, robbery and/or sexual assault at school in the past year. A study by Mncube and Harber (2012) found that about 55% of pupils who were surveyed report that they have experienced violence in one or more of these forms.

9 The Judicial Inspectorate for Correctional Services (2012) found that there were 852 deaths in South African prisons in 2011–12, of which 48 were classified as unnatural deaths.

10 Jewkes et al. (2009) found that more than 40% of South African men said they had been violent with an intimate partner.

11 South Africa's Gini coefficient increased from 0.66 to 0.70 between 1993 and 2008 (Leibbrandt et al. 2010). These figures are however vigorously disputed, the disputes being based on questions of whether the income figures include various state assistance programmes.

12 The average white household income is still six times that of black households, down only slightly from the ten to one ratio at the time of transition (De Wet 2012).

13 The official figure of 25.5% unemployed includes only those actively looking for work.

Can the perspective of ‘violence as communication’ perhaps help us think through some of these challenges, and clarify what we are seeing and what solutions might be feasible?¹⁴

Making sense of violence in SA

Firstly we need to confront some critical questions: Has violence become a normal form of communication in South Africa? Has it become a normal form of interaction that is almost taken for granted? Have we in fact adopted a culture of violence? Some commentators have remarked that South Africa has adopted violence as our 12th official language (Molopyane 2013).¹⁵ Moreover, violence has been ‘valorised’ in our patriarchal culture to the point that it is being taken for granted, or as a social fact, and not as something that is in itself problematic. South Africa is not unique in terms of the commonality of violence. Some analysts have pointed out the commonalities between South Africa’s ongoing post-transition violence and other countries that have also experienced decades of conflict (Steenkamp 2005; Steenkamp 2011).

In addition to analyses that explore the structural causes of conflict, some analysts have suggested that violence has become so normalised because South Africa has in effect developed a ‘culture of violence’:

[It has become] a society which endorses and accepts violence as an acceptable and legitimate means to resolve problems and achieve goals (Vogelman and Simpson 1990).

[E]ndorsement and acceptability of violence to which this label [culture of violence] refers is crucial to an understanding of any violent incident in South Africa. Resolving conflict and problems through violence has long been a major part of South African culture (Vogelman and Lewis 1993:5).

14 The concept of ‘violence as communication’ has been used to help explain terrorism (Schmid and De Graaf 1982) and the psychological motivation of criminals (e.g. De Haan 2011; Blumenthal 2006), but has not been commonly used in conflict analysis literature.

15 South Africa recognises 11 languages as official languages in its constitution.

Both the extent of violence and the moral response of society (or lack thereof) may be seen as indicating that South Africa has developed a culture of violence. The term 'culture of violence' implies two things about how society views violence: Firstly, violence is seen as normative rather than exceptional. Violence is seen as a normal response to addressing a problem, and therefore attracts little condemnation. Decisions to use violence are thus based on whether it works or not, rather than on whether it is justifiable or not. Secondly, violence is valued in certain situations. Violence is seen as serving a positive social function (in addition to its instrumental value). In this formulation, violence thus becomes an effective and commonly used form of communication, and those who are good at this form of communication are valued members of society.

In some ways, however, all societies may be characterised by such a 'culture of violence'. They may be located at different points on a spectrum ranging from the condemning to the valuing of violence. Making such broad judgements about a whole society is deeply problematic, however, particularly in a society like South Africa's which is composed of a range of cultures and social networks with their respective attitudes to violence that are contextually specific. With very few exceptions, cultures around the world allow and even celebrate violence in certain situations, particularly those of inter-state conflict.

Johan Galtung (1990:291) provides a different formulation of this idea. He preferred the term 'cultural violence' to refer to 'those aspects of culture ... that can be used to justify or legitimize direct or structural violence'. This framing allows us to deconstruct which aspects of culture shape how violence is sanctioned and celebrated. Rather than berating or lamenting a culture as a whole, the focus becomes a more nuanced engagement with particular aspects that can be seen to either improve or worsen over time. The normative nature of violence (as well as the invisible nature of structural violence) then becomes subject of an analysis. As Galtung (1990:291) notes: 'Cultural violence makes direct and structural violence look, even feel, right – or at least not wrong'.

A critical question when confronted with the full range of violence in our society is whether these forms of violence are all interconnected by a shared

cultural paradigm or whether they represent numerous violent subcultures. This question leads to more questions. Are these subcultures autonomous or does change in one affect the others? Does exposure and normalisation of violence in one sphere 'bleed' into other spheres? For instance, does exposure to wartime violence lead to the acceptance of violence in dealing with conflict within the family? Does acceptance of violent sports make a society more susceptible to violence in other social relations? Or more specifically, does viewing the torture of political opponents as acceptable make us more morally flexible when torture is then used against regular criminals? And when violence is celebrated for achieving political liberation, can we then condemn those who seek economic liberation through violence?

The key concern here is whether normalising violence in one sphere presents a slippery slope that undermines our ability to reduce it in others. In stable and homogeneous societies, this may not be a problem. Clear values and norms about violence that are commonly shared can contain nuanced internal contradictions that do not seem to bother the average citizen. However, in the context of huge political and social flux and transformation (where these shared values are absent or not so explicit), the concern about a slippery slope may be more serious.

Van der Merwe and Williams argued strongly that peace and justice are complementary, and that society's acceptance of violence presents serious ethical dilemmas that undermine justice. While not overtly condemning violence, they drew on Adam Curle to point out that condoning violence presents a philosophical position that does put society on a dangerous course. Curle (1981:17–18) argued that by accepting violence as legitimate, the implication is that:

the ends are more important than those who may stand in the way of achieving them. ... A particularly dangerous and unsavoury aspect of this philosophy is its sanctification of 'interests,' personal or national, in defence of which any enormity, including nuclear war, is acceptable.

Another element that helps explain violence's persistence is the trauma it induces. While both the perpetrators and the victims of violence learn what

works (and what perpetrators can get away with), the victims experience both individual and collective trauma, which presents fertile ground to see violence as a necessary form of self-defence in the face of officially sanctioned abuses. The history of violence is thus a legacy that marries behavioural patterns to a psychological condition of vulnerability, oppression and marginalisation. Kynoch (2006:32) argues that violence is a form of humiliation that undermines human dignity and which can have a long lasting impact on social norms when it becomes part of systemic abuses:

We have to take account of state policies that exposed millions of boys and men to humiliating police harassment and a violent prison system. Finally, state sponsorship of township violence further undermined the rule of law. These conditions, unique to South Africa, nurtured a culture of violence that has reproduced itself ever since.

Bar-Tal (2003) also points out that the violent nature of a conflict is a key factor in explaining its intractability. He argues that, once a conflict becomes violent, certain factors emerge that make it more difficult to resolve. Violence shifts the stakes in terms of emotional involvement, irreversibility of the situation (particularly with loss of life), it fuels the desire for revenge, and it leads to a cultural preservation of this memory of victimisation.

Yet another element of cultural violence that needs clarification is the valorisation of violence. Not only is violence tolerated, but under certain conditions, society rewards individuals or groups for being violent. In such cases individuals do not only gain the spoils of violence; they also build their status among their peers. The most obvious example of this is gang violence where violence is used as a way of gaining rank in the gang. But the same can be said for a head of state who acts aggressively towards another country as a way to bolster support among his or her electorate, or a political leader who seeks public support through appeals to police to 'kill the bastards'.

In a society that celebrates the violence of its liberation and the courage of its warriors and soldiers (while paradoxically also commemorating a peaceful transition), the ideas of masculinity are clearly linked to power and physical

strength. Our society still says: to be a real man is to be willing to use violence to defend yourself or your woman.

Transition to cultural non-violence

What does this mean for the challenge of dealing with violence and building peace? The range of challenges outlined above is somewhat overwhelming. Cultural violence is pervasive and deep rooted. Our values and norms which justify and celebrate violence are rooted in our various institutions ranging from the police, to the schools, to the family. These values are however in constant competition with values that celebrate non-violent solutions. In South African history, as well as in the constitution and in the country's political culture, there are factors that value negotiation, peaceful protest and human rights. The normative battle between appropriate responses to conflict is ongoing within all our institutions.

There are perhaps three key lessons to take from viewing violence as communication. Firstly, we need to understand why violence is chosen as a form of communication in a particular situation. Secondly, we need to understand the language of violence. And thirdly, we need to understand the repercussions of the State 'adopting' violence as a non-official 12th language.

To understand its use in particular situations, we need to read violence in context. Martin Luther King (1967) said 'violent revolts grow out of revolting living conditions,' and 'violence is the language of the unheard' (cf Smith 2002). Van der Merwe and Williams (1987:11) also emphasise this context of oppression and marginalisation which explains resorting to less constructive communication: 'the more (the) usual channels of communication are closed, the more violence is the alternative seen, as with groups repressed and silenced by governments'.

At a very practical level, we need to try to come to grips with what people who use violence are communicating through their actions. As Orford (2013) argues, we need to learn to understand this language, to deconstruct its grammar and to look for its syntax and meaning.

Violence at an interpersonal and public level consists of regular repertoires and observable patterns of symbols. Gang violence, for example, takes on ritualistic forms, a language that its members have to learn and emulate. Public violence in South Africa, such as burning tyres and libraries, or necklacing informers, foreigners and criminals, took on a ritualistic character that has survived into the democratic society (Timse 2011).

The Centre for the Study of Violence and Reconciliation (CSVR) published a report on collective violence (service delivery protests and xenophobic attacks) in 2011 entitled 'The smoke that calls'. This title was an overt reference to the way that protesters explained the nature of their violent actions to the researchers:

The premier undermines us. He'll see by the smoke we're calling him (CSVR 2011:27).

In the context of unremitting poverty and lack of basic services, violence is seen as a language that speaks more loudly. In the face of repeated efforts to pursue more peaceful strategies, violence appeared as a last resort, and was then legitimised:

Violence is the only language that our government understands. Look we have been submitting memos, but nothing was done. We became violent and our problems were immediately resolved. It is clear that violence is a solution to all problems (CSVR 2011:28).

The authors argue that the form that these acts of violence take is borrowed from the script that had been developed during the struggle against apartheid. Burning a local clinic or a library which represents state authority is a symbolic disruption of that authority. But the language of violence is not just one that is spoken by the protesters; it is also heard and spoken by the State, which brings us to the third point, the un-official adoption of violence as a 12th language by the State.

Violence is a shared language where the State also interprets this communication through the same logical framework. Violent protests are taken more seriously than non-violent protests. The State has thus bought into the logic that violent

people are serious and non-violent people are not sufficiently upset and can be ignored.

Just as protestors use violence to get the State to take them seriously, the State does the same thing when it comes to communicating with the public about crime. Using this same language of violence, the State seeks to communicate its seriousness about crime by proclaiming how violent it will be against criminals. State and society engage in a conversation about problems through a mutually shared set of symbols associated with acts of violence. It would thus appear that as a society we have failed to generate effective, shared, non-violent forms of communicating deep concern, commitment, or desperation. Those who do not use violence are rendered mute and invisible.

The challenge is for society to strengthen and reinvent symbols and strategies of communication to convey the urgent and critical messages of desperation that should drive our social policies. The State also needs to learn to read, hear and see peaceful protests for what they are (not simply as messages of low intensity). Learning to see desperation in protests that are not violent is thus a priority in these contexts. Protests in Cape Town against the failure of the local government to provide adequate sanitation (such as the dumping of faeces in government offices and the international airport) provide an interesting (but not very promising) example of such a search for symbols (South African Press Association 2013). Rather than react emotionally or dismissively through labelling protests as destructive or misplaced, the State needs to learn to take all forms of protest seriously and to examine what they are communicating.

While South Africa has developed a complex set of symbols for violent communication, a key challenge is to develop a shared and valued set of non-violent forms of communication. As Orford (2013) suggests, 'We must learn it fast if we want to hold open that reciprocal space of conversation where languages other than violence can be spoken.'

Conclusion

South Africa's ability to communicate effectively is an essential prerequisite for its ability to address its legacy of inequality and poverty. For communities and the

State to engage each other in negotiation and confrontation regarding life and death issues such as service delivery, jobs and crime, they need to have a shared language or set of symbols to communicate their desperation or commitment to a cause. The language of violence is a convenient common reference point for protestors and state authority which draws on only certain elements of South Africa's tradition of liberation struggle. The rich tradition of non-violent struggle with its symbols and values has not been lost, but battles for recognition alongside the visceral front page coverage given to violence.

South Africa's history of violence has developed a repertoire of communication that threatens to trump other forms of non-violent communication when it comes to addressing serious problems of crime and revolting living conditions. Excessive reliance on these old repertoires of violent communication has created a form of cultural violence that legitimates and celebrates violent communication and violent identities at the expense of exploring new forms of communication.

The picture is, however, not totally bleak. Alongside the language of violence, numerous State-established forums generate new forms of communication and engagement between State and community. Civil society and community-based structures who bump their heads against an apparently unresponsive state continue to seek new avenues to express their needs and demands. The language of protest is thus one that keeps evolving and seeking new forums and forms for being heard. This is a co-evolutionary process where both the state and society need to ascribe value to responses or initiatives that do not simply rely on violence as an indicator of seriousness, commitment, or desperation.

Van der Merwe and Williams would probably have seen many silver linings in the present context – both in terms of the continued commitment of the poor to have their voices heard (even if violently), and in the commitment of many to continue experimenting with non-violent communication. Their emphatic call to those who tried to counter violence with violence was for an approach that would recognise the desperation that the violence sought to communicate, and would build communication strategies that could provide more effective redress and thus negate the need for violence. Rather than condemn violence, their call was for us to rely on (and in some respects learn to talk) a different

language. While warning against the consequences of violence as our default communication setting, they sought to explore the positive avenues that are present in South African society, but which are not sufficiently acknowledged as a part of our tradition and as having been critical in many of our successes.

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Mediation and conflict resolution in South and Southern Africa: A personal account of the past 30 years

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Abstract

This article is a personal account of my involvement with mediation and facilitation over the past 30 years.

It does not purport to be a comprehensive or systematic account of the growing impact of these processes both in preventing and resolving conflict in our country and beyond. It therefore does not focus on organisations outside my own spheres of involvement, like the African Centre for the Constructive Resolution of Disputes and the Centre for Conflict Resolution, whose important contributions I readily acknowledge.

The insights and experiences reflected in the piece nevertheless point to an ever widening application of the processes across a range of disciplines and tell something of the rich contribution they have made to making South Africa a better, and safer, place.

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Advancing mediation in South Africa

My involvement with mediation began in the 1980s, a decade of mass mobilisation against apartheid characterised by four key developments:

- an intensification of the armed struggle by the African National Congress (ANC),
- the emergence of powerful industrial, predominantly black, trade unions that mobilised the working class, and the emergence of union federations most notably the Congress of South African Trade Unions (COSATU) that harnessed worker militancy into an effective political force,
- the formation of the United Democratic Front (UDF) which mobilised grass roots support for campaigns against the apartheid regime, and
- the imposition of international trade sanctions against South Africa.

Each of these strategic thrusts sought to confront and weaken the apartheid state. Negotiation was not considered as an option on either side of the divide. And yet, at a time of heightened conflict in the mid 1980s, and the crackdown on opposition by the South African security forces, certain initiatives emerged which sought to open up a dialogue between the National Party and the ANC.

The initiatives of H.W. van der Merwe, Richard Rosenthal and Van Zyl Slabbert are three that spring to mind:

The first two were under the radar attempts to explore the prospect of a discreet dialogue between the ANC and the National Party. The third was a well publicised high profile and largely symbolic meeting on Goree Island off the coast of Senegal between a group of prominent liberal Afrikaners led by Van Zyl Slabbert and senior leaders of the ANC in exile led by Thabo Mbeki. Slabbert had together with Beyers Naudé been laying the foundation for this encounter in several meetings with the ANC in the late 1980s in Europe where a degree of trust had evolved. I attended one of these meetings in Bonn, Germany and was witness to an unfolding conversation on the prospect of talks between the ANC and the Nationalist government.

Mediation and conflict resolution in South and Southern Africa

The Slabbert initiative sought to show that Afrikaners and South Africans under the banner of the ANC could talk to one another about political issues and find an act of compromise with an adversary. The unions were more forthright. They rejected mediation as a tool which blunted the aggressive thrust of the working masses for political and economic emancipation.

When the Independent Mediation Service of South Africa (IMSSA) was formed in 1984, largely through the inspirational guidance of Douwes-Dekker, and began to offer mediation services to employers and unions, it was followed not long after by a formal resolution from COSATU that its affiliates would not use mediation. However, through the persistent low key networking of the IMSSA Board and its two senior staffers Dren Nupen and Bontle Mpakanyane, one by one COSATU affiliates began to break ranks and began using mediation. The metal workers union as I recall was the first to do so but was soon followed by others. Early successes in settling seemingly intractable disputes brought more and more employers and unions on board.

