

linguistic differences whilst it was operative. The Consultative Business Movement proved itself credible in the creation of the National Peace Accord. Without the National Peace Accord there would have been no negotiated outcome. It also proved the imperative for having an effective secretariat for the national negotiations that was professional and neutral. The secretariat for the national negotiations was therefore a business secretariat.

Coleman (2004) was an important witness to key events, and participated in them as well. He discussed the unwieldy size of the CODESA committees and how this naturally led to the formation of the negotiating channels and the concept of sufficient consensus that got locked into our law. Coleman (2004) reflected intensively on the Kissinger mediation and alluded to the fact that at that stage the country teetered on the edge. He reflected on the magnanimity of De Klerk.

Coleman's (2004) view on the negotiations was that they were a deliberately considered and planned process that was carefully project-managed. "Anyone who thinks that they were a miracle does not understand the intricacy of the actions and thinking that made the successful outcome possible. It was all about hard work." He therefore provided substance to the repudiation of the falsification thesis which is explored in Chapter 4.

3.2.12 Theuns Eloff

Eloff came from a conservative and devout Afrikaner family. His father was a social worker. He studied theology and became a preacher in the Dutch Reformed Church. His religious faith acted as his personal guiding light when he visited the ANC in Dakar with a delegation of Afrikaners who wished to assess the prognosis of achieving a negotiated settlement in South Africa. He was personally ostracised and vilified by PW Botha for this, and was excluded from conducting his doctorate at the University of the Orange Free State because of this visit. He was also placed on terms by the church. His young children were vilified because of his decision.

Eloff (2004) conceived of the blueprint for the design of the National Peace Accord. This is a unique structure in the world. The National Peace Accord was actually structured around a conceptual diagram that Eloff offered (see Figure 4). The implementation of the National Peace Accord resulted in the political violence changing from chaotic complexity to organised complexity (see Figure 3). It resulted in the political violence switching from being unmanageable to manageable.

Eloff underwent a personal process of ostracism and exclusion because of his belief in the importance of dialogue. His contribution was therefore compliant with Chapter 7, which relates to the question of learning in situations of complexity, chaos and non-linearity.

He headed CODESA's secretariat together with Colin Coleman. Eloff worked closely with John Hall and Archbishop Desmond Tutu on the National Peace Accord. He gained an insider view of the negotiations, because he witnessed many of the negotiators at play.

Eloff (2004) also reflected on the value of Fisher and Ury's (1986) approach towards negotiation, with the assessment that those parties that were not formally schooled in negotiation lost everything. Those that were not schooled and therefore lost, included the IFP, the PAC, AZAPO and the Freedom Front.

Eloff (2004) also pointed out how vitally important a sense of humour was to the negotiation outcome.

3.2.13 Washington Okumo

He is a professor in Kenya and has a great passion for the church. Okumo's contribution was ceremonial. He assisted in 'face saving' for Buthelezi on the conflict about the election date. In this sense his presence as an African mediator was ceremonially and ritually appropriate. Okumo was effective in this role as he was able to open a conversation that led to a settlement on the election conundrum.

3.2.14 Desmond Tutu

The more that one reflects on the contribution that Archbishop Tutu offered to the peaceful outcome in South Africa, the more one comes to realise that his contribution was immense. His calling was to create the circumstances that would allow true learning to take place amongst hitherto enemies.

Tutu's insight and contribution is not only applicable to South Africa, but it is also applicable to the world. It becomes very difficult to articulate the precise nature of Tutu's contribution because it was so seminal, at so many phases. He contributed so much.

The Truth and Reconciliation Commission opened up an internal discourse within South Africa of fundamental questions of what it is to be a fallible human being. Understanding and acknowledging the truth is an essential step in learning amongst hitherto enemies to occur. Tutu's (2004) contribution is to be aligned with Shriver (1995), Borraine (2000), Asmal, Asmal and Roberts (1996), Villa-Vicencio, Randera, and the TRC reports.

Tutu's response raises the following questions: Was the war just? What is justice? Who is a victim and who is a perpetrator? What is the real story of South Africa? Do you learn from remorse? How can you move on in life and be released from the burden of your terrible deeds? What are the implications of amnesty? Why was a Nuremburg trial scenario not pursued? What would have been the likely outcome of a Nuremburg trial for South Africa's future? What are the implications of retributive justice? How should they be juxtaposed against the risks of the need for truth and reconciliation?

Tutu's (2004) starting point in the interview was that South Africa was blessed with excellent leadership at a crucial stage. He regarded, counter-intuitively, Mandela's imprisonment as having had positive effects on and benefits for Mandela in the sense that it caused Mandela to carefully introspect and soul search, and not be hot headed.

Tutu's role in the liberation of South Africa has been enormous. Three themes that emanated from the interview and were attributed as being significant for hitherto enemies learning from one another included:

1. the importance of ceremonial events to create understanding and compassion;
2. his contribution to the establishment of the National Peace Accord; and
3. his role as chairman of the Truth and Reconciliation Commission.

Selecting only these three does not provide a complete picture.

3.2.15 Charles Villa-Vicencio

Villa-Vicencio is a professor of religious studies. He is presently the director of the Institute for Justice and Reconciliation. The researcher met him when they sat next to one another on a flight to Kampala, Uganda. Villa-Vicencio was on his way to Uganda to address the murderous violence relating to the conduct of the Lord's Resistance Army, who have been committing atrocities for a prolonged period.

Villa-Vicencio and De Grushy (1983) co-edited an important book entitled *Apartheid is a Heresy*. This caused distress, discussions and upheaval within the Dutch Reform Church. It caused a fundamental introspection about the theological legitimacy of apartheid from a Christian perspective. It was a significant and courageous contribution to learning amongst hitherto enemies. He has also published widely over the years (Villa-Vicencio, 1985; 1990; 1992). Villa-Vicencio (2005) was deeply involved in writing up the Truth and Reconciliation Reports (1998).

Villa-Vicencio (2005), like Maharaj and Randera, offered an intriguing and creative insight as to the concept of the 'enemy.' He tells the story of the colonel from Military Intelligence. "What is an enemy?" He came to the conclusion that we are the same. We were not strangers. We have known one another in South Africa for hundreds of years. What it is to be a South African? This is linked to the discussion on *ubuntu*. It related to Mandela's concern about knowing the other.

3.2.16 Fazel Randera

Fazel Randera is a medical doctor by profession. He was an anti-apartheid activist as a young man.

Healing of ruined lives constituted the essence of learning amongst enemies. Randera, like Villa-Vicencio, reflected carefully on the concept of the enemy. Learning for him involved truth, reconciliation and listening; developing compassion; talking about matters that are close to the heart; healing the family; and discovering and respecting the needs and the pain of the other.

3.2.17 John Hall

John Hall was a director of the major industrial company Barlow Rand. He was a successful businessman, and he played a significant role in gaining business's buy-in to the negotiated settlement. He is a practical man, with an incisive intelligence.

John Hall gave substance to the creation of the National Peace Accord. He made it a practical project. He gave Eloff's (2004) concept of the National Peace Accord life, in the sense that it was Hall who was in charge of project managing the idea of the National Peace Accord into a practical reality. He filled in the gaps of how the NPA was created, and his response was complementary to Coleman and Eloff in particular.

Business, the church and labour ultimately came together, out of necessity, and played a positive role in the achievement of democracy in South Africa. The peace process was an engagement of civil society to control the chaotic and destructive forces of violence in the country. It recognised that the politicians could not do this alone. They needed help, and were reluctant to accept this reality.

Hall (2005) reveals that "the establishment of the National Peace Accord was initially rejected by De Klerk". Later on he accepted it. The political parties became resentful about the National Peace Accord. They became impatient with it, because it represented a very clear curtailment of their flexibility and manoeuvrability. "It cramped their style."

Immense pressure to consider negotiations was exerted on the ANC by the Soviet Union, the frontline states, the United States, Great Britain, other Western powers, and a number of South African whites, who visited the organisation in Lusaka and Dakar, to consider negotiations seriously.

Moves were made by the South African state itself, and foreign states as well, to use negotiations in part to de-mobilise militant structures of the ANC and its allied organisations inside the country. (This compelled the organisation to take a position on the subject to pre-empt the government from winning the moral high ground.) These developments gave the ANC little option but to consider the emerging negotiation initiative. From a revolutionary agenda (1961-1987) there was a growing realisation within the ANC, dating at least back to 1985, of the inevitability of negotiations.

Hall (2005) observed that “it is interesting that the ANC’s and National Party’s policies on violence and negotiation almost mirrored one another. The ANC’s insurrectionary revolutionary policy to make the country ungovernable was matched by the National Party’s counter-revolutionary strategy embodied in Botha’s notion of a ‘total onslaught’.” The violent strategies were reciprocal, as were the negotiation strategies.

3.3 Conclusion

This reflection on the inter-subjective validity of the thesis and initial key research themes depicted the central emerging research themes.

This chapter provides an unpretentious distillation of the entire research process. There is wonderful richness of ideas and possibilities for further research, and the reader him or herself can make judgment on the wisdom of the subsequent selection of chapters contained in this research.

Chapter 4: Critique of the Concept of the South African Negotiations as a Learning Process – The Falsification Thesis

4.1. Introduction

This chapter offers an important test of the credibility of the research. From a methodological point of view it constantly triangulates the primary and secondary research as it explores the veracity of the falsification thesis.

Popper's (1975; 1989; 1996) falsification thesis justifies posing the proposition that the negotiation outcome that occurred in South Africa involved a straightforward surrender by the National Party to the deployment of superior power by the African National Congress and its alliance partners. The falsification thesis asserts that the National Party government simply surrendered to the ANC's superior power, and that there is consequently little purpose in exploring the research question. As a corollary to this, the falsification thesis contends that there was no shared learning and discovery that took place amongst hitherto enemies during the negotiations and that there was no pre-planned design to the national negotiation process. A second proposition of the falsification thesis would therefore be that the negotiation outcome was a miracle, or a fluke.

Both propositions can be refuted if it can be proven that the negotiations were deliberately pre-planned, and that the pre-planning took place amongst senior leadership in the National Party and African National Congress prior to FW de Klerk's speech of 2 February 1990. It will be contended that it was the National Party leadership who relinquished political power by calculated and deliberate design, and not by surrender. At the same time the ANC leadership grasped negotiation as a superior means of achieving political power than that promised by the armed struggle. The falsification thesis can also be refuted if it can be proven that the ANC were involved in pre-planning negotiations amongst the senior leadership prior to 2 February 1990.

If this falsification thesis were to hold true, then the notion of learning having taken place between negotiators and hitherto enemies was naïve, and was based on a fundamental

misunderstanding of the nature of the political and military power equation that existed in South Africa in the 1980s and 1990s.

It needs to be explored on its own merits with an open mind. It should be accepted as either being provable or falsifiable. The intention though, in this analysis, is to prove its fallaciousness.

The essential argument in favour of the falsification thesis is that the power dynamics that underpinned the programmes of ungovernability, the violence, the sanctions and disinvestment, the armed struggle, the strategies of mass mobilisation, the diplomatic pressure and the underground political activities resulted in the National Party government giving up the will to govern, and in a straightforward manner, ceded political power to the African National Congress.

A Southern African analogy in support of the falsification thesis would be the Portuguese's abandonment of colonial Mozambique when it became evident that FRELIMO would seize power, which they did in 1975 (Hanlon, 1986; Newitt, 1995). Similarly, the Portuguese's colonial withdrawal from Angola would be another example of the falsification thesis holding true. Former colonies were indeed abandoned. The Belgian colonial withdrawals from the Congo and Rwanda were analogous examples of colonies being abandoned (Prunier, 1995). They represent fairly clear cases of the falsification thesis holding true in recent African history.