My own personal journey into mediation began when I was persuaded by Paul Pretorius, a colleague at the Legal Resources Centre (LRC) to accompany him to a mediation he was conducting in a wage dispute at an engineering works in the metal sector in Pietermaritzburg. We were good friends, and so taken by the process was he that he offered to pay for my airfare to accompany him. I was a reluctant companion having bought into most of the arguments that mediation would be ineffective if not counterproductive in the prevailing political climate.

Six hours of exposure to the process in the hands of an obviously skilled mediator changed all that. I saw two parties, employer and union, dug into positions that they sought initially only to justify and not to change. I could see no way out. But during the course of an unfolding mediated conversation between the parties, which took place in both joint meetings and in-confidence separate sessions with the mediator, I saw that the interests behind the rigid positions were being brought to the surface. I saw how they started to create options to address those interests; I saw a prioritisation of the issues and proposals coming onto the table; I saw movement and flexibility and linkages and trade-offs. And ultimately, I witnessed settlement. For me, it was a life changing experience

which was to chart the course of the rest of my professional career. I got some mediation training from the Irish American, and plunged in. Within two years I had left legal practice and was appointed to the position of executive director of IMSSA.

The Independent Mediation Service of South Africa (IMSSA)

IMSSA was a non-profit organisation offering mediation and then arbitration services to companies and unions. It relied heavily on overseas funding for its operational viability. Costs were split 50/50 between union and company, but as many of the unions could not afford the service, their access was funded by overseas donors. IMSSA established panels of mediators and arbitrators in the major centres and serviced a burgeoning need across South Africa.

The organisation was entirely delinked from any of the apartheid state structures and this contributed to its credibility with the parties. A number of IMSSA panellists have in the post-apartheid era gone on to become judges in the Constitutional Court, the Supreme Court of Appeal, the High Court and the Labour Court. Kate O'Regan has served a 14-year term on the Constitutional Court. Edwin Cameron is currently a member. Lex Mpati heads up the Supreme Court of Appeal. Azhar Cachalia and Nigel Willis are members. Ray Zondo and Dunstan Mlambo have headed up the Labour Court and are now High Court judges, as are Edwin Molahlehi, Lee Bozalek, John Murphy, Bash Waglay, Thabani Jali, Chris Nicholson, Kathy Satchwell, Roland Sutherland, Adolph Landman, Ivor Schwartzmann, Dennis Davis, Elna Revelas, Shenaz Meer, Jerome Ngwenya, John Hlophe, Ronnie Pillay, Cecil Somyalo, and Rob la Grange. Fikile Bam headed up the Land Claims Court and Fink Haysom went on to become special counsel to President Nelson Mandela.

This is not to suggest that it was because of their IMSSA affiliation that they graduated to higher office. The point is that each one of them carried the experience of mediation into their new roles and this has placed a number of advocates for the process at the heart of the South African judicial system. Another IMSSA panellist who used his mediation experience to good effect is

Brian Currin, a lawyer and a former director of Lawyers for Human Rights. He has spent over a decade doing sterling peace work in Northern Ireland and in the Spanish Basque country.

The 1980s posed real challenges for IMSSA mediators and we were often called in to mediate very difficult disputes. An intervention in which I was involved comes to mind. I was appointed to mediate a national wage dispute in 1987 in the retail sector. The company was OK Bazaars, for many years the largest department store chain in the country with branches in most cities and towns. The union was the Commercial Catering and Allied Workers Union of South Africa (CCAWUSA). Wage negotiations deadlocked and the union embarked upon a strike. An inability to make progress in direct settlement talks led to a heightening of tensions. A bomb exploded on the second floor of the Company's flagship store in Johannesburg. CCAWUSA shop stewards were detained under the state of emergency in place at the time, effectively removing key leadership. At the time mediation was proposed the situation was unravelling.

My co-mediator Gavin Brown and I reckoned that before we could engage the substantive issues we needed a commitment to a cessation of hostilities. The deal was that the union would counsel its members to act with restraint, stop harassing customers and maintain a disciplined picket line. The company would use its best endeavours to secure the release of the detained shop stewards. It arranged a meeting for the mediators with the Minister of Police, Adrian Vlok, in Cape Town. We made our representations to him. He listened and undertook to consider them. This of course is the same person who appeared so prominently in allegations before the Truth and Reconciliation Commission (TRC) as heading up a force some of whose members were guilty of atrocities against anti-apartheid activists. This is also the man who in our new democracy begged forgiveness from Rev. Frank Chikane, then head of the South African Council of Churches, whom his operatives had tried to poison, and who in a symbolic act of contrition, fell to his knees and bathed the good Reverend's feet. Unsurprisingly the detainees were only released after the strike was settled. But the efforts made had the affect of cooling tensions, enabling us to mediate a tough but rational engagement between the parties. After several days and a

final marathon 27 hour session the parties concluded an agreement on all issues and the strike ended.

IMSSA and the process of Relationship by Objectives (RBO)

Towards the end of the 1980s, IMSSA began to expand its portfolio of offerings. It established an elections and balloting service under Dren Nupen that conducted strike ballots and conducted shop steward and political party internal elections. It ran the elections at the first post-exile ANC National Congress in Durban in 1991 where Nelson Mandela was elected ANC President. I had the singular honour of making that announcement to the thousands of delegates present. In the run up to the first national democratic elections in 1994 it offered a comprehensive voter education programme.

There were other programmes of note. IMSSA offered relationship-building initiatives through a programme developed by the Federal Mediation and Conciliation Service (FMCS) in the US known as Relationship by Objectives (RBO). The programme was built around the development by the parties of consensus-based objectives and action plans directed towards addressing relationship deficits and improving the quality of their engagement. The process was independently facilitated by IMSSA mediators. An interesting example of this, described in the 10th anniversary edition of the IMSSA Review (1994:19–21), is an RBO intervention that took place between Mercedes-Benz and NUMSA in 1989:

The relationship between Mercedes Benz, a major motor vehicle manufacturer in the Eastern Cape and Border area, and the National Union of Metalworkers of South Africa (NUMSA) had been very strained and difficult for a number of years. A white workers union, Yster en Staal, was also involved. In 1989, IMSSA became involved with the parties when it mediated a dispute over the termination of the employment of certain union members who were found to have participated in acts of misconduct during a demonstration in the plant. The dispute was settled

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through mediation and in terms of the settlement agreement the parties committed themselves to a Relationship by Objectives (RBO) exercise to set their relationship on a new footing.

A team of five IMSSA mediators ran the process. At an initial site visit at a Mercedes Benz plant they found workers with wooden AK47s on their backs. At lunch time there were mock bayonet charges on effigies of management. White supervisors were carrying real weapons and the atmosphere on the shop floor was one of deep antagonism and hostility. This was the late eighties, and the political climate was still highly oppressive. A meeting the mediators had with the union took place in a room with a board on which was written 'Viva COSATU, Viva ANC, Viva SACP' [the ANC and the South African Communist Party at the time still banned organisations]. Mediator Charles Nupen broke the tension in the room by going up to the board and adding 'Viva IMSSA'!

The RBO took place at a neutral country hotel venue, over four days. The company was represented by its chairman, numerous board members and 40 other managers from various levels in the company. The union was represented by two senior full-time union officials and 30 shop stewards from various plants around the country.

The team of mediators constructed a mini-parliament and the parties engaged each other on a range of matters of concern to them including compliance with the Recognition Agreement, racial discrimination, political issues, the development of a sound basis for future negotiations between the parties, selection, training and development of employees, the quality and nature of supervision, social responsibility of the company, consultation and participation by employees in decision-making within the company, timekeeping, job security, carrying of weapons in plant, and the management of political demonstrations in plant.

The mediators guided the debate along constructive lines and the parties were given a full opportunity to voice their opinions and were encouraged to set objectives to overcome the problems in their relationship. Consensus was reached on a series of 30 objectives to do this, and action plans were

developed to give effect to the objectives. Responsibility was assigned to specific individuals and groups within each party to execute the action plans. Time limits were placed on this process. Panellist Reg Mason, who took part in some of the stages, says it was a series of ‘very constructive steps, painstakingly put together, step by step’.

Mediator Paul Pretorius says the parties chose the right time for IMSSA to intervene – everyone was losing and was aware that something needed to be done. In the course of the process, a change in attitude was perceptible on the part of individuals within each party towards one another and an atmosphere developed that was far more conducive to sound industrial relations. Workers and management spoke to each other in a way that was cathartic and moving, both sides speaking of the humiliation they had suffered at the hands of the other, and showing the hurt this had caused them.

Mtutuzeli Tom, one of the union representatives who was to become President of NUMSA, said:

It was the first time in our lives as a labour movement to sit and open our hearts to management and management to labour. IMSSA made it possible for the real issues to be looked at and we are still feeling the positive effects.

Ian Russell of Mercedes Benz agreed with this positive assessment:

The IMSSA third party intervention at Mercedes Benz in 1989 was a watershed in the Company's Industrial Relations history. Despite a history of emotionally explosive and uncontrollable industrial relations which had paralysed the manufacturing plant for years, the parties were able to craft their own ground breaking constitution ... the boundaries of the practices institutionalising the relationship have been severely tested since then on many occasions but it has been the commitment to the structures from both sides coupled with the spirit of the RBO process that has enabled Mercedes Benz to enter the ‘new South Africa’ with confidence and commitment to a long-term future in this magnificent country.

The RBO programme has become an abiding feature of our labour relations system with literally hundreds of interventions having taken place in the 24 years since the seminal experience at Mercedes-Benz.

IMSSA and peace processes

In due course IMSSA established a community mediation service headed up by Vincent Mntambo which rapidly became involved in setting up and facilitating community-based multi-stakeholder peace committees under the National Peace Accord, an initiative subscribed to by major political parties, liberation movements, churches, businesses and unions to stem the tide of political violence that began to engulf the country in the early 1990s and threatened the viability of the CODESA negotiations. Many non-governmental organisations (NGOs) played a role in implementing the Accord. By 1993 IMSSA was servicing 16 peace committees, attended by political parties, the clergy, police, trade unions, business and sundry other community groupings across the country – sometimes at considerable personal risk to the mediators involved. Its mediators were frequently called upon to mediate between warring parties and to act as peace marshals at demonstrations and marches. I can recall being deployed in the immediate aftermath of the murder of Chris Hani to his home in Dawn Park and along with other peace marshals standing between and separating armed police and a crowd of angry youths incensed at his killing.

I should acknowledge the incredible work of Peter Harris and his team from the Wits Vaal regional peace secretariat who worked tirelessly to defuse any number of conflict situations across the region. And also the work of Jerome Ngwenya, who roamed the rural areas of KwaZulu-Natal mediating peace pacts between the ANC and the Inkatha Freedom Party. I have little doubt that this crucial work was replicated across the length and breadth of the land by any number of ordinary unsung heroes.

By the end of 1993 and the run up to the first national democratic elections, mediation was embedded in South Africa as a recognised effective conflict resolution tool. I had been appointed as one of 10 commissioners of the

Independent Electoral Commission (IEC) charged to run the election, in all probability because of my mediation experience. Peter Harris was appointed head of the Election Monitoring Directorate, and he built a mediation capability within the Commission that mediated electoral related disputes across the length and the breadth of the country.

Moving on from IMSSA

The new democratic dispensation posed new challenges and new opportunities in the conflict resolution arena. One year in, by April 1995, I had decided to move on from IMSSA. The organisation had grown exponentially. It had trained and retained well over 150 panellists. The staff complement had grown from 3, when I joined, to over 50 and there were offices in all the major centres. I had become a manager of people and systems that enabled others to do the work I wanted to do. There was also the transformation imperative that spoke to the need for new leadership, black leadership, in the organisation. As an NGO we had not done badly in this respect, but there was a strong lobby for greater representation at the leadership level and that was completely understandable.

I resigned in April 1995 and was succeeded by Thandi Orleyn, a highly capable attorney and experienced mediator with whom I had worked at the LRC. Towards the end of my tenure at IMSSA I attended a major FMCS conference in Washington, D.C. IMSSA had drawn heavily on its institutional links in the United Kingdom (UK) and the United States of America (USA), particularly in capacity building, and we felt it important to foster these links. There I met a young man who had been studying in the USA. We spoke and it was clear that he had a passionate interest in conflict resolution. His name was Vasu Gounden. He of course has lived out his dream through the organisation he created, the African Centre for the Constructive Resolution of Disputes (ACCORD), and has undertaken groundbreaking work in Africa in the area of conflict management and peace building.

After I left IMSSA I opened a consultancy and within a matter of weeks a new opportunity presented itself. I was contacted by Halton Cheadle, the leader of the team that was drafting the New Labour Relations Act (LRA), and Les

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Kettleas, the Deputy Director-General of the Department of Labour, to enquire whether I would put myself forward to participate in building the Commission for Conciliation, Mediation and Arbitration (CCMA), the new national dispute resolution agency contemplated in the LRA. The deal was that I would be contracted by the International Labour Organisation (ILO) as a technical expert to advise on its construction and staffing, reporting to its head office in Geneva. The money would come from the Swiss government in terms of a technical cooperation agreement signed by the Swiss president and then Deputy President Thabo Mbeki. Thus what came into existence was a technical cooperation programme known as the ILO/Swiss project that I was destined to head up for a period of 12 years.

I was also to be accountable to the tripartite Governing Body of the CCMA which would be appointed to oversee its creation. This in itself was an interesting development as it was the first time that business, government and labour, acting in concert, had been tasked with executing a statutory mandate to oversee the construction and work of a major social institution. The LRA came into effect, in stages, from the end of 1995.

The Minister of Labour at the time was Tito Mboweni. He set tight time frames for the delivery of the CCMA as an operational entity and had targeted Mayday 1996 as the date when it would open its doors. With the best will in the world this was not going to happen but politicians, as I have come to learn, are hard taskmasters who can set impossible deadlines. 'If we delivered a first time national democratic election in four months', he opined, 'why could we not build a single institution in six?' It has to be said that the passion that he brought to bear to deliver his new labour relations dispensation encouraged focus and dedication on our part to the task at hand.

The first thing I did was to approach Peter Harris to make himself available to head up the CCMA establishment secretariat and he was readily confirmed in this position by the Governing Body. Peter, a civil rights lawyer, had demonstrated his adroitness as a project manager at both the Wits Vaal Regional Peace Committee and as head of the Monitoring Directorate of the IEC, and seemed to relish working under pressure. In a short space of time he

put together a team of some 90 people and we set about sourcing and equipping infrastructure, recruiting staff and commissioners, training and accrediting them, and building the information technology (IT) and corporate support systems necessary to run a large organisation.

Although the LRA told us much about the roles and responsibilities of CCMA commissioners, and defined the conciliation, mediation and arbitration processes that they would be called upon to discharge, it told us nothing about the design of the institution, and the capacities required. What the law told us is that we had to have an office and capacity in each of the nine provinces, and a Head Office. We had to build a Commission that was representative both in terms of race and gender. The rest was up to us. I had already begun to work with Aurret van Heerden, my counterpart at the ILO based in Geneva, and the Australian labour attaché in Geneva, to develop a high-level conceptual design of the CCMA. Aurret was a former student leader in South Africa and underground anti-apartheid activist who was captured by the security police in the 1980s and brutally tortured. A man of considerable intellect and principle, he provided important advice and guidance in regard to the construct of the Commission and pointed us in the direction of the Australians who could offer key technical advice in these matters.

Towards the end of 1995, a group of us including John Myburgh, who was to become the first president of our Labour Court, Jayendra Naidoo, then director of our National Economic Development and Labour Council (NEDLAC), Ebrahim Patel, then general secretary of the South African Clothing and Textile Workers Union and currently the Minister of Economic Development, undertook a study tour to Australia to look at the workings of its Industrial Relations Commission which had been at the forefront of their labour relations system for 100 years. We drew much from that experience. For instance, the fact that the credibility of the CCMA would rest on three pillars: the capability and competence of its commissioners; easy access to its services; and an electronic case management system that could track the progress of cases from inception to conclusion.

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The establishment secretariat developed intensive training courses for newly recruited commissioners to hone their capabilities. The Commission's services would be free but that would not guarantee access to disputants based in rural areas so we decreed that our commissioners would not be office bound but would travel out into the countryside where there was a need, and conciliate and arbitrate in magistrates' courts, community halls and school premises to underscore the notion of public service to the most vulnerable in our society. Indeed, this was the *raison d'être* of the CCMA. We had to estimate from what statistical data were available at the time the number of disputes that would come at us in each province, and build our capacity and deployment strategy accordingly. In retrospect we were not too far off the mark.

We designed a case management system that not only tracked cases but generated all manner of reports and statistics on the work undertaken. At the time, and today, it is regarded as the leading system of its kind in the world. By the time we opened our doors to the public in all provinces in November 1996, we had in place over 100 full-time and 300 part-time commissioners and an overall staff complement of 500 employees deployed in 10 fully equipped offices throughout the country. In a period of 12 months the establishment secretariat guided by the Governing Body had built what was at the time, and arguably remains, the largest national social institution constructed in post-apartheid South Africa.