4.2 The repudiation of the falsification thesis

It is necessary to repudiate the falsification thesis by triangulating both secondary and primary research as substantiation. The secondary research from the literature review and primary research from the interviews will be appropriately integrated with relevant extracts from the respondents' interviews. It is intended that these, together with the researcher's phenomenological reduction, will lead to the repudiation of the falsification thesis. The respondents constituted an expert sample, as they were all actually directly and personally involved in these negotiations.

Maharaj (2004) in his interview offered a cogent critique of the falsification thesis. His commentary is set out below, together with the researcher's phenomenological reduction of his commentary. Thereafter, the assessment of his negotiation counterpart will be depicted. It also repudiates the falsification thesis. (The interviews will be signified in bold print. The name of the respondent and the year of the interview will be used to signify a pattern that will be followed throughout the thesis. The interview tract depicted in bold will almost always be followed by a phenomenological reduction of that tract.)

Maharaj (2004): There are superficial ideas that one party overruns the other and takes the land. And that the only learning that takes place is about developing an understanding of how to create a process involving the overthrow of the despots.

Phenomenological reduction: Maharaj is dispelling simplistic notions of victory, defeat and submission of the enemy as it relates to social change. He therefore regarded the falsification thesis as a mythological and ideological oversimplification of the forces of change that would both perpetuate and escalate conflicts.

Maharaj's response converges with that of Barnard (2004). Barnard (2004) also rejected the notion of a simplistic media-circus score-card approach towards negotiations, where there are 'good guys' and 'bad guys'.

Maharaj (2004): Even when two countries are at war, even when there is a victor and a vanquished, there is a place for negotiation in the form of a truce or surrender. The transferability of negotiation knowledge is an important issue. In this sense I want to make the observation that the process was not that unique. It was very carefully shaped though.

Phenomenological reduction: Maharaj seems to want to ensure that the process is de-mystified and de-mythologised. It was not a miracle; it was carefully shaped. It consisted of leading a major project that involved hitherto enemies co-sharing and co-creating, a learning experience that has as its goal the co-design of an ideal constitutional settlement for the future of the country. Selected aspects and insights that have derived from this

shared learning experience have already been usefully applied in the cases of Mozambique, Northern Ireland, East Timour, the Ivory Coast, the DRC and Rwanda.

By stating that the transferability of knowledge was an important issue, Maharaj (2004) is conceding that this case does contain the seeds of generalisable knowledge which would of course have to be carefully structured to be context specific.

Barnard (2004): I studied and specialised in international politics. When I became head of the NIS I was 30 years old. It was a very tough work environment. PW Botha was wise in the sense that he placed an experienced manager to show me the ropes. I realised that I needed to go through a rapid learning curve. By the time I left the NIS I had galvanised one of the best intelligence service outfits in the world. I changed it on the basis of good information and selection.

When I make an assessment of MK in terms of the Vietnam War, I want to make the point that there is no comparison. The Vietcong were infinitely more competent, strategic and focused than were MK. It is not true that MK had any prospects of being a military success. If one compares the ANC with General Giap in Vietnam, say, the Vietcong or the Vietminh, there was absolutely no way that MK could have assumed that level of discipline and effectiveness.

South Africa was pressed by an international climate. You need to understand the crucial role that the old government played in setting the preconditions for negotiation and managing the shifts in power. Credit must go to the old government for starting to realise that they would have to seek a negotiated settlement in South Africa.

One of the most important things for the NIS to realise was that there comes a time when the balance of forces shift. We realised that we had to negotiate whilst we had the opportunity. That is why we pushed for an agreement after Boipatong. Each day the government's position got weaker as the balance of forces shifted.

Barnard in the next passage sets out what is effectively his understanding of the relative, concession and compromise patterns that manifested itself during the ebb and flow of the negotiations. Granting concessions does not mean capitulation. Compromise and accommodation of the other's genuine needs and aspirations is vital to making progress.

Barnard warns that if negotiations of this type are conducted in the full glare of indiscriminate publicity, they will self-destruct. For this logic the hitherto enemies and negotiation counterparts felt compelled to reach credos of understanding on the imperative for discretion, secrecy, progress, face saving, and so forth during the crucial phases of the negotiations. Barnard and Mandela reached an agreement in prison that South Africans would assume sovereign ownership of the negotiations and no foreign nation would be permitted to usurp them and claim them as their own success.

Barnard (2004): It's a matter of give and take. You can only have 100-zero if you have a war, and you are going to conquer somebody else. If you are negotiating, each and every side has to give a lot. It is absolute nonsense to take the line that they have been successful and they have been giving in.

It is a matter of give and take. The point that I am making, I know of no politician, including Mandela, who is willing to take constant 'humiliation' (quote, unquote) giving in to the so-called arch enemy. Nobody does that because the moment is ripe. The negotiator's family and his children and his constituency and his friends will all tackle him at night at a braai [barbecue] or whatever, and tell him: Don't bloody give in! So the secrecy of the negotiations is a critical point.

I now want to discuss the matter of my agreement that sovereign ownership of the negotiation solution would be South African owned. This is equally important to the others that I have mentioned. From the very word 'go' I reached an agreement with Mandela, on my own instigation, that we will as South Africans do our own negotiations. We will not involve the Commonwealth, and the British, and the

Americans, and the UN, and Africa, and the Eminent Persons Group ... or anyone else.

Phenomenological reduction: The negotiation and learning challenge amongst hitherto enemies arose precisely from the fact that no one was being overrun, but everyone was being debilitated by the civil conflict. Both parties could have continued with the struggle indefinitely ... for decades on end. The decision to enter into negotiations was taken because of the realisation that the country would have been reduced to ashes by pursuing the military versus ungovernability scenario. It was a carefully considered choice.

From a practical perspective, the pursuit of the falsification thesis would have precluded a peacefully negotiated outcome, probably for generations to come. The falsification thesis assumed that there was not a growing stalemate, and that the ANC could have secured a clear military victory. It does not consider that there are other negotiation scenarios and rules of engagement that can lead to a developmental solution.

Barnard confirmed in this section that he and Mandela reached a pact. The pact was that the ownership of the negotiations would be South Africa's proprietary knowledge and experience. The EPG group's recommendations were scuttled by the National Party government, because they were a foreign imposition and were not owned in a sovereign sense. The pact was enacted on various occasions throughout the negotiations. This fact that this pact was reached represents a further repudiation of the falsification thesis.