I was released from my ILO contract to take up the post as the first executive director of the CCMA. I always viewed this as a short-term appointment for the very same reasons that had led to my departure from IMSSA. My task was to 'bed down' the institution, address the inevitable personnel and systems challenges that would confront a new organisation and guide it through its formative period of operation. There was, however, to be no easing into a work cycle. In its first year the CCMA received and processed over 100 000 dispute referrals, with a considerable degree of success despite all manner of teething problems. I resigned as director at the end of 1997 and was succeeded by Thandi Orleyn who had followed me as director of IMSSA.

Today the CCMA is a well-oiled machine. Its budget has grown. The number of matters it handles has increased exponentially. Its efficiencies are impressive. It is truly representative both in terms of race and gender. Its settlement rate has improved progressively through the years. It is well led by Nerine Khan who as a young woman was among the first batch of commissioners recruited in 1996. It has proved its worth and become fundamental to the fabric of labour relations in our society.

From South to Southern Africa

So what was next? I resumed my role as chief technical adviser to the ILO/Swiss project and was given a brief to assist the social partners in Southern African countries to build their labour dispute resolution capability. Over the next eight years much of my time was spent delivering on this mandate in Lesotho, Swaziland, Botswana, Namibia, Zimbabwe, Mozambique and Angola. In addition I gave selective technical assistance to the social partners in Tanzania and Nigeria.

All but the Lusophone countries and Namibia had been colonised by Britain and their labour laws and dispute resolution systems reflected a strong colonial bias. Much emphasis was placed on the role of labour inspectors to enforce the law and deal with complaints. The inspectorate was headed up by a Labour Commissioner reporting directly to the Permanent Secretary in the Ministry of Labour. Only one or two countries had recently introduced specialist labour courts, and generally, to the extent that labour disputes wound up in the courts, it was the conventional civil courts that had jurisdiction. The right of workers to strike was at best ambiguously expressed in the law and at worst it did not exist. In the public sector unionism was discouraged. There was no reference to mediation or arbitration.

My experience in IMSSA and in building and directing the CCMA was to be of considerable assistance in undertaking the task ahead, but a one-size-fits-all approach would not be appropriate. Each country needed the opportunity to influence the design of the reforms it chose to introduce. So I employed a dialogue-driven methodology which enabled the social partners in each

country to forge consensus on the crucial policy choices they believed best suited their circumstances. In this endeavour I teamed up with Halton Cheadle, the South African labour law expert. The strategy had three components: firstly, develop the legislative framework to modernise the dispute resolution system; secondly, assist in putting in place the institutional arrangements, infrastructure and systems, through which dispute resolution services would be offered; and thirdly, train the people who would deliver the services.

Without exception the social partners in each country were positively disposed to the offer of assistance. Their dispute resolution systems, such as they were, were proving woefully inadequate in terms of dealing effectively with both collective and individual disputes. We worked at the outset in each country with a tripartite committee comprising senior representatives of the Ministries of Labour, employers and unions, each carrying mandates from their respective constituencies. The intervention took the form of strategic planning where we directed the conversation towards a shared vision and set of objectives, a shared analysis of the current challenges, and the development of a road map to get from where they were to where they wanted to be. I facilitated the engagements and Cheadle outlined key policy options.

A running record of decisions taken through the process would be recorded in PowerPoint as they were made. We found this to be a powerful tool as it visually demonstrated to the social partners the progress they were making and reinforced their faith in the value of social dialogue. Once the roadmap was finalised, Cheadle would set about preparing a draft set of amendments to each country's labour law giving legal expression to the policy choices the social partners had made. The text would be 'workshopped' with the social partners until sign-off was achieved.

This highly participative process engendered a strong ownership by the partners of its outcomes, and was a significant departure from traditional labour law reform processes. Traditionally, an expert would be appointed to conduct cursory consultations with the parties and eventually produce a legal text.

Employing this methodology over an eight-year period we achieved a modern statutory construct for dispute resolution in six of the seven countries to whom we were providing technical assistance. For reasons which never became apparent we were unable to secure the passing into law of the amendments agreed upon by the social partners in Angola. The Namibian social partners on the other hand opted for a completely new labour statute, a much more prodigious task but one which we eagerly embraced.

We then worked with social partners in each country to design the institutional arrangements that would need to be put in place. Lesotho, Mozambique and Swaziland opted for independent dispute resolution agencies with tripartite governing bodies while the other countries opted to house the new services within their Ministries of Labour. Common to all systems was the assertion of mediation as the primary dispute resolution process, with a residual recourse to arbitration for rights disputes.

The next major challenge was to assist with the recruitment of persons in each country to mediate and arbitrate and to build their capability in each discipline. At IMSSA and the CCMA we had offered one week training courses in each discipline for panellists and commissioners. We decided that in the Southern African countries we should raise the status and the level of training and offer an accredited course and a qualification. I entered into negotiations with the Universities of Cape Town, Zimbabwe, Namibia and the National University of Lesotho and secured their agreement to co-operate in offering a combined post-graduate diploma in dispute resolution. Evance Kalula, the head of the Labour Law Unit at the University of Cape Town, played a pivotal role in stitching the arrangement together with the result that each graduate would receive his or her qualification from each of the four universities. The diploma course was run over six weeks and the project brought together candidate mediators and arbitrators from Lesotho, Zimbabwe, Botswana, Swaziland, Namibia and Mozambique to Windhoek to the University of Namibia which hosted the event. The faculty was made up of some lecturers from the various universities, seasoned practitioners and experts from the ILO. Two diploma courses were run over the life of the project and some 200 candidates graduated with the post-graduate diploma.

The majority of these today form the complement of mediators and arbitrators who staff the dispute resolution centres in participating countries.

Social and economic initiatives

Toward the end of the 1990s I increasingly turned my attention to supporting initiatives that might impact national social and economic policy. At the time the business community and COSATU were putting forward economic policy proposals that were totally at odds with one another. The central issues at hand were how to grow the economy and create jobs. The objectives were of course shared rather than divergent, but on matters of how to get there, there were significant differences. A process of sustained social dialogue had produced political change earlier in the decade, but economic emancipation remained an elusive target for the majority of South Africans. I thought that if we could get the senior leaders of business talking to senior leaders of the unions on a relatively structured basis this would present the greatest possible opportunity to find common ground. I had been in Dublin in 1998 at a conference and had been exposed to the remarkable story of Ireland's economic renaissance through a series of 3-year social compacts, the result of structured social dialogue between government employers and unions and special interest groups like farmers. The idea of a study tour to Ireland came to mind. This would create an opportunity for leadership to spend quality time together and at the same time engage the architects of Ireland's economic miracle.

I shared these thoughts with Bokkie Botha, a senior employer representative who was on the CCMA Governing Body and who had progressive views about unions and the value of social partnership. He embraced the idea and so we partnered to introduce it to key trade union and employer leaders. We spoke initially to Ebrahim Patel, then the general secretary of the Southern African Clothing and Textile Workers Union (SACTWU) and arguably the leading intellectual in the trade union movement at the time, and to Leslie Boyd, the deputy chair of the Anglo American Corporation. Boyd was a tough businessman and a straight talker who had dealt with unions in the steel and engineering sectors all his working life. Both Boyd and Patel liked the idea and agreed to canvas it with colleagues, and, if the idea resonated, to suggest a

group of participants. Boyd brought the experience of the Netherlands into the equation as it too had experienced economic distress in the 1980s, but through a process of dialogue, had agreed upon measures to turn around the country's economic performance.

Eventually a bipartite delegation comprised of the following members was assembled: Boyd and Patel; Nicholas Oppenheimer, chairman of De Beers; Christoff Kopke, the Chief Executive Officer (CEO) of Daimler Chrysler SA; Marinus Daling, the CEO of Sanlam, and Bokkie Botha; Mbazima Shilowa, the general secretary of COSATU; Zwelinzima Vavi and his deputy, Gwede Mantashe, the general secretary of the National Union of Mineworkers; and Mbuyi Ngwenda, the general secretary of the National Union of Metalworkers. I was able to use my networks in both Ireland and the Netherlands to develop an itinerary and we planned a visit to both countries and to the ILO headquarters in Geneva over an eight-day period. As this was an ILO sponsored visit I accompanied the delegation.

During the course of its visit to Ireland, the delegation met the Irish Prime Minister, leaders of the Irish Confederation of Trade Unions and the Irish Business and Employer Confederation, members of the Central Review Committee (which monitors implementation of the Irish National Accords), the Chief Executive of the Irish Labour Relations Commission, and representatives of Enterprise Ireland, an institution which develops and promotes indigenous Irish business. In the Netherlands, the delegation met the Deputy Prime Minister and Minister of Economic Affairs, the Minister of Social Affairs and Employment, representatives from the Social and Economic Council and the Labour Federation, business and labour leaders, and representatives from government departments.

At the end of each country visit the delegation met to consider the lessons and insights gained. The delegation agreed that while South Africa's history and circumstances were different, there were nevertheless important lessons and insights to be derived from the Irish and Dutch experiences. These lessons and insights included:

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- A mutual recognition of crisis was the trigger which persuaded the parties to take action. (The level of unemployment and continuing job losses in South Africa was acknowledged by the delegation as a crisis.)
- Building and maintaining trust among the social partners was key to underpinning the levels of co-operation required to manage economic transformation. It was significant that both in the Irish and Dutch experiences agreements were based on trust.
- A shared analysis of the problem and a mutual recognition that parties needed to commit to find solutions. Both countries relied on statutory councils (like NEDLAC, The National Economic Development and Labour Council) in which they were represented, to undertake research and produce information upon which they could rely to develop plans and policy proposals.
- A vision of what the parties were aiming for, and a set of manageable objectives.
- Some extra-ordinary challenges. Leadership bore a particular responsibility and took risks. There were hard decisions to be taken and difficult trade-offs to be made.

Ultimately, there was a broad and expanding agenda. There were few major successes in the initial period, but importantly for the process there were some short-term gains to balance the sacrifices, and this was important to build confidence in the process. It was important to audit and report on progress and shortcomings.

The parties used existing social institutions and, where necessary, created new ones to give effect to their plans for national recovery. The accords in both countries enjoyed wide public support. South Africa's different circumstances, higher unemployment, sharper inequality, deeper ideological differences, and a larger population, far from being a deterrent, required of the parties a greater responsibility and a firmer resolve to meet the challenge of successful economic transformation.

Upon their return to South Africa the business and union leaders continued to meet and in due course decided to formalise their relationship by forming the Millennium Labour Council (MLC) which was launched by President Thabo Mbeki on 7 July, 2000. At the launch the parties signed the Millennium Labour Agreement which committed them to address South Africa's unemployment crisis:

MILLENNIUM LABOUR AGREEMENT

South African business and labour, following visits to Eire and Holland, and after numerous discussions, agree to establish a bilateral structure known as the Millennium Labour Council.

They agree:

1. The current unemployment, job losses and lack of job creation constitute a deepening crisis in South Africa that requires urgent action.
2. Current levels of poverty and inequality are unacceptable and new initiatives are needed to promote improved quality of life and decent work for all.
3. The Millennium Labour Council is to comprise twelve members each from the business and trade union constituencies.
4. The Millennium Labour Council will operate in association with NEDLAC as a bilateral council but with full policy autonomy.
5. The objective of the Council is to develop a shared analysis of the crisis and potential solutions to be pursued with government and NEDLAC, as appropriate.

Representing LABOUR
Zwelinzima Vavi

Representing BUSINESS
Leslie Boyd

The MLC was at its inception thrust into the debate about proposed amendments to the Labour Relations Act. These proposed amendments were controversial and had provoked a statement from the General Secretary of COSATU that there would be blood on the floor if they were passed into law. The MLC set about trying to find solutions to the impasse. I facilitated an engagement within the MLC and worked principally with Ebrahim Patel for the unions and Vic van Vuuren for the employers. After a period of several weeks of facilitated negotiation consensus was reached on all issues in the MLC. It was the intention to feed the outcome into NEDLAC, but the draft agreement was leaked to the press before this could happen. It generated a huge debate about whether the MLC was usurping the role of NEDLAC. Ultimately, however, the government 'bought into' the MLC agreement and a crisis in our labour relations system was averted. Shortly after, Les Boyd retired from Anglo American and withdrew from the MLC. He was replaced by Bobby Godsell – the CEO of AngloGold Ashanti – who together with Zwelinzima Vavi has co-chaired the MLC until today.

The MLC has not been able to impact its big picture objective of addressing the unemployment crisis, but nor for that matter has any initiative, including government initiatives over the past decade. The global financial crisis and South Africa's slow rate of economic growth are major contributing factors. Regrettably the schisms over what are the best policy prescriptions for economic growth remain, and the South African social partners have not been able to emulate their Irish and Dutch counterparts in developing a shared analysis of the causes of our economic malaise and what is necessary to deliver us from it. The MLC has nevertheless sustained itself over the years as a forum for dialogue between the captains of industry and trade union leaders. Its most abiding contribution is to have opened up lines of communication and to have built relationships at a leadership level. In a volatile labour market that contribution should not be underestimated.

Facilitating negotiations in the financial sector

In the early part of the new millennium, around 2003, I was approached along with Tefo Raditpole, an attorney and experienced mediator, to facilitate negotiations towards the development of the Financial Services Sector Charter,

the first initiative to drive a self-regulated process of transformation and black economic empowerment within an influential component of the South African economy. This was a major multi-stakeholder engagement that sought to agree on the terms of a scorecard by which the pace and progress of transformation within the sector could be measured. This would be measured by progress in achieving targets set for categories such as black equity ownership, skills development, employment equity, and preferential procurement. The process was strongly influenced by the emergence of Broad-Based Black Economic Empowerment (BBBEE) legislation and BEE codes, and the negotiation took place within the framework and targets which these measures prescribed.

All major financial institutions were represented and they were led by Jaco Maree, the CEO of Standard Bank. The transformation imperative was articulated and driven in the negotiations by a relatively recently formed organisation of black professionals known as the Association of Black Securities and Investment Professionals (ABSIP). Representing them at the table was a group of smart young streetwise black executives led by Kennedy Bungane who had a clear transformation agenda and a somewhat robust negotiation style. National Treasury had a 'watching brief' and watching from the wings were COSATU and the South African Communist Party. The role of Tefo Raditopole and me was to facilitate the negotiations and to keep them on track by mediating any obstacles or deadlocks that might arise.

An important aspect to remember about multi-stakeholder negotiations is that the negotiations within broad constituency coalitions to secure alignment on issues are often as challenging as the negotiations across the table, and this engagement was no exception. It tested the skills of Jaco Maree, but what became clear as the weeks drew on was that the parties had a grasp of the historical moment. Transformation was not about giving away, but about building and creating, about shedding the burdens of the past, about acting ethically, and unlocking the potential of all South Africans to create value and to share equitably in that value.

At a dinner organised by ABSIP earlier this year to honour Jaco Maree as a transformational leader, ten years after the successful conclusion of the Charter

negotiations, I was asked to make the keynote address. I had this simple message about transformation:

I am not privy to the statistics around ownership and procurement and skills development and the other criteria that are used to measure transformation in the financial services sector. But what I know is that when I walk into the local branch of my bank and I am the only white person there, and the quality of the service I receive is top rate, and I am made to feel special and that has nothing to do with the colour of my skin but only because I am a customer, then I know that I too am a beneficiary of transformation. That speaks profoundly to me.

By 2005, mediation had achieved such wide acceptance in South African society that it was offered as a basis for dispute resolution in no less than 31 South African statutes. In the South African Revenue Service (SARS), Fink Haysom and I designed an in-house mediation system to resolve tax disputes and trained SARS officials to mediate these disputes. Some would regard this as a heresy in that the mediation would not be conducted by an independent third party but the real issue for me was whether it was practical and whether it would work. By all accounts the system is working in SARS and has cut down significantly on the time taken to resolve tax disputes.

Mediation in the public sector

In 2007 I was asked to mediate a public sector strike with Meshack Ravuku, an ex-trade union organiser and a wonderful mediator. Virtually the whole public sector was on strike over wages and conditions of service. It was a very tense environment with daily mass demonstrations outside the negotiation venue. Essential service workers, particularly nurses, participated in the strike and there was a serious concern about the safety of patients, particularly in public hospitals. There were incidents of violence and intimidation. One evening demonstrators broke into the negotiation venue and emptied fire extinguisher canisters into the air conditioning system which contaminated the environment with a pervasive white powdery substance and had negotiators coughing, eyes streaming, heading for the exits. This was clearly no ordinary dispute.

Although there had been some movement in the mediation, when the parties deadlocked two weeks into the strike, Meshack and I took the unusual step of issuing a single-text recommendation to settle all issues. We were roundly condemned in certain quarters, but ultimately, when the parties settled a few days later, the agreement was pretty much in line with what we had recommended.

A very similar pattern emerged when I mediated the national wage negotiations in the auto industry in 2010, except the recommendation was made in accordance with the requirements of the applicable dispute resolution procedure before the strike commenced. Ultimately one week into the strike, a settlement was reached that was largely in line with what had been recommended. A lot of mediators are uncomfortable with the notion of single-texting. They argue that it removes the responsibility of 'working' the settlement from the parties and in a sense disempowers them. I, however, regard it as a useful tool, albeit to be used strategically and sparingly, and particularly when parties have exhausted their mandates and have deadlocked outside the zone of possible agreement.

Joining a consultancy

In 2008 I concluded my work with the ILO and went to work full-time in a boutique consultancy, Stratalign, that I established with Alan Brews, with whom I had had a previous association at the IEC and the CCMA, and Bontle Mpakanyane with whom I had worked at IMSSA. We targeted strategic interventions that were developmental in nature or which assisted distressed entities to recover and regenerate. Much of the work has involved facilitating and mediating in multi-stakeholder engagements.

In 2009 I was approached to lead a facilitation team to manage the negotiations between the City of Johannesburg and the taxi industry toward the introduction of the Rea Vaya bus rapid transit system in Johannesburg. The system was modelled on successful public transport initiatives in Latin America, particularly in Bogota, Columbia, where a good number of taxi owners traded their taxis and operating licenses for shares in the company running a bus rapid transit system with dedicated bus lanes on trunk routes. The business model was designed to offer commuters a speedier and safer form of travel, and reduce congestion on

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the roads and create a more environmentally friendly city by reducing exhaust emissions. What was envisaged was a partnership between the local authority and the industry where their respective operations would complement one another. Our role was to facilitate and where necessary mediate towards the conclusion of a bus operating contract.

Our first task was to design all elements of the negotiation process, and reflect it in a negotiation framework proposal for agreement by the City and the industry. This included how the parties would qualify for and be represented at the table, how work would be undertaken, where and how decisions would be made, the rules of engagement, and the role and authority of the facilitators which included mediation.

The negotiations commenced in a hostile environment as there were elements in the industry that viewed the Rea Vaya concept as a threat to their livelihoods and this created an insider-outsider rift within the industry. Regrettably some taxi leaders who supported the new initiative were assassinated and negotiations proceeded with a heavy security presence.

Within the first 12 months sufficient progress had been made to introduce an interim service in time for the soccer world cup, running from the city centre and Soweto to the national stadium. The service was a great success. Those prescient enough to use it found that it took nine minutes from a park and ride facility to get to the stadium. Others who opted for conventional buses or cars often found themselves in gridlock with travel to and from the stadium taking hours.

The first phase of the project was completed in 2011 and we are currently nearing completion of the second phase. When the project is finally complete there will be trunk routes running the length and breadth of greater Johannesburg giving all its residents ready access to the rapid transit system.

Mediation over ‘Kill the farmer, kill the boer’

One of the legacies of the struggle against apartheid was the so-called struggle songs in which issue was taken with various aspects of the white minority regime. One such struggle song was ‘Dubula Ibhunu’, paraphrased in English

as ‘Kill the farmer, kill the boer’. It was sung at various times by Julius Malema, then president of the ANC youth league. Afriforum, an activist Afrikaans NGO, and the Transvaal Agricultural Union (TAU), representing in the main white farmers, successfully applied to the Equality Court to have the song banned on the basis that it constituted hate speech. Both Malema in his personal capacity and the ANC were cited as respondents. Both appealed the decision to the Supreme Court of Appeal.

At the instance of the Judge President Lex Mpati, a former IMSSA panellist, the parties agreed to attempt to settle the matter through mediation. I was approached to conduct the mediation by the parties’ lawyers, which I agreed to do through Tokiso, a private dispute resolution agency.

Malema appeared in person, Gwede Mantashe, its Secretary General, appeared for the ANC, and Kallie Kriel for Afriforum. The TAU was also represented. The dispute was settled after two days of intensive mediation. The confidentiality rule applicable to mediations precludes me from revealing the details of the engagement. Save to say it was a fascinating encounter and reinforced my belief that even the most intractable disputes can be resolved through dialogue. It also graphically demonstrated how mediation can be used to craft a mutually beneficial outcome in circumstances in which, had the matter proceeded on appeal, there could only have been a winner and a loser.

The terms of the mediated settlement agreement were made public and they bear repeating here:

The parties have agreed to a full and final settlement of their dispute on the following terms:

- a. The parties agree that it is crucial to mutually recognise and respect the right of all communities to celebrate and protect their cultural heritage and freedom.
- b. The parties recognise that certain words in certain struggle songs may be experienced as hurtful by members of minority communities.
- c. Therefore, in the interests of promoting reconciliation and to avoid inter-community friction, and recognising that the lyrics of certain songs are

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often inspired by circumstances of a particular historical period of struggle which in certain instances may no longer be applicable, the ANC and Mr Malema commit to counselling and encouraging their respective leadership and supporters to act with restraint to avoid the experience of such hurt.

- d. The parties commit to deepening dialogue among leaders and supporters of their respective organisations and formations to promote understanding of their respective cultural heritages and for the purpose of contributing to the development of a future common South African heritage.
- e. The parties commit to continued formal dialogue amongst leaders of the ANC and leaders of AfriForum and TAU-SA and other role players to promote understanding of their respective cultural heritages and aspirations.
- f. The ANC and Mr Malema undertake upon the signing hereof to withdraw their Appeal to the SCA with no order as to costs.
- g. The parties agree that this Mediation Agreement will be made an Order of Court substituting the Equality Court Order. In this regard the parties agree to jointly approach the Honourable Judge Lamont for this purpose soon upon the signing of this Mediation Agreement. In the event the Honourable Judge Lamont were to decline the substitution of the Equality Court Order, Afriforum and TAU-SA irrevocably undertake to abandon the Equality Court Order and simultaneously the parties will apply to have this Mediation Agreement made an Order of Court.
- h. For the avoidance of doubt the parties agree that each party shall pay its own costs in respect of the Equality Court Proceedings.

The continuing and future role of mediation

During 2012 and 2013 South Africa experienced a resurgence of violence and volatility in its labour relations exemplified by the Marikana tragedy in which 34 mineworkers lost their lives. A CCMA mediation intervention was critical to

bringing a measure of stability to the environment when it brokered a settlement involving an adjustment to wages for certain categories of workers.

In April 2013 I was asked to lead a facilitation team to address significant incidents of unprocedural industrial action at two major Eskom power generation project construction sites. A combined total of 30 000 employees, 7 unions and some 30 principal contractors and over 200 sub-contractors were at the sites. The project had since the beginning of the year lost weeks of construction time, particularly at Medupi due to unprocedural industrial action, and it was clear that there would be significant overruns on project deadlines. The source of the problem appeared to be a deep unhappiness on the part of unions and their members with the applicable project labour agreement at each site, which they felt was skewed in favour of contractors and in effect denied them the right to strike.

We convened a facilitation process drawing in the leading contractors, union leadership and Eskom, well over 100 participants in all. Facilitators were deployed to work with the parties and I played an oversight role and took responsibility for drafting proposals for their consideration. The objective of the facilitation was to produce a game-changing outcome that would provide a more balanced rights regime and create the building blocks for a fundamentally different relationship. As we analysed the myriad pathologies that characterised the relationships on site, a recurring theme was the absence of any real substantive dialogue between the parties. So the team decided to present the possibility of a new collective agreement embodying the concept of dialogue-driven partnership.

Over several weeks and in the face of considerable skepticism and at times downright hostility, we developed this concept and produced a draft that ultimately found resonance with the different stakeholders. This partnership agreement was signed in early June and since then there has been an evolving stability at the sites. The situation remains fragile and there is still much bedding down to do if the policies and structures contemplated in the agreement are to take root. But it would be fair to conclude that South Africans have a remarkable ability to head off imminent disaster and find a path to peace. Time will tell whether the experiment at Medupi and Kusile contains the prescription for such an enduring outcome.

What Medupi and Kusile tell us is that the path to labour market stability is to cast as our number one labour market priority, the creation of high trust environments in our workplaces where employees feel valued, and have their voices heard. The concept of workplace partnerships, as heretical as it may seem to our deeply embedded Anglo Saxon system of adversarial industrial relations, may yet find its day in our troubled labour relations landscape.

Commercial mediation

Perhaps the most innovative development in the field of mediation in South Africa in the last five years has been building capability to mediate commercial disputes. Long since the preserve of commercial litigators, commercial disputes have sustained the large legal firms for decades. But there is a growing disquiet among corporations about the cost of commercial litigation and the time that it takes to secure a result. There is a widening interest in the opportunities that commercial mediation presents and large commercial law firms are having to revise their traditional hostility to the process. The complaint from the traditionalists that mediation is not about just settlement, but just about settlement, is fast losing ground.

But commercial mediators require more than a set of generic mediation skills. The circumstances pertaining to commercial disputes are *sui generis* and demand an understanding of mediating in a commercial environment. Commercial mediation agencies, such as the Centre for Effective Dispute Resolution in the UK (CEDR), have moved in very astutely to occupy that space and have partnered with the South African training agency Conflict Dynamics led by John Brand and Felicity Steadman, to satisfy what is an almost insatiable demand for commercial mediation training in South Africa. At the moment, commercial mediator supply far outstrips an evident growing demand for commercial mediation services, but that may well change when a government-supported court-annexed commercial mediation pilot programme comes on stream in the next few months. There is a very real sense that commercial mediation will in time become the most prevalent dispute resolution application in our society as parties seek quicker and more cost effective ways of generating more creative outcomes than the win-lose, costly and time consuming results that our civil

courts currently offer. Of course this can never be an either/or choice. The two modes of dispute resolution have to complement one another so that users can make informed choices about which option is most suitable.

Conclusion

In articulating my own mediation journey over the past 30 years, which has traversed only certain aspects of how mediation has become embedded in South Africa, there can be no doubt that mediation has become part of the fabric of how we deal with differences and conflicts in our society.

As we chart our way forward in our young democracy, there are more questions than answers as to the basis upon which we resolve all the conflicts that beset our communities on a daily basis. Nevertheless, we can be fairly confident about the process options open to us as we consider how best to address them, and there should be few who would question that mediation will be at the forefront of the choices available.

Source

Independent Mediation Service of South Africa 1994. *On the Frontline: Ten years of the Independent Mediation Service of South Africa, 1984–1994. IMSSA Review* Number 16, Special Tenth Anniversary Edition.

Public participation as participatory conflict resolution: Shortcomings and best practices at the local level in South Africa

*Sifiso Mbuyisa**

Abstract

In South Africa the constitutional order brought about by the transition to democracy, and the subsequent policy and legislation frameworks, have enabled ordinary people to participate in governance and policy making. Yet, according to some studies, the importance of participation – agreed to by politicians, practised and promoted by academics – has yet to be translated into a lived reality at the local level. In this paper, I write about the debates on participation, its advantages, and disadvantages.

This paper offers an additional resource to public participation practitioners and beneficiaries, aiding them in the use of negotiation, mediation, and generic conflict resolution approaches to resolve public participation stalemates, and in the process, to strengthen and legitimise those public participation processes. Drawing on the existing literature, I describe what works and why; I also

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point out the strengths and weaknesses of these approaches. Ultimately, the objective is to share the complementary nature of conflict resolution and public participation, and show how – if they are combined effectively – public participation can be enhanced.

While I strongly believe that the literature supports my contention that conflict resolution principles and practices are useful for fair and equitable public participation, I do not have authoritative empirical evidence to state this as fact. Nonetheless, I believe that the ‘best practices’ outlined in the paper are useful and valuable tools and should be implemented as far as possible.

Public participation in democratic local government

Public participation is particularly important in South Africa, where (before 1994) African, Coloured and Indian communities were excluded from meaningfully participating in decision making within state and government institutions or structures. Statutory mechanisms such as the Group Areas Act (No. 41 of 1950)¹ and the Population Registration Act (No. 41 of 1950)² made it illegal for the majority of communities to engage with decision-makers openly and gainfully. Following the transition to democracy, culminating in the 1994 elections, the new Government of National Unity (GNU) embarked on the challenging task of addressing these injustices and forms of statutory exclusion by (among other methods) rebuilding the status and importance of local government through bringing communities closer to decision-makers. Local government, as the sphere of government closest and most accessible to

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- 1 The Group Areas Act of 1950 (Act No. 41 of 1950) was an act of parliament created under the apartheid government on 27 April 1950. The act assigned racial groups to different residential and business sections in urban areas – in effect excluding Blacks, Coloureds and Indians from living in the most developed areas of South Africa.
 - 2 The Population Registration (Act No. 41 of 1950) required that each inhabitant of South Africa be classified and registered in accordance with their racial characteristics. Social rights, political rights, educational opportunities and economic status were largely determined by the group to which an individual belonged. The South African parliament repealed the act on 17 June 1991. However, the racial categories defined in the Act remain ingrained in South African culture and they still form the basis of some official policies, aimed at correcting past economic imbalances.

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the community, is therefore tasked with ensuring that communities and the general public participate actively.

Local government in South Africa had no constitutional protection until the early 1990s. It was perceived as an extension of the state, and as carrying out the same functions as those carried out by provincial government. This situation was compounded by the exclusion of the majority from political participation until 1994. Instead, South Africa's form of government 'was highly centralised, deeply authoritarian and secretive The approach to planning in general was influenced in Britain, which stressed "efficiency concerns" and was dominated by scientists such as architects and engineers, who held the view that all planning had technical solutions...' (Williams 2000, cited in Pretorius 2008:175). It was within this context that the post-apartheid Constitution (The Constitution of the Republic of South Africa 1996: section 40) sought to move progressively towards the social and economic upliftment of local communities, and ensure universal access to essential services.

Since 1996, the Constitution has guaranteed local government its own sphere of governance, so that it is no longer an extension of national or provincial government. To ensure a developmental approach, and people-centred, integrated development planning at the local level, the constitution (1996: section 152 (1)) states that 'The objects of local government are ... (e) to encourage the involvement of communities and community organisations in matters of local government'. Within the framework of co-operative governance, the South African government has enacted an impressive basket of

legislation on local government that demands public participation in municipal decision-making, planning, budgeting and finances.^{3, 4, 5, 6}

Particularly relevant is the requirement of the Local Government: Municipal Systems Act 32 of 2000: that municipalities have to develop a culture of public participation by building the capacity of local communities, councillors and officials to participate in municipal affairs. From the constitutional and legal frameworks discussed above, it is evident that the unequal *de jure* access to formal participation under apartheid no longer exists. In South Africa, participation in local government takes place in terms of two main objectives. The first relates to upholding the principles and systems of participatory democracy through participation in formal structures such as elections and referendums. The second relates to the local government development mandate to alleviate poverty through service delivery and localised socio-economic development initiatives.

In the context of participation as a democracy through elections and referendums, on balance South Africa has shown stability due to largely peaceful, free and fair electoral processes. The state enjoys continued legitimacy thanks to a set of functional institutions, separation of powers between the legislature, the judiciary and the executive, and a fairly robust and independent media.

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- 3 The Municipal Structures Act (1998), section 19 (3), states that a municipal council must develop mechanisms for public participation in performing its functions and exercising its powers. Additionally, the Act stipulates that a municipality's executive must give an annual report on the extent to which the public has participated in municipal affairs.
 - 4 The Municipal Systems Act (2000), chapter 4, determines that a municipal council must develop a culture of participatory governance, and for this purpose must encourage and create conditions for residents, communities and other stakeholders in the municipality to participate in local affairs.
 - 5 The Municipal Finance Management Act (2003) encourages the participation of communities in the finances of municipalities, including the development of municipal budgets.
 - 6 The Municipal Property Rates Act (2004) stipulates that the public must participate in the determination of municipal property rates.

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The increased electoral turn-out during the 2011 local government elections,⁷ and the continued majority support for the dominant party (the African National Congress, or ANC)⁸ and growing political support for the main opposition party (the Democratic Alliance, or DA)⁹ means there is much to be celebrated as far as progress towards democratic consolidation is concerned. The functioning institutions of democratic processes and procedures are indeed worth noting. However, democracy and its sustainability need more than structure, a set of rules and procedures. Democracy needs substance to remain relevant and legitimate. Davids (2005:6) perhaps sums up this challenge best:

Democracy is not just a structure; it's a process that depends on the ongoing participation of its stakeholders, the South African citizenry. There is much at stake in the long-term success of South African democracy, and while much depends on what happens at national and provincial levels, the stakes are equally high at the local government level.

The following questions must also be reviewed: To what extent do formal public participation spaces represent voices fairly and equitably when expressing community dissatisfaction? Moreover, how inclusive and effective are they in the promotion of social justice? South Africa's public participation discourse draws mainly from two influences: the anti-apartheid struggle, and the new Constitution. The struggle against apartheid inculcated a highly participatory notion of citizen participation in the majority of the population. Mass democratic organisations such as the United Democratic Front (UDF) and many civic organisations established models of debate, consultation and accountability that carried over from the 1980s to the drafting of the new Constitution in the

7 Independent Electoral Commission local government elections results released 22 May 2011. The 2011 elections were the fourth local government elections in a free South Africa – with 57.6 per cent voter turn-out, the biggest ever since 1994.