Maharaj (2004): One can take the view that human development has been achieved through the understanding of how negotiated compromises come about, rather than through the straight overthrow of regimes.

Phenomenological reduction: Maharaj is submitting that learning in negotiations can be achieved by means of understanding how negotiated compromises come about.

Understanding how negotiated compromises are structured should be a focal point of negotiation research. Learning takes place when negotiation counterparts realise that a

hitherto enemy might well have a better case than the one offered by yourselves. This means that the negotiation case needs to be assessed on its own merits with an open mind. Perhaps the counterpart's case was presented in a better form than one's own. Perhaps they were better prepared. Perhaps they had created a stronger coalition than you had and therefore had secured a greater power base.

Van der Merwe (2004), who was Maharaj's National Party negotiation counterpart, conceded to the fact that Maharaj had made such an excellent submission on the post-amble to the Constitution that he could not readily improve upon it. Van der Merwe altered only one word on this document, as he held the view that it was excellent in its original proposed form. This post-amble to the Constitution gave rise to the enactment of the Truth and Reconciliation Commission.

Likewise, Meyer (2004), the National Party's chief negotiator, recommended to the researcher that he should study the post-amble to the Constitution with care as it is a "document of profound elegance". He also offered accolades to Maharaj on its formulation.

The cut and thrust of negotiation is educational, in a deep sense. It related to hitherto enemies discovering that they could co-create common ground for a better future. You need to understand 'the other's' case in its entirety. It is therefore educational in a very specific sense. It is not classroom learning. It is vitally important learning conducted in the reality of life's existence. Learning does not only take place in the context of compromise; it can take place at all phases of the negotiations. Learning can take place in defeat, in retreat, in victory and indeed in the limbo of a perceived stalemate. Learning may also not take place as well.

Maharaj (2004): Even when two countries are at war, even when there is a victor and a vanquished, there is a place for negotiation in the form of a truce or surrender.

Phenomenological reduction: Maharaj's viewpoint relates to Gharajedaghi's (1999) notion of cooperation, collaboration, competition and conflict and how a negotiation situation is hardly ever absolute (see Figure 5).

Elements of cooperation sometimes occur at the same time as conflict is burning. The famous Christmas Truce of 1914 between the Germans and British during World War I is perhaps the definitive modern example. This truce became an inspiration for the discovery of game theory, which has been connected with negotiation theory ever since. One of the concerns of game theory is to discover how negotiated compromises come about, which was Maharaj's point of departure in this tract.

Maharaj's thinking is subtle. The notions of victor and vanquished as with the notion of enemy are mental constructs.

Maharaj (2004): To take our experience here in South Africa and to somehow assume that the positions were so hardened, combined with the fact that the country was not reduced to ashes, and to then conclude that therefore a miracle happened, means that you do not know what transpired.

Phenomenological reduction: Maharaj rejects simplistic notions of the attribution of the status of 'miracle' to the negotiated solution. This type of thinking, to him, is an indication of ignorance of the entire negotiation process. The process and content of the negotiations was conceived of by a complex process of intellectual design and shared discourse between the counterparts. It was a deliberate negotiation and project management intervention of great complexity and exactitude. This commentary disaffirms the falsification thesis.

4.3 The National Party, under the leadership of PW Botha, both deliberately and by default set the preconditions for negotiating a non-racial and democratic constitution

Van Zyl Slabbert and Welsh (1979, p. 121) offered a prescient insight, as far back as 1979, as to the circumstances that would need to arise for the National Party government to relinquish power. They anticipated that a negotiated solution would arise from a rational and calculated decision being reached by the leadership of the National Party to minimise the direct and collateral damage of a protracted low-intensity armed struggle and to maximise the rewards for the key players. Van Zyl Slabbert and Welsh (1979) offered the scenario of an integrative (win-win) negotiated solution. The idea of a negotiated constitutional solution was thus being posited many years before it was affected. They anticipated that the search for a negotiated solution would arise from South Africa moving into an escalating and degenerative civil, economic and military stalemate. These authors suggested that this would result in the gradual but deliberate consideration of a negotiated solution.

Van Zyl Slabbert and Welsh's (1979) contention was that the National Party government would not easily seek a negotiated solution that would result in the National Party relinquishing power. But according to Van Zyl Slabbert and Welsh (1979, p. 121) "[i]t is likely to happen when the costs of domination are outweighed by the possible advantages of negotiation. That the costs are going to increase is almost a unanimous theme in analysis of South Africa ... it is of course not possible to predict exactly when the combined pressures of increasing isolation, shortage of capital, sanctions, economic recession, urban unrest, et cetera will fall into a jigsaw puzzle, where the last piece is a cost-benefit decision on the part of the white government to relinquish domination in favour of a negotiated alternative. What will no doubt be of crucial importance is the quality and style of political leadership in the white government. The more intelligently the leadership can anticipate the cost (s) of domination and avoid *them* through effective negotiations, the less likely that a 'no-win' situation has to be experienced in order to move away from it." (*them* refers here to the risks and risk mitigation processes that underpinned these costs)

History has proven that Van Zyl Slabbert and Welsh were correct in their assessment. A rational set of calculated decisions were indeed made on a risk and risk mitigation basis.

Steward (2004) reflected on how the National Party leadership gravitated towards the idea of a negotiated settlement in the following assessment, together with the researcher's phenomenological reduction of his commentary:

Steward (2004): The NP was overwhelming superior to its opponents in the 1960s, and in the seventies the economy was quite good. By the mid-1980s the international balance of forces had shifted. The economy was stagnant and was reduced to a siege economy. There were little prospects for growth. The unrest of 1984 and 1985 underlined the unmistakable reality that the government's solutions would not work.

Phenomenological reduction: The internal learning process within the government accelerated as the social crisis deteriorated. Increasing chaos and social complexity provided the impetus for addressing a deteriorating reality.