8 The ANC won the highest number of seats and councils: 198 councils and 5 633 seats, constituting 62 per cent of the vote.

9 The main opposition party, the DA, increased its support and came second with 18 councils; 1 555 seats and 23.9 per cent of support. The ANC has always been (and continues to be) the dominant force in post-1994 South African politics. The gradual growth of an opposition party – in this case, the DA – is good for multi-party politics and, in the long term, democratic consolidation.

Constitutional Assembly. Drawing on these principles of engaged citizenry, the Constitution provides a framework for public participation in all spheres of government – especially at the local level: the Municipal Systems Act 32 of 2000 institutionalises community participation as a core function in all the activities of a municipality.

Furthermore, it specifically gives a mandate to local councils to ‘determine mechanisms, processes and procedures for interaction’¹⁰ between municipal management, councillors, ward committees and the local community. More specifically, the Municipal Structures Act promulgates that members of local councils be allowed to join these committees.¹¹

However, the dominant discourse in democratic South Africa is that the legal framework provided for in the Constitution is nothing more than ‘hurdles that are inadvertently and sometimes deliberately erected ... to undermine public participation and in effect weaken social citizenship’ (Skenjana and Kimemia 2011:56). The assumption prevails that there is an inclusive, elected leadership representing only their specific constituencies in all spheres of government, which is in contrast to the objective of the electorate participating directly at all levels of decision making. The second weakness of the current practice of public participation is based on the false premise that all humans in South Africa have equal access to rights. Cases such as *Grootboom vs. SA State* (Wickeri 1999) exist in which socio-economic rights were successfully defended in a court of law. However, even in this case, the poor were not able to access their rights as the judgement had proposed. The court did not compel local authorities to provide quality, sustainable services to the affected communities in whose favour the court had ruled; also, the right to adequate service delivery was not enforced.

South Africa’s structural articulation between the politics of participation and that of substantive social change is weak (vis-à-vis the constitutional right to equal citizenship) for two main reasons. Firstly, although unequal relations of power were inherited from the past, there has not been a clean and lasting break with those societal imbalances. The dominance of functionaries and learnt

10 Section 56 (6).

11 Section 73.

practices from the past (the apartheid order) still prevail. Secondly, institutional compliance with the policies introduced by the new democratic order is lacking. Those charged with promoting and facilitating participatory democracy have failed to cater adequately for the greater populace, or to appreciate the various tools, methods, skills and expertise necessary to include everyone in the structures and institutional arrangements that have been set up.

Role of councillors in promoting public participation at the local level

The model of developmental local government adopted in 1998 was formulated through legislation, in the form of the Municipal Structures Act (1998) and the Municipal Systems Act (2000). In 2001 the number of municipal entities was rationalised, from 1 000 down to 284 municipalities. This was aimed at promoting effective local government in order to make better use of limited development resources. To facilitate the forms of participative democracy outlined in these Acts, the ward committee system was introduced. This system has become the main form of public participation in local government.

The work of councillors is guided by the framework in the White Paper on Local Government (1998), which proposes a developmental model of local government. This model promotes the philosophy of using sustainable methods to meet the socio-economic needs of residents – particularly targeting the poorest and most marginalised members of society.

There are two broad categories of councillors: ward councillors and Proportional Representative (PR) councillors. PR councillors are elected through their party lists, and are accountable primarily to their parties (South African Local Government Association and German Technical Cooperation 2006:54). A PR councillor may interact with local and provincial party structures, and may sometimes serve as a substitute chairperson on a ward committee if the ward councillor cannot be present. PR councillors are also allocated to particular wards in order to increase their accountability to their communities (Jossel 2005). Ward councillors,¹² on the other hand, are expected to make sure that

12 Ward councillors are elected by a specific, geographically defined ward.

the concerns of the wards in which they serve (as ward committee chairpersons) are represented in Council. Apart from representing the needs of residents in council, ward councillors are responsible for:

- giving ward residents progress reports explaining council decisions in committing resources to development projects and programmes affecting them,
- assessing intended impact of municipality programmes and plans,
- assessing whether services are being delivered fairly, effectively and in a sustainable way,
- determining whether capital projects are being rolled out in accordance with Integrated Development Plans (IDP),
- keeping in close contact with their constituencies to ensure that the council is informed of all issues on the ground, and
- conveying important information to residents from the council.

Councillors serve a key role as the interface between the citizens they represent¹³ and the municipal officials who design and implement development policies. Councillors also act as watchdogs and ensure that the municipality implements policies to address the needs of citizens. The ward councillor, as chairperson of his or her ward, must also raise concerns to council on behalf of ward members when residents experience problems relating to the financial management of a council.¹⁴

Ward committee system weaknesses and community dissatisfaction

A number of studies have highlighted key weaknesses and challenges facing public representatives. These include high councillor turnover (Atkinson 2002), poor decision-making and communication structures in municipalities, and ineffective councillors (Atkinson 2002; Sebugwawo 2011; Karamoko 2011; Hirsh 2010).

13 See, for case studies on the Port Elizabeth municipality and Motherwell in the Nelson Mandela municipality, Masango 2011 and Shaidi 2010, respectively.

14 See Municipal Finance Management Act, Section 17 (f).

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Councillors serve as members of Council committees and are usually charged with the development of new policies. Committees include the Executive Committee, which decides what policies and proposals are put before Council to be discussed and (where possible) enacted as municipal policy.¹⁵ Section 33 of the Municipal Structures Act (2000) provides that a municipality may establish committees, detailing the specific powers of such committees and the need for delegation and commitment of resources to such committees. Section 79 committees are established by Council and its members for the efficient and effective performance of Council. The Executive Mayor may appoint a person from the Mayoral Committee or Executive Committee to chair a Section 79 committee, and may also delegate powers and duties to the committee if necessary. Section 80 committees are also established by Council, specifically to support the mayor. To promote inclusive, participatory governance, municipalities are encouraged to use the committee system, with preference given to Section 79 committees (Community Law Centre, University of the Western Cape 2009:12–14). However, municipalities are not obliged to establish Section 79 committees, and in fact the general trend is rather to establish Section 80 committees (De Visser et al. 2009). These authors state that where Section 79 committees do exist, the trend (in larger municipal entities) is to relegate them to a management function covering more generic areas, rather than those which deal specifically with oversight (De Visser et al. 2009:25). This renders Section 79 committees ‘toothless’ in respect of the effective oversight role they should be playing through the portfolio committees.¹⁶ By restricting portfolio committees to Section 80 committees, ordinary councillors are excluded from discussions on plans and policies to be implemented:

The deliberations and recommendations of Section 80 committee meetings are conveyed to the executive through a member of the executive in a meeting that may well be behind closed doors. This also means that councillors who have a seat in Section 80 committees have no knowledge of how the

15 This is in terms of the Municipal Finance Management Act, Section 17 (f).

16 Portfolio committees are responsible for oversight in specific sectors such as water, sanitation, roads and parks.

recommendation of the latter was delivered to the mayoral committees. In a municipality that is dominated by Section 80 committees, the room for an ordinary councillor to exercise oversight is therefore limited (De Visser et al. 2009:25).

Despite these weaknesses, councillors are still expected to make important decisions by voting in Council on issues such as Council resolutions, policy changes, the IDP and annual budget. Moreover, many councillors, especially opposition councillors, are excluded from key discussions that reveal the content of policies and plans. Once decisions have been taken in a party caucus, party members are expected to vote in Council according to that decision. This is usually the responsibility of the PR councillors (South African Local Government Association and German Technical Cooperation 2006:50, note 91).

Municipalities are accountable to their citizens. The code of conduct incorporated in the Municipal Systems Act (2000:106–110) is meant to ensure that councillors and Council abide by the principle of accountable government. Councillors are also prohibited from interfering with municipal administration, and may not enforce an obligation in terms of the Systems Act (Municipal Systems Act 2002). The code of conduct is enforced through the intervention of a number of parties, including the Speaker, the Council and the Member of the Executive Committee for local government.

Despite the provisions in the Structures and Systems Acts, De Visser (2006) notes that there may be weaknesses in the process for deciding which body investigates councillor misconduct, as well as for deciding to whom councillors are actually accountable with respect to the code. These issues become important when there is a need to ensure rapid action following a contravention of the code by a councillor. Since councillors are the first point of contact with citizens, this uncertainty about who should enforce the code may fuel anger among citizens, especially when they already feel that the municipality is not addressing their needs adequately (De Visser 2006).

Marginalised voices in the Integrated Development Planning (IDP) systems

The Municipal Structures Act requires the formation of the ward committees to reflect the diversity of local interests, as well as gender equity.¹⁷ The local government policy framework requires processes, mechanisms and procedures for public participation that take into consideration the special needs of the disadvantaged groups in society. The major weakness with this arrangement is that it fails to recognise marginalised communities who, because of political vulnerability and socio-economic deprivation, are not able to participate meaningfully in such structures. Moreover, 'Political affiliation and the desire to maintain control over ward committees take precedence over concerns of fair representation and the pursuit of the set developmental objectives' (Skenjana and Kimemia 2011:58). In rural communities, the weaknesses found in the ward committees are reflected in their inability to attract diverse, strong and effective committees. This failure to achieve equity in representing all social formations and interests has resulted in a sizable 'voice' not being heard, and the interests of a sizeable population not prioritised at the local level.

The introduction of the IDP systems in 2001 required municipal councils to develop strategies for community involvement, including: communication strategies, community outreach programmes and stakeholder involvement strategies (Skenjana and Kimemia 2011:59). These strategies were meant to improve the levels and quality of public participation; however, critics argue that 'the IDP processes are still far from achieving full community involvement in policy making as stipulated in the legislation – they remain very much top-down and communities are merely allowed to comment on proposals developed by municipal officials rather than being invited to contribute to the content before its drafting' (Friedman et al. 2003:56).

The same study also found that ward meetings are dominated by questions about unrealised promises, and lists of demands the municipality is expected to address (Friedman et al. 2003:56). This is seen most often in the poorer areas of municipalities, where challenges are huge. Besides practical challenges, there are

17 Municipal Structures Act 1998, section 72a (i)–(ii).

related constraints of a logistical nature. For example, a lack of transport, a lack of technical and specialised skills to provide legal interpretation of documents and policy, and a lack of language skills and capacity to compile written submissions are raised as some of the inherent weaknesses hampering public participation in ward committees (Friedman et al. 2003:56).

As noted above, the challenges are more severe in poorer communities, where ward committees display low levels of education and overall expertise. Additionally, there are power imbalances that make it impossible to have meaningful participation from the public with knowledgeable municipal officials. This imbalance and resultant exclusion and alienation are extended to the broader community and undermine the objectives of public participation: equity and equality.

Getting to grips with reality at ground level

In the National Ward Committee Survey (Idasa et al. 2005:17), the percentages of municipal respondents who reported that their municipality had formulated municipal policy to structure the roles and functions of ward committees ranged from highs of 100 per cent in the Eastern Cape and Gauteng, to lows of 41 per cent and 50 per cent in the Northern Cape and KwaZulu-Natal, respectively. The study reported that documents meant to guide the roles and functions of ward committees were very often contained in Council guideline documents, but that policy documents at the municipal level were frequently only copies of Department Provincial and Local Government (DPLG) and South African Local Government Association (SALGA) guidelines (Idasa et al. 2005:17). This suggests that despite the importance of Ward Committees in facilitating participatory democracy, a lack of guidelines limits the effectiveness of the structure. The Afrobarometer¹⁸ Round 4 Survey (Ndetlanya et al. 2008) exposes key weaknesses in the current performance of local councillors nationally. When respondents were asked how often they had been contacted by a range of public representatives during that year, more than two-thirds (72 per cent)

18 The Afrobarometer is a research project that measures public attitudes on economic, political and social matters in sub-Saharan Africa.

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reported they had never been contacted, and a further 10 per cent reported being contacted only once by their local councillor. A quality of life survey in low-income areas in the City of Johannesburg found low levels of contact between residents and local officials (Richards et al. 2006). Fewer than half of the residents surveyed in Joubert Park, Zandspruit and Diepsloot reported attending ward councillor meetings; not even a third reported knowing their councillor's name, and fewer than a quarter of respondents reported being able to contact local government officials if they needed to. Respondents were more likely to contact friends and family (51 per cent) than their ward councillor or the local municipality (12 per cent) if they needed to resolve a problem in their residential area.

Community dissatisfaction has become a more common occurrence in South African townships (Hough 2009). While incidents are often referred to as 'service delivery protests', a report commissioned by Parliament (2009:VI) found that:

... The term [service delivery protest] is a misnomer since, while dissatisfaction with poor service delivery has certainly been a factor in triggering some of the protest, the causes of the protest are far more varied and complex than this. It must therefore be acknowledged that there are a multiplicity of factors at the root of the current protest and that these can be placed into three broad categories: systemic (such as maladministration, fraud, nepotism and corruption in housing lists); structural (such as healthcare, unemployment, and land issues); and governance (such as weak leadership and the erosion of public confidence in leadership).

Interviews conducted by researchers support this statement (Görgens and Van Donk 2011, cited in Good Governance Learning Network 2011). In addition, researchers found 'A growing awareness amongst individuals and communities about their rights, disappointment with the limited participatory potential of current mechanisms, a lack of reaction by officials and politicians to less violent protest and the growth of [relative deprivation] within and amongst communities' (Görgens and Van Donk 2011, cited in Good Governance Learning Network 2011:120).

Other researchers have found state-created public participation spaces insufficient, and at times 'ill-suited to facilitate meaningful community engagement in local planning, decision making, resource allocation, implementation and evaluation' (Friedman 2011:3). Pithouse (2009) summarises this dissatisfaction with current efforts to promote public participation, arguing that 'There is a considerable extent to which the technocratic agenda, with its inability to enable genuinely popular participation in planning and its inability to confront elite interests with popular counter power, is inherently undemocratic' (Pithouse 2009:8).

In an in-depth analysis of 14 community protests from 2007 onwards, Booysen (2009) highlights the poor performance of public representation and the dysfunctionality of local government administrative structures as being the main focal points of the anger directing community protests. Booysen claims there is a sense of desperation over the lack of 'connection' to local councillors; and surmises that because public officials do not listen to the people, many community protests were caused during this period. According to Municipal IQ,¹⁹ 'the incidence of municipal [community] protests rose from 27 in 2008 to a high of 104 in 2009 (Municipal IQ Briefing 2009, cited in Paradza et al. 2010:19).

Trends in community protests

According to monthly briefings from the South African Local Government Briefings Report²⁰ and the South African Media News Database, South Africa experienced an average of 8.73 protests per month in 2007, and 9.83 protests per month in 2008. In 2009, the average number of protests increased significantly, to 17.75 per month. Since mid-2009 – despite the reduced frequency of community protests – an increasing proportion of protests have resulted in violence: 53 per cent of protests taking place during or after April 2009 were violent. This figure dropped slightly in the 3rd quarter of 2009 (50.65 per cent), then increased in the 4th quarter (52.38 per cent) and the 1st quarter of 2010

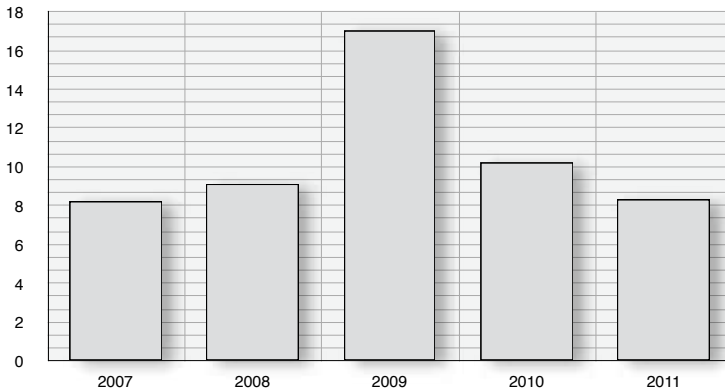
19 Municipal IQ is an organisation that monitors the socio-economic performance of South African municipalities.

20 The SA Local Government Research Centre publishes the South African Local Government Briefing monthly.

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(64.06 per cent) (Karamoko 2011; Hirsh 2010). With the advent of the FIFA Soccer World Cup in June 2010, the average number of community protests fell dramatically and remained comparatively low, with only 6.14 protests per month for the remainder of the year.²¹ Numbers remained low during the first five months of 2011, with an average of only 8.80 protests per month. According to this research, 'Protesters cite the lack of accountability of government officials, along with the absence of public participation as factors that further aggravate their service delivery complaints' (Karamoko 2011; Hirsh 2010). Figure 1 depicts the increased frequency of community protests from 2007, with 2009 showing almost double the figures from the previous year, and 2010 to 2011 showing a decrease in protests. The studies by Karamoko and Hirsh indicate that despite the reduction in the number of community protests since June 2010, the proportion of protests that have turned violent increased (Karamoko 2011; Hirsh 2010).

Figure1: Average Number of Protests per Month, 2007–2011



Source: Karamoko 2011.²²

21 The report attributes the low number of protests occurring during the month of June 2010 to the FIFA World Cup. Holiday periods often feature lower levels of protests than normal. However, this does not explain why protesters missed the motivating factor of attracting attention to their grievances during the FIFA World Cup. Moreover, the trend is for protests to be more frequent during the winter months (June, July, August) and less frequent during the summer months (December, January, February). The 2010 FIFA World Cup was held in winter.

22 For 2011, data are only available from January through May.

These figures demonstrate increased community frustration and are cause for concern. Protesters are excluding created and legislated platforms for dialogue and participation, opting instead to voice their frustrations through acts of intimidation and violence. It can be said that community protests are a symptom of a deeper problem.

The relationships between communities and local government officials need to be strengthened, to address those particular shortcomings found in current public participation set structures. As a state response to community protests, the values, ethos, principles and practices of conflict resolution would be a good option for addressing community concerns, as they do not incentivise violence. As long as communities believe they can draw the attention of leaders to their grievances through acts of violence, these protests will remain a common phenomenon. Improving the effectiveness of dialogue with communities with respect to development issues, and promoting win-win situations with the involvement of communities as equals can assist in easing the alienation protesters often feel towards local authorities – eroding the belief that violence and civil disobedience are the only possible outlets for effective public participation. Moreover, constructive and creative alternatives can reduce the perception that government officials are uncaring, uncooperative and display exclusionary practices.

Consensual approaches as a considered model for strengthening public participation

This section deals with the effectiveness and potential value of conflict resolution practices in facilitating more acceptable and equitable public participation at local levels. For the purposes of this article, 'best practices' for conflict resolution will mean a hierarchy of principles, approaches, processes and tools, which have been proven effective in a variety of circumstances, situations and contexts. Generally, best practices for conflict resolution will be understood using the following framework: principles (why best practices should be used); approaches (strategies that achieve principles); process steps (for developing high quality and meaningful processes); and, tools and skills (for implementing each of the steps). This does not provide a blueprint; rather,

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it is a set of principles to guide the process, and includes approaches and tools to use as needed.

The participatory approach used against apartheid and the internal peace initiatives adopted during the talks for a democratic South Africa fostered the emergence of a community network that wants (and sometimes demands) participation. This is very significant in a national context marked by an incomplete consolidation of democracy and the persistence of socio-economic challenges, coupled with institutions that have not lived up to expectations. Consider, for example, this statement by Laurie Nathan (2007:2):

South Africa's transition to democracy, widely regarded as a success, highlights the significance of local ownership. To a large extent the success was due to the process that was followed. The process was inclusive horizontally in the sense that all political parties were invited and urged to participate in the negotiations. The process was also inclusive vertically as numerous civil society bodies engaged in debate on all aspects of the settlement. Most importantly, the process was driven by local actors without dictates from external actors. In every sector, policies and models were designed by South Africans and not imposed on them by outsiders. As a result, the system of governance enjoys substantial legitimacy and this has contributed greatly to political stability.

The negotiated settlement was thus consensual, following a principle relevant to public participation. However, public participation practice ought to go beyond the customary rhetoric about local ownership, and must consider in detail how public participation can and should be applied by officials and other agencies. This process must empower participants and beneficiaries by offering analytical and diagnostic tools as a form of conflict resolution that can overcome some of the limitations in public participation as currently experienced.

Public policy formulation is frequently contested. It attracts both support and opposition. Susskind and Cruikshank (1987:8–9) capture this tension as follows: 'The [laws] of public policymaking tend to parallel the laws of physics: for every imposed action, there is an equal and opposite reaction. Thus, the act of imposing a decision can trigger a more heated and protracted dispute than the

content of the decision originally merited'. The shortcomings of compromise, which require parties to make concessions on stated needs and wants, are frequently off-putting for adversaries. This often results in a stalemate, with the matter in dispute going to court. The role of the courts is not to reconcile parties; neither is it to satisfy the needs and interests of either party. Often (if not always) the application of the law will favour one side. The losing party is left aggrieved and bitter.

In democracies such as South Africa, the assumption is that elected officials are the custodians of policy-making. However, what often happens is that 'many important public policy issues cross political boundaries ... an electoral victory for a given candidate is hard to interpret as a statement of the public's will on a specific controversy'(Susskind and Cruikshank 1987:9). It is for these reasons that alternative approaches to resolving public disputes become relevant. Susskind and Cruikshank (1987:11) describe alternative tools for achieving consensus as follows:

Consensus building requires informal, face-to-face interaction among specially chosen representatives of all [stakeholding] groups; a voluntary effort to seek [all-gain] rather than [win-lose] solutions or watered-down political compromise; and often, the assistance of a neutral facilitator or mediator. Such approaches must be treated as supplements – and not alternatives – to conventional decision making. Officials with statutory power must retain their authority in order to ensure accountability.

Moreover, to strengthen and legitimise public participation practitioners and beneficiaries, conflict resolution approaches must be applied to resolve public stalemates. Ultimately, the objective is to display the complementary nature of conflict resolution and public participation, and show how they are mutually reinforcing. The four types of conflict resolution action of Bercovitch et al. (2009) must be applied to public participation: prevention, management, resolution, and transformation. Some will act to remove or decide the conflict, while others will merely work to keep it at a manageable, political level. However, all of these necessitate a form of conflict mapping.

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In the words of Paul Wehr, 'conflict mapping is a first step in intervening to manage a particular conflict. It gives both the intervener and the conflict parties a clearer understanding of the origins, nature, dynamics and possibilities for resolution of the conflict' (Wehr 1979:18, cited in Ramsbotham et al. 2005:74–75). Conflict mapping is a useful analytical tool for examining disputes and uncovering the root cause of conflict behaviour. By examining a conflict and evaluating it according to the five categories – relationship, data, interest, structure and value – we can begin to determine what caused the dispute, identify the primary sector, and assess whether the cause is a genuine incompatibility of interests, or merely differences of perception between the parties involved. These insights may assist us in designing a resolution strategy that will have a higher probability of success than an approach which is exclusively trial-and-error (Moore 2003:64).

The need for public participation as conflict transformation

How can we assess each specific situation to determine the most relevant and potentially effective approach in which public participation could be oriented towards using one or more of the methods of conflict resolution (as outlined by Bercovitch et al. 2009)? How can we determine what are the circumstances under which they work as 'universal' or 'uniform' practices of public participation?

The theory of conflict prevention may be pursued as policy and (where possible) embedded in the practice of public participation – without necessarily discouraging expressions of discontent from the public.

Conflict prevention refers to efforts to prevent the outbreak of violence. Ideally, conflict prevention should focus not only on containing a potentially violent situation, but also addressing the fundamental causes of conflict. According to Ramsbotham et al. (2005), conflict prevention goes further than problem solving in that it is proactive in preventing violence by bringing parties together to analyse and transform a dispute: 'The effort to resolve conflict at an early stage is at the heart of prevention. It involves identifying the key issues, clearing

mistrust and misperceptions and exploring feasible outcomes that bridge the opposing positions of the parties' (Ramsbotham et al. 2005:125).

Conflict prevention is still a relatively marginal concern, and very few agents and agencies focus on it. According to Lund (2009), one reason is that there is a lack of agreement and uniformity about stages and types of prevention. He proposes that conflict prevention can be strengthened and made relevant by (a) having a structured framework that pulls together preventive measures and instruments available, and providing guidelines about approaches which are likely to be most feasible and productive in various conditions; (b) developing multi-faceted strategies that link such processes to existing country-specific development planning procedures, for diplomatic and military agencies as well as inside stakeholders; and finally (c) providing support and incentives to governments to encourage compliance with international norms for strengthening equitable state service-provision, and preventive deployment.

Conflict management is described by Gartner and Melin (2009:564–565) as 'meaning any steps taken to help resolve a conflict peacefully, from bilateral negotiations to third-party mediation'. It has been widely used in business and organisational settings, to describe processes and efforts to manage the negative implications and manifestations of conflict. The problem with the concept is the implication that only the symptoms of conflict are being dealt with; that the conflict and its effects are *contained*, without due attention being paid to the causes. Some scholars bemoan the limitations of conflict management, arguing that it represents only a short ceasefire, failing to allow peace to consolidate so that a political settlement can take root. As Gartner and Melin note: 'many management efforts result in ceasefires that last only a few hours and do not enable true resolution. In the recent Yugoslavian case, there were 91 mediated settlements, almost half of which lasted one week or less' (Gartner and Melin 2009:566). On the other hand, preventing the judgement as to how long peace agreements last after they are agreed upon – rather than focusing solely on whether an agreement was reached – excludes the goal of the effort, which is especially problematic. In certain instances, the goal of conflict management might be to bring regional stability, to satisfy economic or military interests, to promote an ideology or to uphold human rights. It is

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therefore necessary to separate the goals of conflict management as a strategy (sometimes an interim one) from the ideal of addressing the underlying causes of conflict.

Conflict resolution may include responding to current grievances, needs and conditions, as well as learning from participants to attach new values to the practice of public participation. However, resolution implies that conflict can be *resolved*, meaning that it is possible to find solutions to conflict in ways that will resolve all tension. However, conflict resolution is limited. Though it aims to address the causes of conflict, conflict resolution does not necessarily change the relationship amongst the parties enjoined in conflict, nor the systems that are in place, and therefore is not addressing the factors underlying the conflict. Conflict management has its own constraints in mostly referring to settlement or containment of conflict (Ramsbotham et al. 2005).

In contrast, *conflict transformation* has become popular because, as the name suggests, the goal is not only to end or prevent. 'It asserts the belief that conflict can be a catalyst for deep-rooted, enduring, positive change in individuals, relationships, and the structures of the human community' (Kraybill et al. 2005:5). Conflict transformation therefore refers to a process that seeks to change the entire context of conflict. It is a process that denotes changing or transforming the actors, the issues, the rules, the relationships, the perceptions, the communications, and the structural causes of conflict in non-violent ways. The essence of conflict transformation can be summarised as follows:

Changing communication, [analysing the conflict] (sometimes contrasted but paired with problem solving), changing stereotypes and enemy images, changing options available and developing new ideas for solutions, changing one's perceptions of change, both in the other and in the relationship, connecting the individual with his or her system and yet internalising change, and finally, transforming the inter-group/intersocial relationship (Pearson d'Estree, cited in Bercovitch et al. 2009:151).

Compared with other processes, conflict transformation is most closely aligned with the South African context. Diana Gordon (2006:2) captures this precisely by arguing that *transformation* is the preferred and overarching word

that South Africans use for what is needed to make their country the vibrant, non-racial democracy they yearn for:

Interpreted narrowly, transformation is merely the shifting of political and economic power from the white minority to the black majority. Frustrated whites often complain that [transformation] is merely affirmative action, which is in turn a justification for substituting unqualified blacks for competent whites in jobs, legislative bodies, or university classrooms. And blacks – police, teachers, journalists – argue that because racial representation in their occupations still doesn't reflect the demographics of the society, transformation is lagging. But the broader and deeper meaning of transformation emerges in the constitutional context – not that the word is part of the text but that it embodies the spirit of that document's provisions for rights and powers, especially as they elevate the protection of dignity and equality.

Like the public participation model, conflict transformation assumes that all problem-solving processes involve moving through a systematic, constructive thinking process to reach a desired goal state. In the case of South Africa, where there are often differing and sometimes opposing views and expectations, it is assumed that the desired state will come from putting together those who have divergent views, experiences and expertise. In fact, public participation in a conflict context assumes that all parties *must* participate, because the nature of the conflict comes from parties that are interdependent and intertwined.

Two other public participation assumptions are made when considering the problem-solving approaches used in the conflict context. First, because the sources of intergroup conflict are linked to unmet human needs, addressing these human needs (such as identity and security) must be the focus of the problem solving. Second, because public participation is dynamic and evolves, these assumptions will drive choices that lead to a certain standardisation of format, participants, agenda, and process.

Yet, the core of the model remains basically the same: inclusivity and the ability to listen to all sides with an emphasis on fair, open and transparent process. In the end the value of such processes should be to serve, primarily, not the

interests of the powerful, but rather the interests of those who Edward Said (1994:113) describe as ‘the poor, the disadvantaged, the unrepresented, the voiceless, the powerless’.

Conclusion

Given the current limitations of public participation, consensual approaches offer the most comprehensive and coherent ways for people to express differences and discontent. There is significant overlap between public participation and the principles of (and tools for conducting) conflict resolution – especially if conducted as a form of conflict transformation. Extensive use of consensual approaches for involving the public would help in promoting working structures that will restore public confidence in government – especially at the local level.

A society like South Africa’s – with a history of violence, but also a peaceful transition to democracy – would do well to enhance its legislated public participation processes with a conflict resolution system that is transformative in nature. Such a system, if applied in a considered manner, has (imbedded in its practice) psychological and cultural expectations, rules and regulations, processes and administrative and governance structures that go beyond the facilitation of dialogue and peace. This system would address basic human needs, which, if not satisfied often undermine effective and equitable public participation.

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Tributes to H.W. van der Merwe

Hendrik W. van der Merwe (1929–2001)*

*Louis Kriesberg***

Hendrik W. van der Merwe (H.W.) died March 5, 2001. He was born June 24, 1929, in rural South Africa, about 130 miles east of Cape Town and he died on his farm near his birthplace. But he had travelled far in his life and helped bring his country with him. In the Foreword to his memoir, *Peacemaking in South Africa: A life in conflict resolution*, Nelson Mandela wrote about H.W.'s 'long journey from a rural conservative and Calvinist environment as an Afrikaner farm boy to the cosmopolitan, multicultural rainbow nation of the new South Africa'. Mandela continued, 'These memoirs tell the story of the gradual development of a Calvinist dissident to an anti-apartheid activist and a Quaker peacemaker whose religious commitment and academic insights enabled him to reach out to all sides of the conflict in South Africa'.

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** Prof Louis Kriesberg (Ph.D. 1953, University of Chicago) is Professor Emeritus of Sociology, Maxwell Professor Emeritus of Social Conflict Studies, and founding director of the Program on the Analysis and Resolution of Conflicts (1986–1994), all at Syracuse University.

Louis Kriesberg

Hendrik received his B.A. in 1956 and his M.A. in Sociology in 1957 from the University of Stellenbosch in South Africa. He was awarded the Ph.D. in Sociology in 1963, by the University of California, Los Angeles. He returned to South Africa to teach Sociology at Rhodes University in Grahamstown, 1963–68. In 1968 he became the founding director of the Centre for Intergroup Studies, based in Cape Town, and remained its Executive Director until 1992, serving as Senior Consultant for two more years. He retired in 1994. In 1992, he became Emeritus Honorary Professor of the University of Cape Town. He visited and lectured at many institutions in Europe and the United States, including Northwestern University (1969–70) in Evanston, Illinois, and Woodbrooke College (1986–87) in Birmingham, England.

He pioneered in the development of conflict resolution and peace studies in South Africa. In 1981, he organised the first training courses in handling community conflicts and led by organising conferences and associations related to conflict resolution methods. He acted to advance integration, playing a leading role in forcing the whites-only South African Sociological Society to become integrated in 1976.

He organised many regional, national and international workshops where he brought together political opponents who otherwise did not meet. Thus, he arranged the first meetings between government supporters and the ANC in exile in 1984. He developed strong links with the Mandela family and visited Nelson Mandela in prison. He mediated in local, regional and national conflicts, including those between Inkatha and the United Democratic Front in Natal in 1985–86 and he arranged the first meetings between the ANC and the Afrikaner Freedom Foundation in 1992.

Hendrik's research and writing were closely related to his peacemaking activities, as indicated in his publications that include: *Peacemaking in South Africa*, published in 2000 by Tafelberg in Cape Town, 'Restitution after apartheid: From revenge to forgiveness,' in the *Cambridge Review of International Affairs*, 1994 (8:2) and 1995 (9:1), 'Principles of Communication between Adversaries in South Africa,' in *Conflict: Readings in management and*

resolution, by J.W. Burton and F. Dukes, eds., (1990, St. Martin's Press), and *Pursuing justice and peace in South Africa* (1989, Routledge).

He also published *Legal ideology and politics in South Africa*, with J. Hund (1986) and *White South African Elites*, with others (1974). He co-edited *African perspectives on South Africa* (1978) and *Race and ethnicity: South African and international perspectives* (1980).

He is survived by his wife Elsbeth Siglinde Woody of Bonnievale, South Africa and Sillaching, Germany; his daughter Marieke O'Connor of Oxford, his sons Hendrik of Cape Town, and Hugo, of Johannesburg, children of his marriage to Marietjie, who predeceased him in 1992; and his brother Laubscher van der Merwe of Bonnievale.