Steward (2004): The internal conversation started edging towards an interest in the theme of negotiation. Slowly questions about the risks and risk mitigation stratagems of such negotiations started being posed. The question was: 'Would core interests be compromised by negotiations?' Informal conversations started taking place with the ANC to explore this question. Then they became formal, with formal contacts being established. These revolved around breaking down stereotypes and mutual demonising.

Phenomenological reduction: The time had to ripen for a discussion on the prospects for a successful negotiated settlement. It seems as if though one of the first intuitive gestures was to try and seek a way of breaking down hitherto stereotypes, and framing in term of mutual demonising. This is a very complicated matter because there is much inertia in these negative images. They are strongly binding. The idea of a negotiated settlement would have been unacceptable if presented too early and by the wrong people. This is

because of the inertia of framing. The resolve to negotiate had to come from trusted people *within* the government itself, because they had to show that they were the government, and in control. It had to be allowed to evolve very quietly and on the government's own terms. There were important internal political risks associated with the notion of an internally negotiated settlement. These included self-destruction and the relinquishment of power scenarios. The risks also included the very real dangers of being perceived as 'fraternising with the enemy', which was politically untenable at that particular time. The starting point was therefore informal conversations. These were devoted to breaking down negative framing patterns of the other. They involved getting to know one another by the means of private conversations. In this way stereotypes, framing in terms of enemy images, and mutual demonising were slowly broken down. That had to be done individually on a one-on-one basis in the first instance. Later on this re-framing of enemy images was focused on the greater population.

4.4 The qualitative change in leadership

Barnard (2004) also concurred with the assertion that PW Botha had done much of the preparatory work which allowed De Klerk to proceed with the negotiations. In the following section of the thesis, a series of insightful commentaries on the qualitative change in leadership will be offered in an almost uninterrupted pattern. It will start with Barnard (2004), flow on to Tutu (2004) and into an assessment by Steward (2004). These respondents all offer insightful reflections on the imperative for leadership.

Barnard (2004): Then PW had a stroke. Enter De Klerk. Exit PW; in with FW de Klerk. FW de Klerk came into power at a time when a lot of the preparatory work for the negotiations had already been done. By this stage the basic preparatory work had been done and the table was set and ready to dine.

Phenomenological reduction: It is interesting that Barnard uses a dramaturgical formality in describing the change in leadership: "Enter De Klerk. Exit PW". This reveals an objective mindset that regards the process of changing leadership dispassionately, almost as if it is being viewed in a theatre. The switch in leadership from PW Botha to FW de

Klerk was very significant. It was Archbishop Tutu who provided an insightful deliberation on the quality of the leadership at that time, and his view was that this switch in leadership was determinate on the success of the process.

Archbishop Tutu (2004): We were blessed at this crucial time to have leaders from all sides who were prepared to place their reputations on the line, and they were prepared to risk their lives and place them in the hands of others. At a critical stage South Africa had a De Klerk rather than a PW. Mandela had spent a long time in prison. This gave him the credibility and moral stature to deliver. There were other people who risked ostracism and went to Dakar. There were long lines of people who were going to Lusaka, laying the ground for the break-through, though that was still to come. They were doing it as if though it were going out of fashion.

When I say this ... Clearly I speak in the 'fullness of time'. This is a phrase that comes from Saint Paul's letter to the Galatians. Had we had a Brezhnev, and not a Gorbachev, we might have had a totally different regime. There was a critical change of leadership in the Kremlin. The South African government could no longer credibly tout itself as the last bastion on the continent of Africa in the fight against communism.

The government initially stepped up on repression. This did not have the anticipated, intimidating impact. They were very surprised at the tenacity of the masses. They had not knocked the stuffing out of people. You know what I mean. You might have thought that the kind of things they were doing would have created timidity and undermined resilience. The oppression had taken place over such a long span of time as well. Why should there still be resistance and resilience amongst the people? There should be none. I mean the people decided they were going to resist. The government could have stepped up the intensity of oppression to a level that I think would have been obnoxious, even for the West.

The second external factor driving the changes in South Africa towards a peaceful settlement was that the West began to see the writing on the wall. Once the Cold

War had ended, there would absolutely be no way in which they could justify supporting oppressive regimes, as they had done so frequently during the Cold War period. I mean that they could no longer fall back on the 'noble' geopolitical justification for supporting President Marcos in the Philippines or Savimbi in Angola, and all the other notorious surrogates that the West had propped up around the globe. I think that matters were becoming clear, and that there would be growing internal opposition within their own constituencies as well.

It is my perspective that we inhabit a moral universe and that ultimately justice would prevail. So all of these were factors that urged the leaders to move towards and explore the possibility of negotiations.

There were unintended matters that were of great importance. Robben Island was used as a valuable experience. Part of the value of having Mandela imprisoned on Robben Island for as long as he was, was the fact that it gave him time to mull over matters very carefully. I suppose it allowed him to look at all the various possibilities and options. But it also gave Madiba the capacity to have empathy for his adversary and that was really important.

The religious community was also an important factor. You will remember that when violence was threatening to move out of control, there were ordinary people and ordinary leaders who did extraordinary positive things. When violence was threatening to become endemic, the religious leaders met with the political leaders and the business chambers, and ultimately the National Peace Accord was thrashed out. People started to see that there were other ways to do things and manage a very complicated situation. People from different perspectives started coming together. Oppositional groups realised that it was not entirely impossible to talk to one another and reach consensus.

This was helped by the fact that there were honest brokers. The church leaders were considered to be reasonable and trustworthy, even when political groups thought they were inclined or biased in one or another constituency's favour. The leadership

of the Methodist Church and the Church of the Province of South Africa convened a meeting with Buthelezi about the importance of agreeing to the date of the election. We continued to play out a role that was forced upon us by the exigencies of the developing situation. We had a bit of credibility. Sometimes in the heat of the moment we were able to step into an explosive situation and save someone's life. We were able to say that there are different ways of settling scores.

Credit has to be given to both De Klerk and Mandela that the people did sit down together and talk. Mercifully for us we had Cyril Ramaphosa and Roelf Meyer. I don't know whether they would have thought that they could enjoy fishing together. It may have looked so secular, but it was deeply spiritual, and they were able to discover their alchemy from the secular. The secular was very important. Again these matters are not quantifiable.

If people were always suspicious it would have been much more difficult to accomplish. But they trusted and were not always suspicious. It was realised that the problems existed not only with the political leaders, but that grass root ordinary leaders had a really important contribution to make. It was people from different perspectives; you had business, you had the churches and then you had the political organisations and you could see it was not entirely impossible to talk, and maybe to be able to reach a consensus, so you had a National Peace Accord, which they said they had accepted. I think that says that they were all peace brokers. I think that the church leaders were especially considered to be reasonably trustworthy even when some of the political groups may have thought that we were biased in favour of one, over another political group.

Phenomenological reduction: The researcher's view on this transcript by Tutu is that it is a distilled phenomenological reduction in itself. It speaks for itself.

The changes in leadership in the Kremlin matched the changes of leadership in South Africa. This created a syzygy.

Tutu is asserting that Mandela's monastic incarceration on Robben Island taught him humility, moderation and empathy for the enemy. It was beneficial and taught him leadership and re-inforced core values.

The previous discussion on Crocker and Van Heerden about changing the conversation within the military establishment takes on relevance here. The Cold War in Africa was coming to an end, the regional peace processes were kicking into motion. Crocker proved that negotiation could work in a rough neighbourhood, and the excuses for not communicating with the enemy were wearing thin. It is significant that the initial response from the military was to step up violence and oppression, in spite of the obvious advantages of seeking a negotiated solution. This is probably to be expected in other situations around the world. It can be understood as the military lashing out against the curtailment of its own power. The hollowness of this tyrannical and murderous rage was seen for what it was. It would dissipate. It could not be sustained. This was recognised by the masses. Instead of being terrorised by the tyranny, their morale improved and was boosted by each act of bravery and martyrdom. The state violence created a ceremony of producing and consecrating heroes in a country that had deprived its citizens the dignity of having heroes. The heroes were imprisoned or murdered.

Louw (2005) offers his view on the matter of Botha's leadership as such:

Louw (2005): I was not in close contact with PW Botha, but he had reached the end of the elasticity of his mindset. He had gone a long way over his life and he could not stretch further. I did not believe that it was possible to make progress in South Africa with PW Botha as the leader. There had to be a change in leadership. I was really worried when PW spoke to Mandela that he would get emotional and irrational because these emotional, irrational symptoms accompanied persons who have suffered from a stroke. I felt that we had reached a once-in-a-millennium opportunity to get out of this impasse, that this chance should not be wasted or lost with a president who would not be able to continue with the process. That was why PW was not fully informed about the meetings.

Phenomenological reduction: Louw is a wise man. Here we have a revelation of the director of the NIS making an assessment on the leadership capability and potential of PW Botha. He is compassionate in his analysis and respectful about what Botha had done. He realised that he could go no further, and therefore had to be excluded from further involvement. He realised that a stroke could make a person emotionally labile and unpredictable. For this logic they had to take the decision to keep PW Botha out of the loop. Louw is referring to the first meeting between PW Botha and Nelson Mandela in this interlude.

Steward (2004) corroborated Louw's view offered above:

Steward (2004): A major fact was the accession of FW to leadership. PW understood and accepted the need for reform. He introduced measures for this but he did not have the personal and management skills to see this through. Leadership is vital.

Phenomenological reduction: The extent of PW Botha's understanding of the need to reach a negotiated solution will probably surprise some readers. Perhaps Botha's contribution can best be comprehended by the maxim that understanding a negotiation need, and enacting a negotiation stratagem, are two very different scenarios. Botha seemed to understand the need but did not have the charisma and leadership ability to act upon this understanding and to put it into effect. The former is passive whilst the latter is active. Excellence in both understanding and implementing negotiation options were required to take the process away from the stalemate that existed under Botha. This required anticipating the cost of domination, and contriving a negotiation approach aimed at minimising these costs and mitigating the associated risks.

Van Zyl Slabbert (1991, p. 1), whilst reflecting on the basis and challenges of transition, made the following observation: "Discussions on the transition in South Africa reflect a curious ambivalence". The one argument implies that, given the set of circumstances beginning to impinge on the South African regime at the time of FW de Klerk's historic 2 February 1990 speech, "De Klerk had no choice but to do what he did". The other

argument implies that De Klerk caught everybody (perhaps even himself) by surprise by what he did. Both positions cannot be true. One thing about the inevitable is its lack of surprise. The obvious point is that there is nothing inevitable about the transition in South Africa – it was precipitated by deliberate choice.

This implies two things: the regime was in a position to exercise this choice, and furthermore, its leadership preferred to exercise an option in favour of transition. One can avoid a host of deterministic fallacies about the ‘strategic’, ‘final’, or ‘inevitable’ contribution of a particular cause of transition if this is kept in mind. One such deterministic fallacy is the falsification thesis.”

Welsh (1994, p. 83) reflected: “For all his limitations as a leader, Botha, in major respects, prepared the way for FW de Klerk’s actions in 1990. He jettisoned some of apartheid’s major props, such as influx control and the dogma that urban blacks were ‘temporary sojourners’. In 1986 he effectively repudiated the ‘separate nations’ thesis that was central to neo-apartheid thinking and gave a commitment to equal citizenship for blacks. Henceforth it was less a question of whether blacks were to be accorded representation in the central parliament, but rather when and how.”

Van Zyl Slabbert (1991, pp. 2-3) analysis was congruent with that offered by Welsh(1994) above. Van Zyl Slabbert(1991,pp.2-3) maintained that: “One of the most important factors influencing De Klerk’s choice was the political legacy of Botha. The Botha decade, 1979 to 1989, was also a decade of ‘reform’. Reform was the regime’s attempt to respond to the ideological collapse of apartheid, as its goals were undermined by the unfolding social, economic, and political developments, both inside and outside of South Africa.