Hendrik's life was characterised by straightforward honesty and passionate moral convictions. His courageous work against apartheid and as a mediator contributed significantly to South Africa's peaceful transformation to democracy. He was brave and tenacious, too, in his long struggle with cancer. His life is inspiring.

A tribute to H.W. van der Merwe: Peace builder, colleague, and friend

*Ampie Muller**

I met H.W. (as he was always called – sounding like ‘Harvey’ in English) in 1972 when I travelled from the university in Port Elizabeth to attend a three-day meeting organised by Dr Frederik Van Zyl Slabbert and a few other people including the Sonn brothers, Julian and Franklin (of whom Franklin later became our first post-1994 ambassador to Washington), to create the opportunity for progressive young (white) Afrikaners to meet and discuss issues with leaders of the so-called Coloured (brown) community.

This particular meeting was held at the farm Oude Brugge in the Grabouw district and was attended by Afrikaner leaders (outside the ‘establishment’) from all over the country; while most of the Coloured leaders came from the Western Cape. The main objective was to attempt to heal the rift that was caused by the bitter apartheid policies of the then Nationalist Government. We believed that by meeting in such an intimate environment we could develop the trust that was necessary for such a venture.

* Ampie Muller was the Senior Consultant at the Centre for Intergroup Studies (now the Centre for Conflict Resolution at the University of Cape Town) for 21 years, where the main focus of his work and H.W. van der Merwe’s was conflict and peace studies (CAPS). (More about him on the first page of his article in this issue.)

One of the first people I met on the first morning of the first day was H.W. van der Merwe, dressed casually in a khaki shirt and khaki shorts, looking very unprepossessing as always. We had time for many discussions over the three days and learned that we shared many sentiments and beliefs. That was the start of our close friendship, and professional collegiality, for nearly thirty years.

H.W. was invited in his capacity as Director of The Centre for Intergroup Studies at the University of Cape Town, while I was on the National Committee of *Verligte Aksie* (Enlightened Action), an activist group that attempted to develop an awareness among members of the Afrikaans community of the large group of educated and culturally distinguished members of Black, Coloured and Indian communities, who, under apartheid, had been repressed.

There was nothing remote or removed about his philosophy and belief system. It was simple and down to earth. He was a very caring person who believed that ethics that could not be translated into action were not worth a lot. He believed that peace without justice had no chance of success in the real world. He further believed, and this was deeply characteristic of him, that *all* people had reasons for what they believed in, and that if we did not take that seriously, or if we ascribed negative motivations when dealing with them, then we had no chance of effecting change in them or in their behaviour.

I stress this aspect of H.W.'s being, since he was often blamed by his more progressive friends and colleagues for seeming to 'side' with people who believed in apartheid. While that could have led to political taint and exclusion, the clear force of his convictions saw him through. He did, however, have to bear with occasional criticism, sometimes from close friends who did not understand at the time his vision of creating a 'middle ground'. He talked to, for example, ultra-rightwing Afrikaners such as Eugène Terre'Blanche, and brought Carl Boshoff (son-in-law of apartheid architect Prime Minister Hendrik Verwoerd and founder of the exclusive white community Orania) into contact with Nelson Mandela. He managed to persuade the African National Congress (ANC) to talk to, and even share a 'braaivleis' (barbecue), with members of the rightwing movement *Afstig*. Instead of being a weakness,

his acknowledgement of the integrity of people's beliefs, even though he did not share them, actually constituted the nucleus of his strength in bringing people of opposite views to 'the table' to talk to one another.

He was against violence of any kind and was later instrumental in the compilation of a handbook for anti-violent protest action (*The Purple Shall Govern* – the apt pun having been derived from an occasion when the police used a water canon filled with purple coloured water against the demonstrating people).

His caring ranged from sharing a piece of bread or a little money – he was never rich – with those who knocked at his door for help, to caring for the entire country.

H.W. not only held very strong principles but he backed these up with a dogged determination. He would not cease arguing and acting against an issue if he felt it was wrong. This often led to meetings in the offices of high-ranking police or military officers, when he spoke, in true Quaker tradition, 'truth to power'.

He never saw personal risk as a factor to consider and I sometimes dreaded hearing the noise of his scooter outside my house, as it often led to hours of phoning around to impress on politicians or police personnel the peril of arresting some or other black leader, or of preventing members of the black community from expressing their feelings. Such an event occurred when Govan Mbeki was released from Robben Island, and his community wanted to receive him back with joyful celebrations – which was refused by the security police.

On one occasion we spent a whole day trying to reach Prime Minister P.W. Botha, a difficult man, on a public holiday, and warn him about the dangers of arresting Winnie Mandela, who was on her way back to Soweto after spending a few days at H.W.'s house on her regular visit to her husband, Nelson Mandela, who was still in jail. Although we never reached Botha, the message did, and the secret police contacted us to find out what this was all about. There could be no doubt that our telephone numbers were well known to the relevant

authorities! H.W.'s interventions led to some successes and some failures – but he never stopped trying.

What he began to do at that Oude Brugge meeting was what he did best, namely the creation of spaces where adversaries could feel safe and speak their minds as honestly and openly as possible, thereby effecting authentic communication. In all these cases, he hoped this would empower people to negotiate their own futures.

The Centre for Intergroup Studies (CIS) under H.W.'s leadership also brought together people with different views such as the End Conscription Campaign (ECC) and members of the armed forces; and often, during the 1970s and 80s, members of the ANC and the Pan Africanist Congress (PAC), as well as many smaller community groups from the Cape Flats.

It is important to note that H.W. never saw himself as an activist and that many of the more progressive groups criticised him for that, since they felt that 'if you are not with us, you are against us'. A fundamental understanding of the meaning and importance of the concept of 'the middle ground' only became apparent after some of them attended our training courses. H.W. understood from the start that where the 'middle ground' is wiped out, conflicts become intransigent and unsolvable, because everybody involved becomes a supporter of either the one or the other 'side', which leads to a deadlock.

After my visit to the USA in 1980 to attend the first extended training course offered by The National Training Laboratories in Conflict Resolution and Human Relations, I convinced H.W. that as there was no other group in South Africa (at that stage) with those skills, it was incumbent on us to start such training courses. H.W. made contact through his Quaker connections in the US with Richard (Dick) and Greta Salem, well known mediators and trainers, to visit Cape Town in order to train at the CIS. Salem was well known because of his intervention at Wounded Knee between US government troops and a group of Native Americans.

These activities expanded, and in 1984 H.W. and I started a training venture in mediation and understanding conflict at Funda Centre in Soweto. He agreed

to the CIS becoming part of a joint venture in 1986 to host Carl Rogers (at that stage perhaps the best known psychologist in the world) in a training event at the University of Cape Town (UCT). There were other smaller events and conferences attended by many overseas colleagues like the Australian John Burton and British academics such as John Groom and Keith Webb, and he gave his blessing to one of the biggest training events held in South Africa. In 1989 we invited James Laue and Bill Potapchuk (of George Mason University's Institute for Conflict Analysis and Resolution in Fairfax, Virginia), as well as the well-known mediation theorist and practitioner Christopher Moore and his colleagues from Boulder, Colorado, to conduct training events, first at the CIS in Cape Town, and then all over the country.

H.W.'s belief in the value of training should by now be clear, but he also believed in setting up structures (very often through others). He suggested that I initiate SAACI (the South African Association for Conflict Intervention); and he was the founding president with me as the founding chairperson. H.W. believed that as soon as a venture proved viable it should be allowed to proceed on its own and the Centre would then withdraw.

During his sabbatical in England in 1980, he made contact with the ANC in exile. This led to further, repeated contacts with the ANC leadership in exile, mainly in Lusaka. In 1984, we arranged to take my brother Piet Muller, political editor of the Afrikaans Sunday newspaper *Rapport*, to Lusaka where he and H.W. met and talked with, among others, future Presidents Thabo Mbeki and Jacob Zuma. Piet's article suggesting that the Government speak to the ANC created a furor, yet it was the first of many such 'junkets' to Lusaka, including another of ours in 1988, when we took a young Afrikaans student leader to meet with members of the ANC youth movement – again a heavily criticised visit. During this period H.W. was also permitted to visit Nelson Mandela in prison. This is another indication of his rare ability to cross political boundaries at a time of deep polarisation.

Perhaps his longest-lasting legacy was the setting up of what is now known as the Centre for Conflict Resolution (CCR), which grew out of the old CIS. It was (and is) anchored at UCT, and grew into a significant force in the critical

Ampie Muller

years of the late 1980s and early 1990s as our country struggled through the tensions, and changes of attitudes needed, to enable our peaceful first election in 1994.

H.W. was a soft-spoken, humble, yet determined man, who once he had decided that something was right, would not easily be deviated from his course. He really had the courage of his convictions in a difficult and often dangerous time. His often behind-the-scenes role in South Africa's peaceful transition has never been fully recognised, but it is true to say that without his contribution, the road to democracy would have been much harder. I miss him.

The mediator's moral dilemma: An essay in memory of H.W. van der Merwe

*Andries Odendaal**

‘Today, with a democratic government in place, it is hard to remember how unpopular concepts such as negotiation and conflict resolution were even a decade ago.’ H.W. van der Merwe, who wrote this in 2000 (110), was referring to the situation during the 1970s and 1980s in South Africa. The then South African government and the liberation movements both shared a common distrust of ‘mediators’ or peacemakers. The government had banned the liberation movements. Establishing contact or facilitating dialogue with these movements was not only illegal, it was treason. The liberation movements similarly rejected peacemaking. The reigning slogan was ‘justice before peace’; and the dominant strategy non-collaboration and armed struggle. Would-be peacemakers, in their opinion, diluted their resolve to achieve victory.

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Possibly his greatest contribution to the field of mediation¹ in South Africa was the manner in which H.W. van der Merwe established, in the face of this huge distaste for mediation, its validity and integrity. He was Director of the Centre for Intergroup Studies at the University of Cape Town from 1968 to 1992, the period in South African history when the struggle for the liberation of the black people of South Africa from colonialism and apartheid reached its climax. Under his leadership the Centre played a pioneering role not only in using, but justifying dialogue, facilitation and mediation as mechanisms to address the conflict. A trained sociologist, Van der Merwe rooted his case for mediation not only in sociological and political theory, but also in religious thought and practice. The latter was important because, at the time, the debate was as theological as it was political.

A majority of South Africans wanted theological justification for their political action. It led to contradictory 'theologies': the theology of apartheid versus the theology of liberation. As in the case of the opposing political camps, these theologians had only contempt for those seeking to occupy the middle ground. The argument that enjoyed the moral high-ground, locally and internationally, was that justice was more important than peace, and that the evil of apartheid had to be overcome and did not deserve to be granted some respectability by engaging it in dialogue. Several important ecumenical declarations in the 1980s emphasised the moral and theological imperative for believers to take sides with the oppressed and poor.² Van der Merwe's grounding of the integrity of mediation in religious faith was therefore highly relevant in the context of the time.

This short essay re-visits two aspects of Van der Merwe's case for mediation. First, the concept of the complementarity of roles is discussed, and in particular his theological argument in this regard. The latter is still relevant today because, increasingly, religious leaders across Africa are called upon to mediate in political

1 'Mediation' is used here in a broader sense, referring not only to the actual facilitation of negotiations, but to all the preliminary peacemaking processes needed to 'get parties to the table'.

2 Most important were the Belhar Confession <http://www.upcsa.org.za/docs-archive/belhar_confession_with_letter.pdf>, and the Kairos Declaration <www.ujamaa.ukzn.ac.za/Libraries/manuals/The_Kairos_Documents.sflb.ashx>.

conflict, whether as members of national peace councils or by sole virtue of their moral authority in society. Religious leaders have, for example, mediated, or supported mediation, in national conflicts in Mozambique, South Africa, Lesotho, Malawi, Ghana and Sierra Leone (Odendaal 2013:1). In my own interaction with such mediators, often in the context of training events, I noted how they experienced the same inherent dilemma that Van der Merwe sought to address, and that his response still resonated with them. It is clearly an approach with enduring relevance.

Second, the essay re-visits Van der Merwe's expression and experience of the persistent tension between these complementary roles. There is no formula that allows an easy escape from the deeply complex moral and practical dilemma of mediators, especially those living in the context they are planning to change. The dilemma, in short, is whether to expose and confront injustices perpetrated by conflict parties, thereby risking alienating them; or, in order to find an inclusive solution, to seek to win the confidence of all actors and work with them towards an inclusive solution – at the risk of compromising the integrity of the mediator.

The complementarity of roles

Coercion (including violence) and cooperation (negotiation) are complementary aspects of the communication process between contending groups, even when at war. Communication is at the heart of conflict. Parties in conflict communicate all the time, whether by throwing bombs at each other, applying sanctions, hurling insults, or through constructive negotiation. The choice of 'communication strategy' is determined by a set of complex factors such as the structural inequality between the parties, ideological fixation, and practical, strategic concerns. In other words, parties may choose violent resistance over negotiation since they believe that they will be outmanoeuvred at the negotiation table because of the entrenched inequality of power relations; or because they are ideologically committed to the overthrow of the reigning governance system; or because they still have to consolidate their support base and cannot risk to be seen talking to the enemy.

This was the core of Van der Merwe's argument (1990:9–60). Contending parties communicate, and while coercive forms of communication are at times necessary (given the inequality in society), co-operative communication or dialogue is equally necessary. Both approaches are therefore necessary, and they complement each other. However, at times parties get stuck in unproductive modes of communication. Some actors develop a vested interest in the continuation of a conflict, while others become so entangled in their perspectives, prejudices and fears that they fail to identify and explore suitable opportunities for dialogue. Therefore the choice to cultivate and promote opportunities for dialogue between parties in conflict is valid and appropriate. It is not a choice against political activism or against the application of pressure against those guilty of injustice. It does not elevate the importance of peace above that of justice. The choice is rather informed by the reality that peace and justice are inseparable; that the pursuit of justice requires peace as much as the reverse is true. To force a choice between these options creates a false dichotomy that misrepresents the nature of conflict resolution and ignores the complex reality of the situation (Van der Merwe 1990:71). There is a need for coercion as much as there is a need for negotiation.

Van der Merwe's argument went further. Concomitant with the above political grounds, there are moral and theological reasons for mediation. Quoting Walter Wink, he concluded: 'Faith in God means believing that anyone can be transformed, regardless of the past. To write off whole groups of people as intrinsically racist and violent is to accept the very premise that upholds apartheid' (1990:93). In short, the facilitation of dialogue is a legitimate moral pursuit because its implicit objective is to enable the transformation of conflict actors – rather than the destruction of the 'enemy'. Dialogue seeks to break down stereotypes and end the demonisation of the enemy. The demonisation of the enemy refers to the way in which 'they', the enemy (or enemies), are frozen in public postures with no recognition of intra-party doubts, tensions, uncertainties and capacity to change.

Van der Merwe's personal history, perhaps, illustrates his convictions best. He was born into the Dutch Reformed Church (DRC). Since his early childhood, he said, 'I have tended to be religious' (2000:46). He married the daughter of a DRC

minister and was active in the church, inter alia as an 'elder' on church councils. In 1973, however, he resigned from the DRC, mainly because he had given up hope that the church would change its narrow identification with Afrikaner nationalism and its racist attitude and practices (2000:48). He also objected to its formality, its emphasis on dogma and creed, and, significantly, '...the fearful and depressing emphasis on original sin' (2000:48). The doctrine of the original sin of mankind stated that all human beings were conceived and born in sin, and thereby into enmity with God. Human nature was at its core perverted. Only an act of God's undeserved grace could 'save' a human being from the consequences of original sin. It was, therefore, a decidedly pessimistic view of human nature. He exchanged the DRC for the Quakers (or, more formally, the Religious Society of Friends). It was a drastic step. Apart from its political significance, it was a move away from a theology that emphasised the depravity of human nature to one with a positive affirmation of humanity.

The Quakers are possibly the most consistent pacifist denomination, at least within the Christian tradition. Their pacifism in the face of any expression of violence was rooted in their view that there was 'that of God in every man, the seed within, the Light within, or the Christ within' (Yarrow 1978:4). They believed that each person, notwithstanding atrocities or perversities that had been committed, carried a spark of the divine in him or her. The task of all believers was to respond to that spark and therefore to remain optimistic regarding human potential for change. The practical and political consequence of this belief was the Quakers' ability to build trust with all actors in a conflict and to maintain a level of impartiality and even-handedness. This did not mean that Quakers were insensitive to the suffering of people and injustices that were committed; it rather meant that, in spite of their abhorrence of such injustices, they developed empathetic relations with all actors involved (Van der Merwe 1990:93). Thus Van der Merwe developed strong personal relationships of trust with black activists, including prisoner Nelson Mandela and his wife, Winnie, as well as cabinet ministers and officials of the apartheid government. These relationships enabled him to facilitate significant encounters between protagonists.