The NP De Klerk inherited from Botha had lost its sense of ideological purpose, its unity and solidarity, and its role in executive government. The governing establishment under Botha had alienated the intellectual, cultural, and spiritual leadership of the Afrikaners as well as its growing economic elite. More and more the regime fell back on security and authoritarian control to maintain stability. Botha sacrificed the hallowed NP goal of

partition with the constitutional shift to tri-cameralism. This not only highlighted the untenable position of the black majority, but precipitated the break-away of the right wing from the NP, thus finally destroying the unity of the party. Botha also sacrificed Afrikaner civilian control over political decision making by using presidential executive authority, to bypass not only Parliament, but the NP and its caucus as well, and by vesting more decisions in it, (the State Security Council) with regard to running the country.

The political consequences of these 'reforms' was that at the end of the Botha decade, the idea that South Africa was going to become one country, with one constitution and one citizenship, had become unshakeable conventional wisdom in international, regional, and (with the exception of the white right) domestic politics. Botha believed that this had to be done by maintaining white control over the political system, but with the coopted participation of previously excluded groups. This logically implied the extension of repressive control over the political system to all who would not comply.

Consequently, De Klerk inherited a situation of deadlock, in which maintaining an inconclusive cycle of repression, reform, reaction, revolt, and repression was the one option, or breaking out was the other. [See Figure 9.] De Klerk chose to break out of it. An important consequence of this choice was that white control would have to be sacrificed. In accepting this consequence, De Klerk, for the first time since Union, precipitated serious transition away from white minority domination in South Africa."

Reform can be defined as an attempt to mitigate political risk by invoking a gradualist approach of incremental change. Botha started dismantling apartheid in the 1980s. This was done by calculated political choice. Much of the groundwork for the transition of the regime had therefore been set in place prior to De Klerk's ascendancy to political power. The table was set in the 1980s.

Cloete (1990, p. 25) conducted an analysis of the prognosis for a negotiated settlement in 1990. He explored it from the perspective of the National Party government. He, like Van

Zyl Slabbert and Welsh, also anticipated the general pattern of the subsequent constitutional negotiations with a remarkable degree of perceptiveness.

Cloete (1990, p. 25) observed that: "Successive [South African] regimes had refused to accept the principle of full conventional political participation by all citizens until 30 July 1982 when the Government of State President PW Botha announced that it has accepted inter alia that "[t]he only way in which a new constitutional dispensation can be successfully launched is by continuous consultation, and negotiation, between the groups concerned, and provision should be made for co-responsibility in matters of common concern RSA (1982, p. 3)."

Steward (2004) observed that Botha considered serious change initiatives but these were always obscure and never properly understood.

Steward (2004): In both 1982 and 1986 the NP stated that they would come up with a radical solution on the grounds that apartheid had failed. This was admitted in the infamous Rubicon speech on page 11. The Rubicon speech was arguably the worst piece of political communication that the world has heard. But within it were embedded the seeds of radical constitutional change. This speech did something that was very important in South Africa. It created a pent up impatience amongst the white-collar National Party supporters for profound change. The Rubicon speech had serious content, but this content was camouflaged in this most strange and arcane language and dreadful personal presentation. It was a stylistic mess. We calculated that the Rubicon speech cost South Africa in the short term at least R3 million per word – there was an immediate loss of value of R13 billion on the currency alone.

Pik Botha did wrong and that was a great mistake. He went around the capitals of Europe raising expectations. The opposite stratagem was applied by FW. He purposefully deflated expectations. His speech was then designed and presented in such a manner as to exceed expectations totally. The timing of this process was crucial. It was also crucial with respect to the release of Mandela.

4.5 Legislative changes rescinding apartheid enacted under the leadership of PW Botha

The legislative and constitutional changes that were enacted under the PW Botha regime were characterised by a 'thump-and-smile' approach. On the one hand, Botha promulgated very harsh security legislation, including the various states of emergency that undermined civil liberties and undoubtedly contributed to the ensuing gross violations of human rights. This legislation was intended to stabilise the social chaos, and indeed sometimes probably did stabilise the social chaos for a while.

It was during the brief lacuna of stability after displays of state oppression that reforming legislation was pushed through that repealed the apartheid statutes. This is why it was referred to as a 'thump-and-smile' approach. It reflects what Steward (2004) referred to as the failure of incrementalism and the imperative for a big bang approach. Nonetheless it shows clearly that apartheid was dismantled by the conscious design of the ruling party.

The popular antipathy to the harshness of the security legislation almost completely eclipsed the fact that the core elements of apartheid legislation were being systematically dismantled. The human rights abuses and continuous states of violence were quite naturally the primary focus of attention. The country was in crisis at that time, and Botha's proffered solution was to promulgate and enforce very stringent security legislation to contain this social degeneration into chaos. At the same time PW Botha abrogated much of the apartheid legislation that existed on the statute books. The Truth and Reconciliation Commission Report will be referred to in order to substantiate this assertion.

The Truth and Reconciliation Commission Report (1998, pp. 469-470) sets out both the enactment and abrogation of legislation during the research period. They followed a rather random sequence, which was connected to the prevailing (and highly variable) states of security at any given time. The point though is that this legislation was promulgated and rescinded by PW Botha prior to De Klerk's accession to power.

Many will be quite surprised by this assertion, but the facts speak for themselves. Botha's regime repealed the Immorality and Prohibition of Mixed Marriage Act No 72 on 19 June 1985. "On 2 July 1985 the Constitutional Affairs Amendment Act No 104 amended the 1968 Prohibition of Political Interference Act to allow non-racial political parties. Separate voter rolls remained. However, Section 3, which prohibited a political party from receiving foreign assistance, was re-enacted with technical amendments. The 1968 Act was also renamed to the Prohibition of Foreign Financing of Political Parties Act. This was repealed by Section 230 of the Constitution of Republic of South Africa Act No 200 of 1993. Then on 1 July 1986 Botha promulgated the abolition of the hated influx control and associated legislation." (TRC, 1998, pp. 471-472)

The TRC puts it thus: "Abolition of Influx Control Act No 68 amended the 1927 Black Administration Act in order to repeal sections relating to the removal of black communities as well as individual black persons. This provided for the partial or entire repeal of thirty-four laws, relating to influx control in respect of blacks, the removal of blacks from land they occupied and the control of squatting.

Identification Act No 72 repealed the 1952 Blacks (Abolition of Passes and Coordination of Documents) Act and large sections of the Population Registration Act. Identification numbers would no longer reflect a person's race group in terms of the 1950 Population Registration Act or any other law.

Restoration of the South African Citizenship Act No 73 granted South African citizenship to TBVC citizens who were born in South Africa prior to their homeland's independence who resided in South Africa permanently. TBVC citizens who remained in South Africa temporarily while seeking employment, working, studying, or visiting, and whose permanent home was one of the TBVC areas, remained 'aliens'. Citizenship was restored to about 1 751 400 TBVC citizens, but eight to nine million still remained subject to the provisions of the 1937 Alien Act."

The repeal of the pass laws was followed by yet another strengthening of the Internal Security Legislation on 26 August 1986 (TRC Report, 1998, pp. 469-470).

The same pattern of reform and counter-revolutionary legislation repeated itself on subsequent occasions. On 15 September 1986, the Black Communities Development Act No 74 introduced freehold rights in urban black townships, and extended the definition of 'competent person' such that TBVC citizens could acquire leasehold or ownership. The 1984 Black Communities Development Act was amended to allow 'South African' citizens and certain other blacks to acquire freehold property rights in black townships.

The TRC Report (1998, p. 472) tracks these changes in legislation. This pattern of 'thump-and-smile' occurs once again. On 15 April 1988 important apartheid legislation was again rescinded: "Black Communities Amendment Act No 42 amended the 1984 Black Communities Amendment Act and made further provisions for the development areas and townships. Also regulated the rights of holders of mineral rights and mining titles where townships were established on the surface of the land in which these rights were held...

Two and a half months later, on 10 June 1988, the State of Emergency was once again re-proclaimed. Then on 29 June 1988, The Tertiary Education Act No 66 was repealed together with the 1959 Extension of University Act and others." In June 1988, the Minister of Constitutional Development and Planning announced that "the government has accepted ... that the right to desegregate residences at tertiary institutions should rest with the governing bodies".

It is significant that the emergency legislation was proclaimed and de-proclaimed five times during the course of Botha's regime. This indicates that the security legislation was regarded as a temporary necessity, and not as a permanent feature. The scrapping of the apartheid legislation during these various states of emergency was hardly noticed given the intensity of the political crisis that existed then. These moves were not appreciated because of Botha's personal lack of charisma and the general odiousness of the regime.

In the fullness of time it is clear that Botha took significant and calculated steps to dismantle apartheid prior to the negotiations even being contemplated with the ANC.

This represents an important legally based and empirical repudiation of the falsification thesis.

4.6 Botha's offer to Mandela

On 31 January 1985, State President Botha made an important announcement. Although there was a five-year time lag, this announcement led directly to the release of Nelson Mandela.

Botha (1985, pp. 310-311) announced that "the Government is also willing to consider Mr Mandela's release in the Republic of South Africa, on condition that Mr Mandela gives a commitment that he will not make himself guilty of planning, instigating or committing acts of violence for the furtherance of political objectives, but will conduct himself in such a way, that he will not again have to be arrested ... All that I require from him now is that he should unconditionally reject violence as a political instrument".

4.7 The lived experience of the secret prison conversations as a repudiation of the falsification thesis

Mandela's (1995) reflections of how he experienced the secret prison discussions will firstly be noted.

Mandela (1995, p. 619) recalled that "[t]he government was testing the waters. In late 1984 and early 1985 I had visits from two prominent Western statesmen, Lord Nicholas Bethal, a member of the British House of Lords and the European Parliament, and Samuel Dash, a professor of law at Georgetown University and a former council to the US Senate Watergate Committee. Both visits were authorised by the new Minister of Justice, Kobie Coetsee, who appeared to be a new sort of Afrikaner leader".

Mandela (1995, p. 624) continued: "In 1985, after a routine medical examination from the prison doctor, I was referred to an urologist, who diagnosed an enlarged prostate gland and recommended surgery. He said the procedure was routine. I consulted with my family and decided to go ahead with the operation. I was taken to Volks Hospital under

heavy security. Winnie flew down and was able to see me prior to surgery. But I had another visitor, a surprising and unexpected one: Kobie Coetsee, the Minister of Justice.

Not long before I had written to Coetsee for a meeting to discuss talks between the ANC and government. He did not respond. But that morning he dropped by the hospital unannounced as if he were visiting an old friend who was laid up for a few days. He was altogether gracious and cordial, and for the most part we simply made pleasantries. Though I acted as if though this was the most normal thing in the world, I was amazed. The government, in its slow and tentative way, was reckoning that they had to come to an accommodation with the ANC. Coetsee's visit was an olive branch."

The conditional offer made by Botha on the relinquishing of violence by Mandela and the ANC demanded exploration. It was Kobie Coetsee who was tasked with exploring this possibility. This in turn led to secret discussions on a much wider agenda; talks about talks for a new constitutional and political dispensation in South Africa.

These conversations are confirmed by Mandela (1995, p. 636) who recalled that: "Coetsee said the government would like to appoint a committee of senior officials to conduct private discussions with me. This would be done with the full knowledge of the State President, Coetsee said. He himself would be head of the committee, and it would include General Willemse, the Commissioner of Prisons, Fanie van der Merwe, director general of the Prisons Department, and Dr Neil Barnard, a former academic who was head of the National Intelligence Service."

"The first three individuals were associated with the prison system, so if talks foundered, or, were leaked to the press, both sides would be able to cover up and assert that they were merely discussing prison conditions and nothing more. The presence of Dr Barnard, however, disturbed me. He was head of South Africa's equivalent of the CIA, and was also involved with military intelligence. I could justify to my organisation discussions with the other officials, but not Barnard. His presence made the talks more problematic and suggested a larger agenda. I told Coetsee that I would like to think about the proposal overnight. That night I considered all the ramifications."