In summary, the ability to create opportunities for protagonists to engage in dialogue and negotiation is a necessary and legitimate conflict resolution strategy

that must be pursued with conviction. The religious contribution to this understanding is the view that human beings are never totally depraved, but retain their human status and potential to change. As much as it is a legitimate religious imperative to expose and oppose evil, it is necessary not to write off the evil-doers, but to engage them in processes to bring about change. I heard Van der Merwe explaining this to various audiences by using the Biblical metaphors of the prophet and the priest (1990:3–4). The prophet courageously speaks truth to power. The prophet confronts and condemns. The priest, however, is a functionary of reconciliation, performing various rituals to symbolise and enact reconciliation. The priest reaches out to the distress of individuals and communities, and provides counselling and comfort. These two roles have equal theological legitimacy. They are complementary strategies and not mutually exclusive.

The enduring tension

The distinction between the complementary roles of prophet and priest (i.e. advocate/activist and mediator) emphasises the need for role-clarity. However, it does not resolve the underlying moral dilemma that mediators face. Ultimately both prophet and priest are committed to the same framework of principles. Put differently, even the priest cannot persist with preaching reconciliation in the face of a clear violation of all that is true and good. The mediator is never relieved of the dilemma of whether to risk alienating one side of the conflict by taking a moral stand against perceived injustices (and thereby risking his or her credibility and effectiveness as a mediator); or to risk jeopardising his or her integrity by not speaking out but, instead, building relationships of trust with all relevant actors.

In his own life Van der Merwe experienced ‘intense tension between [his] profound wish to be both mediator and advocate’ (2000:79). In his earlier life he was primarily an activist. He was a dissident within the DRC, eventually breaking away from the church; and as an academic he conducted research that highlighted the deficiencies and immoralities of the apartheid policy. There had been moments, such as in the early 1980s, when he tried to mediate between the Cape Town municipality and black persons who ‘squatted’ illegally in municipal

areas, but concluded that mediation was inappropriate because of the clear injustice being perpetrated and the absence of a will to change. He deliberately and publicly renounced his mediator role in that context and sided with the squatters to the point of standing in protest in the path of the bulldozers sent to destroy the squatters' shacks.

While it is therefore true that mediation is not a 'sell-out' solution – the kind of option for fence-sitters with no fortitude to make the hard choices – it is also true that, at times, mediation may be the wrong moral option.

The tensions and inner debates that Van der Merwe had to deal with in his own life continue to be debated today, inter alia in the course of the healthy debate on the compatibility (or incompatibility) of a human rights approach to conflict (which seeks primarily to hold perpetrators of injustice to account) and a conflict resolution approach (that emphasises the importance of peace and the obligation to work *with* all actors) (Dudouet and Schmelzle 2010). Perhaps the lesson to learn from the life of one of the pioneers of mediation on the continent is that the tension between the demands of peace and justice will endure; that we should embrace both objectives; that our specific choices will be subjective; but that no single choice has the sole right to claims of integrity and legitimacy.

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A just peace agreement, or just a peace agreement: Reflections on the work of H.W. van der Merwe

*Vasu Gounden**

H.W. van der Merwe can be considered one of the founding fathers of the conflict resolution field in South Africa. His role will always be that of the 'unsung hero'. True to his Quaker religious background, he did not publicise his efforts to build reconciliation across the apartheid divide in South Africa, and the quiet dialogue he fostered between Afrikaners in South Africa and the then exiled African National Congress (ANC). I first met him in 1990 in Washington, D.C., where I was immediately moved by this quiet but passionate man. I then had the opportunity to work with him in 1991 and to learn about and debate his many well-developed ideas surrounding peace and justice.

The relationship between peace and justice, both in the pursuit of peace agreements and more broadly in terms of fundamental questions about society, has long been a subject of rigorous academic and practical debate, one in which Professor Van der Merwe made landmark contributions. This debate is founded upon two specific dimensions: the interpretation of the relationship between peace and justice, and the interpretation of a mediator's mandate in pursuing specific goals of peace and justice.

Van der Merwe crucially argues that the relationship between peace and justice, both viewed as societal ideals, is complementary and contrasting

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(Van der Merwe 1989). On the one hand, he asserts that it is impossible to have peace without justice or justice without peace. He highlights that root causes of violent conflict are often derived from societal injustices, and thus peace agreements must explicitly deal with both issues. On the other hand, he notes that the strategies employed to strive for peace may contrast with those employed to attain justice. He recognises that securing peace may conflict with the principles of justice, and similarly, that the pursuit of justice may be impossible through peaceful means.

How this balance between peace and justice is executed within a peace agreement crucially depends upon the mediators and their interpretation of the mandate afforded to them as peacemakers. Two distinct schools of thought emerge when assessing the responsibilities of the mediator towards pursuing peace and justice within an agreement. One argument, as explored by renowned South African mediator Charles Nupen, highlights that a mediator is exclusively a resource to negotiating parties, and should not act as an 'independent moral arbiter' (Nupen 1992:7). Nupen argues that a mediator's responsibilities are not to evaluate the quality of the agreement towards achieving peace and justice, so long as the signatories understand its terms and implications.

H.W. van der Merwe's counter-argument asserts that a mediator must strive for a balance as he or she seeks to achieve both peace and justice within an agreement. In achieving this balance, an important but implicit distinction is made between the mediator as an impartial actor and the mediator as a neutral actor. With respect to mediation, impartiality relates to the ways in which a mediator treats each disputant, while neutrality alludes to the mediator's personal beliefs and values. Van der Merwe rightly asserts the importance of an impartial mediator, recognising that maintaining constructive relationships and credibility with all parties is necessary. However, he then emphasises the need for a balance between impartiality and one's own personal values towards the pursuit of both peace and justice. He argues that there is no prescriptive formula or right answer towards achieving this balance, but that striving for both peace and justice is a necessary challenge to undertake.

Peace agreements crafted in the 21st century must not only address the immediate consequences and root causes of violent conflicts, but should also seek to redress

the fundamental issues of justice within the context of a rapidly transforming global environment. Van der Merwe's definition of a just society, 'one whose members are assured of the opportunity to realise their human potential' (Van der Merwe 1989:1), resonates with today's prevailing notion of a society where all individuals are able to achieve their freedom from fear, freedom from want, and freedom to live in dignity.

Achieving such just societies requires that peace agreements expand beyond solely addressing issues of peace and instead strive to redress many of the political, socio-cultural, and economic inequalities which lie at the heart of many of today's conflicts. These inequalities, rooted in the historical and structural development of many societies, are entrenched and amplified by the era of globalisation and driven by transformative changes in the world's demographic composition and technological capabilities, as well as the globalisation of information and the market economy.

These forces have jointly created an undeniably interconnected environment where actions and influences can quickly reverberate across the world. The globalised forces do not only interlink all societies, but they also reinforce the structural inequalities that inhibit the achievement of peace and justice. This environment disproportionately benefits a small minority of individuals with access to socio-economic and political resources at the centre of many societies. Those unable to secure these vital resources are consequently marginalised on the peripheries of societies, fostering the conditions for a society that can achieve neither peace nor justice.

Peace agreements constitute important moments for disputing parties to begin reimagining the ways in which their societies are structured. With regard to such moments Van der Merwe argued that the parties must strive for both peace and justice. Agreements that work to enshrine peace but fail to address questions of justice will likely maintain the structural status quo of inequalities and injustice. Similarly, those agreements that seek the pursuit of justice above all else can destabilise the fragile peace that emerges immediately after violence if the perpetrators of violence are pursued in the interests of justice.

However, it is also important to recognise that the theoretical and practical debate between and the balancing of peace and justice extend beyond peace agreements

and into the international justice system. The International Criminal Court (ICC), created in 2002, has been designated as one of the principal mechanisms for addressing challenges of international peace and justice. Eleven years after its creation, however, the ICC continues to face obstacles that are rooted in its attempts to both achieve and balance the competing realities of peace and justice. In specific instances, the ICC can inadvertently complicate peace efforts during its pursuit of justice, so that parties in violent conflicts who face ICC indictments will often refrain from pursuing a negotiated political settlement for fear that the end of the conflict will lead to their extradition to the ICC and subsequent prosecution. Parties indicted by the ICC who successfully negotiate a political settlement are also unlikely to respect the court's indictment, as they perceive the negotiated settlement to be a comprehensive solution to the conflict. Conversely, when peace efforts fail to incorporate local or national mechanisms of justice, and the ICC is not invited to fulfil its mandate as a complementary justice mechanism, the international community is at risk of condoning impunity for serious crimes.

We are still faced with more questions than answers about how to support the attainment of peace and justice in conflict environments. But this is a challenge worth confronting. The ability to live in freedom from fear, freedom from want, and the freedom to live in dignity remains the driving force of the 21st century, and peace and justice are essential to these freedoms. Upon describing the journey of South Africa, H.W. van der Merwe (1989:1) remarks, 'justice and peace cannot be equated with the maintenance of the status quo in South Africa. Therefore the pursuit of justice and peace implies fundamental social change'. This pursuit is a quest without one solution or one obvious path forward. We must all look for answers to these questions, and will naturally be confronted with complex challenges and decisions. However, the global pursuit of peace and justice is a quest that is worthy of our collective undertaking. And thankfully, H.W. van der Merwe shines as one of our guiding lights on this journey.

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‘Sowing, cultivating, harvesting and spreading the seeds of peace’: In honour of H.W. van der Merwe

*Valerie Dovey**

This is a personal narrative. As it unfolds, I weave in some qualities that I believe characterised H.W. van der Merwe and his work as a pioneer in the development of peace studies and conflict resolution in South Africa. It is also a reflection on my association with H.W. and the influence this association has had on my own amazing journey in the field of peace education and conflict resolution.

It starts with a poem (Goslett 2003) written by a Grade 6 pupil after a life skills workshop, ‘Seeds of Peace’, which I facilitated in 2003. The poem has travelled widely and has been a source of inspiration for many. It is a beautiful illustration of how H.W.’s influence in encouraging the planting and cultivation of seeds of peace has yielded a rich harvest:

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*A sunflower seed
Does not grow into a weed.
It has a lot of power
To grow into a beautiful flower.
We all need joy, laughter, happiness and fun
Just like the flower gets all this from the sun.
Sunflowers don't like aphids or bugs.
Like hatred, conflict and violence cause us not to give hugs.
So plant a seed of peace in your heart
And as you go through life, make sure you play your part.*

I first met H.W. van der Merwe 50 years ago, in 1963, at Rhodes University, Grahamstown, South Africa, where he was my sociology lecturer. He arrived at Rhodes that year after getting his Ph.D. in sociology from the University of California. He must have been about 34.

I left Rhodes in 1965, and H.W. left in 1966. So that was it, in terms of our association ... or so it seemed. In 1968, H.W. founded what became known as the Centre for Intergroup Studies (CIS) in Cape Town. He remained as Executive Director until 1992, serving as senior consultant for two more years. CIS was renamed the Centre for Conflict Resolution (CCR) in 1994.

H.W. and I connected again some 23 years after our time at Rhodes. I had moved to Cape Town and I met with him and Ampie Muller, senior consultant at CIS, about a temporary position to help organise a seminar entitled 'The Influence of Violence on Children'.

Two more temporary contracts with CIS followed, both of them in an administrative capacity, first for a 'Mediation and Conflict Intervention' (MACI) programme, and then for an 'Alternative National Service' seminar. What an introduction this was to the value H.W. embraced of networking broadly and drawing on the voices, contributions and perspectives of a wide sector of people!

H.W. offered me a one-year contract in 1990 to look at the feasibility of setting up a programme to equip South African children with conflict management skills. 'The die was cast.' I stayed.

My initial and subsequent meetings with H.W. proved to be the catalysts for my going beyond being a temporary contract worker to becoming a pioneer in the field of school-related peace education in South Africa and developing a career that has spanned 24 years. Nearly fifteen of these years were as a Centre employee, and the last ten years, as an independent practitioner. The meetings started me on a journey I feel privileged to have travelled.

Credit must also be given to Ampie Muller. It was he who first suggested to H.W. the importance of the Centre getting involved in the area of children and youth, and who walked alongside me for much of that early time. The point, however, is that H.W. embraced Ampie's idea and helped make it a reality. H.W. was a great source of support for me. He believed in me. He encouraged and motivated me, while giving me tremendous freedom to create, learn and grow. He was passionate about his work ... I became passionate about mine.

Those years in the build-up to the first democratic election were intense and exciting. H.W. attracted a rich stock of thinkers and doers to the Centre in permanent, temporary and visitor capacities. People wanted to be associated with the Centre. I certainly did. I'm proud of the association and grateful for the exposure I had.

'Conflict Resolution Among Youth' (CRAY), later entitled the 'Youth Project', was formally launched in 1991. Its primary goal was to build capacity by equipping, empowering and encouraging teachers and other educators, and to promote peace education and constructive conflict resolution among young people.

Thus began a process of asking for funding, gathering and developing material, and, as H.W. did, building connections. A collection within the Centre's library became a valued resource for educators.

Teachers with whom we shared ideas agreed about the need, and made peace education happen in their own school communities. They too, like H.W., myself and others, were visionaries and pioneers. This ability to be a visionary was characteristic of H.W.'s work: seeing something valuable and driving it ... or at least encouraging it. The pioneering work of the Youth Project was acknowledged in 1995 when it was awarded the first Education Africa Premier Award (Western Cape) for the contribution it had made to education.

The range of participant groups over the years has included not only children from as young as four years old, primary and high school pupils, tertiary education students, teachers and parents, but also staff at 'places of safety', young people in development programmes, youth offenders, senior citizens, farm workers and gender activists. I, together with other Centre colleagues, also worked with the Silveira House peace-making programme in Zimbabwe, sharing much of the Youth Project methodology. My passion for reaching young people has continued unabatedly. An umbrella title, 'Seeds of Peace', encapsulates both what the work is about, and our roles and responsibilities as cultivators of these seeds.

Three examples of the incredible ripples from those early days of the Youth Project follow:

In 1998, a close working relationship with the Western Cape Education Department's Safe Schools Programme (SSP) was established, with the Youth Project advocating for the inclusion of conflict resolution training in their activities. Two teachers trained by the Youth Project were seconded to the SSP. This was an exciting development in that it afforded an education department-based opportunity for spreading the message about the value of peace education and school community-based conflict resolution, and for creating a multiplier effect.

Another example is the work with the General Motors South Africa Foundation (GMSAF) in Port Elizabeth which began in 2006 and has included facilitating a number of programmes focussing, inter alia, on peace education and conflict resolution, bullying, relational and restorative

practices, narrative encounter, community building and school leadership, much of it in partnership with the Eastern Cape Education Department. Under its own 'Seeds of Peace' umbrella, GMSAF has taken this 'work' on board, amending, adapting and using it in its individual way. More visionaries and pioneers – passionate about peace, sowing and spreading the seeds.

My involvement with the (Washington, D.C.-based) Search for Common Ground (SFCG) organisation in Lebanon was a spin-off from the Centre time under H.W.'s directorship. Susan Collin Marks, Senior Vice-President of SFCG, had been a colleague then. In 2008 she suggested that the Beirut office contact me when they were looking at peace education options in Lebanese schools. I was invited to facilitate a train-the-trainers programme in 2009, followed by four residential workshops, in 2010 and 2011 respectively. These were with principals, educators and counsellors from public schools throughout the country.

Lessons, stories and resources from a South African peace education journey were woven into the tapestry of the workshop process, and in turn, those of the participants have been taken into and enriched South African peace education processes.

The SFCG engagement was a demonstration of the value of facilitating communication – a value H.W. held dear. As I was working predominantly with Arabic speakers, I used a translator. My workbook was translated too – what a gift having the English front to back and the Arabic back to front in one document, as if meeting face to face! We also interacted through creative activity, role-play, drama, music, song, dance, exercise and celebration. Communication happened in powerful and cultural ways. One participant spoke of coming together from different places and ending up 'sitting at one long table'. Subsequent stories told of the impact on participants and their communities. As these lovely words illustrate: 'I'm carrying the seeds of peace with me'.

There have been so, so many highlights in the course of the journey on which H.W. encouraged me to embark. I realise that I, and the wonderful people who worked with me, made things happen, but it was H.W. who first

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created the 'space' for these early seeds of peace to be introduced, sown and cultivated in many school communities. Thousands of educators and young people have subsequently been reached in direct and indirect ways, and they have reaped the benefits of peace education because of this.

In the words of a Tonga proverb (Mumpande 2001):

Chakalima moya
(It farmed the air – There is a bumper harvest!!!)

Sources

Goslett, Kirsten 2003. Poem by a Grade 6 pupil, Rustenburg Girls' Junior School, Cape Town.

Mumpande, Isaac 2001. *Tusimi* (Tonga Proverbs). Harare, Silveira House.



20 YEARS OF CONTRIBUTING TO PEACE

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